

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County
Perry M. Buckner, Circuit Court Judge

ORIGINAL

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RESPONDENT,

SC Court of Appeals

THE STATE,

V.

DONTARIOUS JARON WRIGHT,

APPELLANT

APPELLATE CASE NO. 2019-000492

RECORD ON APPEAL

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

3

4 Case No.: 2017GS0701337

5 2017GS0701338

6 State of South Carolina,

7 Plaintiff(s),

8 vs. Transcript of Record

9 Dontarious Jaron Wright,

10 Defendant(s).

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16 March 11-13, 2019

17 Beaufort, South Carolina

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21 BEFORE:

22 The Honorable Perry M. Buckner

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THE COURT: Ladies and gentlemen, those of you who are still here, I find that you are qualified to serve on a jury in South Carolina. Thank you for your patience during role call and jury qualifications.

Now, I'm going to give you a quick break to stretch your legs, use the restroom. I'm going to strike a jury this morning, then I'm going to let you go. We're not going to start the trial until tomorrow.

I've got a lot of other work I need to do other than starting the trial, in order to get ready for it. So what I want you to do is take a break. Obviously, don't discuss anything that might be pending.

Now, let me warn you. We have had a lot of problems with people with computers, smart phones, watches, trying to do research on their own.

Now, I warn you, ladies and gentlemen, you are not allowed to do that. I don't want you to use any social website, Facebook, My Space, LinkedIn, YouTube, nothing. Both sides to a case have the absolute right to know exactly what information you are basing your decision on. So I don't want you to try to do any independent research about any witness, the Judge, any lawyer, anything, or any issue that might come up during the trial of the case.

JURY SELECTION

1 Even if you think that research would help you
2 decide the case, and the lawyers hadn't done a good
3 enough job of presenting it, it is not permitted for
4 you to do any type of social research of any type.

5 So, please, ladies and gentlemen, because that
6 problem has gotten too -- we all think we can't live
7 without our cell phones, and I use this as an example.

8 David loves for me to tell this story, but he
9 wasn't my law clerk when this happened. Here is my
10 cell phone, ladies and gentlemen. I have never turned
11 this phone on ring. Ever. It stays on vibrate,
12 obviously, because I'm in a courtroom every week.

13 I didn't know this when I got my first -- some of
14 you people probably know this, but I didn't. When I
15 got my first iPhone, this is, like, my fourth one, I
16 didn't know when you plugged it into an AC outlet it
17 automatically switches from vibrate -- or it did -- to
18 ring. Obviously it makes sense, but you wouldn't know
19 it was ringing if it's plugged into a wall outlet.

20 Anyway, I charged it and I rushed out on the
21 Bench, not in this county but in another county, got
22 out on the Bench, and I'm doing just what I did this
23 morning, qualifying the jury. And all of a sudden,
24 somebody's phone goes off. And I say, "Ladies and
25 gentlemen, we don't allow cell phones in the courtroom.

JURY SELECTION

1 Please turn your phone off."

2 The phone rang a second time. And as I told you,
3 I've shot shotguns all my life and I'm deaf in one ear
4 and you know I wear a hearing aid in that ear. My law
5 clerk grabbed my robe -- it wasn't David -- and said,
6 "Judge, that's your phone."

7 Please don't bring a cell phone in the courtroom.
8 Don't try to do any research by computer, smart phones,
9 smart watch, anything. Thank you.

10 We are going to take ten minutes. I need to see
11 my lawyers at the Bench.

12 (Off-the-record discussion held.)

13 (Whereupon, a brief recess was taken.)

14 THE COURT: Are there any jurors in the courtroom?
15 Any jurors, please stand.

16 Let the record reflect no one is standing.

17 I understand the defense counsel, that Trasi
18 Campbell has a motion on behalf of the Defendant in the
19 first case for trial.

20 Ms. Campbell, I'm happy to hear from you at this
21 time.

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

24 For the record, the Clerk of Court, I believe,
25 sent out 325 --

JURY SELECTION

1 THE COURT: 325, and I'm advised by your brother
2 at the Bar, Mr. McCloskie, that over a hundred -- he
3 has the next case for trial -- over a hundred claimed
4 their age exemption because Beaufort has a high number
5 of retirees residing in the county.

6 MS. CAMPBELL: Indeed, we do. So with 325 sent
7 out, those that showed up today at the courthouse to be
8 part of the jury pool at this point, there were 62
9 individuals. Of those 62 individuals, there were four
10 African-Americans. The remaining demographic of the
11 jury pool were all white except for two Asians.

12 So with that said, the calculation -- and I'll
13 make this just a Court's exhibit -- the Beaufort County
14 census, the most recent one that's online --

15 THE COURT: Show it to counsel first.

16 Any objection?

17 MS. CAMPBELL: Oh, it's the county census.

18 MS. JONES: No objection. That's fine.

19 THE COURT: Defendant's Exhibit No. 1 without
20 objection. Let her mark it, please.

21 *(Whereupon, Defendant's Exhibit No(s). 1 marked*
22 *for identification.)*

23 THE COURT: All right. I have been handed the
24 2010 census for Beaufort County, which is not the
25 most -- well, maybe it is the most recent.

JURY SELECTION

1 2010, the most recent census? You don't have
2 another one for 2020? 2010 is your most recent?

3 THE CLERK: I believe it is.

4 MS. CAMPBELL: Yes, Your Honor, too, on the
5 Beaufort County government website, the 2010 census
6 lists 19.3 percent African-American in Beaufort County.
7 The percentage with the jury pool, as it stands now,
8 for my client, there would be 2.48 percent
9 African-American in his jury pool. And the disparate
10 numbers there would be what necessitated our motion at
11 this point.

12 So as we stated to Your Honor under the two cases
13 that we gave the Court, the --

14 THE COURT: Let's put them on the record. You
15 handed me Durham versus Missouri. That's found at 439
16 U.S. 357. It's a 1979 United States Supreme Court
17 case.

18 You also handed me Taylor versus Louisiana.
19 That's found at 419 U.S. 522, which is a 1975 United
20 States Supreme Court cases. Both of those cases dealt
21 with the systematic exclusion of women on the jury. In
22 fact, the Taylor case, it was conceded. And as you
23 know, in Taylor versus Louisiana, in order for a
24 Defendant to establish a prima facie violation of the
25 Sixth Amendment requirement, and that is exactly what

JURY SELECTION

1 we are talking about in -- you have to show that the
2 group alleged to be excluded is a distinctive group in
3 the community.

4 In this case, you are claiming African-Americans
5 and Asians. You have to say that the group's
6 representation and the source from which juries are
7 selected is not fair and reasonable in relation to the
8 number of such persons in the community.

9 And thirdly, that the under representation results
10 from systematic exclusion of the group in the jury
11 selection process.

12 Now, obviously, in the Taylor case, they were
13 allowing women to serve on the juries, and you have
14 candidly, as you always have in my courtroom,
15 Ms. Campbell, admitted that you cannot meet the
16 threshold requirement of the third prong of the test,
17 which is systematic exclusion of the group.

18 However, you do believe you have met prong one,
19 that it is a distinctive group, which I agree, and that
20 you have met that the group's representation and the
21 source from which the jury is selected is not
22 reasonable in relation to the number of persons in the
23 community, based on your Defendant's Exhibit No. 1,
24 which is the 2010 census of Beaufort County, in
25 relation to what actually showed.

JURY SELECTION

1 For the record, I will say that I have reviewed
2 both cases you submitted. I understand your argument
3 completely to protect the interest of your clients --
4 or your client.

5 In the Missouri case, the Missouri statute, under
6 which women were automatically exempted from jury duty
7 during the jury selection process, if they requested an
8 exemption, obviously one constitutionally violated the
9 fair cross section requirement of the Sixth Amendment
10 because it was disproportionate exclusion of women on
11 jury venires, and it could not be justified.

12 We don't have the systematic exclusion here, and
13 for that reason, your motion, which I assume is to
14 quash this panel on the basis of the Sixth Amendment,
15 meaning that there is not a fair cross section met, is
16 respectfully denied in that you have failed to show me
17 a systematic exclusion of the group in the jury
18 selection process.

19 But your motion is noted for the record. Thank
20 you. Please be seated.

21 MS. CAMPBELL: Thank you.

22 THE COURT: Madam Court Reporter, I'm handing you
23 back the exhibit. And I'm putting the Clerk's
24 office -- the Clerk has left the courtroom, of
25 course -- and I'm putting the Solicitor's office on

JURY SELECTION

1 notice.

2 We have to do a better job of how we're going to
3 pick our juries. One of the things that Ms. Campbell
4 knows is we are bound by addresses that come from
5 either drivers license or voter registration card.
6 Bound, meaning that is the address we send by United
7 States mail.

8 The clerk has told me that in Beaufort they spend
9 over a quarter million dollars a year on juries now.
10 And obviously, one method might be to send out deputies
11 for personal service; another method would be to hire,
12 which I'm not sure county council would want to
13 authorize money, private process servers to serve
14 subpoenas, where we actually get a return.

15 It concerns this Court that under a challenge jury
16 selection system, that if there is a showing of
17 systematic exclusion of any group, that we would have
18 to quash a panel.

19 And I realize that the group that we have present,
20 all were chosen in the same manner, United States mail.
21 They were mailed out to the address that was provided
22 either on the driver's license or on a voter
23 registration card.

24 I have found and I have ruled that there is no
25 systematic exclusion of the group in the jury selection

JURY SELECTION

1 process which would violate the fair cross section
2 requirement of the Sixth Amendment.

3 But I put you on notice that this problem is not
4 just a Beaufort County problem, it is a statewide
5 problem, and it needs to be addressed because we are
6 having juries that do not reflect the population of the
7 counties in some respects, which places a hardship,
8 obviously, in that the criminal court, we don't want a
9 criminal venire to be as it was in the Louisiana case,
10 all male. It doesn't reflect the population.

11 We don't want a criminal venire of jurors to be
12 all white. We don't want a criminal venire of juries
13 to be all black or all Hispanic. We want it to
14 represent a fair cross section, which is guaranteed
15 constitutionally under the Sixth Amendment.

16 Having given that little speech and having ruled
17 on the motion, I put you on notice that that problem is
18 not going away. And it will reoccur, and I suggest you
19 get with the clerk to try to suggest it.

20 Bring us a jury, please. We have held them out
21 long enough.

22 (The jury enters the courtroom at 12:05 p.m.)

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

24 THE COURT: Thank you, sir.

25 Solicitor, call your case.

CALLING OF THE CASE

1 MS. JONES: Thank you, Your Honor. May it please
2 the Court.

3 THE COURT: Yes, ma'am.

4 MS. JONES: State calls Dontarious Wright,
5 Indictment 2017 GS 071337 on the charge of murder and
6 2017 GS 071338, the charge of possession of a weapon
7 during the commission of a violent crime.

8 THE COURT: All right. Ladies and gentlemen, you
9 have heard the Assistant Solicitor tell me that the
10 State has called to trial the case of State of South
11 Carolina versus Dontarious Wright. That is
12 W-R-I-G-H-T.

13 Mr. Wright is charged by the two pieces of paper
14 which you don't have. We call these indictments.
15 Indictments are not evidence of any of the allegations
16 contained in the indictments, the indictments are just
17 the formal written instrument by which the case is
18 brought into this court.

19 The Defendant is charged with one indictment, the
20 offense of murder, and with the second indictment, with
21 the possession of a weapon during the commission of a
22 violent crime.

23 The elements of those charges will be explained to
24 you by me, if you are selected as a juror in the trial
25 of this case, in my charge to you on the law at the

CALLING OF THE CASE

1 conclusion of the trial of this case.

2 For now you should understand that to these
3 indictments, the Defendant, Dontarious Wright, has pled
4 not guilty. That places the burden on the State of
5 South Carolina to prove each of the essential elements,
6 which I'll explain to you in my charge, beyond a
7 reasonable doubt. And it will be your duty, ladies and
8 gentlemen, if you are selected as a juror in the trial
9 of this case, to determine whether or not the State has
10 met that burden.

11 Now, I'm going to have my lawyers that are going
12 to be trying this case stand, face you, and introduce
13 themselves. And then I'm going to have the lawyer for
14 the Defendant introduce her client and where he's from,
15 beginning with counsel for the State of South Carolina.

16 MS. JONES: Good afternoon. My name is Mary
17 Jones, I'm an Assistant Solicitor here in Beaufort
18 County. Assistant Solicitor is just a fancy word for
19 prosecutor.

20 Here with me throughout the duration of this
21 trial, Kimberly Smith. She is also an Assistant
22 Solicitor here in Beaufort County, as well as Staff
23 Sergeant Adam Draisen with the Beaufort County
24 Sheriff's Office.

25 Thank you.

CALLING OF THE CASE

1 THE COURT: Counsel for the Defendant.

2 MS. CAMPBELL: Good afternoon. My name is Trasi
3 Campbell, and I am the attorney representing
4 Mr. Wright. His name is Dontarious Wright. Many know
5 him as D.J.

6 Thank you.

7 THE COURT: Stand up for me, Mr. Wright, so they
8 can see you.

9 This is Dontarious Wright. He's from where?

10 MS. CAMPBELL: Seabrook, South Carolina.

11 THE COURT: Seabrook, South Carolina. This is the
12 Defendant, Dontarious Wright.

13 Thank you. You may be seated.

14 All right. Ladies and gentlemen, now you have met
15 counsel for the State of South Carolina and counsel for
16 the Defendant, and you've met the Defendant now,
17 Dontarious Wright. I ask, first of all, and remind you
18 you are under oath from the oath you took earlier
19 today.

20 Is any member of my jury panel related by blood,
21 connected by marriage, or a close personal friend of
22 the Defendant, Dontarious Wright of Seabrook, South
23 Carolina? If so, please stand at this time.

24 Yes, sir. Your name and number.

25 JUROR: Keshawn Mulligan, 206.

CALLING OF THE CASE

1 THE COURT: What number?

2 JUROR: 206.

3 THE COURT: Just a yes or a no, are you related by
4 blood to Mr. Wright?

5 JUROR: No.

6 THE COURT: Are you connected by marriage to
7 Mr. Wright?

8 JUROR: No.

9 THE COURT: Are you a close personal friend of
10 Mr. Wright's?

11 JUROR: Yes.

12 THE COURT: How long have you known him?

13 JUROR: Probably like ten years.

14 THE COURT: Ten years. The fact that you know
15 Mr. Wright ten years, would that in any way affect your
16 ability to give the State of South Carolina or the
17 Defendant a fair and an impartial trial?

18 JUROR: No.

19 THE COURT: It would not. Can you put aside any
20 relationship you have with Mr. Wright as a friend for
21 the past ten years and try this case and decide this
22 case as a juror solely upon the evidence that is
23 presented during the trial of this case, when both
24 sides are present with the right of cross examination?

25 JUROR: Yes.

CALLING OF THE CASE

1 THE COURT: Thank you. You may be seated.

2 Anyone else related by blood, connected by
3 marriage, or a close personal friend of the Defendant,
4 Dontarious Wright? If so, please stand at this time.

5 (No response.)

6 THE COURT: Let the record reflect no one is
7 standing.

8 All right. Now, you have met the lawyers for the
9 State of South Carolina, both Mary Jones and Kimberly
10 Smith. They are with the 14th Judicial Circuit
11 Solicitor's Office. We call them solicitors in South
12 Carolina; some states call them district attorneys,
13 some states call them prosecutors, but they represent
14 the State of South Carolina, the State, in the trial of
15 this case.

16 I ask first of all, is any member of my jury panel
17 related by blood, connected by marriage, or a close
18 personal friend of either of Mary Jones or Kimberly
19 Smith? If so, please stand at this time.

20 Yes, ma'am. Your name and juror number, please.

21 JUROR: Amy Hane, Number 120, close personal
22 friend of both of them.

23 THE COURT: What number?

24 JUROR: 120.

25 THE COURT: Hold on one second. Let me get there.

CALLING OF THE CASE

1 Amy Hane?

2 JUROR: Yes, sir.

3 THE COURT: All right, Counsel, this is Juror 120.

4 Ms. Hane, I asked whether or not you were related
5 by blood. Are you, to counsel?

6 JUROR: No, sir.

7 THE COURT: Connected by marriage?

8 JUROR: No, sir.

9 THE COURT: You got to say yes or no and not shake
10 your head so she can take it down for me.

11 JUROR: No.

12 THE COURT: All right. Are you a close personal
13 friend of Ms. Jones?

14 JUROR: Yes.

15 THE COURT: All right. How about Ms. Smith?

16 JUROR: Yes.

17 THE COURT: You know both of them?

18 JUROR: I do.

19 THE COURT: How long have you known them?

20 Don't look at them, you look at me. You got to
21 answer my question.

22 JUROR: I think about seven years.

23 THE COURT: All right. The fact that you have
24 known them for seven years, would that in any way
25 affect your ability to give the State or the Defendant

CALLING OF THE CASE

1 in this case, Dontarious Wright, a fair and an
2 impartial trial?

3 JUROR: No, it would not.

4 THE COURT: Can you put aside any relationship you
5 have with either Ms. Jones or Ms. Smith and decide this
6 case solely and only upon the evidence that's presented
7 during the trial of this case, when both sides are
8 present with the right of cross examination?

9 JUROR: Yes.

10 THE COURT: Thank you very much. You may be
11 seated.

12 Anybody else related by blood, connected by
13 marriage, or a close personal friend of either Mary
14 Jones or Kimberly Smith, attorneys for the State of
15 South Carolina in the trial of this case? If so,
16 please stand.

17 (No response.)

18 THE COURT: Let the record reflect no one else is
19 standing.

20 Any member of my jury panel ever been represented
21 by Mary Jones or Kimberly Smith or any member of the
22 14th Judicial Circuit Solicitor's Office in the past or
23 currently? If so, please stand at this time.

24 (No response.)

25 THE COURT: Let the record reflect no one is

CALLING OF THE CASE

1 standing.

2 Now, you have also met Trasi Campbell. Trasi is
3 with the Beaufort County Public Defender's Office. The
4 Public Defender is charged with the responsibility of
5 representing those individuals who are accused of
6 criminal offenses and who are indigent and unable to
7 afford counsel.

8 Is any member of my jury panel related by blood,
9 connected by marriage, or a close personal friend of
10 the attorney for the Defendant, Dontarious Wright,
11 Ms. Trasi Campbell? If so, please stand at this time.

12 (No response.)

13 THE COURT: Let the record reflect no one is
14 standing.

15 Any member of my jury panel ever been represented
16 in the past or currently represented by Trasi Campbell
17 of the Beaufort County Public Defender's Office or any
18 member of the Beaufort County Public Defender's Office,
19 or the 14th Judicial Circuit Public Defender's Office?
20 If so, please stand at this time.

21 (No response.)

22 THE COURT: Let the record reflect no one is
23 standing.

24 Now, ladies and gentlemen, I'm going to tell you a
25 little bit about the allegations, and that is all they

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1 are in this case.

2 It is alleged in Indictment 2017 GS 0701337, the
3 State versus Dontarious Wright, this is an indictment
4 for murder. It is alleged in this indictment that this
5 allegedly occurred in Beaufort County on or about
6 August the 22nd, 2017, that the Defendant, Dontarious
7 Wright, did with malice aforethought kill one Adrian,
8 A-D-R-I-A-N, Lamont, L-A-M-O-N-T, Manigo, M-A-N-I-G-O,
9 and that Adrian Lamont Manigo did die as a proximate
10 result of Mr. Wright's actions.

11 It is alleged that Mr. Wright shot Adrian Lamont
12 Manigo and that he died as a result of this shooting.

13 In Indictment 2017 GS 0701338, indictment for
14 possession of a weapon during the commission of a
15 violent crime, it is alleged that the Defendant,
16 Dontarious Wright, did in Beaufort County, South
17 Carolina, on or about, August 22nd, 2017, that he,
18 Defendant, Dontarious Wright, did possess a firearm,
19 visibly displayed what appeared to be a firearm, or
20 visibly displayed a knife during the commission of a
21 violent crime.

22 It is alleged that he displayed -- or while
23 attempting to commit a violent crime, it is alleged
24 that he committed the crime of murder, which is a
25 violent crime under the laws of the State of South

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1 Carolina, and was in possession of a weapon during the
2 commission of a violent crime.

3 I tell you those are just allegations, not
4 evidence. And you must decide the case based on
5 evidence.

6 I tell you about those allegations to ask you
7 this: Has any member of my jury panel heard about,
8 read about, or know anything whatsoever about the facts
9 which are alleged in this case? If so, please stand at
10 this time.

11 (No response.)

12 THE COURT: Let the record reflect no one is
13 standing.

14 All right. I am advised, and ladies and
15 gentlemen, this is a potential list, not necessarily
16 the actual list. I have a potential list of witnesses.

17 I'm going to call out a number of names. At the
18 end of it, I'm going to ask whether or not you are
19 related by blood, connected by marriage or a close
20 personal friend of any of the potential witnesses in
21 the trial of this case whose names I am going to call.

22 I will give you an employment of the witness or if
23 necessary, I will give you their hometown. Listen
24 carefully and understand what my question is going to
25 be at the end.

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1 The following people are potential witnesses in
2 the trial of this case. If they are present in the
3 courtroom, when I call your name, please stand and face
4 my jury panel so they can see a face with the name.

5 Allyson Moreira, M-O-R-E-I-R-A, Beaufort County
6 Dispatch Office.

7 Adam Draisen, D-R-A-I-S-E-N, standing to my left,
8 your right. Beaufort County Sheriff's Office. You may
9 be seated.

10 Adam Zsamar, Z-S-A-M-A-R, Beaufort County
11 Sheriff's Office.

12 Todd Duncan, Beaufort County Sheriff's Office.

13 Jeremiah Fraser, F-R-A- -- turn around, ladies and
14 gentlemen. Come down here. Come down to the front and
15 turn around so they can see you. This is Jeremiah
16 Fraser, F-R-A-S-E-R, Beaufort County Sheriff's Office.

17 Thank you, you may be seated.

18 Andrew Rice, R-I-C-E. Formerly with the Beaufort
19 County Sheriff's Office.

20 Nick Thomas, Beaufort County Sheriff's Office.

21 Stuart Mankin, M-A-N-K-I-N, Beaufort County
22 Sheriff's Office.

23 Jeff Lauver, L-A-U-V-E-R, Beaufort County
24 Sheriff's Office.

25 Eric Angstadt, A-N-G-S-T-A-D-T, Beaufort County

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1 Sheriff's Office.

2 Andrew Calore, C-A-L-O-R-E, Beaufort County

3 Sheriff's Office.

4 Krista Meza, M-E-Z-A, Beaufort County Sheriff's
5 Office.

6 Jen Snider, S-N-I-D-E-R, Beaufort County Sheriff's
7 Office.

8 Aaron Bilcze, B-I-L-C-Z-E, Beaufort County
9 Sheriff's Office.

10 Jack Keener, Beaufort County Sheriff's Office.

11 Gabe Adams, Beaufort County Sheriff's Office.

12 Robert Byrd, B-Y-R-D, Beaufort County Sheriff's
13 Office.

14 Kevin Bush, Beaufort County Sheriff's Office.

15 Mike Capaccione, C-A-P-A-C-C-I-O-N-E, Beaufort
16 County Emergency Services.

17 Derio Young, Burton, South Carolina.

18 Erik Black, Sheldon, South Carolina.

19 Frank Young, Lobeco, South Carolina.

20 Kristie Young, Yemassee, South Carolina.

21 Jason Gray, Lobeco, South Carolina.

22 Michael Grant, Sheldon, South Carolina.

23 Frank Young, Junior, Lobeco, South Carolina.

24 Fredericka Gray, Sheldon, South Carolina.

25 Andrew White, Lobeco, South Carolina.

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1 Reeshemah Byson, Lobeco, South Carolina.

2 Derek Nelson, 14th Judicial Circuit Solicitor's
3 Office.

4 Tim French, Beaufort County Sheriff's Office.

5 Dr. Nicholas Batalis, B-A-T-A-L-I-S, Medical
6 University of South Carolina.

7 Jennifer Nates, N-A-T-E-S, South Carolina Law
8 Enforcement Division, SLED.

9 Paul Greer, South Carolina State Law Enforcement
10 Division, SLED.

11 Any additional witnesses from the State of South
12 Carolina?

13 MS. JONES: No, Your Honor.

14 THE COURT: From the Defendant?

15 MS. CAMPBELL: No, Your Honor.

16 THE COURT: Dontarious Wright, Seabrook. Stand up
17 one more time, face my jury. Seabrook, South Carolina.

18 Any additional witnesses from the Defendant?

19 MS. CAMPBELL: No, sir.

20 THE COURT: Thank you. You may be seated.

21 Any member of my jury panel related by blood,
22 connected by marriage, or a close personal friend of
23 any of the potential witnesses in the trial of this
24 case whose names I have just called? If so, please
25 stand at this time.

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1 Name and juror number, please.

2 JUROR: Sheldon Tyrrell, 288.

3 THE COURT: Hold on one second, let me get you.

4 Counsel, this is Mr. Tyrrell, Juror Number 288.

5 Mr. Tyrrell, yes or no, are you related by blood

6 to any of the witnesses?

7 JUROR: No.

8 THE COURT: Are you connected by marriage?

9 JUROR: No.

10 THE COURT: Are you a close personal friend with

11 any of the witnesses?

12 JUROR: Yes.

13 THE COURT: Which one?

14 JUROR: Jeremiah Fraser.

15 THE COURT: Counsel, I called out Number 5, with

16 the Beaufort County Sheriff's Department, Jeremiah

17 Fraser. The fact that you are friends with Mr. Fraser,

18 who is a potential witness in the trial of this case,

19 would that in any way affect your ability to give the

20 State or the Defendant in this case a fair and an

21 impartial trial?

22 JUROR: No.

23 THE COURT: Can you put aside any relationship you

24 might have had as a friend to Mr. Fraser and decide

25 this case solely and only upon the evidence which is

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1 presented during the trial of this case?

2 JUROR: Yes.

3 THE COURT: Thank you, sir. You may be seated.

4 Anyone else related by blood, connected by
5 marriage, or a close personal friend of any of the
6 potential witnesses in the trial of this case whose
7 names I have just called? Please stand.

8 (No response.)

9 THE COURT: Let the record reflect no one is
10 standing.

11 Any member of my jury panel employed with any law
12 enforcement agency, please stand at this time.

13 (No response.)

14 THE COURT: Let the record reflect no one is
15 standing.

16 Any member of my jury panel related by blood,
17 connected by marriage, or a close personal friend of
18 anyone employed by the Solicitor's office -- that is
19 the prosecuting attorney's office -- or the South
20 Carolina Attorney General's office? If so, please
21 stand at this time.

22 Yes, ma'am. Your name and juror number, please.

23 JUROR: Kathryn Coyle, 62.

24 THE COURT: Hold on one second.

25 Counsel, this is Juror 62, Kathryn Coyle,

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1 C-O-Y-L-E.

2 Ms. Coyle, I asked you if you were related by
3 blood, connected by marriage, or a close personal
4 friend of anyone employed by the Solicitor's Office,
5 the prosecuting officer's office, or the State Attorney
6 General's Office, and you stood. So let me ask you
7 this: Are you related by blood to that person?

8 JUROR: No.

9 THE COURT: Are you connected by marriage to that
10 person?

11 JUROR: No.

12 THE COURT: Are you a close personal friend of
13 that person?

14 JUROR: I have very many close personal law
15 enforcement friends. They are not in --

16 THE COURT: I'm asking you about the Solicitor's
17 Office or the Attorney General's office.

18 JUROR: Not in South Carolina.

19 THE COURT: Thank you, ma'am. You may be seated.

20 Anyone else on the jury ever been related by
21 blood, connected by marriage, or a close personal
22 friend of anyone in the 14th Judicial Circuit
23 Solicitor's Office or the South Carolina Attorney
24 General's Office -- the prosecuting attorney's office
25 in this case?

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1 Yes, sir, your name and number.

2 JUROR: Yes. Geoff Eaton, Number 84.

3 THE COURT: Counsel, this is Juror Number 84,
4 Geoffrey Eaton, E-A-T-O-N.

5 Mr. Eaton, are you related by blood, yes or no?

6 JUROR: No.

7 THE COURT: Are you connected by marriage, yes or
8 no?

9 JUROR: No, sir.

10 THE COURT: Are you a close personal friend?

11 JUROR: Yes, sir.

12 THE COURT: Of who?

13 JUROR: Of Investigator Gator Harris.

14 THE COURT: And where does he work?

15 JUROR: He works right in this courtroom.

16 MS. CAMPBELL: If it please the Court, Mr. Harris
17 works for me with the Public Defender's Office.

18 THE COURT: He is an investigator with the Public
19 Defender's Office, but I was going to ask that question
20 anyway.

21 The fact that you know the investigator as a
22 personal friend with the Public Defender's Office,
23 would that in any way affect your ability to give the
24 State or the Defendant a fair and an impartial trial?

25 JUROR: Yes.

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1 THE COURT: It would?

2 JUROR: Yes, sir.

3 THE COURT: I will excuse you from service in the
4 trial of this case only. Be seated.

5 Anyone else?

6 (No response.)

7 THE COURT: Let the record reflect no one else is
8 standing in response to my last question concerning
9 related by blood, connected by marriage, or a close
10 personal friend of anyone in the prosecuting office.

11 I now ask if anyone is related by blood, connected
12 by marriage, or a close personal friend to anyone in
13 the Public Defender's Office? If so, please stand at
14 this time.

15 (No response.)

16 THE COURT: Let the record reflect no one is
17 standing.

18 Any member of my jury panel a member of or
19 contributor to any group which has as its primary
20 concern the promotion of law enforcement or victims'
21 rights? These groups would include MADD, SADD, CAVE,
22 or CADRE. If so, please stand at this time.

23 (No response.)

24 THE COURT: Let the record reflect no one is
25 standing.

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1 Now, I identified for you the person who is the
2 alleged victim of the murder indictment. I ask now,
3 and that was Adrian Lamont Manigo, M-A-N-I-G-O. Any
4 member of my jury panel related by blood, connected by
5 marriage, or a close personal friend of Adrian Lamont
6 Manigo? If so, please stand at this time.

7 (No response.)

8 THE COURT: Let the record reflect no one is
9 standing.

10 Any member of my jury panel formerly a member of
11 the Beaufort County grand jury, which found the
12 indictments in this case? If so, please stand at this
13 time.

14 (No response.)

15 THE COURT: Let the record reflect no one is
16 standing.

17 Any member of my jury panel ever been the victim
18 of a violent crime? If so, please stand at this time.

19 (No response.)

20 THE COURT: Let the record reflect no one is
21 standing.

22 Any member of my jury panel read anything in the
23 newspaper or seen a television program or a radio
24 broadcast about this case, either today or before
25 today? If so, please stand at this time.

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1 (No response.)

2 THE COURT: Let the record reflect no one is
3 standing.

4 Has any member of the jury panel ever been a
5 volunteer for the Beaufort County Sheriff's Office or
6 the Bluffton Police Department? If so, please stand at
7 this time.

8 Yes, sir. Your name and number.

9 JUROR: David Wade, 294.

10 THE COURT: Counsel, this is Juror Number 294,
11 Mr. David L. Wade, W-A-D-E.

12 Mr. Wade, you have been a volunteer for either the
13 Beaufort Sheriff's Department or Bluffton Police
14 Department in the past?

15 JUROR: Yes.

16 THE COURT: The fact that you volunteered, would
17 that in any way affect your ability to give the
18 Defendant in this case, Dontarious Wright, or the State
19 of South Carolina a fair and an impartial trial?

20 JUROR: No.

21 THE COURT: Can you put aside any volunteer work
22 you have done with a law enforcement agency in the past
23 and decide this case solely and only on the evidence
24 presented during the trial of this case?

25 JUROR: Yes.

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1 THE COURT: Thank you, sir. You may be seated.

2 Any member of my jury panel have any type of
3 business relationship with the Beaufort County
4 Sheriff's Office? If so, please stand at this time.

5 (No response.)

6 THE COURT: Let the record reflect no one is
7 standing.

8 Any member of my jury panel posted on the
9 Internet, either on Facebook or any other website or
10 blog, by posting opinions about crime or punishment for
11 certain crimes, or has written in to the comment
12 section or placed comments on either the Island Packet
13 or the Beaufort Gazette online comment section? If so,
14 please stand at this time.

15 (No response.)

16 THE COURT: Let the record reflect no one is
17 standing.

18 THE COURT: Any member of my jury panel know of
19 any reason that would cause you, as a member of a
20 panel, any problem in sitting as an impartial juror
21 because the charge alleged in this case is murder? If
22 so, please stand at this time.

23 (No response.)

24 THE COURT: Let the record reflect no one is
25 standing.

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1 THE COURT: Has any member of my jury panel formed
2 any opinion whatsoever about the facts which are
3 alleged in these indictments? If so, please stand at
4 this time.

5 (No response.)

6 THE COURT: Let the record reflect, no one is
7 standing.

8 Has any member of my jury panel formed any opinion
9 about the alleged guilt or innocence of the Defendant,
10 Dontarious Wright of Seabrook, South Carolina? If so,
11 please stand at this time.

12 (No response.)

13 THE COURT: Let the record reflect no one is
14 standing.

15 Does any member of my jury panel know of any bias
16 or prejudice they may have about the facts which are
17 alleged in this case, any of the attorneys or offices
18 involved in this case, or any of the potential
19 witnesses involved in the trial of this case? If so,
20 please stand at this time.

21 (No response.)

22 THE COURT: Let the record reflect no one is
23 standing.

24 Does any member of my jury panel know of any
25 reason whatsoever why they can't give the State of

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1 South Carolina or the Defendant, Dontarious Wright, a
2 fair and an impartial trial? If so, please stand at
3 this time.

4 (No response.)

5 THE COURT: Let the record reflect no one is
6 standing.

7 Any additional voir dire from the State of South
8 Carolina?

9 MS. JONES: No, Your Honor.

10 THE COURT: From the Defendant?

11 MS. CAMPBELL: No, Your Honor.

12 THE COURT: All right. Counsel, I have previously
13 put on the record the strikes. We will be drawing
14 three alternate jurors.

15 Madam Clerk, if you would, please, would you have
16 the computer give us a jury.

17 Ladies and gentlemen, what is happening now, for
18 those people that I have qualified for this case, the
19 computer is going to randomly choose a list. The name
20 is going to be called out, and you are going to come
21 forward and turn and face the direction I'm facing
22 right now.

23 Each side will exercise what we call their
24 preemptory strikes. The Defendant has ten, the State
25 has five. We will be drawing three alternate jurors

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1 after we draw a jury of 12. And on the alternate
2 jurors, the Defendant has two preemptory strikes and
3 the State has one.

4 When you come forward, if your name is called,
5 bring your belongings with you. That is, your
6 pocketbook or your jacket or anything you brought,
7 because you may go straight to be seated on the witness
8 stand if you are selected.

9 No one has seen this list before. Neither side.
10 Neither the State or the Defendant. They're going to
11 give it to me, my law clerk, and the court reporter,
12 and then the clerk is going to call the names out.
13 They will be exercising their preemptory strikes, and
14 they'll be called out in the order in which the
15 computer has selected the names at random.

16 Y'all can turn your chairs around.

17 THE CLERK: Juror Number 8, Roger Arn. What says
18 the State?

19 MS. JONES: Please present the juror.

20 THE CLERK: What says the Defense?

21 MS. CAMPBELL: Please swear the juror.

22 THE COURT: Have a seat in the jury box, Mr. Arn.

23 THE CLERK: Juror 120, Amy Hane. What says the
24 State?

25 MS. JONES: Please present the juror.

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1 THE CLERK: What says the Defense?

2 MS. CAMPBELL: Please excuse the juror from this
3 trial.

4 THE CLERK: Juror 186, Jeffrey Maylum. What says
5 the State?

6 MS. JONES: Please present the juror.

7 THE CLERK: What says the Defense?

8 MS. CAMPBELL: Please swear the juror.

9 THE CLERK: Juror Number 294, David Wade. What
10 says the State?

11 MS. JONES: Please present the juror.

12 THE CLERK: What says the defense?

13 MS. CAMPBELL: Please excuse the juror from this
14 trial.

15 THE CLERK: Juror 174, Carissa Lozinski-Doie?
16 What says the State?

17 MS. JONES: Please present the juror.

18 THE CLERK: What says the Defense?

19 MS. CAMPBELL: Please excuse the juror from this
20 trial.

21 THE CLERK: Juror 28, Karen Bray. What says the
22 State?

23 MS. JONES: Please present the juror.

24 THE CLERK: What says the Defense?

25 MS. CAMPBELL: Please excuse the juror.

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1 THE CLERK: Juror Number 68, Nicholas Cutler.

2 What says the State?

3 MS. JONES: Please present the juror.

4 THE CLERK: What says the Defense?

5 MS. CAMPBELL: Please swear the juror.

6 THE CLERK: Juror 259, John Shea. What says the
7 State?

8 MS. JONES: Please present the juror.

9 THE CLERK: What says the defense?

10 MS. CAMPBELL: Please swear the juror.

11 THE CLERK: Juror 206, Keshawn Mulligan. What
12 says the State?

13 MS. JONES: Please excuse Mr. Mulligan.

14 THE CLERK: Juror 29, Mark Brewton. What says the
15 State?

16 MS. JONES: Please present the juror.

17 THE CLERK: What says the Defense?

18 MS. CAMPBELL: Please excuse the juror from this
19 trial.

20 THE CLERK: Number 241, Jill Rackliff. What says
21 the State?

22 MS. JONES: Please present the juror.

23 THE CLERK: What says the Defense?

24 MS. CAMPBELL: Please swear the juror.

25 THE CLERK: Juror 156, Kayla Kirkman. What says

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1 the State?

2 MS. JONES: Please present the juror.

3 THE CLERK: What says the Defense?

4 MS. CAMPBELL: Please excuse the juror.

5 THE CLERK: Juror Number 225, Tunguyen Phan. What
6 says the State?

7 MS. JONES: Please present the juror.

8 THE CLERK: What says the Defense?

9 MS. CAMPBELL: Your Honor, may we approach?

10 THE COURT: You may.

11 (Off-the-record discussion held.)

12 MS. CAMPBELL: Juror number again, one more time,
13 please.

14 THE CLERK: 225.

15 MS. CAMPBELL: Your Honor, the Defendant will
16 strike 225.

17 THE CLERK: Juror 226, Richard Phelps. What says
18 the State?

19 MS. JONES: Please present the juror.

20 THE CLERK: What says the Defense?

21 MS. CAMPBELL: Please swear the juror.

22 THE CLERK: Juror 90, Linda Farmer. What says the
23 State?

24 MS. JONES: Please present the juror.

25 THE CLERK: What says the Defense?

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1 MS. CAMPBELL: Please excuse the juror.

2 THE CLERK: Juror 57, Nicholas Coen. What says
3 the State?

4 MS. JONES: Please present the juror.

5 THE CLERK: What says the Defense?

6 MS. CAMPBELL: Please swear the juror.

7 THE CLERK: Juror 271, Tiffany Sonn. What says
8 the State?

9 MS. JONES: Please present the juror.

10 THE CLERK: What says the Defense?

11 MS. CAMPBELL: Please swear the juror.

12 THE CLERK: Juror 115, William Griffith. What
13 says the State?

14 MS. JONES: Please present the juror.

15 THE CLERK: What says the Defense?

16 MS. CAMPBELL: Please swear the juror.

17 THE CLERK: Juror 288, Sheldon Tyrrell. What says
18 the State?

19 MS. JONES: Please present the juror.

20 THE CLERK: What says the Defense?

21 MS. CAMPBELL: Please excuse the juror.

22 THE CLERK: Juror 269, Matthew Smith. What says
23 the State?

24 MS. JONES: Please present the juror.

25 THE CLERK: What says the Defense?

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1 MS. CAMPBELL: Please swear the juror.

2 THE CLERK: Juror 132, Linda Houston. What says
3 the State?

4 MS. JONES: Please present the juror.

5 THE CLERK: What says the Defense?

6 MS. CAMPBELL: Please swear the juror.

7 THE CLERK: Juror 194, Shaun McTernan. What says
8 the State?

9 MS. JONES: Please present the juror.

10 THE CLERK: What says the Defense?

11 MS. CAMPBELL: Please swear the juror.

12 THE COURT: Okay. Counsel, alternate number one,
13 strikes are now two and one.

14 Alternate number one, Madam Clerk.

15 THE CLERK: Juror 305, Rhonda White. What says
16 the State?

17 MS. JONES: Please present the juror.

18 THE CLERK: What says the Defense?

19 MS. CAMPBELL: Please excuse the juror.

20 THE CLERK: Juror 313, Sandra Wiquist. What says
21 the State?

22 MS. JONES: Please present the juror.

23 MS. CAMPBELL: Please swear the juror.

24 THE COURT: Ms. Wiquist, you are going to be my
25 alternate number one.

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1 THE CLERK: Juror 240, Chrystel Queen. What says
2 the State?

3 MS. JONES: Please present the juror.

4 THE CLERK: What says the Defense?

5 MS. CAMPBELL: Please swear the juror.

6 THE COURT: Ms. Queen, you are going to be my
7 alternate number two.

8 THE CLERK: Juror 134, Karla Huebert. What says
9 the State?

10 MS. JONES: Please present the juror.

11 THE CLERK: What says the Defense?

12 MS. CAMPBELL: Please excuse the juror.

13 THE CLERK: Juror 220, Kelly Pawlowski. What says
14 the State?

15 MS. JONES: Please excuse the juror.

16 THE CLERK: Juror 264, Jannie Simmons. What says
17 the State?

18 MS. JONES: Please present the juror.

19 THE CLERK: What says the Defense?

20 MS. CAMPBELL: Please swear the juror.

21 THE COURT: Ms. Simmons, you are going to be my
22 alternate number three.

23 Are there any matters of law pertaining to the
24 selection of the jury that need to be decided before
25 the jury is sworn, from the State of South Carolina?

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1 MS. JONES: No, Your Honor.

2 THE COURT: From the Defendant?

3 MS. CAMPBELL: After consultation with my client,
4 the answer is no from the Defense.

5 THE COURT: And you understand that decision is
6 final?

7 MS. CAMPBELL: It is. Thank you.

8 THE COURT: You're welcome.

9 All right. Now, ladies and gentlemen, you have
10 been selected as jurors in the trial of this case. We
11 are not going to start the trial today, but I need for
12 you to do a little bit of work for me today.

13 You are going to go with my bailiff, and he's
14 going to take you to the jury room. Do not discuss
15 this case. You have not heard any evidence in this
16 case, and I'm going to be talking to you about that
17 when I bring you back before I let you go today, so
18 please don't have any discussion about the case,
19 because you must base your decision on the evidence.

20 And my alternate jurors, I know I designated each
21 one of you, one, two and three, because that's the
22 order in which you were selected, you are just as
23 important as a member of the jury. If for some reason
24 a member of the jury becomes ill, or for some legal
25 reason cannot continue to serve, you would take their

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1 place on the jury. You will be with the jury at all
2 times throughout the trial of the case and in the jury
3 room.

4 So remember, you're important, too. Even though I
5 called you an alternate, you may end up being on the
6 jury.

7 As to the 12 of you that were selected on the
8 jury, I want the 12 of you -- they're going to give you
9 a pad and a pen in your jury room. I want you to
10 select a foreperson of the jury.

11 Now, let me tell you the duties of the foreperson.
12 Any of the 12 of you -- not my alternates, they are not
13 on the jury yet -- any of the 12 of you can serve as
14 foreperson.

15 The duties of a foreperson: The foreperson
16 presides in the jury room just like the chairperson of
17 a committee presides at a committee meeting. It's the
18 foreperson's job to see that each and every member of
19 my jury has a full and fair opportunity to voice their
20 opinions in the jury room once I tell you to begin your
21 deliberations.

22 The foreperson also writes the jury's verdict.
23 I'll prepare a verdict form -- I'm holding the
24 indictment because whatever you write on the verdict
25 form as foreperson, you would also write where it says

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1 "verdict" on the indictment, whatever words are on your
2 verdict form.

3 The foreperson also is the jury spokesperson out
4 here in the courtroom. Should that need arise during
5 the trial of the case, the foreperson speaks for the
6 entire jury. Any of the 12 of you can be foreperson.

7 Select a foreperson, write the name on a piece of
8 paper, knock on your jury room door, tell the bailiff
9 you have selected a foreperson. I'll bring you back
10 into the courtroom, and then I'm going to excuse you
11 for the balance of today.

12 When you are in the jury room, after selecting a
13 foreperson, do not discuss this case. I know it's hard
14 sometimes, but don't. Talk about the weather, talk
15 about anything -- sports, sewing, anything. Just don't
16 talk about this case because you haven't heard any
17 evidence in this case.

18 I thank you for your patience. You may retire to
19 your jury room at this time and select a foreperson.

20 (The jury exits the courtroom.)

21 THE BAILIFF: The jury has left the courtroom,
22 Your Honor.

23 THE COURT: All right. Ladies and gentlemen, I
24 see that smile on your face out there that were not
25 selected as jurors in the trial of this case.

CALLING OF THE CASE

1 Now, each of you should have -- Jerri, do they
2 already have the number?

3 THE CLERK: Yes, sir.

4 THE COURT: What's the number here?

5 THE CLERK: It's on the card. We have multiple
6 numbers, Judge. They're on the information line that
7 they have on the card.

8 THE COURT: I'm sure you do. What's the number on
9 the card. Anybody got a card?

10 THE CLERK: 255-5076.

11 THE COURT: All right. There's at least one
12 number on your card. The clerk says you have multiple
13 numbers, but there's at least one number on your card,
14 255 -- what was it?

15 THE CLERK: 5076.

16 THE COURT: 5076. I'm going to ask you to call
17 that number after 6:00 tonight.

18 Does anybody not have a card with that telephone
19 number on it? If not, please raise your hand.

20 Do not call the number prior to 6:00. I'll have
21 one message on the tape for all of you. If it's busy,
22 just redial. You will get through, and you'll get the
23 message.

24 I don't know whether I'll see you again. I might
25 not. You might hear me say, Thank you for your

CALLING OF THE CASE

1 service. You might hear me say, Report back to the
2 jury room, or to the courtroom at 10:00 in the morning.
3 You might hear me say, Call back tomorrow night. I
4 don't know. We're going to be working. And I will
5 give you the most up-to-date information, but wait
6 until after 6:00 to call the number.

7 On behalf of Beaufort County and this Court, thank
8 you for your patience during roll call and jury
9 qualifications. You are now excused for the balance of
10 today.

11 Hold on.

12 THE BAILIFF: If you need a work excuse, please
13 see me in the jury assembly room.

14 THE COURT: Anybody needs a work excuse, she's got
15 one ready for you. Get it on your way out. You may
16 leave.

17 THE BAILIFF: And we want your badges, too.

18 THE COURT: Thank you. You may leave the
19 courtroom at this time. Thank you.

20 (The jury venire exits the courtroom.)

21 THE COURT: I didn't know it was going to take
22 until 1:00, so I'm going to give you your one and only
23 lunch break now. So when we start back, that way you
24 you can line up your witnesses when you start back at
25 2:00. Please be ready to go at 2:00 so we can get as

CALLING OF THE CASE

1 much work as we possibly can get done.

2 Obviously, you both know that the decision
3 concerning Batson has been made now, and it's final,
4 regardless of when I swear the jury in, it will
5 probably be first thing in the morning.

6 You understand that, from the State?

7 MS. JONES: Yes, Your Honor.

8 THE COURT: From the Defendant?

9 MS. CAMPBELL: Yes, sir.

10 THE COURT: All we need now is for them to tell us
11 they have selected a foreperson.

12 (Pause.)

13 THE COURT: Counsel, the jury has selected Juror
14 Number 186, Jeffrey A. Maylum, M-A-Y-L-U-M, as
15 foreperson of the jury.

16 Any objection to making the jury's note to the
17 Court, a Court's exhibit from the State of South
18 Carolina?

19 MS. JONES: No, Your Honor.

20 THE COURT: From the Defendant?

21 MS. CAMPBELL: No, Your Honor.

22 THE COURT: All right. Court's Exhibit No. 1
23 without objection.

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

CALLING OF THE CASE

1 Bring us the jury, please.

2 (The jury enters the courtroom.)

3 THE BAILIFF: The jury is in the courtroom, Your
4 Honor.

5 THE COURT: All right. Ladies and gentlemen,
6 congratulations on your election of a foreperson. That
7 will be your seat throughout the trial of the case.

8 Now, the rest of you -- my alternates are doing
9 right. You can sit, if you want to sit in those
10 chairs, the first three, fine. I want you to sit where
11 you can hear and where you can see.

12 The rest of you can sit anywhere you want to. If
13 you want to sit by somebody, just line up in the jury
14 room that way. I do ask you to follow all the way down
15 when you come in, because I don't want people crawling
16 over somebody to get in the jury box. If you want to
17 sit by somebody, line up that way.

18 Now, we are not going to start this trial. I'm
19 going to be doing matters of law. And I'll be talking
20 to you about that. You are the sole judges of the
21 facts in the case, I'm the sole Judge of the law. I
22 cannot invade your province and tell you or suggest to
23 you what the facts are, and you should not invade my
24 province and differ with me about what the law is.

25 Now, I have a number of legal rulings I'm going to

COMMENTS TO THE JURY BY THE COURT

1 have to make before we get started. So we will be
2 working today.

3 When you leave me today, I'm going to ask you not
4 to discuss this case. You haven't heard any evidence.
5 You have heard a little bit about the allegations in
6 the indictment, but I don't want you to discuss this
7 case with anybody, not even a member of your own
8 family.

9 I know people are curious. They will say, "Are
10 you on the jury?"

11 Just say, "Yes, but the judge instructed me not to
12 talk about the case with anyone."

13 Every now and then we have people that think they
14 can talk with jurors. If somebody tries to persist in
15 talking with you, all I want you to do is get their
16 name. Write it down and you give it to me, and I'll
17 handle that problem for you, ladies and gentleman.
18 That person is not going to bother you anymore.

19 Now, you just make sure you get the name and give
20 it to me, if somebody persists in wanting to talk to
21 you.

22 Now, I don't know whether there will be anything
23 on radio, television, or in the newspaper about this
24 case. Please don't read such, watch such, or listen to
25 such. You must decide this case solely and only on the

COMMENTS TO THE JURY BY THE COURT

1 evidence that's presented during the trial of this
2 case, when both sides are present with the right of
3 cross examination.

4 So, I'm going to ask you again not to use a
5 computer, cell phone. Don't wear your watch, if you
6 have one of the smart watches, or any other electronic
7 device with communication capability while you are on
8 the jury, during your time of service here on the jury.

9 It is improper for you to do any type of research
10 with an electronic device with communication
11 capability. I don't want you to communicate with
12 anyone else either about this case on your cell phone,
13 through email, Blackberry, iPhone, text messaging, on
14 Twitter or through any blog or a website, or through
15 any Internet chat room, or by way of any other social
16 networking website, which would include Facebook, My
17 Space, LinkedIn, and You Tube. Stay off of it. Don't
18 go on it. Don't use it. Don't try to communicate with
19 any other party about it.

20 And believe me, I don't want to have to deal with
21 that problem, ladies and gentlemen, because it causes
22 problems. Both sides have the absolute right to know
23 exactly what information you are basing your decision
24 on. So for you to discuss it with someone else is
25 improper, for you to try to do any other research about

COMMENTS TO THE JURY BY THE COURT

1 anything that comes up during this trial, whether it be
2 a lawyer, a witness, or any issue which arises during
3 the trial of this case is improper. So please don't do
4 such.

5 Now, we are going to start back in the morning at
6 10:00. That doesn't mean five till 10:00, and it
7 doesn't mean five after 10:00. I want you here at
8 9:45, and I want you to report to your jury room.
9 Don't come to this courtroom. I may be working out
10 here. I'm going to work long after you are gone
11 tonight.

12 Hopefully I'll have enough time to finish
13 everything and start with you at 10:00 in the morning.
14 But I might have to come and work again in the morning.
15 So I'm estimating, but I believe if I have you here we
16 can get started close to 10:00 in the morning.

17 I hope everybody has a pleasant evening. On
18 behalf of Beaufort County and this Court, I want to
19 thank you for your patience during roll call and jury
20 selection and qualifications. I very much appreciate
21 your service.

22 Please be on time in the morning. Be here by
23 9:45. If one of you is late, everybody has to wait,
24 this whole courtroom, because of one of you. So be on
25 time.

COMMENTS TO THE JURY BY THE COURT

1 If you run into an emergency, call Jeri Roseneau.
2 I'll give you her home number and see to it. You let
3 her know what the emergency is, we will deal with that.
4 Otherwise, I'm going to expect you to be on time.

5 Any questions from anybody about what you are to
6 do?

7 Yes, sir.

8 JUROR: Judge, typically, how long are we here?

9 THE COURT: How long what?

10 JUROR: How long, typically, will we need to be
11 here during the day, during the trial?

12 THE COURT: Normally you can plan on being here
13 between 10:00 in the morning, when you are required to
14 be here, and at least 5:00 to 5:30 in the afternoons.
15 I will take a lunch break, so you will get a break. I
16 take a mid-morning break for you, and a mid-afternoon
17 so you can stretch your legs, use the restroom.

18 But I want to work and get it done. That way I
19 can get you home in a timely fashion. You understand?

20 So the hours are somewhat flexible. I might ask
21 you to stay a little longer, if we are in the middle of
22 a witness. Good question.

23 Anybody else got a question?

24 Yes, ma'am.

25 JUROR: That is all week, correct? All week that

COMMENTS TO THE JURY BY THE COURT

1 we will be here?

2 THE COURT: What did I tell you when we started?
3 Did you listen to me? I don't think you did or you
4 wouldn't be asking that question. That depends on
5 whether you're on time tomorrow.

6 JUROR: Okay.

7 THE COURT: If you're on time, I'm going to see
8 you get home on time. You understand that?

9 JUROR: Yes.

10 THE COURT: All right. Any other questions?

11 Thank you very much. You are now excused for the
12 day. You may leave the courtroom at this time.

13 (The jury exits the courtroom at 1:12 p.m.)

14 THE BAILIFF: The jury is clear.

15 THE COURT: Counsel, we're going to be in recess
16 until 2:00. Lunch will start at 2:00. It doesn't
17 matter, is there any preference from either one of you
18 about which one we do first?

19 MS. CAMPBELL: I believe we should do the Castle
20 Doctrine first, Your Honor.

21 MS. JONES: Okay.

22 THE COURT: That's why I asked whether there was a
23 preference. Trasi said she believes you ought to do
24 stand your ground first.

25 MS. JONES: That's fine with me, Your Honor.

COMMENTS TO THE JURY BY THE COURT

1 THE COURT: All right. That's what we'll start
2 with.

3 We are in recess until 2:00. Thank you very much.

4 (Lunch recess.)

5 THE COURT: State ready to proceed?

6 MS. JONES: Yes, sir, but I have one question,
7 procedurally. We do have two hearings scheduled this
8 afternoon. I have Investigator Fraser for both. I was
9 wondering if on the stand your ground, if I could go
10 ahead and ask him the Jackson Denno questions?

11 THE COURT: Absolutely, there's no reason in the
12 world, as long as she gets the right to cross-examine
13 on both issues, you have the right to go into both of
14 them when you call witnesses. However, there is a
15 motion -- Ms. Campbell made a motion for sequestration.
16 Obviously your chief investigating office and the
17 victim's family can stay in the courtroom under the
18 victim's bill of rights. Other than that, you have got
19 to turnaround and tell me that you are satisfied that
20 all witnesses are out of the courtroom and you know --
21 whoa, whoa, whoa, and she knows where you are.
22 Because I'm not going on an Easter egg hunt to look for
23 y'all during this hearing. You know where they are
24 going to be?

25 MS. JONES: Yes, Your Honor.

COMMENTS TO THE JURY BY THE COURT

1 THE COURT: You make sure.

2 MS. JONES: They are all three to be right across
3 the hall. Thank you.

4 THE COURT: Okay. The same applies to you,
5 Ms. Campbell. You have a number of witnesses in the
6 courtroom. It is going to be equal sequestration.

7 MS. CAMPBELL: This is my client's family. They
8 are not witnesses.

9 THE COURT: None of the people in the courtroom
10 are witnesses?

11 MS. CAMPBELL: The four ladies seated to my left,
12 Your Honor, and to your right, they are not witnesses
13 in this trial. And the gentleman in the back, I
14 believe, is a client of Mr. Newman's.

15 THE COURT: Is he a witness in the trial of this
16 case, regardless of whose client he is?

17 MS. CAMPBELL: He is not. He is not.

18 THE COURT: All right. Are there any other people
19 in the courtroom who understand that they are a
20 potential witness in the trial of this case? If so,
21 please stand at this time.

22 (No response.)

23 THE COURT: All right. It appears that we have
24 cleared the courtroom of all witnesses pursuant to the
25 request of sequestration. Now, the first matter for

COMMENTS TO THE JURY BY THE COURT

1 hearing that we are going to start with is Section
2 1611-450, which is the Protection of Persons and
3 Property Act, which provides immunity from prosecution
4 if a person is found to be justified in using deadly
5 force under the act. There's been a number of cases
6 decided pursuant to the act. I'm ready to hear
7 testimony. Obviously I think that we both agree that
8 the Defendant must establish a valid case of
9 self-defense by a preponderance of the evidence and the
10 trial court must necessarily consider the elements of
11 self-defense in determining whether or not the
12 Defendant is entitled to the acts immunity, except for
13 the fourth duty or fourth obligation of self-defense,
14 which is the duty to retreat.

15 In South Carolina there are four elements required
16 by law to establish a case of self-defense. One, the
17 Defendant must be without fault in bringing on the
18 difficulty. Two, Defendant must actually believed he
19 was in imminent danger of losing his life or sustaining
20 serious bodily injury or he actually was in such
21 imminent danger. And if his defense is based on his
22 belief of imminent danger, a reasonably prudent man of
23 ordinary firmness and courage would have entertained
24 the same belief.

25 If the Defendant actually was in imminent danger

COMMENTS TO THE JURY BY THE COURT

1 the circumstance were such as would warrant a man of
2 ordinary prudence, firmness, courage to stike the fatal
3 blow to save himself or herself from serious bodily
4 harm or losing his own life. Obviously Section
5 16-11-450 excuses the fourth element of self-defense
6 under the act, which is the duty to retreat.

7 Having said all of that, I think that we are in
8 agreement who has the burden of proof and the burden of
9 proof, and I'm ready to proceed. You may call your
10 first witness. There are no witnesses in the
11 courtroom.

12 MS. JONES: Your Honor, being that it was
13 Ms. Campbell's motion, I think that she should go
14 first.

15 THE COURT: Okay. You do have the burden, Ms.
16 Campbell. I thought she wanted to call her witness
17 first. Go ahead.

18 MS. CAMPBELL: I did too. Let me just call
19 Jeremiah Fraser to the stand.

20 THE COURT: Jeremiah Fraser.

21 Thereupon,

22 JEREMIAH FRASER

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

25 THE COURT: Make yourself comfortable. Pull that

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS.
CAMPBELL

1 chair up and adjust that microphone. State your full
2 name and spell your last name for the court reporter.

3 THE WITNESS: Jeremiah Fraser, F-R-A-S-E-R.

4 THE COURT: All right. Counsel, your witness.

5 Direct examination. The witness has been sworn.

6 MS. CAMPBELL: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MS. CAMPBELL:

9 Q Officer Fraser, what was your role in this case?

10 A I was one of the supervisors managing the scene.
11 I also assisted in the primary interview with D.J.,
12 Dontarious.

13 Q Thank you. So is Dontarious Wright sometimes
14 referred to as D.J.?

15 A Yes, ma'am.

16 Q Okay. And when you say "primary interview," was
17 there more than one interview of D.J., or just the one that
18 you did?

19 A I believe it was just mine.

20 Q So the only interview we're dealing with is the
21 interview you conducted?

22 A Yes, ma'am.

23 Q Thank you. And during the course of that
24 interview, you questioned D.J. about what happened at [REDACTED]

25 [REDACTED] ?

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS.
CAMPBELL

1 A Yes, ma'am.

2 Q Okay. And were you met with initial denials of
3 involvement?

4 A Yes, ma'am.

5 Q Maybe an hour into your interview with D.J., did
6 the interview turn toward his admission of shooting Adrian
7 Lamont Manigo?

8 A It was about -- it was prior to an hour. It was
9 about 45 minutes. Yes, ma'am.

10 Q Thank you. Just prior to his admitting to having
11 fired at and then shot Adrian Lamont Manigo, were you saying
12 things to him as in, "I think something bad was getting
13 ready to happen"?

14 A Yep.

15 Q "It might have been you or him."

16 A Yes.

17 Q "I think you didn't have a choice."

18 A Yes.

19 Q "I think he didn't give you a choice."

20 A I -- something along those lines, yes, ma'am.

21 Q We have a transcript of the interview. Would it
22 help you if you had a copy of the transcript?

23 A You can. That's all generally correct though,
24 yes, ma'am.

25 Q If we come to a point where you need it, let me

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS.
CAMPBELL

1 know.

2 A Yes, ma'am. Thank you.

3 Q "There is a difference between defending your own
4 life and just shooting somebody for cold blood."

5 A Yes, ma'am.

6 Q "There's a reason you are not going down to where
7 you used to run around."

8 A Yes, ma'am.

9 Q So all of the statements that you made to D.J., I
10 get the sense they were based on some background information
11 that you had about D.J. and Jamel Washington.

12 A Yes, ma'am.

13 Q Is that fair?

14 A Yes, ma'am.

15 Q And who is Jamel Washington?

16 A He's another individual from the Stewart Point
17 area.

18 Q And had Jamel Washington been arrested for
19 shooting D.J. in the leg?

20 A I don't recall. Maybe.

21 Q Maybe?

22 A I don't recall. I don't have the report, ma'am.

23 Q Okay. So not recalling that, factually, there was
24 something that made you feel like there was some bad blood
25 or prior difficulties that kept D.J. from going home. What

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS.
CAMPBELL

1 were those?

2 A Well, I wasn't aware of anything in particular.
3 Right off the bat, in the interview, he brought up J.D., and
4 I knew who J.D. was. I wasn't aware of anything current
5 going on with them. And I actually --

6 Q I'm talking about prior.

7 A I understand that. I didn't even know he was
8 back. I didn't know he was back in the community.

9 THE COURT: Don't say "he." Identify who you
10 mean.

11 A I didn't even know Dontarious was back. I had no
12 idea he was back.

13 As soon as I brought him into the interview
14 room, one of the first statements he made was J.D., and I
15 latched onto that.

16 Q Right. And that was that J.D. had shot him in the
17 leg, correct?

18 A Yes.

19 Q Okay. So the prior difficulties, not recently,
20 but prior difficulties between J.D. and D.J., factually
21 involved a shooting. Was that your understanding?

22 A Yes, ma'am.

23 Q Okay. And do you have any knowledge through your
24 review of Spillman records or any other matters prepping for
25 your interview whether or not Adrian Lamont Manigo had any

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS.
CAMPBELL

1 associations with Jamel Washington a/k/a J.D.?

2 A None that I'm aware of.

3 Q And at that time, you were not aware of any?

4 A No, absolutely not.

5 Q And when you say, "There's a reason you are not
6 going down to where you used to run around," what is that
7 reason?

8 A I based my statement off of his continually
9 referring to J.D. I didn't have a specific, I was feeding
10 off of the information he was giving me.

11 Q Uh-huh. So you -- you had no reason to know why
12 he was not going where he lives other than information he
13 gave you; is that what you are saying?

14 A Right. And, again, I didn't even know he was
15 back. I had no idea he was back in Beaufort until this
16 incident -- I'm sorry, "he" being Dontarious.

17 THE COURT: Let the record reflect he's referring
18 to the Defendant when he says "he."

19 Just don't use the pronouns so the record is
20 clear.

21 THE WITNESS: Yes, sir.

22 BY MS. CAMPBELL:

23 Q When you say that you know that they are looking
24 for him, what do you base that on?

25 A Essentially, what I was doing was providing him an

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS.
CAMPBELL

1 out. An out being a reasonable explanation for what had
2 occurred, and I was using my out based on the information
3 that he had provided me right off the bat of the interview
4 on J.D.

5 I have information about J.D. in other cases,
6 so I was able to piece together things to use with him.

7 Q And that information you have about J.D. in other
8 cases, could you characterize what kind of person J.D. is,
9 as far as being armed and dangerous?

10 A I do believe he is armed. Generally speaking, I
11 do believe he was armed. I don't have firsthand knowledge
12 to that though.

13 Q Again, as an investigator with the Sheriff's
14 Office, garnering the information you get --

15 A Yes, ma'am.

16 Q -- you believe him to be an armed, dangerous
17 individual, correct?

18 A Potentially.

19 Q Jamel Washington.

20 A Potentially.

21 Q A/k/a J.D. Okay.

22 And you indicate that -- I mean, very
23 clearly, you say, "I think you shot him in self-defense,"
24 right --

25 A Yep.

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS.
CAMPBELL

1 Q Okay. And I understand that you are saying that
2 that is an out?

3 A Uh-huh. (Indicating affirmatively.)

4 Q And you said because he had no other reason to be
5 there. Now, are you speaking about Manigo at that point?

6 A Manigo.

7 Q Yeah, Adrian Lamont Manigo?

8 A Sure. Yes, yes. Absolutely.

9 Q When you say, "He had no other reason to be
10 there," what do you mean by that?

11 A Again, that was a continuation of the out. That
12 was me trying to get him to continue to talk to me.

13 Q So you don't have any information why Manigo
14 wouldn't have a reason to be there?

15 A I believe he was friends with the homeowner.

16 Q Okay. So you think he was friends with the
17 homeowner?

18 A Yes, ma'am.

19 Q All right. And then you say, "You need to walk
20 around with an equalizer."

21 A Yes, ma'am.

22 Q And what do you mean by that?

23 A A firearm.

24 Q Okay. And why did you think he needed an
25 equalizer with J.D. and/or this big, big man with a big, big

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS.
CAMPBELL

1 gun?

2 A Again, it was part of the out that I was providing
3 him of self-defense. I knew that our victim had been shot,
4 and I used that as reason he would have a firearm, although
5 not a legitimate reason.

6 Q Right. I understand. So when you met with D.J.
7 that night, had you ever interviewed him, talked to him,
8 anything in the years leading up to that night?

9 A Yes, ma'am.

10 Q Okay. How many times would you say you interacted
11 with D.J. in, let's say, the four or five years before this
12 night?

13 A I think he had been -- he did been gone for a
14 couple of years, if I remember right, before I ran into him
15 that night. Prior to that, I talked to him a handful of
16 times.

17 Q A handful of times?

18 A I -- I couldn't put a number on it.

19 Q So, maybe five?

20 A Potentially, yes, ma'am.

21 Q And in those five times that you interacted with
22 this young man, were any of those times related to his being
23 in fear or being shot?

24 A I don't recall.

25 Q Do you feel like when you came in the room that

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS.
CAMPBELL

1 night, that your had a rapport with this young man?

2 A I did, yes.

3 Q Because he knew you?

4 A Yeah. Absolutely. Yes, ma'am.

5 Q And he trusted you?

6 A Yes, ma'am.

7 Q Because of your prior interactions with him?

8 A Yes, ma'am.

9 Q And when you talked with him, just so I'm clear,
10 all these things that you said about the past and about J.D.
11 and -- and -- and Lamont not having any reason to be out
12 there, none of that is based on facts that you knew that
13 night.

14 A That's correct. Nothing that I could -- nothing
15 specific, yes, ma'am.

16 Q Okay. Well, how about generally?

17 A I don't recall any issues between him and Lamont
18 ever. "Him," being the Defendant, Dontarious.

19 Q But there were issues with him and J.D., correct?

20 A Yes, ma'am.

21 Q That you knew of independent of what he said?

22 A Yes, ma'am.

23 Q Whew. Thank you.

24 So outside of him, my client, Dontarious

25 Wright, saying the name J.D., you have other knowledge about

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS.
CAMPBELL

1 J.D. shooting, injuring, hurting Dontarious Wright; correct?

2 A I don't recall -- that is what I'm trying to
3 remember. I don't remember if it was J.D. that shot him. I
4 think it was, but without that information in front of me, I
5 don't recall specifically who it was that shot him.

6 MS. CAMPBELL: Your Honor, as far as the Castle
7 Doctrine, I would conclude any questioning I have on
8 that. The others would be related to the Denno issue.

9 THE COURT: I understand that. So that you
10 have -- obviously, you have the burden of proof of
11 this.

12 MS. CAMPBELL: Yes.

13 THE COURT: You don't have the burden of proof on
14 the voluntariness of the confession. And that is my
15 concern.

16 You heard me say, as long as you had the right to
17 cross-examine the witness, if she's going to do both.
18 I'm going to let you cross-examine, but only for
19 purposes of Jackson Denno if this is a dual witness.
20 You understand?

21 MS. CAMPBELL: Yes, sir.

22 THE COURT: Cross examination for purposes of the
23 Protection of Property Act.

24 MS. JONES: Thank you, Your Honor.

25 CROSS EXAMINATION

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 BY MS. JONES:

2 Q Investigator Fraser, your part of this
3 investigation was the interview of Dontarious Wright, also
4 known as D.J.?

5 A Yes, ma'am.

6 Q And that interview lasted roughly about an hour
7 and a half long?

8 A Yes, ma'am.

9 Q And for the first 45 or so minutes, I believe you
10 testified, he denies -- he creates denials for you?

11 A Yes, ma'am.

12 Q And he denies knowing Adrian Lamont Manigo.

13 A Yes, ma'am.

14 Q He denies being at [REDACTED] that
15 afternoon.

16 A Yes, ma'am.

17 Q And he denies being the shooter that afternoon.

18 A Yes, ma'am.

19 Q All right. And throughout these denials, you --
20 you mentioned that you gave him "outs"?

21 A Yes, ma'am.

22 Q And this was based on information that he had
23 already provided you?

24 A The information was coming in very quickly. I
25 didn't have all the information on scene. We located

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 Dontarious very quickly, and I didn't have all the
2 information from the scene. Information was actually coming
3 in while I was interviewing him.

4 When we made contact with Dontarious, I
5 didn't have a whole lot of information, other than a
6 potential number of times our victim was shot, and where.

7 In addition to that -- I'm sorry, I got
8 sidetracked there for a second.

9 In addition to that, I was receiving phone
10 calls about items of evidence that were located, which, as
11 we go through the interview, it is pretty evident, as I'll
12 leave the room a couple of times to receive phone calls or
13 confer with other investigators, and I developed the out as
14 we go along based on information that he seems susceptible
15 to, or information that he will expound upon.

16 Q And this out surrounds Jamel Washington, J.D.?

17 A That's correct.

18 Q But J.D. was not there on [REDACTED] this
19 afternoon -- that afternoon, was he?

20 A He was not.

21 THE COURT: For the record, would you give me
22 J.D.'s name.

23 MS. JONES: Jamel Washington.

24 THE COURT: I was going to let the witness
25 testify.

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 MS. JONES: My apologies.

2 THE COURT: Would you give me J.D.'s name?

3 THE WITNESS: Yes, sir. Jamel Washington.

4 BY MS. JONES:

5 Q And Mr. Washington, J.D., was not there that
6 afternoon?

7 A No, ma'am.

8 Q And I want to backtrack for a second. You had
9 mentioned information coming in. But the information, you
10 said you got came from on scene, and then after Mr. Wright,
11 the Defendant, was arrested?

12 A Yes, ma'am.

13 Q And he was, in fact, arrested not at his home,
14 correct?

15 A That's correct.

16 Q He was, in fact, arrested at [REDACTED], which
17 is about a half a mile from his home?

18 A Yes, ma'am. Roughly.

19 Q And, in fact, he was hiding in a shed when the
20 sheriff's deputies found him?

21 A Yes, ma'am.

22 Q I want to get back to y'all's specific -- the
23 specifics from the interview.

24 There was no bad blood between Mont and
25 Dontarious Wright, was there?

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 A Not that I'm aware of.

2 Q And Mont is the victim, Adrian Lamont Manigo?

3 A Adrian Lamont Manigo, yes, ma'am.

4 Q And actually there were, as far as you know, there
5 were no current problems between J.D. and the Defendant?

6 A None -- again, I was not even aware he was back.

7 Q And, in fact, the shooting that took place
8 involving J.D. and the Defendant, where J.D. shot the
9 Defendant in the leg, was in 2014?

10 A That sounds right. Forgive me, I see a lot of
11 reports. I don't remember specifics about all of them, but
12 that sounds right.

13 Q But it was at least a couple of years prior to the
14 incident that brings us to court today?

15 A Yes, ma'am.

16 Q These outs that you are giving him, was there any
17 evidence to support any of these theories?

18 A No. Essentially an out develops as the person
19 talks. It's intended to keep a person talking and
20 communicating. It took a while to find something that he
21 would even latch onto.

22 Q But he does latch onto the theory you give him?

23 A That's correct.

24 Q And the homeowner that you believe he's friends
25 with, that's Frank Young, Junior, also known as Mikey?

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 A Mikey, yes, ma'am.

2 Q And actually lives at [REDACTED]?

3 A Yes, ma'am.

4 Q And when I say "he" is friends with, that would be

5 Adrian Lamont Manigo is friends with Mikey.

6 A I believe so. I believe that -- yes. I believe

7 that to be correct.

8 Q And that's why he was there that afternoon?

9 A Yes, ma'am.

10 Q Through your investigation, did you learn that

11 Mikey's was the common hang out spot for people in that

12 area?

13 A Yes, ma'am.

14 Q And that Mikey's in a wheelchair, so people come

15 to him instead of him going elsewhere?

16 A Yes, ma'am.

17 Q I want to go to that interview, some specific

18 things Mr. Wright tells you.

19 Around minute 42 of the interview, after

20 denying knowing Mont, being there, being the shooter, he

21 says -- "he," as in Mr. Wright -- says, "Fraser, I lied to

22 you, man."

23 A Yes, ma'am.

24 Q He further goes on to say, regarding -- you asked

25 him if there was any interaction between himself, Dontarious

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 Wright, and Mont prior to the shooting, and he tells you,

2 "But when I seen him, we ain't had no words."

3 A Yes, ma'am.

4 Q Then you asked him, "How many times have you had

5 run-ins with Mont since you have been back?"

6 And he specifically says, "None. That's the

7 crazy part."

8 A Yes, ma'am.

9 Q He further goes on to tell you that he hasn't shot
10 anybody in eight months, and that's good for him?

11 A Yes, ma'am.

12 Q All right. And then he proceeds to tell you --
13 well, you provide him a little bit of information about a
14 search that is done to Mont's Tahoe, and you tell him that
15 there is a gun located in the center console.

16 A Yes, ma'am.

17 Q Any time prior to that, did Dontarious Wright
18 mention Mont having a gun?

19 A No, ma'am.

20 Q So he did not know Mont had a gun?

21 A No. His entire demeanor changed. It's -- it's
22 actually visible on the interview, the video recording
23 interview. His entire body language shifted when I told him
24 there was a gun.

25 Q And that gun was behind -- the doors to the car

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 were closed.

2 A Yes, ma'am.

3 Q The center console was closed.

4 A Yes, ma'am.

5 Q And there was no bullet in the chamber of that
6 gun.

7 A I -- I believe that's correct. Yes, ma'am.

8 Q And it appeared to be in a center console with
9 papers on top of it?

10 A Yes, ma'am.

11 Q As if it had not been recently disturbed?

12 A Yes, ma'am.

13 Q And was it within reaching distance of -- of Mr.
14 Manigo that afternoon?

15 A As I understand it, it was not. He was separated
16 from the car.

17 Q And he even -- and the Defendant even goes so far
18 as to say, "But you mean to tell me Mont really was walking
19 back to his truck for that gun?"

20 A Yes.

21 Q Finally, towards the end of his interview, roughly
22 a minute -- one hour and ten minutes in, he tells you, "I
23 ain't scared of him," meaning Manigo.

24 A That's correct.

25 MS. JONES: Your Honor, I do have a full copy of

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 the interview for a Court's exhibit. I have already
2 provided --

3 THE COURT: Any objection, Ms. Campbell?

4 MS. CAMPBELL: No, Your Honor.

5 THE COURT: Do you want to make it an exhibit?

6 MS. JONES: I would, Your Honor.

7 THE COURT: No objection. Hand it to the court
8 reporter, she will mark it.

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

11 MS. JONES: It's been pre-marked as Court's 3,
12 Your Honor.

13 THE COURT: All right.

14 MS. JONES: Your Honor, for the purpose of this
15 hearing, I would be relying on the entirety of that
16 interview.

17 THE COURT: Do you have a transcript?

18 MS. JONES: I do. I can admit the transcript as
19 well.

20 THE COURT: Well, if you are going to rely on it
21 throughout this hearing, I'm going to need it, Counsel.

22 MS. JONES: This will be Court's 5.

23 THE COURT: Make the transcript five.

24 Any objection, Ms. Campbell?

25 MS. CAMPBELL: No, Your Honor.

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 THE COURT: State's 4 (SIC) and 5 for the purpose
2 of this hearing will be admitted into evidence without
3 objection. Yes, ma'am.

4 *(Whereupon, Court's Exhibit No(s). 5 marked for*
5 *identification and received in evidence.)*

6 MS. JONES: Thank you, Your Honor.

7 BY MS. JONES:

8 Q The transcript is now Court's 5 is a transcript of
9 the redacted version. The only thing omitted from the
10 redacted version are Lyle prior bad act evidence, none of
11 which have any bearing on the Stand Your Ground Motion.

12 THE COURT: Are you satisfied that's correct, Ms.
13 Campbell?

14 MS. CAMPBELL: I am.

15 THE COURT: Let me see it. Allow me to take the
16 transcript.

17 Proceed.

18 MS. JONES: Your Honor, for the Stand Your Ground
19 Motion, that will be all the questions I have for him.

20 THE COURT: Do you have any questions for this
21 witness pursuant to Jackson Denno?

22 MS. JONES: I do, Your Honor.

23 THE COURT: All right. Go ahead and ask him,
24 because I'm going to let her cross-examine.

25 MS. JONES: Thank you, Your Honor.

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 BY MS. JONES:

2 Q Prior to this interview -- who was in the
3 interview with you and Mr. Wright?

4 A Initially, it was Officer Nick Thomas, who was a
5 patrolman with the Sheriff's Office. He transported
6 Mr. Wright.

7 Q Did anybody else from the Sheriff's Office join in
8 on the interview at a later time?

9 A Yes, ma'am. Staff Sergeant Draisen joined me
10 later on.

11 Q Okay. And I'm going to hand you what has been
12 marked as Court's 2.

13 THE COURT: Is it pre-marked?

14 MS. JONES: It is, Your Honor. Court's 2.

15 THE COURT: Any objection?

16 MS. CAMPBELL: No objection.

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

19 MS. JONES: Thank you. Permission to approach,
20 Your Honor?

21 THE COURT: Absolutely.

22 BY MS. JONES:

23 Q Investigator Fraser, I'm handing you what's been
24 marked as Court's Exhibit Number 2. What is that?

25 A This is a Beaufort County Sheriff's Office Miranda

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 warning form. This is the form that I used when I
2 gave Mr. Wright his Miranda warning. I know that based upon
3 my signature at the bottom, and my handwriting throughout.

4 Q Okay. And what is the date and time of this
5 interview?

6 A The date on this is August 22nd of 2017 at 2020,
7 which is 8:20 in the evening.

8 Q And where did this interview take place?

9 A This took place at the investigations office.

10 Q And at any time during this interview, but prior
11 to the Miranda form being presented to Mr. Wright and after,
12 does he ever -- "he," as in Mr. Wright -- ever appear to not
13 understand what's happening?

14 A No, ma'am.

15 Q Does he ever appear confused?

16 A No, ma'am.

17 Q Does he ever -- do you ever promise him anything
18 in exchange for his statement?

19 A No, ma'am.

20 Q Do you or any of the other law enforcement
21 officers there ever threaten him?

22 A No, ma'am.

23 Q Ever coerce him?

24 A No, ma'am.

25 Q Do you ever deny him breaks or food or water?

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 A No, ma'am.

2 Q In fact, he had water throughout the interview,
3 y'all take multiple bathroom breaks?

4 A Yes, ma'am.

5 Q And he is shirtless, complains of being cold, and
6 you give him a towel?

7 A Yes, ma'am.

8 Q Does he ever appear to be under the influence of
9 any drugs or alcohol that would impair his ability to
10 understand?

11 A No, ma'am.

12 Q Was he under arrest at the time of his statement?

13 A Yes, ma'am.

14 Q And what was he under arrest for?

15 A Murder.

16 Q As well as the weapons charge?

17 A Yes, ma'am.

18 Q And it was after this arrest that you read him his
19 Miranda rights.

20 A Yes, ma'am.

21 Q And if you could, to the Court, read the rights
22 you read him -- read the Miranda rights you read to the
23 Defendant at the scene.

24 A Yes, ma'am.

25 As stated under the statement of rights:

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 "You have the right to remain silent. Anything you say can
2 and will be used against you in a court of law. You have
3 the right to have an attorney present before or during
4 questioning. If you cannot afford an attorney, one will be
5 appointed for you before any questioning, if you wish."

6 And under the waiver of rights: "Do you
7 understand each of these rights that I've explained to you?"

8 He checked, "Yes."

9 "Having these rights in mind, do you wish to
10 talk to us now?"

11 He checked, "Yes," and then signed the form.

12 Q And, in fact, did he initial next to each of those
13 rights?

14 A He did.

15 Q Waiving those rights?

16 A Yes, ma'am.

17 Q And he agreed to speak with you?

18 A Yes, ma'am.

19 Q And prior to speaking with you, did he know what
20 the interrogation was going to be about?

21 A Yes, ma'am.

22 Q And does he provide you rational and responsive
23 answers?

24 A Yes, ma'am.

25 Q Was he ever asked if he wanted an attorney?

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 A Through -- through the rights, yes, ma'am.

2 Q And what did he say?

3 A He said he would talk to us.

4 Q And to the best of your recollection, was the
5 Defendant's statement freely and voluntarily given?

6 A Yes, ma'am.

7 Q And this statement was video and audio recorded?

8 A It was.

9 MS. JONES: Permission to approach, Your Honor?

10 THE COURT: Absolutely.

11 BY MS. JONES:

12 Q I'm going to show you Court's Exhibit 3. Can you
13 identify that?

14 A Yes, ma'am. This is a copy of that interview.

15 Q Okay. And that's a fair and accurate copy of the
16 interview from that afternoon?

17 A Yes, ma'am.

18 Q Thank you. And how do you know that?

19 A I previewed it and initialed it and dated it.

20 Q Perfect. Thank you.

21 MS. JONES: Your Honor, at this time we have
22 Court's 3 and Court's 2 for Court's exhibits -- for the
23 purpose --

24 THE COURT: They've already been admitted without
25 objection. But as to the Miranda warning form, it's

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 number --

2 MS. JONES: Number 2, Your Honor.

3 THE COURT: And you have no objection as to 2?

4 MS. CAMPBELL: No, sir.

5 THE COURT: All right. Exhibit 2 will be admitted
6 also without objection, along with Exhibits 4 and 5,
7 which have been previously admitted.

8 (Exhibit 2 admitted.)

9 THE COURT: Proceed.

10 MS. JONES: Your Honor, I have no further
11 questions for this witness.

12 THE COURT: Trasi, I'll allow you to cross examine
13 on Jackson Denno.

14 MS. CAMPBELL: I'm going to make this easy. As
15 far as Jackson Denno is concerned, I don't have any
16 questions for this witness.

17 THE COURT: All right. Is there any redirect
18 insofar as Protection of Property and Persons Act?

19 MS. CAMPBELL: No, Your Honor.

20 THE COURT: Very well. As to this witness,
21 Solicitor, may he be excused, Solicitor?

22 MS. JONES: Yes, Your Honor.

23 THE COURT: All right. Mr. Fraser, you have been
24 patiently waiting. You are excused.

25 Now, you're going to need to be back tomorrow. So

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 before you leave, find out if you're excused for the
2 day.

3 THE WITNESS: Yes, sir.

4 THE COURT: Thank you.

5 MS. JONES: Thank you.

6 THE COURT: Call your next witness, Trasi.

7 MS. CAMPBELL: Your Honor, Defense would call
8 Officer Draisen, please.

9 Thereupon,

10 ADAM DRAISEN

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

13 THE CLERK: Talk directly into the microphone.
14 Give your full name to the court reporter and spell
15 your last name.

16 THE WITNESS: My names Adam Draisen. Draisen is
17 spelled D-R-A-I-S-E-N.

18 DIRECT EXAMINATION

19 BY MS. CAMPBELL:

20 Q Officer Draisen, how would you characterize
21 yourself in terms of this case? Are you the lead
22 investigator?

23 A Yes, ma'am. That's correct.

24 Q Okay. So does that mean that you are then in
25 charge of -- of - of the reports and everything that other

DIRECT EXAMINATION OF ADAM DRAISEN BY MS. CAMPBELL

1 officers were doing in this case? They all came through
2 you, and you reviewed it and --

3 A I would characterize, I -- I was responsible for
4 making sure that things were done concerning the
5 investigation. I did not necessarily review reports as in
6 approving them, but I did review them as they were written.
7 Yes, ma'am.

8 Q Now, you know, you can't be everywhere and do
9 everything, you had other officers helping you, right?

10 A That's correct.

11 Q And you reviewed these reports, including your
12 own, for your testimony here today, right?

13 A That's correct.

14 Q And isn't it -- weren't you always concerned and
15 felt like you were not getting the whole truth because you
16 had four shell casings at that scene, three of which you
17 attributed to Mr. Wright, and one near the vehicle you were
18 positive was brand new, right?

19 A One of the shell casings did look -- it didn't
20 look like it had been there for a while. It wasn't
21 weathered. That's correct.

22 Q And do you recall expressing that concern to the
23 people that were out there that you interviewed that you
24 felt like they were lying to you about that fourth shell
25 casing. Do you remember that in your report?

DIRECT EXAMINATION OF ADAM DRAISEN BY MS. CAMPBELL

1 A I don't recall "lying," but I do recall trying to
2 explain where it came from.

3 Q And you don't recall telling -- I mean, I can pull
4 up the video, but let's just see where it was. You said to
5 Michael Grant, "My victims are not telling me the whole
6 story." That's about nine minutes into the interview.

7 Do you need to hear it, or do you have a
8 recollection that --

9 A I don't recall that specific statement. But, I
10 mean, if I -- I would like to hear that, if that's what I
11 said.

12 MS. CAMPBELL: Okay. I'll come back to that, Your
13 Honor. I'll move on, then I'll come right back to that
14 when I'm done.

15 BY MS. CAMPBELL:

16 Q So you had four shell casings, correct?

17 A Correct.

18 Q Three you attributed to Mr. Wright. You had an
19 unknown shell casing that you couldn't attribute to anyone,
20 correct?

21 A Correct.

22 Q And when your gunshot residue test came back for
23 Adrian Lamont Manigo, he had gunshot residue on his hands,
24 correct?

25 A I would have to go back and look at that part of

DIRECT EXAMINATION OF ADAM DRAISEN BY MS. CAMPBELL

1 the report.

2 Q Okay.

3 A Because I think that was one of the last things we
4 got back.

5 Q Okay. And I'll get you a copy of it.

6 You don't remember if your victim in this
7 case had gunshot residue on his hands?

8 A I think that was the last thing that was at SLED,
9 and I don't know if I got the results back.

10 MS. CAMPBELL: May I approach, Your Honor?

11 THE COURT: You may.

12 BY MS. CAMPBELL:

13 Q If you could just check your victim here and the
14 result, and see if that refreshes your recollection about
15 whether or not your victim had gunshot residue on his hand?

16 A Yes, ma'am.

17 It does say that they were found on his
18 hands, the victim's hands.

19 Q Okay. For the record, Adrian Lamont Manigo had
20 gunshot residue on his hands, correct?

21 A Correct.

22 Q Okay. You also, during the course of your
23 investigation in this case, and the people you interviewed,
24 you received information that there actually were words
25 exchanged between Adrian Lamont Manigo and Dontarious Wright

DIRECT EXAMINATION OF ADAM DRAISEN BY MS. CAMPBELL

1 under that tree by the Tahoe, correct?

2 A There were some words, yes.

3 Q Yeah. And would those words have been, Dontarious
4 Wright questioning Adrian Lamont Manigo, "Why have you been
5 telling people," specifically, J.D., "where I live?"

6 A That's correct.

7 Q Okay. And you received information that Manigo
8 had -- Adrian Lamont Manigo had threatened Mr. Wright about
9 keeping his hands out of the cookie jar or else, correct?

10 A I remember -- I don't remember it being the
11 victim, but I remember someone saying something about that,
12 yes.

13 Q Okay. And you received information, I guess it
14 was from Frank Young, III, Frank Young, Junior's son, who
15 was there, that he heard four shots, correct?

16 A Is that the juvenile?

17 Q Yes.

18 A I believe that's correct. I would have to go back
19 and look at what his statement was.

20 Q Okay. So he's about 15 or 16 years old. He is
21 not under the tree with the boys, he's in the house, and he
22 tells you he heard four shots, correct?

23 A If I could look at my report to see what he says.

24 Q Sure.

25 A That is correct. That is what he told

DIRECT EXAMINATION OF ADAM DRAISEN BY MS. CAMPBELL

1 Investigator Snider. Four shots.

2 Q Okay.

3 MS. CAMPBELL: That is all I have. Thank you.

4 THE COURT: All right. Cross-examine as to stand
5 your ground.

6 MS. JONES: Thank you, Your Honor. Briefly.

7 BY MS. JONES:

8 Q The fourth shell casing that was found on scene
9 that you believe to have been not weathered was from a .38
10 super?

11 A That's correct.

12 Q And the gun found in Mont's car was a Taurus .9
13 millimeter handgun?

14 A That's correct.

15 Q The comment that Ms. Campbell has brought up about
16 the victim saying, "Keep your hands out of the cookie jar,"
17 she just brought that up to you?

18 A Yes, ma'am.

19 Q In fact, after that comment was said, which was
20 roughly two weeks before, one or two weeks before the
21 shooting, the Defendant told Erik Black, "If he keeps
22 running his mouth, the next time I see him, I'm going to
23 shoot him".

24 A That's correct.

25 MS. JONES: I have no further questions.

DIRECT EXAMINATION OF ADAM DRAISEN BY MS. CAMPBELL

1 THE COURT: Yeah. I need to know whether or not
2 you intend to elicit any testimony from this witness
3 for Jackson Denno.

4 MS. JONES: No, Your Honor.

5 THE COURT: All right. Redirect.

6 MS. CAMPBELL: No, Your Honor.

7 THE COURT: Okay. Well, you are going to stay
8 with us; are you not?

9 THE WITNESS: Yes, sir.

10 THE COURT: You may step down. Call your next
11 witness.

12 MS. CAMPBELL: We would call Frank Young, Junior.

13 THE COURT: Is he outside, Trasi?

14 MS. CAMPBELL: He should be.

15 MS. JONES: He is. He's in a wheelchair, also,
16 Your Honor.

17 THE COURT: All right. Can y'all bring the
18 portable mike down?

19 Thereupon,

20 FRANK YOUNG, JUNIOR

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

23 THE CLERK: Speak into the mike as loud as you
24 can. State your full name and spell your last name for
25 the court reporter.

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
CAMPBELL

1 THE WITNESS: Frank Young, Junior.

2 THE COURT: Can't hear you, sir. Got to speak up.

3 THE WITNESS: Frank Young, Junior. Y-O-U-N-G.

4 DIRECT EXAMINATION

5 BY MS. CAMPBELL:

6 Q Good afternoon, Mr. Young. I have a few questions
7 for you about what happened in your yard, [REDACTED]
8 [REDACTED].

9 A Eleven.

10 Q Excuse me, 11.

11 A Uh-huh. (Indicating affirmatively.)

12 Q Do you recall the afternoon when Adrian Lamont
13 Manigo was shot?

14 A Yes.

15 Q Okay. Do you recall the Beaufort County Sheriff's
16 Office videotaping and audio taping an interview with you
17 after that happened?

18 A Yes.

19 Q Okay. On that day when you were interviewed what
20 -- your interview was with this Officer Draisen?

21 A Yes.

22 Q Is that correct?

23 A Yes.

24 Q And to be clear, Adrian Lamont Manigo is your
25 cousin, right?

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
CAMPBELL

1 A Yes.

2 Q He's family.

3 A Yes.

4 Q The other people there under the tree, before
5 Adrian Lamont Manigo drove his Tahoe up into your yard,
6 under the tree --

7 A Yes.

8 Q -- who was under that tree before Adrian Lamont
9 Manigo came up the drive?

10 A It was just Derio and Pipe.

11 Q Okay. Derio.

12 THE COURT: Yeah. I didn't understand that
13 response. Can you speak up for me?

14 A Derio and Pipe.

15 Q So Derio, is that Derio Young?

16 A Yes.

17 Q And Pipe, is that Peter Piper?

18 A Yes, that's who.

19 Q A/k/a Michael Grant?

20 A Yes.

21 Q And -- and was Dontarious Wright, D.J., also under
22 the tree?

23 A Yes, yes.

24 Q So I have under the tree, you, Michael Grant,
25 Derio Young, and Dontarious Wright?

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
CAMPBELL

1 A Yes.

2 Q Anybody else under that tree?

3 A No.

4 Q Okay. So those four people are under the tree.

5 A Yes.

6 Q Adrian Lamont Manigo drives up the drive in his

7 Chevy Tahoe, right?

8 A Yes.

9 Q Okay. And do you remember Dontarious Wright,

10 D.J., saying, "Who is that?"

11 Do you remember that? "Who is that?"

12 A No. No, I don't.

13 Q You remember saying anything like, "That's Mont"?

14 A No. He already know who Mont was.

15 Q I'm sorry, what?

16 A He already knew who Mont was.

17 Q He knew who Mont was?

18 A Yeah.

19 Q And Mont knew who he was?

20 A Yes.

21 Q Okay. Previous to that day, that afternoon --

22 A Yes.

23 Q -- you knew about Mont saying, "D.J., keep your

24 hands out of the cookie jar," right?

25 A Yes.

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
CAMPBELL

1 Q And there was some --

2 THE COURT: Counsel, this is direct examination.

3 Now, I'm giving you wide latitude.

4 MS. CAMPBELL: Well, I know, and I'm not pulling
5 an objection, so I'm just rolling on. I'm sorry.

6 THE COURT: All right. But I'm going to ask you
7 not to testify. Let him do it.

8 MS. CAMPBELL: I understand.

9 BY MS. CAMPBELL:

10 Q So what did -- what did D.J. say to Mont when he
11 realized who it was?

12 A When he -- nothing.

13 Q Nothing?

14 A Nothing.

15 Q You don't have any memory of him saying, "Why you
16 telling people where I live at?"

17 A That was -- that was after he pulled up. That was
18 time after.

19 Q Okay. I'm a little confused. Mont pulls up, and
20 does D.J. ask, "Why are you telling people where I'm living
21 at?"

22 A It wasn't like that. It was --

23 Q Tell me how it happened then.

24 A Mont pulls up, pulls up right behind Pipe. Right
25 behind Pipe. And me, Mont, and Pipe was talking, and D.J.

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
CAMPBELL

1 and Derio was over a little bit from them. And basically,
2 me and Mont was talking, me and Mont and Pipe. Pipe was
3 still sitting in his truck, which Mont pulled right up
4 behind.

5 And me and Mont was right in between the two
6 trucks. And we was just talking, you know. D.J., he walked
7 off towards my sister fence, and -- and I heard him say
8 something, either to Mont -- said something about his mom's
9 eye or his grandma, something like that.

10 And then he walked back over to where he was
11 sitting, and then the gun came out. And so he had -- he
12 pulled the gun out and Mont asked him, "Man, what are you
13 doing with that gun?" Like, what are you doing with the gun
14 out, and then he said, "I got the gun for you. You told --
15 you told somebody where I live."

16 THE COURT: Who is "he"?

17 THE WITNESS: D.J.

18 THE COURT: Huh?

19 THE WITNESS: D.J.

20 THE COURT: All right.

21 BY MS. CAMPBELL:

22 Q Was that somebody J.D.?

23 A Yes.

24 Q And -- and why is that a problem for J.D. to know
25 where D.J. lives?

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
CAMPBELL

1 A Him and J.D. had a past, I guess.

2 Q And that past, what was that past; do you know?

3 A I think -- I don't know, something about some --
4 D.J. taking something from J.D. or something like that.

5 Q And did J.D. shoot --

6 A I don't know. I don't know. No, no, no.

7 I only knew I didn't -- I don't -- I didn't
8 know that Mont knew D.J. longer than I did. I knew D.J.
9 months prior to this. I didn't know D.J. before, you know.

10 Q Okay. And when he was with you under the tree
11 there, you knew him?

12 A Yeah, yeah.

13 Q And he was hanging out, and everything was fine?

14 A Yeah, yeah, yeah.

15 Q Okay. Do you remember telling the officers that
16 you saw D.J. pull a gun?

17 MS. JONES: Your Honor --

18 THE COURT: Just a moment. Yes, ma'am?

19 MS. JONES: She's leading the witness.

20 THE COURT: Sustained.

21 MS. CAMPBELL: All right.

22 THE COURT: Trasi, I realize it's difficult
23 sometimes when I'm making you. Because, she had to do
24 the witnesses and you have the burden of proof of one
25 and she has the other, it's difficult to stay on track

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
CAMPBELL

1 with direct and cross. But this is direct examination.
2 I don't believe this is a dual witness for Jackson
3 Denno, so it's direct and then cross. And this is
4 direct examination, the objection is sustained. Ask
5 direct questions.

6 BY MS. CAMPBELL:

7 Q So did you ever see D.J. pull the gun from his
8 waistband?

9 MS. JONES: Objection.

10 THE COURT: Sustained. Rephrase the question,
11 Counsel. You can't testify for the witness.

12 BY MS. CAMPBELL:

13 Q How many shots did you hear?

14 A Three.

15 Q Okay. Adrian Lamont Manigo --

16 A Uh-huh. (Indicating affirmatively.)

17 Q -- went towards his truck.

18 MS. JONES: Objection.

19 THE COURT: Let her finish.

20 MS. CAMPBELL: Yes or no?

21 THE WITNESS: Yeah. After the gun came up.

22 BY MS. CAMPBELL:

23 Q Thank you. Finally.

24 Okay. So D.J. had a gun, and Adrian went
25 towards his truck, correct?

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
CAMPBELL

1 A Yeah. After he just say, agitated, saying that
2 tell Jerry where I live. You know, I mean, he just was
3 like, "Man, I ain't got time for that." He was like walking
4 toward his truck. And I didn't know whether he was going to
5 leave or what was going to happen, you know.

6 Q Why do you -- why do you think he was going
7 towards his truck?

8 MS. JONES: Objection.

9 THE WITNESS: He just walking off, like --

10 THE COURT: Hold on. Whoa. Whoa. When I say
11 stop, you stop, too.

12 THE WITNESS: All right.

13 THE COURT: What is the objection?

14 MS. JONES: Speculation. Unless he was -- there
15 was no way that he --

16 THE COURT: Sustained. Rephrase the question.

17 BY MS. CAMPBELL:

18 Q Did you see where the shots hit, when D.J. shot?

19 A I knew one went in the radiator, because the
20 radiator automatic, you know, like, burst first and sound.
21 And then after -- after I went around to him, I seen the
22 blood in his arm, but I never knew he got hit in the back.

23 Q Okay. And did D.J. ever talk to you about J.D. or
24 Lamont?

25 A In which way?

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
CAMPBELL

1 Q In any way. Did he ever talk to you about either
2 one of those men?

3 A I mean, I know they had past. They knew each
4 other..

5 Q And they had a past and they knew each other?

6 A Uh-huh. (Indicating affirmatively.)

7 Q And D.J. talked to you about it.

8 A Yeah. They had -- I mean, that's what we do.

9 Q What was that past?

10 A Him and J.D. had problems. But, you know what I
11 mean, as nothing more like out of the ordinary for in the
12 area.

13 Q What would that be?

14 A Oh, man, just -- he got -- J.D. accused him of
15 something, and they was beefing about that, you know.

16 Q Did D.J. ever share with you that he was afraid of
17 --

18 MS. JONES: Objection.

19 THE COURT: Sustained. Rephrase the question,
20 leading.

21 BY MS. CAMPBELL:

22 Q Were there any conversations you had with D.J.
23 about his fear?

24 MS. JONES: Objection.

25 THE COURT: Sustained. Rephrase the question.

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
CAMPBELL

1 Do not suggest an answer to the witness.

2 MS. CAMPBELL: Okay.

3 THE COURT: Ask direct questions, Counsel. This
4 is my last warning. That's three straight objections.

5 MS. CAMPBELL: That's all I have.

6 THE COURT: Cross examination.

7 MS. JONES: Thank you, Your Honor.

8 CROSS EXAMINATION

9 BY MS. JONES:

10 Q Mont didn't have a gun in his hand that day, did
11 he?

12 A No.

13 Q Mont never made it to his truck that afternoon,
14 did he?

15 A No.

16 Q The Defendant was the only one with a gun in his
17 hand under that tree?

18 A Right.

19 Q And the only threat that afternoon came from the
20 Defendant?

21 A Right.

22 Q When he said, "It's for you."

23 A Right.

24 Q Regarding the gun he had in his lap?

25 A Yes.

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
CAMPBELL

1 Q Mont never advanced towards the Defendant?

2 A No.

3 Q Mont never yelled at him or raised his voice?

4 A No.

5 Q Mont never approached the Defendant?

6 A No.

7 Q In fact, when the Defendant said, "It's for you,"

8 you just testified Mont waved him off and said, "Man, I

9 ain't got time for that."

10 A Yeah.

11 Q And then he turned and walked away.

12 A Yeah.

13 Q And he was shot in the back?

14 A Yes.

15 MS. JONES: I have no further questions.

16 THE COURT: Redirect.

17 MS. CAMPBELL: No, sir.

18 THE COURT: As to this witness?

19 MS. CAMPBELL: For the purpose --

20 THE COURT: Do you want to keep him for any

21 purpose?

22 MS. CAMPBELL: For the purposes of this hearing,

23 he can be released for this hearing. He's still under

24 subpoena.

25 THE COURT: I understand that. I will instruct

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
CAMPBELL

1 him. I just need to know if you have objections to
2 releasing him for purposes of today?

3 MS. CAMPBELL: No.

4 THE COURT: Solicitor?

5 MS. JONES: No. He's free to go today.

6 THE COURT: All right. Mr. Young, can you hear me
7 all right?

8 THE WITNESS: Yeah.

9 THE COURT: You are excused for today. We start
10 back at 10:00 in the morning. You are still under
11 subpoena, I will expect you back in this courthouse at
12 10:00 a.m. in the morning.

13 THE WITNESS: Okay. Thank you.

14 THE COURT: Call your next witness.

15 MS. CAMPBELL: Frank Young, III.

16 THE COURT: Frank Young, III.

17 Thereupon,

18 FRANK YOUNG, III

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

21 THE CLERK: State your full name and spell your
22 last name for the court reporter.

23 THE COURT: I'm going to ask you to speak up.
24 That microphone is going to make your voice louder for
25 everybody. The court reporter has got to understand

DIRECT EXAMINATION OF FRANK YOUNG III BY MS.
CAMPBELL

1 you. She's right below you right there.

2 I've got to understand you, and the people out
3 here at the tables need to understand.

4 The lawyer is going to ask you questions. Don't
5 shake your head or nod your head like you would in
6 normal conversation. Say yes or no. No, uh-huh,
7 huh-uh. Yes or no. Speak up like I'm doing right now
8 so everybody can hear you. You understand?

9 THE WITNESS: Yes, yes.

10 THE COURT: Speak up. State your full name for
11 the record.

12 THE WITNESS: Frank Demetrius Young, III.

13 THE COURT: Ms. Campbell, direct examination.

14 DIRECT EXAMINATION

15 BY MS. CAMPBELL:

16 Q Frank -- can I call you Frank?

17 A Yes.

18 Q Okay. Frank. Do you remember the afternoon
19 Adrian Lamont Manigo was shot in your yard?

20 A Yes.

21 Q Do you remember how many gunshots you heard that
22 day?

23 A Three.

24 Q Okay. Do you remember whether or not you heard
25 any arguing outside your house?

DIRECT EXAMINATION OF FRANK YOUNG III BY MS.
CAMPBELL

1 A No.

2 Q Did you hear any arguing?

3 A No.

4 Q No. Okay.

5 MS. CAMPBELL: That's all I have.

6 MS. JONES: I have no questions.

7 THE COURT: As to this witness, Trasi?

8 MS. CAMPBELL: He may be excused.

9 THE COURT: Solicitor?

10 MS. JONES: Yes, Your Honor.

11 THE COURT: Mr. Young -- you have him under
12 subpoena, Trasi, or do you want to release him?

13 MS. CAMPBELL: He's under subpoena, yes.

14 THE COURT: Mr. Young, you are excused for today.
15 You can leave the courtroom today. But I expect you
16 back -- we are going to start back at 10:00 in the
17 morning. I expect you back here pursuant to your
18 subpoena, at 10:00 in the morning. You understand?

19 THE WITNESS: Yes.

20 THE COURT: All right. You may step down.

21 Call your next witness.

22 MS. CAMPBELL: Michael Grant.

23 Thereupon,

24 MICHAEL GRANT

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

DIRECT EXAMINATION OF MICHAEL GRANT BY MS. CAMPBELL

1 was examined and testified as:

2 THE CLERK: State your full name and spell your
3 last name for the court reporter.

4 THE WITNESS: Michael Grant. G-R-A-N-T.

5 THE COURT: Mr. Grant, I want you to speak up now
6 so everybody can hear, and the court reporter can take
7 down what you say. You understand?

8 THE WITNESS: Yes, sir.

9 THE COURT: Your witness, Counsel. Direct
10 examination.

11 DIRECT EXAMINATION

12 BY MS. CAMPBELL:

13 Q Mr. Grant.

14 A Yes, ma'am.

15 Q I'm Ms. Campbell. I have a couple questions for
16 you.

17 A Yes, ma'am.

18 Q Do you remember the afternoon Adrian Lamont Manigo
19 was shot?

20 A Yes, ma'am.

21 Q Do you remember talking to the police officers
22 about this?

23 A Not when it happened.

24 Q Okay. Can you tell us what you saw that
25 afternoon?

DIRECT EXAMINATION OF MICHAEL GRANT BY MS. CAMPBELL

1 A Yeah.

2 Q Could you do that now?

3 A Yes.

4 Q Thank you. Go ahead.

5 A Okay. When I pulled up, I came to a -- pick up
6 grinding wheel for Mikey mama. And I was waiting on the
7 paperwork that his grandson had it, and D.J. came and asked
8 me for a cigarette. I gave him a cigarette.

9 THE COURT: When you say, "D.J.," identify who you
10 are talking about.

11 THE WITNESS: Oh, Dontarious, or whatever his name
12 is.

13 THE COURT: You know his name?

14 THE WITNESS: I'm trying to figure out if it's
15 Dontarious or --

16 THE COURT: Dontarious.

17 THE WITNESS: Dontarious.

18 And after that, I gave him a cigarette and he was
19 like -- he was upset for some reason. And he keep
20 wrestling and itching, and then he came back and gave
21 me 50 cent for another cigarette. And then, Mont pull
22 up, Lamont Manigo, and it just went off from there.

23 BY MS. CAMPBELL:

24 Q I'm sorry. What happened when Lamont pulled up?

25 A Lamont said, "How y'all boys doing?" And then,

DIRECT EXAMINATION OF MICHAEL GRANT BY MS. CAMPBELL

1 Dontarious, D.J. --

2 THE COURT: That is who you are referring to as
3 D.J.?

4 THE WITNESS: Yeah.

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

6 THE WITNESS: So he said, when Mont pull up, he
7 said, "How y'all boys doing?" And D.J. came up and
8 said, "Yo, Mont, you told J.D. where I stay at."

9 And Mont throw his hands, wave it off like that.
10 And say, "Man, ain't getting into that. What do you
11 got a gun for?"

12 That's when D.J. say, "It's for you," and he shot
13 three times.

14 BY MS. CAMPBELL:

15 Q Thank you. When Mont waved off at D.J. --

16 A Uh-huh. (Indicating affirmatively.)

17 Q Was he walking anywhere?

18 A When Mont, when he waved D.J. off, he was, like,
19 walking back towards his truck.

20 Q And was the car door, driver door, open or closed?

21 A It was closed at that time, that I seen.

22 Q So let me understand. When Mont got shot, the
23 driver's door was closed, correct?

24 A Uh-huh. (Indicating affirmatively.)

25 THE COURT: You have to say yes or no.

DIRECT EXAMINATION OF MICHAEL GRANT BY MS. CAMPBELL

1 A Yes, yes.

2 Q Are you familiar with any prior problems between
3 Mont and Dontarious?

4 A No.

5 Q Are you familiar with any prior difficulties or
6 problems with Dontarious and J.D.?

7 A No, I don't even know them like that.

8 Q Okay.

9 A Really.

10 Q And how many gunshots did you hear?

11 A Three.

12 MS. CAMPBELL: That's all I have.

13 THE COURT: Cross examination.

14 MS. JONES: Briefly, Your Honor.

15 CROSS EXAMINATION

16 BY MS. JONES:

17 Q You are referring to D.J., that means Dontarious?

18 A Uh-huh. (Indicating affirmatively.)

19 Q You are pointing, and I just would like the record
20 to reflect that he's pointing to the Defendant.

21 THE COURT: You have to say yes or no. Don't nod
22 your head.

23 THE WITNESS: Oh, okay.

24 THE COURT: Ask a question, Counsel. He'll say --
25 he'll give you a verbal answer.

CROSS EXAMINATION OF MICHAEL GRANT BY MS. JONES

1 BY MS. JONES:

2 Q The person you saw shoot Mont that afternoon, you
3 have been referring to as D.J., correct?

4 A Yes.

5 Q And you have been pointing, correct?

6 A Yes.

7 Q And you have been pointing to the man in the
8 argyle sweater vest?

9 A Yes.

10 MS. JONES: May the record reflect he identified
11 the Defendant as the man he had been identifying
12 throughout his earlier testimony.

13 THE COURT: Proceed.

14 Is there an objection, Trasi?

15 MS. CAMPBELL: No, no, no. No, no. Go ahead.

16 I'm sorry.

17 MS. JONES: Thank you.

18 BY MS. JONES:

19 Q Mont got out of his car and said, "How you boys
20 doing?"

21 A Uh-huh. (Indicating affirmatively.)

22 Q And then he proceeded to speak with you and Mikey?

23 A Right.

24 Q And Derio and Dontarious, also known as D.J., were
25 in a separate conversation?

CROSS EXAMINATION OF MICHAEL GRANT BY MS. JONES

1 A Right.

2 Q And Mont never yelled at D.J.?

3 A No.

4 Q Mont never threatened D.J.?

5 A No.

6 Q Mont never walked towards D.J.?

7 A No.

8 Q Mont never advanced on D.J. or attacked D.J.?

9 A No.

10 Q Mont didn't have a gun on him that afternoon?

11 A No.

12 Q When D.J. pulled out his gun, Mont waved him off?

13 A Mont waved him and said, "Why you got a gun?"

14 And that's when D.J. just jump up and shot

15 him.

16 Q Okay. D.J. jumped up and shot three times?

17 A Uh-huh. (Indicating affirmatively.)

18 THE COURT: You have to say yes or no.

19 THE WITNESS: Yes, yes, yes.

20 BY MS. JONES:

21 Q And this wasn't in response to nothing done by

22 Mont?

23 A Nothing that I could see, no.

24 Q Okay. Thank you.

25 MS. CAMPBELL: Just quickly.

CROSS EXAMINATION OF MICHAEL GRANT BY MS. JONES

1 THE COURT: Redirect.

2 REDIRECT EXAMINATION

3 BY MS. CAMPBELL:

4 Q You testified to the Solicitor that Mont did
5 nothing, right?

6 THE COURT: You have to say yes or no. Don't
7 shake your head.

8 A No, no, no.

9 Q I don't -- when you talked to officers, why would
10 you think -- why would you think D.J. wasn't taking any
11 chances?

12 A I have no idea.

13 Q You don't know?

14 A I don't know.

15 Q Why you said that?

16 A Because I don't know D.J. or -- like that, and
17 when I was there, like I said, I was waiting to get the
18 paperwork to go to Lowe's. And all of a sudden, this what
19 happened, while I was sitting there waiting.

20 MS. CAMPBELL: Thank you. That is all.

21 THE COURT: Recross limited to redirect.

22 MS. JONES: No, Your Honor.

23 THE COURT: As to this witness, Ms. Campbell?

24 MS. CAMPBELL: For the purposes of this hearing,
25 he can be excused.

CROSS EXAMINATION OF MICHAEL GRANT BY MS. JONES

1 THE COURT: But you want him back tomorrow?

2 MS. CAMPBELL: Yes, sir.

3 THE COURT: All right. If you would step down for
4 me, you are excused for the day. We start back at
5 10:00 in the morning, please be back in the courtroom
6 pursuant to your subpoena at 10:00 a.m. in the morning.

7 THE WITNESS: All right.

8 THE COURT: Thank you. Be careful on the stairs
9 now.

10 Call your next witness.

11 MS. CAMPBELL: That is all the witnesses,
12 Your Honor.

13 MS. JONES: Your Honor, I have no witnesses. I
14 would like to admit for the purposes of this hearing --

15 THE COURT: Show it to Trasi.

16 MS. JONES: She has already stipulated to --

17 THE COURT: Show it to her, she doesn't know what
18 "it" is.

19 (Ms. Jones complies.)

20 THE COURT: Any objection?

21 MS. CAMPBELL: No, sir.

22 MS. JONES: Your Honor, it has been pre-marked as
23 Court's Exhibit 4.

24 THE COURT: Wait a minute. I thought we already
25 had a 4. The tape, I thought, was 4.

CROSS EXAMINATION OF MICHAEL GRANT BY MS. JONES

1 What was the tape, Mona?

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

4 THE COURT: I'm sorry. I thought we already had
5 one. Hand it to her and let her mark it.

6 You want me to look at it?

7 MS. JONES: Yes, Your Honor.

8 THE COURT: The only person that's going to make a
9 decision would be me, so it would help to give it to
10 me. You understand that, Counsel?

11 MS. JONES: Yes, Your Honor.

12 (Off-the-record discussion was held.)

13 MS. JONES: I have no witnesses for the purposes
14 of this hearing.

15 THE COURT: All right. Now, let me ask you this:
16 Do you have any other witnesses for Jackson Denno?

17 MS. JONES: No, Your Honor.

18 THE COURT: Do you have any other witnesses that
19 you would like to call for purposes of Stand Your
20 Ground?

21 MS. JONES: No, sir.

22 THE COURT: Ms. Campbell, do you have any other
23 witnesses for Stand Your Ground?

24 MS. CAMPBELL: My client is not going to testify
25 at this hearing. He stands by the statements that he

CROSS EXAMINATION OF MICHAEL GRANT BY MS. JONES

1 made in his interview with Officer Fraser as to what
2 transpired that afternoon.

3 THE COURT: All right. Now, let me ask you this,
4 Ms. Campbell: Do you have any evidence you wish to
5 present for purposes of Jackson V Denno?

6 MS. CAMPBELL: I do not.

7 THE COURT: All right. Then I'm assuming I have
8 now heard all the evidence. Is that correct, insofar
9 as you are concerned?

10 MS. CAMPBELL: Yes, sir.

11 THE COURT: Is that correct as far as you are
12 concerned?

13 MS. JONES: Yes, Your Honor.

14 THE COURT: Then I'll briefly let you both argue.

15 Ms. Campbell on the Stand Your Ground, I'll hear
16 from you first.

17 MS. CAMPBELL: May it please the Court, Your
18 Honor?

19 THE COURT: Yes, ma'am.

20 MS. CAMPBELL: With all the evidence that you have
21 before you, to include Mr. Wright's statements during
22 his interview with law enforcement, we take the
23 position that there was a history which was detailed in
24 his interview with Fraser between Mr. Wright and J.D.

25 And Mr. Wright tells Officer Fraser he's positive

CROSS EXAMINATION OF MICHAEL GRANT BY MS. JONES

1 that J.D. was in the passenger seat with Adrian Lamont
2 Manigo.

3 That's when Officer Fraser said he brought up J.D.
4 That's how it came up. He said, "I see J.D., you know,
5 in the passenger's seat next to Mont." And --

6 THE COURT: Is that in the transcript?

7 MS. CAMPBELL: It is.

8 THE COURT: Where?

9 MS. CAMPBELL: If I could, Your Honor, I'm looking
10 for my copy.

11 THE COURT: Please. Please. Reference me to it.
12 It'll be after minute 42 from what you all have
13 previously stated, I assume -- or it might not be.

14 MS. CAMPBELL: Item Number 74 on your copy, if you
15 could.

16 THE COURT: Item number?

17 MS. CAMPBELL: The way the State produced it --

18 THE COURT: Mine has numbers by minutes.

19 All right. I have it.

20 MS. CAMPBELL: Thank you, Your Honor. So I guess
21 I'm calling it Item 74 is when --

22 THE COURT: That would be at 3:14 to 3:16, if I'm
23 counting the minutes and seconds correctly.

24 MS. CAMPBELL: Correct. And there's an exchange
25 between Officer Fraser and Mr. Wright about J.D. being

CROSS EXAMINATION OF MICHAEL GRANT BY MS. JONES

1 in the Tahoe. And if you skip forward to Item 85 --

2 THE COURT: Well now, he says later on that J.D.
3 -- at 76, he said, "J.D. is the one with the white
4 Tahoe."

5 And he asked him, "Which Tahoe are you talking
6 about?"

7 "No, no, no it's not J.D.," at 78.

8 Seventy-nine, he said, "Jamel Washington is the
9 guy that shot me."

10 MS. CAMPBELL: And I'm assuming that Officer
11 Fraser knew that those two individuals are the same
12 person, because he indicated he was familiar with Jamel
13 Washington being a/k/a J.D. And there is the exchange
14 then at 85, "J.D. was the dude that shot me."

15 And so, yes, Officer Fraser does have that
16 information, and it came from Mr. Wright, and he
17 testified also general information that he had about
18 the history there with those two individuals.

19 In addition, he indicates on item number --
20 confirming again, even in Item 626 --

21 THE COURT: 626?

22 MS. CAMPBELL: Yes, Your Honor.

23 THE COURT: Hold on one second. Let me get with
24 you.

25 All right. I'm there.

CROSS EXAMINATION OF MICHAEL GRANT BY MS. JONES

1 MS. CAMPBELL: It says, "Now, it was J.D. that
2 shot you, right?"

3 "Yes."

4 And between that, "What's going on with you and
5 J.D. these days?"

6 At 6:32, "I hear there's some problems going
7 on between you and J.D."

8 And then, of course, at 6:37, Fraser said,
9 "Adrian Manigo is dead."

10 Mr. Wright continues to deny being involved
11 in the shooting. Ultimately, he indicates long into -- at
12 about 45 minutes after Officer Fraser said to him, again,
13 fully understanding he uses it as a technique, but that
14 doesn't keep it from being the truth of the underlying
15 facts. He may want to call it a technique, but it actually
16 was the underlying fact of the situation between D.J. and
17 J.D.

18 And then D.J. says why he shot at Lamont.
19 That being his reasonable fear, "J.D. had them boys working
20 for him," at 1486. He says at 1469 -- excuse me, I'm going
21 back.

22 THE COURT: 1469?

23 MS. CAMPBELL: Correct. He said, "Then one of
24 them -- then one son of a bitch up and called -- I
25 think Mikey called Mont." And that -- Mikey would be

CROSS EXAMINATION OF MICHAEL GRANT BY MS. JONES

1 the gentleman, Frank Young, Junior, who testified here
2 today.

3 And so, D.J. explained to Officer Fraser that he
4 believed Mikey called Mont to come up there. And then
5 they go into, as the Solicitor pointed out, how many
6 times -- run-ins have you had with Mont, and D.J. says,
7 "None. That's the crazy part."

8 At 1482, "That shit with J.D., man, he is an
9 errand boy now." That's what Fraser said.

10 Fraser says to him, "Yeah, I get it. I know J.D.
11 He's the errand boy now."

12 "And J.D. got all -- all them boys working for
13 him." That's D.J.

14 Four-ninety, he sent a Rule 5, "Like you know I'm
15 saying, yeah. Telling on me."

16 And what they're discussing there --

17 THE COURT: You mean 1490, not 490?

18 MS. CAMPBELL: Excuse me, yes, 1490.

19 THE COURT: All right.

20 MS. CAMPBELL: And then, of course, Mr. Wright,
21 you know, explains to Investigator Fraser, I'm just --
22 you know -- when Fraser says, "You got to defend
23 yourself," he says, "The jury is not going to look at
24 it like that."

25 And he says, "Well, yeah. All of this is being

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1 recorded, they are going to see it. We are not hiding
2 anything."

3 And, "He came out there to do you, and you just
4 got him before he could get you."

5 And so Officer Fraser receives the information
6 about the fear and the anxiety from D.J. in what he
7 perceived as a legitimate threat with J.D. in the
8 passenger seat.

9 Now, I admit, Mikey, Frank Young, Junior, and
10 Michael Grant are not going to put J.D. out there. I
11 mean, I asked who was there -- not there.

12 But even the investigators believed there was
13 someone else out there, and that that other person
14 shot, because they had this extra shell casing.

15 And Mr. Wright, being in fear, having been shot by
16 J.D. previously, it would be reasonable if he thought
17 he saw him again in Manigo's car, to fear being shot
18 again.

19 And they do have that conversation, Your Honor,
20 where Officer Fraser said to him, "Look, I understand.
21 You are a tiny little guy. Manigo is a big, big man.
22 You are so small, he's so big, I get why you have an
23 equalizer."

24 And even if Manigo didn't have a gun, sufficiently
25 different sizes between this young man, as Fraser said,

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1 "This big, big, big Manigo could give you reasonable
2 fear for your life."

3 And so any reasonable person, having been shot
4 previously by J.D., who apparently had some connection
5 with Manigo, albeit it's hard to pull that information
6 out, we submit it is reasonable. And that if D.J. is
7 saying Mont, Mont -- this is directed at Mont, not J.D
8 -- "Why are you telling J.D. where I live?"

9 That is a legitimate fear that he expresses in
10 those moments. And, again, reasonable men would
11 believe that defending themselves was the only option
12 he had. Thank you.

13 THE COURT: Thank you very much.

14 Let me hear from you briefly, Solicitor.

15 MS. JONES: Thank you, Your Honor.

16 Your Honor, most of my argument, I would rely on
17 my motion that I provided to the Court and Ms. Campbell
18 already.

19 Going through the statute, the Protection of
20 Person and Property Act, Subsection C is where we are
21 today. That requirement -- that part of the statute
22 requires that Mr. Wright not be engaged in unlawful
23 activity.

24 THE COURT: You can see that they were in a place
25 where they had a right to be at. That is not an issue

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1 for me today. I think both sides can see that.

2 MS. JONES: I agree with that, Your Honor.

3 THE COURT: However, if we are not using
4 Subsection A as opposed to Subsection C, one of the
5 requirements is not waived by Subsection C that is
6 waived in the residence of Subsection A.

7 Do you agree with that the also, Solicitor?

8 MS. JONES: Yes, Your Honor.

9 THE COURT: Well, since the Supreme Court decided
10 it, I think it's a good idea if you do agree.

11 All right. Proceed.

12 MS. JONES: Regarding that first prong, it doesn't
13 require that the person claiming immunity not be
14 engaged in unlawful activity. I would turn the Court's
15 attention to the Slater case. I do have printed out
16 copies of the case for the Court, if you would like, as
17 well as having provided the -- it is 373 SC 66.

18 THE COURT: Say the cite for the record so it's
19 clear.

20 MS. JONES: 373 SC 66. It's State V Slater.

21 Your Honor, that court -- that case involved a
22 situation in where Slater was simply claiming immunity
23 as well as followed by self-defense. What he did in
24 that case is he inserted himself into an ongoing
25 argument that he did no part of --

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1 THE COURT: That's a Charleston case.

2 MS. JONES: Correct, Your Honor. North
3 Charleston, I believe.

4 THE COURT: A parking lot in Charleston.

5 MS. JONES: Yes, Your Honor. The Court said that
6 he did not have the protections under the act because
7 while he -- while sometimes unlawful carrying does not
8 prohibit you from lawfully defending yourself, in that
9 particular instance, the unlawful carrying of the gun
10 by Mr. Slater was the proximate result of the homicide
11 that later came.

12 But for Mr. Slater having that gun; nobody would
13 have been killed that afternoon -- that evening.

14 Here, we have Mr. Wright's prior record makes him
15 ineligible to carry a firearm. He has a strong arm
16 robbery conviction for 2016.

17 THE COURT: Do you concede, though, that you could
18 be in unlawful possession of a firearm and still
19 lawfully assert your right to self-defense?

20 MS. JONES: Sometimes, yes. Just not on
21 August 22nd of 2017 for Mr. Wright. I do not believe
22 at that moment he was lawfully defending himself, and
23 if we move on to the second prong, it goes, he had to
24 have been attacked. And there is nothing in the record
25 saying that he was ever attacked that afternoon.

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1 All of the testimony that the defense relies upon
2 is surrounding this J.D., Jamel Washington, person.

3 Mr. Washington was not there. And now, while a
4 part of Mr. Wright's statement, he does say he saw
5 Mr. Washington in the front seat of Mont's Tahoe.

6 If you go to Number 1769 in the transcript --

7 THE COURT: One seven six nine?

8 MS. JONES: Yes, Your Honor.

9 THE COURT: Hold on. Let me get there.

10 I'm with you.

11 MS. JONES: "Mont had somebody in the truck with
12 him, I don't know who was in the truck though."

13 And there has been no testimony --

14 THE COURT: Trasi concedes that she cannot place
15 J.D. at the scene. She argues that the fear of J.D. is
16 what places the Defendant in imminent danger because of
17 his relationship to the decedent.

18 Tell me your position on that.

19 MS. JONES: And while we do not have that he was
20 in actual danger that afternoon, we go to his belief it
21 wasn't reasonable.

22 I would then turn the Court to the Wingington
23 case. It is W-I-N-G-I-N-G-T-O-N, and it is cited at
24 375 SC 25. It is a South Carolina Court of Appeals
25 case from 2007.

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1 In that case, it involved an argument between a
2 father and a daughter. The grandfather intervened into
3 the argument, proceeded to get into an argument with
4 the father.

5 THE COURT: And went to the car and got a gun and
6 came back and shot him. I'm familiar with the case.

7 MS. JONES: Exactly. And there was no testimony
8 specifically by the witnesses, nor the Defendant, who
9 did testify, that the victim ever advanced on him or
10 the victim ever stood from his seated position, or that
11 the victim ever laid a hand on him.

12 The victim did threaten him, however, and he said,
13 "If you lay your hands on me like that again, I'm going
14 to kill you."

15 That was when the Defendant in that case went in
16 his truck, retrieved the gun, came back and shot the
17 victim.

18 The Court held in that case that that threat,
19 words alone, was not even enough to warrant the
20 reasonable fear required in order for the act to become
21 applicable and apply immunity.

22 We have nothing on the afternoon of August 22nd
23 that is any sort of threat. Jamel Washington was not
24 there, there is no correlation between Jamel Washington
25 and Adrian Lamont Manigo, as Mont being his henchman,

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1 his errand boy.

2 Mont was simply at his cousin's house that
3 afternoon, enjoying his afternoon, minding his own
4 business, and it cost him his life. He was shot in the
5 back, which is additionally, what I would like to draw
6 the court's attention to the pathology report. It
7 shows that one bullet entered the back of Mr. Manigo's
8 left arm as well as his upper right shoulder.

9 THE COURT: And the fatal wound was the wound that
10 went through the shoulder in the back.

11 MS. JONES: Yes, Your Honor.

12 THE COURT: I have reviewed it.

13 MS. JONES: Thank you, Your Honor.

14 THE COURT: Thank you.

15 Let me say this. Our Supreme Court, and this
16 statute is obviously, an immunity statute, 16-11-450.
17 Our Supreme Court has held that the entire doctrine of
18 the statute that comes from Castle Doctrine, a person's
19 home is their castle, is predicated on the absence of
20 aggression. And it's predicated on a fault on the
21 Defendant's part in bringing on the difficulty.

22 The doctrine is for defensive and not offensive
23 purposes. The Defendant, therefore, must establish a
24 case, a valid case of self-defense by a preponderance
25 of the evidence. The trial court has to necessarily

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1 consider, when I hear this evidence, the elements of
2 self-defense in determining a defendant's entitlement
3 to the acts immunity, with the exception, as I point
4 out, again, the duty to retreat.

5 Number one, the Defendant must be at fault --
6 without fault in bringing on the difficulty.

7 Number two, the Defendant must have actually
8 believed he was in imminent danger of losing his life
9 or sustaining serious bodily injury, or he actually was
10 in such imminent danger.

11 If his defense is based on his belief of imminent
12 danger, then a reasonably prudent man of ordinary
13 firmness and courage would have entertained the same
14 belief, and if the Defendant actually was in imminent
15 danger, the circumstances were such as would warrant a
16 man of ordinary prudence, firmness, and courage to
17 strike the fatal blow to save himself from serious
18 bodily harm or losing his own life.

19 I have reviewed previously every single case that
20 has been cited to me. Both in Ms. Campbell's memo in
21 support, and in the State's memo in opposition. I find
22 that the Defendant has failed to convince me by a
23 preponderance of the evidence that they're entitled to
24 immunity under this statute.

25 There are a number of factors here which give the

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1 Court grave concern. Solicitor, I don't believe I'm
2 hanging my hat, as you did, on necessarily you spent a
3 good bit of time in your memo arguing to me that
4 whether or not Defendant was engaged in an unlawful
5 activity at the time of the shooting.

6 In other words, whether the Defendant was in
7 possession of a pistol while a convicted felon, which
8 constitutes, according to the Solicitor's argument,
9 unlawful activity under the act.

10 The phrase, "engaged in an unlawful activity," is
11 one of many phrases that unfortunately aren't defined
12 in the act. And as a result, people go all sorts of
13 places to try to look for case law to help them define
14 it in the light most favorable to their argument.

15 Mere unlawful possession of a firearm does not
16 preclude a defense to a homicide on the ground of
17 accident, and in light of the State's burden of proof
18 beyond a reasonable doubt that the accused act is at
19 least probable cause for homicide. And a person can be
20 acting lawfully even if he's in unlawful possession of
21 a weapon, which the State concedes under certain
22 circumstances, but not here.

23 And I understand the argument. I will say that it
24 is clear to this Court that the Defendant, under the
25 first doctrine of self-defense, I believe that it is

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1 clear that the Defendant must be without fault in
2 bringing on the difficulty. This individual was shot
3 in the back. And although, Ms. Campbell, you have done
4 a yeoman's job of trying to bring in another party who
5 you admit was not present, there's absolutely no threat
6 from the decedent to the Defendant, there's no
7 advancement by any witness toward the Defendant, the
8 decedent was shot in the back. Although there is a
9 dispute, as you were right to point out as to whether
10 or not four casings were found, the witnesses only
11 testified to hearing three shots.

12 Ms. Campbell did examine the case investigating
13 officer at length about whether or not another casing
14 was found. Although that doesn't necessarily mean that
15 it was from this incident, and there's -- I don't find
16 that that in and of itself is sufficient evidence for
17 me to change my ruling, because the Defendant has to
18 convince me by a preponderance of the evidence, and
19 considering the elements of self-defense. And,
20 therefore, your motion for immunity is respectfully
21 denied.

22 Turning now to Jackson Denno, I listened carefully
23 to the officer's testimony, and I reviewed the exhibit
24 which has been placed in evidence.

25 The written exhibit which is number what, Mona?

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1 The waiver. I gave it back to you. You got it down
2 there -- Number 2.

3 Obviously, Miranda warnings are not -- are
4 inapplicable to a statement which volunteered, which is
5 not the product of interrogation. There's absolutely
6 no question that this was custodial interrogation.

7 So I have carefully considered all the evidence
8 which has been offered by the State, and I gave the
9 Defendant the chance to put up any evidence. I'm
10 convinced as to this by a preponderance of the
11 evidence, and I so find that before the alleged
12 statement was obtained from the Defendant, which I have
13 reviewed the transcript of now, which both sides have
14 used excerpts from in their argument, the Defendant was
15 fully advised of his rights under the Fifth and Sixth
16 Amendments to the Constitution of the United States.
17 The Defendant was advised of his constitutional
18 safeguards, required by Miranda versus Arizona. He was
19 advised of his right to remain silent, and he was
20 advised that if he waived his right and made a
21 statement, that it could be used against him in a court
22 of law, and he had the right to employ or select an
23 attorney. And if he didn't have funds for one, one
24 would be appointed for him. And that he could consult
25 with his attorney before any interrogation.

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1 Let me see Number 2, so I got it up here.

2 I think he initialed each one.

3 Yes, he initialed each one and checked, "I
4 understand my rights and that I want to talk now," on
5 Court's exhibit or -- yes, Court's Exhibit No. 2.

6 I believe the Defendant, knowingly and
7 intelligently waived his rights under the Fifth and
8 Sixth Amendments of the Constitution and the
9 constitutional safeguards required by Miranda. And I
10 believe that the alleged statement obtained from the
11 Defendant was freely and voluntarily given without
12 duress, without coercion, without undue influence,
13 without reward, without promise or hope of reward.
14 Without any promise of leniency or threat of injury or
15 without compulsion or inducement of any kind. And as
16 such, alleged statement was a voluntary product of the
17 free and unconstrained will of the Defendant.

18 I make all of those findings by a preponderance of
19 the evidence, and I, therefore, find that the statement
20 is admissible into evidence.

21 Ms. Campbell, I will certainly charge the jury in
22 my charge on the law in this case, that even though the
23 statement has been admitted into evidence, it is
24 entirely up to them whether or not they choose to
25 believe that the statement was voluntary. But for

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1 purposes of Jackson Denno, I believe the statement is
2 admissible outside the presence of the jury.

3 Mona, I'm handing you back now Court's Exhibits 5
4 and 2, which are transcripts that I kept up here to
5 review during the argument.

6 It is now about 20 minutes till 4:00. Unless
7 there are other pretrial motions in the trial -- I'm
8 not aware of any, although Trasi had a motion on the
9 Stand Your Grounds, sequestration. She wanted me to
10 order the jury not to use, and she knows I've
11 instructed them, television, computers.

12 Then she -- all I asked to exclude any evidence
13 that would be in violation of 404B and Lyle. I think
14 you redacted the transcript to comply with that. Then
15 there was a Jackson Denno motion which we've heard.

16 Finally, she said there's a motion to preclude the
17 introduction of the photographs that she believes were
18 in violation of the evidence law of this state. Now, I
19 have not reviewed any such photographs. Is that still
20 a matter to be decided?

21 MS. CAMPBELL: It is, Your Honor. I discussed
22 with the Solicitor marking the photograph she intends
23 to introduce as exhibits, so that we could reference
24 them on the record.

25 My understanding is she would like to take that up

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1 first thing in the morning.

2 THE COURT: Is that right?

3 MS. JONES: Yes, Your Honor.

4 THE COURT: I want to start at 10:00. Can y'all
5 be here a little early? Let's don't sit around and
6 start with that when we've got time this afternoon.

7 Is there some reason you don't know what
8 photographs?

9 MS. JONES: No, Your Honor. I have --

10 THE COURT: Well, then let's get it done. It's
11 time to fish or cut bait, Solicitor.

12 MS. CAMPBELL: And are they marked?

13 MS. JONES: They are not marked yet.

14 THE COURT: They are not marked? But those are
15 the ones you intend to want to introduce.

16 MS. JONES: That is one section of --

17 THE COURT: Do you want them marked so you can
18 refer to them?

19 MS. CAMPBELL: I do.

20 THE COURT: All right. Mona, give me some marks
21 on these, please.

22 (Pause.)

23 THE COURT: When you looked at them and before you
24 say anything, let me see them since I got to make the
25 decision about them. For some reason my lawyers have a

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1 tendency to just slap them up to the court reporter and
2 then the Court, who has to make the decision, never
3 gets to see the exhibits.

4 You young lawyers out there watching that? Don't
5 do that when you try a case. When you got a hearing
6 outside the presence of the jury, give it to the Judge.
7 Y'all understand that? They ought to know that, too.

8 (Pause.)

9 THE COURT: Is that it?

10 MS. JONES: Yes, Your Honor -- well, no.

11 THE COURT: Is that all of them now?

12 MS. JONES: That's all the photographs. We do
13 have some bigger demonstrative maps and an autopsy
14 diagram --

15 THE COURT: Have you shown them to her?

16 MS. JONES: No, Your Honor. They are coming
17 upstairs as we speak right now.

18 MS. CAMPBELL: Is this it?

19 MS. JONES: For the photographs, yes.

20 MS. CAMPBELL: For the photographs.

21 THE COURT: All she moved on was photographs, but
22 you need to show her your other exhibits.

23 MS. JONES: Yes, Your Honor. They are coming up.

24 THE COURT: Trasi, I need to see them. So bring
25 them all up here before you separate them out.

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1 All right. Trasi, so you'll know, I first been
2 handed, which have been premarked State's Exhibit 1
3 through 11. And for some reason unknown to me, I was
4 handed Exhibit 15, 23 -- wait a minute. Maybe -- all
5 right. I have been handed -- now, I've got 12 and a
6 13. So let's see if I've got a 14 buried in here.

7 Yep. Now, I've got a 14 there, too. So 12, 13,
8 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27,
9 28, 29, 30, 31, 32, and 33, being all of the
10 photographs which the State advises me they intend to
11 introduce in the trial of this case.

12 I hand those back to you now so that you can use
13 them for purposes of reference, for purposes of any
14 argument on your motion to preclude the introduction of
15 photographs.

16 MS. CAMPBELL: Thank you, Your Honor.

17 May it please the Court.

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

19 MS. CAMPBELL: I have, on behalf of my client,
20 reviewed State's Exhibits 1 through 33. After
21 reviewing the photographs, I have informed the State
22 that I have an objection to Photograph Number 15.

23 The basis for that objection is there are other
24 photographs covered in the State's acceptable
25 photographs that depict the body, if you will, on the

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1 ground. I did not object to those. They are far away
2 shots.

3 In this particular photo, Item 15, it is
4 visible -- it is in color.

5 THE COURT: You think it's cumulative.

6 MS. CAMPBELL: Not just cumulative, but I think
7 the fact that it is in color and there's clearly this
8 huge pool of blood on the ground. And -- and just the
9 fact that his body is simply draped in a -- in a towel
10 or a sheet or a bedspread or something doesn't take
11 away, you know, the graphic nature of it. And we would
12 object to it on that basis as well.

13 There are other photographs I did not object to.
14 They are at a further distance, I think they are more
15 appropriate.

16 THE COURT: So your objection is to 15. Any other
17 objections?

18 MS. CAMPBELL: I did object to 23 as cumulative.
19 Same thing. I think one photo of the body by the truck
20 is sufficient. To me, it would be overkill to put more
21 than one.

22 There's nothing, as far as I can tell, that's
23 shown in this photo that can't be shown in some other
24 photo. So it is too much to have the body in the photo
25 as well. If the purpose is to show the location of 3,

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1 there are other mechanisms to do that.

2 And then lastly, and namely, 27, which is my
3 client's ID. His South Carolina identification card,
4 which you know, there is certainly no need --

5 THE COURT: What number?

6 MS. CAMPBELL: It is 27.

7 THE COURT: Twenty-seven.

8 MS. CAMPBELL: It is his ID card, which was found
9 at his house, and there's never been any contention
10 that that is not his house, that was not where he was
11 living, and I would say the fact that it is an
12 identification card rather than a driver's license, may
13 have some shadow upon him as not being somehow part of
14 the community by being a licensed driver.

15 And anyway, that is the extent of my objections
16 and thank you, Your Honor.

17 THE COURT: Let me hear from you, Solicitor, and
18 hand me the photographs, please. Do you want to see
19 them?

20 MS. JONES: I would like to see the ones she's
21 objected to.

22 THE COURT: Fifteen, 23, 27 are the objected-to
23 photographs.

24 MS. JONES: I can go ahead and speak to Number 27,
25 which is the identification card. It was found in a

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1 bedroom that is clearly decorated as a girl's bedroom,
2 Your Honor. What is important about it is it shows
3 that he was staying in that bedroom, had access to that
4 bedroom. His ID was found in there, along with
5 ammunition consistent with the ammunition found on
6 scene, which is why I would be using it to prove that
7 he had access to that bedroom as well.

8 THE COURT: So you're referring to Photograph 27?

9 MS. JONES: Yes, Your Honor. I don't believe it
10 being an ID card as opposed to a driver's license has
11 any sort of effect on how a -- how a jury would view
12 him as a person.

13 Number 15, the reason that it is included in one
14 of my photos, Your Honor, it includes the placards put
15 up by the Sheriff's Office. It also shows -- well, it
16 does show the victim's body. There's one spot of blood
17 on the sheet, Your Honor, but it does show the placard
18 where items were collected.

19 Without the photograph, it would be hard to
20 differentiate where these items were, location they
21 were found, and distance from other items.

22 It also shows that the doors are closed, and he is
23 not in a -- he was not in a position to open that car
24 door.

25 Regarding 23.

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1 THE COURT: Twenty-three.

2 MS. JONES: Your Honor, the reason that this is
3 included in my set of photographs, it does depict a
4 Placard Number 3. The Placard Number 3 is marking the
5 .38 super shell casing that had been referenced in the
6 Stand Your Ground hearing. Without this photograph,
7 there is no way for a jury to tell where this
8 photograph has been taken, and this is a close up of
9 item -- the shell casing depicted by Placard Number 3.

10 THE COURT: All right. Let me see them.

11 I want all of them, obviously, to try to tell me
12 if they -- how can I determine if they are cumulative
13 if I can't see them all?

14 All right. I have reviewed all 33 photographs,
15 and, Ms. Campbell, your objection as to 23 and 27 are
16 respectfully overruled. Twenty-seven is the
17 identification card. I think there's sufficient basis
18 from which it can be admitted. I don't see any
19 prejudice to the Defendant.

20 Twenty-three is the photograph which shows Placard
21 Number 3 -- first is Number 24, which is a close up, 23
22 gives the scene and that is the reason I'm admitting
23 it.

24 That leaves us now with your objection as to 15.
25 Fifteen is shown in I believe only -- I want to make

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1 sure my math is correct -- 15 shows Placards 1, 4, 5,
2 and 2, and their location in the scene.

3 And although I have reviewed every other
4 photograph which has -- even far-off photographs, there
5 are no placards in Exhibit 4 visible. There are none
6 in 5, there are none in 6, there are none in 1, and
7 those are the other photographs other than 15, and
8 there are none in 12.

9 So in addition to 15, there are one, two, three,
10 four -- five other photographs in which a far-off
11 distance of a sheet can be seen in some portion of the
12 photograph. Exhibit No. 15 is the only close-up one
13 that contains the placards. So your objection is
14 respectfully overruled as to 15 because I believe it
15 shows something different from the others, and sets the
16 scene for the jury.

17 I hand all the photographs back now to you,
18 please. You will have to offer them in the presence of
19 the jury during trial of the case.

20 I think that now takes care of every single
21 written pretrial motion that I was given prior to
22 trial.

23 Just in case any matters arise, I would like for
24 you to be here at 9:45 in the morning. I will try to
25 get here, since I've got the farthest to drive --

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1 anybody got more than 40 miles to drive?

2 MS. CAMPBELL: The south end of Hilton Head.

3 THE COURT: Well, you and I got the farthest then.

4 But what happens to me is I have lawyers calling
5 my office, David and I are averaging probably right
6 now -- Kimberly won't remember this, she never had to
7 do this -- 40 a day orders, electronically. So because
8 I'm chief administrative judge of all five counties,
9 civil.

10 So we try to get a little work done in the morning
11 before court, and then, of course, we work at night
12 when we get back from court. So we are going to start
13 court at 10:00 for all of you that are waiting.

14 My lawyers, I'll see you in chambers at 9:45 in
15 the morning. Thank you for your patience today.

16 This Court stands adjourned until 9:45 with the
17 lawyers in the morning, 10:00 a.m. in the courtroom.
18 Thank you.

19 (Court adjourned for the day.)

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25

CROSS EXAMINATION OF MICHAEL GRANT BY MS. JONES

1 3-12-2019 PROCEEDINGS

2 THE COURT: I understand that I have some visitors
3 in the courtroom. Obviously, I want you to understand
4 a couple of rules that we have in the courtroom. First
5 of all, we maintain quite in the courtroom. And why?
6 Because the jury needs to be able to hear. The court
7 reporter needs to be able to hear. And the parties and
8 lawyers need to be able to hear. And the Judge needs
9 to be able to hear. We don't allow talking or
10 emotional outbursts out of respect for the jury.

11 I expect you to conduct yourself accordingly. The
12 courtroom is a public place and we invite people to
13 come here, as long as you behave. Now, if I have
14 people that can't control yourselves, I'll deal with
15 that. And you don't want that to happen to you.

16 So, I ask you to conform with the rules that we
17 have of court and do it in an orderly fashion. All
18 right, my understanding is that the State is ready to
19 proceed?

20 MS. JONES: The State is ready, Your Honor.

21 THE COURT: Are you going to open?

22 MS. JONES: Yes, sir.

23 THE COURT: The Defendant ready to proceed?

24 MS. CAMPBELL: Yes, sir.

25 THE COURT: I have reiterated it several times.

COLLOQUY

1 Until your service is completed, and I'll let you know
2 when that is. Where is the lady? Yes, ma'am. You
3 don't have to worry, I'll keep my word to you as long
4 as you keep your word to me.

5 THE JUROR: Yes, sir.

6 THE COURT: I do not want you to discuss this case
7 with other people, including your fellow jurors. Very
8 often I have jurors that they ask me this: I didn't
9 feel like they covered this issue and I felt like I
10 needed to check on it. Please don't do that.

11 Even if you think that the information on any
12 topic raised in the testimony or offered by any
13 witness, even if you think the information would help
14 you in deciding the case, it's improper for you to do
15 any independent research through any type of computer,
16 cell phone, or other electronic device.

17 Please don't communicate with anyone. We have
18 that problem frequently now, about the case, on your
19 cell phone, through email, Blackberry, iPhone, text
20 message, or on Twitter. Please don't communicate with
21 anyone on any blog or website or through any Internet
22 chat room, or by way of any other social networking
23 websites, which include Facebook, MySpace, LinkedIn, or
24 YouTube.

25 It is up to you to decide the case solely and only

COLLOQUY

1 on the evidence that's going to be presented during the
2 trial of this case, when both sides are present, with
3 the right of cross examination.

4 Now, before we begin this trial, I want to tell
5 you that this trial is probably going to be different
6 from what most of you probably expect. Many people do
7 not have the chance to attend an actual court session,
8 as you are doing now. And many people think, from
9 watching television or reading a book or going to a
10 movie, that trials are always full of high drama,
11 intense action, riveting and entertaining
12 circumstances.

13 Many people think that a person is going to walk
14 through the back door in a white lab coat holding a
15 test tube and tell you what they have found.

16 While all of those things may be true at times,
17 ladies and gentlemen of the jury, a trial is not for
18 entertainment. A trial is a fundamental part of our
19 democracy. It is an effort to make sure that justice
20 is done between the parties before the Court. And it
21 is often slow, it is often deliberate, it is often
22 repetitive. It is the exact opposite of what you may
23 have seen on television or in a movie or read in a
24 book.

25 This courtroom, ladies and gentlemen, although the

COLLOQUY

1 microphones are very poor -- I'm hoping that one day
2 they will replace them. My bailiffs know that. You
3 will see them nod their head at me. And I'll talk
4 about hearing for you in a little bit, if anybody can't
5 hear.

6 But this courtroom is a place of honor. It is
7 dedicated to the preservation of citizens' rights,
8 through what many people have called the greatest
9 justice system in the world.

10 The attorneys that are going to be appearing
11 before you, ladies and gentlemen, they are advocates
12 for the parties they represent, the State of South
13 Carolina, and the Defendant, in this case, Dontarious
14 Wright.

15 But first and foremost, the attorneys are officers
16 of this court. And as officers of this court, the
17 attorneys took an oath, just as I took an oath, and
18 just as, in just a minute, you are going to take an
19 oath, and they -- and the oath they took, they swore
20 that they would uphold the integrity and the fairness
21 of our judicial system.

22 And they also are expected to be professional, to
23 be reasonable, to be prepared, and to be competent in
24 the discharge of their duties as attorneys.

25 Now, in just a minute, I'm going to ask the clerk

COLLOQUY

1 to give you an oath. And in that oath, you are going
2 to be asked to pay close attention to all the testimony
3 in the case. And just like the attorneys and myself,
4 you also, as jurors, are to be professional. You are
5 to be reasonable. You are to be ethical in the
6 discharge of your duties as jurors.

7 Before we begin this trial, as I told you
8 yesterday during selection, I want to thank you, each
9 and every one of you, for accepting this very important
10 responsibility of jury service. Without you, ladies
11 and gentlemen of the jury, justice cannot be
12 accomplished in a courtroom.

13 I thank you for your contribution today to our
14 justice system.

15 Mr. Clerk, would you please -- or Mr. Bailiff,
16 would you please swear the jury.

17 THE BAILIFF: Yes, sir. Please rise and raise
18 your right hand.

19 Do you solemnly swear or affirm that you shall
20 well and truly try and true deliverance make between
21 the State of South Carolina and the accused, and a true
22 verdict give according to the evidence, so help you
23 God?

24 (Jury indicates.)

25 THE BAILIFF: Thank you and be seated.

JURY SWORN

OPENING COMMENTS BY THE COURT

1
2 THE COURT: All right. Mr. Foreman, ladies and
3 gentlemen of the jury, the case we are about to try is
4 the case of the State of South Carolina versus
5 Dontarious Wright. Mr. Wright is seated at counsel
6 table with his attorney. You met both of them
7 yesterday, Ms. Campbell.

8 You have also met the attorneys for the State of
9 South Carolina who will be representing the State
10 during the trial of this case.

11 Mr. Wright is the Defendant in this case. He is
12 charged by these two pieces of paper which I hold in my
13 hand, which we call indictments. He's charged with the
14 offense of murder and possession of a weapon during the
15 commission of a violent crime. I read the allegations
16 to you of the indictments yesterday, when I was
17 selecting you as jurors.

18 Now, I remind you that I will charge you in my
19 charge on the law, which comes at the conclusion. I
20 don't know what evidence -- I haven't heard any of the
21 evidence in this case, just like you. So you haven't
22 heard any evidence, I haven't heard any evidence.

23 Why hasn't the Judge heard any? Because we want
24 the Judge to have an open mind just like you.

25 I will explain to you, after I hear the evidence,

OPENING COMMENTS BY THE COURT

1 I will explain to you the elements of the charges for
2 which the Defendant is indicted. You should understand
3 for now that the indictment is simply the charge by
4 which the case is brought into this court, the court of
5 general sessions, and that it is not in any sense
6 evidence of any of the allegations contained in the
7 indictment.

8 Now, the Defendant, Dontarious Wright, has pled
9 not guilty to the indictments. The State of South
10 Carolina, therefore, has the burden of proving what I
11 will charge you, and that is each of the essential
12 elements of these indictments beyond a reasonable
13 doubt. And it will be your duty, ladies and gentlemen
14 of the jury, to decide whether or not the State has met
15 that burden.

16 It is your solemn responsibility as jurors to
17 determine the guilt or the innocence of the Defendant.
18 And your verdict, as I have told you throughout, must
19 be based solely and only on the evidence as is
20 presented during -- to you in this trial, and on the
21 law as I instruct it to you to be during this trial,
22 and in my charge on the law at the close of the trial.

23 Now, I'm asked frequently by jurors, Judge
24 Buckner, why do you wait until the end of the trial to
25 charge the law? Because I don't know what evidence it

OPENING COMMENTS BY THE COURT

1 is I'm going to get. Part of my job is the gatekeeper
2 of the evidence, and until I determine what evidence is
3 admissible for you to hear, I'm not sure what law I'm
4 going to charge. That is why we normally wait until
5 the conclusion of the trial.

6 Now, in just a minute the Assistant Solicitor will
7 make what is called an opening statement, in which she
8 will explain to you the issues in this case, or at
9 least as an advocate for the State of South Carolina,
10 what she contends to be the issues in this case. And
11 following her opening statement, the attorney for the
12 Defendant will make an opening statement, in which she
13 also will give you what she contends to be the issues
14 in this case.

15 Now, I wish to tell you that the attorneys have
16 worked hard to prepare the case, and I certainly want
17 you to listen to them. They have taken an oath just
18 like you have taken now, and I have taken. But what
19 the attorneys tell you in opening statement, what the
20 attorneys argue to you in their closing argument at the
21 end of all the evidence in the case, what the attorneys
22 try to suggest to you by the questions they ask, none
23 of that is evidence.

24 The attorneys are advocates for the parties they
25 represent. And although I want you to listen to them,

OPENING COMMENTS BY THE COURT

1 what they are going to tell you in opening statement
2 and what they are going to argue to you in closing
3 argument is not evidence in this case.

4 And you must base your decision, ladies and
5 gentlemen of the jury, solely and only on the evidence
6 as it is presented during the trial in this case.

7 Now, Judge Buckner tells me I'm supposed to only
8 decide on the evidence. What is evidence?

9 Well, ladies and gentlemen, evidence will be
10 presented to you by sworn testimony from this witness
11 stand. You notice it's on the same side of the
12 courtroom that you are located on. That is so you can
13 observe the witness, you can listen to the witness,
14 assuming these microphones work.

15 Well, they have been here -- I have been on the
16 Bench almost 20 years, and these same ones have been
17 here the entire time I have been here. And my bailiffs
18 all smile when I say this -- Norm, isn't it true? Have
19 you ever seen us replace one?

20 THE BAILIFF: No, sir.

21 THE COURT: How long have you been here, Norm?

22 THE BAILIFF: Thirteen years, sir.

23 THE COURT: Well, Norm has been here 13 of my 20.
24 And we still don't have a microphone that will amplify
25 adequately in here.

OPENING COMMENTS BY THE COURT

1 And let me tell you right now, if you can't
2 hear -- I know you can hear me, because I'm used to
3 projecting my voice.

4 You can hear me back there, can't you, ma'am?
5 How about you, ma'am? Yeah.

6 But I got plenty of people (indicating). And the
7 lawyers mean to, they just forget. They get so caught
8 up in their files, they're going to turn their back to
9 you, and they're going to walk back to the table, and
10 they're going to talk to their co-counsel, or they're
11 going to talk to their client, and they're going to do
12 this (indicating), and then you're going to look at me
13 with that (indicating.) And she is going to look at me
14 with that same look.

15 So if you can't hear or if you can't understand,
16 put your hand up. I want you to be able to hear at all
17 times throughout the trial of the case.

18 So evidence may take the form of testimony from
19 the witness stand. Evidence may take the form of an
20 exhibit, such as a photograph or a model. But as to
21 any exhibit, part of my job is to be the gatekeeper of
22 the evidence. And attorneys know they can't show you
23 anything until I have had the chance to rule on it, as
24 the presiding judge, as to whether or not it is
25 admissible or not in the evidence and can be shown to

OPENING COMMENTS BY THE COURT

1 you.

2 Evidence may also even take the form of what we
3 call a stipulation, an agreement, an understanding
4 between the parties that a fact is true and, therefore,
5 not necessary to be proven.

6 Evidence is sworn testimony. It may be some
7 exhibit, and we will number them. We will mark them,
8 and you will hear me say, Exhibit Number so and so is
9 in evidence, you may now publish to the jury.

10 And once it is in evidence, you will have it with
11 you in your jury room if it's an exhibit, during your
12 deliberations, assuming that it's not the kind of
13 exhibit that you need equipment out here in the
14 courtroom in order to play it.

15 Now, in consideration of the evidence, you should
16 remember that under the Constitution of the State of
17 South Carolina, you and you alone, the Members of this
18 Jury are going be the sole judges of the facts in this
19 case, based on the evidence introduced during the trial
20 of the case.

21 The same law that makes you the sole judges of the
22 facts under our Constitution makes me the sole judge of
23 the law. I cannot invade your province, ladies and
24 gentlemen, and tell you or suggest to you or make any
25 comment to you about what the facts are, or what I

OPENING COMMENTS BY THE COURT

1 think the evidence suggests. And you, ladies and
2 gentlemen of the jury, should not invade my province
3 and differ with me about what the law is.

4 Everything that I say is being taken down right
5 now by my court reporter, Mona Manley, who I am very
6 thankful for. Believe me, ladies and gentlemen, she
7 does a great job. She's very quiet down there, but she
8 does a wonderful job. And without her, we couldn't
9 hold court.

10 And if I make a mistake as to the law, to the
11 detriment of either side, they can appeal the case to
12 an appellate court. And if the appellate court agrees
13 that I have made a mistake on the law, they will
14 reverse the case and send it back for a new trial.

15 So don't any of you on this jury worry about
16 whether or not I have told you the law correctly.
17 That's somebody else's worry, that is not your concern.
18 Your job is to take the law as I give it to you and
19 apply it to the facts as you find them to be based on
20 evidence introduced during the trial of the case. And
21 that means sworn testimony from a witness, any exhibit
22 or any stipulation that might occur, if we have any,
23 during the trial of this case. And after doing that,
24 you will, at the end of the trial, render your verdict
25 under that oath which each of you just took as jurors.

OPENING COMMENTS BY THE COURT

1 Now, from time to time, you are going to hear one
2 of the lawyers say something like, Your Honor, I
3 believe we have a question of law; or, Your Honor, we
4 have a matter of law we want to discuss with you; or I
5 myself might say, attorneys, you have seen me do it,
6 approach the Bench; or I might ask you to step to your
7 jury room if I think it's going to take a little while.

8 And you're wondering now, why are they talking
9 where I can't hear them? Well, we're not trying to
10 hide anything from you, ladies and gentlemen. The
11 reason for this is just what I have just told you. And
12 that is because you are the sole judges of the facts
13 based on the evidence in the case, and sometimes when
14 I'm discussing a matter of law with the attorneys, it
15 may be necessary for me to make some comment to the
16 attorneys about the facts in the case, in ruling on
17 whether or not a particular piece of law applies to
18 this case.

19 So the custom -- and as you know, I'm not supposed
20 to make any comment to you about the facts in the case.
21 So the custom in this State is to excuse you from the
22 courtroom or take it up out of your hearing so that you
23 will not be influenced by anything that I might say or
24 do in connection with the facts of the case, in ruling
25 whether or not a piece of law applies to the case.

OPENING COMMENTS BY THE COURT

1 And in that connection, let me tell each of you
2 again, and I emphasize this to you, that you and you
3 alone are the sole judges of the facts in this case.
4 And if you should gather from anything that I might say
5 or do during the course of this trial in ruling on the
6 admissibility of evidence or anything that I have any
7 opinion whatsoever about the facts in this case, please
8 erase that from your mind because I have told you, you
9 and you alone, the jury, are the sole judges of the
10 facts.

11 Now, I'm asked frequently by jurors, Judge
12 Buckner, how will I know what the true facts are?

13 Well, ladies and gentlemen, part of your job, you
14 will have to pass, out of necessity, upon the
15 credibility or, if you will, the believability of the
16 witnesses who are going to testify during the trial of
17 this case. It will be my responsibility to rule as a
18 matter of law as to whether certain testimony is
19 admissible at all or not.

20 But once I have allowed the testimony to be
21 admitted into evidence, ladies and gentlemen, whether
22 you, as the jury, believe the testimony is a matter
23 solely for you to determine.

24 In passing upon the credibility or believability
25 of the witnesses who are going to testify during the

OPENING COMMENTS BY THE COURT

1 trial of this case, you, ladies and gentlemen, as the
2 jury, have the right to pass -- to see whether or not
3 there is shown to you the interest of any witness, the
4 bias, if any, of any witness, the prejudice of any --
5 of any witness, the opportunity for the witness to have
6 observed the matters about which he or she might
7 testify.

8 You may even take into consideration what we call
9 the demeanor of the witness, the appearance of the
10 witness on the witness stand. Anything that is in
11 evidence during the trial of the case, you, as the
12 jury, have the right to consider in evaluating the
13 credibility or the believability of the witnesses who
14 will testify during the trial of this case.

15 And that means, Mr. Foreman, and that means,
16 ladies and gentlemen of the jury, that it is your duty
17 under your sworn now obligation that you took an oath
18 just a moment ago to pay close attention to the
19 witnesses, to listen to the witnesses. Don't let your
20 thoughts wander, but give strict attention to the sworn
21 testimony of the witnesses who will testify during the
22 trial of this case so that after conclusion of all the
23 testimony after the final arguments of the attorneys
24 and my charge to you on the law, you will have placed
25 yourself as a juror in a position by listening, by

OPENING COMMENTS BY THE COURT

1 observing, by giving strict attention, you will have
2 placed yourself in a position to determine what the
3 true facts are based on evidence introduced during the
4 trial of the case, and you will then apply the law as I
5 give it to you to the facts as you find them to be, as
6 jurors, based on evidence introduced during the trial
7 of the case, and thus render a true and a just verdict
8 in the case.

9 Now, ladies and gentlemen, you must not consider
10 anything that you may have read or heard about this
11 case outside of this courtroom, whether before or
12 during this trial. And until I submit this case to
13 you, and you will know, because I will tell you it's
14 time for you to go to your jury room, and I will tell
15 you exactly when to begin your deliberations.

16 Until I submit it to you, I don't want you to
17 discuss it with anyone, not even your fellow jurors,
18 not even a member of your own family. And after I
19 submit it to you, I want you to discuss it only in your
20 jury room with your fellow jurors.

21 It's very important, ladies and gentlemen, that
22 each of you keep an open mind and not decide the case
23 until the entire matter has been submitted to you under
24 my instructions at the end of the case.

25 Now, Mr. Foreman, you see my law clerk over --

OPENING COMMENTS BY THE COURT

1 you see him, or is he hiding from you? Stand up,
2 David, so they can see you. This is David Nazarolli.
3 He's going to be looking for you at the end of this
4 trial. Part of his job will be -- he will be writing a
5 draft charge that I'm going to give you as we hear the
6 evidence. He and I work on it constantly during trial.
7 We pass it back and forth, rewrite it, redo it. He
8 also will prepare a verdict form, which you will sign.

9 After you publish your verdict, he's going to
10 bring you -- my bailiff has the original indictments --
11 but he's going to bring you the original indictments,
12 and there is a section on each indictment where it
13 says, "Verdict," and then it has a line for foreperson
14 of the jury, and the date. He's going to ask you to
15 write whatever words you write on the verdict form on
16 the indictment, sign your name, and date it. That's
17 part of his job. He's already handing me a verdict
18 form.

19 Y'all have no idea what a pleasure it is to have a
20 law clerk that is as good as David is. One thing I've
21 taught him is to think ahead. Most young lawyers don't
22 ever think -- all they can think about is what they got
23 to do right then. I've gotten him down to where he
24 thinks two and three days ahead in a trial. So you
25 see, he's already prepared a verdict form, and he's

OPENING COMMENTS BY THE COURT

1 already done a draft charge. Although we may not end
2 up using it, it is a start for us to work on. It is
3 great to have a law clerk do that.

4 So you'll get the chance to meet David. Don't
5 leave the courtroom without signing the indictments,
6 Mr. Foreman.

7 Thank you, David. It will be your added duty,
8 Mr. Foreman, to preside in the jury room, and you will
9 be the jury's spokesperson out here in the courtroom.
10 And it will be, as I told you, your duty to write the
11 jury's verdict, but I will give you further
12 instructions about that in my charge to you on the law,
13 which comes at the conclusion of the case.

14 Now, a couple of housekeeping matters and we are
15 ready to start. I have already told you, if you can't
16 hear, raise your hand.

17 Now, attorneys like to do this. They love
18 exhibits, they will have some in this trial, and they
19 love to talk about things. They know they can't show
20 you anything until I have ruled on it, and even though
21 they may agree on it, we still follow the procedure.
22 They offer it into evidence and I give the other side
23 an opportunity after they have seen it to take
24 exception or objection to any exhibit that's offered by
25 either side.

OPENING COMMENTS BY THE COURT

1 If you can't see an exhibit, raise your hand. I
2 want my jury to be able to hear and to see at all times
3 throughout the trial of the case.

4 Now, we do not allow jurors to ask questions here
5 in the courtroom.

6 If at anytime, Mr. Foreman, a member of the jury
7 has a question, here is the procedure we have to
8 follow. If you are not already in your jury room, you
9 will retire to your jury room, you will write the
10 question on a piece of paper, knock on the door, give
11 it to my bailiff, the bailiff will bring it out to me.
12 I then have to rule as a matter of law whether or not
13 the question can or cannot be answered, just as I would
14 any question asked by either one of the attorneys
15 during the trial of the case. You understand?

16 Now, I've already got the bailiff come to me
17 asking me y'all want to know about notes. I have tried
18 it both ways. I have let the jury take notes and I ran
19 into a problem. What could you imagine that was?

20 I found that if the note taker makes a mistake in
21 the written notes, the notes can be harmful rather than
22 helpful during your deliberations. The time tested
23 system is for each of you to listen and listen
24 carefully.

25 Now, if you are worried about it, remember Mona is

OPENING COMMENTS BY THE COURT

1 making an audio recording of testimony. We'll play the
2 whole thing back for you, if you ask us to. But I ask
3 that you do not take written notes. I ask that you
4 listen rather than take written notes.

5 Now, I remind you we do not allow cell phones in
6 the courtroom. Mine has already been vibrating in my
7 pocket. It's been going off for the last 25 minutes
8 while I've been talking to you. And you see what I've
9 done, I haven't touched it. So, please, no cell phones
10 while you are on jury duty.

11 I do not intend that what I have just said to you,
12 I don't want you to believe that these remarks I have
13 made are a charge on the law in this case, because it's
14 not that. I'm going to charge you the law that I think
15 applies in this case after you and I hear the evidence
16 in this case. So I don't know what law applies yet.

17 This has been merely an attempt on my part to
18 briefly explain to you some of the procedure that we
19 will follow in the trial of this case.

20 We have rules for everything, ladies and
21 gentlemen, that I won't even go into. For instance, we
22 have a rule who makes the first opening statement based
23 on burden of proof. We have a rule on closing
24 argument. We have a rule on the presentation of
25 evidence. We have rules of evidence of what will be

OPENING COMMENTS BY THE COURT

1 allowed and what won't be allowed. So, believe me,
2 that is my job to enforce the rules of law as the trial
3 progresses.

4 So I hope that by explaining a little bit to you
5 about how we are going to proceed, you will have a
6 better understanding as to what may be happening from
7 time to time. Nevertheless, in order to preserve
8 everyone's rights, I will give the parties an
9 opportunity to object to anything that I have said to
10 you, if they have any such objections.

11 Any exceptions or objections from the State of
12 South Carolina to the Court's comments?

13 MS. JONES: No, Your Honor.

14 THE COURT: From the Defendant?

15 MS. CAMPBELL: No, Your Honor.

16 THE COURT: Ladies and gentlemen, we will now
17 begin the trial of the case. Please listen carefully
18 to the attorneys.

19 Counsel.

20 MS. JONES: Thank you, Your Honor. May it please
21 the Court.

22 THE COURT: Proceed.

23 OPENING STATEMENT BY STATE

24 MS. JONES: From a very young age, we are all
25 taught to be the bigger person. Walk away. In a scary

OPENING STATEMENT BY THE STATE

1 situation and in troubling situations, or even in times
2 where something just doesn't feel quite right, our
3 intuition kicks in and we have that choice. We have
4 the ability to walk away.

5 And on most times, most days, if we make this
6 choice, we come out the bigger and better person on the
7 other side.

8 On August 22nd of 2017, Adrian Lamont Manigo made
9 this choice. He walked away. And unfortunately on
10 that hot summer afternoon, it cost him his life.

11 August 22nd was like any other summer afternoon at
12 Frank Young, Junior's home. Mr. Young goes by Mikey,
13 and years ago, a horrific car accident left Mikey a
14 paraplegic. He has very little use of his hands and no
15 use whatsoever of his legs. He is in a wheelchair.

16 And because of that, his home is a local hangout
17 spot. It is much easier for friends to come to him
18 than it is for him to go to his friends.

19 Now, he lives on [REDACTED]. And a little
20 bit of where that is, if you are heading out of town
21 and you pass the cider store on your left, and it's a
22 little ways, maybe about a mile, on your right off of
23 21 before Highway 17 heading towards Charleston. It's
24 not too far out of town.

25 That afternoon, Mikey, a man named Michael Grant,

OPENING STATEMENT BY THE STATE

1 a man named Derio Young, and the Defendant, Dontarious
2 Wright, who also goes by D.J., are at Mikey's house
3 that afternoon, about 5:00 in the afternoon. And
4 they're all hanging out in the front yard underneath
5 the big old oak tree.

6 One part of the yard, we have Michael Grant and
7 Mikey talking. Another part of the yard, we have Derio
8 Young and the Defendant talking. About 15, 20 minutes
9 after everyone had already gotten there, Adrian Lamont
10 Manigo, who you will hear referred to as Mont, drives
11 up. And he drives up in his silver Tahoe, and he comes
12 alone.

13 He parks the Tahoe next to Michael Grant's car,
14 and he gets out. And he walks next and starts talking
15 to Mikey and Michael Grant. And everything is good.
16 You see, Mikey and Mont are cousins. And it's common
17 for Mikey to come over, and typically come over
18 unannounced.

19 The three men, Mikey, Michael Grant, and Mont have
20 known each other their entire life. They are talking,
21 they're carrying on and laughing, having a great time.
22 It is the country. It is rural. Quiet. And it's just
23 what Mont was looking for that afternoon.

24 But that afternoon, the Defendant, Dontarious
25 Wright, had something else in mind, something more

OPENING STATEMENT BY THE STATE

1 sinister. As the three older men are talking, the
2 Defendant stands up, walks to the side of the yard, and
3 he begins to mumble to himself. Now, they can't really
4 understand what he's saying. He seems to be mumbling
5 something to himself.

6 He comes back to where he was originally seated
7 and he sits down, and this time, the mood has changed.
8 Because now, Dontarious Wright, the Defendant, has a
9 gun in his lap.

10 When the three men, three older men, see this gun,
11 especially Mont, he asked, What's that for? The
12 Defendant, without hesitation, looks him in the eyes
13 and says, "It's for you."

14 So what does Mont do? He waves him off, he
15 ignores him, he turns, and he walks away. Before he
16 can even get to his car, that man right there raises
17 his gun, points it towards Mont, and fires three
18 rounds, one into the back of Mont's arm, and one in his
19 upper right shoulder. And within minutes, Mont has
20 succumbed to his wounds, and he dies on the dirt road
21 on that hot summer afternoon.

22 So what does the Defendant do? Like the coward
23 that he is, after shooting a man in the back, he runs.
24 He runs, he changes clothes, he gets rid of the gun,
25 and hides. And he remains in hiding for a few hours

OPENING STATEMENT BY THE STATE

1 until the deputies of the Beaufort County Sheriff's
2 Office find him across Highway 17 hiding in a shed.
3 He's arrested, and he's taken back to the Sheriff's
4 Office for an interview.

5 And he does what you would expect any coward to
6 do. He lies. And he lies for roughly the first 30 or
7 40 minutes of his interview. He doesn't know Mont. He
8 was not at Mikey's house that afternoon, and he most
9 certainly was not the man, the shooter, they are
10 looking for.

11 But lie by lie, the investigator who is
12 questioning him presses him, and soon bits and pieces
13 of the truth emerge. And finally the Defendant says, I
14 do know Mont. I was there that afternoon -- this
15 afternoon, and I did shoot Mont. And I fired my gun
16 three times, and but for it jamming, I would have fired
17 more.

18 The Defendant then tries to rationalize with
19 Investigator Fraser why he shot Mont, and it is two
20 stories, two pieces of information that he hangs his
21 hat on. And he tries to rationalize why he had to
22 shoot an unarmed man in the back that afternoon.

23 Investigator Fraser brings up a prior incident, a
24 prior beef, a prior dispute between Dontarious Wright
25 and a man named Jamel Washington. You are going to

OPENING STATEMENT BY THE STATE

1 hear him referred to as J.D.

2 Years ago, three years to be exact, prior to the
3 Defendant shooting and killing Mont, there was a
4 dispute between Jamel Washington and Dontarious Wright,
5 and it resulted in Dontarious Wright being shot in the
6 leg, three years prior to him killing Mont.

7 And the Defendant wants Investigator Fraser, who
8 is questioning him, to believe that it is because of
9 this shooting three years ago that Mont was at Mikey's
10 that afternoon. Mont was there to get him. It was him
11 or me, he says.

12 So in this theory the Defendant has, Mont shows
13 up, it is daylight, he comes alone, he naturally sees
14 the Defendant seated under the tree. And you're going
15 to see pictures of where that has happened.

16 He gets out of his car, unarmed, and he turns his
17 back on the Defendant. But it was him or the Defendant
18 that day. That is what he wants you to believe.

19 And he also hangs his hat on another piece of
20 information that he learns through Investigator Fraser.
21 After Mont had been killed, his car is searched. And
22 behind the closed doors, inside the sealed center
23 console, and underneath some paper is a gun, a .9
24 millimeter Taurus handgun is there. There's no round
25 in the chamber, and it has not been recently touched.

OPENING STATEMENT BY THE STATE

1 And you're going to see photos of what the scene
2 looked like that day, and where Mont was found. And
3 you are going to see how Mont never had a chance to get
4 that gun.

5 You are going to hear this interview. It is going
6 to be played for you, and you are going to hear it, and
7 you are going to hear the Defendant's lies, the
8 preposterous theory, and ultimately his version of the
9 truth.

10 But you are also going to hear from those who
11 witnessed what happened that afternoon. You are going
12 to hear from Mikey, you are going to hear from Michael
13 Grant, and you're going to hear from investigators who
14 responded, came to the scene. You are going to hear
15 from agents for SLED who tested the physical evidence,
16 and they are going to tell you what they found.

17 And one thing that is going to remain the same
18 throughout everything is that the Defendant shot and
19 killed an unarmed man in the back on August 22nd of
20 2017. That coward over there shoots him in the back,
21 runs, changes his clothes, gets rid of the gun, and
22 hides. But he wants you to believe it is self-defense.

23 So, now, I ask you please listen to the testimony
24 that you are going to hear from this witness stand, and
25 to the exhibits you are going to see, and to the videos

OPENING STATEMENT BY THE STATE

1 that are played, and the 911 calls that are played.
2 And listen and use your common sense that you all
3 brought with you this morning when you came into court.

4 Mont ignored the Defendant. He turned, he walked
5 away. He was being the bigger person on August the
6 22nd of 2017, and sadly it cost him his life.

7 OPENING STATEMENT BY THE DEFENSE

8 THE COURT: Ms. Campbell.

9 MS. CAMPBELL: Thank you, Judge.

10 THE COURT: Proceed.

11 MS. CAMPBELL: Good morning. I sat and I listened
12 to the Solicitor tell her tale, and it is interesting
13 that there are a few pieces of evidence that don't fit
14 her theory that she conveniently leaves out for you.

15 I think you are going to find that more often as
16 you actually hear the testimony, Adrian Lamont Manigo
17 had his hands tested for gunshot residue. You are
18 going to hear there was gunshot residue all over his
19 hands. That is kind of critical in a kill or be killed
20 situation, who had gunshot residue on their hands. Why
21 leave that out?

22 I'm happy to be here with you today. I started in
23 1991, here in Beaufort County. A couple of years ago I
24 was asked to take over the violent crimes for the whole
25 circuit. Had the pleasure of being up in Hampton

OPENING STATEMENT BY THE DEFENSE

1 County last month, and now I have the pleasure of being
2 with you today. One of the things that you are going
3 to hear is Investigator Fraser, Jeremiah Fraser --
4 well, he's been here about as long as I have, and I
5 guarantee you that when you hear him testify, he's
6 going to say things like, well, I -- I have a technique
7 that I use. And so that technique, you know, gets your
8 guy talking.

9 But in this situation, I think what you will hear
10 is immediately, because D.J. knows Fraser. Fraser
11 investigated the case where D.J. got shot in the leg by
12 Jamel. He took -- he went to the hospital to see him,
13 to see D.J.

14 And he was like, Man, J.D., I swear to you, J.D.
15 was riding with Mont. He was in the passenger seat in
16 that Tahoe. You will hear the interview. You will see
17 the interview. And right off the bat he says -- he
18 tells him, Man, I ran. My gun jammed, I had no idea
19 who, where, how, what I shot, or if they were following
20 me.

21 Now, what does Fraser say to him? I mean, you can
22 tell me. Watch it, you will see. There's a rapport,
23 like two people who know one another. And he says,
24 D.J., I think something bad was about to happen. I
25 think it might have been you or him. I think you

OPENING STATEMENT BY THE DEFENSE

1 didn't have a choice. I think there is a difference
2 between defending your life and just shooting somebody
3 in cold blood. There's -- hey, D.J., I know, there's a
4 reason you are not going down where you used to run
5 around, where you used to live. I know what that is.
6 I know what those reasons are, D.J., because they are
7 looking for you. You are living in the middle of a
8 hive right now, and you have been. And I -- he,
9 meaning Mont, showed up with bad intentions.

10 I know you know that. I know that. We need to
11 get the story straight now. We are taping it, the jury
12 is going to see it, let's make sure they know what
13 happened. I think you shot him in self-defense.

14 He had no other reason to be there. You weren't
15 bothering anybody, and I understand, D.J., after what
16 happened to you last time, you got shot when Jamel,
17 J.D. were hanging with Mont, shot you in the leg and
18 you didn't have a gun. I get it. You had an equalizer
19 that day.

20 There is a gun in the Tahoe. May have been more,
21 we will find out. You will answer these questions.

22 Dontarious Wright, you see him sitting next to me.
23 He is a tiny, tiny little fellow. Manigo would make
24 three of him. Big, big man, always with a big, big
25 gun. And Fraser said it best. He did. And you will

OPENING STATEMENT BY THE DEFENSE

1 hear J.D. -- you will hear D.J. tell Fraser, man, you
2 remember that case when I put the Rule 5 on J.D. -- on
3 Jamel.

4 Now, that's slang. They are talking in language
5 they both understand. This Rule 5, discovery process
6 and criminal prosecution. There is a bounty on my
7 head. They are looking for me.

8 This is not a who done it. This is no, "some
9 other dude did it." This is straight up self-defense.
10 You are going to have to answer the question, what was
11 in the mind of D.J. in those moments when he saw Mont
12 drive up, believed J.D. was in the passenger seat with
13 him, get out of his truck, knowing the history, knowing
14 the big, big man with the big, big gun. Terrified
15 little man, who on another day didn't have a gun.

16 You will have to consider the prior threats, the
17 prior difficulties, and the circumstances existing in
18 those moments. No matter who you are, you don't have
19 to run, there's no, you know, it -- kill or be killed.
20 And His Honor will instruct you, when you are in those
21 moments, I believe he will tell you the law is, no man
22 has to wait for their opponent, their assailant, the
23 threat to get the drop on him. We are not required in
24 this country to let that happen to us.

25 His Honor will tell you that there's four elements

OPENING STATEMENT BY THE DEFENSE

1 to self-defense, and that the State of South Carolina
2 has to prove beyond a reasonable doubt that D.J. did
3 not act in self-defense, being without fault, and
4 bringing on the problem. Believing your life is in
5 danger or your life is actually in danger. Your
6 beliefs need to be reasonable and prudent based on the
7 circumstances.

8 Now, His Honor was absolutely correct. Your
9 critical role is to judge the credibility of the
10 witnesses. Now, I'm not talking about the people from
11 SLED. I'm not talking about the medical examiner from
12 MUSC. You know, they are experts. They are going to
13 come in here and talk about DNA or fingerprint.
14 People's height and weight.

15 I'm talking about the family. I'm talking about
16 the cousins, Mikey, a/k/a Frank Young, Junior, and
17 Michael Grant, the close friends who were there that
18 afternoon. That is the credibility, the bias, the
19 prejudice, what is on -- on the line.

20 I believe what you will hear first probably are
21 the 911 tapes. The State will play the harrowing
22 calls. Somebody has been shot, you got to get out
23 here, he's bleeding. That is what you will hear.

24 And then we will move on to the investigators and
25 photographs of this, and photographs of that. Then you

OPENING STATEMENT BY THE DEFENSE

1 will hear from the gentlemen who were there, what they
2 say did or didn't happen.

3 And you will hear from SLED about the gunshot
4 residue. You will hear from BCSO. They have a DNA
5 lab, and they will talk about some DNA analysis they
6 did. You will hear from the doctor from MUSC. And, of
7 course, you will hear the conversation between D.J. and
8 Investigator Fraser.

9 His Honor accurately talked about the foundation
10 of our criminal justice system. Every man and woman in
11 this courtroom, should they find themselves seated at
12 my table, no matter who they are, they are presumed
13 innocent, and I anticipate His Honor will explain that
14 to you at the close of the case, just as you might have
15 a robe or a jacket on. That presumption of innocence
16 is a robe that the Defendant wears.

17 He is cloaked in not guilty. He is cloaked in
18 innocence, and there is no removal, no matter what is
19 happening in this case of that cloak. The only way it
20 can be removed is by you and you in your individual
21 capacities at the close of this case, making a
22 unanimous decision to strip that man of that cloak of
23 innocence.

24 I will talk to you again at the close of this
25 case, and we will talk more and more in-depth about

OPENING STATEMENT BY THE DEFENSE

1 what I believe actually will come out in this trial.

2 Thank you for your patience.

3 THE COURT: Call your first witness.

4 MS. JONES: State calls Allyson Moreira.

5 Thereupon,

6 ALLYSON MOREIRA

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

8 was examined and testified as follows:

9 THE BAILIFF: Give your full name and spell your
10 last name for the courtroom.

11 THE WITNESS: Allyson Moreira, M-O-R-E-I-R-A.

12 THE COURT: Your witness, Counsel. Direct
13 examination.

14 Speak up for me so that the young lady in the back
15 row back there can hear everything you say.

16 THE WITNESS: Yes, sir.

17 THE COURT: Proceed. Direct examination.

18 MS. JONES: Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY MS. JONES:

21 Q Ms. Moreira, where do you work?

22 A Beaufort County Sheriff's Office.

23 Q And in what capacity do you work with the
24 Sheriff's Office?

25 A I am the 911 recorder clerk.

DIRECT EXAMINATION OF ALLYSON MOREIRA BY MS. JONES

1 Q And what does that mean?

2 A I receive all the 911 tape requests and I have to
3 locate the calls and finally pull them for evidence.

4 Q And are these calls kept in the ordinary course of
5 business?

6 A They are.

7 Q And did you receive a request to pull some calls
8 for the case we're here for today?

9 A Yes.

10 Q And you pull those calls?

11 A I did.

12 MS. JONES: Permission to approach, Your Honor,
13 the witness?

14 THE COURT: You may.

15 BY MS. JONES:

16 Q Ms. Moreira, I'm showing you what has been marked
17 as State's 34 and State's 35. Do you recognize those?

18 A I do.

19 Q And what are those?

20 A These are 911 tapes.

21 Q And are those done -- have you reviewed those just
22 prior to trial?

23 A I did.

24 Q And how is that indicated?

25 A I initialed and dated them.

DIRECT EXAMINATION OF ALLYSON MOREIRA BY MS. JONES

1 Q And what is contained on those discs?

2 A The actual call that came in, in this case.

3 Q And are they fair and accurate depictions of the
4 calls from that afternoon?

5 A Yes.

6 MS. JONES: And, Your Honor, at this time, State
7 moves State's 34 and 35 into evidence.

8 THE COURT: As to State's 34 and 35?

9 MS. CAMPBELL: No objection.

10 THE COURT: Ladies and gentlemen of the jury,
11 State's 34 and 35 will be admitted into evidence in the
12 trial of this case without objection.

13 *(Whereupon, State's Exhibit No(s). 34-35 marked*
14 *for identification and received in evidence.)*

15 THE COURT: You may publish to the jury.

16 MS. JONES: Thank you, Your Honor.

17 (Audio CDs being played.)

18 MS. JONES: I have no further questions for this
19 witness.

20 THE COURT: Cross examination.

21 MS. CAMPBELL: No questions, Your Honor.

22 THE COURT: As to this witness?

23 MS. JONES: She may be excused.

24 THE COURT: Any objection?

25 MS. CAMPBELL: No, sir.

DIRECT EXAMINATION OF ALLYSON MOREIRA BY MS. JONES

1 THE COURT: You may step down and you're excused
2 from the trial of this case. Thank you.

3 Call your next witness.

4 MS. JONES: State calls Mike Capaccione.

5 Thereupon,

6 MIKE CAPACCIONE

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

9 THE BAILIFF: Speak right in that microphone as
10 loud as you can. Give your full name and spell your
11 last name for the court reporter.

12 THE WITNESS: Yes, sir. Michael Capaccione. Last
13 name is spelled C-A-P-A-C-C-I-O-N-E.

14 THE COURT: Your witness, Counsel.

15 MS. JONES: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MS. JONES:

18 Q Mr. Capaccione, I see you are in a uniform. Where
19 do you work?

20 A I am a paramedic with Beaufort County EMS.

21 Q And what are some of your job duties?

22 A Respond to day-to-day emergencies, 911 calls,
23 training newer people.

24 Q And did you have an opportunity to respond to a
25 gunshot victim on August 22nd of 2017?

DIRECT EXAMINATION OF MIKE CAPACCIONE BY MS. JONES

1 A I did.

2 Q And where did you respond?

3 A [REDACTED], I believe.

4 Q Okay. Is that here in Beaufort County?

5 A Yes, it is.

6 Q And why did you respond to [REDACTED]?

7 A 911 call for a gunshot wound.

8 Q And when you get there, what do you observe?

9 A The deputies were there, secured the scene for us.

10 And walked in, and the victim was laying next to the -- next

11 to the tree there, face down.

12 Q Was the victim identified?

13 A Not by me, no.

14 Q Do you know what time it was you arrived on scene?

15 A Not offhand. I didn't see the report.

16 Q Okay. And would a copy of your report help you?

17 A Sure.

18 THE COURT: You may approach.

19 MS. JONES: Thank you, Your Honor.

20 A It looks to be around 1740.

21 BY MS. JONES:

22 Q And on this 12-hour clock, what time is that?

23 A Oh, I'm sorry. That's 20 till 6:00 in the

24 afternoon.

25 Q Thank you. And when you get there, where is the

DIRECT EXAMINATION OF MIKE CAPACCIONE BY MS. JONES

1 victim? Is the victim identified in that report?

2 A Yes. Mr. Lamont Manigo.

3 Q M-A-N-I-G-O?

4 A Yes, sorry.

5 Q And where did you observe injuries to Mr. Manigo?

6 A He was -- there was a gunshot wound to the back,
7 around the scapula area, the shoulder blade, and there was
8 also a wound by his elbow.

9 Q And what medical care did you provide Mr. Manigo?

10 A Whenever I got there, he was pulseless and apneic,
11 meaning he was not breathing and his heart -- we checked his
12 pulse and his pulse -- his heart was not beating. And at
13 that point, the location of the gunshots and the anatomical
14 structures, the bullet, would have had to have passed
15 through. He was pronounced dead at that point with injuries
16 incompatible with life.

17 Q And did you relay that information on to the
18 Sheriff's Office?

19 A Yes, I did. And I also called dispatch to verify
20 with the Coroner's office.

21 Q Thank you.

22 MS. JONES: I have no further questions for this
23 witness.

24 MS. CAMPBELL: No questions.

25 THE COURT: As to this witness, Solicitor?

DIRECT EXAMINATION OF MIKE CAPACCIONE BY MS. JONES

1 MS. JONES: He may be excused.

2 THE COURT: Any objection?

3 MS. CAMPBELL: No, Judge.

4 THE COURT: You may step down. You're excused
5 from the trial of this case. Thank you, sir.

6 MS. JONES: Thank you, Your Honor.

7 THE COURT: Call your next witness.

8 MS. JONES: The State calls Stuart Mankin.

9 Thereupon,

10 STUART MANKIN

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

13 THE BAILIFF: Speak directly in the microphone.
14 Give your full name and spell your last name for the
15 court reporter.

16 THE WITNESS: Stuart Mankin, M-A-N-K-I-N.

17 THE COURT: Your witness, Counsel. Direct
18 examination.

19 MS. JONES: Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY MS. JONES:

22 Q Sergeant Mankin, where do you work?

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

24 Q And in what capacity do you work for the Sheriff's
25 Office?

DIRECT EXAMINATION OF STUART MANKIN

1 A I'm currently assigned as an assistant supervisor
2 to the road patrol.

3 Q How long have you been with the Sheriff's Office?

4 A A little over ten years.

5 Q And back in 2017, what role did you have with
6 BCSO?

7 A I was a senior corporal assigned to, I believe it
8 was, A Team, on road patrol.

9 Q And what area of the county did A team patrol?

10 A We patrolled everywhere within the northern area
11 of Broad River Bridge, from Lobeco all the way out to
12 St. Helena Island.

13 Q Did you have an opportunity to respond to the
14 Lobeco area August 22nd, 2017?

15 A Yes, ma'am, I did.

16 Q And where did you respond?

17 A To [REDACTED].

18 Q And is that near Beaufort County?

19 A Yes, ma'am, it is.

20 Q And why did you respond to that location?

21 A Responding initially to reference a report of
22 shots fired, which was later confirmed that there was a
23 victim that was a gunshot victim.

24 Q What time of day did you get there?

25 A Believe it was 5:29, 5:30 at night.

DIRECT EXAMINATION OF STUART MANKIN

1 Q When you get there, what do you see?

2 A Part of my field training -- or sorry. My
3 trainees observations upon getting there, there were three
4 males standing around a -- I want to say champagne or golden
5 color Chevy Tahoe. It was one male who was wheelchair
6 bound, Mr. Young. He was over the individual who was laying
7 on the ground who was later identified as Mr. Adrian Manigo.

8 Additionally, there was another subject over,
9 Mr. Black, who was standing over the victim.

10 Q And I'm going to show you some photographs from
11 the --

12 MS. JONES: Permission to approach the witness,
13 Your Honor?

14 THE COURT: You may.

15 BY MS. JONES:

16 Q Sergeant Mankin, I'm going to show you what has
17 been marked for identification as State's 1, 2, 3, 4, 5, and
18 6. Can you please identify those?

19 A Yes, ma'am. State's Exhibit 1 shows the driveway
20 leading up to the Tahoe that was parked underneath the tree
21 at [REDACTED].

22 Two is a close-up. It also shows our patrol
23 vehicle, and more of a direct facing the house at [REDACTED]
24 [REDACTED].

25 Three was taken more at a side angle from the

DIRECT EXAMINATION OF STUART MANKIN

1 house, back towards the tree where the Tahoe was parked.

2 Four is from the opposite side of the -- that
3 same tree, pointing back towards the Tahoe.

4 Five is directly in front of the Tahoe.

5 And, six is a little bit closer of the front
6 end of the Tahoe.

7 Q And do those photographs fairly and accurately
8 depict the scene as it was when you arrived that afternoon?

9 A Minus the two individuals around the -- and the
10 victim, yes.

11 Q They are no longer in the photographs?

12 A Correct.

13 MS. JONES: Your Honor, at this time, State moves
14 State's 1 through 6 into evidence.

15 THE COURT: As to State's 1 through 6 inclusive?

16 MS. CAMPBELL: No objection.

17 THE COURT: Ladies and gentlemen of the jury,
18 State's Exhibits 1, 2, 3, 4, 5, and 6 will be admitted
19 into evidence in the trial of this case without
20 objection.

21 You may publish.

22 *(Whereupon, State's Exhibit No(s). 1-6 marked for*
23 *identification and received in evidence.)*

24 MS. JONES: Thank you, Your Honor.

25

DIRECT EXAMINATION OF STUART MANKIN

1 BY MS. JONES:

2 Q Let's start with State's 1.

3 THE COURT: The screen's to your right, ladies and
4 gentlemen.

5 Can you see, Trasi?

6 MS. CAMPBELL: Yes, sir.

7 BY MS. JONES:

8 Q Okay. And, again, what does this photograph show,
9 State's Exhibit 1.

10 A That would be as you come down the driveway at [REDACTED]
11 [REDACTED], you'll see the Tahoe that was parked in
12 the driveway. Off next to it, to the left-hand side, would
13 be where the victim was laying, Mr. Manigo.

14 Q And State's Exhibit 2?

15 A Again, that's taken from our patrol vehicle, where
16 you can see off to the right, there's the Tahoe. And
17 directly in front, you can see the house at [REDACTED]
18 [REDACTED].

19 Q State's Exhibit 3?

20 A Now, this is taken more off to the left side,
21 closer to the house, where you can see the tree and the left
22 side of the Tahoe.

23 Q And is this the tree that you mentioned where Mr.
24 Frank Young, Junior and Erik Black were?

25 A Yes.

DIRECT EXAMINATION OF STUART MANKIN

1 Q And State's Exhibit 4. And what does this photo
2 show?

3 A Again, this shows the location from, and as you
4 see where the red or pink sheet is, that was originally when
5 we showed up on scene where Mr. Young and Mr. Black were
6 located around the Tahoe.

7 Q And the pink colored sheet, what is that?

8 A That is Mr. Manigo.

9 Q And State's Exhibit 5?

10 A Again, this is just another shot from a different
11 angle showing a little bit closer to that scene. And,
12 again, the sheet where Mr. Manigo was.

13 Q And State's Exhibit 6?

14 A Again, a lot closer, depicting exactly where
15 everybody was.

16 Q Okay. Thank you. I can take those photographs.

17 And you mentioned Mr. Young, Junior, Mikey,
18 as well as Erik Black were under this tree. What were their
19 demeanors that afternoon?

20 A Initially upon arriving, you can see that
21 Mr. Young, or Mikey, was visually and extremely distraught
22 about the situation, crying. Screaming at us, demanding
23 that we get Mr. Manigo to the hospital immediately.

24 Mr. Black was slapping the face of
25 Mr. Manigo, telling him to wake up, wake up, wake up. At

DIRECT EXAMINATION OF STUART MANKIN

1 which point, we were able to actually get them back from the
2 scene a little bit so we could get EMS in there as soon as
3 EMS arrived.

4 Q Did you ask Mikey any questions about who shot
5 Mr. Manigo?

6 A I didn't directly ask him; however, while we were
7 there, he made the statement, "I can't believe he did this."
8 So then it was clarified who is "he"? Who are you talking
9 about? At which point, I believe he said I -- I believe it
10 was D.J., or Dontarious Wright.

11 Q Were you there when the EMS or paramedics arrived?

12 A Yes, ma'am.

13 Q And after that, what did you do for this
14 investigation?

15 A After that, I left my trainee on scene and I
16 was -- established a perimeter over on, I think it was, [REDACTED]
17 [REDACTED].

18 Q Do you remember the address on [REDACTED]?

19 A I believe it was 98, I believe. Something like
20 that.

21 Q Could it have been [REDACTED]?

22 A It very well could have been.

23 Q And why did you go to this incident location?

24 A There was information that the suspect,
25 Mr. Wright, had been at that location and was apparently at

DIRECT EXAMINATION OF STUART MANKIN

1 that location. So a perimeter was established around that
2 residence and maintained until investigators were able to
3 get the necessary documents they needed.

4 Q And aside from helping establish a perimeter
5 around the second location, did you do anything else for
6 this case?

7 A No, ma'am.

8 MS. JONES: I have no further questions for you.

9 THE COURT: Cross examination.

10 MS. CAMPBELL: May it please the Court.

11 CROSS EXAMINATION

12 BY MS. CAMPBELL:

13 Q Good morning.

14 A Good morning.

15 Q So you wrote an incident report about what you did
16 at the scene, right?

17 A Yes. A supplemental incident report.

18 Q And -- okay. So are you -- you're the first
19 officer there?

20 A Yes, ma'am.

21 Q Okay. And your incident report is accurate,
22 correct?

23 A Yes, ma'am.

24 Q Okay. So in your reporting, let's see, you see at
25 the scene Frank Young, Junior, right?

CROSS EXAMINATION OF STUART MANKIN BY MS. CAMPBELL

1 A Yes, ma'am.

2 Q He's in a wheelchair?

3 A Uh-huh. (Indicating affirmatively.)

4 THE COURT: You have to say yes or no.

5 A Yes, ma'am.

6 MS. CAMPBELL: Thank you, Judge.

7 THE WITNESS: Sorry, Your Honor.

8 BY MS. CAMPBELL:

9 Q You see Erik Black, right?

10 A Yes, ma'am.

11 Q And you make those notations in your incident
12 report?

13 A Yes, ma'am.

14 Q Now, you do not see Michael Grant, right?

15 A No, ma'am.

16 Q And you do not see D.J., right?

17 A No, ma'am.

18 Q Three people. Mont, who is on the ground, Frank
19 Young, Junior, and Erik Black. That's it, right?

20 A Yes, ma'am.

21 Q Okay. Now, in your incident report, being the
22 first officer on the scene, knowing you are investigating a
23 shooting, you, rightly so, are looking possibly for -- what,
24 shell casings, right?

25 A Originally my concerns were on the individual who

CROSS EXAMINATION OF STUART MANKIN BY MS. CAMPBELL

1 was on the ground.

2 Q Right. And in your incident report you note, "I
3 located shell casings," correct?

4 A Yes, ma'am. There was a shell casing located.

5 Q And that shell casing was in the driveway area, I
6 think you say, near Patrol Adams' car or something like
7 that; is that right?

8 A Yes, ma'am. The vehicle that was seen in the
9 photos.

10 Q And so essentially, you don't find any other shell
11 casings, that's just all that you find; is that correct?

12 A Yes, ma'am.

13 Q And you leave it there, the investigators take
14 over, right?

15 A Yes, ma'am.

16 Q Perfect.

17 MS. CAMPBELL: Thank you. I have no further
18 questions.

19 THE COURT: Redirect.

20 MS. JONES: No, Your Honor.

21 THE COURT: As to the witness?

22 MS. JONES: He may be excused.

23 THE COURT: Any objection?

24 MS. CAMPBELL: No objection.

25 THE COURT: Very well. Mr. Mankin, you may step

CROSS EXAMINATION OF STUART MANKIN BY MS. CAMPBELL

1 down. You're excused from the trial of this case. You
2 may leave the courtroom.

3 Call your next witness.

4 MS. JONES: State calls Frank Young, Junior, also
5 known as Mikey.

6 Thereupon,

7 FRANK YOUNG, JUNIOR

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

10 THE BAILIFF: State your full name and spell your
11 last name for the court reporter.

12 THE WITNESS: Y-O-U-N-G.

13 THE COURT: Mr. Young, you're going to have to
14 speak up now so everybody on my jury can hear you. You
15 understand?

16 THE WITNESS: All right.

17 THE COURT: Your witness, Counsel. Direct
18 examination.

19 MS. JONES: Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY MS. JONES:

22 Q Good morning, Mr. Young.

23 A Good morning.

24 Q Can I call you Mikey?

25 A Yeah.

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
JONES

1 Q Where do you live?

2 A [REDACTED].

3 Q And how long have you lived there?

4 A Really, all of my life really.

5 THE COURT: You got to speak up for me, Mr. Young.

6 Got jurors that can't hear you.

7 THE WITNESS: All right. All my life.

8 BY MS. JONES:

9 Q And who do you live there with?

10 A My mom and my sons.

11 Q What is your mom's name?

12 A Rebecca Young.

13 Q Okay. And [REDACTED], this home, is this
14 where people come to hang out?

15 A Yeah. I mean -- yeah, my friends and stuff, you
16 know, we sit around underneath the tree and stuff.

17 Q Underneath the tree?

18 A Yeah.

19 Q What else goes on when y'all are hanging out
20 underneath the tree or just at your home?

21 A Cook out, drink, you know. Like hang out
22 underneath the tree, yeah.

23 Q Is this a suburban area or --

24 A No. Like, country. Country life.

25 Q Is it pretty rural?

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
JONES

1 A Yeah.

2 Q Is it common, or has there been times when people
3 have brought guns out there?

4 A Yes.

5 Q And what happens?

6 A Nothing. You know, sometimes, you know, we might
7 shoot down in the woods because it is an open field. And
8 sometimes somebody might shoot down in the woods, like
9 target practice or something like that, but never no guns
10 out for violence or anything.

11 Q Okay. Do you know a man named Adrian Lamont
12 Manigo?

13 A Yes.

14 Q What did you know him by?

15 A Lamont -- Mont, yeah.

16 Q And who was he to you?

17 A My cousin.

18 Q How long had you known him?

19 A All my life.

20 Q And do you know a man named Dontarious Wright, or
21 D.J.?

22 A Yes, yes.

23 Q How do you know him?

24 A He was my niece boyfriend.

25 Q What is your niece's name?

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
JONES

1 A Fantasia.

2 Q And Mr. Young, Mikey, I see you're in a
3 wheelchair.

4 A Right.

5 Q What happened?

6 A Car accident.

7 Q How long have you been in a wheelchair?

8 A Eleven years.

9 Q Do you remember August 22nd of 2017?

10 A Yes.

11 Q And why do you remember that day?

12 A That's when my cousin got killed.

13 Q And were you there when it happened?

14 A Yes.

15 Q I'm going to ask you to take us back to that
16 afternoon, and tell me what happened that afternoon.

17 A Which part? I mean just that afternoon?

18 Q Who was -- who was at your house outside that
19 afternoon?

20 A It was before Mont came or after?

21 Q Before Mont came.

22 A It was me, D.J., Derio, and Pipe.

23 Q And does Pipe have another name?

24 A Michael.

25 Q And what's his last name?

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
JONES

1 A Grant.

2 Q Y'all call him Pipe though?

3 A Yeah.

4 Q And what are y'all doing?

5 A Sitting around. Just sitting around because
6 earlier that day was the eclipse, earlier that day. And
7 after the eclipse, we came over to the house and just
8 sitting around underneath the tree, and Michael just -- he
9 just had got off of work. And it was me, D.J. and Derio
10 there, you know, most of the time.

11 THE COURT: Speak up a little bit. They can't
12 hear you.

13 A It was me, D.J., and Derio there most of the day.
14 And then Pipe came from work -- Michael came from work.

15 Q Okay. And who were you mainly talking to before
16 Mont got there?

17 A Michael. I was -- because he never got out of the
18 truck, so I was over by his truck. When I'm home, I'm in a
19 power chair.

20 Q Okay. And who was in the other conversation?

21 A In the other, Derio and D.J. was over underneath
22 the tree sitting down.

23 Q Okay. I'll show you a photograph that has been
24 admitted. I'll show you State's Exhibit 5.

25 THE COURT: In evidence. You may approach.

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
JONES

1 MS. JONES: Thank you, Your Honor.

2 THE COURT: Hand him the photograph so he can look
3 at it without having to turn around from the
4 microphone.

5 BY MS. JONES:

6 Q Is this the tree you are talking about?

7 A Yes.

8 Q And describing on this photograph, where were you
9 viewing Mr. Grant?

10 A Right in front of -- right in front of Lamont's
11 truck.

12 Q And that's that Tahoe is Lamont's Tahoe?

13 A Yes.

14 Q Thank you.

15 Y'all were right in front of it?

16 A Yes.

17 Q And where were Derio and the Defendant?

18 A They were underneath the tree. They were farther
19 over this way towards the -- towards the grill.

20 Q Okay. And --

21 A And Derio was over by, like, in the front of the
22 lawnmower, and D.J. was more, like, by the grill, in front
23 of the grill right here.

24 Q Would that be the black and green lawnmower?

25 A No. The black and green -- Derio was by the black

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
JONES

1 and green, D.J. was over there by this second chair right
2 about there.

3 Q And the grill, the black grill?

4 A Yeah. So a little farther up. The chair there, a
5 little farther up from the -- from the old set of chairs at
6 the grill.

7 Q Okay.

8 A The next set of chairs up, yeah.

9 Q Okay. Okay. Thank you. I can take this back
10 from you.

11 And at some point, did Mont come over?

12 A Yes.

13 Q And how did he get there?

14 A Drove.

15 Q And did he drive in that Tahoe we saw?

16 A Yes.

17 Q Who was with him?

18 A Nobody.

19 Q He came alone?

20 A Yes.

21 Q And what did he do when he got to your house?

22 A He jump out the truck, say, what's up to
23 everybody, and he came and then we was talking -- me and him
24 -- basically me and him and Michael was talking. But
25 Michael was still in the truck at the time. So, me and Mont

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
JONES

1 was in between the two trucks, because he pulled right up
2 behind Michael. And so me and him was, like, in between the
3 two trucks.

4 Q What did he say to D.J., or the Defendant, when he
5 got there?

6 A Nothing. He just told everybody, what's up.
7 Yeah.

8 Q And after that, does the Defendant do something?

9 A Yes. He got up and he walked over towards -- my
10 sister got a house with a fence in it right next to ours,
11 and he walked over towards their house, and he was saying
12 something. Then he said mother or grandmother name, and
13 then he came back over to the chair and sat back down.

14 Q And when he sat back down, did you notice
15 something different?

16 A When he sat back down, talk for, like, it was
17 maybe ten seconds later, you know what I'm saying, he had
18 the gun on his lap.

19 Q Okay. And did someone ask him about that gun?

20 A Lamont.

21 Q What was that?

22 A Lamont asked him, "Man, what are you doing with
23 that gun?" Like, you know, why you got it out, you know.
24 And he jumped up and told him, "I got it for you."

25 Q And when he said, "I got it for you," what does

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
JONES

1 Mont do?

2 A Mont just shrugged it off and was just going to
3 his truck.

4 Q When did Mont ever go towards the Defendant?

5 A Never.

6 Q When did Mont ever attack the Defendant?

7 A Never.

8 Q When did Mont ever threaten the Defendant?

9 A Never.

10 Q When did Mont ever pull a gun on the Defendant?

11 A Never.

12 Q You said he turned and he was walking back to his
13 truck?

14 A Yes.

15 Q And when he turned to walk back to his truck, what
16 did the Defendant do?

17 A He then walked over a little, he walked around a
18 little bit and started firing.

19 Q How many shots did you hear?

20 A Three.

21 Q Did you see where -- where he shot?

22 A I know -- I know the first shot hit the radiator.
23 The first shot hit the radiator, and he shot twice more.
24 Because when he hit the radiator, the radiator burst,
25 because the truck was still hot. So when he hit the

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
JONES

1 radiator, it burst, and then he fired two more shots.

2 Q And did you see where these shots hit?

3 A Not until -- not until I got over to Mont, and
4 then I seen just on his arm, his arm was -- telling like he
5 was hit in his arm. So I had my nephew, Erik, go get some
6 towels and try to stop the bleeding and call 911, and -- and
7 I didn't even know he got shot in the back because there was
8 no blood. He was on his back, so there was no blood in the
9 front.

10 Q You mentioned Erik Black, was he there when the
11 shooting happened?

12 A No. He came up right afterwards.

13 Q Are you familiar with a man named J.D, or Jamel
14 Washington?

15 A Yes.

16 Q Where was he during -- during all of this?

17 A Nowhere. I haven't seen -- I haven't seen J.D. in
18 -- since I was walking. Yeah.

19 Q Okay. After -- after the shooting, what did the
20 Defendant do?

21 A He ran.

22 Q Okay. Did you see where he ran?

23 A He just -- I stay on a dirt road, so once you get
24 out the dirt road, he went to the right. And I can't see
25 nothing once you go to the right, because it's just woods

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
JONES

1 right there.

2 Q Okay. How about Derio?

3 A Derio, I find out later Derio had to be ran
4 further. I know both of them ran --

5 MS. CAMPBELL: Objection, hearsay.

6 THE COURT: Whoa. Just a moment. Just a moment.

7 Yes, ma'am.

8 MS. CAMPBELL: Objection, hearsay.

9 THE COURT: Sustained.

10 Don't refer to what someone else said, just what
11 you know --

12 THE WITNESS: Oh, okay.

13 THE COURT: Just a moment. Just what you know
14 that you saw with your eyes, not what someone else
15 said.

16 Objection sustained. Ask a question, direct
17 examination.

18 MS. JONES: Thank you, Your Honor.

19 BY MS. JONES:

20 Q Do you know where Derio went afterwards?

21 A He ran.

22 Q Okay. I'll ask you a couple more questions. Who
23 shot Mont that afternoon?

24 A D.J.

25 Q And do you see D.J. in the courtroom today?

DIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
JONES

1 A Yeah, he's right there.

2 Q Can you describe what he's wearing?

3 A The blue shirt.

4 MS. JONES: And may the record reflect that the
5 witness identified the Defendant.

6 BY MS. JONES:

7 Q What threats were made to D.J. before he shot
8 Mont?

9 A None.

10 Q What argument was going on before he shot Mont?

11 A None.

12 Q What attack was he under before he shot Mont?

13 A None.

14 Q What gun did Mont have in his hands?

15 A None.

16 Q And Mont was walking away when he shot him?

17 A Yeah.

18 MS. JONES: Mikey, I have no further questions for
19 you. Thank you.

20 THE WITNESS: You're welcome.

21 THE COURT: Cross examination.

22 MS. CAMPBELL: May it please the Court.

23 CROSS EXAMINATION

24 BY MS. CAMPBELL:

25 Q Frank.

CROSS EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
CAMPBELL

1 A Yes, ma'am.

2 Q I'm Ms. Campbell.

3 A Okay. How you doing?

4 Q All right. You have been interviewed a couple of
5 times about what happened, right?

6 A Yeah.

7 Q Okay. This officer right here, he interviewed
8 you, right?

9 A Yes.

10 Q And you know that was on videotape and audio tape,
11 right?

12 A Yes.

13 Q And everything you said to him, he took down,
14 right?

15 A Yes.

16 Q There was another interview that was done a couple
17 of days after this, right? After the incident, right?

18 A No, only the one videotape.

19 Q But a follow-up audio tape, correct?

20 A No.

21 Q You don't remember that?

22 A No. I did the audio tape that day, that same day,
23 and then --

24 Q At your house?

25 A Yes.

CROSS EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
CAMPBELL

1 Q Right.

2 A And then they came and did the video a couple of
3 days later.

4 Q And you were truthful with the officers when they
5 interviewed you, weren't you?

6 A Yes.

7 Q Okay. And so let me see if I understand what you
8 have told this jury.

9 A All right.

10 Q Peter Piper, a/k/a Michael Grant--

11 A Uh-huh. (Indicating affirmatively.)

12 Q -- had pulled up in his truck, right?

13 A Uh-huh. (Indicating affirmatively.)

14 Q And when Mont pulled down the dirt driveway, Mont
15 pulled up right behind Peter Piper, right?

16 A Uh-huh. (Indicating affirmatively.)

17 THE COURT: You have to say yes or no.

18 A Yes, yes.

19 Q And you started talking to Mont, right?

20 A Yes.

21 Q Okay. And the whole time, Michael Grant, Peter
22 Piper, stayed in his truck, right?

23 A Yes.

24 Q Okay. Now, at some point, there are some words
25 from D.J. to Mont, right?

CROSS EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
CAMPBELL

1 A Yes.

2 Q And the words were something like, Why you been
3 telling people where I'm living?

4 MS. JONES: Objection.

5 THE COURT: Just a moment. Stop. You stop.

6 Yes, ma'am.

7 MS. JONES: Hearsay.

8 THE COURT: Sustained.

9 Do not suggest what someone else said. Let the
10 witness testify for themselves.

11 Rephrase the question. I realize it is cross
12 examination.

13 MS. CAMPBELL: Thank you.

14 BY MS. CAMPBELL:

15 Q Yes. And exactly what did you hear D.J. accuse
16 Mont of doing?

17 A He say --

18 MS. JONES: Objection, hearsay.

19 THE COURT: Counsel approach.

20 (Off-the-record discussion was held.)

21 THE COURT: Objection sustained.

22 Move along. Cross examination.

23 BY MS. CAMPBELL:

24 Q Frank.

25 A Yes.

CROSS EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
CAMPBELL

- 1 Q Mont is your cousin, correct?
- 2 A Yes.
- 3 Q And Michael Grant, a/k/a Peter Piper --
- 4 A Yes.
- 5 Q -- is a friend of yours, right?
- 6 A Yes.
- 7 Q And he knows Mont, right?
- 8 A Yes.
- 9 Q Okay. And they have known each other a long time,
- 10 right?
- 11 A Yes.
- 12 Q Okay. And Peter Piper was right there when Mont
- 13 got shot, wasn't he?
- 14 A Yes.
- 15 Q Okay. When y'all called 911 --
- 16 A Uh-huh. (Indicating affirmatively.)
- 17 THE COURT: Yes or no.
- 18 A Yes.
- 19 Q Somebody -- we got a shooting here, right?
- 20 A Yes.
- 21 Q Michael Grant leaves, right?
- 22 A Yes.
- 23 Q Three days later, the cops catch up with him,
- 24 right?
- 25 A Yes.

CROSS EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
CAMPBELL

1 Q Mont was like your brother, wasn't he?

2 A Yes.

3 Q You saw D.J. actually pull a gun from his
4 waistband, didn't you?

5 A Yes.

6 Q You saw Mont go towards his truck, right?

7 A Yes.

8 Q Probably to get his gun, right?

9 A No.

10 MS. JONES: Objection.

11 THE COURT: Just a moment.

12 Grounds?

13 MS. JONES: Speculation.

14 THE COURT: Sustained. Don't speculate on a
15 reason. Ask a question.

16 Cross examination. Objection sustained.

17 BY MS. CAMPBELL:

18 Q Were you -- never mind.

19 Frank, you had been drinking that the day,
20 hadn't you?

21 A Yes. We had a 12-pack of Natural Light earlier
22 that morning.

23 Q In the morning. Okay. So you drank a 12-pack of
24 Natural Light, right?

25 A It was four of us, so we only drunk three a piece.

CROSS EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
CAMPBELL

1 Q In what period of time?

2 A Say about an hour.

3 Q Okay. Did you, as your brother, as your cousin,
4 as your friend, you stayed right there with Mont, didn't
5 you?

6 A Yes.

7 Q And Erik Black showed up after the shooting,
8 correct?

9 A Yes.

10 Q So the only people who saw it happen were you and
11 Michael Grant, right?

12 A And Derio.

13 Q And -- I'm getting there -- and Derio.

14 A (Nods in the affirmative.)

15 Q And, of course, D.J., who was there.

16 A Yes.

17 Q You stayed, Michael Grant left, correct?

18 A Yes.

19 Q Okay. The first shot, you told this jury, the
20 first shot was at the car, right?

21 A Yes. Hit the radiator.

22 Q It hit the car, right?

23 A Yes.

24 Q And then Mont was hit twice, correct?

25 A Yes.

CROSS EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
CAMPBELL

1 MS. CAMPBELL: That is all I have.

2 THE COURT: Redirect?

3 MS. JONES: Thank you, Your Honor.

4 REDIRECT EXAMINATION

5 BY MS. JONES:

6 Q Mikey, who else shot a gun that afternoon after
7 the Defendant shot Mont?

8 A Nobody.

9 Q And who was in the car with Mont?

10 A Nobody.

11 Q And you had three Natty Lights in about an hour?

12 A Yes.

13 Q And how does that affect your memory?

14 A It doesn't.

15 MS. JONES: Okay. I have no further questions.

16 THE COURT: Recross, limited to redirect.

17 MS. CAMPBELL: I have nothing.

18 THE COURT: As to this witness, Solicitor?

19 MS. JONES: He may be excused.

20 THE COURT: Any objection, Ms. Campbell?

21 MS. CAMPBELL: No objection.

22 THE COURT: You are excused from the trial of this
23 case. You may leave the courtroom.

24 Mr. Foreman, ladies and gentlemen of the jury, I'm
25 going to take my mid morning break at this point.

REDIRECT EXAMINATION OF FRANK YOUNG JUNIOR BY MS.
JONES

1 Please do not discuss the case.

2 Stretch your legs, use the restroom, I'll be right
3 back with you. You may retire to your jury room at
4 this time.

5 (The jury exits the courtroom at 11:56 a.m.)

6 THE BAILIFF: The jury is clear, Your Honor.

7 THE COURT: All right. Let's take our mid morning
8 break at this point, please.

9 (Whereupon, a brief recess was taken.)

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

12 (The jury entered the courtroom at 12:13 p.m.)

13 THE COURT: Please be seated.

14 Call your next witness.

15 MS. JONES: Thank you, Your Honor. State calls
16 Michael Grant.

17 Thereupon,

18 MICHAEL GRANT

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

21 THE BAILIFF: State your full name for the court
22 reporter, spell your last name.

23 THE WITNESS: Full name is Michael Grant.

24 G-R-A-N-T.

25 THE COURT: Mr. Grant, speak up. Don't get

DIRECT EXAMINATION OF MICHAEL GRANT BY MS. JONES

1 farther away from that microphone. Closer, and speak
2 up so all my jurors can hear you.

3 Your witness, Counsel. Direct examination.

4 MS. JONES: Thank you, Your Honor.

5 DIRECT EXAMINATION

6 BY MS. JONES:

7 Q Good morning, Mr. Grant.

8 A Good morning.

9 Q Do you have a nickname you go by?

10 A Peter Piper.

11 Q And do some people call you "Pipe" sometimes?

12 A Yeah.

13 Q Did you have the opportunity of knowing a man
14 named Adrian Lamont Manigo?

15 A Yes.

16 Q And what did you know him by?

17 A Mont.

18 Q How did you know him?

19 A We raised up together.

20 Q You knew him your whole life?

21 A Yeah.

22 Q And were y'all related?

23 A Pretty much, yeah.

24 Q And did you -- do you remember August 22nd of

25 2017?

DIRECT EXAMINATION OF MICHAEL GRANT BY MS. JONES

1 A Yeah.

2 Q And where were you that afternoon?

3 A At Gloria house.

4 Q Okay. And where is that?

5 A On [REDACTED].

6 Q And who else lives there?

7 A Who else was where?

8 Q Who else lives there?

9 A Oh. Mikey, Gloria, his mother. Uh-huh.

10 (Indicating affirmatively.)

11 Q Okay. And when you get to -- to [REDACTED]

12 [REDACTED], what do you do?

13 A What do I do?

14 Q Uh-huh. (Indicating affirmatively.)

15 A I just went there to pick up some paperwork to go
16 pick up a vinyl for -- for Gloria.

17 Q And when you get to the home, do you get out of
18 your car?

19 A Yeah, I was out my car.

20 Q Where are you? Are you in the yard, or are you
21 inside the home?

22 A I was in the yard.

23 Q Okay. And who are you talking to in the yard?

24 A Me and Mikey.

25 Q And who else is in the yard?

DIRECT EXAMINATION OF MICHAEL GRANT BY MS. JONES

1 A Derio.

2 Q Who else?

3 A And me, Mikey, Derio, and Lamont came up.

4 Q Okay. Who was talking to Derio?

5 A Derio wasn't talking. He was just standing.

6 Q Was there a -- so you're talking to Mikey?

7 A Uh-huh. (Indicating affirmatively.)

8 THE COURT: You have to say yes or no, not uh-huh.

9 THE WITNESS: Yes, yes.

10 BY MS. JONES:

11 Q And Derio, is he talking to y'all?

12 A No.

13 Q Who is with Derio?

14 A He was standing alone by himself, like.

15 Q Was anybody else with Derio that afternoon?

16 A No.

17 Q Okay. Do you remember talking to Investigator
18 Duncan?

19 A Yes, ma'am.

20 Q A couple days after the shooting?

21 A Yes, ma'am.

22 Q And you -- he asked you about what happened that
23 afternoon?

24 A Yes, ma'am.

25 Q And you remember talking with me as well?

DIRECT EXAMINATION OF MICHAEL GRANT BY MS. JONES

1 A Yes, ma'am.

2 Q We were actually in the parking lot of the
3 Sheriff's Office?

4 A Yes, ma'am.

5 Q And I asked you what happened that afternoon?

6 A Yes, ma'am.

7 Q Okay. And do you remember telling both myself and
8 Investigator Duncan that the -- that Derio was talking to
9 Dontarious Wright?

10 A Yeah.

11 Q Did you tell us that?

12 A That he was talking to him? Not at the time, he
13 was just standing there.

14 Q Okay.

15 A Right.

16 Q Was Dontarious Wright under that tree as well?

17 A Yeah.

18 Q Okay. That's where I'm going. Thank you.

19 A Okay.

20 Q Okay. Where was -- do you know Dontarious by a
21 different name?

22 A A nickname. I think they call him D.J.

23 Q Okay. And did you -- where was D.J. when you were
24 talking to Mikey?

25 A D.J. came, like, sit on -- on a chair on this side

DIRECT EXAMINATION OF MICHAEL GRANT BY MS. JONES

1 and me, and Mikey been on, like, this side.

2 Q Okay. Would a photo help you better explain that?

3 A It probably would. Yeah.

4 Q I'm going to show you what has been marked and
5 admitted as State's Exhibit 5.

6 THE COURT: Refer to the screen to your right.

7 Can you see?

8 THE WITNESS: Yes, sir.

9 THE COURT: All right, Mr. Grant.

10 Proceed.

11 BY MS. JONES:

12 Q And using this photograph as a reference, where
13 were you when you were talking to Mikey?

14 A Like, see where the car parked at over here? My
15 truck was, like, in front of his, and I been on this side on
16 my truck.

17 Q Okay. And where was the Defendant?

18 A The Defendant was like over this way.

19 Q Sorry. That got a little blurry. Could we try
20 that?

21 Was he by -- do you see a grill, or do you
22 see some other items in the picture? Was he by anything
23 else over on that side?

24 A He was right by this chair, sitting in that chair.

25 Q Okay. What color chair?

DIRECT EXAMINATION OF MICHAEL GRANT BY MS. JONES

1 A Either that green one -- I think it was the green
2 one really.

3 Q Okay. But he was separate from and you Mikey.

4 A Yeah.

5 Q Okay. And at some point Mont comes?

6 A Say that again?

7 Q At some point Mont comes over?

8 A Uh-huh. (Indicating affirmatively.)

9 THE COURT: Don't say uh-huh.

10 A Yes, yes.

11 Q How does he get there?

12 A He drove up.

13 Q And who was with him?

14 A He was by hisself.

15 Q And when he drove up, what happened?

16 A He got out his truck and say "What's up, boys?"

17 And we talked a little.

18 Q And who did he go to talk to when he got there?

19 A Like, he just come out his truck, coming toward
20 me. Say, "What's up, boys," like that.

21 Q He was talking to you and Mikey?

22 A Yeah, you can say -- yeah.

23 Q What did the Defendant do after this?

24 A What did the Defendant did?

25 Q Yes, sir.

DIRECT EXAMINATION OF MICHAEL GRANT BY MS. JONES

1 A He said, "Mont, you told J.D. where I live at."

2 And Mont said, "Man, go ahead." And when he
3 turned to go to his truck, Mont said, "Why you got a gun
4 anyway?"

5 And D.J. said, "For you." And he shot.

6 Q Okay. Where was -- did -- what was Mont doing
7 when D.J. shot him?

8 A He was just, like, going back towards his truck,
9 and when Mont -- D.J. said -- when he said to D.J., "Why you
10 got a gun anyway," and D.J. just jumped up and say, "For
11 you." And he shot the first time, he hit his radiator. And
12 I heard two more shots. That was it.

13 Q Prior to D.J. shooting Mont, when did Mont attack
14 him?

15 A He didn't.

16 Q When did Mont threaten him?

17 A I didn't hear none of that.

18 Q When did Mont walk towards D.J.?

19 A He just walked this way and turned to go to his
20 truck.

21 Q Away from D.J.?

22 A Yeah.

23 Q When did Mont pull a gun?

24 A I didn't see Mont pull no gun.

25 Q They were talking about a man named D.J. Do you

DIRECT EXAMINATION OF MICHAEL GRANT BY MS. JONES

1 see the man you have identified as D.J. as the man who shot
2 Mont in the courtroom today?

3 A Yes.

4 Q And can you please identify him?

5 A Right there. (Indicating.)

6 Q And what is he wearing?

7 A A blue -- a blue shirt and yellow tie.

8 MS. JONES: May the record reflect the witness did
9 identify the Defendant.

10 BY MS. JONES:

11 Q Did anybody else have a gun that afternoon?

12 A Not that I know.

13 Q Now, after Mont had been shot, you leave.

14 A Yeah.

15 Q Why?

16 A I panicked. I was scared. And I told Mikey,
17 "Call 911."

18 Q But do you eventually talk to the police?

19 A Yeah.

20 Q And how long after the shooting was that?

21 A The police leave -- I see a card at my door, and I
22 went there two days later and talked to them. Duncan.

23 Q And when you saw the card in your door, what did
24 you do?

25 A I went and saw them.

DIRECT EXAMINATION OF MICHAEL GRANT BY MS. JONES

1 Q You weren't avoiding them?

2 A No.

3 MS. JONES: Beg the Court's indulgence.

4 THE COURT: Cross examination.

5 Are you done?

6 MS. JONES: Yes, Your Honor.

7 THE COURT: Cross examination.

8 MS. CAMPBELL: Thank you, Your Honor.

9 CROSS EXAMINATION

10 BY MS. CAMPBELL:

11 Q Good afternoon.

12 A Good afternoon.

13 Q Everybody calls you Peter Piper, right?

14 A Yes.

15 Q For a nickname, right?

16 A Yeah, yeah.

17 Q You and Mont grew up together, right?

18 A Yeah.

19 Q Known him your whole life.

20 A Yeah.

21 Q You might even say you were a friend, right?

22 A Yeah.

23 Q And knowing Mont his whole life, and he was

24 shot --

25 A Yes.

CROSS EXAMINATION OF MICHAEL GRANT BY MS. CAMPBELL

- 1 Q -- in front of you.
- 2 A Yes.
- 3 Q And you drove off.
- 4 A Yes.
- 5 Q You never called the police that day, right?
- 6 A No. I told Mikey to.
- 7 Q Right. "Call 911."
- 8 A Uh-huh. (Indicating affirmatively.)
- 9 Q To tell the police that you were there, when did
- 10 you make that phone call?
- 11 A I didn't make a phone call; Mikey did.
- 12 Q I know Mikey called 911.
- 13 A Right.
- 14 Q Did -- how about this: Did you ever call the
- 15 police and say, "Hey, I was there, I saw it all."
- 16 A No, I didn't.
- 17 Q Okay. They had to find you, right?
- 18 A Right.
- 19 Q They came to your house, correct?
- 20 A Right.
- 21 Q And they audio/videotape interviewed you, right?
- 22 A Yes.
- 23 Q In fact, they took you down to law enforcement
- 24 center, right?
- 25 A Yeah.

CROSS EXAMINATION OF MICHAEL GRANT BY MS. CAMPBELL

1 Q In the interview room, right?

2 A Yeah.

3 Q Twice.

4 A Once was for --

5 Q And they asked you --

6 THE COURT: Whoa. Whoa. Hold on a second. Let
7 him respond.

8 Don't nod your head. Give a verbal answer, yes or
9 no.

10 A Okay.

11 Q And they asked you a lot of questions about the
12 fourth shell casing, right?

13 A The fourth shell casing?

14 Q Yes.

15 A No. I --

16 Q What did you know about the fourth shell casing?

17 A I don't know.

18 Q You don't remember being questioned about that?

19 A (Nods in the affirmative.) I can't remember.

20 Q And you -- well, I guess the Solicitor said she's
21 been talking to you about your testimony, right?

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

23 Q And law enforcement has been talking to you about
24 your testimony, right?

25 A Yes.

CROSS EXAMINATION OF MICHAEL GRANT BY MS. CAMPBELL

1 Q And I'm just curious. When was the last time that
2 you talked to somebody about your testimony?

3 A Oh --

4 Q Anybody.

5 A The Solicitor, about a week or week and a half.

6 Q About a week and a half ago?

7 A Yeah.

8 Q And when you were there and you saw what happened

9 --

10 A Yes.

11 Q -- you told the jury you are positive that the
12 first shot hit the car, right?

13 A Yeah.

14 Q Okay. And the other two ultimately hit Mont,
15 correct?

16 A Yes.

17 Q Okay. I'm curious, when you were scared, as you
18 said --

19 A Yes.

20 Q --where did you go?

21 A I went to a store.

22 Q You went to a store?

23 A Sheldon convenience store.

24 Q And at the store, what did do you?

25 A Went and talked.

CROSS EXAMINATION OF MICHAEL GRANT BY MS. CAMPBELL

1 Q Went and talked?

2 A Yeah.

3 Q To -- on the phone? To somebody face to face?

4 A Yeah. My brother own that store.

5 Q Okay. And you told him what happened?

6 A I did.

7 Q Okay. Did you tell the officers you told him what
8 happened?

9 A No.

10 MS. CAMPBELL: That is all I have.

11 THE WITNESS: Okay.

12 THE COURT: Redirect.

13 MS. JONES: Thank you.

14 REDIRECT EXAMINATION

15 BY MS. JONES:

16 Q Mr. Grant, when we met, what did I ask you to do
17 today?

18 A Tell the truth.

19 MS. CAMPBELL: Objection.

20 THE COURT: Overruled. I'll allow him to answer
21 the question.

22 Rephrase the question.

23 BY MS. JONES:

24 Q What did you do today when you took the stand?

25 A Oh, tell the truth.

REDIRECT EXAMINATION OF MICHAEL GRANT BY MS.
CAMPBELL

1 Q All right. And is that what you are doing here
2 today, you are telling the truth?

3 A Yes.

4 MS. JONES: I have no further questions.

5 THE WITNESS: Okay.

6 THE COURT: Recross, limited to redirect.

7 MS. CAMPBELL: I have nothing else for this
8 witness.

9 THE COURT: As to this witness, Solicitor?

10 MS. JONES: He may be excused.

11 THE COURT: Ms. Campbell, any objection?

12 MS. CAMPBELL: None.

13 THE COURT: Mr. Grant, you may step down. You are
14 excused from the trial of this case. You may leave the
15 courtroom.

16 THE WITNESS: Thank you, sir.

17 THE COURT: Call your next witness.

18 MS. JONES: The State calls Erik Black.

19 Thereupon,

20 ERIK BLACK

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

23 THE CLERK: Please watch your step. If you would,
24 speak directly into the microphone. Give your full
25 name and spell your last name for the court reporter.

DIRECT EXAMINATION OF ERIK BLACK BY MS. JONES

1 THE COURT: Speak up so everybody on the jury can
2 hear you.

3 WITNESS: Erik Black. My last name is B-L-A-C-K.

4 THE COURT: Your witness, Counsel. Direct
5 examination.

6 MS. JONES: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MS. JONES:

9 Q Good afternoon, Mr. Black.

10 A Hello.

11 Q Where do you live?

12 A I live in [REDACTED].

13 Q And is that where you lived back in 2017?

14 A Yes.

15 Q Who did you live there with in 2017?

16 A It was me, my sister, her boyfriend, and Derio.

17 Q And who is your sister's boyfriend?

18 A Dontarious.

19 Q And do you see Dontarious in the courtroom today?

20 A Yes.

21 Q Can you please identify him?

22 A Right there.

23 Q Can you describe what he has on?

24 A A blue shirt with a yellow tie.

25 MS. JONES: May the record reflect the witness did

DIRECT EXAMINATION OF ERIK BLACK BY MS. JONES

1 identify the Defendant.

2 BY MS. JONES:

3 Q Do you remember August 22nd of 2017?

4 A No.

5 Q Do you remember the afternoon that Adrian Lamont
6 Manigo was shot?

7 A Yes.

8 Q Okay. And that afternoon, did you have an
9 opportunity to go to Mikey's house?

10 A Yes.

11 Q While you were going to Mikey's house -- how do
12 you get to Mikey's house? Do you walk? Are you in a car?

13 A I drive.

14 Q Okay. And as you are driving to Mikey's house,
15 what do you see that sticks out to you?

16 A At what point?

17 Q Well, when you are getting closer to Mikey's
18 house, do you see somebody?

19 A On the way there, no. When I was driving up, no.

20 Q Okay. Did you ever see the Defendant that
21 afternoon?

22 A No, I didn't see him, but I did see, like, a
23 shadowy figure running away.

24 Q Okay. Do you remember speaking with me about two
25 weeks ago outside of [REDACTED]?

DIRECT EXAMINATION OF ERIK BLACK BY MS. JONES

1 A Yes.

2 Q And it was myself and Investigator Hightower?

3 A Yes.

4 Q And do you remember telling us that you saw the
5 Defendant running away from Mikey's house?

6 A Yes.

7 Q You do -- you said that?

8 A Yes.

9 Q Okay. So who did you see running away from
10 Mikey's house that afternoon?

11 A Well, I saw what he was wearing. I didn't see,
12 like, his face, but I saw the pants.

13 Q And you recognized those pants?

14 A Yes.

15 Q How?

16 A Because he had on white pants.

17 Q And did you see him earlier in the day?

18 A Yes.

19 Q Is that what he was wearing earlier in the day?

20 A Yes.

21 Q Okay. Did him running seem odd to you?

22 A Yes.

23 Q Why?

24 A Why is he running away, and he was already across
25 the road.

DIRECT EXAMINATION OF ERIK BLACK BY MS. JONES

1 Q Okay. Does Mr. Wright, the Defendant, have any
2 sort of impairment affecting his ability to run?

3 A No.

4 Q Do you know of a prior instance where he had been
5 injured in the leg?

6 A Yeah. I know he was shot in the leg.

7 Q Okay. So to your knowledge, he doesn't typically
8 run, does he?

9 A No.

10 Q In fact, you told Mr. Hightower and myself that
11 you thought it was odd he was running because he had been
12 shot in the leg in the past.

13 A Yeah. Because he -- he was shot in the past, but
14 he was normal at that point in time.

15 Q But in 2017, you thought it was odd he was running
16 away?

17 A Yes.

18 Q Okay. When you get to Mikey's house, what do you
19 see?

20 A When I first drive up, I didn't see anything. But
21 my sister said -- she wanted to go home, so that is when we
22 got in the car and we went home.

23 But when I was leaving, in my rear view
24 mirror, I saw someone on the ground.

25 Q Okay. Are you there when the police get there?

DIRECT EXAMINATION OF ERIK BLACK BY MS. JONES

1 A Yes.

2 Q So you are there for some period of time?

3 A Uh-huh. (Indicating affirmatively.)

4 THE COURT: You have to say yes or no. Don't say
5 uh-huh.

6 THE WITNESS: Yes.

7 BY MS. JONES:

8 Q And when you get there, who do you talk to outside
9 underneath the tree?

10 A My uncle.

11 Q And who is your uncle?

12 A Frank Young.

13 Q Does he have a nickname?

14 A Mikey.

15 Q And does Mr. Young ask you to do something?

16 A Yes.

17 Q What is that?

18 A He asked me to help him.

19 Q Help him do what?

20 A Try to save his life.

21 Q Save whose life?

22 A Mont.

23 Q Okay. And as a result of that, what did you do?

24 A I went in the house and I grabbed towels, and I
25 tried to help him.

DIRECT EXAMINATION OF ERIK BLACK BY MS. JONES

1 Q Okay. And with these towels, what did you do?

2 A I tried to cover up his wounds or, well, what I
3 thought was his wound.

4 Q And at the time, where did you think his only
5 wound was?

6 A In his arm.

7 Q And you didn't see any others?

8 A No.

9 Q And you're there when the police get there?

10 A Yes.

11 Q And you, in fact, talk to the police?

12 A Yes.

13 Q When the police get there and they are trying to
14 figure out what's happened, what do you tell them?

15 A I told them that on the way home, it was, like,
16 two weeks before that incident, that we were in the car
17 going home because Lamont came up there that day, two weeks
18 before.

19 Q Okay. Let me stop you for a second. You said,
20 "we." Who is "we"?

21 A It was me, my sister, Derio, and Dontarious.

22 Q And where were y'all leaving from?

23 A My grandmother's house, [REDACTED].

24 Q And your grandmother's house is [REDACTED],
25 where this happened?

DIRECT EXAMINATION OF ERIK BLACK BY MS. JONES

1 A Yes.

2 Q And you said Mont had been there earlier as well?

3 A Yes.

4 Q And in that -- who is driving?

5 A Me.

6 Q Were you driving?

7 A Yes.

8 Q You're driving. In that car ride home, does the
9 Defendant say something that sticks out to you?

10 A Yes.

11 Q What does he say?

12 A He said he's going to shoot Lamont.

13 Q I'm sorry?

14 A He says he's going to shoot Lamont.

15 Q Does he say something before that?

16 A He said Lamont told him keep his hand out of the
17 cookie jar.

18 Q Okay. And does he say why he's going to shoot
19 Lamont?

20 A Because of that phrase.

21 Q Because of the phrase, "Keep your hand out of the
22 cookie jar"?

23 THE COURT: Speak up, Counsel.

24 Q Because of the phrase, "Keep your hand out of the
25 cookie jar"?

DIRECT EXAMINATION OF ERIK BLACK BY MS. JONES

1 A Yes.

2 Q Okay. And you remember talking to myself and
3 watching a video of yourself when you are speaking with the
4 police about this, correct?

5 A Yes.

6 Q And amounting to that video, you remember telling
7 the police, who just got there, "He said, if he keeps
8 running his mouth, the next time I see him, I'm going to
9 shoot him"?

10 A Yeah. That was when we were in the car.

11 Q When y'all were in the car?

12 A Uh-huh. (Indicating affirmatively.)

13 Q And who said that?

14 A Dontarious.

15 Q And who was he talking about?

16 A Lamont.

17 MS. JONES: I have no further questions.

18 CROSS EXAMINATION

19 BY MS. CAMPBELL:

20 Q Mr. Black, in the same line of thought from the
21 Solicitor, I think what I hear you saying is that D.J. felt
22 like Mont had threatened him, right?

23 A Yes.

24 Q Okay. And not only had Mont threatened him, but
25 J.D. had threatened him, right?

CROSS EXAMINATION OF ERIK BLACK BY MS. CAMPBELL

1 MS. JONES: Objection. Speculation, unless he was
2 there.

3 THE COURT: I'll sustain the objection.

4 Rephrase the question and ask him if he knows or
5 witnessed any such event.

6 BY MS. CAMPBELL:

7 Q Do you know anything about this man?

8 A Yeah.

9 Q Being afraid of J.D.?

10 A I know they know each other. They had prior
11 incidences, yes.

12 Q The prior incidence that you know about, is that
13 about getting shot in the leg?

14 A Yes.

15 Q Okay. And for some period of time this man could
16 not walk right, correct?

17 A Yes.

18 Q Okay. And I think I heard you say that Mont said,
19 "You need to keep your hand out of the cookie jar," right?

20 A Yes.

21 Q And that was directed at D.J., right?

22 A Yes.

23 Q Okay. Keep your hand out of the cookie jar, what
24 does that mean to you?

25 A Me, I don't know because I don't know -- because

CROSS EXAMINATION OF ERIK BLACK BY MS. CAMPBELL

1 they know each other, but I don't know how they know each
2 other. So it could have been a prior incident that they
3 had, but I have no knowledge of that.

4 Q Okay. Mont and -- and -- an D.J. know each other.
5 Keep your hand out of the cookie jar, that's your testimony,
6 right?

7 A Yeah.

8 MS. CAMPBELL: That is all I have.

9 THE COURT: Redirect.

10 REDIRECT EXAMINATION

11 BY MS. JONES:

12 Q In response to Mont saying that you D.J., what did
13 he say to you?

14 A Lamont or Dontarrious?

15 Q Dontarrious.

16 A It was nothing. We just went home after that.

17 Q In the car, what did he tell you?

18 A Oh, he said, "Next time I see him, I'm going to
19 shoot him."

20 MS. JONES: Okay. I have no further questions.

21 THE COURT: Recross limited to redirect.

22 MS. CAMPBELL: Nothing.

23 THE COURT: As to this witness, Solicitor?

24 MS. JONES: He may be excused.

25 THE COURT: Any objection, Ms. Campbell?

REDIRECT EXAMINATION OF ERIK BLACK BY MS. JONES

1 MS. CAMPBELL: No objection.

2 THE COURT: You may step down. You are excused
3 from the trial of this case.

4 Call your next witness.

5 MS. JONES: State calls Andrew White.

6 Thereupon,

7 ANDREW WHITE

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

10 THE CLERK: If you would, speak right into the
11 microphone. Give your full name for the court reporter
12 and spell your last name.

13 THE WITNESS: Andrew White, W-H-I-T-E.

14 THE COURT: Speak up for me, now, Mr. White, so
15 everybody on the jury can hear.

16 Your witness, Counsel. Direct examination.

17 MS. JONES: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MS. JONES:

20 Q Good afternoon, Mr. White.

21 Do you have a nickname you go by?

22 A J-A-K-E, Jake.

23 Q Jake. Everyone calls you Jake?

24 A Yes, ma'am.

25 Q And where do you live?

DIRECT EXAMINATION OF ANDREW WHITE BY MS. JONES

1 A [REDACTED].

2 Q And where in relation to [REDACTED] is
3 that?

4 A Oh, like about maybe a block and a half, two
5 blocks from my crib.

6 Q Okay. And were you at your home on the afternoon
7 of August 22nd of 2017?

8 A Yes, I was.

9 Q And do you remember hanging out in front of your
10 home that afternoon?

11 A Yes, I was.

12 Q And who were you with?

13 A My uncle, Paul White, my friend that's in the
14 wheelchair, Frank Young, a gentleman named Dontarious or
15 whatever, however you pronounce it, and about maybe one or
16 two more guys. You know, my circle is small.

17 Q Okay. You mentioned Dontarious. Do you see him
18 in the courtroom today?

19 A Yes.

20 Q Okay. Can you point to him, please?

21 A (Pointing.) That look like him right there.

22 MS. JONES: May the record reflect the witness did
23 point to the Defendant.

24 BY MS. JONES:

25 Q And what are y'all doing in your front yard that

DIRECT EXAMINATION OF ANDREW WHITE BY MS. JONES

1 afternoon?

2 A Just sitting. Chilling. Talking, you know.

3 Q And what is the Defendant doing in your front
4 yard?

5 A Well, at that time, we were there and he showed
6 up, like, about five minutes after everybody was in my yard,
7 letting us know that he just had an interview for a job.

8 Q Okay. And does he -- does he show something to
9 everybody in the yard that afternoon?

10 A From what I was told, my uncle said he pulled out
11 --

12 MS. CAMPBELL: Objection. It would be hearsay.

13 THE COURT: Don't refer to what -- sustained.

14 Don't refer to what someone else said. Just what
15 you know with your eyesight, unless I instruct you to
16 testify to what someone else spoke.

17 THE WITNESS: Okay.

18 THE COURT: Objection sustained. Rephrase your
19 question. Direct examination, Counsel.

20 BY MS. JONES:

21 Q What did you say see in D.J.'s hand, Dontarious?

22 A From what I was -- I really didn't see, ma'am.
23 All I could say is that I heard.

24 Q Okay. Okay. We will move on then.

25 A Yeah.

DIRECT EXAMINATION OF ANDREW WHITE BY MS. JONES

1 Q At some point, does everybody leave your yard?

2 A Uh-huh. (Indicating affirmatively.)

3 Q And do you have an opportunity to see Dontarious
4 again?

5 A Oh, about 20 to 25 minutes after everyone left out
6 of my yard.

7 Q And where did you see him?

8 A Coming from [REDACTED], over onto my
9 territory.

10 Q Was he running?

11 A From what I could see, ma'am, he was just walking
12 normal. So I continued on my tractor cutting my backyard.

13 Q Okay. Was there somebody with you when you saw
14 him the second time?

15 A I can't really say, ma'am, because I mean -- like
16 I say, I'm paying attention to cutting my grass.

17 Q Okay. Do you remember speaking with myself and
18 Investigator Hightower a few weeks back at your home? This
19 man right here.

20 A Uh-huh. (Indicating affirmatively.)

21 Q And also Ms. Smith.

22 A Uh-huh. (Indicating affirmatively.)

23 Q We came to your home and spoke with you.

24 A Uh-huh. (Indicating affirmatively.)

25 Q And we asked you about what happened that

DIRECT EXAMINATION OF ANDREW WHITE BY MS. JONES

1 afternoon?

2 A Uh-huh. (Indicating affirmatively.)

3 Q And you told us that while you were cutting the
4 grass, two kids came running through your yard.

5 A Well, I don't know if I said "running," but I know
6 they were coming through my yard.

7 Q Okay. And one of them was the boy they called
8 D.J.?

9 A Yes, ma'am.

10 Q Okay. And that your cousin, Shema, was there in
11 your front yard as well? She was nearby?

12 A Well, she lives across the street from me. I was
13 just leaving out of her yard, cutting her grass, going back
14 to cutting mine.

15 Q Okay. And that Shema gave D.J. a ride somewhere?
16 Do you remember telling us that?

17 A If I said that, then, yes, I remember.

18 MS. JONES: I have no further questions for you.

19 Thank you, Mr. White.

20 MS. CAMPBELL: None.

21 THE COURT: As to this witness, Solicitor?

22 MS. JONES: He may be excused.

23 THE COURT: Ms. Campbell?

24 MS. CAMPBELL: That's fine.

25 THE COURT: Mr. White, you may step down from the

DIRECT EXAMINATION OF ANDREW WHITE BY MS. JONES

1 witness stand. You're excused from the trial of the
2 case. You may leave the courtroom.

3 Counsel approach.

4 (Off-the-record discussion held.)

5 THE COURT: Call your next witness.

6 MS. JONES: The State calls Reeshemah Byson.

7 Thereupon,

8 REESHEMAH BYSON

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

11 THE COURT: Have a seat on the witness stand.

12 THE CLERK: Speak as loud as you can, and state
13 your full name and spell your last name for the court
14 reporter.

15 WITNESS: Reeshemah Byson, B-Y-S-O-N.

16 THE COURT: Ms. Byson, you got to do better than
17 that. I want my jurors to be able to hear you down
18 there. Speak up.

19 THE WITNESS: Reeshemah Byson, B-Y-S-O-N.

20 THE COURT: Very good.

21 Your witness, Counsel. Direct examination.

22 MS. JONES: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MS. JONES:

25 Q Ms. Byson, where do you live?

DIRECT EXAMINATION OF ANDREW WHITE BY MS. JONES

1 A [REDACTED].

2 Q And where is that in relation to [REDACTED]

3 [REDACTED]?

4 A Like right across the road.

5 Q And do you remember the afternoon of August 22nd,

6 2017?

7 A Yes.

8 Q Why do you remember that afternoon?

9 A I remember that afternoon because my best friend
10 got murdered that day.

11 Q And who was that?

12 A Adrian Lamont Manigo.

13 Q And what did you call him?

14 A Mont.

15 Q Okay. Were you at your home that afternoon?

16 A Yes.

17 Q And did you have a run-in with the Defendant,
18 Dontarious Wright?

19 A I didn't have a run-in.

20 THE COURT: Objection to characterization in her
21 "run-in" with Dontarious Wright.

22 MS. JONES: I'll rephrase it.

23 THE COURT: All right. Now, whoa, whoa, whoa,
24 whoa.

25 Objection is sustained. Rephrase the question.

DIRECT EXAMINATION OF ANDREW WHITE BY MS. JONES

1 BY MS. JONES:

2 Q Did you have an opportunity to see Mr. Wright that
3 afternoon?

4 A I did.

5 Q Okay. And where did you see him?

6 A I saw him running across my yard.

7 MS. JONES: Okay. And if I may.

8 THE COURT: Trasi, have you seen it?

9 MS. CAMPBELL: I have.

10 THE COURT: Any objection?

11 MS. CAMPBELL: No objection.

12 MS. JONES: And, Your Honor, this would be for
13 demonstrative purposes only.

14 THE COURT: Only?

15 MS. JONES: Yes, sir.

16 THE COURT: All right. Proceed.

17 Do you want to come around so you can see?

18 MS. CAMPBELL: Yes, sir.

19 MS. JONES: If I could have Ms. Byson step down
20 from the stand.

21 THE COURT: Ms. Byson, step down. You got a
22 portable microphone?

23 THE BAILIFF: No, sir.

24 THE COURT: Ms. Byson, you are not going to have
25 any ability to amplify your voice.

DIRECT EXAMINATION OF ANDREW WHITE BY MS. JONES

1 Come around, Ms. Campbell, so you can see.

2 Stay right here by me. Turn and face the jury,
3 not the lawyers. They got to see your mouth now,
4 because I can't amplify your voice.

5 Once again, ladies and gentlemen, Beaufort needs a
6 new microphone system. I hope you will urge them to do
7 so.

8 Can you see, Ms. Campbell?

9 MS. CAMPBELL: Yes, sir.

10 THE COURT: Proceed. Direct examination.

11 Now my court reporter's got to be able to hear.
12 She's behind you. So speak up so she can hear you.

13 BY MS. JONES:

14 Q Ms. Byson, on this map, where is your home?

15 THE COURT: Oh. Oh. They can't hear that
16 response.

17 A It is in this area, [REDACTED].

18 Q Okay. And where did you see the Defendant? You
19 testified that he came through your yard?

20 A Yes.

21 Q Would that be on [REDACTED]?

22 A It would be across from Jacobs Road, like across
23 towards [REDACTED]

24 Q Okay. If you could stand over there so everybody
25 can hear you.

DIRECT EXAMINATION OF ANDREW WHITE BY MS. JONES

1 And did he --

2 THE COURT: Come over here, ma'am. Come over
3 here. She's got to be able to hear you, and don't
4 block that exhibit for the jury. Thank you.

5 BY MS. JONES:

6 Q And in case your back is towards some of them, you
7 said your house is this road right here, [REDACTED]?

8 A Yes.

9 Q Okay. And over here is where Mikey lives; is that
10 correct? [REDACTED]?

11 A Yes.

12 Q Okay. And you saw Mr. -- the Defendant, by your
13 home, correct?

14 A Yes.

15 Q Okay.

16 MS. JONES: She can take a seat back up there.

17 THE COURT: Okay. Come on back to the witness
18 stand where I can amplify your voice.

19 BY MS. JONES:

20 Q When you see the Defendant, does he ask you to do
21 something?

22 A He asked for a ride.

23 Q And where did he ask for a ride to?

24 A To his girlfriend's house.

25 Q And where is that?

DIRECT EXAMINATION OF ANDREW WHITE BY MS. JONES

1 A On [REDACTED].

2 Q And do you remember how he was acting?

3 A He was scared, and he was sweating.

4 Q Sweating. Okay.

5 And you said that Mont was your best friend?

6 A Yes. Since elementary school.

7 Q Did you know what had happened when you gave the
8 Defendant a ride?

9 A No. When -- when he asked for a ride, I said,
10 first, I said, why are y'all sweating? Where are y'all
11 going, you know. Did y'all come from my sister's house?

12 And he said, "No, we were over at Mikey's
13 house. They were drinking and they were tripping. Can you
14 please give us a ride?"

15 And then my son came by and -- I have a son
16 intellectually challenged -- and he spoke to them. And I
17 said, "Do you know them?"

18 He said, "Well, yeah, you know, that's
19 Fanny's boyfriend." And I said, well, okay. Well, yeah,
20 I'll drop y'all off right quick. And they were looking
21 around, so I started out a little bit, and I looked around
22 to see what they were looking around for, and I didn't see
23 anybody or anything, and so I gave them a ride.

24 Q And you said "they." Who was with D.J.?

25 A A younger, light-skinned guy was talking to him.

DIRECT EXAMINATION OF ANDREW WHITE BY MS. JONES

1 He said -- he told me who his mom was. Me and his mom went
2 to school together.

3 Q Okay. And do you see D.J. in the courtroom today?

4 A Yes.

5 Q Can you please point him out?

6 A Right here. (Indicating.)

7 MS. JONES: May the record reflect the witness did
8 identify the Defendant.

9 Ms. Byson, I have no further questions for you.

10 THE COURT: Cross examination.

11 MS. CAMPBELL: I have no questions.

12 THE COURT: As to this witness, Solicitor?

13 MS. JONES: She may be excused.

14 THE COURT: Any objection, Ms. Campbell?

15 MS. CAMPBELL: No objection.

16 THE COURT: All right. Ms. Byson, you may step
17 down. You are excused from the trial of this case.

18 You may leave the courtroom.

19 Call your next witness.

20 MS. JONES: The State calls Fredericka Gray.

21 THE COURT: Fredericka Gray.

22 Thereupon,

23 FREDERICKA GRAY

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

25 was examined and testified as follows:

DIRECT EXAMINATION OF FREDERICKA GRAY BY MS. JONES

1 THE COURT: Watch your step on those stairs. Have
2 a seat.

3 THE BAILIFF: Speak directly for me into the
4 microphone. Give your full name and spell your last
5 name for the court reporter.

6 WITNESS: Okay. I am Fredericka Gray.

7 THE COURT: Spell it.

8 THE WITNESS: F-R-E-D-E-R-I-C-K-A, Shaniece,
9 S-H-A-N-I-E-C-E, Gray, G-R-A-Y.

10 THE COURT: Speak up for me.

11 Your witness, Counsel. Direct examination.

12 MS. JONES: Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY MS. JONES:

15 Q Ms. Gray, in 2017, where did you live?

16 A [REDACTED], Yemassee, South Carolina.

17 Q And who did you live there with?

18 A Maggie Gray.

19 Q And who is that to you?

20 A My mom.

21 Q Okay. And do you know a man named Dontarious
22 Wright?

23 A Yes.

24 Q How did you know him -- how do you know him?

25 A My cousin's boyfriend.

DIRECT EXAMINATION OF FREDERICKA GRAY BY MS. JONES

1 Q And what's your cousin's name?

2 A Fantasia.

3 Q And do you see Dontarious in the courtroom today?

4 A Yes.

5 Q Can you please point him out.

6 MS. JONES: May the record reflect the witness
7 identified the Defendant.

8 BY MS. JONES:

9 Q And do you know a man named Adrian Lamont Manigo?

10 A Yes.

11 Q How did you know him?

12 A That is my cousin.

13 Q Do you know a man named Mikey?

14 A Yes.

15 Q And how do you know Mikey?

16 A That is my cousin, too.

17 Q Would you often go to Mikey's house?

18 A Yes.

19 Q And would you describe that as, like, a hang out
20 spot for the area?

21 A Yeah.

22 Q Would Mont go to Mikey's house?

23 A Yes.

24 Q On the afternoon of August 22nd, 2017 you are --
25 you learn of the shooting of Mont, correct?

DIRECT EXAMINATION OF FREDERICKA GRAY BY MS. JONES

1 A Yes.

2 Q And after you learn this, what do you do?

3 A I got in my car and I made a right instead of a
4 left, because I didn't want to go to Mont house.

5 Q Let's back up for a second. Where are you when
6 you learn about the shooting?

7 A My Godmother's house.

8 Q And where do you want to go?

9 A Home.

10 Q Okay. Why do you want to go home?

11 A To make sure that my mom and my brother wasn't
12 there.

13 Q Okay. To check on things?

14 A Yeah.

15 Q So you leave your Godmother's house. Are you
16 driving or are you on foot?

17 A I'm driving.

18 Q And you drove home?

19 A Uh-huh. (Indicating affirmatively.)

20 Q And what do you see when you are driving home?

21 A I see D.J.

22 Q And what is D.J. doing?

23 A Running.

24 Q And where is he running to?

25 A Towards my car. He was running -- like, he saw

DIRECT EXAMINATION OF FREDERICKA GRAY BY MS. JONES

1 me, I saw him, and it was, like, then I was making a turn
2 and he was running. He came through kind of like a little
3 woods through where a house was.

4 Q Okay. Is he saying anything to you?

5 A Hand gesturing me.

6 Q And what are these gestures?

7 A Like that. (Indicating.)

8 Q Did he appear to be trying to get your attention?

9 A Yeah.

10 Q And did you stop your car?

11 A No.

12 Q What did you do?

13 A I made a face.

14 Q You made a face?

15 A I made a face. I was like -- like that

16 (indicating), because I heard, but I didn't know the extent
17 of anything.

18 But I heard he was shooting, and I'm like,
19 no, I'm not talking to him at the time. I was scared, I
20 didn't know -- you know, if he had any beef with me or
21 anybody else.

22 Q What would you describe the look on D.J.'s face
23 as?

24 A Scared.

25 Q Do you remember meeting with myself and

DIRECT EXAMINATION OF FREDERICKA GRAY BY MS. JONES

1 Investigator Hightower downstairs a week or so ago?

2 A Yeah.

3 Q And you told us that he appeared "panicked."

4 A Yeah.

5 Q Okay. Is that what you would describe it as?

6 A Yeah.

7 Q When you get home -- do you eventually get to your
8 home?

9 A Yeah, I got in the yard.

10 Q And what do you do?

11 A I honk the horn, like most of the times.

12 Q Did you still see the Defendant at this time?

13 A Not at first, and then when I was driving, coming
14 closer, I started going back in motion.

15 Q Okay. He was still chasing or running?

16 A Uh-huh. (Indicating affirmatively.)

17 Q And from your home, where did you go?

18 A To Mr. Stanley's house, parked my car behind
19 there.

20 Q And why did you do that?

21 A Because I wasn't sure if I was in any danger, and
22 I didn't want D.J. to see me or find me. And also, I
23 thought if I went too far around the curve, and someone was
24 retaliating, that I would be running into more danger. So I
25 went behind Mr. Stanley's house.

DIRECT EXAMINATION OF FREDERICKA GRAY BY MS. JONES

1 Q After behind Mr. Stanley's house, where did you
2 go?

3 A I asked Mr. Stanley to take me to my aunt's house,
4 where it happened.

5 Q Where "it happened," where Mont was shot?

6 A Yeah.

7 Q And do you go to your aunt's house where he was
8 shot?

9 A Yes.

10 Q And based on speaking with some people there, what
11 do you tell the police?

12 A That --

13 THE COURT: I'm going to object to that as
14 hearsay. I'm not -- sounds like it might be.

15 Counsel, rephrase your question. It is eliciting
16 hearsay, and I prefer that you ask it in another
17 manner.

18 The objection is sustained.

19 BY MS. JONES:

20 Q Okay. While you were at [REDACTED], do you
21 go tell the police something?

22 A Yes.

23 Q What do you tell them?

24 A I told the police that I heard he was at my house.

25 Q "He," as in who?

DIRECT EXAMINATION OF FREDERICKA GRAY BY MS. JONES

1 A D.J. Dontarious.

2 Q Okay. I have no further questions.

3 MS. CAMPBELL: No questions.

4 THE COURT: As to this witness, Solicitor?

5 MS. JONES: She may be excused.

6 THE COURT: Any objection, Ms. Campbell?

7 MS. CAMPBELL: No objection.

8 THE COURT: Ms. Gray, you may step down from the
9 witness stand. You are excused from the trial of this
10 case. You may leave the courtroom.

11 All right. Mr. Foreman and ladies and gentlemen
12 of the jury, I'm going to stop at this point. I have
13 to conduct hearings by telephone during lunch. So I'm
14 going to give you a little longer for lunch, and we're
15 going to start back at 2:30 because I've got to do
16 emergency hearings on the phone during lunch. So I'm
17 going to do them from my chambers.

18 I hope everybody has a pleasant lunch. Please do
19 not discuss this case. Be back in your jury room at
20 2:30.

21 If anybody tries to discuss it with you, just get
22 their name and give it to me, and I'll handle that
23 problem for you.

24 Hope everybody has a pleasant lunch. See you at
25 2:30.

DIRECT EXAMINATION OF FREDERICKA GRAY BY MS. JONES

1 Everyone else remain seated while the jury is
2 leaving.

3 (The jury exits the courtroom at 1:04 p.m.)

4 THE BAILIFF: The jury is clear.

5 THE COURT: All right. Counsel, I need to see you
6 for one minute in chambers, and then I'll let you have
7 lunch.

8 We are in recess until 2:30.

9 (Lunch recess.)

10 THE COURT: Please be seated.

11 Mr. Foreman, ladies and gentlemen of the jury, we
12 will now continue with testimony in the trial of this
13 case.

14 Call your next witness.

15 MS. JONES: The State calls Investigator Jen
16 Snider.

17 **Thereupon,**

18 JENNIFER SNIDER

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

21 THE CLERK: Speak up and clearly. And give your
22 full name and spell your last name for the court
23 reporter.

24 THE WITNESS: Jennifer Snider. S-N-I-D-E-R.

25 THE COURT: Counsel approach.

DIRECT EXAMINATION OF JENNIFER SNIDER BY MS. JONES

1 (Off-the-record discussion held.)

2 THE COURT: Speak up for me, if you would, please.

3 Your witness, Counsel. Direct examination.

4 MS. JONES: Thank you, Your Honor.

5 DIRECT EXAMINATION

6 BY MS. JONES:

7 Q Investigator Snider, where do you work?

8 A I work for Beaufort County Sheriff's Office.

9 Q And in what capacity with the Sheriff's Office?

10 A I am an investigator.

11 Q What are some of your duties as an investigator?

12 A I investigate multiple different types of crimes.

13 And part of that is talking to victims, suspects, witnesses,

14 collecting evidence, working crime scenes, turning all that

15 stuff into evidence.

16 Q And did you assist in the investigation on August

17 22nd, 2017 into the murder of Adrian Lamont Manigo?

18 A Yes.

19 Q And what did you do pursuant to your assistance?

20 A Upon arrival, I arrived with Staff Sergeant

21 Draisen. He was an investigator with us at the time. And

22 when we got there, I tried to talk to people who were there

23 to try to find any witnesses, which I -- I didn't find any

24 who were actual witnesses to the incident. So I assisted in

25 collecting GSR, which is gunshot residue, from Frank Young,

DIRECT EXAMINATION OF JENNIFER SNIDER BY MS. JONES

1 Junior, who was actually a witness to the incident.

2 MS. JONES: Permission to approach, Your Honor?

3 THE COURT: You may.

4 BY MS. JONES:

5 Q Investigator Snider, I'm showing you for ID
6 purposes only what has been marked as State's 47.

7 A This is the GSR kit that I collected.

8 Q Okay. And who is that GSR kit from?

9 A Frank Young, Junior.

10 Q And can you describe how you would take a GSR
11 sample from a person?

12 A Yes. There are little tubes in here with a sticky
13 side, and at the time, they -- they are a little bit
14 different now, but at the time, they tell you left hand on
15 the back, and then on the palm, and then the right hand is
16 the same.

17 So we just do one hand at a time. And he
18 is -- Frank Young, Junior is wheelchair bound, so I
19 collected from each hand and noticed while I did that, he
20 had very limited use of both hands. But it's very simple,
21 it's painless, and quick.

22 Q And after you took the samples from his hands,
23 what did you do with them?

24 A I put them back in -- into this pouch here, and
25 there's also a form that you have to fill out with the

DIRECT EXAMINATION OF JENNIFER SNIDER BY MS. JONES

1 details of the incident -- the person's name that you
2 collected it from -- and that is all sealed in this bag.
3 And I sealed it on the back with the evidence tape and
4 placed it into the evidence division afterwards.

5 Q And did you -- aside from actually taking the
6 samples, did you manipulate it or change the test in any
7 way?

8 A No, I did not.

9 Q Okay.

10 MS. JONES: Your Honor, that is all the questions
11 I have for this witness.

12 THE COURT: Very well. Cross examination.

13 MS. CAMPBELL: I have no questions.

14 THE COURT: As to this witness, Solicitor?

15 MS. JONES: She may be excused.

16 THE COURT: Ms. Snider, you may step down. You
17 are excused from the trial of this case. You may leave
18 the courtroom.

19 Call your next witness.

20 MS. JONES: The State calls Aaron Bilcze,

21 B-I-L-C-Z-E.

22 Thereupon,

23 AARON BILCZE

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

DIRECT EXAMINATION OF AARON BILCZE BY MS. JONES

1 THE CLERK: And if you would, state our full name
2 and spell your last name for the court reporter.

3 THE WITNESS: My full name is Aaron Bilcze,
4 B-I-L-C-Z-E.

5 THE COURT: So we are spelling it correctly,
6 B-I-L-C-Z-E?

7 THE WITNESS: Yes, sir.

8 THE COURT: Congratulations, Solicitor.

9 Your witness. Direct examination. Speak up,
10 please.

11 MS. JONES: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MS. JONES:

14 Q Good afternoon. I see you work with the Sheriff's
15 Office.

16 A Yes, ma'am.

17 Q And how long have you been employed with the
18 Beaufort County Sheriff's Office?

19 A Since 2007. It's about 12 years now.

20 Q And today, what is your role and duty at the
21 Sheriff's Office?

22 A I'm assistant supervisor for road patrol.

23 Q And back in 2017, what were you doing?

24 A The same thing, but I was working for the northern
25 section.

DIRECT EXAMINATION OF AARON BILCZE BY MS. JONES

1 Q Okay. And what does the northern section
2 encompass?

3 A The northern section is from the Broad River all
4 the way up until Colleton County and to Yemassee County
5 there.

6 Q Okay. And were you one of the responding deputies
7 to the murder of Adrian Lamont Manigo?

8 A Yes.

9 Q Okay. And that was on August 22nd of 2017?

10 A Yes.

11 Q And where did you respond?

12 A I initially responded to the incident location.

13 Q Okay. And what did you do there?

14 A I was only there -- I was probably about the third
15 or fourth person there.

16 My immediate supervisor was Staff Sergeant
17 Bush, myself, and Keener. Jack Keener showed up at the same
18 time, and he advised that we were no longer needed, to
19 actually start going out and canvassing the area. So we
20 were only there for a couple minutes and we left.

21 Q And why were you asked to canvass the area?

22 A The initial reports that -- the information was
23 coming across on our radios. It was breaking up, just based
24 on where the area was. They said that the alleged
25 individual fled on foot -- or, I'm sorry, on a bicycle. So

DIRECT EXAMINATION OF AARON BILCZE BY MS. JONES

1 then we ended up started canvassing the area and trying to
2 find bicycles from all the -- what we could see from the
3 roadway.

4 Q And at some point, do you go across Highway 17 to
5 a separate area?

6 A Yes. We initially started on the area where the
7 incident occurred, and then we started getting information
8 coming in saying that somebody fled across 17, or Charleston
9 Highway. So then we started moving our units toward that
10 area, to start looking over there, towards the big estate
11 (phonetic) area.

12 Q Okay. And did you have an opportunity to go to
13 [REDACTED]?

14 A Yes.

15 Q And do you remember to the address at [REDACTED]?

16 A Yes.

17 Q What was that?

18 A [REDACTED].

19 Q Okay. And when you respond there -- what is on [REDACTED]
20 [REDACTED]?

21 A Just a number of houses, a lot of wooded area.
22 It's just a rural area.

23 Q Okay.

24 MS. JONES: Permission to approach?

25 THE COURT: You may.

DIRECT EXAMINATION OF AARON BILCZE BY MS. JONES

1 Any objection?

2 MS. CAMPBELL: No, sir.

3 THE COURT: Proceed.

4 MS. JONES: Thank you, Your Honor.

5 BY MS. JONES:

6 Q Investigator -- or Deputy Bilcze, I'm going to
7 show you what has been marked as State's 7, 8, 9, 10, and
8 11. Do you recognize those photographs?

9 A Yes.

10 Q And what do those photographs show?

11 A That would be -- the 33 is right on the corner,
12 and this is the actual trailer that sits at 33. And off to
13 the distance on the left, on Exhibit-- State's Exhibit 7, is
14 the shed where I actually located the individual.

15 Q Okay. And how about the remainder of the
16 pictures?

17 A Yes. The remaining pictures are of the shed.

18 Q Okay. And do these photographs fairly and
19 accurately depict [REDACTED] that night?

20 A Yes.

21 MS. JONES: Your Honor, at this time, State moves
22 State's 7, 8, 9, 10, and 11 into evidence.

23 THE COURT: As to 7 through 11, inclusive,
24 Counsel?

25 MS. CAMPBELL: No objection.

DIRECT EXAMINATION OF AARON BILCZE BY MS. JONES

1 THE COURT: Ladies and gentlemen of the jury,
2 State's Exhibits 7, 8, 9, 10, and 11 will be admitted
3 into evidence in the trial of this case, without
4 objection.

5 You may publish to the jury.

6 *(Whereupon, State's Exhibit No(s) 7-11 marked for*
7 *identification and received in evidence.)*

8 (Exhibits introduced.)

9 MS. JONES: Thank you, Your Honor.

10 BY MS. JONES:

11 Q State's 7, can you describe what you see in this
12 photograph?

13 A That is -- Gray's Road runs right in front of that
14 residence. So it's on parallel to the roadway.

15 Q Okay.

16 A And the shed that's on the left-hand side, that is
17 horizontal to the -- to the trailer.

18 Q Okay. And State's 8?

19 A That would be the shed that was located to the
20 left of the residence.

21 Q And why is this back window important?

22 A That is where I made the initial contact with the
23 Defendant.

24 Q Okay. And how was that done?

25 A When we first initial -- we got information saying

DIRECT EXAMINATION OF AARON BILCZE BY MS. JONES

1 that Mr. Wright possibly might be there at that house,
2 that's why we ended up going to 33.

3 So several units responded to the area, we
4 set up a perimeter around the house. Myself and Corporal
5 Thomas, at the time, started out, and we would have been on
6 the far side of that shed.

7 The shed was important because we didn't know
8 if anybody had cleared that shed. We just wanted to make
9 sure because we were on the other side. I believe there's
10 an oak tree over there, that's what we were using for cover.

11 I asked my partner, I said, "Thomas, did
12 anybody clear that shed"? Just to make sure, because on the
13 other side, the door would swing open. It wasn't towards
14 us, but the door, we didn't know if it would open up all the
15 way and somebody was in there with a possible gun or
16 anything like that.

17 So that's when I made contact with Corporal
18 Thomas and advised him that I was going to go and clear that
19 real quick, just for our safety.

20 Q And did you look through that back window?

21 A Yes. I approached from the left side of the
22 trailer and came around. And that's when I made contact
23 with that window, so I could actually look inside of it to
24 see if there was anything in there.

25 Q And when you look inside that window, what do you

DIRECT EXAMINATION OF AARON BILCZE BY MS. JONES

1 see?

2 A At first, the sun was setting. This was probably
3 6:00 in the evening, and the sun was starting to set, and
4 the sun was on my back. I looked and didn't see anything at
5 first because the window was glared, and I couldn't see
6 inside. I was able to use my flashlight to peer inside, and
7 there was so much clutter in there. Then eventually I
8 looked towards where the door was at. I didn't see anything
9 at first. And then I did a double take and I could see
10 something in the far left-hand corner.

11 Q And what did that something end up being?

12 A It was an individual that was clinging to the
13 rafters, and he appeared to be shirtless. You could -- once
14 you could, like, see him, his stomach and everything, you
15 could only see from the waist up, and he was panting,
16 sweaty, and --

17 Q Okay. I'm going to show you now State's 9. And
18 is that the front side of that shed?

19 A Yes.

20 Q Okay. State's 10.

21 A Yes.

22 Q And finally, State's 11.

23 Where -- and is that the back window you were
24 speaking of earlier?

25 A Yes, ma'am.

DIRECT EXAMINATION OF AARON BILCZE BY MS. JONES

1 Q And where in that photograph was the individual?

2 A There is a -- right where the Exhibit 11 is, right
3 there in that corner, he would have been facing to the left.
4 And he was holding onto that post that was up there for the
5 roof. If he would have let go, he probably would have fell
6 out. That's how much clutter was in there.

7 Q And who was the individual that was inside this
8 shed?

9 A At first, I did not know. We ended up -- once we
10 made contact with him, it was determined that it was
11 Mr. Wright.

12 Q Okay. And do you see Mr. Wright in the courtroom
13 today?

14 A Yes.

15 Q Would you please point him out?

16 A (Indicating.)

17 MS. JONES: May the record reflect the witness did
18 identify the Defendant.

19 I have no further questions for this witness.

20 THE COURT: Exhibits to the court reporter.

21 Cross examination.

22 MS. CAMPBELL: I have no questions.

23 THE COURT: As to this witness, Solicitor?

24 MS. JONES: He may be excused.

25 THE COURT: Any objection?

DIRECT EXAMINATION OF AARON BILCZE BY MS. JONES

1 MS. CAMPBELL: No.

2 THE COURT: Mr. B-I-L-C-Z-E, you are excused from
3 the trial of this case. You may leave the courtroom.

4 THE WITNESS: Thank you.

5 THE COURT: Have a nice day.

6 Call your next witness.

7 MS. JONES: State calls Investigator Adam Zsamar,
8 Z-S-A-M-A-R.

9 Thereupon,

10 ADAM ZSAMAR

11 was called as a witness, having been first duly sworn,
12 was examined and testified as follows.

13 THE CLERK: Please give your full name and spell
14 your last name for the court reporter.

15 THE WITNESS: Adam Zsamar, Z-S-A-M-A-R.

16 THE COURT: Please speak up for me so everybody in
17 the jury can hear you.

18 Your witness, Counsel. Direct examination.

19 MS. JONES: Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY MS. JONES:

22 Q Good afternoon, Investigator Zsamar.

23 A Good afternoon.

24 Q Where do you work?

25 A Beaufort County Sheriff's Office.

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. JONES

1 Q And in what capacity?

2 A Currently I work for the crime suppression unit.

3 Q And back in -- well, how long have you been with
4 the Sheriff's Office?

5 A Thirteen years.

6 Q And in 2017, what were you doing with the
7 Sheriff's Office?

8 A I was an investigator with the northern criminal
9 section.

10 Q And did you assist in the investigation at [REDACTED]
11 [REDACTED] into the murder of Adrian Lamont Manigo?

12 A Yes, I did.

13 Q And what role did you play in assisting that
14 investigation?

15 A I processed the crime scene.

16 Q And what does that mean?

17 A Pretty much the search, look for evidence, gather
18 the evidence. Process items that have evidentiary value.

19 Q As part of this -- this processing the crime
20 scene, you responded to [REDACTED]?

21 A Yes.

22 Q And can you describe what it looked like when you
23 got there?

24 A When I arrived, the scene was down a fairly long
25 driveway. There was a vehicle parked under a large oak

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. JONES

1 tree, and then there's a residence, if you are facing the
2 tree, to the left.

3 Q Was Mr. Manigo still there when you arrived, the
4 victim?

5 A Yes, he -- yes, he was. He was laying next to the
6 vehicle, covered by a sheet.

7 Q Okay. And as part of your processing that
8 afternoon, did you come into contact with Mr. Manigo?

9 A Yes.

10 Q And what did you do?

11 A Well, the whole scene was photographed, including
12 the vehicle, the area around the oak tree, the deceased,
13 Mr. Manigo. His clothing was inventoried to identify any
14 possessions within his pockets.

15 Q Did you also take a GSR kit sample from
16 Mr. Manigo?

17 A Yes.

18 MS. JONES: Permission to approach?

19 THE COURT: You may.

20 BY MS. JONES:

21 Q I'm going to show you, for identification purposes
22 only, was has been marked as State's 45. Do you recognize
23 that?

24 A Yes, I do.

25 Q And what is that?

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. JONES

1 A That is the gunshot residue kit collected from
2 Mr. Manigo's hands.

3 Q And you collected that kit?

4 A Yes, I did.

5 Q And aside from actually taking the samples
6 themselves, did you manipulate or alter those samples in any
7 way?

8 A No.

9 Q And after you took the samples, what did you do
10 with them?

11 A Submitted them to evidence.

12 Q Okay. You placed them in that bag?

13 A Yes.

14 Q And was it sealed when it went to evidence?

15 A Yes.

16 Q Yes. Would that be the red seal?

17 A Correct. The red seal.

18 Q Okay. I can take that from you.

19 You mentioned that you took some photographs?

20 A Correct.

21 Q I'm going to show you a couple of photographs.

22 MS. CAMPBELL: Based upon what the State is
23 showing me, I would say that subject to my prior
24 objection, no objections to the --

25 THE COURT: I understand. You're protected for

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. JONES

1 the record.

2 MS. CAMPBELL: Thank you, Judge.

3 THE COURT: You may approach.

4 MS. JONES: Thank you, Your Honor.

5 BY MS. JONES:

6 Q I'm going to show you first what has been marked
7 as State's 23 and 24.

8 And what is depicted in those photographs?

9 A In the photographs is the driveway at the scene.
10 There are placards placed at items of evidence. In this
11 case, it's one placard, Number 3, indicating a shell casing.
12 And the other picture shows the deceased's vehicle parked by
13 the tree.

14 Q Okay. The placards indicate where exactly that
15 particular piece of evidence was collected from?

16 A Yes, in relation to the vehicle.

17 Q And do those photos fairly and accurately depict
18 the scene that day?

19 A Yes, they do.

20 MS. JONES: Your Honor, at this time I'd move 23
21 and 24.

22 THE COURT: As to 23 and 24?

23 MS. CAMPBELL: Just subject to my prior objection.

24 THE COURT: Ladies and gentlemen of the jury,
25 State's Exhibits 23 and 24 will be admitted into

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. JONES

1 evidence in the trial of this case.

2 Twenty-three and 24 into evidence. You may
3 publish.

4 *(Whereupon, State's Exhibit No(s). 23-24 marked*
5 *for identification and received in evidence.)*

6 MS. JONES: Permission to approach, Your Honor?

7 THE COURT: You may.

8 BY MS. JONES:

9 Q For identification only, what's been marked as
10 State's Exhibit 42, do you recognize that?

11 A It is the steel shell casing that was found in the
12 driveway.

13 Q And is that the steel shell casing that is
14 depicted in those photographs?

15 A Yes, it is.

16 MS. JONES: Your Honor, at this time State would
17 move to publish 23?

18 THE COURT: Twenty-three and 24 are in evidence,
19 and you may publish.

20 THE COURT: Ladies and gentlemen of the jury, turn
21 to your right and look at the screen.

22 BY MS. JONES:

23 Q And that Placard Number 3, was that put up by the
24 Sheriff's Office?

25 A Yes. That was put up by me.

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. JONES

1 Q And 24, State's 24. And if we zoom in, what is
2 that?

3 A That is the steel shell casing.

4 Q And is that the same steel shell casing depicted
5 in Exhibit 42?

6 A Yes.

7 Q And is that an item you collected that afternoon?

8 A Yes, it is.

9 Q And after you collected it, what did you do with
10 it?

11 A Submitted it to evidence.

12 Q Okay. I'm next going to show you --

13 MS. CAMPBELL: State's 15 continues to be subject
14 to my objection.

15 THE COURT: No objection? I don't know which is
16 which, so I got to find out from the witness. Hold on
17 one second, and I'll ask him.

18 MS. CAMPBELL: Thank you, Judge.

19 THE COURT: You may approach.

20 MS. JONES: Thank you, Your Honor.

21 BY MS. JONES:

22 Q I'm going to show you State's 15, 25, and 44. If
23 you could identify those.

24 THE COURT: Use the exhibit numbers, please, when
25 you do so.

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. JONES

1 THE WITNESS: Yes, Judge. State's Exhibit 15 is a
2 photograph of the scene again, with the victim's
3 vehicle placards on the scene, as well as some other
4 items on the ground.

5 BY MS. JONES:

6 Q Okay. And 25?

7 A Twenty-five is a Placard Number 4 of a projectile
8 or a bullet.

9 Q And do those photographs fairly and accurately
10 depict the scene that afternoon, that evening?

11 A Yes, they do.

12 MS. JONES: Your Honor, at this time, State moves
13 State's 15 and 25 into evidence.

14 THE COURT: Fifteen is admitted over objection,
15 for the record. There is no objection to 25?

16 MS. CAMPBELL: Correct, Judge.

17 THE COURT: Ladies and gentlemen of the jury,
18 State's Exhibit 15 will be admitted into evidence in
19 the trial of this case.

20 *(Whereupon, State's Exhibit No(s). 15 marked for*
21 *identification and received in evidence.)*

22 THE COURT: State's Exhibit Number 25 will be
23 admitted into evidence in the trial of this case.

24 You may now publish.

25 MS. JONES: Thank you, Your Honor.

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. JONES

1 *(Whereupon, State's Exhibit No(s). 25 marked for*
2 *identification and received in evidence.)*

3 BY MS. JONES:

4 Q State's 15. And what are we looking at in this
5 photograph?

6 A In that photograph, the vehicle, or the Tahoe, is
7 the victim's vehicle. That is the victim under the sheet on
8 the ground. Those yellow triangles with numbers are
9 placards identifying pieces of evidence.

10 Q Okay. And State's 25?

11 A That is Placard Number 4, and at that bottom left
12 front corner, highlighted is the projectile, or a bullet.

13 Q Okay. And the piece of evidence you have been
14 handed, State's 44 for identification only, what is that?

15 THE COURT: What number?

16 MS. JONES: Forty-four.

17 THE COURT: Forty-four.

18 THE WITNESS: It is the projectile collected by
19 Placard Number 4.

20 BY MS. JONES:

21 Q Okay. And you collected that item?

22 A Yes, I did.

23 Q And after you collected it, what did you do with
24 it?

25 A I submitted it to evidence.

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. JONES

1 Q And did you alter it or tamper with it in any way?

2 A No. The bag was sealed.

3 Q Okay.

4 MS. JONES: Permission to approach?

5 THE COURT: You may.

6 BY MS. JONES:

7 Q I'm going to show you what has been marked as
8 State's 16, 17, and 43.

9 And what do State's 16 and 17 depict?

10 A State's 16 is a picture of items that are
11 underneath the large oak tree, consisting of chairs,
12 plywood, and a barbecue in the background, along with
13 placards identifying pieces of evidence.

14 State's 17, they are closer pictures of the
15 Placards 7 and 8, which show shell casings on the ground.

16 Q Okay. And do those pictures fairly and accurately
17 depict the scene that evening?

18 A Yes, they do.

19 MS. JONES: Your Honor, at this time State moves
20 16 and 17 into evidence.

21 MS. CAMPBELL: No objection.

22 THE COURT: Ladies and gentlemen of the jury,
23 State's Exhibit 16 and 17 will be admitted into
24 evidence in the trial of this case, without objection.

25 You may publish.

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. JONES

1 MS. JONES: Thank you.

2 *(Whereupon, State's Exhibit No(s) 16-17 marked*
3 *for identification and received in evidence.)*

4 BY MS. JONES:

5 Q State's 16, what does that picture show?

6 A That shows the chairs and other items underneath
7 that large oak tree in the front yard at the scene.

8 Q And what do Placards 6, 7, and 8, what are they
9 marking?

10 A Shell casings. Fresh shell casings.

11 Q And for those of us that may not know, what --
12 what is a shell casing?

13 A A shell casing is the housing where the accelerant
14 for a bullet, gunpowder, is contained. And it's capped off
15 by a projectile or bullet at the end. And generally, the
16 semiautomatic firearm, after the projectile is shot through
17 the barrel, and it slides -- rotates the ammunition through,
18 the shell casing is expended from the firearm.

19 Q What part of the firearm does the shell casing
20 come from after a bullet is fired?

21 A Every firearm is different, but generally the
22 breach or the ejector slide.

23 Q Okay. Would that be on the front of the gun or in
24 the back of the gun or the middle?

25 A Every firearm is different, but mostly on

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. JONES

1 semiautomatics, on the side of the firearm.

2 Q Okay. And they are ejected out once the bullet is
3 fired?

4 A Correct.

5 Q And State's 17. Is that a closer up of the shell
6 casings?

7 A Correct.

8 Q And for identification only, State's 43. What
9 does that bag contain?

10 A The three shell casings.

11 Q And did you collect those?

12 A Yes, I did.

13 Q And are those the shell casings depicted in these
14 photographs?

15 A They are.

16 Q And after you collected those, what did you do
17 with them?

18 A Seal the bags, submitted them to evidence.

19 Q Did you tamper with them or alter them?

20 A No.

21 Q After processing the crime scene, the initial
22 crime scene, did you process the Tahoe that we see depicted
23 in these photographs?

24 A Yes.

25 Q Whose Tahoe was that?

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. JONES

1 A Mr. Manigo's.

2 MS. JONES: Permission to approach?

3 THE COURT: You may.

4 BY MS. JONES:

5 Q I'm going to show you what has been marked as
6 State's 12, 13, 14, and 22.

7 THE COURT: Twelve, 13, 14, and what?

8 MS. JONES: Twenty-two.

9 THE COURT: Twenty-two.

10 BY MS. JONES:

11 Q And what are those pictures of?

12 A Exhibit 12 is a picture of the crime scene,
13 specifically Mr. Manigo's vehicle underneath the oak tree.
14 Number 13 is a picture of the vehicle from
15 the rear.

16 Fourteen is a picture from the passenger's
17 side of the vehicle.

18 And Exhibit 22 is a picture from the driver's
19 side of the vehicle.

20 Q And do those photos depict how you found the Tahoe
21 when you arrived?

22 A Yes.

23 MS. JONES: Your Honor, at this time State moves
24 12, 13, 14, and 22 into evidence.

25 THE COURT: As to 12, 13, 14, and 22?

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. JONES

1 MS. CAMPBELL: No objection.

2 THE COURT: Ladies and gentlemen of the jury,
3 State's Exhibits 12, 13, 14, and 22 will be admitted
4 into evidence in the trial of this case without
5 objection.

6 You may publish.

7 *(Whereupon, State's Exhibit No(s). 12-14 marked*
8 *for identification and received in evidence.)*

9 *(Whereupon, State's Exhibit No(s). 22 marked for*
10 *identification and received in evidence.)*

11 MS. JONES: Thank you, Your Honor.

12 BY MS. JONES:

13 Q Twelve. And what does that picture show?

14 A That is a picture of the scene. That is the
15 victim's vehicle, the Tahoe. It's a picture from the
16 passenger's side. It is capturing its location in relation
17 to the oak tree and --

18 Q Were the doors closed --

19 A Yes.

20 Q -- like that when you arrived?

21 A Yes.

22 Q Okay. Thirteen.

23 A That is the rear of the vehicle.

24 Q Again, it was closed when you arrived?

25 A Yes.

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. JONES

1 Q Fourteen?

2 A That is the passenger's side, with the doors
3 closed, window was down.

4 Q Okay. And 22?

5 A Same as the driver's side. Door closed, and the
6 window down.

7 Q Okay. Was there something noticeable in the front
8 of this car that you took more photographs of?

9 A The front of the vehicle?

10 Q Uh-huh. (Indicating affirmatively.)

11 A Yes.

12 Q What was that?

13 A It was a defect in the -- near the headlight
14 housing on the driver's side, which is consistent with a
15 bullet tread.

16 Q Okay. I'm now going to show you State's 18 and
17 19. Do you recognize those?

18 A Yes.

19 Q And what do those pictures show?

20 A Exhibit 18 shows the bullet strike on the driver's
21 side quarter panel, near the headlight housing. And 19 is
22 just a closer up shot with the scale, thus seeing the
23 defect.

24 Q And that fairly and accurately depicts the defect
25 on the car that day?

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. JONES

1 A Yes.

2 MS. JONES: Your Honor, at this time, State moves
3 18 and 19 into evidence.

4 THE COURT: As to 18 and 19?

5 MS. CAMPBELL: No objection, Your Honor.

6 THE COURT: Ladies and gentlemen of the jury,
7 State's Exhibits 18 and 19 will be admitted into
8 evidence in the trial of this case without objection.

9 You may publish.

10 MS. JONES: Thank you, Your Honor.

11 *(Whereupon, State's Exhibit No(s). 18-19 marked*
12 *for identification and received in evidence.)*

13 BY MS. JONES:

14 Q State's 18?

15 A Eighteen is the photograph of that driver's side
16 quarter panel. And it would be highlighted with the defect
17 with the -- this is some of the bulge right here.

18 Q Okay. And State's 19?

19 A Just a closer picture of that same defect.

20 Q Okay.

21 THE COURT: Counsel approach.

22 *(Off-the-record discussion was held.)*

23 THE COURT: Yes, you may approach.

24 MS. JONES: Thank you, Your Honor.

25 BY MS. JONES:

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. JONES

1 Q Now, I'm going to show you what has been marked as
2 State's 20 and 21.

3 A Exhibit 20 is a photograph or image taken of the
4 interior of the victim's vehicle, if I was standing at the
5 driver's side door.

6 Q And 21?

7 A Twenty-one is an overhead shot of the center
8 console, with the center console open, of the same vehicle.

9 Q Okay. And do those pictures fairly and accurately
10 depict the inside of that Tahoe that afternoon, that
11 evening?

12 A Yes, it does.

13 MS. JONES: Your Honor, at this time, State moves
14 20 and 21 into evidence.

15 MS. CAMPBELL: No objection, Your Honor.

16 THE COURT: As to State's Exhibits 20 and 21, they
17 will be admitted into evidence in the trial of this
18 case without objection. You may publish 20 and 21,
19 Solicitor.

20 MS. JONES: Thank you, Your Honor.

21 *(Whereupon, State's Exhibit No(s). 20-21 marked*
22 *for identification and received in evidence.)*

23 BY MS. JONES:

24 Q State's 20, what does this show?

25 A That is the victim's vehicle, an image of the

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. JONES

1 interior, with the driver's side door open, along with the
2 passenger's side door.

3 Q Did you or somebody with crime scene open those
4 doors?

5 A I did.

6 Q And if we could zoom in a little bit, and to the
7 middle of 20, and to the center console, is that how the
8 center console appeared when you opened those doors?

9 A Yes. It was closed.

10 Q Okay. And now, State's 21. And what is that
11 showing?

12 A Twenty-one is an overhead shot of the center
13 console with the lid open, and there is a firearm inside the
14 center console.

15 Q Okay. Now, I'm going to show you for
16 identification only, so please do not show the jury, State's
17 39.

18 THE COURT: What number?

19 MS. JONES: Thirty-nine.

20 THE COURT: Thirty-nine.

21 BY MS. JONES:

22 Q Do you recognize that item?

23 A I do.

24 Q And what is that?

25 A That is the firearm selected from the vehicle,

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. JONES

1 from inside the center console.

2 Q What caliber firearm is that?

3 A It is a .9 millimeter.

4 Q And for those who maybe don't know, a .9

5 millimeter handgun fires .9 millimeter bullets?

6 A Yes.

7 Q Okay. Not .38s?

8 A Correct.

9 Q That handgun, that firearm right there, when you
10 collected it, was there a bullet in the chamber?

11 A No, there was not.

12 Q What does that mean?

13 A That means that an individual would not have had
14 to manipulate the slide to chamber, a projectile from the
15 magazine into the chamber of the firearm.

16 Q So when you collected that firearm, was it ready
17 to be fired?

18 A No.

19 Q No. Let me collect that back from you.

20 Well, back to State's 39. Is this the gun
21 you collected?

22 A Yes.

23 Q And when you collected it, what did you do with
24 it?

25 A Sealed the box and submitted it into evidence.

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. JONES

1 Q Okay. You didn't manipulate it or alter it in any
2 way?

3 A The slide would have been locked back, and a
4 safety lock put on it.

5 Q Is that what that red thing is in there?

6 A Yes.

7 Q And that makes the gun --

8 A So it can't be fired.

9 Q Perfect. Thank you.

10 MS. JONES: I have no further questions for this
11 witness, Your Honor. Thank you.

12 THE COURT: Cross examination.

13 CROSS EXAMINATION

14 BY MS. CAMPBELL:

15 Q Good afternoon.

16 A Good afternoon.

17 Q Good to see you.

18 Would it be fair to say you took maybe 200,
19 250 photos of this particular crime scene?

20 A That is a fair estimate.

21 Q And in your processing of the crime scene, one of
22 the things that you would do is collect evidence, like you
23 testified, the projectiles and the casings, right?

24 A Correct.

25 Q You locate it by putting the placard next it to?

CROSS EXAMINATION OF ADAM ZSAMAR BY MS. CAMPBELL

1 A Different items of evidence, yes.

2 Q And then you collect it, put it in an evidence
3 bag, and put it on its way, right?

4 A You collect the items first, measuring them, just
5 in case you have to reconstruct the scene later, then you
6 collect them, then submit them to evidence.

7 Q In your experience and training as a law
8 enforcement office and an investigator, you are familiar
9 with the technique of how to obtain fingerprint evidence
10 from different items, correct?

11 A Correct.

12 Q So you would be trained in how to, let's say, try
13 to lift fingerprints from a door handle?

14 A Correct.

15 Q Or a steering wheel, a rearview mirror, or dash of
16 an automobile, correct?

17 A Correct.

18 Q At any point during your processing of the crime
19 scene, did you attempt to lift fingerprints from inside the
20 Tahoe or outside the Tahoe?

21 A I did not.

22 Q In the processing of the crime scene, you
23 obtained -- may I approach?

24 THE COURT: You may.

25 *(Whereupon, Defendant's Exhibit No(s). 2 marked*

CROSS EXAMINATION OF ADAM ZSAMAR BY MS. CAMPBELL

1 *for identification.)*

2 BY MS. CAMPBELL:

3 Q Let me ask you this: Do you recognize your
4 writing on this particular piece of evidence?

5 THE COURT: What number?

6 MS. CAMPBELL: It would just be Defendant's 1 for
7 identification.

8 THE COURT: Is it marked?

9 MS. CAMPBELL: Not yet, Your Honor.

10 BY MS. CAMPBELL:

11 Q So I hand you what's been marked Defendant's 1
12 (SIC) for identification purposes only, Office Zsamar, and
13 ask you if you recognize your writing on that document.

14 A Yes, I do.

15 Q You do.

16 The particular item that you secured from the
17 crime scene, would that be the victim's cell phone?

18 A Yes, it is.

19 MS. CAMPBELL: Thank you.

20 THE COURT: What number?

21 MS. CAMPBELL: Number 2.

22 THE COURT: Number 2.

23 MS. CAMPBELL: Yes, sir.

24 THE COURT: It's been marked for identification
25 only as Defendant's Number 2, Counsel.

CROSS EXAMINATION OF ADAM ZSAMAR BY MS. CAMPBELL

1 MS. CAMPBELL: Thank you, Your Honor.

2 BY MS. CAMPBELL:

3 Q One of the photos that you took at the scene, you
4 marked with Placard Number 5, I believe.

5 A Could have been.

6 Q Do you recall what that was? Do you need to check
7 your notes?

8 A Yes.

9 THE COURT: Hold on to that tray. No. Stay up
10 there and ask him. You're blocking their view. Step
11 back so the jury can see with us.

12 MS. CAMPBELL: Sorry, Judge.

13 THE WITNESS: Yes.

14 BY MS. CAMPBELL:

15 Q And do you need to see a photograph of what
16 Placard 5 marked, or do you independently know what it
17 marked?

18 A If you want to show me a photograph, I'll look at
19 the photograph.

20 MS. CAMPBELL: He seems to need to see the
21 photograph, Your Honor, if I may?

22 THE COURT: Any objection if she uses her
23 computer?

24 MS. JONES: No, Your Honor.

25 THE WITNESS: Yes.

CROSS EXAMINATION OF ADAM ZSAMAR BY MS. CAMPBELL

1 BY MS. CAMPBELL:

2 Q And what did you mark at Placard Number 5?

3 A A baseball cap with the writing, "Supreme" on it.

4 Q And Placard Number 5 was located right next to

5 Mr. Manigo, correct?

6 A Close proximity.

7 Q And you submitted it into evidence?

8 A Yeah.

9 Q Placard Number 6 is a .9 millimeter casing,
10 correct?

11 A Yes.

12 Q Placard 7 is a .9 millimeter casing, correct?

13 A Correct.

14 Q And is Placard 8 is a .9 millimeter casing, right?

15 A Correct.

16 Q Placard 3 is the Wynn .38 Super P, right?

17 A Super P what?

18 Q It is labeled that in the report.

19 A Placard --

20 Q Placard 3 --

21 A Placard 3.

22 THE COURT: Whoa. Whoa. Let him finish before
23 you start talking.

24 Finish answering.

25 THE WITNESS: Yes, Judge. Placard 3 is the Wynn

CROSS EXAMINATION OF ADAM ZSAMAR BY MS. CAMPBELL

1 .38 Super Auto P casing.

2 THE COURT: Ask a question, Counsel.

3 MS. CAMPBELL: Thank you.

4 BY MS. CAMPBELL:

5 Q In your photographs of the interior of the Tahoe,
6 do you recall photographing in the front passenger seat, a
7 green baseball cap?

8 A It's possible. I would have to look at the
9 photograph to refresh my memory.

10 Q Would it help if I refreshed your recollection by
11 showing you a photo?

12 A Sure.

13 Q Your photos?

14 A Okay.

15 Q So having had your recollection refreshed, do you
16 now recall taking a photograph of a green baseball cap in
17 the front passenger seat of the Tahoe?

18 A There is a green baseball cap in the front seat,
19 passenger seat, of the Tahoe, yes.

20 Q Thank you.

21 Officer Zsamar, in your capacity as an
22 investigator with the Sheriff's department, you are familiar
23 with the law enforcement investigative tool known as
24 Spillman, correct?

25 A Correct.

CROSS EXAMINATION OF ADAM ZSAMAR BY MS. CAMPBELL

1 Q Spillman utilizes information from arrests and
2 from contacts with potential suspects in a computer program
3 essentially, right?

4 A Correct.

5 Q And as a law enforcement officer, you and your
6 fellow officers can access that information to see who are
7 known associates of one another, correct?

8 A If it's documented, yes.

9 Q And, in fact, you actually have a component of
10 Spillman that lists them together as known associates a/k/a
11 gang members, correct?

12 A Do I have that component?

13 Q No. Does Spillman allow you to do that, to access
14 that information?

15 A It can.

16 Q So that is an investigative tool that you might
17 use in investigating a murder case, correct?

18 A If the information is there.

19 MS. CAMPBELL: Thank you. That is all I have.

20 THE COURT: Redirect.

21 MS. JONES: No, Your Honor.

22 THE COURT: As to this witness?

23 MS. JONES: He may be excused.

24 THE COURT: Any objection?

25 MS. CAMPBELL: No objection.

CROSS EXAMINATION OF ADAM ZSAMAR BY MS. CAMPBELL

1 THE COURT: All right. Officer, you may step
2 down. Leave my exhibits with me, take your pile with
3 you. You're excused from the trial of this case. You
4 may leave the courtroom.

5 THE WITNESS: Thank you, Judge.

6 THE COURT: Thank you.

7 Call your next witness.

8 MS. JONES: State calls Todd Duncan.

9 Thereupon,

10 TODD DUNCAN

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

13 THE BAILIFF: Speak loudly and clearly in the
14 microphone. Give your full name and spell your last
15 name.

16 THE WITNESS: My name is Todd Duncan. Duncan is
17 spelled D-U-N-C-A-N.

18 THE COURT: Speak up for me, if you would,
19 Mr. Duncan. That microphone is very poor. It doesn't
20 do much amplification.

21 You can hear me, can't you?

22 THE WITNESS: I sure can.

23 THE COURT: I expect the jury to be able to hear
24 you.

25 THE WITNESS: Yes, sir.

DIRECT EXAMINATION OF TODD DUNCAN BY MS. JONES

1 THE COURT: Your witness, Counsel. Direct
2 examination.

3 MS. JONES: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MS. JONES:

6 Q Investigator Duncan, where do you work?

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

8 Q And how long have you been with the Sheriff's
9 Office?

10 A A little over eight years.

11 Q And in what capacity do you work for the Sheriff's
12 Office?

13 A I am currently a sergeant in the northern
14 investigations section.

15 Q Were you working with the investigation section in
16 2017?

17 A I was.

18 Q And did you respond to [REDACTED] on
19 August 22nd, 2017?

20 A Yes, ma'am.

21 Q And why did you respond?

22 A Usually when an incident like of this nature takes
23 place multiple investigators respond to it. There's a lot
24 of work to be done.

25 Q And did you assist in trying to find witnesses?

DIRECT EXAMINATION OF TODD DUNCAN BY MS. JONES

1 A I did.

2 Q Okay. Who were you able to speak to that evening,
3 late afternoon?

4 A I spoke with a Derio Young. We left the incident
5 location and I conducted an interview with him back at our
6 office, away from all the bystanders.

7 Q Okay. And during this interview with Mr. Young,
8 did you collect a gunshot residue kit from him?

9 A I did.

10 MS. JONES: Permission to approach?

11 THE COURT: You may.

12 BY MS. JONES:

13 Q Investigator Duncan, I'm showing you for
14 identification only, State's 46. And do you recognize that
15 item?

16 A I do.

17 Q And what is that?

18 A This is the gunshot residue kit. As you probably
19 know, when a gun is fired, an explosion happens. It leaves
20 particles on your hand. So this is a kit where we dab the
21 person's hand, and it's almost like a sticker, and it picks
22 up anything on their hand.

23 Q And is that the actual kit you collected from
24 Derio Young?

25 A It is.

DIRECT EXAMINATION OF TODD DUNCAN BY MS. JONES

1 Q And when did you collect that kit?

2 A I collected this August 23rd, 2017 at 12:30 at
3 night.

4 Q Okay. So early, early in the morning?

5 A Yes.

6 Q Okay. And after collecting that kit, what did you
7 do with it?

8 A We turned it into our temporary storage lockers
9 for our evidence technician to collect in the morning.

10 Q Did you seal it?

11 A I did.

12 Q Did you tamper with it or alter it in any way?

13 A I have not seen this since I turned it in that
14 night.

15 Q And that night, you didn't alter it or tamper with
16 it?

17 A No, ma'am.

18 Q All right. Let me get that back from you.

19 Derio Young, where is he these days?

20 A From what I have learned, he is a member of the
21 United States Army now, and he's stationed in Washington
22 state.

23 Q Okay. After this, speaking with Mr. Young, what
24 did you do after that?

25 A While this was going on, a suspect was identified

DIRECT EXAMINATION OF TODD DUNCAN BY MS. JONES

1 and he was being detained at the moment at [REDACTED]. So
2 I was informed of that going on, so I was asked to type up a
3 search warrant for [REDACTED], which I typed up and got
4 signed by a Judge, and then helped execute that search
5 warrant.

6 Q And did you have an opportunity to go to [REDACTED]
7 [REDACTED] that night?

8 A I did go, yes, ma'am.

9 Q And did you assist a Deputy Meza and Angstadt?

10 A I did. That was the following morning, I believe.

11 Q Okay. And what did you assist with them with?

12 A Those two deputies are K9 handlers. We were
13 searching the area for the gun that was possibly used in the
14 incident.

15 Q And where did you search?

16 A We searched, at that time, from [REDACTED],
17 where the subject was located, back towards the incident
18 location.

19 Q Okay. Did you go with another K9 handler on
20 another day to search?

21 A The following day, after we learned a little bit
22 more information. We learned the suspect lived down the
23 street at [REDACTED], so we searched from [REDACTED]
24 with the K9 all the way back to [REDACTED].

25 Q And in either of those searches, did y'all find

DIRECT EXAMINATION OF TODD DUNCAN BY MS. JONES

1 anything?

2 A We did not.

3 Q You spoke of [REDACTED]. Who lived at [REDACTED]
4 [REDACTED] on this day?

5 A We learned that Erik Black lived there with his
6 sister, Fantasia. I believe her last name is Young, the
7 Defendant, and Derio. Derio Young.

8 Q While you were at [REDACTED] pursuant to that
9 search warrant, were photographs taken?

10 A They were.

11 MS. JONES: Permission to approach, Your Honor?

12 THE COURT: You may.

13 BY MS. JONES:

14 Q I'm going to show you what has been marked as
15 State's Exhibits 26 and 27. And are those photographs taken
16 at [REDACTED]?

17 A Yes, ma'am.

18 Q And what is depicted in those photographs?

19 A One shows a money transfer received by Dontarious
20 Wright, and the other picture is the South Carolina
21 identification card of Dontarious Wright.

22 Q And where were those items photographed? Where
23 inside the home?

24 A He had a room inside there.

25 Q Okay. And did those photographs fairly and

DIRECT EXAMINATION OF TODD DUNCAN BY MS. JONES

1 accurately depict the Western Union and the identification
2 card?

3 A Yes, ma'am.

4 MS. JONES: Your Honor, at this time, the State
5 moves -- my apology -- 26 and 27.

6 THE COURT: As to 26 and 27, Counsel?

7 MS. CAMPBELL: Twenty-six, no objection; 27 would
8 be subject to my prior objection.

9 THE COURT: Ladies and gentlemen of the jury, 26
10 will be admitted into evidence without objection.

11 *(Whereupon, State's Exhibit No(s). 26 marked for*
12 *identification and received in evidence.)*

13 THE COURT: Twenty-seven is admitted into evidence
14 over objection.

15 *(Whereupon, State's Exhibit No(s). 27 marked for*
16 *identification and received in evidence.)*

17 THE COURT: You may publish 26 and 27 for the
18 jury.

19 MS. JONES: Thank you, Your Honor.

20 BY MS. JONES:

21 Q Twenty-six, if we could zoom in. What is this
22 picture showing?

23 A That shows the Western Union receipt in the name
24 for Dontarious Wright.

25 Q Okay. And it has Mr. Wright's name on it.

DIRECT EXAMINATION OF TODD DUNCAN BY MS. JONES

1 And 27?

2 A That's a South Carolina identification card.

3 Q And what is Mr. Wright's middle name, if you can
4 see?

5 A I believe it is Jaron.

6 Q Jaron?

7 A Jaron.

8 Q Thank you. And these were collected inside
9 [REDACTED]?

10 A That is correct.

11 Q Next I'm going to show you State's 28, 29, and 30.
12 What do those pictures depict?

13 A Twenty-eight is the shoes collected from that same
14 room. They are black Adidas shoes, which were the shoes
15 described by Erik Black as the suspect wearing that day.

16 Twenty-nine shows the subject's white pants
17 that were in the washing machine, which were unwashed, that
18 we collected as well.

19 And then 30 shows a picture of the subject
20 with his girlfriend wearing the black King T shirt.

21 Q And what is he wearing on the bottom of that?

22 A On the bottom of that, he has the same white pants
23 on, and it appears the same shoes.

24 Q And why were the white pants important?

25 A The white pants, we learned through Erik Black, he

DIRECT EXAMINATION OF TODD DUNCAN BY MS. JONES

1 saw D.J. running across the road wearing the white pants
2 that day.

3 MS. JONES: Your Honor, at this time State moves
4 28, 29, and 30 into evidence.

5 THE COURT: As to 28, 29, and 30?

6 MS. CAMPBELL: No objection.

7 THE COURT: Ladies and gentlemen of the jury,
8 State's Exhibits 28, 29, and 30 will be admitted into
9 evidence in the trial of this case without objection.
10 You may publish, Counsel.

11 MS. JONES: Thank you, Your Honor.

12 *(Whereupon, State's Exhibit No(s). 28-30 marked*
13 *for identification and received in evidence.)*

14 BY MS. JONES:

15 Q State's 28, those are the Adidas shoes?

16 A That's correct.

17 Q State's 29?

18 A That's the white jeans that were in the washing
19 machine.

20 Q Okay. And State's 30?

21 A That's the photograph showing wearing the white
22 pants and the black shoes.

23 Q Were these black pants and white shoes collected
24 (sic)?

25 A The white pants and black shoes, yes.

DIRECT EXAMINATION OF TODD DUNCAN BY MS. JONES

1 Q Yes. My apologies. I mixed that up. Yeah.

2 MS. JONES: Permission to approach, Your Honor?

3 THE COURT: You may.

4 BY MS. JONES:

5 Q Investigator Duncan, I'm going to show you first
6 State's 50. And what's inside that bag?

7 A This shows the black Adidas shoes that were
8 collected.

9 Q And you collected those shoes?

10 A That's correct.

11 Q From [REDACTED]?

12 A [REDACTED].

13 Q And when you collected those shoes, what did you
14 do with them?

15 A Well, we put them into this evidence bag and
16 turned it in to evidence.

17 MS. JONES: And at this time, State moves State's
18 50 into evidence.

19 THE COURT: As to State's 50?

20 MS. CAMPBELL: No objection.

21 THE COURT: Ladies and gentlemen of the jury,
22 State's Exhibit Number 50 will be admitted into
23 evidence in the trial of this case, without objection.

24 You may publish.

25 MS. JONES: Thank you, Your Honor. If we could

DIRECT EXAMINATION OF TODD DUNCAN BY MS. JONES

1 show the jury.

2 *(Whereupon, State's Exhibit No(s). 50 marked for*
3 *identification and received in evidence.)*

4 BY MS. JONES:

5 Q And those are the same shoes we saw in that
6 photograph earlier?

7 A That's correct.

8 Q And now I'm going to show you State's Exhibit 49.

9 And what is inside State's Exhibit 49?

10 A This is the white jeans I collected.

11 Q And you collected these jeans?

12 A That's correct.

13 Q Where are they collected from?

14 A From [REDACTED].

15 Q Inside what?

16 A Inside the washing machine.

17 Q Okay. Did they appear to have been washed?

18 A No. They appeared to have just been thrown in
19 there before it was washed.

20 Q And when you collected these, what did you do with
21 them?

22 A We placed them directly into this evidence bag and
23 turned it in to evidence.

24 MS. JONES: Your Honor, at this time, State moves
25 State's 49 into evidence.

DIRECT EXAMINATION OF TODD DUNCAN BY MS. JONES

1 THE COURT: As to 49?

2 MS. CAMPBELL: No objection.

3 THE COURT: Ladies and gentlemen of the jury,
4 State's Exhibit 49 will be admitted into evidence
5 without objection.

6 You may publish.

7 MS. JONES: Thank you, Your Honor.

8 *(Whereupon, State's Exhibit No(s). 49 marked for*
9 *identification and received in evidence.)*

10 BY MS. JONES:

11 Q Thank you. And you can put them back in.

12 I'm next going to show you State's 31 and 32.
13 If you could identify those.

14 A Thirty-one is a container that was in the room.
15 It has a bunch of different miscellaneous clothing and a
16 camouflage bag on it.

17 And then 32 is a close-up of that same
18 camouflage bag, and there was a bunch of bullets in there,
19 .9 millimeter rounds.

20 Q And do these photos fairly and accurately depict
21 that part of the room?

22 A That's correct.

23 Q And whose room was that?

24 A This is D.J.'s room.

25 MS. JONES: Permission to approach?

DIRECT EXAMINATION OF TODD DUNCAN BY MS. JONES

1 THE COURT: You may.

2 BY MS. JONES:

3 Q Investigator Duncan, I'm now going to show you
4 what has been marked as State's Exhibit 41. Do you
5 recognize that?

6 A Yes. These are the bullets in the bag that was
7 collected.

8 Q I want to get back to the photographs.

9 A Thirty-two and 31.

10 Q State's 31 and 32, do those fairly and accurately
11 depict that portion of the bedroom that evening?

12 A They do.

13 MS. JONES: Your Honor, at this time, State moves
14 State's 31 and 32 into evidence.

15 THE COURT: As to 31 and 32?

16 MS. CAMPBELL: No objection.

17 THE COURT: Ladies and gentlemen of the jury,
18 State's Exhibits 31 and 32 will be admitted into
19 evidence in the trial of this case without objection.

20 You may publish.

21 MS. JONES: Thank you, Your Honor.

22 *(Whereupon, State's Exhibit No(s). 31-32 marked*
23 *for identification and received in evidence.)*

24 BY MS. JONES:

25 Q State's 31. And what is significant about State's

DIRECT EXAMINATION OF TODD DUNCAN BY MS. JONES

1 31?

2 A It shows the camouflage bag that's in that
3 container. That is the bag that contained the bullets.

4 Q And State's 32?

5 A It's a close-up of that bag and the contents that
6 were located inside that bag.

7 Q Okay. I'll take those from you.

8 Did you collect the bullets depicted in that
9 picture?

10 A That's correct.

11 Q And do you recognize the bag in your hand right
12 there?

13 A Yes, ma'am.

14 Q State's 41, what is that?

15 A These are the bullets I collected from the bag in
16 the room.

17 Q And did you collect those bullets?

18 A That's correct.

19 MS. JONES: Your Honor, at this time State moves
20 State's 41 into evidence.

21 MS. CAMPBELL: No objection.

22 THE COURT: Ladies and gentlemen, State's Exhibit
23 Number 41 will be admitted into evidence in the trial
24 of this case without objection.

25 Forty-one is in evidence. You may publish.

DIRECT EXAMINATION OF TODD DUNCAN BY MS. JONES

1 *(Whereupon, State's Exhibit No(s). 41 marked for*
2 *identification and received in evidence.)*

3 THE WITNESS: It is the bag showing the bullets
4 collected, the bags up here, the live rounds are down
5 below.

6 MS. JONES: Thank you.

7 Beg the Court's indulgence.

8 Permission to approach, Your Honor.

9 Thank you. I have no further questions for this
10 witness.

11 THE COURT: Very well. Cross examination.

12 MS. CAMPBELL: No questions.

13 THE COURT: As to this witness, Solicitor?

14 MS. JONES: He may be excused.

15 THE COURT: Any objection, Ms. Campbell?

16 MS. CAMPBELL: None.

17 THE COURT: Mr. Duncan, you may step down. Leave
18 my exhibits here. Take your file. You are excused
19 from the trial of this case, you may leave the
20 courtroom.

21 THE WITNESS: Thank you, Your Honor.

22 THE COURT: Thank you.

23 Call your next witness.

24 MS. JONES: State calls Investigator Adam Draisen.

25 Thereupon,

DIRECT EXAMINATION OF ADAM DRAISEN BY MS. JONES

1 ADAM DRAISEN

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

4 THE BAILIFF: State your full name, if you would,
5 please, and spell your last name.

6 THE WITNESS: Adam Draisen. Last name is
7 D-R-A-I-S-E-N.

8 THE COURT: Your witness, Counsel.

9 MS. JONES: Thank you, Your Honor.

10 DIRECT EXAMINATION

11 BY MS. JONES:

12 Q Investigator Draisen, good afternoon.

13 A Good afternoon.

14 Q You have been with us all -- all day. What was
15 your role in the case we are here for today?

16 A I was the duty investigator assigned for the day
17 this incident happened. So I responded along with the other
18 investigators in -- because I was the duty investigator, I
19 was the lead investigator in the case.

20 Q And you work with the Beaufort County Sheriff's
21 Office?

22 A That's correct.

23 Q How long have you been with the Sheriff's Office?

24 A Thirteen years.

25 Q And back in August 22nd, 2017, you were the duty

DIRECT EXAMINATION OF ADAM DRAISEN BY MS. JONES

1 investigator?

2 A Yes, ma'am. That is correct.

3 Q What does that mean?

4 A We have a duty roster and every investigator is
5 assigned a duty day. So it was just my day to be on call
6 for that night.

7 Q And that afternoon, late afternoon, where did you
8 respond?

9 A Responded to [REDACTED] on Lobeco.

10 Q And is that in Beaufort County?

11 A It is.

12 Q And why did you respond?

13 A There was a call that came in about a gunshot
14 victim at [REDACTED]. I had actually seen the
15 dispatch come in, as I was still at the office. So I
16 responded along with Investigator Snider to the scene.

17 Q And I want to backtrack a little bit. You are
18 actually no longer with investigations, are you?

19 A That's correct.

20 Q And what do you do now?

21 A I was promoted from investigations and went back
22 to patrol. Patrol supervisor now.

23 Q And that is what you are doing right now with the
24 Sheriff's Office?

25 A Yes, ma'am.

DIRECT EXAMINATION OF ADAM DRAISEN BY MS. JONES

1 Q What time did you respond to [REDACTED]?

2 A Like I said, I saw them when the call came out,
3 but it's about a 40-minute drive. So as soon as -- I left
4 when the call came out, but I arrived about 6:20 in the
5 evening.

6 Q And when you get there, what do you see?

7 A The patrol deputies had the scene secured. They
8 had crime scene tape put up. There was numerous people
9 walking around the scene.

10 Q Was the victim, Adrian Lamont Manigo, still on
11 scene? Was he still there?

12 A Yes, ma'am, he was.

13 Q And were you able to speak with individual
14 witnesses?

15 A I -- I was. I spoke with Frank Young, also known
16 as Mikey.

17 Q At this point, were there more people on scene
18 than people who actually witnessed the shooting?

19 A That's correct.

20 Q And did you enlist other investigators to assist
21 speaking with these people?

22 A Yes, ma'am, I did, Investigator Snider and
23 Investigator Duncan.

24 Q And is that common?

25 A It is common on cases where you have a lot of

DIRECT EXAMINATION OF ADAM DRAISEN BY MS. JONES

1 moving parts, like we did in this case. So, yes, ma'am.

2 Q Were you there when the crime scene analyst came
3 out and processed the scene?

4 A I was not there when they processed the scene, no.

5 Q And where were you?

6 A As I -- about the time I just finished
7 interviewing Mikey, we had gotten the reports that the
8 Defendant was at [REDACTED]. So I left, along with Master
9 Sergeant Fraser, Jeremiah Fraser, and went to [REDACTED].

10 Q And what happens at [REDACTED]?

11 A We had reports that the Defendant was in one of
12 those houses. There was two houses and a shed, and the
13 deputies had surrounded both of those areas while we
14 gathered more information to see if we could find him.

15 At about that time, I had heard some deputies
16 shouting from over by the shed area. So I went to that area
17 where the Defendant was then taken into custody.

18 Q An who came out of that shed?

19 A It was the Defendant, D.J.

20 Q Okay. And do you see him in the courtroom?

21 A Yes, ma'am, I do.

22 Q Can you point him out, please?

23 A Yes, ma'am. He's right there (indicating) in the
24 blue shirt and yellow tie.

25 MS. JONES: Thank you. May the record reflect the

DIRECT EXAMINATION OF ADAM DRAISEN BY MS. JONES

1 witness did identify the Defendant.

2 BY MS. JONES:

3 Q After he is taken out of the shed, what happens
4 next? What do you do next?

5 A He's -- he's handcuffed and he's read his Miranda
6 warning by Master Sergeant Fraser, and then he's transported
7 to the investigations office by Corporal Nick Thomas with
8 the Sheriff's Office.

9 Q And where do you go?

10 A I go back to the investigations office, along with
11 Master Sergeant Fraser at that time.

12 Q Are you there for Mr. -- for the Defendant's
13 interview?

14 A The majority of it, no, I'm not.

15 Q And where are you during the majority of the
16 interview?

17 A The majority of the interview, I was obtaining an
18 arrest warrant, and I was speaking with the Judge.

19 Q Is it typical for the lead investigator to not
20 interview the suspects like this?

21 A It is typical.

22 Q All right. And why was -- why did Investigator
23 Fraser interview Mr. Wright?

24 A Well, from the very beginning, the Defendant had
25 already indicated that he knew Master Sergeant Fraser. So

DIRECT EXAMINATION OF ADAM DRAISEN BY MS. JONES

1 because he had already known him, it was more appropriate
2 for him to do the interview.

3 Q Thank you. But you later joined in on the
4 interview?

5 THE COURT: Speak up, Counsel.

6 BY MS. JONES:

7 Q You later joined in on the interview?

8 A That's correct.

9 Q Pursuant to your -- to this investigation in its
10 entirety, multiple members of the Sheriff's Office did
11 different things; is that correct?

12 A Yes, ma'am, it is.

13 Q And is it common for the lead investigator to
14 delegate those duties?

15 A It is common, yes.

16 Q Okay. Are you aware that on August the 25th,
17 Mr. Adrian Lamont Manigo was transported to MUSC?

18 A Yes.

19 Q Okay. And who with the Sheriff's Office attended
20 his autopsy?

21 A It was Corporal Andrew Glory with the Sheriff's
22 Office.

23 Q And what was his role in attending the autopsy?

24 A He is an investigator also with the southern
25 division, but he was there to collect any evidence from the

DIRECT EXAMINATION OF ADAM DRAISEN BY MS. JONES

1 autopsy.

2 Q Okay. And anything he collected was -- then what
3 happened with it?

4 A It was brought back to Beaufort and he submitted
5 it to the evidence section.

6 Q During your investigation, did you attempt to
7 locate any sorts of media records, phone records, or
8 Facebook records?

9 A Yes, I did. We had gotten the Defendant's cell
10 phone.

11 Q Where did you get that from?

12 A If it was -- Master Sergeant Fraser had it, so I
13 obtained it from him. And we had -- well, I don't want to
14 speak about what he did, but ...

15 Q Okay. And ultimately that phone is searched?

16 A It was searched. I obtained a search warrant for
17 the phone.

18 Q Thank you. Did you attempt to locate any Facebook
19 records for the Defendant?

20 A Yes, I did. Was able to -- once we had gotten the
21 information back from the search warrant, I was able to
22 determine what we believed his profile name to be, or his
23 alias on Facebook. And then I could do a preservation
24 request for the records.

25 Q And as the lead officer, this information was

DIRECT EXAMINATION OF ADAM DRAISEN BY MS. JONES

1 provided to you?

2 A It was.

3 Q But all you obtained was the name on the Facebook?

4 A Yes.

5 Q And what was that?

6 A The name was Wright, Pick My Jury After A While.

7 And it was linked to Devin Wright, which is his middle name.

8 Q It was linked to --

9 A I'm sorry. Jaron Wright.

10 Q Thank you. Was there anything else contained on
11 that material that you reviewed that connected the Defendant
12 to that Facebook account?

13 A I'm sorry. I don't understand that. Can you
14 rephrase it?

15 Q Was there anything else while you were reviewing
16 these records that gave you more information that this
17 account belonging to Jaron Wright also was actually the
18 account of Dontarious Wright?

19 A Yes. There was photographs of the Defendant on
20 that account.

21 Q And it was Wright, Pick My Jury After While?

22 A That's correct.

23 Q When the cell phone is collected from the
24 Defendant, what is done with it? You mention you got a
25 search warrant for it.

DIRECT EXAMINATION OF ADAM DRAISEN BY MS. JONES

1 A It -- it was submitted to the evidence section,
2 and our digital forensic investigator searched the phone
3 after I had the search warrant.

4 Q And who would that have been?

5 A That would be -- at the time, it was Sergeant
6 Derek Nelson.

7 Q Okay.

8 MS. JONES: Beg the Court's indulgence.

9 Investigator Draisen, I have no further questions
10 for you.

11 THE COURT: Cross examination.

12 MS. CAMPBELL: Thank you, Judge.

13 CROSS EXAMINATION

14 BY MS. CAMPBELL:

15 Q So, if I may, you and Fraser, Investigator Fraser,
16 I guess, made the decision that since D.J. knew Fraser, it
17 was probably better that Fraser conduct the interview,
18 right?

19 A Yes, ma'am. That is correct.

20 Q So this is a discussion that you and Fraser had
21 about who would have the best rapport, who knew him best,
22 right?

23 A I don't remember if there was a discussion, but it
24 was an understanding that because he seemed to know him,
25 that he would interview him.

CROSS EXAMINATION OF ADAM DRAISEN BY MS. CAMPBELL

1 Q You characterize this case as having a lot of
2 moving parts, right?

3 A Yes, ma'am.

4 Q Another way of saying that might be that it is a
5 complex case, right?

6 A I would say it was complex, yes.

7 Q In the course of your investigation as the lead
8 investigator, all of this evidence, the items in the boxes,
9 the interviews done, it really does have to flow all through
10 you, correct?

11 A I review it, yes, ma'am, I do.

12 Q Okay. I mean, it is your case?

13 A That's correct.

14 Q Okay. In the course of your investigation, you
15 learned that Frank Young, Junior's teen-age son was inside
16 the house there when the shots rang out, correct?

17 A Yes, ma'am.

18 Q And in the course of your investigation, you
19 learned that Frank Young, Junior was in the yard, right?

20 A Yes, ma'am, that's correct.

21 Q Frank Young, Junior is in the yard, Frank Young,
22 III is in the house, correct?

23 A Correct.

24 Q In the course of your investigation, you locate
25 three shell casings, six, seven, and eight, under the tree,

CROSS EXAMINATION OF ADAM DRAISEN BY MS. CAMPBELL

1 correct?

2 A I did not locate them, but they were witnessed,
3 ma'am.

4 Q I'm sorry. In the course of the investigation,
5 six, seven, and eight shell casings were located by the law
6 enforcement officers under the tree in that yard, correct?

7 A That's correct.

8 Q Placard Number 3, a shell casing, a .38, if you
9 will, was located in the dirt driveway, correct? Going
10 towards the main road, correct?

11 A Correct.

12 Q Okay. In the course of your investigation, you
13 learned that Frank Young, III heard four gunshots, correct?

14 A I believe in an interview that was said, yes.

15 Q Now, you -- this sort of frustrated you, didn't
16 it, during the course of your investigation, that you had
17 four shell casings, four gunshots, and the stories you were
18 getting were frustrating you. You couldn't match things up;
19 is that fair?

20 A I wouldn't say it was a frustration, it was just
21 something that I was trying to explain.

22 Q And in your efforts to explain it, do you recall
23 sort of being exasperated in one of the videotaped
24 interviews and saying, "You guys are not telling me the
25 truth."

CROSS EXAMINATION OF ADAM DRAISEN BY MS. CAMPBELL

1 A I don't recall my exact words, but I remember
2 questioning people about that item, yes.

3 Q And whether or not you were getting the whole
4 story?

5 A I would have to hear my whole words, but, you
6 know, if you have those.

7 MS. CAMPBELL: Well, if it please the Court, I
8 would like for him to review that, if he's saying that
9 he didn't say it.

10 THE COURT: Counsel approach.

11 (Off-the-record discussion was held.)

12 MS. CAMPBELL: I'll withdraw.

13 BY MS. CAMPBELL:

14 Q Officer Draisen --

15 A Yes, ma'am.

16 Q -- I know it was important to you to get this
17 right.

18 A Yes, ma'am.

19 Q To do your very best for this case, right?

20 A Yes, ma'am.

21 Q Now, exactly when did Jeremiah Fraser tell you
22 that D.J. said --

23 MS. JONES: Objection.

24 THE COURT: Hold it. Hold it right there.

25 Yes, ma'am.

CROSS EXAMINATION OF ADAM DRAISEN BY MS. CAMPBELL

1 MS. JONES: Hearsay.

2 THE COURT: Sustained.

3 Rephrase the question, Counsel. This is cross
4 examination, but you cannot ask questions suggesting
5 what someone else said that is not subject to cross.
6 examination.

7 Proceed.

8 BY MS. CAMPBELL:

9 Q When did you learn that J.D. might have been in
10 the Tahoe?

11 A I did not learn that he was ever in the Tahoe.

12 Q Thank you. Jeremiah Fraser interviews D.J., you
13 never learn that there's possibly another person in the
14 Tahoe, right?

15 A I don't remember any indication there was anybody
16 else in the Tahoe.

17 Q Okay. Now, what's been marked as Defendant's
18 Exhibit 2 for identification purposes only at this point.
19 You had in your possession as evidence in this case, Mont's
20 cell phone, right?

21 A That is correct.

22 Q To your knowledge, had any analysis been done on
23 that cell phone?

24 A Yes.

25 Q And what was that analysis?

CROSS EXAMINATION OF ADAM DRAISEN BY MS. CAMPBELL

1 A It was just like with the Defendant's phone. I
2 submitted a forensic request to have it -- all the data
3 extracted.

4 Q And that was done by which officer?

5 A Derek Nelson.

6 Q And Derek Nelson is now, or not, employed with the
7 Sheriff's department?

8 A He does not work for the Sheriff's Office any
9 more.

10 Q Do you know where he works?

11 A He works for the Solicitor's office.

12 Q Okay. Thank you.

13 The cell phone from Mr. Manigo leaves your
14 hands, goes to Derek Nelson, correct?

15 A That's correct.

16 Q But, so I'm clear, he's not part of the Sheriff's
17 department, correct?

18 A Not any longer.

19 Q Right. And at the time he did the analysis, he
20 was?

21 A Yes.

22 Q Okay. I just wanted to make sure we understood
23 that.

24 Exactly at what point, again, as the
25 investigator in this case, did you access Spillman to learn

CROSS EXAMINATION OF ADAM DRAISEN BY MS. CAMPBELL

1 about the associations between these people? What date was
2 that?

3 A I couldn't tell you the date, an exact date, but I
4 would have researched Spillman while I was investigating the
5 case.

6 Q And to my understanding, every time you, as a law
7 enforcement officer, log into Spillman -- let's say you
8 logged in under Adrian Lamont Manigo's name, it would be an
9 access. It would show an access in Spillman of who logged
10 in, date and time when they logged in, right?

11 A I'm not a Spillman expert. But when you log in, I
12 would assume that it would keep track of the log in,
13 correct.

14 Q And so to be clear, you're testifying you logged
15 into Spillman in this case?

16 A Absolutely.

17 Q And that was under Manigo?

18 A I don't understand the question.

19 Q What name did you log in under? What person?

20 A I would have done a search for everybody involved
21 in the case.

22 Q Okay. And in that search for everyone involved,
23 Jamel Washington, J.D., was not one of those people,
24 correct?

25 A That's correct.

CROSS EXAMINATION OF ADAM DRAISEN BY MS. CAMPBELL

1 MS. CAMPBELL: That is all I have.

2 MS. JONES: Nothing, Your Honor.

3 THE COURT: You may step -- oh, you give that to
4 the court reporter. She'll take it. It's just marked
5 for identification.

6 You may step down. You keep your file, leave my
7 exhibits with me.

8 Mr. Foreman, ladies and gentlemen of the jury, I'm
9 going to take my mid-afternoon break at this point.
10 Let you get to the jury room and stretch your legs, use
11 the restroom.

12 Please do not discuss the case. You have not
13 heard all the evidence in the case.

14 Thank you. You may retire to your jury room.

15 (The jury exits the courtroom.)

16 THE BAILIFF: The jury is clear, Your Honor.

17 THE COURT: Please be seated.

18 All right. We'll take our mid-afternoon break. I
19 need to see my two lawyers real quick in chambers.

20 (Recess.)

21 THE COURT: Please be seated.

22 State ready to proceed?

23 MS. JONES: Yes, Your Honor.

24 THE COURT: Defendant ready to proceed?

25 MS. CAMPBELL: Yes, sir.

CROSS EXAMINATION OF ADAM DRAISEN BY MS. CAMPBELL

1 THE COURT: Call your next -- well, wait, let me
2 get the jury.

3 (The jury enters the courtroom at 4:25 p.m.)

4 THE BAILIFF: The jury's entering the courtroom,
5 Your Honor.

6 THE COURT: Jury in. Please rise.

7 Please be seated.

8 Call your next witness.

9 MS. JONES: State calls Jennifer Nates.

10 Thereupon,

11 JENNIFER NATES

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

14 THE COURT: Make yourself comfortable, have a
15 seat.

16 THE BAILIFF: Please speak your full name and
17 spell your last name for the court reporter.

18 THE WITNESS: Jennifer Nates, N, as in Nancy,
19 A-T-E-S.

20 THE COURT: Ms. Nates, you've got a good voice.
21 Make sure you speak up loud enough so the jurors on the
22 end and on the top row can hear you.

23 Your witness, Counsel. Direct examination.

24 MS. JONES: Thank you, Your Honor.

25 DIRECT EXAMINATION

DIRECT EXAMINATION OF JENNIFER NATES BY MS. JONES

1 BY MS. JONES:

2 Q Ms. Nates, where do you work?

3 A I work for the South Carolina Law Enforcement
4 Division, in the trace evidence section of the forensic
5 laboratory.

6 Q And what is trace evidence?

7 A Trace evidence is one of the departments in the
8 laboratory that encompasses numerous types of analyses. We
9 perform fire degree analysis, gunshot residue analysis,
10 paint analysis, normally from hit and runs or burglary,
11 glass analysis, tape, and trace evidence, and bank dye
12 analysis.

13 Q And how long have you been at SLED?

14 A I have been at SLED for -- it'll be 22 years in
15 fall.

16 Q And all of those 22 years, were you in trace
17 evidence?

18 A No. My first year, I was in the drug analysis
19 section, where I performed drug analysis in poison casework.

20 Q Did you have to -- when did you start working with
21 trace evidence?

22 A I transferred into trace evidence in the fall of
23 1998.

24 Q Did you have to receive some specialized training
25 and education to work with trace evidence?

DIRECT EXAMINATION OF JENNIFER NATES BY MS. JONES

1 A The job posting required a chemistry degree, which
2 I received my Bachelor of Science degree in chemistry from a
3 small state school in Pennsylvania called California
4 University of Pennsylvania. It's located in California, PA.

5 Once I graduated with that degree, I interned
6 at SLED, performed through the drug training program and the
7 police academy, then did drug employment cases for
8 approximately one year. Then I began the training program
9 in trace evidence after I transferred.

10 It was an in-house training program. It was
11 pretty much, it takes between four to six years to complete.
12 You work under the lieutenant and the senior analyst. You
13 basically watch them do cases, you learn through an
14 apprenticeship type program. You also take outside courses
15 and classes on the specific instrumentation utilizing trace
16 evidence, and did the types of analyses that are performed
17 in trace evidence. And we continue to take these courses,
18 as we are allowed, over the course of our career.

19 Q And have you ever testified in court before?

20 A I have.

21 Q Approximately how many times?

22 A This will be my 133rd testimony.

23 Q And have you ever been qualified as an expert?

24 A Yes.

25 MS. JONES: Your Honor, at this time, State moves

DIRECT EXAMINATION OF JENNIFER NATES BY MS. JONES

1 Jennifer Nates as an expert in trace evidence.

2 THE COURT: Any objection as to qualifications?

3 MS. CAMPBELL: None.

4 THE COURT: Ladies and gentlemen of the jury,
5 you're about to hear the testimony of a witness who
6 claims to have special knowledge, skill, experience,
7 training, or education in the field of trace evidence.

8 Normally, the law does not permit witnesses to get
9 on the witness stand and give opinion testimony, or
10 conclusion testimony. An exception to that rule is to
11 those witnesses who we call expert witnesses, if
12 qualified by the Court.

13 This witness is qualified without objection. In
14 determining the weight to be given to any such expert
15 opinion, you should consider the qualifications and
16 credibility or believability of the expert, and reasons
17 given for his or her opinion.

18 You are not bound by such opinion. You give it
19 the weight, if any, to which you deem it should be
20 entitled.

21 Witness is qualified without objection. You may
22 proceed, Solicitor.

23 MS. JONES: Thank you, Your Honor.

24 BY MS. JONES:

25 Q What is GSR?

DIRECT EXAMINATION OF JENNIFER NATES BY MS. JONES

1 A Gunshot residue is the term that the forensic
2 community uses to describe any debris, any residue that is
3 generated when a firearm is discharged.

4 Our lab specifically analyzes for what is
5 called PGSR, which is primer gunshot residue, which is the
6 residue that is generated from the primer in the cartridge
7 of the firearm.

8 Q And what are -- what are the scenarios in which
9 somebody or an item could test positive for GSR?

10 A There's a slight difference between items and
11 person. A person can test positive for GSR if they
12 discharge a firearm, if they are in the vicinity to the
13 discharge of a firearm, or if they handle an item that has
14 gunshot residue on it, it can transfer to their hands.

15 An item can have gunshot residue deposited on
16 it if it is in the vicinity to the discharge of a firearm.

17 Q So an individual who tested positive for GSR
18 residue does not necessarily have to have fired a gun?

19 A That is correct.

20 Q Gunshot victims, do you test kits belonging to
21 gunshot victims?

22 A Currently, we still do test gunshot victim GSR
23 test kits. We are attempting to move in the direction where
24 we will no longer test those kits, because the person who
25 has sustained the gunshot wound is expected to have GSR on

DIRECT EXAMINATION OF JENNIFER NATES BY MS. JONES

1 them from being shot.

2 Q And does the location of the wound, would the
3 gunshot residue just be restricted to the location of the
4 gunshot wound?

5 A No.

6 Q Explain that.

7 A If you are shot, your body -- I have no knowledge
8 of how people are shot. All I receive is a GSR kit or
9 clothing from a person who is expected of firing a weapon.
10 If you are shot and you sustain a gunshot
11 wound, I don't know what position you were in. So if you
12 were turned towards the gun and then turned quickly
13 afterward, you can still be exposed to the cloud that's
14 produced from that weapon and have gunshot residue deposited
15 on you.

16 In the past we would analyze GSR kits that
17 reflect from the hand, from four areas of hands. They would
18 collect on the right palm, the right back, the left palm,
19 and the left back.

20 Due to the fact that are no studies on where
21 it can deposit more or what you expect to find on each area,
22 we now only collect from two areas, the right hand and the
23 left hand.

24 So, really, it is such a random process, it
25 can deposit anywhere on the victim, when they receive a

DIRECT EXAMINATION OF JENNIFER NATES BY MS. JONES

1 gunshot wound.

2 Now, normally, the majority will deposit in
3 the area of that bullet hole because the muzzle was pointed
4 in that direction. But it can deposit anywhere on the
5 victim or on the person firing the weapon, or anyone in that
6 vicinity.

7 Q So somebody who has sustained multiple gunshot
8 wounds, in your work and experience with GSR, is it common
9 to find gunshot residue on their hands?

10 A Usually in approximately 80 percent of our cases
11 where a victim has sustained a gunshot wound we have found
12 gunshot residue on their hands.

13 Q Even if they hadn't been shot in the hands?

14 A Correct.

15 Q And even if they never fired a gun?

16 A Yes.

17 Q For the case we are here for today, were you asked
18 to test some items?

19 A I received several items on this case to test.

20 THE COURT: You have previously shown a report,
21 unless it's a new one.

22 MS. JONES: Well, we did have a conversation
23 earlier this morning, where she did see everything.

24 THE COURT: All right. Then show them to her.

25 MS. CAMPBELL: Your Honor, I've have looked at

DIRECT EXAMINATION OF JENNIFER NATES BY MS. JONES

1 everything. I have reviewed them all.

2 MS. JONES: Permission to approach?

3 THE COURT: You may.

4 BY MS. JONES:

5 Q Ms. Nates, I'm going to show you what has been
6 marked as State's 45, 46, 47, and 48. Can you identify
7 those?

8 A Each of these are a GSR kit. This is the
9 packaging the kit comes into prior to analyzing it.

10 On each of these, State's Exhibit 45 has the
11 subject's name of Adrian Manigo, and on the back it has my
12 initials and date when I took it the evidence into my
13 custody for analysis. And then also my initials and date
14 whenever I sealed the evidence to return it. And each of
15 these kits bears my initials and dates on them.

16 Q And when you received each of those kits, were
17 they sealed in the packaging?

18 A When I receive them, they are not sealed. The
19 technician opens the documents that they were sealed when
20 she receives them. They then go to me for analysis.

21 Q Okay. And what does that technician do?

22 A The technician that we have is a recent addition
23 to our department, and she is responsible for inventorying
24 the GSR kit that has come into the laboratory. She will
25 open a kit that is pending analysis, take out the GSR

DIRECT EXAMINATION OF JENNIFER NATES BY MS. JONES

1 information sheet, make certain the information sheet
2 matches what the evidence was submitted as to the
3 laboratory, and what it says on the outside of the kit.

4 She then scans that sheet into our computer
5 system, puts the original sheet back into the case. She
6 will initial and date all of the evidence inside, which are
7 part of the list, make certain there's not an excessive
8 amount of dirt and debris on them. If there is, she will
9 have to put a thin layer of carbon on them before I can
10 perform analysis.

11 Q And who is the tech that did that in this case?

12 A Jamie Hall is our evidence technician.

13 MS. JONES: Your Honor, at this time State moves
14 45, 46, 47, and 48, I believe.

15 THE COURT: As to 45, 46, 47, and 48?

16 MS. CAMPBELL: No objection.

17 THE COURT: Ladies and gentlemen of the jury,
18 State's Exhibits 45, 46, 47, and 48 will be admitted
19 into evidence in the trial of this case without
20 objection.

21 You may publish.

22 MS. JONES: Thank you, Your Honor.

23 *(Whereupon, State's Exhibit No(s). 45-48 marked*
24 *for identification and received in evidence.)*

25 BY MS. JONES:

DIRECT EXAMINATION OF JENNIFER NATES BY MS. JONES

1 Q In addition to those kits, did you analyze other
2 items of evidence?

3 A In addition to the kits that I received, there was
4 several items of clothing submitted for analysis.

5 Q And what were those items of clothing?

6 A The clothing that was submitted was our Item 4,
7 which was a Nike shoe, red, white, and blue sneaker; a pair
8 of tan pants that were Levi Straus and Company pants. Those
9 two items I did not need to perform an analysis on. I
10 received phone information from the Solicitor that they did
11 not need to be analyzed.

12 I also received a black T shirt with gold
13 printing, a pair of white jeans, and a pair of black Adidas
14 shoes that I did perform an analysis on.

15 Q Okay. And in order to perform an analysis on
16 that, were samples taken from those items?

17 A Yes. The technician, Jamie Hall, also received
18 clothing items and will collect GSR samples from those
19 items, and she then transferred the evidence to me for
20 analysis.

21 Q Okay. And I'm going to hand you what has been
22 marked as State's 56. And do you recognize those?

23 A It appears they have been repackaged into a
24 Beaufort County collection bag. But on the inside you can
25 see my initials upside down with the date when I received

DIRECT EXAMINATION OF JENNIFER NATES BY MS. JONES

1 them.

2 They also have the lab number on each of
3 these, and the area from which they were collected, and each
4 item they were collected from.

5 Q And what are those?

6 A These are the particle lifts that were used to
7 collect the potential gunshot residue from the clothing.

8 MS. JONES: Your Honor, at this time State moves
9 56 into evidence.

10 THE COURT: As to State's 56?

11 MS. CAMPBELL: No objection, Your Honor.

12 THE COURT: Ladies and gentlemen of the jury,
13 State's Exhibit Number 56 will be admitted into
14 evidence in the trial of this case without objection.

15 You may publish.

16 MS. JONES: Thank you, Your Honor.

17 *(Whereupon, State's Exhibit No(s). 56 marked for*
18 *identification and received in evidence.)*

19 BY MS. JONES:

20 Q And, Ms. Nates, in regards to State's Exhibit 45,
21 the gunshot residue kit belonging to Adrian Lamont Manigo,
22 what were your findings?

23 A In the GSR kit from Adrian Lamont Manigo, I found
24 one particle characteristic of gunshot primer residue.

25 Q So he was positive for GSR?

DIRECT EXAMINATION OF JENNIFER NATES BY MS. JONES

1 A Yes.

2 Q In State's 46, GSR kit collected from Derio Young;
3 what were your findings?

4 A The GSR kit from Derio Young, I found particles
5 characteristic of gunshot primer residue.

6 Q And that differentiates from Mr. Manigo's in that
7 you found more?

8 A Actually, if we find only one particle, we specify
9 a single particle. If we find more than one, we specify it
10 as multiple.

11 Q Okay. And Mr. Manigo had one particle?

12 A Yes.

13 Q State's 48.

14 Well, first item, State's 47. The GSR kit
15 belonging to Frank Young, Junior.

16 A The --

17 Q What were your findings?

18 A My findings on the GSR kit from Frank Young,
19 Junior were that I did not find any particles characteristic
20 of gunshot primer residue.

21 Q No GSR on Frank Young, Junior?

22 A No, ma'am.

23 Q And State's 48, the GSR kit belonging to the
24 Defendant, Dontarious Wright, what were your findings?

25 A The GSR kit from Dontarious Wright, I found

DIRECT EXAMINATION OF JENNIFER NATES BY MS. JONES

1 multiple particles characteristic of gunshot primer residue.

2 Correct.

3 Q Okay. And multiple particles on Mr. Wright, and
4 one on Adrian Manigo?

5 A That is correct.

6 Q In regards to State's Exhibit 56, the lifts from
7 the clothing, what were your findings in regards to the lift
8 taken from the white jeans?

9 A The white jeans, the particle lifts are collected
10 from the groin area of the jeans and the thigh area, because
11 that is usually the area of clothing that would be exposed
12 to a cloud of gunshot residue if you were discharging a
13 firearm. In that case, I found particles characteristic of
14 gunshot primer residue.

15 Q Particles, plural?

16 A Yes.

17 Q In regards to the black Adidas shoes, what were
18 your findings?

19 A On the pair of black Adidas shoes, I found one
20 particle characteristic of gunshot primer residue.

21 Q Okay.

22 MS. JONES: Beg the Court's indulgence.

23 I have no further questions for this witness.

24 THE COURT: Cross examination.

25 MS. CAMPBELL: Good afternoon.

CROSS EXAMINATION OF JENNIFER NATES BY MS. CAMPBELL

1 CROSS EXAMINATION

2 BY MS. CAMPBELL:

3 Q If I understand what you're saying correctly, when
4 you answered the prosecutor's question at first, if I'm in
5 close proximity to where a gun is being fired, I'm likely to
6 maybe have gunshot residue on me; is that right?

7 A That is correct.

8 Q Okay. So what I have heard you say then is that
9 Mr. Manigo, Adrian Lamont Manigo, had the one particle of
10 gunshot residue, correct?

11 A That is correct.

12 Q So you would expect then, as an expert, if someone
13 were sitting in a chair close to him, that that person would
14 also have at least one particle of gunshot residue on them,
15 wouldn't you?

16 A It is a possibility, yes.

17 Q Yes. And if they -- if you are not within that
18 range, then you -- you couldn't have the gunshot residue on
19 you. I think you described it as a cloud.

20 A If you are not in the proximity to which that
21 cloud will disburse, you should not have the gunshot residue
22 on you from the discharge of that firearm.

23 Q Exactly. And that cloud range, what is that?

24 A It varies with any gun. There's not a specific
25 one for a particular gun. There have been some studies that

CROSS EXAMINATION OF JENNIFER NATES BY MS. CAMPBELL

1 have shown that a person to the right of a person shooting a
2 gun up to 3 feet can have residue deposited on them.

3 Q How about -- again, you know, the Solicitor asked
4 you about this case. How about, you know, 15, 20, 30 feet
5 away? How far does that cloud go?

6 A To the shooter, front of the gun?

7 Q Correct.

8 A It can go out -- yet another study has shown that
9 it would be in excess of 30 feet to the front of the weapon.

10 Q And that cloud, as it goes out, your studies have
11 shown, it's spreading out, correct?

12 A It spreads out to a point until it dissipates.

13 Q Okay. And if you are in that cone, you are going
14 to get gunshot residue on you, correct?

15 A You can, yes.

16 Q All right. That is all I have.

17 THE COURT: Redirect.

18 MS. JONES: None.

19 THE COURT: As to this witness?

20 MS. JONES: She may be excused.

21 THE COURT: Any objection, Ms. Campbell?

22 MS. CAMPBELL: None.

23 THE COURT: Ms. Nates, you may step down from the
24 witness stand. Leave me my exhibits, you take your
25 file. Drive carefully. You're excused from the trial

CROSS EXAMINATION OF JENNIFER NATES BY MS. CAMPBELL

1 of this case.

2 THE WITNESS: Thank you, Judge.

3 THE COURT: Call your next witness.

4 MS. JONES: Thank you, Your Honor.

5 State calls Paul Greer.

6 Thereupon,

7 PAUL GREER

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

9 was examined and testified as follows:

10 THE BAILIFF: State your full name and spell your
11 last name for the court reporter, and also talk up as
12 loud as you can.

13 THE WITNESS: My name is Paul Greer, G-R-E-E-R.

14 THE COURT: Very good, Mr. Greer. Speak up so my
15 last juror can hear you.

16 Your witness, Counsel. Direct examination.

17 MS. JONES: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MS. JONES:

20 Q Good afternoon.

21 A Good afternoon.

22 Q Where do you work?

23 A I'm employed at the South Carolina Law Enforcement
24 Division, commonly known as SLED.

25 Q And what department do you work with SLED?

DIRECT EXAMINATION OF PAUL GREER BY MS. JONES

1 A I work in the firearms department, and that's in
2 the forensic services laboratory.

3 Q And did you have to receive some specialized
4 training and education to work in the firearms department?

5 A Yes, ma'am.

6 Q And what was that?

7 A I received a Bachelor of Science in biological
8 sciences from the University of South Carolina. I then
9 completed the SLED course of instruction for firearm and
10 toolmark identification.

11 That is pretty much a multi year,
12 comprehensive training program that's under the supervision
13 of other court qualified examiners. During this time, I
14 completed multiple written, practical, and oral examination.
15 I assisted other examiners prep cases and completed many
16 microscopic comparisons.

17 At the conclusion of that training program, I
18 successfully completed a multi-part comprehensive final
19 exam, which included casework. It was at that time, I was
20 deemed competent to complete casework on my own.

21 I've also attended various schools and
22 conferences, such as The Association of Firearm and toolmark
23 Examiners annual and regional conferences, and completed
24 courses such as the Glock Armors Course.

25 Q When you say toolmarking, "toolmarks," what does

DIRECT EXAMINATION OF PAUL GREER BY MS. JONES

1 that mean?

2 A Toolmarks, we refer to in our lab is marks that
3 are created by a tool such as like a screwdriver or a
4 crowbar, trying to pry into a window or into a safe.

5 MS. JONES: Your Honor, at this time, State moves
6 Paul Greer as an expert in firearms and toolmarks.

7 MS. CAMPBELL: No objection.

8 THE COURT: Ladies and gentlemen, recalling my
9 earlier instruction to you concerning expert testimony,
10 the witness is qualified without objection.

11 Proceed.

12 MS. JONES: Thank you, Your Honor.

13 BY MS. JONES:

14 Q Pursuant to working with SLED, specifically in
15 regards to firearms, what are some of your duties?

16 A Some of my duties within the laboratory include
17 the examination of firearms and firearms related evidence.
18 I conduct general rifling characteristics exam. I perform
19 serial number restorations on firearms, and I also help
20 perform destruction of weapons for agencies around the State
21 of South Carolina.

22 Q What does "rifling characteristics" mean?

23 A Rifling characteristics are those characteristics
24 from the barrel of the firearm or those on the bullet.

25 We examine those and measure those in order

DIRECT EXAMINATION OF PAUL GREER BY MS. JONES

1 to provide a list of firearms to investigators, so that they
2 may be aware of what firearms were used in a specific crime,
3 to fire the specific bullet.

4 Q Does it also enable you to -- to compare separate
5 casings to another casing?

6 Are you able to compare different --
7 different casings collected to each other to determine if
8 they were fired from the same firearm?

9 A Yes, ma'am.

10 Q And is that because every firearm is unique in the
11 marks it leaves behind?

12 A A firearm will make specific individual marks,
13 yes.

14 Q Okay. And were you asked to analyze some evidence
15 for the case we are here for today?

16 A Yes, ma'am.

17 MS. CAMPBELL: I've reviewed them.

18 MS. JONES: Permission to approach?

19 THE COURT: You may approach. And it's still
20 sealed; is that correct? It's safe.

21 MS. JONES: Yes, Your Honor.

22 BY MS. JONES:

23 Q I'm going to hand you what has been marked State's
24 39. Do you recognize that item?

25 A Ladies and gentlemen, this firearm is not loaded,

DIRECT EXAMINATION OF PAUL GREER BY MS. JONES

1 and it's safe to handle.

2 THE COURT: Thank you. Proceed.

3 BY MS. JONES:

4 Q Do you recognize that item?

5 A Yes, ma'am. I'm looking for my SLED laboratory
6 number, my item number, and the initials that were scribed
7 on it, and I see those numbers and my initials on this
8 firearm. Yes, ma'am.

9 Q And does that indicate that's a firearm that you
10 tested?

11 A Yes, ma'am.

12 Q And what kind of firearm is that?

13 A This is a Taurus pistol.

14 Q Okay. What caliber?

15 A And the caliber is a .9 millimeter Luger.

16 Q Okay.

17 MS. JONES: Your Honor, at this time, State moves
18 State's 39 into evidence.

19 THE COURT: As to 39?

20 MS. CAMPBELL: No objection.

21 THE COURT: Ladies and gentlemen of the jury,
22 State's Exhibit 39 is admitted into evidence.

23 *(Whereupon, State's Exhibit No(s). 39 marked for*
24 *identification and received in evidence.)*

25 THE COURT: You've heard Mr. Greer tell you that

DIRECT EXAMINATION OF PAUL GREER BY MS. JONES

1 the firearm is in a safe position. It is unloaded. It
2 also has a locking device in it.

3 I'm going to keep the key, so you can't unlock it.

4 You can examine it in your jury room, you're not going
5 to be able to fire it, and you cannot unlock it.

6 Proceed.

7 BY MS. JONES:

8 Q I'm now going to hand you what has been marked as
9 State's 40, 42, 43, and 44. Can you identify those items,
10 please?

11 A Yes, ma'am. State's Exhibit 40 was SLED Item 59.
12 That is a fired bullet.

13 State's Exhibit 42 was a fired cartridge
14 case, and that was SLED laboratory number Item 10.

15 State's Exhibit 43 contains three fired
16 cartridge cases. Those were SLED Item Numbers 12 through
17 14.

18 And State's Exhibit 44 is a fired bullet, and
19 that was SLED Item Number Item 11.

20 Q And are those the items that you tested in
21 relation to this test, and in relation to this case?

22 A Yes, ma'am. These are all still packaged in the
23 containers with my initials and seal dates.

24 MS. JONES: Your Honor, at this time, the State
25 moves State's 40, 42, 43, and 44 into evidence.

DIRECT EXAMINATION OF PAUL GREER BY MS. JONES

1 THE COURT: As to 40, 42, 43, and 44?

2 MS. CAMPBELL: No objection.

3 THE COURT: Ladies and gentlemen of the jury,
4 State's Exhibits 40, 42, 43, and 44 will be admitted
5 into evidence in the trial of this case without
6 objection.

7 You may publish.

8 MS. JONES: Thank you, Your Honor.

9 *(Whereupon, State's Exhibit No(s). 40, 42-44*
10 *marked for identification and received in evidence.)*

11 MS. JONES: Permission to approach the witness?

12 THE COURT: You may.

13 BY MS. JONES:

14 Q Let me take those back from you and go one by one.

15 In regards to State's 43, what were your
16 findings in relation to those shell casings?

17 A May I refer to my notes?

18 Q Yes, if that will refresh your recollection.

19 A State's Exhibit 43, those were SLED Items Number
20 12 through 14. It was determined that those cartridge cases
21 were fired by one firearm.

22 Q And were you able to determine whether they were
23 fired by the firearm you had in evidence?

24 A Yes. No, ma'am. Those --

25 THE COURT: Refer to exhibit number for the

DIRECT EXAMINATION OF PAUL GREER BY MS. JONES

1 record.

2 BY MS. JONES:

3 Q Thirty-nine.

4 A No, ma'am. State's Exhibit 43 was not fired by
5 State's Exhibit 39.

6 Q State's Exhibit 40 and 44, those items. What are
7 those items?

8 A Yes, ma'am. State's Exhibits 40 and 44, those are
9 SLED Item Numbers 11 and 59. These were two fired bullets.
10 Both of those were consistent with the .9 millimeter Luger
11 caliber, and the results of comparisons of those two bullets
12 with each other was inconclusive.

13 That just means there were not enough
14 markings on those bullets in order to determine if they were
15 fired by the same firearm, or if they were fired by separate
16 firearms.

17 It was also determined that those two bullets
18 were not fired by State's Exhibit 39.

19 Q And that would be the gun?

20 A That would be the pistol, yes.

21 Q The two bullets you have there, I believe are your
22 Item 11 and 59, State's 40 and 44. Were you able to
23 determine a brand or a type of handgun that could have come
24 from?

25 A Yes, ma'am. After measuring the rifling

DIRECT EXAMINATION OF PAUL GREER BY MS. JONES

1 characteristics and counting the number of lands and grooves
2 on those two bullets, I was able to generate a list through
3 our general rifling characteristics database that is
4 sponsored through our professional organization as well as
5 the FBI.

6 Q And what firearms could those have come from?

7 A Three firearms that came up on the list were a
8 *Maverick National, Ruger, and Smith & Wesson.

9 MS. JONES: I have no further questions from you
10 at this time. Thank you.

11 THE COURT: Cross examination.

12 MS. CAMPBELL: No questions.

13 THE COURT: As to this witness, Solicitor?

14 MS. JONES: He may be excused.

15 THE COURT: Any objection, Ms. Campbell?

16 MS. CAMPBELL: No, sir.

17 THE COURT: Mr. Greer, you leave my exhibits, you
18 take your file. You're excused from the trial of this
19 case. You may leave the courtroom.

20 THE WITNESS: Thank you, sir.

21 THE COURT: Solicitor, come back and get the
22 exhibits and give them to the court reporter.

23 Drive carefully. Don't speed, Mr. Greer.

24 You got them all?

25 MS. JONES: Yes, sir.

DIRECT EXAMINATION OF PAUL GREER BY MS. JONES

1 THE COURT: Thirty-nine, 40, 42, 43, and 44?

2 MS. JONES: Yes. Yes, sir.

3 THE COURT: Mr. Foreman, ladies and gentlemen of
4 the jury, I'm going to stop at this point. We are
5 going to start back at 10:00 a.m. in the morning.

6 Over the overnight recess, please do not discuss
7 this case with anyone. Please don't -- I don't know if
8 there will be anything on television, radio, or
9 newspaper. Please don't watch, listen, or read such.

10 You must decide this case based on the evidence
11 introduced in the courtroom, when both sides are
12 present, with the right of cross examination.

13 Yes, ma'am, I'm going to get you home.

14 Please, ladies and gentlemen, be on time in the
15 morning. You did great this morning. It's my
16 intention to try to complete the trial tomorrow, but
17 I've got to keep the train on the track, and that means
18 all of you have to be on time.

19 Report to your jury room by 9:45 a.m. in the
20 morning. I'll try to start promptly at 10:00.

21 Thank you. You are excused.

22 Everyone else remain seated while the jury is
23 leaving.

24 (The jury exits the courtroom.)

25 THE BAILIFF: The jury is clear, Your Honor.

DIRECT EXAMINATION OF PAUL GREER BY MS. JONES

1 THE COURT: All right. I understand the State
2 hasn't rested, and I understand we've got more ground
3 to cover.

4 Any requests to charge by the State or the
5 Defendant need to be handed up to me at 10:00 a.m in
6 the morning. They need to be numbered, and you need to
7 share your request to charge with the opposing counsel,
8 no later than 10:00 a.m.

9 You understand, Solicitor?

10 MS. JONES: Yes, sir.

11 THE COURT: You understand, Ms. Campbell?

12 MS. CAMPBELL: Yes, sir.

13 THE COURT: Very good. In that case, I'll see you
14 both in the morning, 10:00 a.m.

15 This Court stands adjourned until then.

16 (Court adjourned for the day.)

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DIRECT EXAMINATION OF PAUL GREER BY MS. JONES

1 3-13-2019 PROCEEDINGS

2 THE COURT: Is the State ready to proceed?

3 MS. JONES: Yes, Your Honor.

4 THE COURT: Is the defense ready to proceed?

5 MS. CAMPBELL: We are, Your Honor.

6 THE COURT: Bring me the jury.

7 Let the record reflect, Mona, that I had a
8 conference with the lawyers and I have all of their
9 requests to charge. None from the State. And one from
10 the Defendant.

11 THE BAILIFF: The jury is entering the courtroom,
12 sir.

13 THE COURT: Thank you, sir. Please rise, the jury
14 is entering.

15 (Jury enters the courtroom.)

16 THE COURT: Mr. Foreman, ladies and gentlemen of
17 the jury, thank you for the being on time and we will
18 continue with testimony in this case. Call your first
19 witness.

20 MS. JONES: Thank you, Your Honor. The State
21 calls Investigator Jeremiah Fraser. F-R-A-S-E-R.

22 Thereupon,

23 JEREMIAH FRASER

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

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 THE CLERK: Be careful coming up. And I know you
2 will speak loudly and clearly. If you would spell your
3 name for the court reporter.

4 THE WITNESS: Yes, Jeremiah Fraser, F-R-A-S-E-R.

5 THE COURT: Your witness counselor, direct
6 examination.

7 DIRECT EXAMINATION

8 BY MS. JONES:

9 Q Thank you, Your Honor. Good morning, Investigator
10 Fraser.

11 A Good morning.

12 Q Where do you work?

13 A I work for the Beaufort County Sheriff's Office in
14 criminal investigations.

15 Q How long have you been with the Sheriff's Office?

16 A I've been with the Sheriff's Office 17 years, 12
17 of which have been with investigations.

18 Q And right now what rank are you over
19 investigations?

20 A I am currently master sergeant. I supervise
21 investigations north of the Broad River.

22 Q Back in 2017, August 22nd specifically, were you
23 working in investigations?

24 A Yes, ma'am.

25 Q And did you assist in the investigation into the

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 murder of the Adrian Lamont Manigo?

2 A I did, yes, ma'am.

3 Q Prior to that date, did you have an opportunity to
4 know the Defendant, Dontarious Wright?

5 A I did, yes, ma'am.

6 Q And, in fact, you assisted in the investigation
7 into the case when Jamel Washington shot him in the leg?

8 A I did.

9 Q Regarding that case, who else from the case that
10 we are here for today was present when Jamel Washington shot
11 Dontarious Wright?

12 A Only Dontarious Wright, there was no one else
13 present.

14 Q Thank you. And you are actually familiar with a
15 program that the Sheriff's Office has called Spillman?

16 A I am, yes.

17 Q What connections were you able to determine
18 between Adrian Lamont Manigo and Jamel Washington through
19 Spillman?

20 A I went through Spillman and I didn't find any
21 connections between Adrian Manigo and Dontarious. I am
22 sorry, and Jamel Washington.

23 Q Thank you. Did you have an opportunity to speak
24 with the Defendant for this case?

25 A Yes.

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 Q And where did that take place?

2 A The interview took place at the northern
3 investigations office, which is right across the street.

4 Q Who was present for that interview?

5 A There were two. Initially a patrol officer was in
6 the room with me. His name was Nick Thomas. And then I was
7 joined later on by Staff Sergeant Draisen.

8 Q And at this time during this interview, was the
9 Defendant under arrest?

10 A Yes.

11 Q And he was under arrest for murder and a weapons
12 charge that we are here for today?

13 A That's correct, yes, ma'am.

14 Q Prior to speaking to Mr. Wright, did you read him
15 any sort of warnings?

16 A Yes, ma'am, I gave him miss Miranda warning.

17 MS. JONES: Permission to approach, Your Honor.

18 THE COURT: You may.

19 BY MS. JONES:

20 Q Investigator Fraser, I am going to first show you
21 what has been marked as State's exhibit 36. Do you
22 recognize that?

23 A I do.

24 Q What is that?

25 A This is the Miranda form that I used to provide

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 Mr. Wright with his rights.

2 Q What were those rights that you provided

3 Mr. Wright that afternoon, that evening?

4 A When somebody is under arrest and they are brought
5 into investigations we provide them the Miranda rights. The
6 Miranda rights are as follows under statement of rights.

7 "You have the right to remain silent.

8 Anything you say can and will be used against you in a court
9 of law. You have the right to have an attorney present
10 before or during questioning. And if you cannot afford an
11 attorney one will be appointed for you before any
12 questioning, if you wish."

13 And as we read these rights, we have the
14 individual that we are reading them to initial each one of
15 them if they understand, which is in fact what Dontarious
16 did in this case.

17 Q And is that a fair and accurate copy of the rights
18 form he initialed that evening?

19 A Yes, ma'am.

20 Q What time of the evening did the interview take
21 place?

22 A 8:20 in the evening.

23 Q On August 22nd?

24 A Yes, ma'am.

25 MS. JONES: Your Honor, at this time the State

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 moves State's 36 into evidence.

2 THE COURT: As the State's 36?

3 MS. CAMPBELL: No, objection.

4 THE COURT: Ladies and gentlemen of the jury,
5 State's Exhibit No. 36 will be admitted into evidence
6 in the trial of this case without objection. You may
7 publish to the jury.

8 MS. JONES: Thank you, Your Honor.

9 *(Whereupon, State's Exhibit No(s). 36 marked for*
10 *identification and received in evidence.)*

11 BY MS. JONES:

12 Q After reading Mister -- after reading the
13 Defendant those rights, did he agree to speak to you?

14 A He did, yes, ma'am.

15 Q And did y'all have a conversation?

16 A We did, yes.

17 Q At any point during your interview of the
18 Defendant, does he appear confused?

19 A No, ma'am.

20 Q Was he made aware of why you were speaking with
21 him?

22 A Yes, ma'am.

23 Q Does he appear to not understand some of the
24 questions that you are asking him?

25 A No, ma'am.

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 Q Does he appear to be under the influence of any
2 drugs and alcohol?

3 A No, ma'am.

4 Q Does he appear to give you rational responses?

5 A Yes, ma'am.

6 Q Does he appear to understand what he's doing by
7 speaking with you?

8 A Yes, he does.

9 Q Does he ever ask for an attorney?

10 A No, he doesn't.

11 Q And, in fact, y'all speak for a little over an
12 hour?

13 A That's correct.

14 Q And is this -- is this interview audio and video
15 recorded?

16 A It is.

17 MS. JONES: Permission to approach?

18 THE COURT: You may.

19 BY MS. JONES:

20 Q I am going to hand you what's been marked State's
21 37. And do you recognize that item?

22 A I do.

23 Q And what is that?

24 A This is the video recording with audio of the
25 interview I conducted.

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 Q And is that a fair and accurate recording of that
2 interview?

3 A Yes, ma'am.

4 Q And did you mark on that disc somehow that you
5 have reviewed this interview?

6 A I did. I initialed and dated it.

7 MS. JONES: Your Honor, at this time the State
8 moves State's 37 into evidence.

9 THE COURT: As to State's 37, Ms. Campbell?

10 MS. CAMPBELL: No objection.

11 THE COURT: Ladies and gentlemen of the jury,
12 State's Exhibit no. 37 will be admitted into evidence
13 in the trial of this case without objection. You may
14 publish.

15 *(Whereupon, State's Exhibit No(s). 37 marked for*
16 *identification and received in evidence.)*

17 MS. JONES: Thank you, Your Honor.

18 BY MS. JONES:

19 Q Prior to publishing I have a couple of questions
20 for you. During this interview we hear you speak with
21 Mr. Wright about self-defense.

22 A That's correct.

23 Q What evidence did you have that this was a
24 self-defense case?

25 A None.

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 Q You speak to him about, you understand his fear.
2 What evidence did you have to support this alleged fear?

3 A There was none.

4 Q You speak to him about, it was -- it was him or
5 you, I understand that. What evidence do you have to
6 support that theory?

7 A There was none.

8 Q Why are you telling him these things?

9 A During an interview when somebody is generally not
10 talking to you, you start providing excuses or things that
11 we call "outs". An out is a reasonable explanation for
12 something that has occurred. An out typically consists of
13 anything that will get a person talking, which is exactly
14 what I did in this case.

15 Q And after providing these outs, do you get a
16 statement from Mr. Wright?

17 A Yes.

18 Q Based on the evidence, did it match the evidence
19 found on scene?

20 A It did not.

21 Q After speaking with Mr. Wright, do you collect a
22 cell phone from him?

23 A I did.

24 MS. JONES: Permission to approach?

25 THE COURT: You may.

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 BY MS. JONES:

2 Q I'll hand you what's marked as State's 57. Do you
3 recognize that item?

4 A I do.

5 Q And what is that?

6 A This is the cell phone that I collected from
7 Mr. Wright during the interview. I know that because this
8 is my name on the back of the evidence bag along with the
9 date and my signature.

10 Q And what did you do with that cell phone when you
11 collected it?

12 A I obtained the PIN code from the Defendant himself
13 and then I turned this into evidence for forensic
14 processing.

15 MS. JONES: Your Honor, at this time the State
16 moves State's 57 into evidence.

17 THE COURT: Fifty-seven?

18 MS. JONES: Yes, sir.

19 THE COURT: As to 57?

20 MS. CAMPBELL: No objection.

21 THE COURT: Ladies and gentlemen of the jury,
22 State's Exhibit No. 57 will be admitted into evidence
23 in the trial of this case without objection. 57 in
24 evidence. You may publish.

25 *(Whereupon, State's Exhibit No(s). 57 marked for*

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 *identification and received in evidence.)*

2 MS. JONES: Thank you, Your Honor. Your Honor, at
3 this time the State will publish Mr. Wright's
4 interview, State's 37.

5 THE COURT: Number 37?

6 MS. JONES: Yes, sir.

7 THE COURT: Very well. Ladies and gentlemen, if
8 you will use the screen to you right. And, Mr. Fraser
9 you can look to you left.

10 THE WITNESS: Yes, sir. Thank you.

11 THE COURT: You can see it all right?

12 THE WITNESS: Yes, sir. Thank you.

13 (Now playing audio and video recorded interview of
14 Dontarious Wright.)

15 BY MS. JONES:

16 Q You said that they showed up looking for you.
17 What evidence do you have of that?

18 A There is none.

19 Q Why did you say that?

20 A Again, that was an attempt to get him talking
21 about what happened. We knew that he was there and he was
22 denying it. That is what I used to get him talking.

23 Q You tell him, They are looking for you. What
24 evidence do you have to support that?

25 A There's none. Again, I kept pushing him to get

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 him talking.

2 Q He showed up with bad intentions. Is there any
3 evidence to support that?

4 A There's not.

5 Q And, I think that you shot him in self-defense.
6 Why did you say that?

7 A Again, that is a continuation. He started opening
8 up, so I continued the conversation by giving him more outs,
9 giving him a better out each time, and he finally did bite.

10 Q And, I think that you did what you had to do?

11 A Again, yes, ma'am, that was an out and there's no
12 evidence of that.

13 Q Okay. So, no evidence to, You did what you had to
14 do and you shot him in self-defense?

15 A That's correct.

16 MS. JONES: Thank you. You may continue.

17 (Audio and video recorded interview of Dontarious
18 Wright resumes playing.)

19 BY MS. JONES:

20 Q What evidence do you have that J.D. was Jamel
21 Washington's errand boy?

22 A There was none.

23 Q Again, was that an interrogation technique?

24 A It was.

25 Q Thank you.

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 (Audio and video recorded interview of

2 Dontarious Wright resumes playing.)

3 BY MS. JONES:

4 Q I believe every word coming out of your mouth. Is
5 that true?

6 A No.

7 (Audio and video recorded interview of

8 Dontarious Wright resumes playing.)

9 BY MS. JONES:

10 Q How long it took for them to Walk from Gloria's
11 spot to Big Estate. He didn't walk to Big Estate, did he?

12 A He did not, he got a ride.

13 MS. JONES: Thank you.

14 (Audio and video recorded interview of Dontarious

15 Wright resumes playing.)

16 BY MS. JONES:

17 Q Where did y'all find the gun?

18 A I don't think that we did.

19 Q Were you relaying this to someone on the crime
20 scene?

21 A Yes.

22 Q And was the gun by the grill?

23 A No.

24 Q Okay.

25 (Audio and video recorded interview of

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 Dontarious Wright resumed playing.)

2 MS. JONES: I have no further questions for this
3 witness.

4 THE COURT: Cross examination?

5 MS. CAMPBELL: May we approach?

6 THE COURT: Counsel, approach.

7 (Off-the-record discussion held.).

8 THE COURT: Mr. Foreman, ladies and gentlemen of
9 the jury, I'll take my one and only mid-morning break,
10 not take long, long enough to use the restroom and
11 start right back. We want to finish with this witness
12 and I'm trying to complete as much as I possibly can.
13 Please do not discuss the case. You may be excused and
14 retire to your jury room.

15 Mr. Fraser, stay right there on the witness stand
16 for me.

17 (The jury exits the courtroom.)

18 THE COURT: Please be seated. Mr. Fraser, you are
19 in the middle of your testimony. I want you to be able
20 to take a break, go to the restroom. Do not discuss
21 with any lawyer or anyone your testimony. I want you
22 back on the witness stand in about ten minutes, I'm not
23 taking long. We are taking ten minutes.

24 (Brief recess.)

25 THE BAILIFF: The jury is entering the courtroom,

DIRECT EXAMINATION OF JEREMIAH FRASER BY MS. JONES

1 Your Honor.

2 THE COURT: All rise. Jury entering.

3 (The jury enters the courtroom at 11:48 a.m.)

4 THE COURT: Please be seated.

5 We will now continue with testimony in the trial
6 of this case. Direct examination.

7 Anything further of this witness?

8 MS. JONES: No further questions.

9 THE COURT: Cross examination.

10 MS. CAMPBELL: Thank you, Judge.

11 CROSS EXAMINATION

12 BY MS. CAMPBELL:

13 Q So the Solicitor asked you, Officer Fraser, if you
14 had made an attempt to access Spillman and look at any
15 possible connections between J.D. a/k/a Jamel Washington,
16 and Adrian Lamont Manigo a/k/a Mont. And you told her, yes,
17 you did.

18 A I did that yesterday. Yes, ma'am.

19 Q Okay. Good. So yesterday you accessed the system
20 and tried to make those connections.

21 So in Spillman, when you accessed it, you saw
22 Adrian Manigo's photo there, correct?

23 A Yes.

24 Q And in Spillman, when you accessed it, you saw
25 Jamel Washington's photo in that database, correct?

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. CAMPBELL

1 A I didn't pull Jamel. I pulled Mr. Manigo.

2 Q Okay. So you did not pull, then, Jamel Washington
3 to see who was listed as his connections, correct?

4 A No.

5 Q Okay. And in your work as an investigator for the
6 Sheriff's department, you testified that you investigated or
7 had some role in Jamel, J.D., shooting D.J., correct?

8 A The night the shooting occurred, I went to the
9 scene, yes, ma'am. The case was investigated by another
10 investigator, Staff Sergeant Draisen.

11 Q Did you go to the hospital?

12 A I did at a later time, but I didn't recall that
13 until I reviewed the report yesterday.

14 Q Okay. Good. So then, yes, you went to the
15 hospital and met with D.J., right?

16 A I did. Yes, ma'am.

17 Q Okay. So would you then, in your experience in
18 investigating that case and others, be able to, let's say,
19 know what Jamel Washington looks like?

20 A I don't know that I would recognize him if I saw
21 him on the street. I haven't investigated anything
22 specifically with him.

23 Please understand, everything comes through
24 my office, so I read all the reports, but seeing the person
25 individually, I don't know that I would recognize him.

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. CAMPBELL

1 Q Spillman is a tool that you use as Beaufort County
2 Sheriff's Office to look at prior arrests, prior bookings,
3 whether or not someone is a wanted person, correct?

4 A Yes, that is correct.

5 Q I'm going to hand you what has been marked
6 Defendant's 3 and 4 for identification at this point,
7 Your Honor.

8 THE COURT: Defense for identification 3 and 4?

9 MS. CAMPBELL: Yes, sir.

10 THE COURT: Any objection?

11 MS. JONES: No, Your Honor.

12 *(Whereupon, Defendant's Exhibit No(s). 3-4 marked*
13 *for identification.)*

14 BY MS. CAMPBELL:

15 Q I hand you what's been marked Defendant's Exhibit
16 3 and Defendant's Exhibit 4 at this point for identification
17 only. Do you recognize those Spillman documents?

18 A These ones in particular?

19 Q Yes.

20 A I recognize they came from Spillman.

21 Q Yes.

22 A Yes, ma'am.

23 Q Those documents came from Spillman.

24 A Yes.

25 Q Okay. And those documents relate to Manigo, and

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. CAMPBELL

1 they related to Jamel Washington, correct?

2 A Yes. What I can't tell is how inclusive they are.

3 I don't know what parameters you set.

4 Q I understand. Thank you. That's all I need.

5 Now, when you just told the jury that all the

6 documents in different cases come through you, is that

7 because you are running the investigations division?

8 A The division, no.

9 Q Okay. What would your title then be?

10 A I supervise northern investigations within the

11 enforcement division.

12 Q And the northern investigations division, you have

13 been with that division a long time; have you not?

14 A Yes, ma'am.

15 Q Okay. Maybe I'm wrong, but I don't think you have

16 ever been associated with the southern division, correct?

17 A No. No, ma'am.

18 Q Okay. And when I'm talking about southern

19 division, I'm talking about south of the Broad River, right?

20 Broad River Bridge?

21 A Yes, ma'am. Everything that includes is Bluffton,

22 Okatie, Hilton Head. That's all south of the Broad River,

23 it's considered south division.

24 Q So the Sheriff's Department has northern division

25 and southern division?

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. CAMPBELL

1 A Yes, ma'am. That's correct.

2 Q And how many years now have you been on the
3 northern side of the Broad River Bridge working these cases?

4 A As an investigator?

5 Q Total.

6 A About 17.

7 Q Okay. And as an investigator?

8 A Twelve.

9 Q You have had the experience of processing a crime
10 scene, correct?

11 A Yes, ma'am.

12 Q And in processing a crime scene, you have the
13 ability to request that the Beaufort County Sheriff's Office
14 DNA lab analyze certain pieces of evidence, correct?

15 A Yes, ma'am.

16 Q And I'll show you what's been marked State's
17 Exhibit 42, State's Exhibit 44, and State's Exhibit 43. So
18 42, 43, and 44. Just take a look at those items, please.

19 A Yes, ma'am.

20 Q In examining 42, 43, and 44, would it be fair to
21 say that the swabs requested on those items were sent to
22 Beaufort County Sheriff's Office DNA lab in this case?

23 A I'm sorry. Can you hold on a second?

24 Q Sure.

25 A I'm trying to identify these.

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. CAMPBELL

1 Can you ask that again? I'm sorry.

2 Q Would it be fair to say that the swabs taken from
3 those items, based on what you can see, what you are holding
4 in your hands --

5 A Okay. The swabs of the casing --

6 Q Yes.

7 A -- and the projectile?

8 Q Correct. Were sent to Beaufort County Sheriff's
9 Office DNA lab for processing, correct?

10 A Is that a question, or is that what we would do?
11 I'm trying to understand your question.

12 Q Well, I think we have established that you can do
13 that?

14 A Do you have the forensic request?

15 Q I'm just trying to find out --

16 A Sure.

17 Q -- first we established that you can, in your role
18 as the investigator, take a swab from something you located
19 at the crime scene and send it to the Beaufort County
20 Sheriff's Office DNA lab for processing.

21 A Absolutely, yes.

22 Q And I'm asking you, was State's 42, 43, and 44, if
23 you can discern, figure out on those items if there was a
24 request made to have those items analyzed by the Beaufort
25 County Sheriff's Office DNA lab?

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. CAMPBELL

1 A That is why I'm asking for the DNA request. If I
2 had that request in front of me, I could tell you. Just
3 looking at these, I can't -- I can't tell you what was done.

4 Q So you don't know the answer unless I give you
5 that particular document?

6 A Yes, ma'am. That would be helpful.

7 Q Tim French --

8 A Yes, ma'am.

9 Q -- is the scientist who runs that lab, correct?

10 A I believe Ranita Berry is the one who runs the
11 lab.

12 John Donahue, I think, is the lead
13 technician, and I think Tim French is one of our other
14 scientists as well.

15 Q Who works on the DNA submissions, correct?

16 A Yes, under John Donahue and Lieutenant Berry.

17 Q So in your experience, you had the opportunity to
18 work with Tim French before, correct?

19 A Yes. Absolutely.

20 Q Because if you found a shell casing at a scene,
21 and you swabbed it and you packaged it up, you might ask
22 him, French, to tell you whether or not he can locate any
23 touch DNA on that particular item, right?

24 A That's kind of a vague question. I mean...

25 Q What I'm asking you, again, is if you located a

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. CAMPBELL

1 shell casing at a crime scene, you might pick it up, put it
2 in an evidence bag, swab it, send it to the DNA lab here,
3 and say, hey, can you find anything on this that might help
4 me know who handled it? You might do that, right?

5 A Yes. Unfortunately, with a fired casing, it's
6 very, very rare to come across DNA because of the explosion
7 that occurs when a bullet is fired. It burns everything on
8 the casing.

9 Q Nevertheless, you would swab it and you would ask
10 him to analyze it, correct?

11 A Potentially, yes, ma'am.

12 Q Yes. Additionally, in your experience as a law
13 enforcement officer, when you handle the -- the items, like
14 the casing when it's on the ground, but when you load the
15 weapon, you can leave your fingerprints on it, correct?

16 A Yes, you can. Typically, those are burned off as
17 well in the explosion that is a fired projectile.

18 Q And, again, in this particular case, working on
19 this case, you don't know if that was done without me
20 showing you the documents?

21 A Sure. There's thousands of documents that I would
22 have to look at the specific document to tell you.

23 Q Now, you have information that someone else was
24 there in the Tahoe, correct?

25 A The Defendant, in this case, Mr. Wright, is the

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. CAMPBELL

1 only one that did, and he only did that towards the end of
2 the interview. Based on all of the statements that I
3 received from those on scene, there wasn't anyone else in
4 the Tahoe.

5 Q So, yes, you received information from D.J. that
6 someone else was in the Tahoe, right?

7 A Yes, ma'am, from Dontarious, yes.

8 Q Yes. And in your experience as a law enforcement
9 officer, you have had the opportunity to obtain cell phones
10 from suspects, and ask that they be analyzed to determine if
11 they were in a certain area at a certain time, correct?

12 A The cell phone itself is not going to tell you
13 that. What you do is get phone records. You have to get
14 the phone records through the phone company, and you do that
15 via search warrant.

16 In order to do that through a search warrant,
17 you got to have a probable cause to obtain those records.

18 Q Correct.

19 A So that is not -- to answer that question, it is
20 not contained within the phone.

21 Q Okay. So an individual that you have interviewed,
22 who is accused of committing murder, tells you that J.D. was
23 there.

24 A That's incorrect. He didn't say J.D. was there.

25 Q Again, at the beginning of the interview, I

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. CAMPBELL

1 believe that he does. But we will look at it again.

2 And you make the decision not to get the
3 phone records?

4 A From?

5 Q For J.D.?

6 A To further expound upon that, not only do you have
7 to have probable cause, but you have to know the number for
8 the person. For me to reach out and get a phone number, I
9 have to know what that person's phone number is.

10 Generally speaking, that's difficult unless
11 you can identify somebody that has that phone number.

12 Q If I ask you to take a look again at Defendant's
13 Exhibit 4, with this Spillman, isn't it true that the phone
14 numbers for these individuals, Jamel Washington, are listed
15 in Spillman?

16 A It is. But I will further say that nine times out
17 of ten, when we get these phone numbers, they are wrong.
18 Usually where we locate phone numbers is through things like
19 Facebook or people that we know have contact with them.

20 Q Thank you. And I'm glad you brought me to that
21 next point.

22 Have you not found that Facebook is an
23 excellent source of information --

24 A Absolutely.

25 Q -- when you are investigating cases?

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. CAMPBELL

1 A Absolutely.

2 Q Because when people go on Facebook, they post
3 pictures of themselves, right?

4 A Absolutely.

5 Q And they post pictures of their friends?

6 A Yes, ma'am.

7 Q And they post pictures with what they are doing?

8 A Yes, ma'am.

9 Q Now, when did you open up Adrian Lamont Manigo's
10 Facebook?

11 A I don't believe I did.

12 Q Isn't it true that Spillman lists their Facebook
13 account numbers?

14 A If we have them. It's not Spillman that does it,
15 it's up to our intel investigators. The more information
16 that we can put into Spillman, the more reactive it is to
17 us. So that probably would have come from an investigation
18 at some point.

19 Q So you did not access his Facebook; is that right?

20 A Mr. Manigo's?

21 Q Correct.

22 A I did not. No, ma'am.

23 Q And you did not access the Facebook of Jamel
24 Washington, J.D.?

25 A I did not. No, ma'am.

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. CAMPBELL

1 Q Okay. Are you aware that J.D. goes by the name
2 J. Pablo Smith?

3 A I am not.

4 Q Okay. And when you -- when you accessed Spillman
5 yesterday, that was the first time you accessed it in this
6 case?

7 A Since -- since the murder itself?

8 Q Yes. Since you have been working on this case.

9 A After our -- after Monday, I went back and did it,
10 yes.

11 MS. CAMPBELL: May I approach, Your Honor?

12 THE COURT: You may.

13 *(Whereupon, Defendant's Exhibit No(s). 5 marked*
14 *for identification.)*

15 BY MS. CAMPBELL:

16 Q I hand you what's been marked as Defendant's
17 Exhibit 5. I ask you how many individuals are in that --

18 THE COURT: Just a moment. Ask him if he can
19 identify a document. It hadn't been admitted into
20 evidence.

21 BY MS. CAMPBELL:

22 Q You testified you would recognize Adrian Manigo,
23 correct?

24 A No. I testified that I would -- I don't know if
25 I'd recognize J.D. I'm not sure -- I never had any contact

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. CAMPBELL

1 with Mr. Manigo before this.

2 Q When you accessed Spillman though yesterday, his
3 photo was in there, correct?

4 A Yes.

5 Q So you know what he looks like, correct?

6 A From the photo?

7 Q Yes.

8 A Yeah, if I could see it again, sure.

9 Q May I?

10 A May I hold onto this? I see it --

11 MS. CAMPBELL: Yes, sir. Yes. Yes.

12 THE COURT: What have you handed him, for the
13 record. We're -- hold on a second.

14 There is no record now of what is being handed to
15 the witness. Ask the witness to identify the documents
16 before we proceed with any other questions.

17 MS. CAMPBELL: I'm sorry, Your Honor. Yes, sir.

18 BY MS. CAMPBELL:

19 Q I've handed you now Defendant's Exhibit 3.

20 A Yes, ma'am.

21 Q Which you previously identified.

22 A Yes, ma'am.

23 Q Do you recognize Adrian Manigo in --

24 THE COURT: Ask him to identify it now. It's
25 still not clear what this document is, Counsel.

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. CAMPBELL

1 MS. CAMPBELL: I'm sorry, Your Honor.

2 BY MS. CAMPBELL:

3 Q What is the document that you are holding that is
4 Defendant's Number 3?

5 A This is a name association with Adrian Lamont
6 Manigo.

7 Q And is there a photograph?

8 A Yes, ma'am.

9 Q Okay. So in Defendant's 5, do you recognize
10 Adrian Lamont Manigo in the photograph?

11 THE COURT: Ask him to identify Defendant's
12 proposed 5, Counsel.

13 BY MS. CAMPBELL:

14 Q Could you identify Defendant's proposed 5?

15 A This is a photograph of one, two, three, four,
16 five, six, seven, eight, nine -- nine people.

17 Q And do you recognize Adrian Lamont Manigo?

18 A I believe this is him.

19 Q And which one is he?

20 A He is -- I believe he's standing in the back with
21 a red hat on.

22 Q And do you see Jamel Washington in that
23 photograph?

24 A May I see that again?

25 Q I'm handing you now Defendant's Exhibit 4.

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. CAMPBELL

1 A This is Jamel Washington's name association?

2 Q Yes, sir.

3 A It could be him. I mean, it could be him in this
4 picture.

5 Q Could be Jamel Washington, to your eye?

6 A Yeah, it could be. Yes, ma'am.

7 MS. CAMPBELL: May I retrieve the documents?

8 THE COURT: What do you intend to do with the
9 exhibits? They are just for identification?

10 MS. CAMPBELL: Correct.

11 BY MS. CAMPBELL:

12 Q Working as a law enforcement officer, if you
13 believe someone has been in an area, let's say the interior
14 of an automobile, wouldn't one of the first things you do is
15 try to get fingerprints from that area?

16 A Certainly.

17 Q Additionally try to swab that area for touch DNA,
18 correct?

19 A In specific areas. The problem with a car is DNA
20 can be all over a car. You'd need to know specifically
21 where -- if you are trying to identify one particular
22 individual, you need to know exactly where that person
23 touched.

24 As you sit in your car, you lean up against
25 your head rest, and then later on in the afternoon, your

CROSS EXAMINATION OF JEREMIAH FRASER BY MS. CAMPBELL

1 significant other sits in the car, leans up against the same
2 head rest, you are going to end up with multiple DNA samples
3 of people that were in the car. You just can't tell when
4 they were in the car.

5 So ideally you would want a spot where nobody
6 has touched before, only that person. And you could swab or
7 fingerprint that, and that will tell you if that one
8 individual has touched that car.

9 MS. CAMPBELL: Just one second, Your Honor.
10 May it please the Court. That's all I have.

11 THE COURT: Redirect.

12 MS. JONES: None, Your Honor. And he may be
13 excused.

14 THE COURT: You may step down. Leave my exhibits,
15 take your file, if you have one.

16 Call your next witness.

17 MS. JONES: State calls Derek Nelson.

18 Thereupon,

19 DEREK NELSON

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

22 THE BAILIFF: Speak loudly in the microphone.

23 Give your full name and spell your last name for the
24 court reporter.

25 THE WITNESS: My name is Derek Nelson. It's

DIRECT EXAMINATION OF DEREK NELSON BY MS. JONES

1 N-E-L-S-O-N.

2 THE COURT: Speak up so my jury can hear you,
3 please, sir.

4 Your witness, Counsel. Direct examination.

5 MS. JONES: Thank you, Your Honor.

6 DIRECT EXAMINATION

7 BY MS. JONES:

8 Q Investigator Nelson --

9 A Yes, ma'am.

10 Q -- where do you work?

11 A Currently I work for the 14th Circuit Solicitor's
12 office.

13 Q And that is actually where I'm employed as well.

14 A That's correct.

15 Q How long have you been with the Solicitor's
16 office?

17 A About a year and a half.

18 Q And in 2017, where were you working?

19 A I worked for the Beaufort County Sheriff's Office.

20 Q Not the Solicitor's office?

21 A No, ma'am.

22 Q And in 2017, what role did you have with the
23 Sheriff's Office?

24 A I was a digital forensic examiner for the
25 Sheriff's Office.

DIRECT EXAMINATION OF DEREK NELSON BY MS. JONES

1 Q What does that mean?

2 A I was in charge of going through digital evidence
3 that was collected during the crime scenes, and during
4 cases, and then I was responsible for extracting the digital
5 evidence off of those said devices.

6 Q Would that include cell phones?

7 A It would.

8 Q And how long had you been with the Sheriff's
9 Office?

10 THE COURT: Hold on one second.

11 Counsel approach.

12 (Off-the-record discussion held.)

13 THE COURT: Proceed. Thank you, Your Honor. My
14 apologies.

15 BY MS. JONES:

16 Q You -- how long had you been with the Sheriff's
17 Office?

18 A It was a little over seven years.

19 Q Okay. And how long in the forensics department?

20 A Total right now, almost four.

21 Q Did you have an opportunity to examine the cell
22 phone for the case we are here for today?

23 A I did.

24 Q And whose cell phone was that?

25 A It belonged to the Defendant, Mr. Wright.

DIRECT EXAMINATION OF DEREK NELSON BY MS. JONES

1 MS. JONES: Permission to approach, Your Honor?

2 THE COURT: You may.

3 BY MS. JONES:

4 Q Investigator Nelson, I'm going to hand you what
5 has been marked as State's 38. Do you recognize that
6 report?

7 A I do.

8 Q And what is that?

9 A This is a portion of the cell phone extraction
10 from Mr. Wright's phone specific to the searched items for
11 Internet searches.

12 Q And how would you collect that sort of information
13 off of a cell phone?

14 A This is a portion of what I used the cell phone --
15 Cellebrite universal forensic extraction device, which is a
16 computer that extracts all the data off of a cell phone.

17 Q So it's a computer program that takes the data off
18 of a cell phone?

19 A Yes. It's a combination of hardware and software,
20 yes, ma'am. The software then parses it into a
21 user-friendly format for analysis.

22 Q And what date was that report generated?

23 A This particular report was generated March 4th of
24 this year.

25 Q When was the phone data extracted?

DIRECT EXAMINATION OF DEREK NELSON BY MS. JONES

1 A On September 21st of 2017.

2 Q And is that an accurate report generated off of
3 Cellebrite?

4 A It is.

5 MS. JONES: Your Honor, at this time State moves
6 State's 38 into evidence.

7 THE COURT: As to State's 38?

8 MS. CAMPBELL: No objection.

9 THE COURT: Ladies and gentlemen of the jury,
10 State's Exhibit Number 38 will be admitted into
11 evidence in the trial of this case without objection.

12

13 *(Whereupon, State's Exhibit No(s). 38 marked for*
14 *identification and received in evidence.)*

15 THE COURT: Thirty-eight's in evidence. You may
16 publish.

17 MS. JONES: Thank you, Your Honor.

18 BY MS. JONES:

19 Q And, again, what does that document show?

20 A This is a report of the search value, such as a
21 user -- what the user inputs into their phone to search for
22 things on the Internet on their web browser. So it's what
23 the -- the values are what is the actual text that is
24 entered into the phone.

25 Q Could it be a Google search?

DIRECT EXAMINATION OF DEREK NELSON BY MS. JONES

1 A It could. But specific to this device, since it
2 is an Apple, it's on Safari.

3 Q Okay. It's an Internet search history?

4 A Yes.

5 Q At this point I would like to publish -- if you
6 could go through that document and tell me Mr. Wright's
7 phone searches -- my apologies -- Internet searches from
8 August 4th of 2017.

9 A On August 4th, 2017, he was -- the search value
10 entered was a .9 millimeter Smith & Wesson pistol with
11 drone.

12 Q Okay. Continuing on, on August 4th.

13 A The other subsequent search was .9 millimeter
14 Smith & Wesson pistol 30-round magazine.

15 Q Continuing on.

16 A And just .9 millimeter Smith & Wesson pistol.

17 Q Continuing on.

18 A There was numerous -- on the 4th or on the 5th?

19 Q Keep going through the document.

20 A In chronological order?

21 Q Please.

22 A So after -- on August 5th, there was search value
23 was .9 millimeter Smith & Wesson V.E.

24 Q What is V.E.? I'm sorry.

25 A V.E. is a particular model of a Smith & Wesson .9

DIRECT EXAMINATION OF DEREK NELSON BY MS. JONES

1 millimeter.

2 Q Okay. Thank you. You can continue.

3 A August 5th, 2017, another entry was V.E. .9 nine
4 millimeter 30 rounds.

5 Also on August 5th, V.E. .9 millimeter
6 30-round -- or excuse me, 30 hollow point.

7 Also on the 5th, V.E. Smith & Wesson .9
8 millimeter 30 hollow point.

9 And then on the 6th of August, it's Smith &
10 Wesson .9 millimeter V.E.

11 On the 12th of August, Smith & Wesson .9
12 millimeter V.E. versus car door. And then also on the 12th
13 of August, just V.E. .9 millimeter.

14 Q So from August 4th of 2017 through August 12th of
15 2017, Mr. Wright searched .9 millimeter handguns in some
16 sort of manner over 14 times?

17 A Correct.

18 MS. JONES: I have no further questions for this
19 witness.

20 THE COURT: Cross examination.

21 MS. CAMPBELL: May it please the Court.

22 CROSS EXAMINATION

23 BY MS. CAMPBELL:

24 Q Officer Nelson.

25 A Yes, ma'am.

CROSS EXAMINATION OF DEREK NELSON BY MS. CAMPBELL

1 Q In your work on this case, isn't it true you also
2 opened up Adrian Lamont Manigo's cell phone?

3 A Yes, ma'am.

4 Q Okay. And when you opened up his cell phone, you
5 put the contents of his cell phone on a flash drive here,
6 and you put it in evidence with the case file, correct?

7 A That's correct.

8 Q Okay. And did you bring yourself a copy of that
9 today?

10 A No, ma'am, not with me.

11 Q Okay. Some of the information that you are able
12 to extract and put on your flash drive, that you put in
13 evidence, would be all of the call logs on that phone,
14 correct?

15 A Correct.

16 Q All of the cell towers that that phone hit,
17 correct?

18 A Depending on the model cell phone. But, usually,
19 yes, ma'am.

20 Q If your report lists a certain number of cell
21 phone towers that it hit, is your report correct?

22 A Yes, ma'am.

23 Q Okay. All the Internet chats that took place on
24 this phone, correct?

25 A Yes, ma'am.

CROSS EXAMINATION OF DEREK NELSON BY MS. CAMPBELL

1 Q All of the emails that took place on this phone?

2 A Yes, ma'am.

3 Q All the text messages that took place on this
4 phone?

5 A Yes, ma'am.

6 Q And the contact list for this phone?

7 A Yes, ma'am.

8 Q Now, when you accessed it and put it on the flash
9 drive, do you have the ability, given phone numbers, to kind
10 of cross reference those phone numbers to contacts on this
11 phone?

12 A On -- cross reference which phones?

13 Q If you were given a phone number --

14 A Yes, ma'am.

15 Q -- by the investigator, I want to know if this
16 phone number is in their contacts?

17 A It is possible to find that, yes, ma'am.

18 Q You could have done that?

19 A Yes, ma'am.

20 Q And in the contact list that you downloaded and
21 put on a flash drive, do you recall a J. Pablo Smith being
22 one of those contacts?

23 A No, ma'am. I don't recall.

24 Q Would you need to see it to answer the question?

25 A Certainly.

CROSS EXAMINATION OF DEREK NELSON BY MS. CAMPBELL

1 Q And refresh your recollection?

2 A Yes, ma'am.

3 MS. CAMPBELL: May I approach, Your Honor?

4 THE COURT: You may. Show it to counsel.

5 Ask him to identify what you are showing him.

6 BY MS. CAMPBELL:

7 Q Would you please identify what I have shown you,
8 Officer?

9 A Yes, ma'am. This is the -- this is the universal
10 report that is printed out after an extraction is completed.

11 Q And were you able to identify J. Pablo Smith as a
12 contact in that piece of evidence?

13 A I do see it here, yes, ma'am.

14 Q Okay. Thank you.

15 Were you asked in this case to search the
16 text messages in any way?

17 A I don't recall specifically -- not that.

18 THE COURT: Just a moment. Is there an objection?

19 MS. JONES: Is that going to be marked in any sort
20 of way?

21 MS. CAMPBELL: No.

22 THE COURT: Counsel approach.

23 (Off-the-record discussion held.)

24 BY MS. CAMPBELL:

25 Q Thank you for your patience.

CROSS EXAMINATION OF DEREK NELSON BY MS. CAMPBELL

1 So were you asked by any investigators in
2 this case to take a look at the text messages on this cell
3 phone?

4 A No, ma'am.

5 Q How about other than downloading it, were you
6 asked to do anything with all of this evidence?

7 A Other than -- other than downloading it?

8 Q Other than just dumping it --

9 A Just on -- just on that particular phone.

10 Q Yes.

11 A I don't recall any, ma'am.

12 MS. CAMPBELL: That is all I have.

13 THE COURT: Redirect.

14 MS. JONES: No, Your Honor.

15 THE COURT: As to this witness?

16 MS. JONES: He may be excused.

17 THE COURT: Any objection?

18 MS. CAMPBELL: No.

19 THE COURT: Mr. Nelson, you may step down. Leave
20 my exhibits with me. Yeah. Let me hold that, please.

21 That's been marked. All of that's been marked, it
22 ought to be with the court reporter. Thank you.

23 Call your next witness.

24 MS. JONES: State calls Dr. Batalis.

25 Thereupon,

DIRECT EXAMINATION OF NICHOLAS BATALIS BY MS. JONES

1 NICHOLAS BATALIS

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

4 THE CLERK: Speak directly into the microphone.
5 Give your full name and spell your last name for the
6 court reporter.

7 WITNESS: My name is Nicholas Ike Batalis,
8 B-A-T-A-L-I-S.

9 THE COURT: Speak up for me, Dr. Batalis, so
10 people on the jury in the back row can hear you.

11 Your witness, Counselor. Direct examination.

12 MS. JONES: Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY MS. JONES:

15 Q Good morning, Dr. Batalis.

16 A Good morning.

17 Q Where do you work?

18 A I work at the Medical University of South Carolina
19 in Charleston.

20 Q And what do you do at the Medical University?

21 A I am employed there as a professor in the
22 department of pathology and laboratory medicine, with my
23 main job duties as a forensic pathologist.

24 Q What is a forensic pathologist?

25 A So pathology is a subspecialty of medicine that

DIRECT EXAMINATION OF NICHOLAS BATALIS BY MS. JONES

1 deals with the diagnosis of disease. So a general
2 pathologist would be someone that would get a -- a tumor or
3 a biopsy taken, the pathologist would be the one that looks
4 at that to figure out what it is. Or if you have blood work
5 done, the pathologist oversees the laboratory.

6 Forensic particularly is a subspecialty of
7 pathology that deals more with the medical/legal aspects of
8 medicine, in particular performing autopsies to determine
9 the cause and manner of death.

10 Q And did you have to receive specialized training
11 and education in order to become forensic pathologist?

12 A I did.

13 Q And can you explain that a little bit to us,
14 please?

15 A Sure. After graduating college, I went on to
16 medical school at Indiana University School of Medicine.
17 After completing medical school, I then came to MUSC in
18 Charleston for my residency in general pathology. After
19 completing the four-year program, I passed the examination,
20 become nationally certified, then went on to a one-year
21 training program, fellowship training program specifically,
22 in forensic pathology at the Dallas County Medical
23 Examiner's Office in Texas.

24 Again, after that year, passed another
25 examination to become certified, and that's when I took my

DIRECT EXAMINATION OF NICHOLAS BATALIS BY MS. JONES

1 current position.

2 Q Have you testified in court before?

3 A Yes, I have.

4 MS. JONES: Your Honor, at this time, the State
5 moves Dr. Batalis in as an expert in forensic
6 pathology.

7 THE COURT: Any objection?

8 MS. CAMPBELL: No, sir.

9 THE COURT: Ladies and gentlemen of the jury,
10 recalling my earlier instruction to you concerning
11 expert testimony, this witness is qualified without
12 objection.

13 You may proceed in the area of forensic pathology.

14 MS. JONES: Thank you, Your Honor.

15 BY MS. JONES:

16 Q Dr. Batalis, were you asked to perform an autopsy
17 on Adrian Lamont Manigo?

18 A Yes, I did, on August 25th of 2017.

19 Q And how old was Mr. Manigo?

20 A At that time of the exam, he was 40 years old.

21 Q And his height and weight?

22 A We measured him at 74 inches in length, so
23 approximately 6-foot, 2 inches, and is 249 pounds.

24 Q Thank you. And were you able to determine
25 evidence of injuries to Mr. Manigo?

DIRECT EXAMINATION OF NICHOLAS BATALIS BY MS. JONES

1 A Yes, I was.

2 Q Would it aid you in having a visual aid to
3 describe these wounds?

4 A I believe it would.

5 MS. JONES: Your Honor, may I ask the witness to
6 step down and explain on the diagram the wounds?

7 THE COURT: Unfortunately we don't have a portable
8 microphone in this courtroom, Doctor. And when you
9 stand down, you are going to have your back to the
10 court reporter. Particularly, I want the jury to see
11 what you are going to use for a visual aid, or that
12 they intend to use with you. However, and
13 Ms. Campbell, come on around now, because obviously you
14 aren't going to be able to see.

15 You're going to have to speak up, like I'm doing
16 right now, so she can pick up what you're saying.
17 Particularly, if you're going to put your head behind
18 an exhibit when you are talking.

19 You understand? Because the court reporter's got
20 to do their job.

21 THE WITNESS: Yes, sir.

22 THE COURT: Come on around, Ms. Campbell.

23 You may step down. Bring the exhibit. I'm
24 assuming you have shown it to counsel.

25 MS. JONES: Yes, sir.

DIRECT EXAMINATION OF NICHOLAS BATALIS BY MS. JONES

1 THE COURT: Watch your step.

2 Can everybody on the jury see the exhibit?

3 Proceed -- can you see, Ms. Campbell?

4 MS. CAMPBELL: Yes, sir.

5 MS. JONES: Thank you, Your Honor.

6 THE COURT: Proceed.

7 MS. JONES: Thank you, Your Honor.

8 BY MS. JONES:

9 Q Dr. Batalis, I'm going to ask you to mark the
10 injuries you discovered on Mr. Manigo with some stickers so
11 we can all see.

12 How many gunshot wounds did Mr. Manigo have?

13 A There were two gunshot wounds on the body.

14 Q And where were they?

15 A One entered through, was on the back of the left
16 elbow. And another entrance wound was on the right side of
17 the back.

18 Q If we can start with the one to the elbow.

19 A Does it matter which color?

20 Q Up to you.

21 A So the first gunshot wound, when I say, "the
22 first," it's just for the purpose of description, there's no
23 way to tell which of the two actually happened
24 chronologically.

25 So the first gunshot wound is on the back of

DIRECT EXAMINATION OF NICHOLAS BATALIS BY MS. JONES

1 the left elbow, as shown with the red sticker here. That
2 bullet, after striking the body in the back of the left
3 elbow, essentially went straightforward from back to front.
4 It came a little bit inward, and just a little bit upward,
5 and then exited the right arm. And, again -- I'm sorry, it
6 exited the left arm, essentially just on the other side of
7 it.

8 As the bullet passed through from the
9 backside to the front side, it we went through some skin and
10 muscle, and then the bottom part of the humerus, or the arm
11 bone.

12 Q Would that wound have been fatal?

13 A In and of itself, it would be unlikely. It's
14 possible that you could get bleeding, you could get an
15 infection, but it would certainly be a protracted death in
16 the --

17 Q And the second gunshot wound you referenced
18 earlier?

19 A So the second gunshot wound is located on the
20 upper right side of the back, somewhere in that area. And
21 so kind of on the back of the right shoulder.

22 After this bullet entered the body, it then
23 went into the chest cavity, so the area surrounding the
24 lung, bruised the right lung, the top part of the right
25 lung, then passed through the structures at the base of the

DIRECT EXAMINATION OF NICHOLAS BATALIS BY MS. JONES

1 neck including the superior vena cava.

2 So the vena cava is the big blood vessel that
3 brings all the blood back from the upper part of your body
4 back to the heart. After it went through that superior vena
5 cava it went through the esophagus, which is the tube that
6 runs from your mouth to your stomach. Also the left jugular
7 vein, so one of the big veins drain blood from your head
8 back to the body, and then the thyroid gland. So one of
9 your glands sitting here right at the top of your neck. And
10 then the bullet continued into the left shoulder.

11 So in this case, this one did not exit, but
12 we recovered the bullet -- excuse me -- from the right
13 shoulder here.

14 Q And would this wound have been --

15 A Excuse me. I put that on the wrong side.

16 I got mixed up going from front to back.
17 Let's see, it entered the right side of the back, and then
18 it was recovered from the area of the left shoulder, so it
19 came across the body.

20 Q Okay. And would this wound have been fatal?

21 A Yes. Because of the pressure in the superior vena
22 cava and the jugular veins, both of those, again, are major
23 blood vessels, it would have called massive bleeding and led
24 to death.

25 Q Massive bleeding. Would that have been

DIRECT EXAMINATION OF NICHOLAS BATALIS BY MS. JONES

1 potentially internally for Mr. Manigo?

2 A It could have been both. We collected a liter of
3 blood from the right plural cavity, so around the right
4 lung. And this roughly, we have about five liters of blood,
5 so about 20 percent of his blood we recovered from the
6 cavity around the right lung. And then on top of that,
7 there would have been bleeding that came out from the wound.

8 Q And how many of these entrance wounds were to the
9 front side of Mr. Manigo's body?

10 A Neither of them.

11 Q We can take this down, and you can take it back to
12 your seat, back on the witness stand.

13 MS. JONES: And, Your Honor, for the record, this
14 has been marked as State's Exhibit 54.

15 THE COURT: And?

16 BY MS. JONES:

17 Q And do these -- where you depicted these wounds,
18 is this a fair and accurate depiction of where Mr. Manigo's
19 wounds were that afternoon?

20 A Yes.

21 MS. JONES: Your Honor, at this time, State moves
22 54 into evidence.

23 THE COURT: As to State's 54?

24 MS. CAMPBELL: No objection.

25 THE COURT: Ladies and gentlemen of the jury,

DIRECT EXAMINATION OF NICHOLAS BATALIS BY MS. JONES

1 State's Exhibit Number 54 will be admitted into
2 evidence in the trial of this case without objection.

3 *(Whereupon, State's Exhibit No(s). 54 marked for*
4 *identification and received in evidence.)*

5 THE COURT: State's 54 is now into evidence.
6 You may proceed, Counsel.

7 MS. JONES: Thank you, Your Honor.

8 BY MS. JONES:

9 Q Dr. Batalis, what was Adrian Manigo's cause of
10 death?

11 A I determined the cause of death to be a gunshot
12 wound of the trunk. So, again, in this case, that would be
13 the gunshot wound of the upper right side of the back, and
14 more specifically, it would be due to the bleeding that
15 resulted from the gunshot wound.

16 Q And what was his manner of death?

17 A The manner of death was homicide, which in our
18 terms is death at the hands of another individual.

19 MS. JONES: Thank you. I have no further
20 questions.

21 THE COURT: Cross examination.

22 MS. CAMPBELL: None.

23 THE COURT: As to this witness, Solicitor?

24 MS. JONES: He may be excused.

25 THE COURT: Any objection, Ms. Campbell?

DIRECT EXAMINATION OF NICHOLAS BATALIS BY MS. JONES

1 MS. CAMPBELL: None.

2 THE COURT: Dr. Batalis, you take your file, leave
3 my exhibits. I think we just have the one that's
4 already down. You are excused from the trial of this
5 case. You may leave the courtroom. Thank you.

6 Call your next witness.

7 MS. JONES: Your Honor, at this time, the State
8 rests.

9 THE COURT: Mr. Foreman, ladies and gentlemen of
10 the jury, I need to take up a quick matter of law.
11 I'll be right back with you. So please don't discuss
12 the case. Please retire to your jury room so I can
13 handle that and get back to you. Thank you.

14 (The jury exits the courtroom.)

15 THE BAILIFF: The jury is clear.

16 THE COURT: Please be seated.

17 Ms. Campbell, are there any matters of law on
18 behalf of the Defendant you wish to make at this time?

19 MS. CAMPBELL: If it please the Court, Your Honor,
20 at this time, I would make a motion for directed
21 verdict on both indictments on behalf of Mr. Wright.

22 I would base my motion for directed verdict, Your
23 Honor, at this point, saying that it is a mere
24 suspicion at this point. With that being the case, the
25 matter should not be submitted to the jury, and your

DIRECT EXAMINATION OF NICHOLAS BATALIS BY MS. JONES

1 Honor should direct a verdict.

2 THE COURT: Thank you. Solicitor?

3 MS. JONES: Your Honor, respectfully I disagree.

4 We have direct and circumstantial evidence in this case
5 pointing to the guilt of Mr. Manigo -- my apologies,
6 Mr. Wright on both charges. And I'd ask that it go to
7 the jury.

8 THE COURT: Ms. Campbell, your motion for directed
9 verdict at this stage of the case for the standard I'm
10 required to use is respectfully denied.

11 Would you and your client please come forward to
12 the microphone?

13 MS. CAMPBELL: Yes, sir.

14 THE COURT: Mr. Clerk, please swear the Defendant.

15 Thereupon,

16 DONTARIOUS WRIGHT

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

19 THE COURT: State your full name for the record.

20 THE WITNESS: Dontarious Wright.

21 THE COURT: Mr. Wright, at this time, I'm going to
22 explain to you certain of your rights. If you do not
23 understand anything that I say, let me know.

24 You understand?

25 THE WITNESS: Yes, sir.

RIGHTS GIVEN TO DONTARIOUS WRIGHT

1 THE COURT: If you want me to explain anything in
2 further detail, let me know.

3 You understand?

4 THE WITNESS: Yes, sir.

5 THE COURT: Speak up.

6 THE WITNESS: Yes, sir.

7 THE COURT: We've reached the stage of the trial
8 where you may present your defense. You have the right
9 to testify in your own behalf. However, no one can
10 make you testify.

11 In the event you have a record for any conviction
12 involving dishonesty or false statement, or for a crime
13 punishable by imprisonment of more than one year and
14 this Court determines as a matter of law that the
15 probative value of admitting this evidence outweighs
16 its prejudicial effect to you, the Solicitor would be
17 able to introduce your record for impeachment purposes
18 to attack your credibility or your believability.

19 Solicitor, does the State have his record?

20 MS. JONES: Yes, Your Honor.

21 THE COURT: Do you believe the record contains
22 offenses that you could attempt to impeach him, if he
23 testified?

24 MS. JONES: Yes, Your Honor.

25 THE COURT: And what are they?

RIGHTS GIVEN TO DONTARIOUS WRIGHT

1 MS. JONES: Your Honor, he has a 2016 strong armed
2 robbery.

3 THE COURT: A 2016 what robbery?

4 MS. JONES: Strong armed.

5 THE COURT: Strong arm robbery.

6 MS. JONES: And as well as a 2010 assault with
7 intent to kill.

8 THE COURT: 2010 assault with intent to kill.

9 MS. JONES: And he has a 2012 petty larceny.

10 THE COURT: And a 2012 petty larceny.

11 Ms. Campbell, have you had access to his prior
12 record?

13 MS. CAMPBELL: Yes, sir.

14 THE COURT: And you are aware of all those
15 offenses?

16 MS. CAMPBELL: I am.

17 THE COURT: And you have advised your client about
18 our rules concerning impeachment from prior offenses?

19 MS. CAMPBELL: Yes, sir, I have.

20 THE COURT: All right. Mr. Wright, if you elect
21 not to take the witness stand, I will charge the jury
22 that they are not to give the fact that you did not
23 testify any consideration whatsoever, and there is to
24 be absolutely no prejudice to you because you did not
25 testify.

RIGHTS GIVEN TO DONTARIOUS WRIGHT

1 You have the constitutional right to remain
2 silent. The burden of proof remains on the State of
3 South Carolina to prove your guilt beyond a reasonable
4 doubt.

5 The decision as to whether or not you testify will
6 be left entirely up to you. You can certainly talk
7 with your attorney, but it is not your attorney's
8 decision. It is your decision.

9 So the ultimate decision as to whether or not you
10 testify at trial in this case will be left entirely up
11 to you.

12 Have you understood what I have just told you?

13 THE WITNESS: Yes, sir.

14 THE COURT: Have you made a decision as to whether
15 or not you wish to testify in the trial of this case?

16 THE WITNESS: I have made my decision. I do not
17 want to testify.

18 THE COURT: You do not wish to testify.

19 THE WITNESS: No, sir.

20 THE COURT: And is that your decision?

21 THE WITNESS: Yes, sir.

22 THE COURT: No one forced you into that decision?

23 THE WITNESS: No, sir.

24 THE COURT: You made that decision freely and
25 voluntarily, of your own freewill and accord?

RIGHTS GIVEN TO DONTARIOUS WRIGHT

1 THE WITNESS: Yes, sir.

2 THE COURT: Thank you. You may return to your
3 seat with counsel.

4 All right. Counsel approach.

5 (Off-the-record discussion held.)

6 THE COURT: For the record, Ms. Campbell, I
7 inquired of you at the Bench whether or not -- I have
8 heard from your client, and I understand his decision.
9 I inquired from you at the Bench whether or not the
10 Defense wishes to present any evidence in the trial of
11 this case, and my understanding from you, from our
12 bench conference was that you do not; is that correct?

13 MS. CAMPBELL: That is correct.

14 THE COURT: I will now allow you, since we don't
15 want to send the jury in and out, I will now allow you
16 to renew your motions, as if made at the close of all
17 the evidence that you made at the close of the State's
18 case.

19 MS. CAMPBELL: Thank you, Your Honor. May it
20 please the Court.

21 At this time, the Defense rests. And on behalf of
22 my client, Mr. Wright, we would renew all of our
23 motions, to include our motion for directed verdict.

24 THE COURT: Very well, Ms. Campbell. And as I
25 told you at the close of the State's case, for the

RIGHTS GIVEN TO DONTARIOUS WRIGHT

1 standard and the close of all the evidence, your motion
2 for directed verdict is respectfully denied.

3 Now, in order to accommodate the jury and my
4 lawyers and parties for lunch, I'm going to bring the
5 jury back out and, Ms. Campbell, I will ask you in the
6 presence of the jury whether or not the Defense wishes
7 to present any evidence. Once you tell me not, then
8 I'm going to send the jury to the jury room. Their
9 lunch will be here in just a few minutes.

10 So that everybody else can plan lunch, it's now
11 about eight minutes to 1:00. The jury's lunch is going
12 to arrive supposedly at 1:15, and I'm going to try to
13 start back before 2:00.

14 I'll take at least 40 minutes for lunch, and maybe
15 up to an hour, depending on how long it takes the jury
16 to eat. So plan your lunch accordingly, because we're
17 going to try to finish this case today, which is the
18 wishes of the jury and the parties.

19 All right. Bring me a jury, please.

20 (The jury enters the courtroom.)

21 THE COURT: I am going to need to see my lawyers
22 concerning the charge, so you can tailor your argument
23 to the charge. In my chambers once we adjourn.

24 MS. CAMPBELL: Thank you, Judge.

25 THE BAILIFF: The jury is entering the courtroom,

RIGHTS GIVEN TO DONTARIOUS WRIGHT

1 Your Honor.

2 THE COURT: Please rise. The jury is entering the
3 courtroom.

4 (The jury enters the courtroom at 12:57 p.m.)

5 THE COURT: Please be seated.

6 All right. Mr. Foreman, ladies and gentlemen of
7 the jury, you have heard the evidence from the State of
8 South Carolina. We will now hear from the Defendant,
9 Ms. Campbell.

10 MS. CAMPBELL: May it please the Court. At this
11 time, the Defense rests.

12 THE COURT: All right. Ladies and gentlemen of
13 the jury, you have heard all the evidence in the case.
14 You have not heard closing arguments of the attorneys
15 or received my charge on the law.

16 I've -- we have ordered lunch for you. The
17 bailiffs are in charge of lunch. I don't see Norm in
18 here, but he's supposed to have it back here in just a
19 couple of minutes. So we are going to serve you lunch
20 in your jury room.

21 I want you to have a good lunch. Do not discuss
22 the case because you haven't heard the closing
23 arguments or had my charge. As soon as I know that
24 each one of you have had a chance to eat your lunch and
25 take a break, I'm going to start back, because I want

RIGHTS GIVEN TO DONTARIOUS WRIGHT

1 to try to complete it in a timely fashion for you.

2 So I'm going to have the bailiffs check and make
3 sure everybody has gotten lunch, has had a chance to
4 use the restroom and ready to start back. I hope to
5 start back before 2:00, but your lunch probably won't
6 be here for a couple more minutes. But it will be
7 served to you in your jury room.

8 Please retire to your jury room at this time.
9 Thank you.

10 (The jury exits the courtroom at 12:59 p.m.)

11 THE BAILIFF: The jury is clear, Your Honor.

12 THE COURT: Please be seated.

13 All right. I'm going to need to see my lawyers in
14 chambers concerning the charge. For those of you who
15 are going to lunch, try to be back here by 1:45.

16 This court is in recess until at least 1:45.

17 (Lunch recess.)

18 THE COURT: Okay. I'm making Defendant's request
19 to charge Court's Exhibit No. 6.

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

22 THE COURT: All right. Let the record reflect
23 that during lunch I met with the lawyers. They have
24 approved the verdict form in this case, which I have
25 corrected per their requests.

RIGHTS GIVEN TO DONTARIOUS WRIGHT

1 I have also added to my charge at the request of
2 Ms. Campbell -- and they have a copy of my charge -- I
3 have already added prior inconsistent statements, which
4 is on Page 8, but my charge, and they have a copy of
5 it.

6 I've also at the request of Ms. Campbell, I have
7 added into my self-defense charge, on Page 17, prior
8 difficulties between the parties may be considered as
9 to whether threat existed or whether the Defendant --
10 there's all kind of typos in this, y'all, but this is
11 coming out of Judge Mullen's notebook. I apologize for
12 that.

13 But I think y'all can tell what the words are. I
14 don't think you spell whether "w-h-i-t-e-r-h," but I
15 think y'all know what I'm talking about.

16 All right. I am charging self-defense, and
17 Defendant, and I've made Court's Exhibit Number 2; is
18 that right, Mona?

19 THE COURT REPORTER: Court's Exhibit Number 6 --
20 I'm sorry.

21 THE COURT: What is the one that is the
22 Defendant's request to charge that I just gave you?

23 THE COURT REPORTER: Number 6.

24 THE COURT: Court's Exhibit Number 6?

25 THE COURT REPORTER: Yes.

RIGHTS GIVEN TO DONTARIOUS WRIGHT

1 THE COURT: Okay. Didn't realize we had five
2 prior Court's exhibits.

3 Court's Exhibit Number 6 is the Defendant's
4 request to charge.

5 All right, Ms. Campbell.

6 MS. CAMPBELL: May it please the Court.

7 If I could perhaps have Court's Exhibit 6 just so
8 I can read it for the record.

9 Specifically, Your Honor, the portion of the
10 Defendant requested charge on self-defense, we asked on
11 Page 4 that the Court charge the law of self-defense in
12 South Carolina does not require that any Defendant wait
13 until his assailant gets the drop on him, and all
14 defendants have the right to act in the law of self
15 preservation and prevent the assailant from getting the
16 drop on him.

17 THE COURT: And I don't think there was any
18 evidence in this trial to require that that be charged.
19 I respectfully decline to charge that which we
20 discussed in chambers.

21 MS. CAMPBELL: Thank you, Judge.

22 THE COURT: All right. Now, Trasi, you've marked
23 six different things for identification, but I don't
24 believe you have introduced any evidence. Is that
25 correct?

RIGHTS GIVEN TO DONTARIOUS WRIGHT

1 MS. CAMPBELL: That is correct.

2 THE COURT: All right. Then Trasi gets final
3 argument. The State will argue first, followed by
4 closing argument of the Defendant.

5 How long -- can you do it in 30 minutes?

6 MS. JONES: Yes, sir.

7 THE COURT: Can you do it in 30 minutes?

8 MS. CAMPBELL: Yes, sir.

9 THE COURT: When you have reached 25 minutes, you
10 will hear the familiar (claps hands), which lets you
11 know you've got five more minutes to wrap it up.

12 Have you heard my lecture about closing arguments,
13 Ms. Jones?

14 MS. JONES: I have, Your Honor.

15 THE COURT: You know what I tell my minister every
16 Sunday? A closing argument, like a good sermon, has a
17 strong opening and an even stronger closing, and very
18 little in between. Get to the point.

19 MS. JONES: I have heard that before, Your Honor.

20 THE COURT: Believe me, the jury wants you to.

21 All right. State will argue first, 30 minutes;
22 Defendant will argue second, because the Defendant did
23 not present any evidence, or last 30 minutes. Both of
24 you have my -- this is the -- both of you reviewed my
25 amended jury verdict form, and you both have a complete

RIGHTS GIVEN TO DONTARIOUS WRIGHT

1 copy of my request to charge. I think we are ready to
2 proceed. It is five until two.

3 Bring us the jury.

4 THE BAILIFF: Yes, Your Honor.

5 (Jury enters entering the courtroom.)

6 THE BAILIFF: The jury is entering the courtroom,
7 Your Honor.

8 THE COURT: The jury is entering. Please rise.

9 Please be seated.

10 Mr. Foreman, and ladies and gentlemen of the jury,
11 you have heard the evidence in this case. You are now
12 going to hear the closing arguments of the attorneys,
13 followed by my charge to you on the law which applies
14 to this case.

15 I ask that you give the attorneys your careful
16 consideration, and also when the Court charges you the
17 law that applies to this case.

18 Beginning with closing argument from counsel for
19 the State of South Carolina.

20 MS. JONES: Thank you, Your Honor.

21 THE COURT: Ms. Jones.

22 CLOSING ARGUMENT BY STATE

23 MS. JONES: Be the bigger person. Walk away. I
24 told you from the first moment that I spoke with you
25 that that is what this case is about. That on August

CLOSING ARGUMENT BY THE STATE

1 22nd of 2017, Mont tried to be the bigger person and he
2 tried to walk away.

3 The only thing you heard throughout this whole
4 trial that disagreed with that is the words that came
5 from that man right there. That man right there, who
6 while his interview was being played for you, laughed.
7 It was comical to him. It was funny to him.

8 That man right there is a liar. And that man
9 right there is a murderer.

10 So what do we know? On August 22nd of 2017,
11 Mikey, Michael Grant, the Defendant, and a man named
12 Derio Young were all hanging out at Mikey's house.
13 Outside, hot summer afternoon, they were all under the
14 tree. A common hang out spot in the Lobeco area. And
15 it's common for people to just show up and hang out,
16 one of those people being Mont.

17 Mikey and Michael Grant take us back to that
18 afternoon. They tell us exactly what happened.
19 Everyone is hanging out, calm, it's a good afternoon,
20 and Mont comes. And, again, it's common for Mont to
21 come over, specifically unannounced. He lived in the
22 area, and Mikey is his cousin. He grew up with him and
23 Michael Grant.

24 More importantly, Mont comes over alone.
25 Everybody said that. All of the evidence showed that.

CLOSING ARGUMENT BY THE STATE

1 That was no other person in that car with Mont when he
2 got to [REDACTED] on that afternoon.

3 The only person that says there was somebody else
4 in that Tahoe, he's not even sure if there's anyone
5 else in that Tahoe, is the Defendant, a liar.

6 The older guys are all hanging out in one spot
7 under the tree, and the younger guys, the Defendant and
8 Derio Young, are in another spot, and after it all
9 happened.

10 Closer to the Tahoe is where Mikey, Michael Grant,
11 and Mont are. Back in these chairs, closer to the
12 right bottom corner, where the Defendant and Derio
13 Young were. Two separate conversations happening. Two
14 separate conversations.

15 All of a sudden the mood changes, and the
16 Defendant gets up, walks to the side of that yard, and
17 starts mumbling to himself.

18 Now, the other men, the older men in the area,
19 they take note of that. They didn't understand what
20 he's saying, maybe, something about his mom or his
21 grandma. They don't really understand what he's
22 saying, but it's odd. It's strange that he gets up and
23 moves to the side.

24 He comes back, and he gets back to where he was
25 originally sitting with Derio Young. And now, he has a

CLOSING ARGUMENT BY THE STATE

1 .9 millimeter handgun on his lap. A handgun that he
2 will later tell you is a high point. Another lie.
3 It's not a high point.

4 When you heard Mr. Paul Greer from SLED, high
5 point was not one of the types of guns that would fit
6 the fired shell casings.

7 Back to this. He didn't take note of the gun on
8 his lap, and his mood has changed, and all of a sudden,
9 the Defendant has the gun on his lap. Mont says, "What
10 is that for? Why do you have that?"

11 The Defendant stands up, looks him in the eyes and
12 says, "It's for you."

13 So what does Mont do? Mont waves him off. He
14 ignores him. He turned around and he walks away. This
15 man now is threatening him with a gun. This man, the
16 Defendant. So what does he do? He tries to walk away.
17 He tries to leave.

18 But now he's disrespected, the Defendant, and the
19 Defendant is not having it. So what does he do? He
20 stands, he raises his arm, he points that gun, and he
21 fires three rounds at Mont. One hits the front of his
22 Tahoe, one hits the back of his arm, and one hits his
23 upper right shoulder.

24 And you saw those depicted in the diagram by
25 Dr. Batalis. Mont was shot in the back that day. He

CLOSING ARGUMENT BY THE STATE

1 had no opportunity to defend himself. He was shot in
2 the back, and within minutes, he was dead on that dirt
3 ground.

4 And again, that's where it happened. Look where
5 his keys are. He falls face first, and the paramedics
6 have to turn him over to render aid -- attempt to
7 render aid. He has already passed by the time they get
8 there.

9 Look where his feet are. He didn't make it any
10 distance before that man right there started firing on
11 him. He only got three rounds off, and he told you,
12 the gun jammed. That's the only reason I stopped
13 firing.

14 So what does he do next? He runs. He wants you
15 to think he just casually walked away, because of his
16 leg injury, and he can't run. Well, Erik Black,
17 Fredericka Gray, and Reeshemah Byson all saw him
18 running away from the scene that afternoon.

19 Now, if you just killed somebody because you had
20 to, because it was you and/or him, and it was
21 self-defense, he wants you to believe, do you have to
22 run away? Do you have to get rid of the gun?

23 Because there's a big conversation, where is this
24 gun, where is this gun, where is this gun? I dropped
25 it by the grill.

CLOSING ARGUMENT BY THE STATE

1 Well, actually, maybe I dropped it by
2 Ms. Maybelle's house, and that's when I really got
3 scared. Or, you know, it is by the grill. I'm going
4 to go back to that story. I'm going to go back to it
5 is by the grill.

6 Well, they're there. The Sheriff's Office is
7 there looking for it. There's no gun by that grill.

8 And the dogs tried to find that gun, they searched
9 all over [REDACTED] and Lobeco and Big Estate area. The
10 only person who knows where that gun is, is seated
11 right there.

12 And you heard from Mikey, and Fredericka on the
13 911 calls.

14 (911 audio of call played.)

15 MS. JONES: If he honestly shot in self-defense,
16 why run away? Why run into woods? Why try to chase
17 down Fredericka and get a ride out of there? Because
18 he didn't shoot in self-defense.

19 He changed his clothes. He's now trying to get
20 rid of more evidence. Those white pants, his white
21 pants are covered in GSR, gunshot residue. He takes
22 them off and puts them in the washing machine. He
23 takes the shoes off he's wearing, the shoes that also
24 have gunshot residue on them. He's getting rid of
25 evidence. Why? Because he knows he didn't kill

CLOSING ARGUMENT BY THE STATE

1 somebody in self-defense. He knows he murdered Mont.

2 He hides. He picks this shed, of all places, to
3 wait for the police? Because Jason told him he was
4 hot? That doesn't make sense.

5 It doesn't make sense, it's just another excuse
6 he's giving. He's hiding in this shed because he
7 doesn't want to be found. He knows the police are out
8 there. He's seen the Chargers going up and down the
9 road. He's hiding because he's guilty of murder.

10 He remains in hiding for hours while witnesses are
11 being interviewed, crime scene is being processed, he
12 stays in that shed.

13 And how do we know this would be what Michael
14 Grant and Mikey said? Because the crime scene matches
15 the facts of the case that happened. Mont was killed
16 while walking away to his car. There he is. Look at
17 his feet. He did not make it far. And he certainly
18 didn't make it far enough to get inside his car, as the
19 Defendant wants you to believe.

20 There's a bullet to the front of his car, the
21 bullet put there that was meant for Mont. Put there by
22 that man over there where he was aiming to kill Mont.
23 The shell casings, they are all found right where Mikey
24 and Michael Grant said the Defendant was standing, and
25 you heard about how shell casings are ejected from a

CLOSING ARGUMENT BY THE STATE

1 gun. There they are. Only three shell casings on the
2 scene, .9 millimeter ones, are right there.

3 We do have a .38 random shell casing on the front
4 of the road. We will get to that in a little bit.

5 There they are. Those came out of the gun, the
6 missing gun, that was used to murder Mont that
7 afternoon.

8 Mont never made it to open the car door. They're
9 all closed. You see them right there, they're all
10 closed.

11 Adam Zsamar of the Sheriff's Office told you he
12 didn't open those car doors until he went inside the
13 car to see what was inside the car.

14 They were closed because Mont was alone, and Mont
15 never made it back to his car before he was executed by
16 this man here.

17 They also told you about the gun. Adam Zsamar
18 also told you about the gun that was in Mont's car. He
19 had a gun. It's right here. It's a .9 millimeter,
20 just like what was used to murder him with. But that
21 gun was not fired that afternoon. That gun had no
22 bullets in the chamber. That was a gun the Defendant
23 didn't even know existed.

24 That gun had not been recently disturbed. No one
25 has messed with that gun. Behind closed doors, in that

CLOSING ARGUMENT BY THE STATE

1 sealed center console. If Mont was really there to get
2 the Defendant -- it's daytime. You saw the dirt road
3 coming in, he's driving down that dirt road. There's
4 the Defendant sitting in the chair right there under
5 that tree. Mont's got this gun in the center console,
6 if he's there to do one thing, take care of the
7 Defendant, he's not a real good henchman if he's going
8 to go up there unarmed, knowing he had the gun at his
9 disposal right there. That gun was never even fired
10 that afternoon, and he was never there for the
11 Defendant.

12 We learned from the SLED expert that all three of
13 those .9 millimeter shell casings were fired by one
14 gun, the missing gun, the gun that only the Defendant
15 knows where it is. There they are, right where he was
16 standing.

17 We know that Mont's gun didn't fire any of the
18 bullets or the shell casings found on the scene. And
19 what about that random .38? Well, that's what we call
20 a "red herring." Yeah, it was there. Yeah, it was
21 collected. But look how far away it is from the rest
22 of the crime scene. That .38 shell casing had nothing
23 to do with what happened to Mont that afternoon. It's
24 completely unrelated, and Mikey told you this. Mikey
25 explained this, I live in the country, it's rural.

CLOSING ARGUMENT BY THE STATE

1 People shoot guns out there. It's not in the middle of
2 a town in a neighborhood. People shoot guns in the
3 country. It's not connected whatsoever to what
4 happened to Mont that afternoon.

5 More importantly, the shell casings found on the
6 scene came from one of the following types of gun: A
7 Fabrique Nationale, a Ruger, or a Smith & Wesson.

8 And why is that important? Because murder in
9 South Carolina requires premeditation. It is important
10 because it requires premeditation, and we also proved
11 that, yet again, that man right there is a liar.

12 Look at this web search. You have this to take
13 back with you. It's right here. How many times does
14 that man right there search .9 millimeter? How many
15 times does he search Smith & Wesson .9 millimeter? How
16 many times does he search .9 millimeter 30? How many
17 times does he search .9 millimeter 30 rounds? How many
18 times does he search .9 millimeter Smith & Wesson
19 pistol with drone? And more importantly, Smith &
20 Wesson .9 millimeter versus car door?

21 Why does he need know that information? He needs
22 to know that information because he's planning on
23 killing somebody, and he wants to know that he has the
24 right tools to do it with.

25 The Defendant knew the very next time he saw Mont,

CLOSING ARGUMENT BY THE STATE

1 he was going to kill him. He researched the tools he
2 needed. He always knew that all the .9 millimeter
3 bullets he had were always meant for one person.

4 And we also have Erik Black. Erik Black is the
5 brother of Fantasia. "Fan," you heard her referred to
6 as. You also learned that she, back then in the day,
7 was the Defendant's girlfriend.

8 Erik didn't want to be on that witness stand. He
9 didn't want to be testifying against his sister's
10 boyfriend, his ex-roommate, because if you can
11 remember, they also all lived together back when this
12 happened. But he did. And I asked him a couple times,
13 but he finally told you what he remembered from a
14 couple weeks before the Defendant shot and killed Mont.

15 They are all in the car, and the Defendant tells
16 them, "If he keeps running his mouth, next time I see
17 him, I'm going to shoot him."

18 That is premeditation. He has the tools, he did
19 research. He had his tools, he has his threat, and he
20 followed through with it.

21 "If he keeps running his mouth, the next time I
22 see him, I'm going to shoot him." Not next time, if he
23 comes after me, I'm going to shoot him. I'm very
24 scared of him, so I'm going to shoot him. He's going
25 to kill me, I need to shoot him. No. If he keeps

CLOSING ARGUMENT BY THE STATE

1 running his mouth, I'm going to shoot him.

2 This is a murder case. This is not a voluntary
3 manslaughter case. This is not a self-defense case.

4 Voluntary manslaughter, the Judge is going to
5 instruct you requires sudden heat of passion, called
6 sufficient legal provocation. What heat of passion did
7 we have here? What legal provocation do we have?
8 None.

9 We have an unarmed man, minding his own business,
10 who is shot in the back. We have no fight, we have no
11 argument, we have no excuse, we have no attack, we have
12 no assault. We have nothing except that man right
13 there murdering an unarmed man. We have premeditated
14 murder.

15 Let's talk about gunshot residue. You heard
16 Jennifer Nates from SLED come in, and she told you all
17 about gunshot residue. She told you how somebody could
18 test positive for gunshot residue, why they maybe
19 wouldn't test positive for gunshot residue, and she
20 told you what she found on the kits that she tested.

21 The Defendant, multiple particles of gunshot
22 residue. Mont, one particle. Derio Young, multiple.
23 Mikey, none.

24 The Defendant, why does he have gunshot residue on
25 him? He shot a gun. She told you, one of the

CLOSING ARGUMENT BY THE STATE

1 instances you could test positive for gunshot residue
2 is recently firing a gun. The cloud encompasses you,
3 and you have it on your hands. That's what she told
4 you. It makes sense. He shot Mont that afternoon. Of
5 course, he had GSR on him.

6 What about Derio Young? Well, he was right next
7 to the Defendant when he stood up and pulled the
8 trigger three times and murdered Mont. He was in that
9 3 feet necessary to be within the cloud. The cloud
10 that the gunshot residue makes when a gun is fired. Of
11 course, he tested positive.

12 Mikey, he didn't have any GSR on him. He was not
13 close enough to the cloud of gunshot to be positive for
14 gunshot residue.

15 Look at the picture again. Mikey is way off to
16 the left side of the Tahoe. Derio Young and the
17 Defendant are way back here in the far right-hand
18 corner. Of course, Derio tested positive, and of
19 course, Mikey does not.

20 So what about Mont? Mont has one GSR particle on
21 his hand. And Jennifer Nates told you that the victim
22 of a gunshot wound, it is typical that they discover
23 gunshot residue. The person, of course, is in the
24 cloud of gunshot residue, they have sustained a gunshot
25 wound. Mont, two. One on his arm. Of course he's

CLOSING ARGUMENT BY THE STATE

1 going to test positive.

2 She even told that you that SLED is trying to get
3 away from testing the victims, because it's so common
4 that victims test positive for GSR. It's probative of
5 nothing. He suffered a gunshot wound, he tests
6 positive for GSR.

7 What else tested positive for GSR? Oh, yeah, the
8 clothes that the Defendant tried to hide. Trying to
9 get rid of evidence, and, of course, they tested
10 positive for GSR. Those pants that you saw, and those
11 black Adidas.

12 What about DNA? The Defense asked Investigator
13 Fraser, well, if you're investigating a crime scene,
14 can you get DNA off of different items? Can you get
15 fingerprinting off of different items?

16 Yeah, you can. But getting DNA and fingerprints
17 off of an area where somebody goes all the time, what
18 does that show? Nothing. He told you, you cannot tell
19 when somebody was there just because their DNA is
20 there. He gave you a car and a headrest as an example.

21 How about the shell casing? Well, surely, you
22 have to physically load those into a gun. Yeah, your
23 DNA is going to be on that. No. No, it won't. It's
24 been expelled out of a firearm, DNA has been ruined,
25 and fingerprints have been ruined.

CLOSING ARGUMENT BY THE STATE

1 We don't only have our eye witnesses, we don't
2 only have our physical evidence, we don't only have the
3 prior threat, we have the words of the Defendant
4 himself. After 42 minutes of speaking with
5 Investigator Fraser, the Defendant lies over 53 times.
6 I don't know that man. I wasn't there. Didn't shoot
7 anybody.

8 He lies, he lies, he lies. Investigator Fraser is
9 not buying it. So he comes off it, "Fraser, I lied to
10 you, man."

11 But he's still not ready to tell the truth. He is
12 an admitted liar, but he thinks he's smarter than that
13 investigator he's talking to.

14 In the next 11 or so minutes, he still lies.
15 "Fraser, I did not shoot Mont. I ain't shoot that man.
16 I didn't shoot today, Fraser." More lies.

17 If this is a self-defense case, why not say that?
18 Self-defense is a defense. Say it. He didn't. He
19 lied.

20 He knows there are eyewitnesses, he knows the
21 forensics are going to point to him. He knows he ran.
22 He knows he was found hiding. He knows he's caught.
23 And he needs a story. He can't come up with his own
24 story, so Investigator Fraser gives him some advice.

25 (Audio/video of the interview played.)

CLOSING ARGUMENT BY THE STATE

1 BY MS. JONES:

2 Q That's the story. That's a lie. That's not true.

3 No one was going to kill him that day.

4 How in the world was Mont going to kill him
5 that day. He never threatened him. He never advanced
6 towards him. He never assaulted the Defendant. He never
7 attacked the Defendant. He never even took a step towards
8 him.

9 What does he do? He ignores him and he walks
10 away. How does that in any way insinuate that he's going to
11 kill him? It doesn't. Mont had no gun on him that
12 afternoon when he's standing under that tree. He did have a
13 gun, you see the gun, it's up here. But you know who didn't
14 know about that gun? That man right there. He had no idea
15 Mont had that gun in that car.

16 (Audio/video from the interview played.)

17 MS. JONES: He didn't know about that gun. But he
18 wanted you to think that Mont was going to use that to
19 kill him, a gun that he didn't even know existed?

20 Fraser told him about this gun. He said it hadn't
21 been touched. This gun that was behind closed doors,
22 this gun that was in that center console, and this gun
23 that had no bullet in the chamber.

24 Closed doors. He also lied about that.

25 (Audio/video of interview being played.)

CLOSING ARGUMENT BY THE STATE

1 MS. JONES: No, he wasn't. He never made it to
2 the car doors. He wasn't going in his truck. Those
3 doors are all closed. That console was closed. The
4 Defendant was not afraid that day or any other day. He
5 had no prior run-ins, and he told you that. Yet he
6 wants you to believe he was terrified of that man, even
7 though they had no run-ins lately and yet he is still
8 going to be the one that is ultimately going to kill
9 him? I don't think so.

10 The Defendant was never scared for his life, he
11 was never afraid of Mont. He was never defending
12 himself.

13 Is this self-defense? No. Even the Defendant
14 himself tells that you it's not self-defense.

15 (Audio/video of interview played.)

16 MS. JONES: No. He may have had a reason to
17 shoot, but "No." He didn't have a reason to shoot him.

18 (Audio/video of interview played.)

19 MS. JONES: Fraser is giving him an out. He's
20 giving him the out, and he doesn't take it. He doesn't
21 take it because it's not self-defense. He was never
22 defending his life that afternoon.

23 In South Carolina, we have four elements for
24 self-defense, and all four must be met. The Defendant
25 must be without fault in bringing on the difficulty.

CLOSING ARGUMENT BY THE STATE

1 Well, he fails. The only difficulty that afternoon was
2 created the moment that man pulled out his gun and told
3 Mont, this is for you.

4 Mont never threatened, advanced, or attacked the
5 Defendant. There was no difficulty until that man
6 pulled out his gun, raised it, and shot Mont.

7 The second element that must be met, the Defendant
8 must have been in actual imminent danger of losing his
9 life or sustaining great bodily injury, or he must have
10 actually believed he was in imminent danger.

11 What imminent danger was there that afternoon?
12 None. There was never any danger that afternoon from
13 Mont towards the Defendant. Mont was unarmed, he
14 ignored the Defendant, and have walked away.

15 And Mont had a gun in his car. Sure. Yeah, he
16 did. It was out of reach, it was behind closed doors,
17 and more importantly, the Defendant had no idea about
18 this gun.

19 Three, if his defense is based upon the belief of
20 imminent danger, a reasonably prudent person of
21 ordinary firmness and courage would have entertained
22 the same belief.

23 Well, the Judge is going to instruct you on this
24 further. But in other words, was it reasonable for him
25 to fear Mont that afternoon? No. The entire fear

CLOSING ARGUMENT BY THE STATE

1 claimed by the Defendant surrounds Jamel Washington,
2 this J.D. person.

3 Yeah, sure. Three years before he killed Mont,
4 J.D. shoots him in the leg. But you know what?

5 (Audio/video of interview played.)

6 MS. JONES: He's laughing. This man that he's
7 supposed to be terrified of, he's laughing about him.
8 That's not fear. Mont was not there when J.D. shot the
9 Defendant. More importantly, Jamel Washington is not
10 at [REDACTED] on August 22nd of 2017, when
11 that man killed Mont.

12 (Audio/video of interview played.)

13 MS. JONES: Was there anybody else there shooting?
14 You know the answer to that question. He wants to
15 think. Oh, was someone in the truck? I got to come up
16 with somebody being in the truck.

17 Nobody was in the truck. Mont came alone. He
18 came alone to hang out with his cousins and his
19 friends. Everybody says that. The only person who
20 wants you to believe otherwise is a liar.

21 Uncontroverted, there were no prior threats. Mont
22 never threatened, advanced, or attacked the Defendant.
23 Mont was unarmed, and Mont seemed to be trying to avoid
24 and ignore the Defendant. Nothing in any of those
25 circumstances can make it reasonable to infer serious

CLOSING ARGUMENT BY THE STATE

1 bodily injury or death. Not reasonable.

2 Finally, what the fourth element that has to be
3 met, all four have to be met, the Defendant had no
4 other probable means of avoiding the danger.

5 First of all, there was no danger. The danger was
6 created by him. And no danger existed prior to that
7 gun coming out and being in his lap. If he was in such
8 fear, use the cell phone he has in his pocket, call
9 911. Go inside the house. Leave. Erik Black, call
10 him. Get him to come get you. Leave.

11 He didn't do any of that. The Defendant had not
12 met any of the requirements of self-defense because
13 this is not a self-defense case, and it never was. A
14 person who is acting in self-defense does not shoot an
15 unarmed man in the back, does not run, does not ditch
16 evidence, does not change clothes, does not hide, does
17 not lie.

18 Dontarious Wright was not defending his life that
19 day, in his very own words.

20 (Audio/video of interview played.)

21 MS. JONES: "I ain't scared of him". I ain't
22 scared of him, talking about Mont.

23 On that afternoon, August 22nd of 2017, Mont tries
24 to be the bigger person. He tried to walk away. He
25 tried to ignore the Defendant, and sadly, being the

CLOSING ARGUMENT BY THE STATE

1 bigger person on that day, it cost him his life.

2 THE COURT: Ms. Campbell.

3 MS. CAMPBELL: May it please the Court.

4 THE COURT: Proceed.

5

6 CLOSING ARGUMENT BY DEFENSE

7

8 MS. CAMPBELL: Good afternoon.

9 Second president of our country, John Adams, he
10 was a lawyer in Boston when we just started forming our
11 country. Every single one of us in this courtroom is
12 an American citizen. As our country was formed and our
13 Constitution developed, it gave us certain rights. We
14 all know the First Amendment, free speech. Second
15 Amendment, the right to bear arms.

16 It was really important to us when we were just
17 starting out that we get it right, and what we did was
18 create a system of criminal justice in this country.
19 And it works.

20 John Adams was called upon, when he got a knock at
21 his door -- he's still a local lawyer -- and said, "Did
22 you hear what happened?"

23 Yeah, they are going to need a lawyer, and we want
24 you to defend them.

25 He talked to his wife and he said, "I'll do it."

CLOSING ARGUMENT BY THE STATE

1 He got the call that day to defend a British
2 soldier, the ones who had been accused of shooting the
3 colonists in cold blood, in the street. And he did his
4 job. And the jury in that case heard the evidence in
5 that case, and what had happened was that there was a
6 gunshot that went off, and some other things that
7 caused the British soldiers to fire on the colonists.

8 I have taken up the case of Dontarious Wright,
9 just as John Adams did, a lawyer, in my town, and I'm
10 here before you with one simple principle. Every
11 killing is not murder.

12 Oftentimes, just as in that case, some killings
13 are justified. So I want to take you through the
14 evidence that you will discuss in your jury
15 deliberations, and point out some things to you that I
16 think might be helpful.

17 There's not a single thing that I'm going to talk
18 about that hasn't been in evidence and in the record.
19 Drawing conclusions, which you will draw your own.

20 The 911 calls, it's clear that Mikey and Mont are
21 cousins. "He looked like he was trying to stop me,"
22 the girl on the 911 call. He's waving me down, stop,
23 stop, stop.

24 This is not a man who is, you know, hiding and
25 being elusive. He's actually flagging down cars to try

CLOSING ARGUMENT BY THE STATE

1 and help him. And you might say to yourself, well, why
2 would you do that?

3 Well, you heard other descriptors of him
4 indicating he was scared. He was panicked. We were
5 afraid there might be retaliation. He is terrified,
6 he's trying to get somewhere safe because he's
7 thinking, based on everything that he knew at that
8 time, that they might be coming after him again.

9 And I say that because you put your -- you are a
10 reasonable man, you are a reasonable woman. You put
11 yourself in that position, so you take all those facts
12 and all those circumstances that were known to D.J. at
13 that moment, and those are what we are going to talk
14 about.

15 So where do we go from there? Mikey. Okay. So
16 let's pair up Mikey and Peter Piper, because they are
17 not telling the same story. I mean, we can agree on
18 that. He says, Peter Piper never got out of the car.
19 Well, Peter Piper tells you, oh, yeah, I got out of the
20 car.

21 You know, if you tell the truth, it stays the same
22 every time.

23 Now, what they do agree on is that the very first
24 shot that came from D.J. was aimed at and actually hit
25 the car, the Tahoe. And then you got Erik Black coming

CLOSING ARGUMENT BY THE STATE

1 in here and he says -- you know, sometimes I have to
2 climb a mountain. Sometimes it is a hurdle I have to
3 get over, but I do my best to get that information to
4 you.

5 So, he says, D.J., yeah, he was shot, he got shot
6 in the leg. He had been injured, it's hard for him to
7 move quickly, but here is the point. Mont threatened
8 D.J. I guarantee -- so, if all he will give you is,
9 you know, "You better keep your hands out of the cookie
10 jar," every single one of us knows the rest of that
11 sentence, "or else."

12 Now, Andrew White. D.J. shows up, they are
13 hanging out over there, and he's just finished going to
14 a job interview.

15 Reeshemah, she said D.J. was scared. Fredericka
16 says he's scared, he's panicked. You know, we're not
17 sure if there's going to be retaliation.

18 You are in a situation where the thought of
19 retaliation is very real.

20 Okay. So Zsamar, he said -- he took over 200
21 photos. The one photo of the hat that D.J. tells the
22 investigators he saw the guy wearing, that's in the
23 front passenger seat, did the State of South Carolina
24 give you that? No. They want to put that over here to
25 the side.

CLOSING ARGUMENT BY THE STATE

1 Where is the oath to seek the truth there?

2 Now, Bill says J.D., yeah, okay. So we found
3 D.J., he was in the shed.

4 Let me say this: Again, putting yourself in his
5 mind, who is coming after me? And he actually said, "I
6 was so glad when I saw you guys."

7 You remember him telling Fraser that, Man, Fraser,
8 I was so glad when it was y'all opening up the shed."

9 Draisen. Yeah, he said it's a complex case,
10 there's a lot of moving parts. The one witness, the
11 young kid in the house that testified, "I heard four
12 shots," and that bothered Draisen. It should bother
13 you as well. Because he couldn't match up. I got
14 three shell casings over here, I got another one over
15 here, none of these are weathered shell casings, and I
16 got a witness who is not in the yard that says they
17 heard four shots.

18 Now, SLED with GSR. How do you know Mikey is
19 lying again? Well, if you want to go down the path
20 that the Solicitor -- the prosecutor has given you, and
21 say, okay, well, Mikey testified he was right next to
22 Mont. So he's sitting in his chair right next to Mont,
23 that is what he told you. If Mont gets GSR on his
24 hands from being in the spray cone, then so does Mikey.
25 And they found no GSR on Mikey. They are lying.

CLOSING ARGUMENT BY THE STATE

1 Fraser testified, he told you, yeah, we have a DNA
2 lab here. There are a lot of things we can do when we
3 investigate cases.

4 Tim French, the DNA guy, was on there with the
5 slip. They didn't call him. You don't call people who
6 are bringing bad news for you, State of South Carolina.

7 Nelson, he dumped Manigo, Mont's, phone. There's
8 so much information in there, the contacts, the text
9 messages, the emails, those phone calls that D.J. told
10 him, hey, I think Mikey called Mont to come up in there
11 on me. How about take a look?

12 Now, here's the thing, I can't do that. I don't
13 have the power to go get a search warrant for that
14 document, or that phone. I can't do it. It is their
15 responsibility to do it.

16 And the autopsy testimony, I can't tell you what
17 the order of shots was. I don't know. So take those
18 facts and you say to yourself, well, what happened?
19 And here is the bigger question, why?

20 Okay. So, Mikey and Peter Piper clearly are not
21 telling you the truth. Do you get a feeling when you
22 hear Peter Piper say, I grew up with this man, he been
23 my best friend, we have come up together. You just saw
24 him get shot, and you leave him with a man who is in a
25 wheelchair, who can't help him, and you just haul on

CLOSING ARGUMENT BY THE STATE

1 down the road in your car, and you lay low for three
2 days? You don't go to the police. Oh, okay, was he
3 scared because of those gunshots? Okay. Go to the
4 cops. Go to the Sheriff's Department, where it's safe.
5 Say, hey, I was there. I saw what happened. I know
6 who was there.

7 No, you don't do that. They have to find you, and
8 I would say then, why? Why are you leaving, Peter
9 Piper? What are you taking with you? What someone or
10 something are you removing from the scene?

11 And you can also say to yourself, yes, because
12 this is the eyewitness testimony, if Mikey and Peter
13 Piper got together and built you, you, a bridge between
14 two mountain tops and said, okay, now, you can walk
15 across it. It is a mile down. If you hesitate to put
16 your foot on that bridge, that is reasonable doubt,
17 that's not guilty.

18 Go back and think about the prospect of a man who
19 has already shot you, a man who has threatened you, a
20 man you know to be armed at all times, a man who is a
21 full foot taller than you, over 100, 75 pounds heavier
22 than you are, coming up on you. You have no people
23 there, he does. You know, the baseball caps, never
24 collected, never processed.

25 MS. JONES: Your Honor, may we approach?

CLOSING ARGUMENT BY THE STATE

1 THE COURT: Counsel approach.

2 (Off-the-record discussion held.)

3 THE COURT: Proceed.

4 MS. CAMPBELL: So the Solicitor objected because
5 she felt that I was misleading you, and that I was
6 telling you that Mont had previously shot D.J. I am so
7 sorry if I have done that. I certainly didn't mean to
8 do that, and that is not the facts in evidence. I
9 would never do that under my oath.

10 Every man and woman in this courtroom deserves the
11 same treatment. Every man and woman has the same
12 constitutional rights. The same rights you expect that
13 if I am a Defendant, if I am a victim, that the persons
14 charged with investigating -- if my child, if my spouse
15 sits at that table, what kind of investigation do all
16 of us deserve for one another, for the rock solid
17 foundation that this courthouse rests on? Because, if
18 there's a crack in the foundation, if your verdict
19 doesn't speak the truth, the foundation of this
20 courthouse will be damaged, and it will not be there
21 should you need it.

22 I will say to you that don't -- you know, don't
23 look at me. Don't size me up and -- and know you got a
24 complex case, know you got evidence out there, and
25 don't get it. Don't look at me and say, yeah, I really

CLOSING ARGUMENT BY THE STATE

1 feel like I'm not getting the truth from these people,
2 but don't do anything about it, just let it go.

3 I took an oath, and I stand before you fulfilling
4 that oath. His Honor is going to tell you that
5 self-defense in South Carolina, as a reasonable person,
6 as you stand there on that night, the prior
7 difficulties of those individuals, Mont came to him.
8 There was a prior threat and difficulty with Mont.

9 Reasonable to fear being shot. Don't just -- not
10 just any fear. This is a man who previously had no
11 gun, who previously suffered the consequences of not
12 getting the drop, who previously walked the street and
13 suffered the injury.

14 The Google searches are about how to protect
15 himself. How do I protect myself when they come at me?
16 I will guarantee you that as a group, there's no
17 question in D.J.'s mind at that point that Mont was
18 strapped. It comes as somewhat of a surprise that the
19 gun was in the Tahoe, or one of the guns was in the
20 Tahoe.

21 Now, the burden of proof, again, for all of us, if
22 there's watering down of that, if it doesn't have the
23 same consequence, no matter who sits at that table,
24 it's damaging, because I can't possibly prove that I'm
25 innocent. No man can do that.

CLOSING ARGUMENT BY THE STATE

1 As I said before, I can't get the evidence nor
2 does the law require me to do so. How about when I
3 showed Fraser the picture. Oh, yeah, well, I couldn't
4 find any connections between Mont and J.D., but there
5 they are in a picture together on Facebook.

6 How about do some work, you know, before you
7 condemn this man. His Honor will tell you that the
8 fact that Dontarious did not take the stand cannot even
9 enter your mind. It can't be discussed whatsoever in
10 the jury room because, again, it's like -- it is the
11 Fifth Amendment right. You know, its like the freedom
12 of speech. My right to go buy a gun, to bear arms.
13 You can't allow pre-conceived notions to take that
14 away. It's inherent to how we live everyday.

15 There's an old English legal scholar philosopher
16 called Blackstone, and over the years a lot of other
17 writers and novelists and poets and presidents have
18 quoted Blackstone.

19 But what came to mind to me, when I was thinking
20 about this last night, was his axiom that better -- you
21 may know it -- better ten men, ten guilty men set free
22 than one innocent man condemned.

23 I'm going to ask you, you know, you guys -- we
24 talked about note pads during the trial. But I believe
25 if you needed note pads during your deliberations, you

CLOSING ARGUMENT BY THE STATE

1 could have them. You may want to jot something down
2 that one of your fellow jurors talk about. You may
3 want to make some notes of your own. So I encourage
4 you to consider that. Because I feel like once you
5 have considered the evidence in this case, and I'm
6 certainly not going to go through the jury charge, His
7 Honor is going to do that -- you don't want to hear it
8 twice -- there will come a moment when you say,
9 Mr. Foreman, to your fellow jurors, oh, I think we need
10 to take a vote.

11 And you will take that pad and you'll tear off a
12 piece of paper, and you will write down your vote, what
13 you think the decision should be, and you will fold it
14 up and pass it on down the line to your foreman. And
15 I'm hopeful that the foundation of this courthouse and
16 the presumption of innocence and the burden of proof
17 remains solid for all of us, and that when he opens
18 them, that they will read not guilty.

19 Thank you.

20 JURY CHARGE

21 THE COURT: Mr. Foreman, ladies and gentlemen of
22 the jury, it's now my duty to charge you on the law of
23 the case. The State of South Carolina has charged the
24 Defendant, Dontarious Wright, with murder in Indictment
25 Number 2017 GS 0701337 and possession of a weapon

JURY CHARGE

1 during the commission of a violent crime in Indictment
2 Number 2017 GS 0701338.

3 I remind you that the fact that the Defendant was
4 arrested, charged, and indicted in this case is not
5 evidence in this case, nor does it create any
6 presumption or inference of guilt.

7 The indictments are simply the formal written
8 instruments by which -- it contains the charges made
9 against the Defendant, but it's the formal document by
10 which the case is brought into this court.

11 To the indictment the Defendant has pled not
12 guilty. And that plea puts the burden on the State of
13 South Carolina to prove the Defendant guilty beyond a
14 reasonable doubt.

15 A person charged with committing a criminal
16 offense in South Carolina is never required to prove
17 himself innocent. I charge you, ladies and gentlemen,
18 it is an important rule of law that the Defendant in a
19 criminal trial, no matter what the seriousness of the
20 charge may be, will always be presumed to be innocent
21 of the crime for which the indictment was issued unless
22 guilt has been proven by evidence satisfying you of
23 that guilt beyond a reasonable doubt.

24 This presumption of innocence does not end when
25 you begin your deliberations, but it accompanies the

JURY CHARGE

1 Defendant throughout the trial until you, the jury,
2 reach a verdict of guilt based on evidence satisfying
3 you of that guilt beyond a reasonable doubt.

4 The presumption of innocence is not just a mere
5 legal theory. It's not just a legal phrase. It is the
6 substantial right to which every Defendant is entitled
7 unless you, the jury, are satisfied from the evidence
8 of the Defendant's guilt beyond a reasonable doubt.

9 What is a reasonable doubt in the law? A
10 reasonable doubt is the kind of doubt that would cause
11 a reasonable person to hesitate to act. The State has
12 the burden of proving the Defendant guilty beyond a
13 reasonable doubt. Some of you may have served in the
14 past as jurors in a civil case such as a contracts case
15 or a wreck case, where you were told in a civil case it
16 was only necessary to prove that a fact is more likely
17 true than not true. We call that burden of proof in a
18 civil case, by the greater weight or preponderance of
19 the evidence.

20 In a criminal case, such as the case here, the
21 State's proof must be more than that. It must be
22 beyond a reasonable doubt. Proof beyond a reasonable
23 doubt is proof that leaves you firmly convinced of the
24 Defendant's guilt.

25 Now, there are very few things in the world that

JURY CHARGE

1 we know with absolute certainty, and in criminal cases,
2 the law does not require proof that overcomes every
3 possible doubt.

4 If based on your consideration of the evidence you
5 are firmly convinced as a jury that the Defendant is
6 guilty of the crime or crimes charged, you must find
7 the Defendant guilty. If, on the other hand, you think
8 there is a real possibility that the Defendant is not
9 guilty, you must give the Defendant the benefit of the
10 doubt and find the Defendant not guilty.

11 I remind you, ladies and gentlemen, that during
12 this trial you and I have had certain duties to
13 perform. As trial judge it has been my responsibility
14 to preside over the trial of the case. I also have the
15 duty to rule on the admissibility of evidence offered
16 during the trial.

17 You are to consider only the competent evidence
18 before you. If there was any testimony ordered
19 stricken from the record in this case during this
20 trial, you must disregard that testimony.

21 You are to consider only the testimony which has
22 been presented from the witness stand, any exhibits
23 which have been introduced into evidence and made a
24 part of the record of this case, and if there were any,
25 any stipulations of counsel during the course of the

JURY CHARGE

1 trial.

2 I have the additional duty, as the presiding
3 judge, to charge you on the law that applies to this
4 case. As the presiding judge, I am the sole judge of
5 the law, and it is your duty as jurors to accept and to
6 apply the law as I now state it to you. If any of you
7 already have a preconceived idea or opinion about what
8 you think the law is, or what you feel the law ought to
9 be, and it does not agree with what I now tell you the
10 law is, you must abandon any of your preconceived ideas
11 or opinions, because you took an oath. And in that
12 oath, you swore or affirmed that you would accept the
13 law and apply the law exactly as I state it to you.

14 In every case tried in this courtroom before a
15 jury, as I've told you in the beginning, the jury
16 becomes the sole and the exclusive judge of the facts
17 in the case. A trial judge such as myself cannot
18 intimate, state, comment on, or make any statement to a
19 trial jury about the facts in a case.

20 Since you, the jury, are the sole judges of the
21 facts in this case, you are not to infer from what I
22 have said during the progress of this trial in ruling
23 on the admissibility of evidence or anything that I say
24 now, during the course of this instruction to you, that
25 I have any opinion whatsoever about the facts in this

JURY CHARGE

1 case. The law does not allow me to have an opinion
2 about the facts in this case. This is a matter solely
3 for you, the jury, to determine.

4 As jurors, it is your duty to determine the
5 effect, the value, the weight, and ultimately the truth
6 of any evidence that is presented during the trial of
7 the case.

8 Now, there are two types of evidence that are
9 generally presented during a trial, and like many
10 things in the law, we have names for those types of
11 evidence, general types of evidence. We call the two
12 general types of evidence direct evidence and
13 circumstantial evidence.

14 Direct evidence is the testimony of a person who
15 claims to have actual knowledge of a fact, such as an
16 eyewitness to an event. Direct evidence is evidence
17 which immediately establishes the main fact to be
18 proved.

19 Circumstantial evidence, as contrasted with direct
20 evidence, is proof of a chain of facts and
21 circumstances indicating the existence of a fact.
22 Circumstantial evidence is evidence which immediately
23 establishes collateral facts from which the main fact
24 may or may not be inferred.

25 Circumstantial evidence is based on inference and

JURY CHARGE

1 not on personal knowledge or personal observation. The
2 law makes absolutely no distinction between the weight
3 or the value to be given to either direct evidence or
4 circumstantial evidence. Nor is a greater degree of
5 certainty required of circumstantial evidence than of
6 direct evidence.

7 You, ladies and gentlemen of the jury, should
8 weigh and consider all the evidence in this case, both
9 direct and circumstantial. After weighing all the
10 evidence, if you are not convinced of the guilt of the
11 Defendant beyond a reasonable doubt, you must find the
12 Defendant not guilty.

13 On the other hand, after weighing, considering,
14 and hearing all the evidence in the case, both direct
15 and circumstantial, if you are convinced of the guilt
16 of the Defendant beyond a reasonable doubt, you must
17 find the Defendant guilty.

18 Necessarily, as I told you, part of your job, you
19 will have to determine the credibility, which simply
20 means the believability of the witnesses who have
21 testified in this case.

22 It becomes your duty, ladies and gentlemen, as
23 jurors to analyze and to evaluate the evidence, and
24 determine which evidence convinces you as a jury of its
25 truth.

JURY CHARGE

1 In determining the believability or credibility of
2 the witnesses who have testified in this case you may
3 believe one witness over several witnesses, or you may
4 believe several witnesses over one witness. You may
5 believe a part of the testimony of a witness, and
6 reject the remaining part of the testimony of that same
7 witness. You may believe the testimony of a witness in
8 its entirety, or you may reject the testimony of a
9 witness in its entirety.

10 You may consider whether any witness has
11 demonstrated or exhibited to you any interest, any
12 bias, any prejudice, or other motive in this case.

13 You may also consider what I told you we call the
14 demeanor of the witness, the appearance and manner of
15 the witness, while the witness is on the witness stand.

16 Anything that is in evidence, you, as a jury, have
17 the right to consider in deciding upon the credibility
18 or believability of the witnesses who have testified
19 during the trial of this case.

20 Now, there has been evidence presented that
21 witnesses have made prior statements which allegedly
22 are not consistent with the witness' present testimony
23 in court. You may decide, first of all, was there a
24 prior inconsistent statement, and you may use this
25 evidence to decide whether to believe the witness.

JURY CHARGE

1 You may also use evidence of a prior contradictory
2 statement, if you find it to be so, to determine the
3 truth of those statements. It is up to you, ladies and
4 gentlemen of the jury, to decide whether to believe the
5 earlier statement or a statement given at trial.

6 If a witness has shown to have knowingly testified
7 untruthfully concerning any material matter, you may
8 consider this also in determining whether to trust the
9 witness' testimony as to other matters. You may reject
10 all of the testimony of that witness or give all or
11 part of the testimony the weight you think it deserves.

12 As I told you during the trial, ordinarily we
13 don't allow a witness to come up on the witness stand,
14 take the oath, and say, let me tell you, ladies and
15 gentlemen of the jury, my opinion is so and so and my
16 conclusion is so and so. The rules of evidence
17 ordinarily do not permit witnesses to testify to
18 opinions or conclusions. An exception to our rule of
19 evidence exists for witnesses we call expert witnesses.

20 A witness who claims to, by education, training,
21 or experience, claims to have become an expert in some
22 art, science, or profession may give an opinion as to
23 the subject in which they claim to be an expert, and
24 may also give the reasons for the opinion, if qualified
25 by the Court.

JURY CHARGE

1 You should consider any expert opinion given by
2 any witness and, like any other witness, you give it
3 the weight as a jury you think it deserves. If you
4 decide that a witness' -- an expert witness' opinion is
5 not based on sufficient education, experience, or if
6 you decide that the reasons given in support of his or
7 her opinion are not sound, or that the opinion is
8 outweighed by other evidence, you may disregard the
9 opinion entirely.

10 An expert witness' opinion is to be given no
11 greater weight than that of other witnesses simply
12 because the witness is an expert. And you do not have
13 to accept an expert's opinion even though it is
14 uncontradicted.

15 I instruct you, ladies and gentlemen, and
16 emphasize the fact that the Defendant did not testify
17 is not a factor to be considered by you in any way in
18 your deliberations, and in your consideration on the
19 question of the guilt or innocence of the Defendant.

20 It must not be considered by you in any manner
21 whatsoever. A Defendant has the constitutional right
22 to remain silent, and the assertion of your
23 constitutional right to remain silent must not be
24 considered by you, the jury, in your deliberations.

25 I repeat, under the oath which each of you took,

JURY CHARGE

1 you are to draw no conclusion whatsoever from the fact
2 that the Defendant in this case did not testify. The
3 fact that the Defendant did not testify should not even
4 be discussed in your jury room.

5 The burden of proof, as I've stated to you, is on
6 the State of South Carolina. The Defendant is not
7 required to prove his innocence. The burden of proof
8 remains on the State to prove guilt beyond a reasonable
9 doubt.

10 I charge you, ladies and gentlemen, that a
11 statement alleged to have been made by the Defendant
12 has been admitted into evidence in this case. While
13 the Court has determined as a matter of law that the
14 statement is admissible, I instruct you that you make,
15 as a jury, the ultimate decision of whether or not the
16 Defendant made the statement. If you feel the
17 Defendant did make the statement, you must determine
18 whether the statement was made by the Defendant
19 voluntarily and of his own free will. This means that
20 the statement was not caused by pressure, force, fear,
21 threats, coercion, intimidation, or by hope of a
22 promise of leniency or reward of any kind.

23 In determining whether the statement was
24 voluntary, you should consider the characteristics of
25 the Defendant, the details of the questioning. Some of

JURY CHARGE

1 the factors you may consider, if introduced into
2 evidence during the trial of this case, are the age of
3 the Defendant, the Defendant's education or lack
4 thereof, the Defendant's mental ability or capacity,
5 the Defendant's IQ or intelligence, the Defendant's
6 background and environment, the place and length of
7 detention, the nature of the questioning, the advice or
8 lack thereof to the Defendant of his constitutional
9 rights, including but not limited to the right to
10 remain silent; that any statement could be used against
11 him in a court of law, the right to have a lawyer
12 present; and that if he could not afford a lawyer, a
13 lawyer would be appointed to represent him without any
14 cost; and that he could stop making a statement at any
15 time.

16 You must carefully consider, as a jury, all of the
17 surrounding circumstances before you give any weight to
18 an alleged statement. The State has the burden of
19 proving beyond a reasonable doubt that the alleged
20 statement was voluntary. If you determine it was, you
21 may give the statement any further consideration that
22 you deem proper.

23 You must decide what weight, if any, should be
24 given to the alleged statement. If you determine the
25 alleged statement was not the free and voluntary

JURY CHARGE

1 statement of the Defendant, then you should not
2 consider the statement at all.

3 I charge you, ladies and gentlemen of the jury,
4 that an issue in this case is the identification of the
5 Defendant as the perpetrator of the crimes charged.
6 The State of South Carolina has the burden of proving
7 the identity of a Defendant beyond a reasonable doubt.

8 You must be satisfied beyond a reasonable doubt of
9 the accuracy of the identification of a Defendant
10 before you may convict the Defendant.

11 Identification testimony is an expression, belief,
12 or an impression by a witness. You must determine the
13 accuracy of the identification of the Defendant. You
14 must consider the believability of each identification
15 witness in the same way as any other witness. You may
16 consider whether any witness had an adequate
17 opportunity to observe the offender at the time of the
18 offense. This might be affected by things like how
19 long or short of time was available, how far or close
20 the witness was, the lighting conditions, time of day,
21 whether the witness had the chance to see or know the
22 person in the past.

23 Once again, I charge you and instruct you, ladies
24 and gentlemen, the burden of proof is on the State of
25 South Carolina. It extends to every element of the

JURY CHARGE

1 crime or crimes charged, and this specifically includes
2 the burden of proving beyond a reasonable doubt the
3 identity of the Defendant as the person who committed
4 the crime.

5 If after examining the testimony, you have as a
6 jury a reasonable doubt as to the accuracy of the
7 identification, you must find the Defendant not guilty.

8 Now, the indictments in this case charge the
9 Defendant with two separate offenses, and I'm going to
10 have instructions, Mr. Foreman, on your verdict form,
11 but I'm going to explain it to you now.

12 Mr. Dontarious Wright is charged in one indictment
13 with murder, and a second indictment with possession of
14 a weapon during the commission of a violent crime.
15 Each charge is a separate and distinct offense, and you
16 must decide each charge separately on the evidence and
17 on the law that applies to it.

18 If you find the Defendant guilty of murder or
19 voluntary manslaughter in this case, then you may also
20 find the Defendant either guilty or not guilty of
21 possession of a weapon during the commission of a
22 violent crime.

23 If you find the Defendant not guilty of murder and
24 voluntary manslaughter in this case, then you cannot
25 find the Defendant guilty of possession of a weapon

JURY CHARGE

1 during the commission of a violent crime.

2 You will be asked to write a separate verdict of
3 guilty or not guilty for each charge following the
4 instructions on your verdict form.

5 Now, I charge you, ladies and gentlemen, that
6 because we are in criminal court, in order to establish
7 criminal liability, or criminal responsibility,
8 criminal intent is required.

9 For example, criminal intent is the mental state
10 required to be proven by the State for a particular
11 crime. Let me give you some examples of criminal
12 intent. It might be knowledge, purpose, recklessness,
13 negligence, criminal -- those are examples of criminal
14 intent. Malice is also an example of criminal intent.

15 Criminal intent must be proven by the State beyond
16 a reasonable doubt. Criminal intent is always a matter
17 that must be determined by the jury from the
18 circumstances surrounding the situation based on
19 evidence introduced during the trial of the case.

20 Now, there is no way, ladies and gentlemen, to
21 prove intent to a mathematical certainty. There is no
22 way, ladies and gentlemen, that medical science can
23 dissect a person's brain and tell what that person had
24 in mind.

25 So the law says, ladies and gentlemen, the law

JURY CHARGE

1 states that criminal intent may be inferred from the
2 circumstances shown to have existed based on evidence
3 introduced during the trial of the case. This is how
4 you, as a jury, make a determination of whether or not
5 any element in a crime requiring intent was present.

6 It is not necessary to prove intent by a positive
7 or direct evidence. Intent may be established by
8 inference in the same way as any other fact, by taking
9 into consideration the acts of the parties and all the
10 facts and circumstances of the case based on evidence
11 introduced during the trial of the case.

12 Criminal intent is a mental state. It is a
13 conscious wrongdoing. It is up to you to determine
14 what the Defendant intended to do based on the
15 circumstances shown to have existed.

16 Now, in this case, ladies and gentlemen, the
17 Defendant has raised the issue of self-defense.
18 Self-defense is a complete defense, and if it is
19 established, you must find the Defendant not guilty.

20 The State has the burden of disproving
21 self-defense by proof beyond a reasonable doubt. If
22 you have a reasonable doubt of the Defendant's guilt
23 after considering all the evidence in this case,
24 including any evidence of self-defense, then you must
25 find the Defendant not guilty.

JURY CHARGE

1 On the other hand, if you have no reasonable doubt
2 of the Defendant's guilt after considering all the
3 evidence in the case, including any evidence of
4 self-defense, then you must find the Defendant guilty.

5 The following elements are required to establish
6 self-defense. Number one, and first, the Defendant
7 must be without fault in bringing on the difficulty.
8 If the Defendant's conduct was the type which was
9 reasonably calculated to and did provoke a deadly
10 assault, the Defendant would be at fault in bringing on
11 the difficulty, and would not be entitled to an
12 acquittal based on self-defense.

13 The second element -- and you must have all the
14 elements of self-defense -- the second element of
15 self-defense is that the Defendant was actually in
16 imminent danger of death or serious bodily injury, or
17 that the Defendant actually believed he was in imminent
18 danger of death or serious bodily injury. If the
19 Defendant was actually in imminent danger of death or
20 serious bodily injury, it must be shown that the
21 circumstances would have warranted a person of ordinary
22 firmness and courage to strike the fatal blow to
23 prevent death or to prevent serious bodily injury.

24 If the Defendant believed he was in imminent
25 danger of death or serious bodily injury, it must be

JURY CHARGE

1 shown from the evidence that a reasonably prudent
2 person of ordinary firmness and courage would have had
3 the same belief.

4 In deciding whether the Defendant actually was or
5 believed he was in imminent danger, you should consider
6 all the facts and circumstances surrounding the crime
7 including the physical condition and characteristics of
8 the Defendant and the victim.

9 Evidence of prior difficulties between the person,
10 Defendant and the victim, may be considered in deciding
11 whether a threat existed, whether the Defendant had a
12 reason to believe a threat existed, and how serious
13 that threat was.

14 The Defendant does not have to show that he was
15 actually in danger. It is enough that the Defendant
16 believed he was in imminent danger and a reasonably
17 prudent person of ordinary firmness and courage would
18 have had the same belief. The Defendant has the right
19 to act on appearances, even though the Defendant's
20 belief may have been mistaken.

21 It is up for you to decide whether the Defendant's
22 fear of immediate danger of death or serious bodily
23 injury was reasonable, and would have been felt by an
24 ordinary person if faced with the same or similar
25 situation.

JURY CHARGE

1 Words accompanied by a hostile act may, depending
2 on the circumstances, establish self-defense.

3 The final element of self-defense is that the
4 Defendant had no other probable way to avoid the danger
5 of death or serious bodily injury than to act as the
6 Defendant did in this particular instance.

7 A person cannot be required to make an exact
8 calculation as to the degree or amount of force which
9 may be needed to avoid death or serious bodily harm.
10 Therefore, in self-defense, the Defendant has the right
11 to use the force needed to avoid death or serious
12 bodily harm.

13 The force used in self-defense does not have to be
14 limited to the degree or amount of force used by the
15 victim. The Defendant has the right to use so much
16 force as appeared to be necessary for complete
17 self-protection, and which a person of ordinary reason
18 and firmness would have believed to be needed to
19 prevent death or serious bodily harm.

20 If the Defendant is justified in defending himself
21 and in firing the first shot, then the Defendant is
22 also justified in continuing to shoot until it is
23 apparent that the danger of death or serious bodily
24 injury has completely ended.

25 I charge you, ladies and gentlemen, that the

JURY CHARGE

1 Defendant, in the first indictment, is charged with the
2 offense of murder. For this offense, the State must
3 prove beyond a reasonable doubt that the Defendant
4 killed another person with malice aforethought.

5 Malice is hatred. It is ill will. It is
6 hostility towards another person. It is the
7 intentional doing of a wrongful act without just cause
8 or excuse, and with an intent to inflict an injury, or
9 under the circumstances the law will infer an evil
10 intent.

11 Malice aforethought does not require that malice
12 exists for any particular time before the act is
13 committed, but malice must exist in the mind of the
14 Defendant just before and at the time the act is
15 committed. Therefore, there must be a combination of
16 the previous evil intent or ill will or hostility and
17 the act itself.

18 Malice aforethought may be expressed or inferred.
19 These terms, express and infer, do not mean different
20 kinds of malice, but merely the manner in which malice
21 may be shown to exist. That is, either by direct
22 evidence or by inference from the facts and
23 circumstances which are proved.

24 Expressed malice is shown when a person speaks
25 words which express hatred or ill will or hostility for

JURY CHARGE

1 another, or when a person prepares beforehand to do the
2 act which was later accomplished.

3 For example, lying in wait for a person, or any
4 other act of preparation going to show that the deed
5 was within the Defendant's mind would be expressed
6 malice.

7 Malice may be inferred from conduct showing a
8 total disregard -- a total disregard for human life.
9 Inferred malice -- malice may be inferred under the
10 circumstances in which there is evidence showing
11 conduct which shows a total disregard for human life.

12 If you find that the State has failed to prove
13 beyond a reasonable doubt that the Defendant committed
14 murder, you may consider whether the State has proven
15 beyond a reasonable doubt that the Defendant committed
16 voluntary manslaughter. Included within the offense of
17 murder, the indictment for murder is the lesser offense
18 of voluntary manslaughter.

19 To prove voluntary manslaughter, the State must
20 prove beyond a reasonable doubt that the Defendant took
21 the life of another in the sudden heat of passion based
22 on sufficient legal provocation. Both heat of passion
23 and sufficient legal provocation must be present at the
24 time of the killing to constitute voluntary
25 manslaughter.

JURY CHARGE

1 Sudden heat of passion may, for a time, affect a
2 person's self-control and temporarily disturb a
3 person's reason. The sudden heat of passion must be
4 the type that would make an ordinary person unable to
5 coolly reflect on his actions, and would produce an
6 uncontrollable impulse to do violence.

7 Sufficient legal provocation must be the type that
8 would make a person of ordinary reason and caution
9 become enraged, and to lose control temporarily. The
10 provocation needed for voluntary manslaughter must come
11 from some act of or related to the victim.

12 Words alone, however vulgar or insulting, are not
13 enough to be legal provocation.

14 The exercise of a legal right, no matter how
15 offensive it is to another, is never sufficient legal
16 provocation for voluntary manslaughter.

17 If the heat of passion had cooled, or if there was
18 enough time between the provocation, if any, and the
19 killing for the passing of a reasonable person to cool,
20 the killing would not be voluntary manslaughter.

21 In deciding whether a reasonable person would have
22 had enough time to cool off, you should, as a jury,
23 consider all the circumstances surrounding the killing.
24 You may consider the nature, if any, of the
25 provocation, the Defendant's mental and physical state,

JURY CHARGE

1 and the circumstances and relationships between the
2 parties.

3 I charge you, ladies and gentlemen, that the
4 Defendant is charged in a second indictment with the
5 offense of possession of a weapon during the commission
6 of a violent crime.

7 The State must prove for this offense beyond a
8 reasonable doubt that the Defendant was in possession
9 of a firearm, or visibly displayed what appeared to be
10 a firearm during the commission of a violent crime.

11 A firearm means any machine gun, automatic rifle,
12 revolver, pistol, or any weapon which will, is designed
13 to, or may be readily converted to expel a projectile.

14 In order to find the Defendant guilty of
15 possession of a weapon during the commission of a
16 violent crime, you must first find the Defendant guilty
17 of either committing a violent crime or attempting to
18 commit a violent crime.

19 I charge you, ladies and gentlemen, that both
20 murder and voluntary manslaughter are violent crimes
21 under the laws of the State of South Carolina.

22 The State must prove beyond a reasonable doubt
23 that the weapon furthered, advanced, or helped in the
24 commission of the crime.

25 Now, Mr. Foreman, I have prepared a verdict form

JURY CHARGE

1 for you. Pay absolutely no attention to the order,
2 ladies and gentlemen, in which I wrote the forms of
3 verdict. I, obviously, had to write one before the
4 other, so the order has no significance whatsoever.

5 I've captioned the case for it, it says, "State of
6 South Carolina, County of Beaufort, in the Court of
7 General Sessions, 14th Circuit," I put the indictment
8 numbers, I put "Verdict Form."

9 Question 1: We, the jury, by unanimous consent,
10 find Dontarious Wright on the charge of murder, in
11 Indictment Number 2017 GS 0701337, and the first form
12 of verdict under question one is guilty of murder.

13 Mr. Foreman, if that be your verdict, you would
14 place a checkmark on the line beside that form of
15 verdict.

16 The second form of verdict under Question 1 is not
17 guilty of murder. If that be your form of verdict by
18 unanimous consent, Mr. Foreman, you would place a
19 checkmark by that line saying not guilty of murder as
20 the form verdict.

21 Then I wrote you some instructions on Page 2. If
22 you find the Defendant, Dontarious Wright, guilty of
23 murder, then you don't even answer Question 2, which is
24 the lesser included offense of voluntary manslaughter.

25 If you find the Defendant, Dontarious Wright, not

JURY CHARGE

1 guilty of murder, then you must answer Question 2.

2 Question 2: We, the jury, by unanimous consent,
3 find the Defendant, Dontarious Wright, the first form
4 of verdict under Question 2, guilty of the lesser
5 included offense of voluntary manslaughter.

6 If that be your form of verdict, and you have
7 answer Question 2, you would check on the line beside
8 that form of verdict, Mr. Foreman.

9 Second form of verdict under Question 2, is not
10 guilty of the lesser included offense of voluntary
11 manslaughter. If that be your form of verdict, you
12 would check on the line beside that form of verdict.

13 You must find one form of verdict or the other.
14 You can't find can't both, Mr. Foreman.

15 Then I wrote you some more instructions at the
16 bottom of Page 2 of your verdict form. If you find the
17 Defendant not guilty of murder, and not guilty of
18 voluntary manslaughter, then you must find the
19 Defendant, in Question 3, not guilty.

20 If you find the Defendant guilty of murder or
21 guilty of voluntary manslaughter, then you must answer
22 Question 3.

23 Question 3: We, the jury, by unanimous consent,
24 find Dontarious Wright, on the charge of possession of
25 a weapon during the commission of a violent crime, in

JURY CHARGE

1 Indictment Number 2017 GS 0701338, the first form of
2 verdict, if you have to answer Question 3, is guilty of
3 possession of a weapon during the commission of a
4 violent crime.

5 The second form of verdict under Question 3 is not
6 guilty of possession of a weapon during the commission
7 of a violent crime. You would check one form of
8 verdict or the other, Mr. Foreman, for the entire jury
9 in answering Question 3. You cannot check both.

10 You will then date the form. I have already put
11 in March 2019 in Beaufort, and you would sign your name
12 on the third page as foreperson to certify the results
13 that you placed on the verdict form.

14 When you have reached a verdict, you will knock on
15 your jury room door, inform the bailiff that you
16 reached a verdict, and we will bring you back out into
17 the courtroom to publish your verdict.

18 Now, Mr. Foreman and ladies and gentlemen of the
19 jury, your verdict must be unanimous. It must be the
20 verdict of each and every one of you. All 12 of you
21 must agree on a verdict.

22 I've now charged you on the law, in order to help
23 guide you to a fair and just -- to a fair and just
24 result in this case. You are the judges of the facts
25 in this case, and based on your determination of the

JURY CHARGE

1 facts from the evidence introduced during the trial of
2 the case, and the law as I have just explained it to
3 you, you are soon going to begin your deliberations in
4 your jury room.

5 Each of you were selected as fair and impartial
6 jurors. You are sworn to fairly and impartially try
7 and determine the facts of this case, and when you
8 comply with your oath, no one can criticize your
9 verdict.

10 You are to decide this case based solely on the
11 testimony you have heard from the sworn witnesses who
12 have testified before you, along with the evidence such
13 as the exhibits that have been entered into evidence
14 during the trial of this case. And if there were any
15 stipulations entered into, you would consider those
16 during the trial of this case.

17 You must decide the issues in this case without
18 any bias, without any prejudice toward either party in
19 this case. You cannot allow yourself to be governed by
20 prejudice for or against any person. You can't allow
21 yourself to be governed by public opinion or by any
22 other arbitrary factor that is not in evidence during
23 the trial of the case. Both the Defendant and the
24 State of South Carolina have the absolute right to
25 expect that each of you on this jury will carefully and

JURY CHARGE

1 impartially consider all of the evidence in this case,
2 and that you will follow the law as I've instructed it
3 to you to be in reaching your verdict in this case.

4 Now, Mr. Foreman, and ladies and gentlemen of the
5 jury, I'm going to ask you to retire to your jury room.
6 Do not begin your deliberations. When it is time I
7 will send one of the bailiffs in with your verdict form
8 and all the exhibits which have been introduced during
9 the trial of the case, and I will have the bailiff
10 instruct you, you may then commence your deliberation.

11 I may have to bring you back out for some
12 additional instruction.

13 Please retire to your jury room at this time. My
14 alternates remain in the courtroom with me, please.

15 (The jury exits the courtroom.)

16 THE COURT: Please be seated. Any exceptions or
17 additions to the charge from the State of South
18 Carolina?

19 MS. JONES: No, Your Honor.

20 THE COURT: From the Defendant?

21 MS. CAMPBELL: Just those previously stated,
22 Your Honor.

23 THE COURT: The ones that you've already put on
24 the record?

25 MS. CAMPBELL: Yes, sir. Nothing new.

JURY CHARGE

1 THE COURT: You're welcome.

2 All right. Now, I'm going to ask you, and I have
3 ruled on those, Ms. Campbell. I've asked you to come
4 forward, and with the court reporter, go through the
5 exhibits. I want you both to state to me after you
6 have done so you are satisfied the court reporter has
7 all the exhibits, you're satisfied that my gun is still
8 in a safe position and can't be used by the jury. I
9 actually have -- I know y'all are going to find this
10 flabbergasting, but we had a jury who we put bullets
11 in, live bullets in a gun, and they got through the
12 lock and loaded the gun in the jury room.

13 So we try to be extremely careful about that.

14 Then I want you to certify that you have no
15 objection to the bailiff taking all the exhibits and
16 the verdict form into the jury and telling the jury
17 they may now commence their deliberations.

18 Now, I watched all three of you during this trial,
19 and I know all of you want to get home. I can look at
20 your faces and tell. I've kept you until Wednesday,
21 and what did I promise you? That I'd get you home
22 early.

23 No one became ill or for any reason could not
24 continue with serving on the jury, so I didn't have to
25 use one of you during this trial, and you see we worked

JURY CHARGE

1 straight through to try to complete it as soon as we
2 could.

3 On behalf of Beaufort County and this Court, I
4 want to thank you for your service. I told you in a
5 minute, before we started, without you, justice cannot
6 be accomplished in a courtroom. And I very much thank
7 you.

8 Ask yourself this: If one of you was on trial in
9 this court this week, wouldn't you want someone like
10 yourself to have given of their time to serve on the
11 jury?

12 (Alternates indicate.)

13 THE COURT: So when your time comes, ladies and
14 gentlemen, don't hesitate. We need good jurors. We
15 need people just like you who are willing to give of
16 their time to serve on the jury.

17 You got a work excuse for them?

18 THE CLERK: The bailiffs do, yes, sir.

19 THE COURT: The bailiffs will have a work excuse
20 if anybody needs.

21 Now, you can't go back in your jury room. Does
22 everybody have all their belongings?

23 He'll get them for you before you leave, but I
24 can't let you all back in there.

25 Is the state satisfied that court reporter has all

JURY CHARGE

1 of the exhibits?

2 MS. JONES: Yes, Your Honor.

3 THE COURT: Do you have any objection to the
4 bailiffs taking the exhibits and the verdict form,
5 which you have approved, into the jury and telling the
6 jury that they have now commence their deliberations?

7 MS. JONES: No, Your Honor.

8 THE COURT: All right. Is the Defendant satisfied
9 that the court reporter has all of the exhibits?

10 MS. CAMPBELL: Yes, Your Honor.

11 THE COURT: Does Defendant have any objection to
12 the bailiff taking all of the exhibits and the jury
13 verdict form into the jury room and telling the jury
14 that they may now commence their deliberations?

15 MS. JONES: None.

16 THE COURT: All right, sir, take them in.

17 (Jury deliberations begin.)

18 THE COURT: I'm advised by the bailiffs that the
19 jury has reached a verdict. Anything from the State
20 before we publish the verdict?

21 MS. JONES: No, Your Honor.

22 THE COURT: Anything from the defense?

23 MS. CAMPBELL: None, Your Honor.

24 THE COURT: All right. If I have got anybody else
25 that wants to come in, let them in and that is it.

JURY CHARGE

1 Anybody out there wanting to come in? Ladies and
2 gentlemen, I'm happy for you to stay in here while we
3 publish the verdict, but I do not allow any type of
4 emotional outbursts of any kind. If you can't control
5 your emotions, get up and step out now because I am
6 going to enforce that with the contempt powers of this
7 court. This jury deserves respect for their verdict,
8 regardless of what it is. And I do not allow any type
9 of outbursts. No, Awe, nothing. Everybody understand
10 that?

11 MS. JONES: Yes.

12 THE COURT: All right. Bring us the jury.

13 THE BAILIFF: Yes, Your Honor.

14 The jury is entering the courtroom, Your Honor.

15 THE COURT: Please rise. The jury is entering.

16 (The jury enters the courtroom at 4:20 p.m.)

17 THE COURT: Please be seated. Mr. Foreman, has
18 the jury reached a verdict?

19 THE FOREMAN: We have, Your Honor.

20 THE COURT: If you will give it to the one of my
21 bailiffs, he will bring it up to me. You may publish
22 the verdict. The Defendant will please rise with
23 counsel.

24 THE CLERK: In the case of the State of South
25 Carolina versus Dontarious Wright, Defendant. We the

VERDICT

1 jury, by unanimous consent, find Dontarious Wright on
2 the charge of murder, indictment number 2017GS0701337,
3 guilty of murder.

4 THE COURT: Ladies and gentlemen of the jury, if
5 that be your verdict as published by the clerk, please
6 signify by raising your right hand at this time.

7 (Jurors comply.)

8 THE COURT: Let the record reflect that 12 hands
9 were raised. Ms. Campbell, anything further from the
10 jury? Oh I am sorry, you had another verdict. I
11 apologize, there is another verdict form on there.

12 THE CLERK: We the jury, by unanimous consent,
13 find Dontarious Wright of the charge of possession of a
14 weapon during the commission of a violent crime in
15 indictment number 2017GS0701338, guilty.

16 THE COURT: If that be your verdict as to
17 possession of a weapon during the commission of a
18 violent crime, guilty, please signify by raising your
19 right hand.

20 (Jurors comply.)

21 THE COURT: Let the record reflect that 12 hands
22 were raised. Ms. Campbell, anything further from this
23 jury before I excuse the jury?

24 MS. CAMPBELL: On behalf of my client I would ask
25 that the jury be individually polled, Your Honor.

VERDICT

1 THE COURT: Very well. All right, Mr. Clerk, I am
2 going to have you call out the names. Ladies and
3 gentlemen, listen carefully, the clerk is going to call
4 your name out. When your name is called out, please
5 stand. The clerk is going to ask you two questions:
6 Was that your verdict as published? Is that still your
7 verdict? And you will answer yes or no to each
8 question. Everyone understand?

9 Mr. Clerk, poll the jury, as requested by defense
10 counsel.

11 THE CLERK: Roger Arn, is that your verdict?

12 THE JUROR: Yes, sir.

13 THE CLERK: Is that still your verdict?

14 THE JUROR: Yes.

15 THE CLERK: You can be seated.

16 Jeffrey Maylum, is this your verdict?

17 THE JUROR: Yes, sir.

18 THE CLERK: Is it still your verdict?

19 THE JUROR: Yes.

20 THE CLERK: Be seated please.

21 Nicholas Cutler, is this your verdict?

22 THE JUROR: Yes, sir.

23 THE CLERK: Is it still your verdict?

24 THE JUROR: Yes.

25 THE CLERK: Be seated please.

VERDICT

1 John Shea, is this your verdict?
2 THE JUROR: Yes, sir.
3 THE CLERK: Is it still your verdict?
4 THE JUROR: Yes.
5 THE CLERK: Be seated please.
6 Jill Rackliff, is this your verdict?
7 THE JUROR: Yes, sir.
8 THE CLERK: Is it still your verdict?
9 THE JUROR: Yes.
10 THE CLERK: Be seated please.
11 Richard Phelps, is this your verdict?
12 THE JUROR: Yes, sir.
13 THE CLERK: Is it still your verdict?
14 THE JUROR: Yes.
15 THE CLERK: Be seated please.
16 Nicholas Coen, is this your verdict?
17 THE JUROR: Yes.
18 THE CLERK: Is it still your verdict?
19 THE JUROR: Yes.
20 THE CLERK: Be seated please.
21 Tiffany Sonn, is this your verdict?
22 THE JUROR: Yes.
23 THE CLERK: Is it still your verdict?
24 THE JUROR: Yes.
25 THE CLERK: Be seated please.

VERDICT

1 William Griffith, is this your verdict?
2 THE JUROR: Yes.
3 THE CLERK: Is it still your verdict?
4 THE JUROR: Yes.
5 THE CLERK: Be seated please.
6 Mathew Smith, is this your verdict?
7 THE JUROR: Yes.
8 THE CLERK: Is it still your verdict?
9 THE JUROR: Yes.
10 THE CLERK: Thank you. Be seated please.
11 Linda Houston, is this your verdict?
12 THE JUROR: Yes.
13 THE CLERK: Is it still your verdict?
14 THE JUROR: Yes.
15 THE CLERK: Be seated please.
16 Shaun McTernan, if I am pronouncing that right, I
17 am sorry. Is it still your verdict?
18 THE JUROR: Yes.
19 THE CLERK: Is that your verdict?
20 THE COURT: Start all over. Let him ask you.
21 THE CLERK: I will start at the beginning. Is
22 that your verdict?
23 THE JUROR: Yes.
24 THE CLERK: Is it still your verdict?
25 THE JUROR: Yes.

VERDICT

1 THE COURT: The jury has been polled and the
2 verdict stands. Anything else for the jury before I
3 excuse the jury?

4 MS. CAMPBELL: Not for the jury.

5 THE COURT: All right. I'll hear you in a minute.

6 THE COURT: Mr. Foreman, ladies and gentlemen of
7 the jury, remember what I promised you now. This
8 concludes your service. The bailiffs have a work
9 excuse if anyone needs a work excuse for serving on the
10 jury. You are now excused for the balance of the week.
11 My law clerk is coming to you, Mr. Foreman, so you can
12 sign the same words on the verdict form.

13 Now, sentencing in this case is going to take
14 place in just a couple of minutes. I invite you if you
15 would like to stay for sentencing, that is the Court's
16 province not yours. I will be happy for you to stay in
17 the jury box if you want to, or if you want to go out
18 and sit in the public area of the courthouse you can,
19 or you can leave.

20 On behalf of Beaufort County and this court, all
21 that a Judge can ask of each of you is that you listen.
22 And I have watched all 12 of you for the last three
23 days and each of you paid close attention. And I want
24 to thank you for that service in this case. I never
25 quarrel with a jury's verdict. I told you before we

VERDICT

1 began that I believe that juries gets it right most
2 often and they do. And I want you to know how much I
3 appreciate your service.

4 All right, Mr. Foreman, you have now written on
5 the indictments, which I hand to the clerk along with
6 the verdict form. Anybody have any problem with their
7 jury service that they want to tell me about? Did we
8 treat you okay? Any suggestion you have to me as to
9 how -- I'm always looking for a way to make it better.

10 JUROR: Fix the microphones.

11 THE COURT: What I need y'all to do, I need you to
12 write the clerk's office and tell the clerk that we
13 need better microphone systems Beaufort. We don't even
14 have a portable mike. Every other one of my other
15 counties have a portable mike. You notice how hard it
16 is when a person comes down there -- now, she didn't
17 complain, she's good and she has a lot better ears than
18 I do. But the truth is the court reporters have the
19 hardest time when you don't have good amplification,
20 and the jury. And if y'all can't hear we can't have
21 justice.

22 So, please, write a letter. Write a letter to
23 your county councilmen and tell them that we need a new
24 amplification system in Beaufort, because we do. I
25 don't know how old it is, but it's been here ever since

VERDICT

1 I have been here and I have been a judge since 2000 and
2 I am in my 19th year right now. And Norm says that
3 he's been here -- where's norm?

4 THE BAILIFF: Right here, 13 years.

5 THE COURT: Thirteen years he's been here, so it
6 dates both of us. And I want to thank you for your
7 service. If you would like to stay right there, you
8 can. If you want to leave you may leave the courtroom
9 at this time. Whatever you want to do. Let me come
10 down and shake your hand, Mr. Foreman. Thank you so
11 much for your service.

12 (Judge thanks the jurors as they exit the
13 courtroom.)

14 THE COURT: In case y'all don't know it, we can't
15 survive without Mona. Think about it. The lawyers
16 know this, and most of you that are not members of the
17 legal profession, if we don't have a court reporter,
18 the court is down. Most people think you need the
19 Judge and you need the jury, but you need both of the
20 them, but you obviously need the court reporter just as
21 badly. You can't have court without them.

22 And you tell me when you're ready.

23 (Indicates.)

24 THE COURT: Ms. Campbell, I understand there are
25 post verdict motions on behalf of the Defendant?

VERDICT

1 MS. CAMPBELL: May it please the Court, Your
2 Honor, yes.

3 At this point, I would make a motion for a new
4 trial on behalf of my client. On the basis for that
5 motion, the first basis would be that the verdict, as
6 delivered by the jury, was not supported by the
7 evidence in this case.

8 I would add to that, that 35 minutes on an
9 extremely complicated complex murder trial, with 60-odd
10 exhibits, wouldn't demonstrate the necessary time and
11 deliberation of the evidence in this case to reach a
12 verdict demonstrative of actually engaging with the
13 evidence in the case and with one another.

14 As I said, the jury went out at 3:40, they came in
15 at 4:15. So it's actually less than 35 minutes. They
16 notified, obviously, the bailiff. So what we are
17 talking about is 30 minutes. So 30 seconds on an
18 exhibit, at best.

19 The second basis would be, of course, that the
20 Court erred in failing to grant Mr. Wright's pretrial
21 motion in reference to the Castle Doctrine, and that
22 that the Court erred in failing to grant Defendant's
23 directed verdict motions.

24 And lastly that the Court erred in failing to
25 charge the portion of self-defense that we felt was

VERDICT

1 most critical to our defense. And the record is clear
2 on what that phrasing was of the law, and it is an
3 exhibit in the case.

4 Thank you, Your Honor.

5 THE COURT: Thank you.

6 Solicitor, do you want to be heard?

7 MS. JONES: Thank you, Your Honor.

8 Respectfully, I feel the jury did do their job as
9 instructed by Your Honor. They were adequately charged
10 in this case.

11 There was adequate direct, as well as
12 circumstantial evidence, to give us the verdict that
13 they reached today. I would refer to my prior argument
14 for my Stand Your Ground Motion, as well as directed
15 verdict motion. I feel that there is -- there was no
16 mistake at all, and that a new trial should not be
17 granted.

18 THE COURT: As to your motion for new trial,
19 Ms. Campbell, on each of the grounds, I respectfully
20 deny your motion. There is -- I'm not certain that I
21 can point off the top of my head to a criminal case,
22 but I can certainly point to a civil case in which the
23 Court of Appeals, the trial judge did exactly what you
24 just asked me to do. The trial judge exercised in the
25 civil case their authority as the 13th juror, which

VERDICT

1 effectively hangs the jury and creates a mistrial as
2 the jury returned the verdict on the basis of the trial
3 judge didn't think there had been sufficient
4 deliberations, just as you just argued to me. And in
5 that civil case, the jury deliberated some 30 to 35
6 minutes before returning the verdict.

7 The Court of Appeals summarily reversed the trial
8 court for granting that new trial motion saying that
9 the problems and timing of the jury's deliberations
10 should be left to the discretion of the jury, and not
11 by some outside source trying to judge its objectivity
12 based on time.

13 So I would certainly decline your motion for new
14 trial, just based on the length of jury deliberations.

15 As to my rulings on the motion for directed
16 verdict, I obviously, at your request, charged
17 self-defense, and I charged it in its entirety, and
18 added two more things to my self-defense charge.

19 I also charged, at your request, the lesser
20 included offense of voluntary manslaughter. I believe
21 this jury weighed considerably the evidence in this
22 case. I felt they gave it sufficient time.

23 Clearly there was ample evidence that the jury
24 could have convicted your client. And for those
25 reasons, your motion for a new trial are respectively

VERDICT

1 denied.

2 Let me have a sentence sheet. You and your client
3 come around for the sentencing.

4 SENTENCING

5 THE COURT: All right. I have heard the evidence
6 in this case. I'll be happy now, Solicitor, to hear
7 from you and then I'll hear your response,
8 Ms. Campbell, on behalf of your client. And I'll
9 certainly listen to your client with regards to
10 sentencing, if you'd like.

11 Yes, ma'am.

12 MS. JONES: Thank you, Your Honor.

13 Your Honor, you've heard all of the evidence in
14 the case. I wholeheartedly believe the jury got this
15 one right, especially given the opportunity to weigh
16 the evidence of the lesser included as well as
17 self-defense charge.

18 This is not Mr. Wright's first time in a
19 courtroom, by any stretch of the means. He does have a
20 prior record.

21 In 2016, assault with intent to kill.

22 2012, assault and battery third degree.

23 Another 2012, fleeing to evade.

24 2012, Petty larceny.

25 And a 2016 strong arm robbery.

SENTENCING

1 My apologies. The assault was from 2010.

2 I think what this record shows is that throughout
3 Mr. Wright's adult life, his criminal behavior has done
4 nothing but escalate. He started with petty larcenies,
5 assault and battery third. He escalated to assault
6 with intent to kill, a strong arm robbery, and is now,
7 here we are, and he stands before you convicted of
8 murder.

9 Additionally, I would like to show the Court some
10 photographs that were taken off of Mr. Wright's cell
11 phone. The most important one, I believe, would be the
12 first one, Your Honor, and I can certainly mark these.

13 THE COURT: Have you shown them to Ms. Campbell?

14 MS. JONES: She has had these, Your Honor.

15 MS. CAMPBELL: I did, yes.

16 MS. JONES: The first one shows a handgun. It's a
17 .9 millimeter. It is not a Smith & Wesson that was
18 used in the murder, but what is important is that it is
19 on top of his YOA parole certificate. I believe that
20 just shows his complete disregard for our criminal
21 justice system, and for any of the crimes he has
22 committed in the past.

23 We also have multiple photographs of guns on his
24 cell phone. Again, not a Smith & Wesson that would be
25 the murder weapon. Another gun that he's had access

SENTENCING

1 to, and he seems to be posing in defiance with this
2 weapon with the extended magazine.

3 Almost tauntingly with him looking through the
4 trigger.

5 A person that's going to pose with a weapon like
6 that has no respect for our judicial system, and he
7 showed that on August 22nd, 2017, when, as you heard,
8 he repeated it, repeated it, repeated it. He shot an
9 unarmed man in the back.

10 Mr. Manigo in no way was a threat that afternoon.
11 And Mr. Dontarious Wright took it upon himself to
12 execute him and shoot him in the back.

13 Mr. Manigo never even had a chance to defend
14 himself.

15 Your Honor, that would be all that I would say
16 regarding Mr. Wright's criminal background, and who he
17 is today as he stands before you.

18 Thelma Delaney is Adrian's mom, Adrian's mother,
19 and she would like to address Your Honor.

20 THE COURT: Happy to hear from you.

21 MS. DELANEY: I just wanted to address the Court.

22 THE COURT: Start by -- the court reporter -- give
23 us your name, please.

24 MS. DELANEY: Okay. I'm sorry. My name is Thelma
25 Delaney. I'm Adrian Manigo's mother.

SENTENCING

1 THE COURT: Yes, ma'am.

2 MS. DELANEY: And I just wanted to address the
3 Court to let you all understand that today is not a
4 happy day, rather it's a sad day. Not just because my
5 son is gone, but also because of Dontarious, who was a
6 friend of my son, actually executed him. No, this is
7 not a good day for Dontarious.

8 I hope you realize what you have done to our
9 family, his children, he has five children, as you all
10 are well aware.

11 THE COURT: Ma'am, please talk to me, not to me.
12 Talk to me.

13 MS. DELANEY: He has five children, as everyone is
14 aware, that should be with him. We have to finish
15 raising those children for him. The children do not
16 have a mother because their mother died four or five
17 years ago. So we are all, the grandparents are all
18 that those children have left, and this is not a good
19 day.

20 I'm satisfied with the verdict, but I'm not happy
21 with it. Not only is my son gone, but Dontarious is
22 losing his life as well for a long while. And I just
23 wanted the Court to know that, you know, we are just so
24 sad about the whole situation, because it's not a good
25 situation for anyone.

SENTENCING

1 Adrian had brothers and sisters that are going to
2 miss him, they're not going to be able to have him
3 around to share times with him. And I realize that
4 also young people, they get involved in different
5 situations, but this situation is just horrific. And
6 we have lived through it for the last year and a half.

7 But I just pray that God will bless Dontarious to
8 realize what he's done, and that he will make amends to
9 what he's done not just to our family, but his family
10 as well, because they are suffering with this incident
11 as well. Thank you.

12 THE COURT: Thank you. I appreciate you taking
13 the time to address the Court.

14 MS. DELANEY: Thank you.

15 THE COURT: Anyone else?

16 MS. JONES: I believe that is the only person that
17 wishes to address the Court.

18 THE COURT: Anything else from the State?

19 MS. CAMPBELL: No, Your Honor.

20 THE COURT: Ms. Campbell, let me hear from you.

21 MS. CAMPBELL: May it please the Court, Your
22 Honor.

23 I would start out by directing Your Honor's
24 attention to the friends and family that are here for
25 Dontarious Wright.

SENTENCING

1 Your Honor may have seen them here in the
2 courtroom during the course of this trial. There is
3 tremendous support. They have been in touch with me,
4 we have talked about every aspect of this case.

5 I've communicated with D.J., you know, about the
6 case, but there have been times in the many years that
7 I've done this that I had clients who had no one from
8 the community for me, no one was here for them.

9 But when I look here and I see this family that is
10 here for him, what a blessing that is for him. And he
11 knows this. We talked about it. And I just spent some
12 time with his family after the jury went out to
13 deliberate, and you can't really express it except to
14 say that every one of them, if they were to stand up,
15 is going to say the same thing. We love him. He's
16 ours.

17 You know, we know all these people, the same thing
18 you just heard from the victim's family -- mother. And
19 we know all these people. We know of them, we know
20 what was happening, and it is tragic, and it is so sad.

21 Dontarious will not be making a statement on his
22 behalf right now. We talked about that. He's going to
23 continue to remain silent, and we discussed it.

24 I would ask now, in conclusion of my remarks, if
25 there's any person from his family that would like to

SENTENCING

1 address Your Honor.

2 THE COURT: Happy to hear from them.

3 MS. CAMPBELL: Thank you.

4 Is there anyone that would like to address the
5 judge about this young man?

6 (No response.)

7 MS. CAMPBELL: We talked about whether or not they
8 would feel emotionally stable enough to do that, and I
9 think at this point, they are not.

10 I would ask Your Honor to consider the fact that
11 we talked numerous times about the fact that the State
12 never offered this young man a plea bargain. We never
13 were in a position, as he has done many times before,
14 to enter a guilty plea. He would have done so, and,
15 you know, we talked about that. And I talked with
16 Ms. Jones about it.

17 THE COURT: Ms. Campbell. During the course of
18 the trial, I told you that your client certainly had
19 the right to plea, just straight up in front of me,
20 regardless of whether any plea bargain was made, and
21 you declined my invitation for your client to plea in
22 front of me. I understand that.

23 But the jury has spoken now, and he's been
24 adjudicated guilty, and I don't know that there's such
25 a thing as a constitutional right to a plea bargain.

SENTENCING

1 MS. CAMPBELL: No, no.

2 THE COURT: But you certainly have a right to
3 plead guilty as charged if you chose to do so, which
4 your client did not choose to do so.

5 I don't think that is a mitigating factor. I'm
6 not listening to it.

7 MS. CAMPBELL: And I didn't mean to intimate that,
8 Your Honor. I certainly apologize if I did.

9 But the point I was making was that I'm asking you
10 to consider a 30-year sentence for this young man. He
11 is in his 20s. He and I talked about 30 years, as a
12 possible sentence, should he be in a position to do
13 that, and then -- and plead guilty.

14 As it stands right now, his jury has determined
15 his guilt. Your Honor is sentencing him, and as a
16 basis of his youth.

17 Being really the primary one, you know, when you
18 are in your early 20s, in your mid 20s for a young man,
19 in particular, there are scientific studies that talk
20 about the connectors in rational decision making, the
21 frontal lobe, and how it really takes a little bit
22 longer for them to mature and make, rather than impulse
23 decisions, careful, deliberate, well thought out
24 decisions.

25 The maturity that's taken place over the last year

SENTENCING

1 and a half that I have represented him is dramatic, and
2 I believe it will continue. Thank you, Your Honor.

3 THE COURT: Thank you.

4 First of all, I want to say to all the people that
5 are involved, the family of the victim, and I've heard
6 from the mother, and the family of the Defendant as
7 well.

8 This case was vigorously tried by both sides.
9 Both sides were advocates for their respective clients.
10 There was clear evidence of Mr. Wright's guilt. And
11 when I say "clear," I mean clear. So the fact that the
12 jury reached a verdict in 35 or 40 minutes, whatever
13 the exact time was, is not surprising to me.

14 Ms. Campbell did everything she could to try to
15 convince the jury that this was a self-defense case,
16 and I charged the lesser included offense of voluntary
17 manslaughter in this case, in case the jury felt that
18 those were factors that were raised by the evidence.

19 I take into consideration, Mr. Wright, your lawyer
20 wants me to give you the minimum sentence for murder.
21 I'm not going to do so. And the reason I'm not going
22 to do so is because you have a terrible prior record.

23 You have a strong arm robbery, you have assault
24 with intent to kill. And now, you have a murder, and
25 possession of a weapon during the commission of a

SENTENCING

1 violent crime.

2 Anything further from the State?

3 MS. JONES: No, Your Honor.

4 THE COURT: Anything further from the Defendant?

5 MS. CAMPBELL: No, Your Honor.

6 THE COURT: On Indictment 2017 GS 071337, State
7 versus Dontarious Wright, the sentence of the Court is
8 the Defendant is committed to State Department of
9 Corrections for a term of 40 years.

10 On Indictment 2017 GS 071338, possession of a
11 weapon during the commission of a violent crime,
12 sentence of the possession of a weapon during the
13 commission of a violent crime Court is that the
14 Defendant is committed to State Department of
15 Corrections for a term of five years.

16 The Defendant is to be given credit for time
17 served, pursuant to South Carolina Code Section
18 24-13-40. That is to be calculated and applied by the
19 State Department of Corrections.

20 Good luck to you.

21 MS. CAMPBELL: Thank you, Judge.

22 THE COURT: Ladies and gentlemen, as to this case,
23 this Court now stands adjourned.

24 Court is in recess until 10:00 a.m. tomorrow
25 morning.

SENTENCING

1 (Trial concluded.)
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25

SENTENCING

1

2 CERTIFICATE

3

4 STATE OF SOUTH CAROLINA:

5 COUNTY OF BEAUFORT:

6 I, MONA L. MANLEY, Court Reporter, certify that I was
7 authorized to and did stenographically report the foregoing
8 proceedings and that the transcript is a true and complete
9 record of my stenographic notes.

8

DATED this 22nd day of June, 2019.

9

10

11

Mona L. Manley /s/

12

MONA L. MANLEY

13

Official South Carolina Court Reporter

14

Circuit Reporter for the 14th Circuit

15

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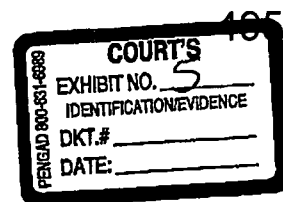
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24

25



1
00:00:04,371 --> 00:00:05,205
- Is it on there good?

2
00:00:05,205 --> 00:00:06,39
- [Man] Hey, good right there.

3
00:00:06,39 --> 00:00:07,907
- Ya'll don't have nothing,
I can put on or something?

4
00:00:07,907 --> 00:00:08,908
What's with ya'll, man?

5
00:00:15,48 --> 00:00:16,783
- Have a seat real quick.

6
00:00:16,783 --> 00:00:18,218
I gotta let you know what
your rights are again.

7
00:00:18,218 --> 00:00:20,20
I know I already read 'em to ya previous.

8
00:00:20,20 --> 00:00:21,588
- I got, I know the rights, come on.

9
00:00:21,588 --> 00:00:22,422
- I got to do it.

10
00:00:22,422 --> 00:00:25,191
All right, come on in and
have a seat and shut the door.

11
00:00:25,191 --> 00:00:26,493
You have the right to remain silent.

12
00:00:26,493 --> 00:00:28,261
Anything you say can
and will be used against you,

13
00:00:28,261 --> 00:00:29,529

in a court of law.

14

00:00:29,529 --> 00:00:30,764

You have the right to
have an attorney present,

15

00:00:30,764 --> 00:00:32,32

before or during questioning.

16

00:00:32,32 --> 00:00:32,866

If you can't afford an attorney,

17

00:00:32,866 --> 00:00:34,267

one will be appointed for you,

18

00:00:34,267 --> 00:00:35,568

before any questioning, if you wish.

19

00:00:35,568 --> 00:00:36,803

Do you understand each of these rights,

20

00:00:36,803 --> 00:00:37,637

as I've explained 'em to ya.

21

00:00:37,637 --> 00:00:38,471

- Yes, sir.

22

00:00:38,471 --> 00:00:39,305

- Having these rights in mind,

23

00:00:39,305 --> 00:00:40,407

do you wish to talk to me now?

24

00:00:40,407 --> 00:00:42,709

- I'm tryin' to ask you,
what the fuck going on?

25

00:00:42,709 --> 00:00:44,611

I'm lookin' at you, I say
I don't know him like that.

26

00:00:44,611 --> 00:00:45,712
- Finish, finish this.

27
00:00:45,712 --> 00:00:47,580
You willing to talk to me now?

28
00:00:47,580 --> 00:00:48,415
- Hell yes, cause I don't
know what the fuck going on!

29
00:00:48,415 --> 00:00:50,750
- All right, go ahead
and initial down there.

30
00:00:50,750 --> 00:00:51,551
And then sign.

31
00:00:51,718 --> 00:00:53,453
I know what you're doin'.

32
00:01:20,847 --> 00:01:22,949
- D.J.?
- Yes, sir.

33
00:01:22,949 --> 00:01:25,752
- This says, this was a consent for DNA.

34
00:01:25,752 --> 00:01:27,320
- All right.
- Swabs for your cheeks.

35
00:01:27,320 --> 00:01:28,154
- All right, come on.

36
00:01:28,154 --> 00:01:30,790
- What it says is, I and then your name,

37
00:01:30,790 --> 00:01:33,193
hereby consent for Deputy, me, Fraser.

38
00:01:33,193 --> 00:01:35,528
of the Beaufort County Sheriff's office,

39

00:01:35,528 --> 00:01:36,529
collected buccal, oral swab from me,

40

00:01:36,529 --> 00:01:38,798
in order for my DNA
profile, to be developed

41

00:01:38,798 --> 00:01:40,467
for comparison purposes.

42

00:01:40,467 --> 00:01:41,301
- All right.

43

00:01:41,301 --> 00:01:43,436
- I'm aware that this
sample is provided by me,

44

00:01:43,436 --> 00:01:46,72
may be used as evidence in a court of law.

45

00:01:46,72 --> 00:01:47,40
This consent is being given by me freely,

46

00:01:47,40 --> 00:01:50,110
voluntarily, and without threat
or problems, of any kind.

47

00:01:50,110 --> 00:01:50,944
- All right.

48

00:01:50,944 --> 00:01:52,545
- The buccal swab, is just that Q-Tip,

49

00:01:52,545 --> 00:01:53,980
that swabs inside your mouth.

50

00:01:55,482 --> 00:01:56,516
That's all it is, sign that first.

51

00:01:58,351 --> 00:01:59,185

- Right here?

52

00:02:00,220 --> 00:02:01,888

- Right there, yeah.

53

00:02:06,693 --> 00:02:08,495

- I don't even know

today's date, so I ain't.

54

00:02:08,495 --> 00:02:11,97

- Print your name, right there.

55

00:02:17,771 --> 00:02:19,406

All right.

56

00:02:19,406 --> 00:02:21,307

I'm gonna write, D. Wright.

- Word.

57

00:02:21,307 --> 00:02:23,376

- W-R-I-G-H-T, right?

58

00:02:23,376 --> 00:02:24,277

- Yes, sir.

59

00:02:25,445 --> 00:02:26,279

- Fraser.

60

00:02:27,881 --> 00:02:29,149

And this is investigations.

61

00:02:33,386 --> 00:02:35,522

8:22, right?

- Mm-hmm.

62

00:02:36,723 --> 00:02:37,791

- It is 8:30.

63

00:02:42,595 --> 00:02:45,598

This is what's called a buccal swab.

64

00:03:01,614 --> 00:03:02,782
- I could ask you a question?

65
00:03:02,782 --> 00:03:03,616
- Yeah, man.

66
00:03:03,616 --> 00:03:05,518
- You know where Jameel Washington live?

67
00:03:05,518 --> 00:03:06,419
- Um-hmm, J.D.?

68
00:03:06,419 --> 00:03:07,253
- You dig?

69
00:03:07,253 --> 00:03:08,421
- J.D.?
- Yeah.

70
00:03:09,322 --> 00:03:10,757
- Jameel Washington.

71
00:03:10,757 --> 00:03:12,759
- See he don't know what's going on,

72
00:03:12,759 --> 00:03:13,927
that's why I'm asking
you, I'm trying to get

73
00:03:13,927 --> 00:03:14,761
to the point J.D.

74
00:03:14,761 --> 00:03:16,796
- J.D.'s the one that was in the Tahoe.

75
00:03:16,796 --> 00:03:17,997
- Yeah.

76
00:03:17,997 --> 00:03:21,401
J.D., is the one with the white Tahoe.

77