VOLUME I OF II

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenwood County

Honorable Frank R. Addy, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DEMORRIS OCTSWAVIOUS ANDREWS,

APPELLANT.

APPELLATE CASE NO. 2018-001395

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF GREENWOOD

STATE OF SOUTH CAROLINA, PLAINTIFF, -VS- DEMORRIS O. ANDREWS, DEFENDANT.	CASE NO.: 2018-GS-24-0046 2018-GS-24-0047 2018-GS-24-0048 TRANSCRIPT OF RECORD

JULY 16-20, 2018.
GREENWOOD, SOUTH CAROLINA

B E F O R E:

THE HONORABLE FRANK R. ADDY, JR., JUDGE, AND A JURY

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

ATTORNEY FOR PLAINTIFF:

C. YATES BROWN, DEPUTY SOLICITOR
JOSH THOMAS, ASSISTANT SOLICITOR

ATTORNEY FOR DEFENDANT:

CARSON HENDERSON, ESQUIRE

TARA T. SCOTT, CVR
CIRCUIT COURT REPORTER (RETIRED)

TRIAL DAY 1-06/16/18

THE COURT: If you will, call your case, please.

MR. THOMAS: Your Honor, the State calls the case of the *State of South Carolina vs. Demorris O. Andrews*, indictment number 2018-GS-24-0046 for murder, -0047 for possession of a weapon during the commission of a violent crime, and -0048 for armed robbery.

THE COURT: Thank you. Ladies and gentlemen, we're about to begin the trial of the *State of South Carolina vs. Demorris Andrews*. I've been presented with three indictments, ladies and gentlemen, and they charge Mr. Andrews with the offenses of murder, possession of a weapon during the commission of a violent crime, and armed robbery.

At the outset, ladies and gentlemen, I'll let you know that an indictment is nothing more than the means by which a case is brought into Court, and the fact that Mr. Andrews in this case has been charged and indicted is, of course, not evidence in any way, shape, or form of guilt. Mr. Andrews has pled not guilty to these charges and, of course, that plea puts the burden firmly on the State to prove each and every element of these charges beyond a reasonable doubt.

Now, ladies and gentlemen, I have some questions that I will need to ask you which are specific to jury section in this particular case. We'll use the same procedure that we used before. If a question applies to you, simply stand up

some numbers at the top where they were sort of Bates stamped because there are so many of them, but I'm going to reorder them in an order that makes sense to me as far as where they're coming in through which witness. So I'll give them to her here in a second before we break.

THE COURT: Anything else that --

MR. THOMAS: Your Honor, the only thing at this time I just -- I would -- I don't know if it's a motion in limine as much as it is just a general legal issue. I know part of the defense is Mr. Andrews didn't do it, but I think to get there Mr. Henderson is going to have to sort of cast dispersion on other people whose names came up in the investigation. As far as I can tell, one, two, three, four -- maybe five different names came up. I think an intoxicated person on the scene kept yelling that a person named Jason Logan had committed the crime. A passerby or relative, maybe, identified someone as Brandon Harrison running a few blocks away from the scene. Teresa Lipscomb, who I otherwise can't understand what connection she has to the case, said that Freddie Belcher did it. An anonymous tipster said that someone named Rick James did it. Some random person in the jail that they talked to said he had overheard from his neighbor that Moo had committed the murder. I just want at this point, Your Honor, I want to get some sort of guidelines from Your Honor on how we're

going to go forward with presenting that testimony. I don't want any third party guilt evidence to come in. Obviously none of this rises to the level of third party guilt. Facts such that would, you know, do anything other than cast aspersion on somebody else as being the suspect in this case. It's not inconsistent with the Defendant's guilt. And I understand he's got a fundamental right to present a complete defense but, I mean, it doesn't supercede the pertinent evidentiary rules, the hearsay rules, the relevance rules. I just want to sort of make sure we stay afoul, or don't go afoul with that rule, Your Honor.

THE COURT: I do believe obviously, and I think you would concur, that Mr. Henderson would be at liberty to cross-exam any officer about the extent of their investigation along those lines to the extent that other names came up. I'm assuming that law enforcement is going to be in a position to explain why those individuals were excluded at the perpetrator of this crime.

Mr. Henderson, you want to speak to what the State is talking about, or are we maybe talking about the same thing, or are we on the same sheet of music at this point, or where are you going?

MR. HENDERSON: Your Honor, clearly I'm going to cross-exam the investigating officer or officers about the scope and the in-depthness of their investigation. But --

but over and beyond that, the witnesses that they're going to put on the stand give me ample ammunition to pick on for third party guilt or possible guilt or anything else, the people they put on the stand, without having to go into whoever Moo is or whoever these other people are. So, I mean, I wasn't really planning on getting off on those tangents.

THE COURT: So it's not a situation where you anticipate in your defense saying that John Smith was the in fact -- was, in fact, the correct or true gunman? It's not like you're going to be presenting some evidence that John Smith or a certain individual was the perpetrator, correct?

MR. HENDERSON: Your Honor, unless I get a confession from the stand, no, because as we've discuss with the State, the police, word on the street is we know who did it, or we think we know who did it. But, of course, nobody will fess up to that and nobody will come testify to that, and it's not my guy. I mean, the word on the street. But again, that's not admissible and we understand that, so not going down that road.

MR. THOMAS: I just don't want the question to come out, "Didn't Patricia James tell you Jason Logan did it," because that's hearsay. I mean, if he wants to ask Patricia James that he can put her on the stand.

THE COURT: Fair enough. Let's handle it this way. I

think we have a general understanding of the way that Mr. Henderson can inquire about other names that came up during the course of the investigation. And again, I'm assuming that because those individuals were not charged, there's some reason that law enforcement excluded them. Obviously by going down that road Mr. Henderson may well be opening a door or two. But I think that -- I think that the best way to handle this is if you feel like we're getting too far afield of what the rules permit, Mr. Thomas, just alert me with an objection and we'll take it up that way. Okay?

MR. THOMAS: Very good, Your Honor.

THE COURT: Any other thoughts before we break?

MR. HENDERSON: I don't think, Your Honor.

THE COURT: No? All right. Your client is, I believe, in custody. The jury's coming back at 2:00. I would think it be best if maybe law enforcement can make sure he's brought up the side way or something so that we don't inadvertently bump into some jurors. So we'll go ahead and break. Just let law enforcement know what time you want Mr. Andrews back. Okay, Mr. Henderson?

MR. HENDERSON: Your Honor, it would be about 12:40 by my watch, 12:35 by the Court's watch. Say about 1:30.

THE COURT: 1:30 okay? Good enough. We'll be at ease until -- the Court will go back on the record at two o'clock, but if Mr. Anderson could be back at -- or Andrews,

but more often than not it's pretty much 100 percent fiction. Okay? And understand that while trials on TV or in the movies, that's for our entertainment, this is real life with real people involved and this case is obviously very important to both the state of South Carolina and to the Defendant in this case, Mr. Andrews. It's obviously not for your entertainment. And again, it's very important to all the parties concerned. I can tell you that the only way that we can resolve this case is to put 14 individuals like yourself in the jury box, let the State put up its case and let you all make a decision. That's the only way this case can be resolved. I want to thank you going forward for your attention. I want to thank you for your willingness to come in here and participate in this process. It is very important obviously what is going to be taking place over the next couple of days. So thank you very much and I appreciate your understanding and inconvenience we're having to put you through.

With that, if you would just stand where you are and raise your right hand. I'm going to have the Clerk administer your oath to you as jurors, please.

(Whereupon, the jury was sworn.)

THE COURT: Thank you, you can have a seat. Ladies and gentlemen, what I now say to you is intended to serve as an introduction or an overview of the case and these remarks --

my opening remarks to you are not instructions on the law. Again, this is just an overview of the process that we are going to use going forward so that you can better understand what takes place.

Now, in this case, ladies and gentlemen, the Defendant is charged by three indictments filed with the Court of the offenses of murder, possession of a weapon during the commission of a violent crime and armed robbery. I'll explain to you the elements of the definition of those charges to you later before you retire to begin your deliberations. Again, ladies and gentlemen, these indictments are nothing more than the means by which these cases are brought into Court. In this case Mr. Andrews has pled not guilty to these charges. That plea puts the burden on the State to prove each and every element of the charge beyond a reasonable doubt. It's up to you to determine whether the State has met that burden.

Now, your purpose as jurors is to find and determine the facts in this case. Understand that you are the sole judges of the facts. So if at any time I make any comments concerning he facts you have to disregard those comments. You'll determine the facts from the testimony that you hear and the other evidence which is introduced during the course of the trial. It's up to you to determine the inferences that you think can properly be drawn from the evidence

presented.

Now, ladies and gentlemen, it's especially important that you determine the facts diligently and conscientiously, because ordinarily there is no way to correct an erroneous determination of facts by a trial jury.

Now, the same law that makes you the judge of the facts makes me the judge of the law. The law as given by the Court is the only law that you can consider. You'll have to accept it and apply it even though you might disagree with it. Again, the law doesn't permit me to tell you what the facts are, and the law doesn't allow you to disagree with me about what the law is or what the law should be. Your job will be to take the law as I give it to you, apply it to the facts as you find them to be, and after doing that you'll render your verdict under the oath that you have just taken.

Now, again, as I mentioned before lunch, until I tell you to begin your deliberations, please don't discuss this case with anyone. Not your fellow jurors, certainly not friends, family members, anyone like that. The attorneys in this case have been told that they're to have nothing to do with you while the trial's going on. So understand that if you happen to bump into one of the lawyers coming or going from the courthouse or some of the parties coming or going from the courthouse and they don't even say hello to you, they're not being rude. They're just following my

instructions to have nothing to do with you while the case progresses. Okay? The reason for this is readily apparent. If the other side were to see a lawyer discussing the case with you, they could easily misinterpret that as jury tampering even if you're just talking about the weather. So the easiest way to keep that issue from coming up is just to say that the jury is off limits while the case is going on.

Now, I anticipate that there may be an article in the newspaper tomorrow morning about this case. Please understand that you're not to listen to, read, watch any reports about this case. That includes anything in the paper, anything in electronic format online, etcetera. Okay? You cannot consider anything that you may have heard or read outside this courtroom. Whether that's before, during the trial it doesn't matter. You have to judge the case based solely on the evidence presented here.

Now, of course, please keep an open mind. Don't decide any issue in this case until all the evidence has been presented, you've received my instruction and you've heard the attorney's closing arguments. Again, it's your solemn responsibility to determine the guilt or the innocence of the Defendant and your verdict has to be based solely on the evidence and the law as I instruction you.

Now, in a moment the attorneys will make to you what's known as their opening arguments. Understand that as it

relates to both opening arguments and closing arguments what they say, what the lawyers say to you, is not evidence. It's merely their contention as to what will be proven or what won't be proven. Even though it's not evidence, you should certainly pay attention to what the attorneys say in their openings because it could provide for you an overview or a roadmap going forward of what they contend will be proven.

Now, from time to time during most trials it's necessary for the Court to take a brief break and excuse the jury while I take up an issue of law. During those times that I'm ruling on issues of law I may ask that you leave the courtroom, and the reason I'm doing this, ladies and gentlemen, is because sometimes in ruling on issues of law it's necessary for me to make a comment about testimony or facts that have been presented. Since you're the sole judges of the facts, I don't want anything that I say about those facts to have any effect on what you ultimately determine those facts to be. That's why I ask that you leave the courtroom. Of course, please don't speculate on what I'm saying out here concerning the facts. Again, the law doesn't permit me to have any opinion about the underlying facts in this particular case.

Now, determining what the true facts are, ladies and gentlemen, you have to decide whether or not the testimony

of witnesses is believable or not. It's my job to rule on whether the certain testimony can be admitted, but once it is admitted, whether you choose to believe it is solely up to you. In deciding whether to believe a witness, you have the right to consider the interest of that witness, the bias of the witness, the prejudice of the witness, the opportunity for them to have seen the matters and things about which they testify, and you can consider the way they act while on the witness stand. Understand that you can consider anything that's in the record in this case which will help you evaluate the testimony of the witnesses. That means it's your duty to pay close attention to them, listen to them, observe them, and please pay close attention to the attorneys in the Court. If you keep your thoughts from wondering and just give strict attention to what's going on here in the courtroom, I assure you you'll be in as best a position at the conclusion of the trial to render your verdict under the oath that you have just taken.

Now, I will let you know that if you wish to take notes during the course of the trial you're certainly free to do so. Just let Mr. Willingham or one of the other bailiffs know that you need a tablet. Just a few rules about note-taking. First, those notes are kind of your personal private property. All right? They're for your eyes only. Secondly, please don't let the taking of notes distract you

from the testimony of the witnesses. All right? And finally, when you conclude with the trial for the day we will secure those notebooks and keep them in a secure location overnight. When the trial's over with you'll take any notes home with you. Okay? So if you want some notebooks, that's perfectly fine. At our next break just let Mr. Willingham know -- or maybe we can go ahead and collect some. Does anybody -- anybody know if you're going to want some notebooks? One, two, three, four, five, six -- get us a few notebooks, if you would please, Mr. Willingham, and we'll pass those around in just a few moments. Okay?

Any objections to my opening remarks from the State?

MR. BROWN: None from the State, Your Honor.

THE COURT: From the Defense?

MR. HENDERSON: No, sir.

THE COURT: Very good. Mr. Brown, you are recognized for your opening, sir.

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

THE COURT: Yes, sir.

OPENING STATEMENT

BY MR. BROWN: Ladies and gentlemen, you've already heard two days ago, one man took the life of another. Barry Warren, who was the victim in this case, his life was stolen from him. His life was stolen from him along with his

money. Barry Warren's life was taken from him by this man sitting here, Demorris Andrews. For Mr. Andrews, you'll hear different names that Mr. Andrews goes by. Smiley or D, but they all refer back to Demorris Andrews. So what happened on October 25th of 2016, which was a Tuesday, over on Gilliam Court -- and that's [redacted] Gilliam Court to be specific, is where Mr. Barry Warren lived. Mr. Warren had been around the outside of his house, I think there was a spade card game going on, and he had gone back in his house at [redacted] Gilliam Court. Around five o'clock, somewhere, give or take, around that time, Demorris Andrews, Smiley, goes in. The folks outside playing a game of spades hear a couple pops, two. They initially think it's firecrackers, and Mr. Andrews was seen running out the door, running off the porch, around the side and down the trial away from the house. You'll hear that from the witness. You'll also hear that Mr. Andrews was around the house prior to the shooting. Ladies and gentlemen, you'll hear from those witnesses outside, the witnesses saw him there prior, other witnesses that had dealings with him earlier in the day. What you should remember is what this case is about, a senseless killing. It's a murder and a man's life was taken from him. You know law enforcement got called. Shortly thereafter, they arrived and learned, based on the evidence they collected, that Mr. Warren was shot in the back bedroom. He

was shot in the neck and as he moved through the house, he got to the front door, leaving a trail of blood. He was able to tell the folks outside that he had been shot and he was gone. He died in the doorway of his house. Law enforcement, when they got there, he was already passed away.

Ladies and gentlemen, one thing I ask you to keep with you throughout this trial is common sense. You don't have to leave your common sense at the door. You all bring in unique qualities. You're citizens of this county and you all have common sense. Use it. What Mr. Andrews is charged with is murder, armed robbery, and possession of a weapon during the commission of a violent crime. So what is murder? What do you need to look for? Now, when I go over this -- and later on, Mr. Thomas will give a closing statement. If the law that I say, or Mr. Thomas says, or Mr. Henderson says contradicts what the Judge says, go by what the Judge says. As he already told you, he tells you the law. Murder is the killing of any person with malice forethought. So what is malice? Just a general idea. Malice is hatred or ill will. It signifies rather a general malignant recklessness for the lives or safety of others. Armed robbery, what is that? It's essentially stealing from somebody or larceny. The taking or carrying away the property of another while armed with a weapon. We're saying

he's armed with a weapon. It was a pistol. It was a gun that ended up taking Mr. Warren's life. In the possession of a weapon during the commission of a violent crime. You'll hear that murder and, also, armed robbery, they're classified as violent crimes. So you take that -- that's kind of self-explanatory. The State, represented by myself and Mr. Thomas, we have the burden of proof in this case and we welcome that burden. The burden of proof is, we have to prove beyond a reasonable doubt that Mr. Andrews, Smiley, committed these offenses. So what is that? What is proof beyond a responsible doubt? Just remember, it's firmly convinced. That you're firmly convinced. It's not proof beyond all doubt, it's not proof beyond every doubt and any doubt. It's firmly convinced. At the end of this case after you hear from the witnesses that will all be testifying up here from this stand and seeing the evidence that's been admitted throughout these witnesses and throughout the course of the testimony, I feel confident that you'll be able to have the tools necessary to find Mr. Andrews guilty of these charges. We appreciate your attention and we appreciate you being here and serving on this jury. Thank you.

THE COURT: Mr. Brown. Mr. Henderson, you're recognized for your opening, sir.

MR. HENDERSON: Thank you, Your Honor. If it pleases

the Court.

THE COURT: Yes, sir.

MR. HENDERSON: And I'm going to use the overhead projector some, Your Honor.

THE COURT: Okay.

MR. HENDERSON: I may need some help.

THE COURT: Could you give him a hand with that, please?

OPENING STATEMENT

BY MR. HENDERSON: Again, ladies and gentlemen, I have the pleasure of representing this young man over here, Smiley, Demorris Andrews. Now, you've heard the government give you their opening take, but I'm going to try to work through you to show you a roadmap of what I believe the evidence is going to show. Actually, I've got some photographs here, I've got some notes here. You either look at me and listen to me or watch the screen up here. It'll be saying the exact same thing, and I just want to give you an overview of what I believe the testimony and the documentary evidence in this case is going to show over the next two or three days.

I want to talk a little bit about my client, Demorris Andrews. And, again, you're going to hear -- I have reason to believe you're going to hear about three hours of testimony from Mr. Sanders. He has given two statements in

this matter and I have reason to believe you're going to hear both of them and I'm going to go through and tell you a little bit about what I believe that testimony's going to show. At the time of his arrest back in October -- back in October of 2016 -- he was arrested in November of '16, Mr. Demorris was 25-years-old. He had a ninth grade education. He was essentially homeless. He had few clothes, he didn't have a watch, he didn't have a cell phone, he didn't have a job. He sold some marijuana. He smoked some marijuana. He didn't keep up with the time. You're going to hear this. You're going to hear this out of his own mouth. This isn't me putting words in his mouth. You're going to hear this from his own mouth. He lived a life of poverty. You're going to see some of these pictures I'm going to show you here is going to kind of give you an idea of the neighborhood that this incident happened in. You know, you're going to get a feel of a neighborhood that some of you may have never seen and you're going to hear that Barry Warren was my client's friend.

My client was over there, if not every day, virtually every day. Barry Warren was my client's friend. You're going to hear that straight from my client's mouth, ladies and gentlemen. As I've told you, my client's already testified. The cops -- the police brought him in for questioning on November 1st of 2016. You're going to hear

an hour and 50 minutes of my client's interview, thereabouts. On November the 3rd, they interviewed him for an hour and 13 minutes. So we're looking at a little over three hours of time that my client was interviewed by the police. He waived his right to a lawyer. He answered questions that hadn't been scrutinized by a judge in the courtroom. He answered questions that probably never would have been allowed in a courtroom, but he answered them. He answered them.

He voluntarily gave the clothes he was wearing to the police to be tested for blood -- and we're going to talk about why that's important here in a little bit, ladies and gentlemen. But the clothes he was wearing at the time he was arrested are basically the same clothes he had on at the time of the shooting -- of the day of the shooting. So he'd been wearing the same clothes for virtually close to a week, ladies and gentlemen, and you're going to hear discussions about that on my client's interviews during his testimony. My client consented to a DNA testing. He said, please, y'all can swab my mouth. You're going to hear all this. The police said, hey, let us swab your mouth to confirm whether or not your DNA is found on these bullets -- on these casings. You all are going to see all the casings that were picked up there. All of these were analyzed for my client's DNA and my client's DNA isn't on any of them.

The police said they were going to give my client a gunshot residue test to test for gunshot residue on his hands to see if he fired a gun. You can test for that on clothing. My client consented to that -- but they didn't do it, but he consented for them to do it. You're going to hear on this test, too, that my client consented to taking a polygraph test. That was never offered to him. He is the epitome of cooperation.

You're going to hear it. Literally, ladies and gentlemen, I think the evidence will present to you that there is no physical or forensic evidence at all linking Mr. Andrews over here to this crime. And, ladies and gentlemen, it's a tragic crime. I agree with the Solicitor here. Nobody's life should be taken at all. It is a senseless killing, but the police have the wrong man on trial over here. There's never been any gun found at all. And, again, I want you all -- and all of this is going to be born out of the evidence. And, again, no blood of any type -- they tested all of my client's clothing, I think the evidence is going to show, for blood. Not a drop of blood on my client's shoes, shirt, pants, you name it. None on it whatsoever. And, again, I'm going to talk about why that's important here in a little bit.

They keep talking about items being stolen. I've never seen proof of any items getting stolen here, much less being

recovered. I think you're going to see all that during -- hear all that in the testimony, too, and you're going to see in some of these pictures that when the police went in and gathered up Mr. Warren's belongings and taking the body to the funeral home, there's money found there, there's other items of value found there. Nothing was stolen as best as I can tell and I think the evidence will bear that out. The police conducted an investigation and looked all over the neighborhood for guns, you name it, and didn't find a thing linking my client to this shooting.

And, again, I think all of this is going to be born out during the testimony and I especially want to talk to you a little bit about this second interview. The one on November the 3rd of '16. You're going to hear it. It's going to be about 73 minutes long, in that neck of the woods. This is the day my client was arrested, arrested for murder. You're going to hear him being cussed out -- and this is by the police, by the Greenwood Police Department. You're going to hear him being cussed out, you're going to hear him being called a liar, you're going to hear him being lied to being the police officers -- undoubtably being lied to. I think the evidence is going to establish that. You're going to hear him being bullied, you're going to hear him being threatened. You're going to hear all of this during this 73 minute interview and you're going to hear that not once -- I

mean, not once did Mr. Andrews over here ever waiver in maintaining his innocence. Period. You're going to hear that. His voice didn't crack at all. I didn't do it. He said that one time, he said it 100 times. You're going to be able to hear that and at the end as the police are getting on to him, he basically says, hey, I want a jury trial, and by golly, we're here today.

And, again, Mr. Andrews doesn't have to prove anything to you ladies and gentlemen. The burden's on the government here to prove his guilt beyond all and any reasonable doubt. He has looked forward to his day in court now for close to two years and we're getting it. And, again, that's why you need to pay close attention. I'm going to show you some pictures here, ladies and gentlemen. And some of these pictures, they're going to come into evidence and you're going to be able to hold them, but there is some here -- some of this stuff is going to be kind of gory. I'm going to be flat-out honest with you. I'm sorry. Had to be face-up. Right there. You're going to hear, I believe the evidence will show, that that is Mr. Warren's body at his front door. You see that big pool of blood there? Just keep that in mind. This is Mr. Warren's body -- and I'm sorry it's sideways, ladies and gentlemen, but this might give you -- you're going to see his body in the doorway. Look at all of the blood. There's blood everywhere. And,

again, you're going to be able to hold this. This is coming into evidence. You're going to be able to touch it and take it back to the jury room with you. Blood all over the floor of the bedroom that Mr. Warren was shot in, and here's a picture of the bedroom back there. Again, blood all over the floor, blood all over the bed, you name it. Blood all over everything in this room.

Now, ladies and gentlemen, I think the pathologist is going to testify that Mr. Warren, he was killed up close and personal. Truly. He was killed probably between as close as six inches from him, he was shot in the neck. Keep that in mind, too, ladies and gentlemen. Another picture of blood all over that bedroom where Mr. Warren was shot. More bedroom pictures. Blood, again, everywhere. Another bedroom picture and, again, they're showing blood everywhere in that man's bedroom. Again, another picture. There's just blood all over the bedroom floor. Again, another picture in the bedroom floor. Another picture on the bedroom floor, and then another picture on the bedroom floor. And, again, ladies and gentlemen, all of those pictures are coming into evidence. You will have them. You will be back there during deliberations to be able to talk about that. Use your common sense. Why are those pictures important? I told those pictures would be important and I think you just need to be listening to this. As I've told

you, you're not going to hear any evidence at all that there's any blood found on my client's clothing, on their shoes, on his anything and, ladies and gentlemen, you're going to hear this person -- Mr. Warren was executed. I mean, he was shot point-blank.

Use your common sense. If somebody shot point-blank, there's going to be blood on the shooter, there's going to be blood on the shoes, there's going to be footprints, there's going to be -- through the blood. None of that is here. Period. None. When I say none, none. And, again, they've got Mr. Andrews over here charged with murder. And I think I'm going to talk to you about something that you're not going to hear about. I don't think you're going to hear about any blood spatter analysis. I don't think the police department did any type of blood spatter analysis. Which way was the shot from? We don't know. I don't think you're going to hear about any bullet trajectory analysis.

Why is that important? You can tell -- the science today, ladies and gentlemen, is marvelous. You'd be able to tell was the person that shot Mr. Warren right-handed, left-handed, taller than Mr. Warren, shorter than Mr. Warren, was he beside him, behind him, in front of him. The science today is phenomenal. They should have been able to tell all of that and guess what. None of that was done. Mr. Warren's family over here deserved to have that done. They

deserved to have that done. You know, you're going to hear about, again, what the police didn't do. And then, again, you're going to hear -- I believe the evidence is going to show that times -- about the only good times here that's going to be able to be determined is the government times. So by government times, I mean when did the 911 call come in. We know undoubtably that came in at 5:02 on the afternoon of October 25, 2016, without a doubt. You're going to hear Ms. Boland from -- from 911, she's going to come testify and tell you that. That time's not in dispute. We know, at that point in time, that Mr. Warren had been shot and, ladies and gentlemen, that's about all we know. The timing here in horrible.

And, again, you're going to hear from my client that no watch, no phone, he doesn't keep up with time, but all of the other people -- the government's going to put up a lot of people that just give statements all over the board about what time stuff happened, when they saw my client that day. And you're going to hear testimony -- the Solicitor was right. You're going to hear testimony my client was actually at the scene of the shooting earlier in the day. He and the gentlemen, Mr. Warren, were buddies. They said he went over there on about a daily basis. Yes, he was there. People are going to see him there that day. He's never denied that. You're going to hear him tell that to

the police. You know, you're going to hear the lady, Ms. Nicole Reid, she's the one that actually called 911. The one at 5:02. I have reason to believe the government's going to call her. If they don't call her as a witness, you're still going to hear her on the 911 call. You're going to hear her testify. Whether or not she takes the stand, you're going to hear her testimony. And, ladies and gentlemen, I think what she tells the police and what you tell the 911 when you called them on a 911 call, an emergency situation, you probably ought to give a lot of credence to that.

You know, because -- and I have reason to believe that the government may call as a witness a fella by the name of Keith Jackson. Train Head. That's what he goes by, Train Head. Now, I don't know if they're going to call him or not, but I have reason to believe that they will. He's at least given four recorded statements that are all over the place. You know, he's given some unrecorded statements that are all over the place and I'd be lying to you, if they call him, if I knew what he was going to say. I don't have a clue. I don't have a clue. And, again, that's the case that the government's putting up. You know, Mr. Andrews over here doesn't have the burden of proof on anything. He doesn't have to do anything. He doesn't have to present any witnesses, he doesn't have to testify, he doesn't have to

put up any exhibits, he doesn't have to do anything. The burden's not his. The burden belongs to the government over here and to the police over here.

I have reason to believe that the government's going to call as a witness a fella by the name of Dwayne Sanders. Again, I don't know if they're going to call him or not, but I have reason to believe that they will. A lifelong career criminal who says that my client confessed to him while my client was in jail on these charges, but, ladies and gentlemen, we've got the recording of Mr. Sanders' statements. I'm just telling you, what he told the police happened, the police had already debunked that story. Period. So they're -- if they put Mr. Sanders up, the government's putting up a witness, trying to prosecute Mr. Andrews, who's story has already been discredited. The police know it's not true. And you're going to hear all of this if, in fact, they put up Mr. Sanders.

I have reason to believe they may call a fella by the name of Kelsey Watson to testify. They call him Blade. That's a heck of a nickname. B-l-a-d-e. Blade. You know, I don't know if they're going to call him or not, but if they do and he's in jail -- he's in Federal jail up in Anderson. He's a lifelong criminal. See, I don't know if they're going to call him or not and if they do, God only knows what he's going to say. You're going to hear,

probably from several other witnesses, too, but almost to a man and a woman, nobody knows the time. And, again, time is crucial here. But even over and beyond the time, I will represent to you -- and I want you to keep a close watch on this. What's always been so striking is that, you know all that blood was there and none of that blood is found on my client's clothing, found on their shoes. None. I mean, that right there, to me, in my mind's eye, ladies and gentlemen, that's a reasonable doubt.

Forget about all this other stuff. Forget about the jailhouse snitches, forget about the career criminals testifying against my client, forget about people not wearing watches and not knowing the time. I will submit to you, I think the single most crucial piece of evidence that you're going to hear is there's absolutely no blood found on my client. None. Not on his shoes, not on his clothing. And, again, they didn't test him for gunshot residue. And, again, if they tested for gunshot residue -- the government just didn't do it. Don't have a clue. So, ladies and gentlemen, I want you to pay attention, please. It's not necessarily me asking you to do it. Mr. Andrews is asking you to do it. I mean, please pay attention. Listen to this, be skeptical of the tale that the government wants to tell you. I mean, again, we've got a man's life hanging on the line over here.

And, again, I just want you to keep that in mind and I think that's giving you kind of a rough roadmap of the evidence and the exhibits and the documents that you're going to hear over the next two or three days. Ladies and gentlemen, I thank you for your attention.

THE COURT: Thank you, Mr. Henderson. Mr. Thomas, if you'll call your first witness, please.

MR. BROWN: The State calls Jill Boland.

JILL BOLAND, having first been duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MR. BROWN:

Q Good afternoon.

A Hey.

Q Ms. Boland, where do you work?

A 911, Greenwood County.

Q How long have you been with Greenwood 911?

A Eight years.

Q And what is your job description.

A I'm the operations manager. I keep the records of day to day operation.

Q As part of the operations director, do you -- part of your -- is it record keeping?

A Yes, sir.

Q Dates when 911 -- when people would call 911?

A Yes, sir.
Q Do you all also keep the recordings of 911 calls?
A Yes, sir.
Q Ms. Boland, I want to ask you, back on October 25th of 2016, were you working at 911?
A If it was during the week, I was.
Q Okay. Have you had a chance to review the 911 call that came in from Gilliam Court --
A Yes, sir.
Q -- regarding a shooting?
A Yes, sir.
Q I'm going what's been marked as the 911 call. Do you recognize that?
A That's my hand writing.
Q And do you know what time that call came in?
A Around 5:00.
Q 5:00? Now, is that copy that we gave you of the 911 call, is that an accurate recording?
A Yes, sir.
Q If I can get this computer to work.
MR. BROWN: Beg the Court's indulgence.
THE COURT: Yes, sir.
(Whereupon, the 911 call was published for the jury.)
Q Ms. Boland, I'm going to show you the CAD detail. What time did that call come in?

A 17:02 and 42 seconds.
Q It would be 5:00 -- a little after five o'clock, 5:02?
A Uh-huh.
Q And the call was to Gilliam Court?
A Yes, sir.
Q And that would have been here in Greenwood County?
A Yes, sir.
Q In the city of Greenwood?
A Yes, sir.
Q And that would have been October 25th of 2016?
A Yes, sir.
Q As those calls come in, are law enforcement being dispatched right then, as well?
A Yes, sir.
Q And EMS?
A Yes, sir.

MR. BROWN: No further questions.

THE COURT: Any cross?

CROSS-EXAMINATION

BY MR. HENDERSON:

Q Very briefly, Ms. Boland, and thank you for being here. Now, did I hear Ms. Reid say right that the person who told her about the body being on there left the scene? Did I hear that right? Now, you listened to the tape, didn't you?
A Yes, sir.

Q I mean, I just want to make sure I'm hearing it right.
A She said he was gone. Yes, sir.
Q So he was gone? He split, for want of a better term?
A (Non-verbal response)
Q Is that a yes?
A Yes, sir.
Q Do you have any idea who that person was?
A No, sir.
Q You don't have a clue, do you?
A No, sir.
Q Okay. But it sounds like he left?
A Yes, sir.

MR. HENDERSON: Okay. I don't have anything further, Your Honor.

THE COURT: Ma'am, thank you for coming.

THE WITNESS: Thank you.

THE COURT: Take care and step down.

(Whereupon, the witness stepped down from the witness stand.)

THE COURT: Call your next witness, please.

MR. THOMAS: Your Honor, the State calls Wynekia Childs to the stand.

MR. HENDERSON: And, Your Honor, may we approach right quick?

THE COURT: Come on up.

(Whereupon, a sidebar was held outside of the hearing of the jury)

THE COURT: Madam Clerk, if you'll swear witness, please.

WYNEKIA CHILDS, having first been duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MR. THOMAS:

Q Good afternoon, Ms. Childs.

A Good afternoon.

Q I know this is going to be kind of difficult for you, but we're going to try and go through this slowly and just try to answer my questions as best you can. Okay?

A Yes, sir.

Q Okay. Introduce yourself to this jury.

A My name is Wynekia M. Childs.

Q And where do you live at, Ms. Childs?

A In Greenwood, South Carolina.

Q How long have you lived here?

A Forty-three years. All my life.

Q And in those 43 years, did you ever become acquainted with Barry Warren?

A Yes, sir.

Q How did you know Barry?

A Through his lovely family. Mr. Harold Crawford, his

uncle and sister and them.

Q And what was y'all's relationship.

A My fiancé.

Q Did y'all live together?

A Yes, sir.

Q Where did you all live together at?

A Apartment 8, Gilliam Court, Greenwood, South Carolina.

Q And you all lived there in October of 2016?

A Yes, sir.

Q Okay. Let's talk a little bit about, what did you call Barry?

A My pooh-bear.

Q Okay. Let's talk -- I'm going to call him Mr. Warren --

A Okay.

Q -- is that okay?

A That's fine.

Q Let's talk a little bit about Mr. Warren. What -- let's just get it all out there. Be honest. What did Mr. Warren do?

A He sold sodas, played cards, very friendly, had company and they came over and played cards with him.

Q Did he do anything else in that house that maybe isn't something you're all too proud of?

A He sold a little drugs or whatever.

Q And when you say he sold a little bit of drugs --
A He had a little weed, a little pills.
Q And when he would sell those pills or those weed or whatever he sold -- I mean, obviously, he wasn't -- I've seen the pictures of Gilliam Court. He wasn't making a killing doing it, was he?
A No, sir.
Q Did he just sell enough for y'all to get by?
A Yes, sir.
Q Do you know what he would do with his drugs, where he would keep them when he had them?
A Put them in his bedroom right there in his TV stand.
Q In the TV stand?
A Yeah. His TV stand.
Q And what did he put them in when he put them in the TV stand? What kind of container did he keep everything in?
A He kept it in a Crown Royal bag.
Q Okay. And, I guess, all of the stuff that we're here about today happened on a Tuesday?
A Yes, sir.
Q Tell me what happened the Friday beforehand.
A That Friday, Mr. Warren had got busted.
Q And when you say busted, you mean the --
A The narcotics came and kicked in his door and stuff.
Q And I'm assuming they arrested him after that?

A Yeah. They had him in handcuffs.
Q And what did they do? They took him to jail?
A They took him to jail.
Q When did he get out of jail?
A Sunday, that weekend. That Sunday evening around about four o'clock.
Q Who got him out?
A I did. Me and Mr. Alfonso Williams, Bumbo.
Q And you said that was Sunday afternoon?
A Sunday afternoon.
Q What did you all do when you all got back from the jail?
A We went to McDonalds. He loved McDonalds and we came to his place.
Q Was anybody else there at his place?
A When we pulled up, it was just me and Mr. Warren.
Q Did anybody else come over that night?
A Yes.
Q Who's that?
A Mr. Demorris Andrews right there, (indicating).
Q And you're talking about --
A Mr. Andrews, right there, (indicating).
Q Okay. How long have you known Mr. Andrews?
A All my life.
Q Have you ever known him to go by any other names?

A Smiley and D.

Q What did you call him?

A D.

Q And when y'all got back on Sunday and Mr. Andrews came over, what happened when he got there?

A Mr. Andrews said, "What's up, Unc?" and Mr. Warren said, "Hey, Nep, how you doing?" and Mr. Andrews said, "Unc, what did they get off of you?" I'm trying to get Mr. Warren's attention. He didn't look at me, so I hit his leg. That's when Mr. Warren said, "They got a pistol off me --

MR. HENDERSON: Your Honor.

THE COURT: I'm sorry.

MR. HENDERSON: I'm going to object to anything Mr. Warren said.

MR. THOMAS: Your Honor, it's not -- what she's about to say isn't going offered for the truth of the matter. It's going to be offered to show it's effect on the listener, which would make it not hearsay.

THE COURT: All right. Can you all approach real quick?

(Whereupon, a sidebar was held out of the hearing of the jury.)

THE COURT: Mr. Henderson, the objection's withdrawn?

MR. HENDERSON: Yes, sir.

THE COURT: All right. Go ahead and proceed, please.

Q Let's back that up. What did Mr. Andrews ask Barry?
A "Unc, what they get off you?"
Q And what did Mr. -- what did Barry tell him.
A "They got a gun off me, Nep."
Q And what did -- I mean, how long was Mr. Andrews over at the house? How long did this conversation last?
A I'd say about 10 minutes.
Q And what did Mr. Andrews do after that?
A They -- they was -- he was still standing out there in front of the house.
Q Okay. So he kind of hung around outside of the house?
A Uh-huh. Yes, sir. He hung around.
Q How long did he hang around out there?
A He hung around just about probably all day that day.
Q I mean, was that unusual in any way?
A Not really. No.
Q That's on Sunday evening?
A Sunday evening.
Q What did you and Barry do on Monday?
A We got up Monday morning and we went to the store and hung out for a little bit and we came on back.
Q Was -- did you see Mr. Andrews at all on Monday?
A Yeah. I saw him that evening right out there in front of the house.
Q So y'all went to bed Monday night?

A Uh-huh.

Q What about Tuesday? Same thing?

A Tuesday was the same thing.

Q Y'all got up and hung around?

A Yes, sir.

Q Were you with Mr. Warren the whole time from when he got out of jail until Tuesday afternoon?

A Yes. Yes, sir.

Q What ended up happening on Tuesday afternoon that caused you to leave?

A Tuesday -- Tuesday afternoon him and my son was on the phone and Barry said, "Pooh-butt, go get your son money." I said, okay. I came on out the door, walked down the steps, getting ready to get in the car with Barry's cousin, Ms. Cheryl Crawford.

Q And so, that's the first time you left the house since Sunday?

A Yes, sir.

Q Okay. And you've got to speak up. I know you're kind of soft-spoken, but she's got to take down --

A Okay.

Q -- the answers to the questions. Okay. So Tuesday afternoon you said you had to go somewhere and get some money?

A Yes, sir.

Q Okay. About what time was that? Do you remember?
A I don't know. It was probably like -- it had to be around about 2:00 or after 2:00.
Q Sometime after 2:00?
A Yeah. Yes, sir.
Q But you don't know exactly when?
A Huh-uh. I don't know exactly the time.
Q And how long would you say you were gone?
A I would say about 10 minutes.
Q What caused you to come back? And don't tell -- don't repeat what you heard anyone else say. But just, why did you end up coming back after 10 minutes?
A So I could send my son his money.
Q Okay. So you -- but you came back to Gilliam Court?
A Yes, sir.
Q Okay. What was going on when you got back to Gilliam Court?
A When I got back to Gilliam Court, I seen a lot of people out and police officers everywhere.
Q And did you come to find out that day that -- or at that time that Barry had been shot?
A Yes.
Q I want to back up a little bit. Who all was around outside -- or let me ask you this first. Who was in the house when you left with Barry?

A By himself. I left him by himself.
Q And who all was around outside?
A When I came out the door and come on down the steps I seen Keith Jackson, Ms. Helen, and I seen D.
Q Okay. And Mr. Keith Jackson, what do you know him as?
A Train Head.
Q And Ms. Helen, do you all call her Ms. Helen?
A Ms. Helen.
Q And you said you saw Mr. Andrews, also?
A Yes. I saw Mr. Andrews, also.
Q And when you came back to Gilliam Court, you said there were more people than just that out there?
A Yes, sir.
Q Including police officers?
A Yes. Police officers.
Q And did they have the area roped off with crime scene tape and all that?
A Yes.
Q Did they let you back into the house at all?
A After they got through doing what they were doing.
Q And that was -- when was that? Later in the night?
A Yeah. Later on that night.
Q You've seen some of those pictures Mr. Henderson put up a minute ago?
A I didn't look at all.

Q The house was in a mess?
A Yeah. It was a tragedy.
Q Did you all have to clean up a little bit?
A Yes. We cleaned up.
Q Did you find anything when you were cleaning up?
A Yes. I did.
Q What did you find that's important?
A In Mr. Warren's bedroom, I was moving the cover and I found a bullet and I called the officer back out and told him that I found a bullet on Mr. Warren's bed -- his sheets.
Q I'm going to show you what's been pre-marked as State's Exhibit 26. Does that look familiar?
A Yes, sir.
Q What is that?
A That's the bullet that I found on Mr. Warren's bed and sheets.
Q And that's the sheets you wrapped it up in, I guess?
A Yes, sir.
Q Okay. You didn't take that picture, though?
A Huh-uh.
Q Okay. I'm going to show you what's been marked as State's Exhibit 38. Does that look familiar?
A Yes. The same bullet.
Q The same thing that's in --
A Yes. On the bed. Yes, sir.

Q And you all found that while you were cleaning up?
A Yes, sir.
MR. THOMAS: Your Honor, at this time I'd move 26 and 38 into evidence.
THE COURT: I believe they are in evidence, so yes. 26 and 38 are in evidence.
Q That's the bullet you found?
A Yes, sir. That's the bullet I found and the same bullet right there on his bed.
Q And you can tell they -- let me put these up so the jury can see them. That's the bullet y'all found wrapped up in the bed sheet?
A Yes, sir.
Q And you can tell that's the same bullet because it's got that little notch in it where it's sort of --
A Yes, sir. That's the same bullet.
MR. THOMAS: All right, Ms. Childs. I'm going to let you answer any questions Mr. Henderson might have of you.
THE COURT: Cross?
MR. HENDERSON: Yes, sir.

CROSS-EXAMINATION

BY MR. HENDERSON:
Q Good afternoon, Ms. Childs.
A Good afternoon.
Q And I want to express my sympathy for your loss, as

well. I know I've never met you before --

A Okay.

Q -- but I want to express my sympathy to you. I hear good things about Barry. Everybody says he was a people person.

A He was.

Q I understand that he was kind of welcoming to everyone in the community.

A Yes. He was.

Q That he was welcoming to my client, Mr. Andrews here.

A Yes. He was.

Q That they considered each other friends.

A Uh-huh. Took care of Mr. Andrews.

Q I understand that he was like a father to my client.

A Yes, sir.

Q Okay. And my client was over there on a pretty regular basis, is that fair to say?

A Yes, sir.

Q Maybe not every day, but most days; is that fair?

A Every day.

Q Every day?

A Every day.

Q Let me ask you, are you wearing a watch --

A No, sir.

Q -- a wrist watch?

A No, sir.
Q How do you tell time?
A Because I time myself.
Q I mean, but how do you tell time? If I want to know what time it is, how do you know what time it is?
A Sometimes I time myself. I be on my phone looking at my time.
Q Okay. You look at your phone?
A Yes, sir.
Q Okay. You don't wear a wrist watch?
A No. I don't.
Q Okay. Because I think I heard you say a while ago that you're not sure about a time. I don't want to put words in your mouth.
A No. I did say that.
Q Okay. Going back to that Friday that Barry was arrested. I think the narcotics unit came in and, I guess, searched the house?
A Yes, sir.
Q Were you there?
A I'd just come back.
Q You'd just come back? So you weren't there during the search?
A Huh-uh.
Q Okay. And I know I heard some testimony saying that a

gun was seized by the police.

A Yes, sir.

Q And you didn't see any of this stuff being taken by the police? I guess, you came back afterwards; is that right?

A Yes.

Q Okay. You understand they took all the drugs that were found in the house? Are you aware of that?

A Yes.

Q Have you seen the incident report related to all that?

A About the what?

Q About what all the police seized when they were there that Friday afternoon.

A Yes. I did. I did see -- they left it at Mr. Warren's house.

Q Okay. The search warrant?

A Yes.

Q Okay. But they took all the drugs they found?

A Yes.

Q They took of all the cash and change that they found?

A Yes.

Q They kind of cleaned Barry out?

A Yes, sir.

Q In a sense, put him out of business, is that fair to say?

A I guess. Yes.

Q Okay. If they take his gun, his drugs, and his money and put him in jail, I guess they've put him out of business. I mean, I don't want to put words in your mouth, but that seems to be a logical, you know, inference that they put him out of business. Or, at least, that day they put him out of business.

A Uh-huh.

Q Is that a yes?

A Yeah.

Q Okay. And then, you said he spent a couple of days in jail?

A Yes. He did.

Q And you bonded him out that Sunday?

A Yes, sir.

Q The 23rd?

A Yes, sir.

Q And it sounded you all stayed pretty close to home --

A Yes.

Q -- until you said you went out Tuesday afternoon?

A Uh-huh.

Q Is that a yes?

A Yes.

Q Okay. And you said my client, Mr. Andrews, came over to the house Sunday night to visit? Is that a yes?

A Mr. Andrews was out there.

Q Right. But you said he and Barry actually talked?
A Yes.
Q And you heard them talk?
A Yes. I was right there.
Q You were right there?
A I heard them.
Q Okay. Were they inside, outside?
A They was outside talking. Me, Mr. Barry, and Mr. Andrews was right there.
Q Right. So -- actually, Barry was telling him what got taken?
A Yes.
Q Okay.
A He asked Mr. Warren.
Q Okay.
A "Unc, what was taken", and the first thing Barry said was the gun.
Q And, I guess, Barry told him he got cleaned out to boot?
A Yes.
Q Okay. All the drugs gone, all the money gone, you know, they put me in jail for a couple of days?
A Yes.
Q Okay. And then, you said you and Barry stayed around the house for the next couple days.

A Yes. We did.

Q Okay. And then, I'm trying to follow -- you know, kind of give me maybe a little bit more detail. You said you were going someplace to give your son some money or --

A I was going to pick up my son's money. My son and Mr. Warren was on the phone.

Q I got you. I got you. You were going to pick up your son's money?

A Yes.

Q Where were you going to pick it up from?

A His grandparent's house.

Q And where is that at?

A Down the street. Edgefield Street.

Q Okay. And then, you said you left sometime after two o'clock?

A I might have been. I guess. I don't know. But it was -- I know it was around in that time.

Q Okay. Around two o'clock?

A Yes. After 2:00.

Q Okay. But, again, you don't wear a -- you don't wear a watch?

A No.

Q Okay. Anything stand out that afternoon about the time, other than you coming back --

A I was going to get my money -- my son's money -

Q Okay.

A -- so I could come back. Me and Mr. Warren was going to get my son a money -- a Green Dot.

Q Okay. Now, how old is your son?

A My child is 27-years-old.

Q Okay. Okay. And you said when you came back that the police were already on the scene?

A Yes, sir.

Q Okay. Let me ask you. When you were coming -- did you drive up, were you walking, how were you traveling?

A I ran.

Q Okay. No. I mean, when you left earlier. I think you said you were riding with --

A Yeah. I was riding. I was --

Q With Ms. Crawford? Did I hear --

A Ms. Crawford.

Q Ms. Crawford. And you came back on the scene, and did anybody come running up to you to tell you that Barry had been shot?

A Yes. I mean, a good many people. Even my step-mom.

Q Okay.

A My sister.

Q But was Kelsey Watson out there? Did he come running up to you to tell you --

A Yeah. I seen Kelsey.

Q And he goes by Blade, right?
A Yes. Blade.
Q Okay.
A Even Ms. Reid. She came up to me. She said -- she said, "My cousin's been shot. I don't think he made it." I said, "Don't say that, Nicole."
Q Right. So where -- where did they run to to meet you? When did -- where did y'all's paths first meet out there?
A Right there in front of Gilliam Court.
Q Okay.
A Apartment 8. Right there.
Q Right there in front of 8. Okay. They came -- you came running up to them --
A Yes.
Q -- or they came running to you?
A They came -- they met -- I was running. So they met me and they stopped me --
Q Okay.
A -- and I seen an officer standing -- it was already taped off.
Q Right. Right. Right. And, again, you're just not sure what time you left your home to go to Edgefield Street that day?
A No.
Q And I think you said -- again, correct me if I'm wrong.

I don't want to put words in your mouth. That you'd seen Keith Jackson, Train Head, out there that day?

A Uh-huh.

Q Is that yes?

A He was around all day.

Q Keith was?

A Keith and Ms. Helen and them. They was around all day.

Q They kind -- that's kind of a normal for them, isn't it?

A Uh-huh.

Q Is that a yes?

A Yes, sir.

Q Okay. Did you actually see them when you left?

A Yes. Mr. Keith Jackson and Ms. Helen was sitting in the front of Mr. Warren's apartment.

Q When you left with Ms. Crawford?

A Yes.

Q Okay.

A They was still out there.

Q And was my client there when you left with Ms. Crawford? I just want to try to --

A Yes.

Q Okay.

A Yes. He was. Mr. Andrews was standing right out there.

Q Just the three of them? Were they the only people there or do you recollect --

A Mr. -- okay. Mr. Keith Jackson and Ms. Helen was in the front of the apartment.

Q Right.

A There goes Mr. Andrews right there on the corner right there of Mr. Barry Warren's apartment. Right there on the corner.

Q Okay. If I'm looking at number 8 and number 9, so you're saying Mr. Andrews is standing right there kind of between -- to the left of unit 8 in that photo?

A Right there. Uh-huh.

Q And you agree there's a little space there, and then it runs into unit 7?

A Yes.

Q Okay.

A Seven, yeah.

Q And 6? Okay. They're kind of two unit duplexes, for want --

A Yes, sir.

Q -- of a better term. Okay.

A Duplex.

Q And you're saying my client was standing around --

A Yeah.

Q -- between 8 and 7?

A Yes.
Q Okay. And you think that's around two o'clock?
A Yes.
Q Okay. And it's not unusual to -- for my client to sell some marijuana out there, is it?
A No.
Q And it's not unusual for him to probably be smoking some marijuana out there, is it?
A It ain't usually.
Q It's not usual?
A It's usual he's out there smoking.
Q Okay. It's usual. So it's not unusual, it is usual?
A It is usual he out there smoking and selling.
Q Okay. And Barry was okay with that?
A Yes.
MR. HENDERSON: Okay. Let me have one minute, Your Honor.
Q Ms. Helen and Train Head, I think -- again, they were playing cards you said or they were sitting or about to play to cards?
A They was sitting out there.
Q Okay. What were -- were they sitting at a table or were sitting on buckets or what was the --
A They was sitting on buckets.
Q Okay. But were they playing cards yet?

A No. They hadn't started the game yet --

Q Okay.

A -- the card game yet.

Q Let me ask you. So when you walked out the door of Barry's and your apartment, you could see them?

A Yes.

Q When I say them, Ms. Helen and Train Head.

A Ms. Helen and Mr. Jackson. You could see them.

Q Were they facing you, backs to you?

A No. They was facing me.

Q Okay. So when you're walking down the steps, you could actually look out --

A Yes.

Q -- you know, 10 feet away or 15 feet away?

A Yes.

Q I mean, they're close?

A They're close.

Q Okay.

A They're right there.

Q Did you speak to them when you left?

A Yes.

Q Did you tell them bye?

A I said, "Hey, how y'all doing?"

Q How you doing?

A That's what I first said and they was like, "Where you

going?" and I said, "I'm going to handle a little business for my son."

Q Okay. So at that point in time, no card game had started?

A Huh-uh. No card game had started yet.

Q And Demorris was over there in the corner? Did you see him selling any drugs that day or you just don't know?

A I don't know.

Q You just don't know? But he was there when you left?

A He was there.

Q Okay. Around two o'clock? Okay. And, I guess, when you got back, you were just probably all -- I mean, I can't imagine your grief. I mean, I'm sure you were horribly upset.

A Yes. Very hard.

Q Okay. And still upset?

A Yes. I am. Never could get over this. Never.

Q And rightfully so. I'm telling you, rightfully so. You ought to be upset until this crime is solved.

MR. HENDERSON: If I may have one more minute, Your Honor. I don't have anything further, Your Honor.

REDIRECT EXAMINATION

BY MR. THOMAS:

Q Ms. Childs, Mr. Henderson asked you if the DEU basically cleaned Barry out. How much did you know about

his dealings? Just be honest with us.

A How much was done about what now?

Q His drug dealing.

A How much I knew?

Q Yeah.

A I knew for a long time.

Q Do you know if he -- after he got back on Sunday, do you know if he came into possession of any more drugs?

A No, sir.

Q Do you remember him telling anybody in the neighborhood that he had re-uped or maybe that he still had some dope?

MR. HENDERSON: Objection.

A No.

MR. HENDERSON: That's going to be classic hearsay.

THE COURT: All right.

MR. THOMAS: Same exception, Your Honor.

THE COURT: Not for the truth of the matter asserted?

MR. THOMAS: For the effect on the listener. It could -- it could -- I'll withdraw, Your Honor.

THE COURT: All right. Sustained.

MR. THOMAS: I can see where you're --

THE COURT: Sustained.

Q Let me ask you this. Do you know if Barry had any more drugs on Tuesday?

A No, sir.

Q Is that no, he didn't, or no, you just don't know?
A No. He didn't have no drugs.
Q Okay. Did he have any money?
A He had a couple of dollars.
Q Okay. Mr. Henderson also asked you, basically, if Mr. Andrews was there all the time. Did anything seem different about him from Sunday on when you all came back?
A Yes. He's always popping up and standing right there with that sneaky smile on his on his face, turning his head and looking around like he's scoping out things.
Q There's also been some mention of two o'clock. I think that's what you said on the direct. Do you know if it was immediately after 2:00 or -- I mean, was it right after 2:00 or was it sometime after 2:00 or you just don't know what time it was that you left to go get money?
A I believe it was -- it had to be sometime after 2:00.
Q Okay. That's all you can narrow down to?
A I can narrow down to.
Q And when we talk about this going to get money thing, that's some child support issue that you're --
A Yes. That's with me and my baby daddy.
Q Okay. How long did you say you were gone?
A Ten minutes.
Q And you said when you left Mr. Jackson and Ms. Helen were out there?

A Yes, sir.

Q And Mr. Andrews was out there?

A Yes, sir.

Q When you got back, Mr. Jackson and Ms. Helen were still there?

A Yes. They was still there.

Q Was Mr. Andrews still there?

A I didn't see Mr. Andrews. No.

MR. THOMAS: Thank you, ma'am.

RECROSS-EXAMINATION

BY MR. HENDERSON:

Q Ms. Childs, just one thing. When you came back, you said Ms. Helen, Keith Jackson, Train Head were sitting there, still there?

A Yes. When I come back, they was --

Q Okay.

A -- still out there.

Q Had they started the card game yet?

A No. No, sir.

Q Okay. So they weren't out there playing spades?

A Huh-uh.

Q You didn't see them?

A I didn't see them playing no kind of cards.

Q Okay. So you didn't see Barry playing cards that day?

A No.

Q Okay. You didn't see anybody playing cards that day, is that what you're telling us?

A No. I didn't get to say nobody playing nothing --

Q Okay.

A -- when I got back.

Q I'm talking about even when you left.

A Even when I left, no. I guess, they were getting ready to start the game, but I left --

Q Okay.

A -- and when I came back, Keith Jackson and Ms. Helen, they was still out there.

Q But you didn't see any signs of them playing cards?

A I didn't see no signs of playing cards.

MR. HENDERSON: All right. Okay. I don't have anything further, Your Honor.

THE COURT: All right, ma'am. Thank you very much, Ms. Childs. You can step down.

THE WITNESS: Yes, sir. Thank you.

(Whereupon, the witness has stepped down from the witness stand.)

THE COURT: Ladies and gentlemen, we'll go ahead -- we'll go ahead and take our mid-afternoon break for about 10 minutes. If anybody needs to step outside for a cigarette, just let Mr. Willingham know and he'll get you outside. Don't discuss the case. Feel free to get yourselves

comfortable, maybe a little drink or something back there and we'll be back on the record in about 10 minutes. All right? Thank you.

(Whereupon, the jury exited the courtroom at 3:31 p.m.)

(Whereupon, a brief recess was held.)

(Whereupon, the jury entered the courtroom at 3:51 p.m.)

THE COURT: All right. The jury is back and seated. Solicitor, if you'll call your next witness, please.

MR. BROWN: The State calls Keith Jackson.

THE COURT: They've gone to get him.

KEITH JACKSON, having first been duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MR. BROWN:

Q Good afternoon, Mr. Jackson.

A How you doing, sir.

Q All right. Mr. Jackson, what's your full name?

A Keith Vernon Jackson.

Q And are you a senior?

A No. I'm the youngest.

Q Okay. You have a son, though?

A Yeah. Demarcus.

Q Okay. But you go by Keith Jackson?

A Uh-huh.

Q Do you have any nicknames?
A Train Head.
Q Train Head?
A Uh-huh.
Q How did you get that?
A Playing football. I use to --
Q Playing football?
A -- run over people.
Q When did you play football?
A Greenwood High. I played at Emerald and Greenwood High.
Q And when did you graduate?
A 1985.
Q And when did you graduate?
A 1985.
Q In '85. Mr. Jackson, I'm going to get the elephant out of the room right now. You're wearing an orange jumpsuit.
A Yes, sir.
Q Are you over here in the Greenwood County Jail?
A Yes, sir.
Q Charged with what?
A I got a burglary third. I think they broke it down to -- I've been in there 64 days today, I think.
Q Now, Mr. Jackson, that burglary charge, when did that come about? You were arrested 64 days ago; is that correct?

A Yes, sir. Something like that.
Q And we're not going to talk about that charge, but the allegations are that it happened in 2017; is that right?
A Yes, sir.
Q Well after this case; is that correct?
A Yes, sir.
Q And it's also no hidden fact that you've been in the system a little bit; is that correct?
A Yes, sir.
Q You've been in jail a good bit?
A Yes. I have.
Q You've actually been down the road to SCDC before; is that correct?
A Yes. I have.
Q Mr. Jackson, did you know Barry Warren?
A Yeah.
Q How did you know Barry?
A I been known him, I think, back in -- if I'm not mistaken, Barry Warren's brother shot my brother in '84. I graduated in '85. Mistaken identity. But I had been known his family. We lived in the Charlie Williams Garden for a while.
Q And what would you consider Barry? A friend or an enemy?
A A friend.

Q Did you hang out with him a lot?
A Occasionally, yes.
Q And on the day he was killed you actually were outside of his house; is that right?
A Yes, sir. Playing cards.
Q And where was that?
A It was on top of Gilliam Court. As you come in Gilliam Court, you've got three trees and you've got Apartment -- I don't know the number, then you've got a little pathway. So we was up under the breezeway up under the trees.
Q Who --
A I think I was sitting on a bucket. We had a table, a bucket. Ms. Helen was my partner, then on the right of me it was old man Mr. Charlie and on the left of me -- I forget the old -- the another old man, but he live in the area.
Q Well, where does Barry live or where did he stay?
A Let me see. Well, we was playing cards, there was an abandoned house -- abandoned apartment. He stayed next to the abandoned apartment.
Q Right there on Gilliam Court?
A Yes, sir.
Q [redacted] Gilliam Court?
A I don't know the number.
Q But it was right there on Gilliam Court?
A Yeah.

Q And that's here in Greenwood, right?
A Yes, sir.
Q Okay. This is back on October 25th of 2016?
A It's been a while. I forgot about it.
Q But roughly?
A Something like that.
Q Do you know this guy sitting over here?
A Yeah.
Q Who's that?
A That's Smiley.
Q Smiley?
A Yeah.
Q Demorris Andrews, is that his name?
A I didn't know his real name, but I knew him by Smiley.
Q That's what you knew him by? Did you also know him as D or did you always call him Smiley?
A Smiley.
Q And that's Smiley there?
A Uh-huh (affirmative response).
Q Okay. Mr. Jackson, you just eluded to the fact that you were out playing cards with Ms. Helen.
A Uh-huh.
Q On this day of October 25th of 2016, just take us through what you were doing out there. Was Barry out there any before or did you see Barry alive that day?

A Yeah. I got off work about like a quarter to 2:00. My boss man let me out at my house. I live in [redacted]. He let me out about a quarter to 2:00 because we had got off early that day. I took a shower. I stopped at Lil Cricket. I got two beers and I went to Gilliam Court. I was heading to Gilliam Court. When I got in Gilliam Court I heard a lot of commotion going on. I know we played cards several of times over there, so I said, darn -- I said, they must be playing cards. So I got on around by Ms. Helen's house at the front. I didn't see -- usually, she be on the porch, but I didn't see her. I went on around and I seen Ms. Helen up under the tree. So they was already playing cards. Barry and his partner was playing Mr. C and his partner. Mr. C and them had won one game and they was started on the other game. So Mr. C and them won a 10 on the second game. They was playing two out of three. So Ms. Helen asked me -- as they was playing the 10, Ms. Helen said, Train, as they was playing the ten, "Train, do you want to be my partner?" and I'm like, yeah. Sound like it don't matter who he playing and we beating them. So, I said all right. So Barry and them lost. So me and Ms. Helen, we sat down. I remember Barry said, "Do anybody want a beer or a cigarette?" and I told him, no, I had cigarettes and a beer. So I start shuffling the cards and was dealing them out. Mr. Smiley, he had came around the table and asked

what's the score. I said, "Man, we ain't playing yet. The game ain't got started." So I didn't him no more right then and there.

Q Where did Barry go?

A I reckon he was in the house.

Q He left where you all were playing cards in the house?

A Yeah. See, the way -- where I was sitting at, I was at his back. He had his front to us. So, let me see. It was Mr. C, Helen, Mr. C's partner, and me. Just like I'm here. You know, we had Mr. C, his partner, and Ms. Helen. So I was facing the back of the door. His front door was at my back. So he said -- like I say, he say, "Do anybody want a beer or a cigarette?" and I told him I already had cigarettes and beer. So I started dealing the cards and when I started dealing the cards, it sounded like I heard firecrackers. Pop, pop. Something like that. So I didn't bother, because I know the kids -- the Mexican kids who live in Dallas Court around that way, they always shooting firecrackers. So didn't nobody pay it no mind, you know.

Q Now, after you heard firecrackers, did you ever look back at where Barry was --

A No.

Q -- his house?

A No.

Q You never saw anybody come out of that house -

A No, sir.
Q -- or come off the porch?
A No, sir.
Q What about running around on the edge of the building of his house?
A I seen -- I'm not going to say it was him or it wasn't him.
Q Saw who?
A I seen Mr. Smiley run, but he did like towards the -- you know, like I say, you got Gilliam Court, then you got a little trail way, then you have the Mexican house. I seen him run through the path and running down the street. That's all I seen.
Q You saw that guy over there, (indicating), Smiley, running?
A Yeah. He was running down the street.
Q Mr. Jackson, you gave statements to law enforcement; is that correct?
A Yes, sir.
Q The first statement you gave law enforcement is that you were playing spades with Helen --
A Right.
Q -- and you didn't see anything; is that correct?
A Right.
Q You didn't see anything, you didn't know what happened

--

A Right.

Q -- is that right?

A Right.

Q That was on October 25th of 2016, the day this happened; is that right?

A Yes, sir.

Q The next time law enforcement came in to talk to you or ask to speak with you was November 2nd of 2016; is that right?

A Somewhere around in there.

Q Somewhere around that?

A I thought -- wait a minute. I think they did stop by my house, but I was at work, but I got a card on the door.

Q Okay. And you came -- they were asking you to come in and speak with them?

A That day -- that approximate day, I seen the card. They told me to come up the next day, but we didn't get our work in time enough, so I know I did not go up there. And then, they had called -- they had seen me and they asked me, did I want to go up there and do another testimony.

Q And you did talk?

A Yes, sir.

Q You went up there? And that was November 2nd of 2016; is that correct.

A Yeah. Somewhere around in there.
Q And you were talking to Officers Wesley McClinton, William Kay, Joe Collins and Mike Dixon? Four officers; is that correct?
A There was three or four in there.
Q Three or four? And for 49 minutes, roughly, here and there, you, again, said I didn't see anything?
A Right.
Q And then, you told law enforcement, "Let's start over. I ain't going to lie no more," --
A Right.
Q -- is that right? And they started over, right?
A Right.
Q Did you tell law enforcement that day that you saw Smiley was there with Barry?
A I didn't -- I didn't see him with him. I didn't see him with him.
Q Okay.
A The only time -- like I said, the only time I had seen Mr. Smiley, when we was playing cards and he asked me what the score was and I told him we hadn't started yet. I didn't see him no more right then at that point until I seen him run.
Q Until you saw him run?
A Yeah. That's the only time I seen him.

Q Now, your testimony here a few minutes ago is you said you just saw him running down a path and running away from 8 Gilliam Court -- from Barry's house; is that right?

A He -- he was on the corner.

Q The corner?

A He was on the corner. Like I said, you've got an abandoned apartment, then you've got Barry's apartment, then you've got three more apartments going down. He was running around the corner from the abandoned apartment is where I had seen him.

Q Now, that second time you went to go talk to law enforcement on November 2nd of 2016 --

A Right.

Q -- after that 49 minutes of talking to them, did law enforcement show you a picture?

A Yes, sir.

Q Showed you a picture of who?

A Barry Warren.

Q Lying on the ground?

A Yeah. He was on the floor.

Q And you said, "I don't want to lie anymore."

A Yes, sir.

Q Yes, sir? I'm going to show you State's Evidence number 10. And when you asked law enforcement to start over, I'm not going to lie anymore, you also said, "I hate

to see Barry go down like that"; is that correct?

A Yeah.

Q And you've heard this statement, haven't you?

A Yes, sir.

Q "And I don't know who shot Barry, but he, Smiley, came running out of the house and that's the God's honest truth,". Isn't that what you said?

A I probably said "in the house", but I meant "around the house", you know.

Q You further stated, "He had a blue shirt, black shoes, black pair of pants." Is that right?

A The guy I seen who ran wore the black pants and a black shirt and a black hat.

Q Is that what you said?

A Yes, sir.

Q Okay. And after you saw him running from the house and around the corner, you said, "Smiley". You said, "Yeah, I know Smiley. That was Smiley." Is that correct?

A I don't recall. I don't know. It happened so quick.

Q Would you like to hear it?

A It might have been. I don't know.

Q Would you like to hear your statement to refresh your memory?

A If you would, yeah. If I did.

MR. BROWN: Permission to publish.

THE COURT: And in lieu of playing perhaps the entire thing, maybe you can find the portion that you're actually talking about and go straight to there. Obviously, Mr. Henderson could play anything he wants to play.

(Whereupon, interview portions were published for the jury).

Q Mr. Jackson, just hearing that, didn't you tell law enforcement you saw Smiley running out of that house?

A Yeah.

Q And you followed that with, "That's the God's honest truth."

A Yeah.

Q Is that the truth?

A That's what I said, yeah.

Q Mr. Jackson, later on in that statement to law enforcement -- and what we've already talked about is you've been down to the state pen; is that correct?

A Yeah.

Q When that first started, you said, "I'm not getting up on that stand." Is that right?

A Yeah.

Q Later on in that statement, you say, "Coming out of the pen, you don't see shit and you don't say shit." Is that just kind of ingrained in you is you don't want to testify?

A Certain things you, you know, you prefer not to talk

about.

Q So the God's honest truth is that Smiley came running out of that house?

A Yeah. It was so quick, man. I -- it could have been and could not have been. I don't know. That night, when it happened, man, it was so much going on, you know, when it happened.

Q And then, what you testified to is he ran around the corner of the house, Smiley?

A Yeah. I seen him run around the house.

Q And this is after what you heard, the firecrackers?

A Yes, sir.

Q How many firecrackers or pops did you hear?

A I don't know. It was -- like I said, it happened so quick, I don't know.

Q You want me to refresh your memory?

A Yeah.

Q You told law enforcement you heard two pops; is that correct?

A It might have been.

Q And I think that's towards the end of your statement to law enforcement, which was about 10 minutes long. Before we get to that, did you also tell law enforcement or did you actually tell Blade, who goes by Kelsey Watson, that you believe Smiley shot Barry?

A I don't recall.
Q You don't recall that?
A Huh-uh.
Q Do you know who Kelsey Watson is?
A Do I know Kelsey Watson, no.
Q Do you know him by the name of Blade?
A I know Blade. I don't know Kelsey Watson.
Q Okay. You know his nickname, Blade?
A I know Blade.
Q Did you tell him that you saw Smiley run?
A I don't recall, but, like I said, everything happened so quick.
Q Would you like me to refresh your memory?
A Yeah.
(Whereupon, interview portions were published for the jury).
Q Mr. Jackson, that's the police statement when you told them what happened. Is that what happened that day?
A Yeah.
Q That's the truth of what happened that day?
A Yeah.
Q And, again, that's Smiley, (indicating)?
A Yeah. That's him.
Q The man in the garnet shirt, that's who you saw running out?

A Uh-huh.

Q Is that a yes?

A Yeah.

THE COURT: The record will reflect that the witness has identified the Defendant.

Q Mr. Jackson, I'm going to show you some pictures to get a better idea of kind of where this was and where you were sitting. Mr. Jackson, I'm going to show you what's been marked as State's Evidence No. 2. Do you recognize that picture? I could bring it to you --

A Yeah. You can.

Q -- if you want to look a little closer at it. State's Evidence number 2. Is that Gilliam Court?

A Yeah.

Q And are those chairs in that photo -- is that in the direction you were sitting?

A Yes, sir. That's the table right there.

Q That's the table?

A Yeah. That we was playing cards on.

Q Mr. Jackson, what I'm pointing at, is that the table and chairs where you were playing cards?

A Yes, sir.

Q And right here, (indicating), is [redacted] Gilliam Court -- the stairs to Barry Warren's home; is that right?

A It look like it.

Q So you would have seen Smiley run down those stairs and around the corner?
A Yes, sir.
Q And that's only about 15, 20 feet away from where you were playing cards; is that correct?
A Yes, sir.
Q I'll show you State's number 3. Again, is that Barry Warren's apartment?
A Yes, sir.
Q [redacted] Gilliam Court, and that's his front door?
A Yes, sir.
Q In your statement you stated that Barry -- after you heard those two pops, which you initially believed to be firecrackers, that he came to the front door and said he had been shot.
A Yes, sir. But I was -- I had -- like I said, I had my back turned at that point and I thought he was playing until I heard the collapse, because I had told him, I'm like, man, go ahead man, I ain't heard no gunshot until I heard the collapse behind the door and I turned around and I threw the cards up and I wanted to run.
Q But you ended up running into Nicole Reid and Blade?
A Yeah.
Q And ultimately Nicole Reid called 911?
A Right. Correct.

Q Later on in your statement, Nicole went to that door and you actually held her back knowing --

A She wanted to go.

Q Now, Mr. Jackson, these duplexes or apartments, they're cinder block kind of?

A Yeah.

Q Do you know or they are cinder block? And, again, State's Evidence number 4. That's Mr. Warren's apartment?

A Correct.

Q And here's 9 and that would be 8 that's taped off?

A Correct.

Q I'm going to show you State's Evidence number 5. Again, this is a closeup of Mr. Warren's home at [redacted] Gilliam Court. Over here in the corner, is that the police tape and the police with a bunch of people?

A It seems like it. Yeah.

Q Now, Mr. Jackson, with you -- after this happened, you and Ms. Helen, y'all stayed in that area, didn't you?

A Yeah.

Q You didn't run, did you?

A No, sir.

Q You didn't have any reason to run, did you?

A No, sir.

Q I'm going to show you State's Evidence number 31. Are you in that photograph?

A Yes, sir.
Q Which one?
A The biggest one out there. Yes, sir.
Q Orange hat?
A It was a red hat.
Q A red hat and a white shirt?
A Red -- yeah. .
Q I'll show you State's Evidence number 31. Is that you?
A Yes, sir.
Q There's a lot of people out there.
A Yeah.
Q And where was Demorris Andrews, Smiley?
A I don't know where he was at that point.
Q He ran?
A He wasn't there.
Q He wasn't there? The guy -- how often did you see Smiley over there? Was he there a lot?
A Well, we see him over there occasionally sometimes. He be over there sometimes. Sometimes he just be sitting out -- sitting out. They know we be playing the game something like that.
Q But after Barry was murdered, Smiley wasn't around anymore, was he?
A I hadn't seen him over there since then.
Q Mr. Jackson, nobody wants to be called a snitch, do

they?

A No.

Q Is that why you were reluctant initially to say what happened?

A I didn't understand you.

Q You said you've been in the pen. You see shit and you don't say shit.

A Right.

Q Would you consider that also being called a snitch?

A Yes, sir.

Q And you don't want to be known as that, do you?

A No, sir.

Q It's not good to be known like that, is it?

A No. It is not.

Q Why?

A You might get taken to a place you don't want to go.

Q But what you ultimately told law enforcement and what you adopted in here today, is that the God's honest truth?

A Yes, sir.

Q Which you swore to tell the truth?

A Yes, sir.

Q Barry Warren was your friend?

A Yeah.

Q Smiley ran out of that house and away from [redacted] Gilliam Court?

A Yes, sir.

MR. BROWN: No further questions.

THE COURT: Cross?

MR. HENDERSON: Absolutely, Your Honor.

CROSS-EXAMINATION

BY MR. HENDERSON:

Q Mr. Jackson, I heard the Solicitor ask you about your current pending charges --

A Yes, sir.

Q -- and you said you were in there on a burglary 3rd degree, correct?

A Yes, sir.

Q That carries up to five years in a penitentiary?

A A third degree, it's just like a misdemeanor, sir.

Q Well, I'm representing to you it carries up to five years in the penitentiary.

A All right.

Q You agree with that, you disagree with that?

A If that's what it carries, sir.

Q Okay. And I'm seeing that you're also charged with a petty larceny enhanced --

A Right.

Q -- which means you've got several prior property convictions. Do you understand that?

A Yes, sir.

Q And that carries up to 10 years in the penitentiary, doesn't it?

A Yes, sir.

Q You understand that?

A Yes, sir.

Q I'm sure you've discussed that with your lawyer. You've got a darn good lawyer.

A Yes, sir.

Q I've sure you've discussed that with him that you're facing 15 years in the pokey?

A Yes, sir.

Q Okay. And I've got your record. I mean, you've been -- I mean, you've been in trouble for the last 30 years in and out of the penitentiary?

A Yes, sir.

Q Okay. I think you told the Solicitor that. Going back to October 25 of '16. You said you were out there playing cards with Ms. Helen, Mr. Charlie, you said some other elderly fella?

A Right.

Q Did you see -- now, what is -- what was Barry's finance's name? I can't recall.

A Neek.

Q Spell that for us.

A N -- I can't really spell that.

Q You just don't know?
A Yeah.
Q But did you see her that day?
A She had left -- she had left when we was getting ready to play cards.
Q Okay. When you all were setting up playing cards?
A No. They was already playing, but when I got on the table, she was getting ready to leave.
Q Okay. So you're saying when his girlfriend or fiancé left, the cards were already being played?
A Yeah.
Q No doubt about that?
A Yeah.
Q Okay. And you said you and Ms. Helen started playing cards?
A Well, we -- the game, when you get started, I was dealing and I was shuffling the cards.
Q Okay. And then, you've run through that with us, but you've given a whole host of statements, correct?
A Yeah.
Q And I want to talk about this first statement that you gave to law enforcement that night of October 25th of 2016. Do you remember that?
A Yeah.
Q I've got a recording of it.

A Right.
Q It says -- I know what you said and I'm going to cover a couple of things with you and I want to see if you agree with them.
A Right.
Q I mean, this is coming out of your mouth --
A Right.
Q -- so I'm hoping you agree with it. You said that you saw Nicole Reid, who was Barry's cousin, walking down the street towards Barry's house. Does that sound --
A No. She was -- her and her boyfriend was coming from the store.
Q Coming from -- but kind of walking down the street towards Barry's house?
A Yeah. Coming back to Gilliam Court.
Q Okay. But coming towards Barry, right?
A Right.
Q I understand that. So when you first learned that Barry had been shot, are you telling us that Nicole was -- wasn't on premises, that she and her boyfriend were walking back towards the property?
A Right.
Q So no doubt about that?
A Right.
Q Okay. And I think her boyfriend is a fella by the name

of Blade?

A Blade.

Q So you don't know his name Kelsey, you know him by Blade?

A By Blade.

Q So no doubts about it that they were walking back towards the premises?

A Right.

Q Okay. And I think you told law enforcement in that interview that you didn't hear any gunshots inside Barry's house.

A No. I -- they was -- it sounded they was firecrackers that the Mexican kids were shooting because, like I said, we was out there playing cards and they went like, pop, pop, and, you know, I ain't think nothing about it.

Q That's not an usual sound out there on Gilliam Court, is it?

A Yeah. Because they shoot firecrackers all the time.

Q All the time. It's pretty close to where you all play cards?

A Right. Correct.

Q What? Probably within 50 feet?

A It's probably not even that close.

Q Not even 50 -- I mean, they shoot firecrackers all the time close to you, right?

A Yeah.
Q Okay. And I think you told the police on that interview on October 25 of '16 that nobody went in or came out of Barry's house. Do you remember telling the police that?
A At that point, yeah.
Q Okay. I mean, you told them that?
A Yeah.
Q I understand. And they were -- they were investigating a crime.
A Right.
Q They were investigating a murder. You understand that, didn't you?
A Yes, sir.
Q And you understand that you weren't out there trying to obstruct a murder investigation, were you?
A No.
Q Okay. You understand it's a crime to give false information to the police?
A Yes, sir. But I go back to say, you know, you see shit and you don't say shit. I go back to that --
Q I understand that --
A -- you know.
Q -- but you understand it's a crime to lie to the police?

A Yes, sir.
Q You don't have to talk to the police.
A You're right.
Q But you don't have to take lies to the police.
A Right.
Q And you understand you sure can't obstruct justice?
A Right.
Q Okay. You understand that?
A Right.
Q And, again, you told the police that night that nobody went in or came out of Barry's house?
A Right.
Q Okay. You're not disputing any of that?
A No, sir.
Q Okay. And I want to go towards this second statement that you gave the police. Now, again, that statement that Mr. -- that the Solicitor was playing was actually the third recorded statement you gave to the police.
A It might be.
Q I'm not saying it might be. It is. I'm representing to you it is.
A All right.
Q I want to talk about the second --
A Okay.
Q -- statement that you gave to the police --

A Right.
Q -- recorded statement. And, again, that's on November the 2nd of 2016 and I want you to -- and I'm reading pretty well verbatim from what you told the police. If you dispute anything, let me know and we'll walk through it then. You said you were sitting 15 to 20 feet from Barry's house?
A Yes. Yeah.
Q I mean, in that neck of the woods?
A Yes, sir. Something like that.
Q You said it might not have even been that far?
A From the front door to where the table was, it might have not been. I -- I had never measured it like that.
Q Right. You've never measured it?
A No, sir.
Q But you think that's a fair estimation?
A Somewhere around in there.
Q Okay. And you're saying that Barry, after he went in the house, that he -- you said -- told the police that he came out of the house about seven or eight minutes later, up to 10 minutes later?
A Yeah. It happened so -- it might have been earlier. I might have been later. I don't --
Q Let me ask you this. Do you wear a watch?
A No, sir.
Q Okay. Keep a cell phone with you?

A I didn't have it on me at that time.
Q Okay. So is it fair to say that you don't -- you can't keep up with time or you don't have anything on you in order to keep up with the time?
A Right. Not at that day. No, sir.
Q You didn't have a watch on, you didn't have a cell phone?
A No, sir.
Q Now, you know -- you know D here? You've known Smiley for years?
A Yeah. Yeah.
Q He doesn't wear a watch, does he? Have you ever seen him with a watch?
A No.
Q He doesn't have a cell phone, does he?
A I never recall seeing one.
Q You never recall him with one. So, again, you're telling this jury, too, that you've got hard to keep up with time?
A Yeah.
Q Let me ask. Do you have any idea how long Barry was in that house before he came outside?
A Seconds.
Q I mean, I'm talking about from the time that you said -- that you've testified that he went inside and said, hey,

can I get you a beer or cigarette or something like that.

A No. He hadn't -- he hadn't entered the house then. When they got through playing, before he went in the house, he asked anybody if they wanted a beer or a cigarette.

Q Okay. Let's go from the point where you -- where he walked in the house. When he walked in the house, and then came back out and said, I've been shot, how long was that? Is it fair to say you don't have a clue?

A No. I don't.

Q You don't have a clue?

A No.

Q I mean, you've said seven minutes, eight minutes, 10 minutes, six seconds, seven seconds. You've don't got a clue, do you?

A No, sir.

Q Okay. And I think you said that you were running up there -- and, again, I'm going here, that you got there about 3:30 or a quarter to 4:00? It might have been 3:30, a little bit earlier?

A It might have been because I know I got off work about -- it was a quarter to 2:00 when I got off work.

Q Okay.

A And I had to walk from Parker Avenue to Gilliam Court.

Q And you said you picked you up a couple of beers?

A At Lil Cricket.

Q Did you pick you up some cigarettes or did you already have some cigarettes?

A I already had cigarettes.

Q Already had cigarettes. Let me ask you. You smoke any marijuana or anything that afternoon?

A No, sir. I just got done working.

Q You just drank those couple of beers?

A I didn't even get to drink both of them.

Q Okay. And I think you -- I think the police asked you -- or I know they asked you in this statement that, do you know Demorris, and I think they asked about Demorris Andrews and you said, no, I don't know Demorris Andrews.

A I didn't know him by that name.

Q You didn't know him by that name --

A Right.

Q -- is that fair to say? And I think they show you a picture and you said, yeah, I know this guy.

A That's Smiley.

Q Smiley. Absolutely. And you said that you had seen him at Gilliam Court before, is that fair to say?

A Yes, sir.

Q Okay. And then, you tell the police again that, while I was walking towards Barry's, I saw Demorris coming from Barry's. You remember? Down there at the branch.

A Yeah. I had seen him -- that was -- when I was coming

over to Gilliam Court --

Q Right.

A -- I had seen him go across the branch.

Q Right. And that you were going towards Barry's and, I guess, he was coming from Barry's --

A Right.

Q -- is that fair to say?

A Right.

Q And you -- I think you said --

A I don't know if he was coming from Gilliam Court, but I know he was going across the branch.

Q Going the opposite direction --

A Right.

Q -- from you --

A Right.

Q -- is that fair to say? And I think you said you were polite enough that you let Demorris cross first.

A Yeah. I did.

Q You let him cross first going his way, then you crossed going towards Barry's?

A Yeah. I'm going -- yeah.

Q Okay. And you think that was around 3:30, 3:45ish?

A I don't know what time it was, but it was somewhere in that range.

Q You just don't know for sure?

A Right.
Q You didn't have a watch on?
A No.
Q Okay. You didn't have a cell phone on you?
A No.
Q Okay. And, again, you've heard some of that statement I was listening to. In this statement -- the second one that you denied to the police that Demorris showed you any bullets out there that afternoon?
A He didn't show me nothing.
Q Did he show you a gun that afternoon?
A No, sir.
Q Did he show you a magazine clip for a gun?
A No, sir.
Q Did he show you anything?
A No, sir.
Q Okay. And did -- and you saw -- and you saw him -- you passed him, you said, on the branch?
A Right.
Q Okay. Did you see anything on him that even looked like he was carrying a firearm?
A No. As a matter of fact, when we was getting ready to start, he asked me who was winning and I told him we hadn't got started yet.
Q Okay.

A So, no.
Q So that -- you're saying that after you all passed on the branch, you saw him back up at Gilliam Court?
A Right.
Q Are you sure about that order of time?
A It was somewhere around that area.
Q Okay. And I think, you know, when the police were asking you this during this statement, you turned around and asked the police to let -- this is you asking the police. "Let me ask you a question, if somebody wanted to shoot somebody, why would they show them a clip,". You remember -- you remember commenting that to the police?
A No, sir. I do not.
Q Okay. But does that make sense to you why, if somebody's wanting to shoot somebody, they're going to be waving their gun around, showing it to everybody?
A You're right about that.
Q That don't make a lick of sense, does it?
A No, sir.
Q Okay. Do you remember, during this conversation, the detective was talking to you -- and this is the second conversation that's been recorded.
A All right.
Q Do you remember the detective getting on you, basically saying somebody had to see something? Do you remember that?

A I don't recall.
Q Okay. You don't recall the detective telling you that, hey, you were out there, you had to see something, this don't make no sense?
A I was out there, but I told him what I had seen.
Q Or not seen, for that matter?
A Right.
Q But didn't the detective tell you that, hey, once we figure out who did this and whoever comes out and confesses to this and they tell us that they ran down the steps and that Train Head and Ms. Helen were down there and they didn't say anything, didn't the police threaten to arrest you for being an accessory to murder?
A No, sir.
Q You don't remember that?
A No, sir.
Q Okay. You don't remember that at all?
A No, sir.
Q Okay. I want to read you a couple of things to see if you recollect hearing this --
A Go ahead.
Q -- that day. You know, this is the officers talking to you.
A Right.
Q "Nobody's talking over there and that makes everybody

an accessory". Let me repeat that. "Nobody's talking over there and that makes everybody an accessory. Everybody over there that says they didn't see anything, they're an accessory, because they saw a murder." Do you remember the police officer telling you that?

A No, sir. I do not.

Q Okay. And you were -- you were obviously questioned about this and you denied seeing anything?

A Right.

Q And the police said, hey, you had to see something and yet, you denied seeing anything?

A No, sir.

Q Okay. And I'm going to read you something else. "There's way too many people out there --

A Right.

Q " -- and here's the scenario that's going to kill you in the long run. One of these folks that was out there that was out there with you finally tells us, this is what I seen,".

A Who said that, sir?

Q The officer telling you that --

A I --

Q -- during the second interview.

A I never did hear that, sir.

Q Okay. You were there, weren't you?

A Yeah. I was there.

Q Okay. And then, they tell you, "They're going to put you on trial". That's the officer saying that to you.

A No, sir.

Q You deny that?

A I didn't hear -- I didn't never hear him say that.

Q You're denying that he said that, then. Okay.

A No. I'm not denying. I said I didn't -- I did not hear him say that.

Q Okay. You just don't remember him saying it?

A Exactly.

Q Okay. Well, I will represent to you, it's on the tape. It's on that recording.

A Is it?

Q I will represent to you, it's on that recording.

A All right.

Q And it's on the transcript of that recording and I'm reading it to you verbatim.

A Okay.

Q So this guy -- this officer is hounding you during that interview.

A Right. It wasn't seeming like no hounding to me. He asked me the question, I answered and I went home. He wasn't hounding me.

Q You didn't go home. You told him to stop the tape

after he's telling you that I'm going to put you on trial, we know you're out there, we know you -- we know you know who did it, we're going to put you on trial as an accessory to murder.

A No, sir. He did not. After he showed me the picture, I said I'm going to tell the truth. What you're saying is not true, though. He never did say he was going to put me on trial, but after he showed me the picture of Mr. Warren, that's when I told him I'd come face to face.

Q Okay. It's funny. It seems to be that you caught some so-called religion after he told you he's going to put you on trial.

A He never did say that to me, sir.

Q He assuredly did.

A Maybe he did. I never did hear that.

Q And then, you -- and then, you give this third statement after, you know, you ask him to turn off the recorder. And then they turned back on the recorder, and I'm sure at that time, y'all had a little come to Jesus meeting I suppose, hadn't you?

A If you say so. I don't -- I never recall that.

Q I wasn't there. You were there.

A No, sir. We didn't.

Q Okay. So you all didn't have any little heart to heart conversation off the --

A No, sir.
Q Okay. Because it's funny that when the recorder comes back on, your tune completely changes.
A That's after I had seen the picture, sir.
Q Okay. Okay. I just want -- I know the Solicitor covered some stuff with you, but I want to read you some stuff --
A All right. Go ahead.
Q -- from that interview. And this is -- again, this is the second interview that you gave on November the 2nd.
A All right.
Q This is -- this is the one after you asked for the tape to be cut off.
A Okay. Go ahead.
Q And you remember asking for the tape to be cut off?
A Yes, sir.
Q Okay. But you don't remember, right at the end, him saying he's going to put you on trial?
A No, sir. I do not.
Q All right. That seems to be a funny time for you to ask for the tape to be stopped.
A After he showed me the picture, yeah. I asked him that.
Q Okay. And, again, I'm looking at -- straight out of your statement, a transcript off it, you saying Demorris was

wearing a blue shirt, black shoes, and a black pair of pants.

A Right.

Q Okay. And, again, you're saying that you don't know if Demorris shot Barry?

A I don't.

Q Okay. And you're saying that you didn't see Demorris ever enter Barry's house?

A I didn't

Q You didn't? Do you know if anybody's ever told the police they saw Demorris enter Barry's house?

A No, sir.

Q You haven't ever heard of -- I mean, nobody's ever mentioned that to you?

A No, sir.

Q Okay. You're absolutely positive about that?

A Positive.

Q Okay. And you said -- again, the Solicitor just played part of this, but you said, I've never known Demorris to carry a gun?

A I don't.

Q All right. And I think you said earlier you didn't see him with a gun?

A No. I did not.

Q Okay. And, again, I think the Solicitor played this,

that you said that you didn't tell Ms. Helen that you saw Demorris running from Barry's house?

A Say that again.

Q That when you allegedly saw Demorris running from Barry's house, that you didn't tell that to Ms. Helen?

A I don't recall.

Q You just don't recall?

A Right.

Q So I'll represent to you, that's what you said. You told the police, I didn't tell her.

A I --

Q The Solicitor just played it.

A Okay. But, see, there's a lot of stuff went on before -- after I seen the picture, me and Barry friends and I told them I was -- I'd tell the truth. So all this here probably was before he showed me the picture.

Q No. This right here, this is after your little conversation off the tape recorder. This is coming in where -- this is the recording that came back on where you're telling them because your conscious is hurting you.

A All right.

Q No. I mean, this is the "my conscious is hurting me" statement --

A All right.

Q -- where you said, I've never known Demorris to carry a

gun. I mean, again, I'm reading your words. I mean --
A Right.
Q -- I wasn't there.
A Right.
Q I've got the audio recording of it and I've got the transcript of the audio recording --
A Right.
Q -- but I'm just trying to read through it. Were you saying you didn't tell Ms. Helen that you saw Demorris running from Barry's house?
A I probably did.
Q You probably did what? Said that?
A Yeah.
Q Okay. And, again, you're denying here that Demorris didn't show you a clip.
A No. He didn't show me nothing.
Q I say a gun clip. A gun magazine.
A Right.
Q He didn't show you any of that, did he?
A No, sir.
Q He didn't show you a gun?
A No, sir.
Q Okay. And I think you said -- in listening to what the Solicitor played here, you said that Demorris would have run in the direction of Nicole Reid and Kelsey Watson where you

said they were walking back up the street?
A Right.
Q I say street, but you know what I mean.
A Right. The path.
Q Right. That he would have run that way?
A That's the way he ran.
Q So they had to cross paths, is that fair to say?
A Should.
Q They should have?
A Yeah.
Q I mean, if somebody's walking this way on the path and I'm going this way on the path, by golly, we ought to meet.
A Right.
Q Okay. That makes perfect sense to you, doesn't it?
A Right.
Q Okay. And, again, I think you said that Nicole even -- Nicole Reid even dropped her chicken --
A She did.
Q -- her food in her hand?
A Right. The cell phone, too.
Q Okay. When she came down there, that she was so upset --
A Right.
Q -- when you ran to her and told her that? Now, did you ever tell the police that Demorris was wearing black shorts

on October 25th?

A I don't recall. No, sir.

Q You just don't recall? Could you have?

A No. When he had came around and asked what the score was on the table, he had on a pair of black pants.

Q Okay. And I understand you just testified to black pants.

A Yeah.

Q Okay. But you don't think you told the police anytime that day or around that time that he had on black shorts?

A No, sir.

Q Okay. And, again, I want to turn your attention to another recorded statement. You know, this one you gave on June the 6th -- June the 7th of this year. Do you remember that? You gave it to the Solicitor's Office.

A All right.

Q You gave it to Mr. Courtney Smith sitting over here. This investigator.

A Right.

Q You know Mr. Courtney, don't you?

A Yes, sir.

Q Do you remember talking to him over at the jail?

A Yes, sir.

Q Okay. And, again, you told him -- you told Mr. Courtney that, I saw Demorris in the area before the

shooting happened?

A Right. He came -- I told you he came around to ask what the score was.

Q Right. That he was watching people play cards?

A Right.

Q Okay. And after that point, you had your back turned to Barry's house. Do you remember telling Courtney that?

A Yes, sir. I did.

Q Okay. That you didn't hear any gunshots?

A I heard firecrackers. I didn't hear no gunshots.

Q You didn't hear no gunshots at all? It says, "I seen -, and this is verbatim. This is what you said. "I seen the man running with some black pants and a hoodie. A black hoodie,".

A Right.

Q Do you remember saying that?

A Yes, sir.

Q Okay. This is the first time I've heard about a hoodie.

A Yeah.

Q Is that fair to say?

A Yeah.

Q Okay. I mean, I've just been reading you -- what you said in this last statement, it was a blue shirt?

A Yeah.

Q I mean, again, I don't -- I won't -- I'm not trying to put words in your mouth. I just want to make sure I'm reading this accurate that you previously said a blue shirt.

A Yeah.

Q I mean, is that a yes?

A Yes.

Q Okay. And now you're telling Mr. Courtney, Detective Smith over there, that I saw him in a black hoodie?

A I seen the man run. When he ran around the corner, he had on a black hoodie and a pair of black pants and a black hat.

Q Okay. That's the man you saw running?

A Right.

Q Okay. Around the corner. Again, repeat that for me real, real slowly. You said he was wearing a black hoodie?

A Black pants --

Q Black --

A -- a black hat and a black hoodie.

Q Okay. That's the person you saw running around?

A Right.

Q Okay. Now, I think you -- again, on what you previously said -- again, I'm not trying to put words in your words in your mouth. I'm just trying -- that you previously said my client had on a blue shirt.

A Right.

Q Do you remember saying that?
A Right.
Q Okay. And actually, that's in some of the stuff the Solicitor just played --
A Right.
Q -- that my client's wearing a blue shirt?
A Right.
Q And I didn't hear anything about my client wearing a hat.
A All right.
Q And yet, you're saying that the person who ran around the corner of the house has got black pants, a black hoodie and a what colored hat?
A Black.
Q So basically jet-black, so to speak? All -- dressed all in black?
A Right.
Q Okay. And you would agree with me that when you saw Demorris that day he wasn't dressed all in black?
A No. He had on a pair of black pants at that time. I didn't notice the shirt, but he had on a black hat.
Q Okay. You told us a while ago he wasn't wearing a hat and that he had on a blue shirt.
A No. I didn't say that. You didn't ask me no question, did he have on a hat.

Q Okay. That's the first time hat's ever come up is today. And I understand, when you're facing 15 years, this is the first time hat's ever come up. You know, you've previously said -- you've told the police multiple times that you saw Demorris that day wearing a blue shirt. Is that true or not?

A Yes, sir. That was true.

Q Okay. And yet, you're just telling us that the person who ran around the house is wearing a black shirt or black hoodie?

A Okay. Well, let me ask you this question, sir. If he was -- if he had went in the house -- was in the house, you know what I'm saying, he could have put on a hoodie.

Q Sir, I'm sure the Judge is going to tell you -- I mean, you and I could probably have some wonderful debates about this, but I don't think the Judge is going to let me answer your question.

A Okay.

THE COURT: He's right.

THE WITNESS: I'm sorry, sir.

Q Not that I don't want to. We could probably have us a good time --

A Right.

Q -- doing that, but court rules wont allow me to answer your question.

A Okay.

Q But, again, I'm going back to blue shirt versus black hoodie.

A Okay.

Q I mean, is that -- am I being accurate about that?

A Yeah.

Q Okay. And do you remember -- on June the 14th of this year, do you remember talking to Ms. Lumley, my private investigator?

A Yes, sir.

Q She actually came over to the jail to visit with you --

A Yes, sir.

Q -- and, actually, your lawyer was there?

A Right.

Q So it's not like she's talking to you outside of the presence of your lawyer?

A That's right.

Q And that's the lawyer that represents you on the 15 year charge?

A Right.

Q Okay. And, again, I just want to make sure that this is what you actually told her.

A Right.

Q That you saw Demorris or D walk around the table earlier -

A Right.
Q -- and then you never saw him again?
A Yes, sir.
Q Okay. And you said, I think he was wearing pants with a blue shirt and you think short sleeves. Do you remember that?
A No, sir. I don't remember that because --
Q Don't remember that. Okay. Okay. It says, "I noticed a person running wearing all dark clothes, black pants and a black hoodie,".
A Right.
Q And you said, "This person was not seen on Barry's porch". Do you remember telling Ms. Lumley that?
A No, sir. I do not.
Q Okay. That you deny saying that or you just don't remember saying it?
A I don't remember saying that.
Q Okay. Did you ever see this person in the black hoodie on the porch?
A No, sir.
Q Okay. Did you ever see anybody on the porch?
A Not when we was playing cards. No, sir.
Q Not when you were playing cards. Okay. And the person that you saw running around the corner in the black hoodie, you didn't their face?

A It was Demorris.
Q So you saw Demorris' face running around the building?
A Yeah. He ran around the corner.
Q Okay. In a black hoodie?
A Yeah. He had on a black hoodie.
Q Had on a black hoodie. Okay. So how he went from -- I'm just -- it's puzzling me here. When y'all were sitting out there playing cards, y'all were playing cards and he goes from a blue shirt and no mention of a hat going to a black hoodie and a black hat. I mean, what did he -- did he bring his phone booth with him to swap clothes in or what?
A I have no idea, sir.
Q You don't have no clue. I mean -- so, I mean, I'm just wondering how he swapped clothes.
A I don't know, sir.
Q Well, let me ask you. When you first saw him out there in the blue shirt -- I think you said you first saw in a blue shirt, is that correct?
A A blue shirt and a pair of black pants.
Q Did he have a little duffle bag with him?
A No, sir.
Q Okay. Did he have a little grocery sack with him with some clothes in it?
A No, sir.
Q Okay. Was he carrying anything?

A No, sir.
Q Okay. So he's got nothing in his hands?
A Right.
Q And yet, all of a sudden, what did he do? Spin around a couple of times and swap his outfit?
A I don't know, sir.
Q You just don't know. But you do know you're facing 15 years in the penitentiary, don't you?
A Yeah.
Q You know good and well you're facing that. And yet, what have they promised you to get up here --
A Nothing.
Q -- and sing this song today?
A Nothing.
Q Okay. You've got a horrible record, don't you?
A Yeah. It's pretty bad.
Q And it's my understanding that on these charges that you've got 15 years on, that -- let me make sure. I think this is you breaking into a Bethel Baptist Church. Am I reading that right?
A Yes, sir.
Q I mean, that's a low person to break into a church. And you're facing 15 years, if I'm not mistaken?
A Yeah.
Q And they've got -- if I'm not mistaken, they've got

your DNA, don't they? Didn't they find some of your DNA up there at the -- at this church -- this house of the Lord?

A Yeah.

Q Okay. And yet, they've kind of got you where they want you, is that fair to say? When I say they, the police, the man, the government.

A I don't understand that part what you're saying.

Q Hey --

A They got me.

Q -- you've been around the block. You've been around the block several times. You're facing 15 years in the penitentiary, isn't that right?

A Yeah.

Q Five years on a burglary, 10 years on an enhanced theft where you stole something from a church --

A Right.

Q -- You ought to be ashamed of yourself.

MR. BROWN: Objection, Your Honor. Is that --

THE COURT: Sustained.

Q So --

THE COURT: Sustained as argumentative. Ask your question, please.

Q So they've got you facing 15 years and they found your DNA there; is that correct?

A Right.

Q Okay. And you've been arrested? Obviously, you're in jail. And they've been coming to you and saying, hey, we want you to say -- tell this story, is that a fair assessment?

A Yeah. If that's what you say.

Q Not what I say. Hey, I'm not sitting in your shoes. I'm not facing what could be --

A Ain't nobody --

Q -- the rest of my life in prison.

A Ain't nobody promised me nothing, sir.

Q Nobody promised you nothing?

A No, sir.

Q Letting you sing like a bird out here for no hope of reward? You expect 12 people to believe that? Well, do you?

A I don't know. I don't know what they believe.

MR. HENDERSON: Let me have one minute, Your Honor.

THE COURT: Certainly.

THE WITNESS: Judge Addy?

THE COURT: I'm sorry.

THE WITNESS: Can he do that? Can he embarrass me like that?

THE COURT: You just have to answer the questions that are posed to you. Okay?

Q And, again, just to confirm again. Mr. Jackson, that

first night after the shooting when you were out there and the police talked to you, you denied seeing anybody come in that house or come out of that house, right?

A Right.

Q And, again, you knew the police were investigating the murder?

A Right.

Q Is that fair to say?

A Right.

Q Barry was your friend?

A Right.

Q Barry was this man's friend? By this man, I mean my client, Demorris.

A Right.

Q Demorris was over there all the time, wasn't he?

A Yeah. He was there.

Q Okay. Demorris would go over there, he'd sell him a little marijuana, correct?

A I never have seen him do it.

Q Never saw that? You ever seen him smoke a little bit of marijuana?

A Yeah.

Q Okay. So -- so you -- so you see him around there, that's not unusual at all, is it?

A No, sir.

Q Let me ask you. Are you aware that a search warrant was served on Barry's apartment the Friday before his death?
A No, sir.
Q You don't remember the cops or you didn't hear any words on the street that the cops came and kicked in his door and took all of his guns, drugs and money?
A No, sir.
Q That hadn't circulated around the neighborhood?
A No, sir.
Q Okay. Where he got cleaned out.
A No, sir. I never heard of that.
Q Didn't hear that? Got put in jail for a couple of days.
A That's my first time hearing that, sir.
Q Your first time hearing that he got arrested?
A Yes, sir.
Q I mean, his fiancé didn't bring that up to you while you all were out there playing cards this day?
A No, sir.
Q Okay. That Barry just got out of jail. This is the first time you're hearing about this?
A Yes, sir.
Q Okay. So you just -- that's news to you?
A Right.
MR. HENDERSON: Nothing else, Your Honor.

THE COURT: Redirect, briefly?

MR. BROWN: Yes, sir.

REDIRECT EXAMINATION

BY MR. BROWN:

Q Mr. Jackson.

A Yes, sir.

Q Mr. Henderson's asking you about any promises or hopes of reward. The fact of the matter is, the burglary charge you're charged with -- I'm not going to ask you any questions about that, but that happened well after you gave your statement to law enforcement, didn't it?

A Yes, sir.

Q There's really no bargaining chips that you have in your hand, do you?

A No, sir.

Q You'd already given the statement?

A Yes, sir.

Q And you haven't been offered anything, have you?

A No, sir.

Q So when he says it's easy for you to get up here and sing like a canary, you did that well before you even went to that -- or what you are alleged to have done at that church?

A Yeah. I gave my testimony before that.

Q And, again, the reason you ended up saying that is why?

Did law enforcement show you that picture when you were talking to them?

A Yes, sir.

Q Did that give you a change of heart?

A Yes, sir. It did.

Q Did you see a bullet hole in this picture in the side of Barry Warren's neck?

A No, sir. I didn't.

Q But you saw him laying on the floor dead?

A Yeah. I seen that.

Q And that changed your heart?

A Yeah.

Q And you ended up telling law enforcement that who came running out of that house and running around that corner?

A Yes, sir.

Q Smiley?

A Yes, sir.

Q This man sitting right here, (indicating).

A Yes, sir.

Q Well in advance before you got any burglary charge or petty larceny charge?

A Right.

Q And to go further, if you'd been coming in here singing like a canary, would you have tried to tell Courtney Smith, an investigator with the Solicitor's Office, a different

story in June of this year?

A Right.

Q Or even when you first got on the stand today?

A Right.

Q And actually, to go back to that statement you gave to Mr. Smith on June 7th of 2018, you were actually across the road at that time, right? In the jail.

A Yes, sir.

Q A prime location where you don't want to be considered as a snitch; is that right? Is that correct?

A Correct.

Q Going back to your original statement on November 2nd of 2016. "I've come from the pen. I see shit and I don't say shit". Is that correct?

A Right.

Q Self-preservation; is that right?

A Correct.

Q Until you see State's Exhibit number 10 of your buddy, Barry Warren; is that correct?

A Right.

Q Now, there were some other questions asked of you about Mr. Smiley, Demorris Andrews, earlier in the day. Black pants, black shoes, blue shirt. Then you said he had on a black hat and black pull-over. Can you add clothes? Is it easy to put on another shirt?

A It's easy to put on a sweatshirt, a hoodie. You just throw it on.

Q There was a followup question Mr. Henderson asked you, if he had a hat and hoodie on, how did you know it was him. What did you answer him with?

A He didn't have the hoodie on.

Q But could you see Smiley's face?

A Yes. I did.

Q You're 100 percent positive that Smiley is the one that ran out of [redacted] Gilliam Court?

A Yes, sir.

Q Right after the gunshot or what you heard as -- thought were firecrackers?

A Yes, sir.

Q Is it safe to say you're not proud of your record?

A No. I'm not.

Q Or any allegations against you?

A No.

Q Was what you're saying on that stand today, is that the truth?

A Yes, sir.

Q As you said, the God's honest truth?

A Yes, sir.

Q You've seen your friend Barry Warren laying there dead. Does that change your tune?

A Yes. It did.

Q Makes you want to tell the truth?

A Yes, sir.

MR. BROWN: No further questions.

MR. HENDERSON: Very briefly.

RE-CROSS EXAMINATION

BY MR. HENDERSON:

Q The God's honest truth for somebody who breaks into the house of the Lord?

A No. It's not, sir.

Q I'm confused. You just keep losing me, Mr. Jackson. I think -- and, again, I'm not trying to put words in your mouth. I'm just trying to be clear. I want these 12 people over here to be clear, too.

A Right.

Q When you first saw Demorris, he had on a blue shirt and black pants --

A Right.

Q -- is that correct?

A Correct.

Q And you said that when you saw somebody running out of the house or around the corner, they had on black pants and a black hoodie; is that correct?

A Right.

Q That's your testimony, right?

A Right.
Q That the person you saw running around the corner had on a black hat?
A He had on a hat. It wasn't no hoodie. It was a hat.
Q Okay. So you're not saying it's a one piece? I mean, I think of a hoodie as a one piece.
A It is. But, you know, most people, when they wear a hoodie, they got on a hat.
Q Are you saying --
A You know, just a hat. Just -- the hoodie just flopping.
Q Okay. The hoodie's not over the head is what you're getting at?
A No, sir.
Q But the person was wearing a hoodie?
A Right.
Q A black hoodie?
A Right.
Q And a black hat?
A Right.
Q Okay. And yet, earlier you said you saw Demorris in a blue shirt with no -- nothing else on him? Not carrying a bag --
A Right. Right.
Q -- not carrying a suitcase --

A Right.

Q -- not pulling anything behind him?

A Right.

MR. HENDERSON: Okay. Let me have one minute.

Q Let me ask you. Don't you -- what's your bond set at on this breaking into the church?

A 25,000, I think.

Q And ain't no way for you to make a $25,000 bond, is there?

A Yes, sir. There is.

Q Okay. Then why ain't you done it?

A I don't know. I just haven't.

Q Okay. I want you to look at the 12 people over there and tell them, I just haven't --

A I just --

Q -- and explain to them why, I just haven't.

A It ain't no reason. I just haven't.

Q Is the reason that you're facing 15 years in the penitentiary because they got your DNA breaking into a church and they need you to sing like a bird against this man?

A No, sir.

Q Okay. So it's convenient that you haven't made your $25,000 bond that you could make?

A Right.

Q Okay. And, again, I think the Solicitor called -- I think he called this November 2nd the original statement after they turned off the recorder and started it back up. But you agree your original statement was the night of the shooting?

A I think so, sir.

Q I mean, was there one before the night of the shooting?

A No, sir.

Q Okay. Then the one on the night of the shooting was your original statement --

A Right.

Q -- where you didn't see nothing, didn't hear nothing?

A Right.

Q You were out there the whole time. And then, the second statement was the cops just said, hey, we're going to put you on trial, we're going to charge you as an accessory. You don't remember that?

A No, sir. I don't.

Q Okay. You know, I think -- you've done some time in the pen?

A Yes, sir.

Q Then when the cops tell you they're going to put you on trial for accessory to murder, that didn't catch your attention?

A I never did recall him saying that he was going to put

me on trial.

Q You just don't recall that?

A No. He didn't.

Q Okay. But all of a sudden, you wanted them to turn off the recorder?

A After I seen the picture.

MR. HENDERSON: Okay. I don't think I have anything else at this time, Your Honor.

THE COURT: Nothing in redirect?

MR. BROWN: No, sir.

THE COURT: All right, sir. Thank you very much, Mr. Jackson. Go ahead and step down. Watch your step, please.

THE WITNESS: Thank you, sir.

(Whereupon, the witness stepped down from the witness stand).

THE COURT: All right. Ladies and gentlemen, we've probably reached a good point to take an evening break. What I'm going to do is ask, if you would please, to be back in the jury room tomorrow morning. Let's say around -- what time did you all have to report this morning? 9:30? 9:30. Okay. We'll say 9:30 again. That way you can take care of any matters you need to address in the morning and we'll resume with the State's case in chief first thing in the morning. Now, ladies and gentlemen, I know I've repeatedly said to you that you're not to talk to anybody about the

statement y and it's not in evidence. As a Court's Exhibit, obviously it doesn't go back. Y'all figure out how and if you want to address that concern, but it would not at all surprise me if at some point in time once the jury begins deliberations they actually want to be able to consider all statements that the last witness testified to.

Let's have the jury, please.

(Whereupon, the jury entered the courtroom at 9:59 a.m.)

THE COURT: All right. The record will reflect that the jury is back and seated. Ladies and gentlemen of the jury, thank you for being here this morning and thank you for being on time. We had a few housekeeping matters that we were addressing this morning that hopefully will expedite some of the testimony. At this point in time, of course, we're still in the State's case in chief. Mr. Thomas, call your next witness, please.

MR. THOMAS: Your Honor, at this time, the State calls Kelsey Watson to the stand.

KELSEY THOMAS, having first been duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MR. THOMAS:

Q Mr. Watson, good morning.

A Good morning.
Q What's your name again, for the jury?
A Kelsey Watson.
Q And, Mr. Watson, where are you from?
A Greenwood, South Carolina.
Q And right now, what's your current situation? Why -- where are you at right now? Where are you staying? Where are you living?
A Well, I'm in Anderson County right now.
Q And why are you in Anderson County?
A I'm locked up for a possession of a firearm.
THE BAILIFF: You're going to have to get up closer.
THE COURT: Yeah. Would you scooch just a little bit closer? Yeah.
Q Is that a State or a Federal charge?
A Federal.
Q And have you already pled guilty on that?
A Yes, sir.
Q And you just haven't -- have you been sentenced yet?
A No, sir.
Q Does what you're doing here today have anything to do with your sentence on that Federal charge?
A No, sir.
Q Do you have any other pending State charges?
A No, sir.

Q Do you know this gentleman sitting over here?
A Yeah.
Q What do you know him as?
A Smiley.
Q Do you know his real name?
A I just know he's a Andrews.
Q How long have you known him?
A For a long time.
Q And do you have a girlfriend, or a significant other, or did you back in October of 2016?
A Yes, sir.
Q And what was her name?
A Nicole Reid.
Q Are y'all still together?
A Yes, sir.
Q Were you all together on October 25th of 2016?
A Yes, sir.
Q And how do you remember that date specifically?
A Well, we was in Gilliam Court.
Q Okay. So you were there the day Barry got shot?
A Yes, sir.
Q Let's back up a little bit that day. Did you see Smiley that day?
A Yeah.
Q When did you see him?

A We were sitting out there and he was out there, too.
Q When -- when you saw him out there, what was he doing?
A Walking around and standing around.
Q Was that sort of a common occurrence for him to be sort of lingering about? Hanging out, I guess.
A Not at the time.
Q When he was out there, did you see him with anything in his hand at any point that might be important in this case?
A Yeah. I saw him with the clip of a gun.
Q You saw a clip of a gun?
A Yeah.
Q Like with bullets in it and everything?
A Yeah.
Q You saw him with that?
A Yeah.
Q What was he doing with it?
A He was showing Train Head.
Q Was he just showing Train Head or was he just showing it off to everybody?
A He was just showing Train Head.
Q But you saw it with your eyes?
A Yeah.
Q And when was that? Was that before you -- while you all were there? Did you leave that after that at any time or what happened after that?

A We left and went and got something eat.
Q Where'd you all go?
A Try Me.
Q Where is that at in relation to Gilliam Court?
A Like right up the street.
Q And how long do you think you were gone to get food?
A About 30 -- about 30 minutes. Something like that.
Q And when you came back, was Smiley still in the area?
A Yeah.
Q Where was he at when you got back?
A Standing right behind Barry's house like --
Q Behind --
A Behind my house really.
Q Okay. So if Barry's house is the one -- so you pull into Gilliam Court and Barry's house is the one on the end kind of, right?
A Yeah.
Q Okay. So was he behind that one or was he behind one of the other ones or --
A One of the other ones.
Q Okay. Did you have any interaction with him at that point?
A No. Not at that point. I just saw him kept smiling and stuff and I asked him was he all right.
Q After that, I mean, did you see him go anywhere?

A I ain't see him go nowhere after that.
Q But you didn't have your eyes on him at that point after that?
A Huh-uh.
Q What did y'all do? You and Ms. Reid.
A We were sitting down eating.
Q And while you all were sitting there eating, did you hear anything unusual?
A I heard like a little muffled pop.
Q And you say a -- describe that.
A It wasn't loud. It wasn't -- it was muffled in. Like you couldn't hardly hear it.
Q Did you think anything of that at the time?
A Not at the time, I didn't.
Q How long do you think it was after you heard that noise before anything else significant happened?
A About five minutes or a couple minutes. Something like that.
Q And what happened five minutes after you heard that noise?
A Train Head come to me --
MR. HENDERSON: Object.
THE COURT: I don't think he's testified as to anything that Mr. Train Head has said.
MR. HENDERSON: I think that's fixing to be next, Your

Honor.

THE COURT: All right.

MR. HENDERSON: That's why I'm cutting it off at the pass.

THE COURT: Well, Mr. Thomas?

MR. THOMAS: Theoretically, it would be a prior inconsistent statement, but, I mean, I think the jury's heard what Mr. Train Head told Mr. Watson.

THE COURT: All right.

MR. THOMAS: So I think we can --

THE COURT: Is he going to testify consistent with what Mr. --

MR. THOMAS: Yes.

THE COURT: -- Train Head said yesterday?

MR. THOMAS: Yes.

THE COURT: All right. Overruled. It was subject to cross. Go ahead.

Q What did Train Head say to you?

A He come to me and he had been like, Smiley shot Barry, and I tell Nicole Reid to call the ambulance.

Q So, after that, did -- I guess, what did you do?

A She told me to go to Coop (PHONETIC) house, which is Neek - Tika. Go down there and see if she was down there, but she wasn't down there.

Q So you went looking for Ms. Childs, I guess?

A Uh-huh.
Q Did you come back to the scene?
A Yeah. I came back to the scene.
Q Did you hang around when you came back?
A Yes.
Q And you hung out -- I guess, they roped off the scene. Were you hanging out down in front of another house or where were you at?
A Like right beside Mike house.
Q Between you hearing what -- the muffled sounds that you heard, what do you think those are now?
A They were gunshots.
Q And let's -- I mean, let's not sugarcoat it. You know what a gunshot sounds like.
A Yes, sir.
Q And you've got a little bit of a criminal history, obviously. You're sitting up in Federal detention. You've got a few felony convictions on your record, right?
A Yes, sir.
Q That's why the feds took your gun charge?
A Yes, sir.
Q After you heard the gunshot, did you see anybody run away?
A No. I didn't see nobody run away.
Q Let me ask you. When y'all went to the Try Me

Restaurant, which way did you go to get there?

A Through Dallas Court way.

Q Okay. So --

A Like behind Gilliam Court.

Q Okay. So behind Gilliam Court and you go up Dallas Court, and then there's like a little path that cuts through?

A You go to Evans to get on Evans.

Q Okay. Did y'all come back that same way?

A The same way.

Q Okay. But when you got back, Smiley was still there?

A Yes, sir.

Q And after you came back after all this happened, you ran down to get -- try and find Neek, you come back, was he still there?

A No.

Q Do you remember seeing him?

A He was gone.

MR. THOMAS: All right, Mr. Watson. I'm going to let you answer any questions Mr. Henderson might have for you. Okay? Thank you, sir.

THE COURT: Mr. Henderson.

MR. HENDERSON: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. HENDERSON:

Q Hey, Mr. Watson. How are you?
A All right.
Q Now, the jury has seen some pictures. They'll see some more pictures, but I want you to visualize. You know where Mr. Barry lived at, correct?
A Yes, sir.
Q He lived in unit number 8?
A Yes, sir.
Q And unit number 9's at -- to his immediate right, you would agree with that?
A Yes, sir.
Q And they're connected? Units 8 and 9 are connected, correct?
A Yes, sir.
Q If I'm standing looking at unit 8 and 9, you know, and I walk to the side of the unit -- the side of unit 9, you follow where I'm at?
A Yes, sir.
Q There's a path straight ahead of that, isn't there?
A Yes, sir.
Q That cuts through to Dallas Court?
A Yes, sir.
Q I'm want to make sure that I'm following you and the path that you took to the Try Me. Okay? Is that right?
A Yes, sir.

Q So you would have walked through that path up to the Try Me?

A Yes, sir.

Q So anybody sitting over here in Mr. Barry's parking lot or yard playing cards, they would have seen you and Nicole walking up that path, correct?

A Yes, sir.

Q I mean, they'd have to see you?

A Well, there's a house that blocks it off that you couldn't see us walking through there.

Q But you walked through -- I mean, if I'm standing there -- the reason I know this, I've walked out -- I've been out there and walked the -- I've walked it. But if I'm sitting over here to the right side of unit 9, there's that path that takes you straight into Dallas Court, isn't it?

A Yeah.

Q And that's the path you all walked?

A Yeah.

Q Okay. So somebody could see you -- I agree, once you get on -- there's a fence over there, isn't there? There's a fence?

A No. It ain't no fence.

Q There's no fence there? So -- but you kind of walk through, and then you get into Dallas Court?

A Yeah.

Q Okay. And that's the path you all walked to the Try Me?

A Yeah.

Q Okay. So is it fair to say that anybody over here watching or playing cards, if they were looking your way, they'd seen you?

A Yeah. They'll see us when we get in Dallas Court.

Q Right. That's what I'm saying, though. Will they see you when you get in there? Correct.

A Yeah.

Q I'm not talking about, you know, 100 yards away. I mean, I'm talking about 10 yards, 15 yards or 20 yards, they'd see you walking away or see you walking back, correct?

A Yes, sir.

Q Okay. And I believe your testimony was that you saw Demorris with a clip?

A Yes, sir.

Q Did I hear you right?

A Yes, sir.

Q Okay. What caliber of handgun?

A I didn't know what caliber. I know it wasn't no small caliber like gun.

Q You just don't know?

A I don't know what caliber it was. It wasn't no small

caliber, though.

Q And I want you to be crystal clear, now. Your testimony to the jury was that you saw my client out here showing a clip to Train Head.

A Yes, sir.

Q Keith Jackson?

A Yes, sir.

Q No doubt about it? Keith Jackson? I just want to make sure there's no ambiguity about that.

A I know his last name. I don't know his first name.

Q You know Train Head?

A It's Train Head. Yeah.

Q No doubt about it that my client was showing Train Head a clip?

A Yes, sir.

Q No doubt about that?

A No doubt about it.

Q Okay. And he wasn't showing it to anybody else?

A He ain't show it to nobody but him.

Q He showed it to him. And how far were you away when you saw this?

A Not farther than about five feet away.

Q So closer than you and I are?

A Yeah.

Q Okay. So your testimony to these ladies and gentlemen

over here is that my client, within five feet of you, was showing a gun clip to Train Head, Keith Jackson?

A Yeah.

Q No doubt about that?

A No doubt.

Q Okay. And I think your testimony was that you and Nicole, before you all went off to get something to eat through that path we just discussed, that you said my client -- you said Demorris was there?

A Yes, sir.

Q When you left to go get something to eat?

A Yes, sir.

Q Okay. And I think you said he was standing over on the other side of Barry's apartment?

A Yes, sir.

Q Okay. And you'd agree with me, again, that Barry's apartment is 8? There was 9 next to Barry. That's one unit, correct?

A Yes, sir.

Q And then, if you go to the left of 8, there's a space, and then there's another unit?

A Yes, sir.

Q And that would be unit 6 and 7? You'd agree with me?

A Yes, sir.

Q Okay. So the space between, say unit 7 and unit 8, is

that where you saw my client standing?

A Yes, sir.

Q Okay. Was he on the front side of it towards Gilliam Court --

A He was on the back side.

Q -- or was he on the back towards Dallas Court?

A He was on the back towards Dallas Court.

Q Towards Dallas Court. Okay. And where were you at to be able to see him there?

A I was coming back from getting something to eat.

Q Okay. And I'm talking about before you came back from getting something to eat.

A He was standing by us, then.

Q Okay.

A Around us.

Q So you all -- you, him and Train Head?

A Yeah.

Q Okay. Before you went to get something to eat? So you and Nicole go to get something to eat, no doubt about that?

A No doubt.

Q You all went to get something to eat. I think -- actually, I think she got fried chicken, if I'm not mistaken; is that right?

A No.

Q What did she buy to eat?

A She had a burger and I had some hotdogs.
Q Okay. Did you all bring it back?
A Yeah. We brung it back and sat out there and ate.
Q Okay. So you're absolutely positive that when you all came back, you all sat down and started eating?
A Yeah. I know --
Q No doubt about that?
A -- for a fact. I know for a fact.
Q Okay. So you're absolutely sure about that?
A I'm sure.
Q Okay. So you all sat down and started eating. Eat, what, half your meal, all your meal?
A We ate -- we didn't get to eat all of it. She ate all of her's.
Q So she ate all of her meal?
A Uh-huh.
Q Okay. Let me ask you. So when Keith Jackson came out and said, Barry's been shot, you all were sitting on the side of the building --
A On the --
Q -- or where were you sitting at?
A On the side of building 9, is what you would call it.
Q Building 9. Correct. You all were sitting there and that's kind of in between where they played cards and that path over here towards Dallas Court? You'd agree with me?

A Yeah.
Q You all were sitting up against the wall or where were you all sitting there?
A No. We were sitting like in front of it like on the back side of it. Not against the wall.
Q Okay.
A In front of the wall.
Q Okay. What were you sitting on? Buckets, chairs?
A Chairs.
Q Chairs. So when Barry -- I'm sorry. Excuse me. When Train Head ran around and said, Barry's been shot, so you and Nicole were already there? You all were on the side of the building?
A Yes. We were there.
Q You're absolutely sure about that?
A I'm sure.
Q No doubt in your mind?
A No doubt.
Q So Train Head didn't have to go run up the street or see you all running back down the street --
A No.
Q -- to say, hey, Barry's been shot?
A No.
Q Now, you understand you've got to tell the truth?
A I'm telling the truth.

Q You're telling the truth? Okay. So you're absolutely positive that when Barry ran around, that y'all were already there?

A That who ran around?

Q When -- excuse me. Not Barry. When -- when Train Head ran around to say, he's been shot, Barry's been shot, you and Nicole were already there?

A Yeah. We was there.

Q You all weren't 10 yards up the road, 15 yards up the road, walking back from the Try Me, were you? Y'all were already back?

A We was at the back.

Q You were at the back. You'd already eaten?

A Yeah. We ate.

Q Okay.

A He -- we didn't get to eat all of it.

Q Okay. But you all had already -- but Nicole ate all of her's?

A Yeah. She ate all of her's.

Q Okay. And did you see -- when you all sitting there eating, of course, that path would be right there, playing cards over here. Did anybody come running by you booking it right there? After you heard those pops, did -- did you see anybody running by?

A I didn't see nobody running.

Q You didn't see nobody running, is that fair to say?
A Yes.
Q Now, you've been in some trouble, that's fair to say.
A Yeah.
Q I mean, it looks like you're in some trouble now. Not picking on you, but it looks like you're in some trouble now. Is it fair to say that somebody who's shot somebody, killed somebody, they'd be hauling tail, is that fair to say?
A Yes.
Q Wanting to get the hell on out of there, is that fair to say?
A Yeah.
Q And your testimony is you ain't see nobody running by you?
A I ain't see nobody running by me.
Q Didn't see nobody running by you, but you all were sitting over there eating, I guess, minding your own business, is that fair to say?
A Yeah.
Q Okay. And I think your testimony was that you went looking for Barry's girlfriend?
A Yes.
Q Did I hear you right?
A Yeah.

Q And did you find her?
A No. I didn't find her.
Q You didn't find her. Okay. Did you see her arrive at all?
A Yeah. I seen her arrive.
Q Okay. I thought you said -- but you went looking for her, but couldn't find her?
A She wasn't down there.
Q She wasn't there? Okay.
A She wasn't there.
Q So you're looking for her --
A She went to the store.
Q Okay. So you figured out -- once you figured out Barry had been shot, you went looking for Neek? When I say looking for her, there at the house.
A When he -- Train Head came and said he was shot, I told Nicole Reid to call the ambulance.
Q Okay. And she called the ambulance?
A She called the ambulance and went to check on him to see was he all right. Weren't no words being said out the house. None of that.
Q Okay. But at the point in time where you think you heard those pops, were you aware they were gunshots? You said a while ago you weren't. You said it sounded kind of muffled.

A Yeah. It sounded kind of muffled like a gunshot.
Q Muffled --
A But after Train came and told me that, I know they were --
Q Okay.
A Yeah.
Q And I think that building, what, is cinder block or partially cinder block?
A Yes.
Q Okay. And you all said -- again, your testimony was that when you were walking back from the Try Me on that path, that you saw Demorris over there, I guess, between buildings 7 and 8 in that space?
A Yes.
Q And you said he was smiling?
A Yeah.
Q And you called him Smiley?
A Yeah.
Q Okay. He's known in the community as Smiley?
A Yeah.
Q Okay. And that's where he -- you know he sells marijuana over there?
A I can't tell you what he do --
Q I mean, but --
A -- but...

Q I mean, you've heard he sells marijuana over there? I mean, it wouldn't be surprising for you -- to you for him to be over there selling marijuana is what I'm getting at?
A He ain't never sold me none.
Q That's not what I asked, but you know he sells marijuana over there?
A I ain't never seen him sell none.
Q Okay. Okay. About what time would you estimate you heard those pops? You got any idea?
A It was early in the daylight. I'd say anywhere between about four and five o'clock. Something like that.
Q Okay. Do you wear a watch? A wristwatch.
A Yeah. I used to wear a watch.
Q Okay. Were you wearing one that day?
A I ain't had to.
Q Okay. Did you have a phone on you or anything?
A Yeah. I had a phone.
Q Okay. Something to keep time with?
A Yeah.
Q Did you happen to look down at your phone when you heard those pops?
A No.
Q So you're just thinking somewhere between four and five o'clock?
A Yeah. Because it was early in the day -

Q Okay.
A -- and after Nicole called the ambulance, it was around about that time.
Q Okay. And, again, you just don't know the time?
A No.
Q Okay. And, again, you know, you all were over there eating and you're absolutely positive that you were back with your meal?
A Yes. I was back.
Q Okay. So when you all -- when you're there eating, you didn't see anybody run by you?
A No. I didn't see nobody run by me.
Q Period? But you'd have to? Anybody that came out of Barry's place down the steps running that way, you all would have to see them, correct?
A Yeah. He'd be coming from behind the apartment.
Q Right.
A But I couldn't see in the front either because we was on the side.
Q Right. I understand you were on the side, but anybody who came out the front door and ran past the edge of the building, you all would see? Now, I understand -- I know there's a wall there, but anybody that ran into your scope of vision, you would see?
A Yeah. If they came that way.

Q If they came that way. Correct. And -- but you didn't see anybody come that way?

A No. I didn't see nobody come that way.

Q Okay. And it's my understanding that the back door of Barry's apartment, it was boarded up and locked up and -- do you know that? Had you ever heard that?

A Yes. I done heard it before.

Q Okay. Had you ever seen it yourself?

A No.

Q Okay. I mean, was it kind of known that there was no way to get out of Barry's back door or in through Barry's back door?

A I guess not because it's boarded up.

Q It's boarded up. Right. So somebody would have to come out the front door?

A Yeah.

Q Okay. And you didn't see anybody running?

A I didn't see anybody running.

MR. HENDERSON: Okay. If I could have one moment, Your Honor.

THE COURT: Yes, sir.

Q Let me ask you this. It just dawned on me, Mr. Watson. I think your testimony was that Barry's girlfriend left to go to the store?

A Yeah.

Q Okay. Did she tell you what store she was going to? I guess, she told you all when she was going to the store?
A No.
Q Okay. What, she just announced that she was going to the store?
A She said she had to go to some store, hit a couple stores up.
Q Okay. And she didn't say which store she was going to? Is that a no?
A No.
Q Okay. And you don't remember what time that was?
A It was earlier before the incident happened. It was like after like 3:30 or something.
Q Okay. So you think at 3:30, she left to go to the store?
A Yeah.
Q And she told you all when she was leaving to go to the store?
A Yeah.
Q Okay. And then, after that, you heard the pops?
A On down the line.
Q Right. I mean, sometime after that. I understand.
A Yeah.
Q But you all -- when you heard the pops, you were already back from -- from going to the Try Me; is that

right?
A Yes.
Q Okay. And you said you'd eaten part of your meal? I think a hamburger?
A A hotdog.
Q A hotdog. And I think you said Nicole had a hamburger?
A Yeah.
Q You're sure about that?
A I'm sure about that.
Q You're sure about that. And you'd said she had eaten her meal?
A She'd eaten her meal.
Q Okay. And that's when Train Head ran around the corner and said, Barry's been shot?
A Yeah.
MR. HENDERSON: Okay. Nothing at this time, Your Honor.

REDIRECT EXAMINATION

BY MR. THOMAS:
Q Mr. Watson, jumping off that last question. Did he say Barry's been shot or did he say Smiley shot Barry?
A He said Smiley shot Barry.
Q I'm going to put some pictures up because Mr. Henderson has sort of talked to you a lot about where you all were and where everybody was. I'm putting up State's Exhibit No. 2.

Does that look familiar?
A Yes, sir.
Q Is that the road -- you go around the curve on Gilliam Court and you start going up back towards the end of it. Is that what that's looking at?
A Yeah. That's the end of it.
Q Okay. And this area right here where I'm pointing in the upper right-hand corner of the Exhibit, is that where Train Head and everyone was hanging out that day?
A Yes, sir.
Q Okay. Were you hanging out up in this area or were you somewhere else?
A I was on the side. Like the back of the apartment.
Q Okay. Were you on -- well, let me put this up. I put up State's Exhibit No. 4, which is looking back down that way. So this is Barry's apartment right here, and then these are the other apartments down below it. Where were you at sort of in relation to this picture?
A Where building 9 at, on the backside of it.
Q Okay. So I'm going to put up this map and if you'll excuse me. It's not in color and we'll get a colored one later, but this is Gilliam Court coming in here. All right. So that picture we just saw facing -- was facing back up this way. You come in Gilliam Court and you hang that right and you go back up here. This is where everybody hangs out

sort of?

A Yes, sir.

Q Okay. Were you over here or down this way? If this is Barry's house and this is Mike's house, which one were you at? Barry's or Mike's?

A Mike's.

Q Okay.

A No. Barry -- by Barry's house.

Q Okay. Were you back here where the dog is or where you further up this way?

A I was further up.

Q Okay. And you didn't see anybody run by you?

A No, sir.

Q When you said that you didn't think anything of the gunshots, when you heard them, you didn't think they were -- anything of it at that time?

A No, sir.

Q Okay. Did you have any reason to look up and look around and see what was going on at that time?

A No, sir. Because the Mexicans have been making noise like that. So I wasn't thinking these were no gunshots.

Q So you and Ms. Reid just kept eating?

A We just kept eating.

Q You said, I believe on -- I just want to clarify this. You said it wasn't a big caliber gun that you saw?

A It looked like a big caliber, then it looked like a small caliber. But I know it was kind of like a big caliber though, because the clip was big.

Q Okay. But you at least know it was a -- it was a clip that goes in a gun?

A It was a clip.

Q And you saw the bullets and you know --

A I saw the bullets.

MR. THOMAS: All right. Thank you, Mr. Watson. I appreciate it.

THE COURT: Recross?

RECROSS EXAMINATION

BY MR. HENDERSON:

Q So the clip was big?

A It was like a regular clip that goes in a gun.

Q Okay. I just want -- because I think you just said a big -- did you say the clip was big? Now, I just want to make sure I'm not misunderstanding your testimony.

A They -- it was kind of big.

Q Kind of big. Okay.

A It wasn't no big, big like gun like that.

Q Okay. But you didn't see a gun?

A I seen a clip.

Q You seen a clip. Okay. Going back to this. While the Solicitor was redirecting you, I was thinking about you and

Nicole sitting on the side of apartment number 9 sitting down eating lunch, again. And they're sitting over here to -- I guess, if you're facing with your -- let's just pretend your back's to the wall. Okay? Over here to the right, they would be playing cards, correct?

A Yeah. They'll be playing cards.

Q Over here to the left would be the path that you all took to go to the Try Me? No doubt about that?

A Yes, sir.

Q Now, obviously, Train Head had to get up to go look in the house at some point in time. You would agree with that, wouldn't you?

A No. He didn't get up and go in the house.

Q So let me ask you.

A After he told me, I told her that and she went and called the ambulance.

Q Okay.

A She was trying to -- she was calling in the house, nobody wouldn't answer.

Q Okay. So let me -- let me get this clear. I want to make sure I'm understanding you. This is crucial, now. You're telling me that Train Head never got up to go into the house or go towards the house?

A Yeah. He got up to go towards the house.

Q Okay. Did you see him get up and go towards the house?

A Yeah.
Q Okay. So you and Nicole are sitting there, I assume, eating lunch. You see Train Head, who'd be over here to your right, say, or at least this and that direction playing cards. You see him get up, is that fair to say?
A Yeah.
Q Did he say anything prior to getting up?
A Yeah. He came and told me --
Q No. No. No. When he got up. I'm talking about when he got up. When he got out of his seat, or off his bucket, or off the ground, wherever he was sitting, did he say anything at that point in time?
A No. Not until he got to me.
Q Okay. So you're telling this jury that he went to you before he went to check on Barry?
A Yeah. He came to me first.
Q He came to you first to say that my client had shot somebody and he hadn't even gone up there to confirm somebody had been shot. Is that what you're telling me?
A That's what I'm telling you.
Q Okay. Again, that's just -- that sounds kind of bizarre.
MR. THOMAS: Objection. Argumentative.
THE COURT: All right. Sustained.
Q Again, let me -- let me -- I want to play this out and

make sure I'm understanding this, again, Mr. Watson. You're saying that Train Head's over here, he stands up, comes over to you, says, Smiley has shot Barry --

A Yeah.

Q -- before he actually goes up to the house to see that Barry's been shot?

A Yes.

MR. HENDERSON: Okay. I don't have anything further, Your Honor.

THE COURT: All right, sir. You can step down.

(Whereupon, the witness exited the courtroom.)

THE COURT: Solicitor, call your next witness, please.

MR. THOMAS: For the next witness, Your Honor, the State would call Deonica Nicole Reid.

DEONICA NICOLE REID, having first been duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MR. THOMAS:

Q Good morning, Ms. Reid.

A Good morning.

Q Could you introduce yourself to the jury?

A My name is Deonica Nicole Reid.

Q And we just heard from Kelsey Watson. Do you know who that is?

A Yes.

MR. HENDERSON: Objection.

A That's my boyfriend.

THE COURT: Overruled.

MR. HENDERSON: Okay.

THE COURT: She says she knows Mr. Watson.

MR. HENDERSON: Okay.

THE COURT: So I think that's --

MR. THOMAS: Just laying a foundation --

THE COURT: Go ahead.

Q We just heard from Mr. Watson. How do you know him?

A That's my boyfriend.

Q And were y'all together back in October of 2016?

A Yes, sir.

Q Let me ask you. Do you know the gentleman seated at the table over here?

A Yes, sir.

Q Who is he?

A D.

Q Do you call him anything other than D?

A Smiley.

Q How long have you known him?

A Like a couple years.

Q For a while?

A Uh-huh.

Q Okay.

THE COURT: That's a yes.

A Yes, sir.

Q And you and Mr. Watson, were y'all together on Gilliam Court back in October -- on October 25th of 2016?

A Yes.

Q And do you remember that day?

A Yes.

Q Did you see Mr. Andrews there that day?

A Yes.

Q Well, let's back up a little bit. Let's talk about what you and Mr. Watson were doing over there that day, I guess, leading up to -- I guess, you -- did you go get dinner at some point?

A Yeah.

Q Where did you all go?

A Try Me Restaurant.

Q What did you all -- what were y'all doing immediately before that?

A Before that, we walked and my cousin Barry was standing out there and I was talking to him. I said, Barry, I'm glad to see you home or whatever, because he had just got out of jail.

Q And did you see Mr. Andrews there at that time?

A Yes.

Q Where -- was he just hanging around?

A Yeah.
Q Was that normal for him to do?
A Yeah.
Q And so, you all went to the Try Me Restaurant?
A Yeah.
Q Did y'all eat there or did you get it to go? What happened?
A Get it to go.
Q Where did you all take it?
A We -- to Gilliam Court.
Q Okay. So y'all came back to Gilliam Court.
A Yeah.
Q Did you all -- where did you all sit down to eat?
A On the side of George house.
Q Okay. And which -- which house is that? If there's three houses when you go --
A Next to Barry's house.
Q Okay. And while y'all were sitting there eating, did you hear anything that sounded unusual?
A Yes. I know it was a sound like doors were slamming. We was thinking like the Mexicans in Dallas Court were slamming their doors.
Q Did you think anything of it at that time?
A No.
Q Did you have any reason, at that time, to look up and

look around and --

A No.

Q -- wonder what was going on?

A Huh-uh.

Q Okay.

THE COURT: That's a no.

A No, sir.

THE COURT: It's easier for -- it's easier for her to keep a record if you say yes or no --

THE WITNESS: Okay. Yes.

THE COURT: -- as opposed to --

THE WITNESS: Okay. Okay.

THE COURT: Thank you. Go ahead.

Q So after -- while y'all were sitting there eating, did -- well, let's just get this out there. Did you have some reason to go over to Barry's door after that -- to go up to Barry's door after y'all sat down to eat?

A The only time I went to Barry's door is when Train Head walked up and told my boyfriend. He said, Smiley just shot Barry.

Q And Mr. Watson told you to call 911?

A Yeah.

Q And you did?

A Uh-huh.

Q And I think -

A Yes.
Q -- you've listened to that 911 call before, right?
A Yes.
Q Okay. We listened to that a couple weeks ago in my office?
A Yes.
Q Okay. And that was you calling 911?
A Yes.
Q And during that 911 call, you're talking to the operator a lot about what had happened --
A Yes.
Q -- and what had gone on? Let me talk to you about -- I guess, let's back up and do some other things. Did you see Mr. Andrews when y'all got back from the Try Me Restaurant?
A Yes.
Q Where was he at?
A He was like in between Barry's house and George house.
Q So still hanging around there?
A Yes.
Q And you all sat down to eat?
A Yeah. Yes.
Q How long had you been sitting there, would you say, before you called 911?
A Like 15 minutes or something. Yeah.
Q And how long do you think -- do you -- I mean, again,

you don't have a watch on you?

A No.

Q So you don't know exact times?

A No.

Q Do you know about what time of day all this was going on?

A I couldn't even tell you the time. No, sir.

Q But needless to say, it was about 15 minutes before you called 911?

A Yeah.

Q Okay. And you said you heard some noise, what you thought was a door slamming?

A Yes.

Q How long, roughly, after you heard that did Train Head come up to y'all? Was it immediately, was it a few minutes?

A No. He -- he waited.

Q And then, you called 911?

A Yes.

Q Did you hang around the scene while 911 --

A Yes.

Q -- after they got there?

A Uh-huh.

Q Did you, at any time -- there were a bunch of people there, right?

A Yes.

Q Did you see Mr. Andrews there?
A No.
Q Did you see him at all?
A After? No.
Q He was there when you got back?
A From --
Q From Try Me.
A Yes.
Q And you called 911, and I think you told Mr. Watson to go find Ms. Childs?
A Yes.
Q Did he come back?
A Yes. Uh-huh.
Q And you actually went up on Barry's porch while you were on the phone with 911?
A Yes.
Q What did you see up there?
A Blood was splattered on the door.
Q Did you go in the house?
A No.
Q Is that the front door of Barry's house?
A Yes.
Q State's Exhibit 8. That's what you saw when you went up there?
A Yeah.

Q Did you see anybody running after you --
A No.
Q So you -- you don't know what happened to Barry?
A No.
Q Then you called 911?
A Yes.
Q When you and Mr. Watson were sitting there eating, were y'all hanging out, chatting or eating in silence or -- I mean, y'all are dating. How did that go?
A Yes. We was out there -- we was talking.
Q You all were -- were y'all engaged in conversation, I guess, having a meal together like a boyfriend and girlfriend would do?
A Yes. He -- well, my boyfriend, he really -- he had got something to eat, too. But he didn't even eat his food because he was focused on Smiley, because he said -- when he went to get something to eat, he had told --
MR. HENDERSON: I'm going to object to that.
THE COURT: All right. Hold on one moment, ma'am. I'm inclined to sustain the objection unless this is ground we've already traveled.
MR. THOMAS: Yeah. I don't -- it's just kind of non-responsive to my question.
THE COURT: All right.
MR. THOMAS: I can -

THE COURT: Sustained.

MR. THOMAS: -- focus her a little bit more.

THE COURT: Sustained. Ask a different question.

Q I'm just -- y'all were just having a conversation?

A Yes.

Q And you just didn't see anybody running away at any point?

A No.

MR. THOMAS: Thank you, Ms. Reid.

THE WITNESS: Okay.

MR. THOMAS: I'm going to let you answer any questions Mr. Henderson has. Okay?

THE WITNESS: Okay.

MR. HENDERSON: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. HENDERSON:

Q Hey, Ms. Reid. How are you doing today?

A Fine.

Q I thank you for being here today. You know my client? You know Smiley?

A Yes, sir.

Q You knew he and Barry were friends, didn't you?

A Yeah.

Q Okay. You saw him over there all the time?

A Uh-huh.

Q Is that a yes?
A Yes.
MR. HENDERSON: And, again, like His Honor said, if you'd answer yes or no because this young lady down in front is making a record of this.
THE WITNESS: Okay.
MR. HENDERSON: So it's easier for her to type down yes or type down no than it is an uh-huh or an huh-uh. Okay?
THE WITNESS: Okay.
MR. HENDERSON: That just helps us all.
Q And, again, you said you're not good with time. So --
A No.
Q Okay. Were you not wearing a watch that day? A wrist watch or -- how --
A I can't -- I don't remember.
Q You just don't remember. But you're just not sure about the times, is that fair to say?
A Yes.
Q Okay. But you said that you and Kelsey -- he goes by Blade, doesn't he?
A Yes.
Q Okay. You said y'all were over there. About what time did you get there that day? Over at Barry's. When I say Barry's, Gilliam Court.
A Yes. I don't know what time it was -

Q Don't know --
A -- when we got over there.
Q Okay. Kelsey arrive with you?
A Yes. We was together.
Q You all walked together?
A We walked together.
Q Walked together. Okay. When you all got there, whatever time it was, was Demorris there --
A Yes.
Q -- Smiley there?
A Yeah.
Q He was there? Okay. Was he hanging around the table with them playing cards or --
A No. He was standing by a tree.
Q Standing by a tree.
A On the side of George house.
Q Okay. On the side of George's house?
A Yeah.
Q And George is number 9?
A Yes.
Q Okay. I want to -- again, I don't think we have a good picture of this, but I'm just going to try to describe it to you and I want to see if you agree with me. Okay?
A Okay.
Q You've got Barry's apartment, which is number 8?

A Yes.
Q George's was number 9?
A Yes.
Q And you would agree that that's one unit?
A Yes.
Q It's just two apartments in one unit?
A Yes.
Q And to the right of it would be to the right of it, where y'all ate lunch at?
A Yeah.
Q Okay. And where would the tree be? Would the tree be right there, (indicating), or would the tree be a little bit over here where they were playing cards?
A Right there (indicating).
Q Right there next to number 9?
A Yeah.
Q Or to the side of number 9?
A Yeah.
Q And you would agree that if you're standing there on the side of number 9 -- you know where they played cards at over there?
A Yes.
Q What is that? Ten feet?
A Yeah.
Q I mean, it's pretty darn close.

A Yeah.
Q So when you and your -- when you and Kelsey got there, so Demorris was over there by the tree on the side of number 9?
A Yes.
Q Which way did you and Kelsey come in?
A We came through like Gilliam. Gilliam Street.
Q Okay. Just came kind of up the hill?
A Yeah.
Q Okay.
A Yes.
Q And if you came up the hill to the top of the hill like where Barry's house is and where George, you'd see the people playing cards?
A Yes.
Q And you could see Demorris over here by the tree?
A Yes.
Q I mean, because all of it's kind of close quarters, isn't it?
A Yes.
Q I mean, all of this is close quarters.
A Yes.
Q Okay. And, I guess, somewhere down the line, you and Kelsey decided you all were going to go get you all something to eat?

A Yeah.
Q Go to the Try Me?
A Yes.
Q Okay. Now, again, it's kind of imaginary, but, you know, the people are over here playing cards?
A Yes.
Q You know, George's house -- the side of George's house?
A Yes.
Q And then, there's the path over here that would take you into Dallas Court, correct?
A Yes.
Q And let's think where this path started at Dallas Court over to the trees over -- no. Over to where they play cards at.
A Yes.
Q It's like 20 feet?
A Yeah.
Q I mean, it's pretty close. And, again, all of this --
A Yeah.
Q -- is pretty close in together?
A Uh-huh.
Q Is that a yes?
A Yes.
Q Okay. So you all start walking over here up this path and go to the Try Me, correct?

A Yeah.
Q I think y'all were going to get some of that good fried chicken over there?
A Yeah.
Q They got good fried chicken up there?
A Yeah.
Q Okay. And you're sure about that?
A Yeah.
Q Okay. So when you're walking up this path -- when you get on the path, where was Demorris at? I think you said that you saw him when you were --
A Yes.
Q -- fixing to get on the path or getting --
A Yes.
Q -- on the path?
A Uh-huh.
Q Where was he at now?
A He was standing like in between George and Barry house.
Q Okay. In the back yard?
A Yeah.
Q Where that mean dog was at?
A Yeah. That dog was out there. Yeah.
Q So that's mean dog, wasn't it?
A Yeah.
Q On the leash?

A Uh-huh.
Q Okay. So Demorris was standing over there behind, I guess, unit 8 and 9?
A Yeah.
Q He's standing back there with that dog?
A He wasn't right beside the dog, but, you know, he was standing -- yeah.
Q Okay. So he was actually standing --
A Yeah.
Q -- behind him?
A Yeah.
Q Okay. So the next thing over would be Dallas Court?
A Yeah.
Q Okay. Any doubt about that?
A No.
Q Okay. So he would have been to your left when y'all are walking out to go to the Try Me, correct? He'd have to be to your left.
A He was standing -- we seen him standing like when we was coming from Try Me.
Q Okay. I'm talking about when you're getting on the path going.
A Yeah.
Q Did you see him? I know you said you saw him earlier --

A Yeah.
Q -- that day when you got there. But when y'all would have decided to say, hey, we're going to get something to eat --
A Yeah.
Q -- and we start walking off --
A I don't know where he was at then.
Q You don't know where he was at then?
A Huh-uh.
Q You don't know if he left?
A Huh-uh.
Q Is that a no?
A No.
Q Okay. And I think you said you were gone for 30, 35 minutes? I don't want to put words in your mouth. I just want to --
A Yeah.
Q -- going to the Try me.
A Yeah.
Q Did you all have to wait for the chicken to be fried or --
A Yeah.
Q Okay. And were you and Kelsey both going to eat?
A Yeah. He had his plate, too. Both of us had a plate.
Q He got a fried chicken plate and -

A Yeah.
Q -- you got a fried chicken plate?
A Uh-huh.
Q You're sure about that?
A Yeah.
Q Okay. And getting it to go?
A Yeah.
Q Okay. So y'all walked back?
A Yeah.
Q And you all walked back and come and sit down on the side of number 9, George's?
A Yes.
Q Okay. Were you all sitting on buckets, or chairs, or --
A I sat down. Kelsey didn't sit down.
Q He didn't sit down?
A He stand up.
Q Okay. And you said he didn't eat at all?
A No.
Q Okay. Not even a little bit?
A No.
Q Didn't eat at all?
A Huh-uh.
Q Okay. So you sat down on what?
A A chair.

Q A chair? Okay.
A Little Mama gave me a chair.
Q And Kelsey stand -- standed(sic) up?
A Yeah.
Q So Little Mama gave you the chair?
A Yes.
Q And she was one of the ones over here, what, playing cards or --
A No. She wasn't playing cards.
Q Okay. But she was behind 8 and 9?
A Yes.
Q Okay. So you sit down and you eat part of your meal?
A Yes.
Q Okay. So -- and you all are sitting there eating. At this point in time while you all eating -- well, let's see. When you're walking back, you said you see Demorris behind 8 and 9?
A Yes.
Q Near that mean dog on the leash?
A Yeah.
Q Okay. So y'all walk back in, you sit down, you eat -- or start eating?
A Yeah.
Q Kelsey doesn't eat?
A No.

Q But they're playing cards over here?
A Yeah.
Q And you say you hear a pop?
A No. We had -- it sounded like a --
Q Door --
A -- a door slamming. Yeah.
Q Let me ask you this. This is kind of puzzling me. Are you absolutely sure that when you first heard that door slamming that y'all were back there eating or that you were back there eating -- sitting down and eating?
A See, I don't know if it's before or after.
Q Okay.
A I can't -- I can't remember.
Q Okay. So you just don't know?
A Huh-uh.
Q Okay. Let me ask you. When you first learned that Barry had been shot, is there any doubt in your mind that you were sitting down there eating? I mean, you were eating when you learned that Barry had been shot, is that fair to say?
A Yes.
Q Okay. So you were already back? You were sitting beside George's?
A Yes.
Q No doubt about that?

A Yes.
Q So Train didn't have to run up the street or come grab y'all up the street to say -- and bring you back and say, Barry's been shot, did he?
A He's the one that let us know that he'd been shot.
Q I understand he might have let you know that, but he didn't have to go up the street to let you know that, did he? Y'all were --
A No.
Q Y'all were sitting right here?
A Yes.
Q So no doubt about that?
A No.
Q So Train Head didn't have to run up and grab you and bring you back and you -- and you didn't drop your food up the road when he told you that, did you?
A No. My food was already on the ground.
Q Y'all were already back up here eating?
A Yeah.
Q So y'all -- you didn't learn about this away -- before you got to eating, is what I'm getting at?
A No.
Q Okay. So y'all were eating when you learned this?
A Yeah. After I -- yeah.
Q Okay. So let me ask you. So Train Head's over here

playing cards with everybody, correct?

A Yeah.

Q And Ms. Helen?

A Yeah.

Q I think a couple of other people were playing there, and I'm going to look back through something you said. And were you keeping your eyes on Train Head the whole time?

A No. Not me. No.

Q While you were eating?

A No.

Q You don't know what he was doing?

A Huh-uh.

Q Is that a no?

A No.

Q Okay. So you can't tell this jury that during the whole time that you and Kelsey -- well, you were eating?

A Yes.

Q But Kelsey was just standing up?

A Yeah.

Q Where was his food at?

A On the -- on the -- he set it on the ground.

Q Just set it on the ground?

A Yeah.

Q And he just wasn't eating? He was just kind of standing up talking to you?

A Yes.
Q During that time y'all were talking, you don't know what Train Head was doing, do you?
A No.
Q You -- your eyes weren't on Train Head, were they?
A No.
Q Okay. So sooner or later, you're saying -- your testimony was that Train Head said, "Barry's been shot."
A Yes.
Q Okay. And what did you do when you heard that?
A See, when he said Train Head -- I mean, he said Barry's been shot, he called my boyfriend. He didn't call me. He called my boyfriend and told him.
Q What do you mean, he called him?
A He said, "Come here, Blade."
Q Okay. So -- okay. Let me stop this right now.
A Yeah.
Q So you -- and I'm going to get you -- I'm going to let you tell your story.
A Yeah.
Q I just want to walk through it kind of play by play --
A Yeah.
Q -- if you understand.
A Yeah.
Q You and Kelsey are over here to the side of building

number 9, George's, eating?

A Yeah.

Q Train Head's over here on the card --

A Yes.

Q -- card table or card game?

A Yes.

Q And you're saying that he called Blade --

A Yeah.

Q -- come here?

A Yeah.

Q Okay. Did he yell it, just call him?

A He said, "Blade, come here."

Q You heard him say that?

A Yeah. I heard him say that.

Q Okay. He said, Blade, come here?

A Yeah. Come here.

Q Did Blade walk the 10 feet over here --

A Yeah.

Q -- to where the card table's at?

A Yeah.

Q And what did they do? Have a little huddle?

A He -- yeah. He talked to him.

Q Okay. But you didn't -- you weren't in on that conversation?

A No.

Q Okay. But they talked?
A Yeah.
Q After that conversation, when did you learn that Barry had been shot?
A After they got finished talking, Blade, he said, "Nicole, Barry's been shot."
Q Okay. Well, let me ask you. When Blade said that, was he still standing over here --
A Yeah.
Q -- with Train Head? So he --
A Yeah.
Q -- hadn't walked back to you over here?
A Yeah.
Q Okay. So he just spoke that 10 feet over here and said, "Hey, Nicole, Barry's been shot."
A Yes.
Q Okay. And at that point in time, you didn't have any reason to believe anybody had been shot, had you?
A No.
Q You hadn't heard any gunshots?
A No.
Q Okay. And I think your testimony was that you weren't keeping your eyes on Train Head --
A No.
Q -- during all this time? Okay. So they have this

conversation over here --

A Yeah.

Q -- and your boyfriend says, "Hey, Nicole --

A Yes.

Q -- Barry's been shot."

A Yes.

Q What was your initial response?

A I jumped out of my seat and ran -- I ran to the front. I ran to in front of Barry's house and I said, has anybody called the police.

Q Before we get into that, you would agree that if you'd got up, that you'd kind of have to walk around the corner of number 9 --

A Yeah.

Q -- go past number 9 and go up Barry's steps, right?

A Yes.

Q Now, again, it's all pretty close?

A Yes.

Q But that route I just gave you would be what you did?

A Yeah.

Q Okay. So you actually got up and ran on the porch?

A Yes.

Q Okay. And what did you see?

A Train Head, he was standing on -- he was standing on the porch -- standing on Barry's porch, too.

Q So Train Head got on the porch before you did?
A Yeah.
Q Okay. So you're running around the corner of that and you see Train Head on the porch. Did you see Train Head actually walk over to the porch or he just was on the porch?
A He just was on the porch.
Q Okay.
A Yeah.
Q You didn't see him get over there?
A No.
Q Okay. So you don't know how long he'd been on the porch?
A No.
Q Okay. And so, when you run up on the porch, Train Head's already there --
A Yes.
Q -- and I think your testimony was -- you were wanting to get into that. Has anyone called 911?
A Yes.
Q Was that -- did you actually --
A Yeah.
Q -- ask him, had he called 911?
A Yes.
Q And what was Train Head's answer?
A No.

Q No. Okay. So he hadn't called 911?
A No.
Q Was it clear when you got up on the porch that there was a body there?
A No. It wasn't no body there.
Q No. You couldn't see Barry's body laying on the floor?
A The only time -- the only time I seen -- when the dispatcher told me, you know, to push the door.
Q Okay. Okay. I got you.
A Yeah.
Q So when you actually got up on the porch, when Barry was up there before you were, you saw blood on the door?
A Yeah.
Q Okay. And Barry was -- excuse me. Train Head was already up on the porch?
A Yes.
Q So you just saw blood on the door?
A Yes.
Q But you couldn't see a body because the door was closed?
A Yes.
Q Okay. And at that point in time, you didn't know anybody had been shot, did you?
A No.
Q I mean, I guess, you see blood -

A Yes.
Q -- but you didn't see a body?
A No.
Q You hadn't heard any gunshots?
A No.
Q Train Head was already there?
A Yeah.
Q You asked Train Head, has anybody called 911 --
A Yeah.
Q -- and he said, no?
A Yeah.
Q Okay. And did you have your phone on you? I know you called 911 --
A Yeah.
Q -- but did you use your phone or somebody else's phone?
A My phone.
Q Okay. And, again, about how long was it after you got on the porch that you called 911?
A I called -- I called the time I got on -- I called time I got on the porch.
Q After Train Head had told you that he hadn't called?
A Uh-huh.
Q Is that a yes?
A Yeah.
Q Okay. But you think that happened pretty quickly?

A Yeah.

Q Okay. So you called 911 and we've got your call. I mean, you sound frantic.

A Yeah.

Q I mean, I understand. And I think you probably were upset and frantic.

A Yeah.

Q And the 911 lady actually told you to open the door?

A Yeah.

Q And you could see a body then?

A Yeah.

Q Okay. Any doubt that it was Train Head on the porch with you? I mean, that was the man --

A No. I don't think he was on the porch when I called --

Q No. I mean, when you got there. He was the one up on the porch when you got up on the porch?

A Yeah. He was on the porch --

Q No doubt about it?

A -- before I got on there.

Q No doubt about that?

A No doubt about that.

Q Okay. And by the time you called 911, he left the porch, right?

A Yeah.

Q Okay. I think -- actually, I think he got off the

porch sometime while you're talking to 911?

A Yes.

Q Okay. Did you see which way he went?

A No.

Q Okay. Let me ask you. I think the Solicitor already asked you this, too. But during all this time when you were over here eating, Kelsey walks away, you run around, did you see anybody running away?

A No.

Q Anybody at all?

A No.

Q And you would agree that if somebody just killed somebody or shot them, the logical thing to do would be to run?

A Yeah.

Q I mean, you didn't see anybody running?

A No.

Q Didn't hear anybody running?

A No.

Q Didn't -- didn't hear footsteps pounding the concrete or anything?

A No.

Q Okay. None of that?

A No.

Q Okay. And about how long -- again, I know you're bad

with times. I think you said you saw Demorris when you walked back over here when y'all are coming back from the Try Me?

A Yeah.

Q Okay. From the time y'all saw Demorris or you saw Demorris back there near that mean dog --

A Yeah.

Q -- on the leash --

A Yeah.

Q -- from that time to you calling 911, how long was that? Have you got any idea? Was that two minutes, 30 minutes, an hour? Have you got any idea?

A Around like 15 minutes --

Q Okay.

A -- or something.

Q And then, again, I want to -- I want to clarify that. That would be 15 minutes from the time y'all are coming back with your fried chicken?

A Yes.

Q And you -- you're coming out of the path?

A Yeah.

Q You see Demorris over here behind number 8 and number 9?

A Yes.

Q From that point in time until you actually call 911,

you believe it's probably about 15 minutes?
A Yeah.
Q Okay. I mean, do you know that or is that just a gut instinct? Is that --
A A gut instinct.
Q Just a gut instinct?
A Yes.
Q Okay. But you just don't know?
A Huh-uh.
Q Is that a no?
A No.
MR. HENDERSON: Okay. If I may have one minute, Your Honor.
THE COURT: Yes, sir.
MR. HENDERSON: Nothing further, Your Honor.
THE COURT: Redirect?

REDIRECT EXAMINATION

BY MR. THOMAS:
Q Ms. Reid, I'm showing you State's Exhibit 30. Is that that -- what Mr. Henderson keeps referring to as a big ole mean dog?
A Yeah.
Q Just standing there hanging out?
A Yes.
Q Not barking at Officer Gary over there?

A Yes.
Q And that's -- so that's behind Barry's house?
A Yes.
Q Is -- and you're saying that's where you saw Smiley when you came back?
A Yes.
Q Okay. I'll show you State's Exhibit No. 2. When we keep talking about that big old tree that everyone's sitting under, is that it right there?
A No. Not that tree.
Q Not that tree? There's one --
A That second one.
Q So this second one right here or --
A No. That one, (indicating).
Q That one right there, (indicating).
A Yeah.
Q I need to get something so I'm not covering it up. That one right there, (indicating).
A No. Not that one, (indicating). That one, (indicating). No. Go over.
Q This one, (indicating)?
A Yeah.
Q Okay.
A That one, (indicating). He was standing right there.
Q Okay. That's where Smiley was when y'all left?

A No. When we first came to Gilliam Court.
Q Okay. You didn't see where he was when you left?
A No.
Q But when you came back, he was behind Barry's house over here?
A Yes.
Q Okay. When we keep talking about paths, there's one path that you can come around the end of this right here, (indicating), and go back left and go to Dallas Court; is that right?
A Yes.
Q There's another path that runs up this way, (indicating), behind these houses to Gilliam Court?
A Yes.
Q Okay. You weren't paying attention to those paths while you were eating, were you?
A No.
Q Because you -- I mean, he asked you a bunch of times. You weren't paying attention to Train Head or that card game?
A No.
Q So you weren't paying attention to those paths?
A No.
Q So you didn't see Mr. Andrews running away?
A No.

Q You didn't see anybody running away?
A No.
Q Okay. You didn't see anybody else run away?
A No.
Q But after all of this happened, you didn't see Mr. Andrews around with everybody else?
A No.
MR. THOMAS: Thank you, Ms. Reid.
THE COURT: All right, ma'am. Thank you. You can step down.
THE WITNESS: Okay.
(Whereupon, the witness stepped down from the witness stand).
THE COURT: All right. Ladies and gentlemen, we're going to go ahead and take our mid-morning break for about 10 minutes. We'll be back on the record around eleven o'clock. If one of you needs to step outside, just let the Bailiff know. They'll take you outside. Otherwise, grab another cup of coffee if you want it, get something to drink, use the facilities. We'll be back on the record in 10 minutes. Don't talk about the case. Thanks.
(Whereupon, the jury exited the courtroom at 10:52 a.m.)
(Whereupon, a brief recess was held from 10:52 a.m. until 11:13 a.m.)

THE COURT: Back on the record. Let's have the jury, please.

(Whereupon, the jury entered the courtroom at 11:13 a.m.)

THE COURT: All right. The jury is back and seated -- seated. Solicitor, call your next witness, please.

MR. BROWN: Thank you, Your Honor. The State calls Martin Harralson.

MARTIN HARRALSON, having first been duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MR. BROWN:

Q Good morning.

A Morning.

Q Officer, state your name.

A Martin Harralson.

Q And where do you work?

A Greenwood City Police Department.

Q How long have you been Greenwood City?

A Twelve years.

Q And currently, what is your position?

A I'm assigned to the Greenwood City Detective Division.

Q Back in 2016 -- or on October of 2016, October 25th, what division were you apart of?

A I was with the Uniform Patrol Division.

Q And on October 25th of 2016, did you respond to a person being shot at [redacted] Gilliam Court?

A I did.

Q And what city and county is that in?

A That's in Greenwood City.

Q And that's Greenwood County, South Carolina?

A Correct.

Q Now, what time were you dispatched to [redacted] Gilliam Court?

A Approximately five o'clock in the afternoon.

Q Once you arrived, tell us what you saw and what you encountered.

A When I pulled up on Gilliam Court -- down at the end, it's a dead-end road, there's always typically a group of people that hangs out on the dead-end part. When it's cold, they have a fire out there. Usually, they're hanging out back there. When I pulled up, I observed a few people standing back there or sitting in some chairs, a couple people on their porches. There was one lady on her porch, a little hysterical, wanting me to hurry up. As I pull up, I look for number 8 and find number [redacted] Gilliam Court. As I approach, I could see the door was slightly opened. It was cracked. I go up on the porch. I can see a large amount of blood pooled on the porch there. It looked fresh. I could see some blood on the door. I looked through the crack of the door and I could see someone behind the door kind of

semi fetal position up against the wall behind the door. At that point in time, I decided I needed to make entry to check on the well-being of this subject and to check on the well-being, possibly, of anybody else inside. I tried to ease my in the door without disturbing anything. He was up against the door. I couldn't get the door open without actually having to move him, as well. I forced the door open by just pushing harder and once I got in, I observed right to my left, behind the door, up against the wall, his head was laid up against the wall, a subject that was unresponsive. It looked like he had a hole coming out of his chin. It looked like blood was coming out of it. Large amounts of blood on the floor all around him in the livingroom. At that point in time, two other officers responded in behind me as I kept security to make sure nobody was coming out from any other -- any part of the room. They checked for a pulse on him. He was unresponsive, no pulse. We then cleared the house to make sure there was no one else inside. There was blood tracked from a bedroom, through the hallway, into the livingroom. At that point in time, we started securing the area with crime scene tape and had detectives called in at that point in time.

Q And when you went in the front door of [redacted] Gilliam Court, you said later, it was determined as Barry Warren. Was

there anybody else in the house?

A There was not.

Q Once you went in the front door, did officers go around the back, as well?

A When I was going in the front door, Officer Hempy had responded from Dallas Court. He came in from the back. There was a dog back there. He advised me that there was a dog and it appeared to be aggressive to him, so he told me he couldn't make entry through the back.

Q Later on, did any other officers go around the back and what happened with that dog?

A Later on, all officers responded. This was -- this was right around the time of shift change. So the oncoming shift lieutenant, Lieutenant Watt, arrived and went around back. He secured the dog without incident. The dog was friendly. He was able to touch it and pet it and he took the dog away from the residence.

Q So the investigation could continue?

A Correct.

Q So the dog didn't attack anybody?

A It did not.

Q Once -- once you made entry and secured it, did you touch Mr. Warren at all?

A I did not. Officer Holmes and Officer Vaughn checked for a pulse and checked to see if he was breathing. Other

than that, he wasn't disturbed by us.

Q After that, was it radioed in -- radioed in that -- obviously, an ambulance was on it's way?

A Correct.

Q The coroner called --

A Correct.

Q -- also? And once you and your other officers secured the scene, did you wait for the detectives to show up?

A I did. I never left. I never left the incident location. I actually never left the inside of the livingroom until EMS personnel had backed out.

Q Now, I'm going to show you what's --

MR. BROWN: We'll mark this.

(Whereupon, State's Exhibit No. 44 was marked for identification purpose.)

Q I'm going to show you what's been marked for identification purposes as State's Exhibit 44. Do you recognize this disc?

A I do.

Q And what is that?

A That's a recording of my in-car camera from my car.

Q Now, when you arrived, you obviously arrived in your vehicle?

A Correct.

Q And is your vehicle equipped with an in-car camera?

A It is.

Q Now, at the time of this incident for October 25th, 2016, were you equipped with a body camera?

A I did not have a body camera at the time.

Q They came in, I believe, 2017 --

A Correct.

Q -- is when you were issued body cameras? So the camera we have here is your in-car camera capturing the outside of [redacted] Gilliam Court?

A That's correct.

MR. BROWN: Your Honor, at this time, the State would move in State's Exhibit 44.

MR. HENDERSON: Without objection, Your Honor.

THE COURT: State's 44 is in evidence.

(Whereupon, State's Exhibit No. 44 was admitted into evidence.)

THE COURT: Care to publish?

Q And at the top of this in-car camera, does that show the date and time that you were actually leaving?

A It does.

Q October 25th of 2016, which was a Tuesday, at 5:05 and now, 5:06?

(Whereupon, State's Exhibit No. 44 was published for the jury.)

Q And, Officer Harralson, Gilliam - [redacted] Gilliam Court is

out of your camera right now?

A Yes. That -- that's not pointing straight towards number 8. Number 8 is further up, but this is Gilliam Court.

Q And, Mr. Harralson, are you familiar with a man named Train Head?

A I am.

Q Keith Jackson?

A Correct.

Q Number 88, a man has walked into --

THE COURT: Yates, pause that when you --

MR. BROWN: Yes, sir.

THE COURT: -- ask a question, if you would.

Q The man that keeps popping into the picture with a -- it looks like a NHL hockey jersey and a red hat, is that Keith Jackson?

A That is Keith Jackson.

(Whereupon, the publication of State's Exhibit No. 44 was resumed.)

Q And, Officer Harralson, now, even -- from the time you were dispatched from the city police department or city hall, it's now approximately five minutes from the time you left there. You and the other city officers are already roping that off with tape?

A That's correct.

Q And the name in this photograph, number 88, wearing an 88 jersey, that's Train Head?

A That is Train Head, Keith Jackson.

(Whereupon, the publication of State's Exhibit No. 44 was resumed.)

Q And, Mr. Harralson, are you familiar with a man named Kelsey Watson, Blade? Would that be him in that black jacket?

A I'm not familiar with him.

Q But you wouldn't dispute that would be Blade?

A I would not.

(Whereupon, the publication of State's Exhibit No. 44 was resumed.)

Q Now, this video goes on for about 18 more minutes, give or take. At this time, the house is secured and y'all have done your investigation; is that correct?

A Correct. At this point in time, as far as Uniform Patrol, we've turned it over to detectives. We're still securing the scene and they're inside doing their investigation.

Q And part of your -- when you first responded, you didn't take any pictures and didn't collect any evidence?

A No. I did not.

Q Did you touch anything else in the house when you went in?

A I did not.

Q When you went in to secure the house, were you being as careful as possible moving around?

A I did. I tried not to step in any of the blood. I didn't disturb anything.

Q When you ended up leaving [redacted] Gilliam Court, were there a lot of people out there?

A There were a lot of people out there.

MR. BROWN: No further questions.

THE COURT: Anything?

MR. HENDERSON: Absolutely.

THE COURT: Go ahead.

CROSS-EXAMINATION

BY MR. HENDERSON:

Q Officer Harralson, how are you today?

A I'm good.

Q Thank you for being here. We may need to back this video up just a hair, but it looked like -- when the Solicitor just stopped this, the last thing that's on the video was one of the detectives and Train Head or Keith Jackson walking off video; was that correct?

A That's very possible.

MR. HENDERSON: Okay. I might ask the Solicitor to back that up, say, 30 seconds. I don't want to mess up his video equipment there, and just have him stop it at the same

point, so...

(Whereupon, the publication of State's Exhibit No. 44 was resumed.)

MR. HENDERSON: And the Solicitor can stop it there.

Q Do you recognize that detective?

A Yes. I do.

Q And who is that?

A Joe Collins.

Q Okay. And it looks like Mr. Collins actually -- Detective Collins actually waved Train Head to come with him.

A That's what it looks like.

Q Okay. And I noticed -- I don't know how familiar you are with the case, but Train Head actually gives a statement out on -- out in the field at the scene. Are you aware of that?

A I'm not.

Q Okay. But it would make sense that that would be the statement from the field, wouldn't it?

A I can't say.

Q You just don't know?

A I have no idea.

Q Okay. I know you IDed Train Head in the jersey, the number 88, and the Solicitor pointed out Mr. Watson, Blade, and described how he was wearing and you didn't dispute who

that was, correct?
A Correct.
Q It looked like there for several seconds that Train Head and Blade are standing there conversing, is that fair to say?
A That's what it looks like.
Q Okay. That's -- and I know, obviously, we can't hear what they're saying, but it looks like they're talking. And did I hear something, too, just listening -- I know there's a lot of static background noise. It seems to be that Officer Griffin -- she works for your department, doesn't she?
A That is correct.
Q And what is her job duty?
A She's a evidence technician.
Q Evidence technician. It sounded like they said that she was at another call. Did I hear that right?
A That's what it sounded like.
Q Okay. Was that another shooting or do you happen to know?
A I don't know. It sounded like she was helping Greenwood County with something. I don't know what it was.
Q With something else going on. Let me ask you. You're pretty familiar with this area down here, aren't you?
A I am.

Q Okay. It's fair to say there's a good many sirens in that neck of the woods?

A I wouldn't say a lot of sirens.

Q I mean, police sirens.

A We don't run code a lot.

Q Okay. Okay. Ambulance sirens, fire truck sirens?

A I mean, nothing -- nothing unusual down there like a lot of ambulance sirens. No.

Q Okay. Okay. But you're familiar -- on the other side of -- on the other side of number 9 over there. You're familiar with -- you were in unit number 8? You were Mr. Warren's unit, correct?

A Correct. That's where I was at.

Q And you looked and, I guess, you confirmed. Had you ever been in number 8 before this night?

A I can't say yes. I can't say no.

Q You just don't know? Okay. But did you discover that the back door was boarded up and bolted up?

A I didn't check the back door to look to see if it was boarded up. I --

Q You just --

A I was inside. I was checking for people. Somebody that might have been injured.

Q Right. And the only person that you found injured was Mr. Warren?

A Correct.

Q And there was nobody else in there? It sounded like you said there was a lot of blood. Blood everywhere.

A There was a lot of blood.

Q Okay. It sounded like there was blood, basically, from the front door all the way back to the bedroom.

A That is correct.

Q Okay. And we've seen some pictures. I don't think you've seen them, but there's pictures showing blood everywhere.

A Okay.

Q And, I mean, I guess, you saw it with your own eyes, though.

A I did.

MR. HENDERSON: Okay. Let me have one minute, Your Honor. No further, Your Honor.

MR. BROWN: Just a couple of followup questions.

REDIRECT EXAMINATION

BY MR. BROWN:

Q Detective Harralson, again, you were the first officer to arrive once you were dispatched?

A I was.

Q And the last question Mr. Henderson asked you about blood being inside the house. You mentioned you saw, when you opened up the door to make entry and secure the house,

that Barry Warren was lying on the floor and bleeding; is that correct?

A That's correct.

Q And he had what appeared to be wound to his chin or neck area?

A That is correct.

Q And there's blood that led back to the back bedroom?

A That is correct.

Q Based on your experience, could you tell -- or would you determine where he was shot or what would you --

A I can't make an assumption on that. I mean, there was blood trailing from the bedroom to the living room. If I was to guess, I would say possibly the bedroom seeing that the blood led from there outside the house, and then he stepped back in. I don't know if he went back and forth. I really just don't know.

MR. BROWN: I believe that's it.

THE COURT: All right. Officer, thank you for coming. You are free to go.

(Whereupon, the witness stepped down from the witness stand.)

THE COURT: Call your next witness, please.

MR. BROWN: The State calls Sonny Cox.

SONNY COX, having first been duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MR. BROWN:

Q Good morning, Mr. Cox.

A Good morning.

Q Mr. Cox, what is -- what is it you do?

A I'm the Greenwood County coroner.

Q And how long have you been the Greenwood County coroner?

A I'm on my second term, but six years.

Q And what are your job duties?

A Pronounce death, transport the deceased, and I deal directly with the decedents.

Q And back on October 25th of 2016, were you called out to [redacted] Gilliam Court?

A That's correct. Yes, sir.

Q And that's here in Greenwood County and County?

A City limits of Greenwood.

Q What time were you called out?

A We got the call about 5:23 p.m. when we were still in the office and I think I arrived on the scene about 5:35.

Q And once you arrived on the scene, what did you find?

A A large crowd, number one, and as we proceeded through the crowd and we got up to the actual number [redacted] Gilliam Court, we could see the front door opened and as we entered into the door, we could see the decedent, Barry Warren,

laying right there at the front door and a lot of blood.

Q And what did you do as your duties of a coroner?

A We did our part, as far as photographing, we spoke with the family briefly and explained the process to the family, and then we picked up the decedent and transported him to Self Regional Hospital Morgue.

Q Once -- and when you arrived, an answer to the obvious, Mr. Warren was already passed away?

A That's correct. He -- I pronounced him on the scene, right there.

Q And did you take him immediately or did y'all take pictures and let officers do their investigation prior to removing his body?

A We work hand in hand with the Greenwood City Police Department. We all process the scene together. We gathered what we thought we needed as the Coroner's Office and they did something similar for the police department. We photographed it. Yes, sir.

Q And what -- what is that part of your investigation for the Coroner's Office?

A Just the position of the deceased. I believe he had on blue shoes, blue jeans and I think his shirt had been cut off by EMS personnel. Just why things are the way they are. That's what we want to know.

Q And then, do you document that and pass it on to the

pathologist?

A Most certainly.

Q After you arrived and made note of what the scene looked like, you then took custody of Mr. Warren's body?

A We did. Yes, sir. We observed the wound area to Mr. Warren, and then after we did all of that, we put him in a bag and transported him out.

Q And where did you observe the wound?

A I'm sorry, sir?

Q Where did you observe the wound?

A In the left side of his neck and the exit wound looked like it came out under his chin.

Q And you took Mr. Warren to the -- to Self Memorial Hospital?

A Yes, sir.

Q And then, what did you do with Mr. Warren after taking him to Memorial Hospital?

A hospital security and myself, we secured him into a cooler. The cooler was locked and sealed.

Q The next day, did you transport him to Anderson --

A Yes, sir.

Q -- for the autopsy report?

A Yes. I picked him up the next day. I think it was the 26th of October. And then, I got to the hospital about 10 minutes until 10:00 because he had to be in Anderson at

11:00.

Q And who performed the autopsy?

A Dr. Brett Woodard.

Q Were you --

A He is a forensic pathologist.

Q But were you there during the autopsy?

A I was. Yes, sir.

MR. BROWN: No further questions.

THE COURT: Anything?

MR. HENDERSON: Very briefly.

CROSS-EXAMINATION

BY MR. HENDERSON:

Q Coroner, how you doing, sir?

A Doing well, sir.

Q Always good to see you.

A Yes, sir.

Q Now, the Coroner's Office, when y'all went out there, did y'all do any blood splatter analysis?

A No, sir. No, sir. We --

Q You know, like where he was at when he got shot.

A No, sir. Actually, what we do is take photographs, then we'll take it for the pathologist to able to see what the scene actually looked like.

Q Right.

A But we do not -- as far as measurements of blood

splatter analysis, we don't do that.

Q Okay. And blood splatter analysis involves measuring?

A Yes.

Q It's a kind of science, isn't it?

A Certainly. Yes, sir.

Q It's got angles?

A It does. Yes, sir.

Q Let me ask you. When y'all -- when y'all were there, did y'all do anything to figure out whether or not the shooter was left-handed or right-handed? I mean, did the Coroner's Office do any of that?

A No. None of that. No, sir.

Q Okay. I guess, the police department did all that?

A Yes, sir.

Q Okay. So y'all's documentation was just --

A Yes, sir.

Q -- taking pictures?

A About the decedent. Yes, sir.

Q Okay. And did you notice the back door, that it was boarded up or did you ever get back that far?

A I did. As a matter of fact, we took Mr. Warren out of the back door.

Q Did y'all have to unbolt it or --

A I don't recall. It was -- it was open when I got the van to the back -

Q Okay.
A -- so we could load Mr. Warren.
Q Okay. And did y'all take him out Dallas Court, maybe, or -- I'm just curious.
A I'm thinking, yes. We did go up the drive of some Dallas Court area.
Q Okay. So the back door was open, then?
A I can't say if it -- I didn't open it. I can tell you that.
Q Okay. But you carried the -- did you personally carry the body out?
A I did help carry the --
Q Okay.
A -- the deceased.
Q And so, you went out the back door?
A Yes, sir. We did go out the back door.
MR. HENDERSON: Okay. If I could have one moment. Nothing further, Your Honor.
THE COURT: All right. Sir, thank you very much for coming. You are free to go. Take care.
THE WITNESS: Thank you, sir.
(Whereupon, the witness stepped down from the witness stand.)
THE COURT: Call the next witness; please.
MR. BROWN: The State calls Kenya Griffin.

KENYA GRIFFIN, having first been duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MR. BROWN:

Q Good morning, Ms. Griffin.

A Good morning.

Q Where do you work?

A The Greenwood City Police Department.

Q How long have you been with the Greenwood City Police Department?

A Fifteen years.

Q What are your job -- what's your job description?

A I am the crime scene and evidence technician.

Q And as part of being a crime scene and evidence technician, have you had special training for that?

A I have. Yes.

Q And what is that training?

A I have attended the National Forensics Academy, which is a 10 week course in crime scene processing at the University of Tennessee.

Q And how long have you been the crime scene and evidence custodian?

A About nine and a half, 10 years.

Q On October 25th of 2016, were you called out to [redacted] Gilliam Court -

A Yes.
Q -- here in Greenwood?
A Yes. I was.
Q And as part of your investigation, what did you do?
A I photographed and documented the scene and collected any physical evidence that was located.
Q I want to show you what's already been entered into evidence as State's Exhibit Number 2 -- State's Evidence 2. Is this the front of Gilliam - of [redacted] Gilliam Court?
A Yes. It is.
Q And did you take these photos?
A Yes. I did.
Q And some of these pictures, we've already seen, but we'll go through them again since you took them. State's Exhibit Number 3.
A That is the front of the residence.
Q And at this point when you're taking photographs, there's crime scene tape up already?
A Yes.
Q And other people were not allowed in there other than detectives and investigators?
A That's correct.
Q And the coroner?
A Yes.
Q State's 4.

A That's just another angle of the front of the residence.

Q State's 5.

A That is the front steps leading up to the front door of the residence.

Q And right outside of the front door -- and this might be -- the next picture will show a better view, but is that part of the blood?

A Yes. It was.

Q State's No. 6. I believe that shows a better picture. And, again, that's blood?

A Right.

Q And is that Mr. Warren's foot that we see inside this picture?

A Yes. It is.

Q State's 7.

A That is a -- I believe a comforter or a blanket that was on the front porch that was -- that had blood on it.

Q State's No. 8.

A That's a picture standing on the front porch looking into the front door of the residence.

Q And there's blood on the door?

A Yes. There is.

Q State's 9.

A Again, that's just a different angle of standing on the

front porch looking into the front door of the residence where you could see the victim.

Q State's 10.

A That's standing inside the residence. It's a picture of the victim lying on the floor.

Q Again, as part of the evidence studying and collecting the evidence, did you collect the clothes after Mr. Warren was transported?

A Yes. I did.

Q And his shirt had been cut off at that point?

A Yes. It had.

Q Medical -- trying to give medical aid?

A Correct.

Q Before we get to the next picture, can you describe the inside of the house and the rooms as you come in the front door? Essentially, where the blood trail lead.

A If you come in the front door, it was the livingroom. There was blood, basically, everywhere in the livingroom area. On the front door to your -- if you're standing in the livingroom, to your left, I believe, was a bedroom. Looking straight back, I believe, was the kitchen area and maybe a bathroom area, and then just past that was a second bedroom.

Q And is the second bedroom where the blood trail lead?

A No. It was the first bedroom.

Q First bedroom?
A Yes.
Q And I'm going to show you State's 11. Now, that would be the first bedroom?
A That would be the first bedroom off the livingroom.
Q In that photograph, you clearly see blood?
A Yes.
Q State's 12.
A That is also the first bedroom.
Q Now, when you were taking these photographs, being an investigator yourself, did you believe the origin on where the blood began and where it ended? Do you understand my question?
A I'm not sure I do.
Q Basically, in your investigation, where did you believe Mr. Warren began bleeding?
A I believe he began bleeding in the bedroom.
Q In the bedroom, and then walked out of the bedroom, and then to the front door?
A Correct.
Q State's 13.
A That is standing in the bedroom looking back towards the livingroom area.
Q In what side -- where was the entry wound to Mr. Warren? Was it the left side?

A I believe so. Yes.
Q The heavier pools of blood as you're leaving down the room, would that be consistent with walking out and spurting blood from the left side?
A Correct.
Q State's 14. Now, is this just another angle looking back into the bedroom?
A It is. Correct.
Q And in this photograph, we see a marking of number 1.
A That is where I located a cartridge casing.
Q And then, there is a -- it looks like -- I'll show you State's 15. In State's 15, is there another marking?
A There is a second one about between the chair and the trash can.
Q And a close up shot of State's 16. Again, markers 1 and 2?
A Correct. That's just closer picture showing where the cartridge cases were located.
Q Let me show you what's been entered into evidence as State's Evidence 40 and 41. Can you take a look at those and tell us what they are?
A These are the cartridge cases that were located and collected by myself.
Q And are these cartridge cases the cartridge cases that apply to the 1 and 2 -

A Yes.
Q -- markers?
A Yes. They are.
Q And both of these were found in the bedroom?
A Yes.
Q Where you believe to be where Mr. Warren was shot?
A Correct.
Q How big was that bedroom?
A It wasn't very big.
Q I'm going back to State's 12. You mentioned a cartridge case was found on the floor here, (indicating)?
A Yes.
Q And then, also on -- near the trash can and the chair?
A That's correct.
Q And near this TV stand; is that correct?
A That's correct.
Q And we'll get back to that TV stand in just a second in another photograph. State's 17. Again, that's a close up photograph of the cartridge case?
A Yes. It is.
Q And 18. That's the second cartridge case?
A Yes. That's correct.
Q Any other cartridges found in that house?
A No.
Q Any pistol found in that house?

A No.
Q Based on your investigation, would you assume or conclude that whoever did the shooting took the gun with them?
A Yes.
Q You know, with the cartridge cases being on the floor, that this was some type of semi-automatic weapon --
A Correct.
Q -- that'll eject the cartridge case?
A Correct.
Q State's 19. What are we looking at?
A That is a picture of the entertainment center with a defect on the side of it.
Q Is this the defect you're referring to?
A Correct.
Q State's 20.
A That's just a closer picture showing some of the damage from the defect.
Q Inside?
A Correct.
Q And based on your investigation, did you determine what that -- caused that defect?
A It appeared to me that a bullet passed through the side of the entertainment center.
Q State's 21.

A That's a closer picture showing the defect and the size of it.

Q State's 22.

A That would be the other side of the entertainment center showing the damage in the -- from the bullet impact.

Q So not one shot? Two shots?

A Correct.

Q State's 23. And in this photograph, we see you have marker 3. What is that?

A That's just to document the impact on the side of the entertainment center.

Q State's 24. You have another marker number 4?

A That is the projectile that I located laying in the clothes that were folded up.

Q State's 25.

A That's just a closer up picture of the projectile that was located.

Q I want to show you what's been marked as State's Evidence 89. What is this?

A This is the projectile that was pictured in the photograph and that I collected.

Q And that was through the entertainment system and was in the clothes?

A Correct.

Q State's 26?

A I can't see that very good.
Q Now, I'm not sure if you took that photograph or not -- in this case, did you come across a second bullet or were you notified of a second bullet --
A Yes. I was.
Q -- that was found?
A I was.
Q Tell me how that happened.
A I believe Detective Moore advise -- brought it to me and advised that a family member, while cleaning up the residence, located it.
Q In the house?
A In the house. Yes.
Q I want to show you State's 38.
A It appears to be the projectile in that picture.
Q And you can tell that by the notch taken out in the photograph?
A Yes.
Q So two bullets and two shell casings?
A Yes.
Q State's 27. What are we seeing here?
A That is the second bedroom.
Q It looks like it's more of a storage area?
A Correct.
Q And what is this apartment -- duplex, apartment, home,

what is the construction of this? What's it made out of? Are those cinder blocks?

A Yeah. I believe so. Yes.

Q State's 28.

A That is a picture of the window in the second bedroom showing that it was boarded up and nobody came through or exited through that window.

Q If somebody tried to exit through that window, could they have done it?

A Not without removing the stick that's across the window.

Q State's 29.

A That is the back door to the residence, also showing that it was boarded up and nobody entered or exited by that door.

Q Obviously, Mr. Warren wouldn't have been able to put that board back up after somebody had left; is that correct?

A It's possible. Yes.

Q Is there any blood splattered around that door?

A There was not.

Q Based on these bars on the window and the door, what was the only way to enter and exit that house?

A Through the front door.

Q I'll show you State's 30.

A That is a picture of the back of the residence showing

the back door.

Q And that door was the one we just saw that was boarded?

A That's correct.

Q And that back window, is that the window we saw that was boarded?

A I believe so. Yes.

Q What's this down here in the bottom right-hand?

A That is a dog.

Q Was it aggressive?

A It was.

Q Was it aggressive in this picture with Mr. Gary standing there?

A It was not at the time.

Q Was it carried off or --

A It was removed from the scene. Yes.

Q Did it bite anybody?

A No.

Q State's 31.

A That's a picture of the crowd that had gathered while I was on the scene.

Q And, again, the crime scene tape is up and everybody was kept out while the investigation took place?

A That's correct.

Q Now, with you entering the home and collecting evidence, you did collect his clothing?

A The clothing that was cut off by EMS, I did collect on the scene. I believe the clothes were collected during the autopsy.

Q During the autopsy. With Mr. Warren, there's been mentioned of gunshot residue prior to this. Does SLED or do you normally collect gunshot residue off of the victim?

A I do, but I have been informed by SLED that they will not analyze it because they came to assume that there's going to be gunshot residue on the victim that's been shot.

Q Now, Ms. -- Mr. Andrews was interviewed over a week after this murder took place. At that time, did you or any other officer attempt to get gunshot residue off of Mr. Andrews?

A No. We would not.

Q And why?

A Because of the timeframe between the shooting and when he was interviewed.

Q What's the window of opportunity to try to get -- try to get gunshot residue off of somebody?

A I believe it's six hours.

Q And being seven days after, you can't do gunshot residue?

A That's correct.

Q Why? What is gunshot residue?

A It's the particles that are emitted from the gun when

it's fired.

Q Is it somewhat like flour or dust or sand?

A You could probably describe it as that. Yes.

Q Is it easy to wash off or wipe off?

A Yes. It is.

Q So a week later, there wasn't a hope of finding any?

A Correct.

Q Now, Ms. Griffin, did you do any type of blood splatter testing?

A I did not. No.

Q Why not?

A That's not in the area that I'm trained in.

Q Well, where -- where did you notice -- by the pictures we just looked at and the blood, could you tell -- I think I've already asked you this, tell an origin of where it began or where you believe it began?

A I believe it began in the bedroom, and then into the livingroom.

Q And did you see footprints of anybody walking through the blood?

A No. I did not.

Q Going back to the photograph of the entertainment system from the center of the livingroom entertainment. Based off of looking at that, could you tell the trajectory that that bullet passed?

A I'm not -- could not. No.
Q By looking at the photographs of the entry and exit, was it a downward angle?
A It appeared to be. Yes.
Q To be at a downward angle, how would somebody -- whoever shot the gun, how would the gun have to be pointed to have a downward angle?
A The gun would have to be pointed down.
Q And where is that blood next to -- in relation to the entertainment system?
A It is -- looking at it, it's to the right of it.
Q And Mr. Warren was shot where?
A On the left side I believe.
Q In the neck?
A Yes.
Q Ms. Griffin, I believe I've already asked you this question. Just to make sure. Was there ever a gun recovered?
A No. There was not.
Q And around that entertainment system or the TV stand, did you find a Crown Royal bag?
A I don't recall if I did or not.
Q You didn't collect it, then?
A I don't believe so.
Q And there's no Crown Royal bag in these photographs, is

there?

A No. There's not.

Q I'll show you State's 20. Do you see a Crown Royal bag in that?

A I do not.

Q And, again, where did you respond to in reference to this homicide?

A Gilliam Court.

MR. BROWN: Beg the Court's indulgence.

THE COURT: Yes, sir.

Q Now, I believe -- later on, I think I already mentioned to you that Mr. Andrews came in and talked to law enforcement at a later date. Approximately a week or a little after the week after this homicide occurred; is that correct?

A That's correct.

Q And during that interview, clothes were taken --

A Yes.

Q -- from Mr. Andrews? Can you say what kind of clothes were taken?

A There was a pair of Nike -- black Nike shoes, a black shirt and grey jean pants.

Q Gray jean pants?

A Yes.

Q This was taken over a week after the homicide?

A Yes. That's correct.

Q And these clothes are actually -- you do have them in evidence? They're in your office right now?

A That's correct.

MR. BROWN: We kind of rushed over here this morning. After lunch, we'll bring you back and get those clothes entered into evidence. Judge, I just want to leave them in -

THE COURT: All right.

MR. BROWN: -- at this time.

THE COURT: No problem?

MR. HENDERSON: None whatsoever, Your Honor.

THE COURT: Very good. They'll be in evidence. Just get them back over here after lunch.

MR. BROWN: No further questions.

THE COURT: Cross?

MR. HENDERSON: Absolutely.

CROSS-EXAMINATION

BY MR. HENDERSON:

Q Officer Griffin, thank you for being here today. Now, these clothes and shoes that are going to be brought over here, you didn't find any blood on them at all?

A No. I did not.

Q And you ran, it looked like, a couple tests on them?

A That's correct.

Q And those tests are pretty good, aren't they, about determining whether blood is on an item?

A Yes, sir.

Q Okay. I mean, I've seen these shows on TV -- and, again, I don't trust everything I see on TV, but you see these true crime stories where people are trying to get in there and scrub and mop and use all sorts of stuff and the police can still find blood.

A Correct.

Q I mean, that's -- so it's hard to get rid of blood, isn't it?

A Yes, sir.

Q Okay. And you didn't find any trace of blood on his clothing or shoes, did you?

A No. I did not.

Q Okay. One thing I found interesting. I think you said that a gunshot residue test is only good for six hours?

A I believe that's the timeframe I was given by SLED.

Q But it's pretty short, though?

A Yes, sir. It's pretty short.

Q I mean, your detectives over there, McClinton and Collins, they ought to know that, wouldn't they?

A I can't say whether they know it or not.

Q I mean, is that -- y'all don't have like meetings around the water cooler or something and talk about this

kind of stuff?

A No, sir. Not really.

Q Okay. Then why on Earth would they ask somebody to take a gunshot residue test seven days after a shooting?

A I can't answer why they would do that.

Q You think that's just ignorance on their part or you just don't know?

A I just don't know.

Q Or you think they might be trying to trip somebody up or you just don't know?

A I don't know.

MR. BROWN: Objection. Calls for speculation.

MR. HENDERSON: Okay.

THE COURT: Sustained.

Q But, again, you said that you believe that Mr. Warren was shot in the bedroom, correct?

A Correct.

Q But you didn't do -- you said you did no splatter analysis?

A That's correct. I'm not trained in blood splatter analysis.

Q But y'all can -- somebody on the force is, aren't they?

A No, sir.

Q Okay. So if nobody's trained on the force, would you have to call somebody in?

A SLED somebody has somebody that is trained in blood splatter analysis.

Q Okay.

A I'm not real sure.

Q And when you're doing trajectory analysis, you know, you can learn a lot from a trajectory analysis, can't you?

A Yes, sir. You can.

Q I mean, like how -- like how tall the shooter was?

A Correct.

Q I mean, was the shooter left-handed or right-handed?

A Again, that's specialized training that I don't have.

Q I understand that, but that science is out there, isn't it?

A That's correct.

Q Because the pathologist, he's of the opinion that Mr. Warren was shot, basically, anywhere from six inches to 18 inches away. I mean, he was executed. I mean, he was shot at close range. You've seen nothing to dispute that, have you?

A No, sir.

Q Okay. And knowing how far away somebody was when they shot him, you know, the science can tell you a lot about the shooter, can't it?

A Yes, sir. It can.

Q And you didn't do any of that science?

A No, sir.
Q And you didn't refer that science out to anybody else to be figured out, did you?
A No, sir.
Q Okay. So we don't know how tall the shooter was?
A No, sir.
Q Where in the room they were at?
A No, sir.
Q Whether the shooter was left-handed or right-handed?
A No, sir.
Q Taller than Mr. Warren or shorter than Mr. Warren?
A No, sir.
Q We just don't know any of that, do we?
A No, sir.
Q But we could have learned all of that, couldn't we?
A It's possible. Yes, sir.
Q It's possible, but you didn't check?
A No, sir.
Q Okay. Have you told the -- have you told this to Mr. Warren's family why you didn't check?
A No. I have not spoken to his family. No, sir.
Q Okay. What are you going to tell them when they ask you why you didn't check?
A Again, I'm not trained in that area.
Q Okay.

A So I can't check.
Q But SLED in Columbia is trained, aren't they?
A I don't know if they are or not.
Q Well, did you pick up the phone to call them?
A No, sir.
Q Okay. Did you pick up the phone to call the FBI?
A No, sir.
Q The FBI's right down the road in Columbia.
A We don't typically call the FBI.
Q Okay. Alcohol, Tobacco and Firearms? I mean, they're right up the road in Greenville.
A Again, we don't typically call them for a homicide.
Q Okay. And I noticed on one of the photographs there, it looked like there was a comforter. Like he said, comforter or bed spread. Something along those lines. It had a lot of blood on it.
A Correct.
Q It's on the front porch, but it just seemed to be off by itself on the front porch away from the other trail of blood. I mean, how did it get over there? Obviously, Mr. Warren didn't carry it over there.
A If I remember correctly, I believe EMS might have moved it over there. I'm not real sure.
Q You just don't know?
A I don't know, sir.

Q I mean, it's got -- did you test it?
A No, sir.
Q You didn't do any analysis on it to see whether or not the killer picked it up and carried it over there?
A No, sir.
Q Okay. So did you even pick it up and take it with you?
A No, sir.
Q Okay. You left it where it's sitting?
A Correct.
Q Okay. And did I hear you right that one of the cartridges was located by the family the next day -- or was it the cartridge or the bullet? What did they --
A The bullet was.
Q The bullet the next day. So the family found it?
A That's correct.
Q You didn't find it.
A Correct.
Q Okay. It was under a pile of clothes?
A Yes, sir.
Q What pile of clothes was it under?
A I don't know. I was just advised it was under a pile of clothes.
Q Okay. And I was looking in, you know, that photograph 20 that the Solicitor put up a while ago that had a great, big ole pile of clothes and the entertainment center.

A Correct.
Q Was it in that pile of clothes?
A I can't answer that question.
Q You just don't know?
A No, sir.
Q Okay. You didn't dig through that pile of clothes?
A I kind of looked through it after I found the first projectile, but I didn't pull all of them out individually and search through them. No, sir.
Q You didn't? Okay. You don't know what was buried in that stack of stuff?
A No, sir.
Q Okay. And did I hear you say the dog was aggressive?
A When I came around the corner, it barked. Yes, sir.
Q (GROWLING NOISE) or what?
A Yes, sir.
Q Did it bark at you or --
A Yes, sir.
Q -- growling?
A Bark, growl.
Q Okay. It was on a leash, wasn't it?
A Yes, sir.
Q Okay. And, again, all of this stuff you collected -- let's say the bullet, the casings, anything else you collected, Mr. Andrews' fingerprints wasn't on anything, was

it?

A No. It was not.

Q His DNA wasn't on anything?

A No, sir.

Q His blood wasn't on anything?

A No, sir.

Q Is there any physical evidence at all in your possession linking my client to Mr. Warren's dead body?

A No, sir.

Q Okay. If there is, you haven't shown it to me. But there is none?

A No, sir.

Q Okay. And, again, no gun recovered?

A No, sir.

MR. HENDERSON: If I may have one minute, Your Honor. Nothing further, Your Honor. And, again, no problems with the clothes coming in.

THE COURT: Anything on redirect?

MR. BROWN: Yes, sir.

THE COURT: Go ahead.

REDIRECT EXAMINATION

BY MR. BROWN:

Q Ms. Griffin, Mr. Henderson asked about clothes collected from Demorris Andrews over a week after this homicide occurred?

A Correct.
Q Blood tests were done?
A Correct.
Q Just on the hope that maybe something would show up; is that correct?
A That's correct.
Q But you would have to take him at his word that those were actually the clothes he wore the day he shot Mr. Warren up to the police department and talking to the police?
A Yes, sir.
Q And you tested them anyway?
A Yes.
Q The clothes he wore up there a week later?
A Yes.
Q To the police department?
A Yes.
Q He also asked about the blood splatter and whether the shooter was left-handed or right-handed and you never found a gun?
A No.
Q And you weren't there to look at who shot -- is that -- you also -- there's a possibility that you would be able to find that if they can get that information with all this testing that NCIS or FBI can do; is that correct?
A That's correct.

MR. BROWN: No further questions.

MR. HENDERSON: Very briefly.

THE COURT: Okay.

RECROSS EXAMINATION

BY MR. HENDERSON:

Q Now, Officer Griffin, are you aware -- did any detective serve any search warrants to go gather any of other clothes owned by my client?

A I'm not aware of that.

Q You just don't -- you didn't test any other clothes?

A No, sir.

Q If they had gone to get any other clothes owned or wore by my client, would you have tested it?

A Yes, sir.

Q I mean, that's your job duty, isn't it?

A Correct.

Q And you're telling this jury that they didn't bring you any other clothes owned by Mr. Andrews here?

A That's correct.

MR. HENDERSON: Okay. I don't have anything further, Your Honor.

THE COURT: All right. Officer, thank you very much for coming. You're free to go. Thank care of yourself.

(Whereupon, the witness stepped down from the witness stand.)

please.

MR. THOMAS: Your Honor, the State calls Joseph Collins to the stand.

JOSEPH COLLINS, having first been duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MR. THOMAS:

Q Mr. Collins, what -- I guess what's -- what are you -- where are you currently employed?

A With the South Carolina Army National Guard here stationed in Abbeville, South Carolina.

Q What's your rank?

A Sergeant.

Q Okay. Would you rather I call you Sergeant Collins or Investigator Collins?

A For -- I guess for today, Detective Collins will be fine.

Q All right. Detective Collins, I guess, tell us a little bit about your background. How did you end up being a detective in Greenwood?

A I started my employment at the Greenwood City Police Department in May of 2007. I was later reassigned to the Detective's Office in April of 2012 and I remained there until I sought other employment, which would have been March of 2017.

Q Were you in the Guard that whole time, I guess?
A Yes. I was.
Q And you said you were in the Investigations Division. What were some of your duties in the Investigations Division?
A I'd just follow up on any cases that came through that pertained to anything that the road officers could not handle at the time.
Q What kind of special training or education do you need to do that?
A Interview, interrogation, several homicide classes. Things of that nature.
Q You were working in that capacity in October of 2016?
A Yes. I was.
Q Did you get called out to Gilliam Court that day on October 25th?
A Yes, sir.
Q And Gilliam Court, that's in the City of Greenwood?
A That's correct.
Q In Greenwood County?
A Yes, sir.
Q When you arrived, what was the scene like? What was going on?
A When I arrived on-scene the officers had already secured the scene. I believe the EMS had already arrived

and the coroner had removed the body at time. There were numerous people in the area. If I had to guess, anywhere from, you know, 50 or 60 people, possibly.

Q And what did you do when you got there?

A I logged into the crime scene and began to speak with people in the area that was around the scene.

Q So sort of canvassing the area to see if anybody saw anything?

A Yes, sir.

Q Okay. Did you do anything else while you were there that day?

A I did. I took a couple statements from a couple of witnesses in the area and also, I videoed the crime scene itself.

Q Did you help with any evidence collection?

A I did remove some stuff from the front porch area of the crime scene and turned it over to the crime scene investigator, Sergeant Griffin.

Q Okay. So you basically helped Sergeant Griffin sort of? You --

A Yes, sir.

Q Okay. And you said you did a video -- a walkthrough video. I'm going to show you State's 42. Do you recognize that disc?

A Yes, sir. I do.

Q And you initialed that and we watched it? It was like last week.

A Yes, sir.

Q Is this the video you and Detective McClinton took?

A It is.

Q Detective McClinton was there that day, also, right?

A Yes. He was.

Q Where's he at right now?

A He is currently attending annual training in Camp Shelby, Mississippi for the South Carolina Army National Guard.

Q For the National Guard? But y'all made this video as a walkthrough?

A Yes, sir.

MR. THOMAS: Okay. At this time, Your Honor, I'd just move to publish State's 42 to the jury.

THE COURT: All right.

MR. HENDERSON: No objection.

THE COURT: Subject to earlier rulings, you may proceed. And this is the walkthrough video that we're --

MR. HENDERSON: Yeah. This is different than what we were talking about.

MR. THOMAS: Yes --

THE COURT: Okay. Good.

MR. THOMAS: This is -- yes.

(Whereupon, a sidebar was held.)

Q What did y'all film this on?

A I believe it was a recorded cell phone.

Q So when it pops up on the screen and it's sideways, it's because one of you didn't turn the cell phone the right way?

A Yes, sir.

MR. THOMAS: I'm not good with technology either, so...

(Whereupon, State's Exhibit No. 42 was published to the jury.)

Q All right. Detective Collins, we will work out our technical difficulties and circle back around to this. I want to walk through some other stuff with you while we're here. After you cleared the scene that day, did you followup on some interviews with some other people?

A Yes. We did.

Q Was one of those individuals Mr. Andrews?

A Yes. Eventually, we did locate Mr. Andrews to speak with him.

Q And that was you and Detective McClinton who spoke with him?

A Yes, sir.

Q Okay. At the time you spoke with him, I guess, was he under arrest?

A Yes. He was for a probation violation.

MR. HENDERSON: Objection, Your Honor.

THE COURT: All right. Ladies and gentlemen of the jury, if you would, just excuse me for a few moments. That'll allow us to work on the technical issues here and resume. So adjourn to the back and don't discuss the case. Okay? Thank you.

(Whereupon, the jury exited the courtroom at 2:22 p.m.)

THE COURT: Okay. Solicitor?

MR. THOMAS: Your Honor --

THE COURT: Was this intended to elicit, perhaps, testimony along the lines --

MR. THOMAS: No. It was intended -- I mean, I'm laying the foundation for a Denno hearing here, Your Honor, or just at least trying to get -- you know, the jury's the ultimate arbiter of whether it's a voluntary statement. So just trying to lay a little foundation there.

THE COURT: Right.

MR. THOMAS: He was under arrest for the probation violation. So he was, obviously, in custody when he was interrogated. So I was shooting for an answer along the lines of he'd been -- it was on something unrelated to this. You have to show he's in custody. There's no way around that.

THE COURT: Okay.

MR. THOMAS: I mean -

THE COURT: All right.

MR. HENDERSON: One of the issues was, was that we've been -- this is what we've been redacting. This is what we're getting out of my client's statements. The fact that he was in prison, in jail, just got out on probation, previously given DNA tests, that's what we're trying to get around and, obviously, then Detective Collins steps right into it. So at the very least, I need some sort of curative instruction or tell the jury to disregard it or tell them -- I mean, at the very least, I need something along those lines.

THE COURT: Can I ask what he was on probation for? What he was --

MR. HENDERSON: I think it's a drug offense, if I'm not mistaken, Your Honor.

THE COURT: Okay.

MR. THOMAS: A PWID, I believe.

THE COURT: A PWID?

MR. THOMAS: I think it's a Y -- he was on YOA probation.

THE COURT: YOA? Okay.

MR. HENDERSON: It's clear that he was under arrest. I mean, that's one reason because probation actually got the warrant to pick him up.

MR. THOMAS: And that's the thing, Your Honor. I mean,

I can't -- You know, it's one that I can't say, well, he came in on his own free will and accord, you know, he wasn't in custody at the time this statement was given. I mean, he was in custody. I just -- I --

THE COURT: Right.

MR. THOMAS: -- was trying to dance around it as best I could.

MR. HENDERSON: Well, we can read the voluntary statement. That's --

THE COURT: Right. Okay. Let's handle it this way. You were -- I understand where you were going with this, Solicitor. Obviously, Miranda applies to focus custodial interrogation and the fact that he's in custody is one of those factors that necessitates a Miranda. In light of the Defense's stipulation that Miranda's not an issue and the voluntariness of the underlying statement is not an issue, let's just jump ahead to -- you can ask, you read him his rights, yeah, he seemed to understand them, yeah, he signed the form, yeah, and I'll instruct the jury that the fact that Mr. Andrews was on probation is not relevant or germane to any underlying issue involved in this particular case and I'll simply explain to them that the question of custody status is one of those matters that have to be -- that have to be addressed in whether Miranda rights have to be given. But in this case, the State and the Defense are stipulating

that he voluntarily gave this statement of his own free will. Does that balance everything out?

MR. HENDERSON: Right. And then, could you add the disregard --

THE COURT: Of course.

MR. HENDERSON: -- to the fact that --

THE COURT: Of course.

MR. HENDERSON: -- he mentioned probation? I mean --

THE COURT: Certainly.

MR. HENDERSON: -- obviously, you give the explanation.

THE COURT: Certainly.

MR. HENDERSON: Can they disregard it? No. But --

THE COURT: Well, I think this is a pretty intelligent jury. They've been paying very good attention to the Court, the witnesses and the attorneys. I think that they'll be -- that there will be no prejudice as a result of the admonition or the instructions that I give them in a few moments. Let's have them back out, please.

(Whereupon, the jury entered the courtroom at 2:27 p.m.)

THE COURT: All right. Ladies and gentlemen of the jury, welcome back. Before we proceed with this witness, I just want to instruct you on one thing concerning that last question that was asked. Understand that under the law, one of the questions anytime -- and you're probably -- as

intelligent individuals, you're probably aware of this, but anytime an officer engages in a custodial interrogation of a person, they have to read them the Miranda rights. Okay? You've heard those probably thousands of times on cop shows and that sort of a thing and one of the factors to be considered is whether a person is in custody. That's one of the factors to be considered as to whether the police officer has to read those Miranda rights. Okay? And so, that's why that last question was asked, that was the response that was given. Now, I instruct you, ladies and gentlemen, that the fact that the Defendant in this case, Mr. Andrews, may have been on probation at this particular time and may have been in custody for a violation of that probation, you're to completely disregard that. That has no bearing on the ultimate issue involved in this case and Mr. Andrews is not to be prejudiced or that's not to be discussed in any way, shape or form during your deliberations. Okay? Because it's not relevant to any issue involved in this case. As a matter of fact, both the State and the Defense have stipulated that Mr. Andrews voluntarily gave this statement to this officer, that there was no coercion, there was no threat by this officer against Mr. Andrews and this statement that you're going to hear shortly was voluntarily given. Okay? So for purposes of moving forward, again, you have to expunge any reference to

that last question or that last answer from your mind and, obviously, Mr. Andrews is to have no prejudice -- or is to suffer no prejudice because of that question. All right? Solicitor, you may continue, sir.

MR. THOMAS: And I think Deputy Solicitor Brown had a technical issue --

THE COURT: Okay.

MR. THOMAS: -- and let you watch this video.

THE COURT: We're going to play the walkthrough at this point.

(Whereupon, the publication of State's Exhibit No. 42 was continued.)

MR. THOMAS: All right. We're going to get back to that line of inquiry. We're just --

THE COURT: All right.

MR. THOMAS: We'll figure that out later.

Q All right. Detective Collins, you interviewed Mr. Andrews on November 1st?

A That's correct.

Q Along with Detective McClinton?

A Yes, sir.

Q Y'all felt the need to read him his Miranda rights?

A Yes, sir.

Q What are those Miranda rights that we've all heard a million times before?

A They're issued on a Department issued form. If I could have a copy of that, I'll read them verbatim for you, sir.

Q Okay. I'm going to hand you -- I'll hand you State's No. 48. Does that look familiar?

A Yes, sir. It does.

Q Is that the standard Miranda form that y'all used back then?

A Yes, sir. It's a Department issued form.

Q And that's actually the one -- do you recognize those signatures at the bottom?

A Yes, sir. I do.

Q And who are those?

A Demorris Andrews and Wesley McClinton.

Q You were present when Detective McClinton read that to Mr. Andrews?

A Yes, sir. I was.

Q What's -- and we're going to get to listen to it. So -- but just -- he read that form to him?

A Yes, sir. He did.

Q Explained all that to him?

A Yes, sir.

Q And he agreed to talk to y'all after that?

A Yes, sir.

Q I'll show you what's been marked as State's 46. Does that look familiar?

A Yes, sir. It does.
Q And you initialed that also last week --
A Yes, sir. I did.
Q -- and listened to it? What's that a copy of?
A That is a copy of his Miranda rights along with the interview that me and Detective McClinton did on November 1st of 2016.
Q Okay. And that's a true and accurate --
A Yes, sir.
Q -- depiction of what went on that day?
MR. THOMAS: All right. Your Honor, at this time, I guess, 46, 47 and 48 I would move into evidence. 47 being the one that Mr. Henderson and I have agreed on publishing.
MR. HENDERSON: Well, my concern about 46 and 48 is that they be in -- not be in evidence. I mean, Court's Exhibits, I guess.
MR. THOMAS: Right. All right. State's 46 for ID.
MR. HENDERSON: That'll be fine.
THE COURT: 46 is ID.
MR. THOMAS: 48 for ID.
MR. HENDERSON: That's fine.
THE COURT: And 47 --
MR. THOMAS: 47 for entry.
THE COURT: -- in publish.
MR. HENDERSON: No objection.

THE COURT: All right.

(Whereupon, State's Exhibit Nos. 46 and 48 was marked for identification purposes.)

(Whereupon, State's Exhibit No. 47 was published for the jury.)

THE COURT: All right. Ladies and gentlemen, I'd ask the Solicitor, since there's still a little bit left of this audio recorded to play -- I had asked the Solicitor earlier to stop it at about the one hour mark, which is where we are, so that we could take a brief break. My experience is that sometimes listening to these can become a bit tedious and it's sometimes best to stretch one's legs or get up and get a cup of coffee, so that's what we're going to do at this point in time. All right? We'll be at ease for about 10 minutes, and then we'll resume with the rest of this recording and don't talk about the case. Thank you.

(Whereupon, the jury exited the courtroom at 3:27 p.m.)

(Whereupon, a brief recess was held from 3:27 p.m. to 3:43 p.m.)

THE COURT: All right. Let's go back on the record, if we could. Everyone is present. Let's get the jury moving, please.

(Whereupon, the jury entered the courtroom at 3:43 p.m.)

THE COURT: All right. The jury is back and seated.

Ladies and gentlemen of the jury, before we resume with this audio, let me let you know that at some point in the next portion of the audio, which lasts, I think, about 50 minutes, there's going to be reference to the Defendant and this witness talking about a possible polygraph examination. I'll let you know that as a general rule of law, polygraph results are not admissible in trial for either party, but I have found that the reference to the polygraph or the discussion about a possible polygraph exam is relevant for your consideration in a different context. Okay? In this case, however, no polygraph was ever administered to the Defendant, but I am going to allow the tape to simply play as it was initially recorded and there will be a reference to polygraphs. But I did want y'all to know that, first, no polygraph was in fact ever given in this particular case and, secondly, even if it had been, they're not admissible in court because they're not characterized, generally speaking, as reliable evidence. Okay? It's not a reliable science, generally speaking, is what I'm telling you. With that, Solicitor, you may continue playing the audio.

(Whereupon, the publication of State's Exhibit No. 47 was resumed.)

THE COURT: About how much longer do you have on direct as far as questions for this gentleman?

MR. THOMAS: Half dozen questions.

THE COURT: I'm sorry?

MR. THOMAS: Half dozen.

THE COURT: Half dozen? All right. Go ahead and ask him.

Q All right. Detective Collins, listening to that statement, it's fair to say that, I mean, Mr. Andrews was clearly a suspect at that time?

A Yes, sir.

Q And I know y'all told him you were just trying to clear his name, but that wasn't the entire purpose of y'all's conversation, was it?

A No, sir.

Q When you've got a suspect in like that, it's fair to say sometimes, for lack for a better word, you bluff them a little bit?

A Yes. That would be common practice.

Q And sometimes, do you ask questions of them just to gauge their reaction to the question more than what the actual answer is?

A Yes, sir. Quite frequently.

Q I heard on there that you asked him if he minded if y'all took GSR off of him. Do you remember that?

A Yes, sir.

Q Y'all didn't take any GSR, though?

A I do not believe so, looking back through the case.

Q Did you ask him that question because you intended to take it or did you ask it just to see what he would do when he --

A Just to check his body behavior in response to the question.

Q And what was his reaction to that?

A It wasn't the -- it wasn't the reaction we were looking for. He was very off-setting to the question. He did not want to submit.

Q And I think initially in that interview, y'all were talking to him about where he went and what he did in the interim between the Tuesday that the murder happened and the Tuesday that y'all were talking to him.

A Yes, sir.

Q Do you remember asking him whether he'd changed clothes?

A I believe we asked him several different times throughout the interview.

Q And initially, he told you that he had changed clothes, he wasn't wearing the same clothes?

A That's correct.

Q And then, y'all had a little bit more of a conversation, and then you started talking to him about GSR and DNA and blood evidence and all and how that was going to exculpate him, perhaps?

A Yes, sir.
Q Okay. And I think at some point later when y'all actually talked to him again, you -- later on in the conversation, you said, where are the clothes at that you were wearing that day?
A Yes, sir.
Q And he told you, well, I'm actually wearing them?
A That is correct.
Q And that's after y'all had a conversation about trying to check him off if he didn't have any blood and DNA on his clothes?
A That is correct.
Q As far as the timeline he gave y'all in where he was that day, he was pretty adamant that he just couldn't narrow it down to a minute by minute?
A Yes, sir. He claimed to have no sense of time or direction, for that matter.
Q But he was pretty clear about -- in listening to the conversation, he said while he was over at Zykerious' house, they played a video game?
A That is correct.
Q And did he say that they -- it sounded like there was some conversation when he talked about this Tika person that told him that Barry had been shot. He said he was going outside to dump out a cigar wrapper? Does that sound right?

A Yes, sir. Something of that nature.
Q So would he have had to have been there long enough to maybe smoke a marijuana blunt and to play a video game?
A I would believe so.
Q That was the story he gave you?
A That's correct.
Q Okay. How many of these scenes do you think you've been to? Just a murder scene.
A Possibly 50 plus.
Q Fifty plus murders or just like shootings or --
A Shootings, murders.
Q When it happens in a place like Gilliam Court, I think we've seen the pictures, a lot of people come out?
A Yes, sir.
Q Everybody kind of goes over, it as something to see, something to look at?
A Yes, sir.
Q He told you in his statement that after Tika told him Barry had been shot, he went back to New Haven?
A That's correct.
Q And New Haven is a couple blocks away from Gilliam Court?
A Yeah. It's in the opposite direction.
Q Okay. It's in -- it's basically on this side of town? The eastside of town.

A Yes, sir.
Q Okay. And he didn't tell you that he heard his friend had been shot and he went over to Gilliam Court? He didn't tell you that?
A No, sir.
Q I noticed y'all asked him who all was out there and he kept saying, somebody named Smokey Joe?
A Yes, sir.
Q Is that a name you're familiar with?
A I believe Train Head may also go by that name, as well.
Q So then, y'all starting talking to him about Train Head?
A Yes, sir.
Q What was his reaction when you said, what if Train Head said he saw you there?
A I really can't tell you his response because he beat around the bush so much to the question that -- he claimed one time, I believe, he was there and another time he didn't know who Train Head was and so on and so on. I'd have to go back and hear the interview again, sir.
Q Okay. If I told you that -- I'm not going to play it back for you, but y'all's discussion with him about Train Head, did he seem upset about that or what was his reaction to y'all's discussion about Train Head?
A Yes. His behavioral response was off the chart, to say

the least. His whole body behavioral demeanor changed upon mentioning the witness.

MR. THOMAS: I think that's all the questions I have, Your Honor.

THE COURT: All right. And Mr. Henderson, I'm assuming that your cross is still going to take a good chunk of time; am I right?

MR. HENDERSON: Yes, sir.

THE COURT: All right. Ladies and gentlemen of the jury, what we're going to do is we're going to go ahead and break the evening because I don't want to be here too late and all indications are that Mr. Henderson's cross-examination will take a little while for this witness, so we're going to break for the evening. I'm going to ask, if you would, please be back in the jury room tomorrow morning at 9:30. I'm hopeful that, perhaps, the State's case, we might be in a position to get it wrapped up sometime tomorrow and, again, please don't discuss the case with anyone this evening. I hope y'all have a great night. See y'all back tomorrow morning at 9:30. Okay? Thank you very much.

(Whereupon, the jury exited the courtroom at 4:46 p.m.)

THE COURT: You can step down, just don't talk about your testimony overnight. You know the rule.

THE WITNESS: Yes, sir.

THE COURT: Thank you.

(Whereupon, the witness stepped down from the witness stand and the trial was in recess for the evening.)

TRIAL DAY 3: 07/18/2018

THE COURT: We will go back on the record and one housekeeping matter I did want to address. I think yesterday, State's 45, which is the Defendant's clothes, those were brought over and it's my understanding that those are in evidence at this point in time without objection. Mr. Henderson?

MR. HENDERSON: That's correct, Your Honor.

THE COURT: Solicitor?

MR. THOMAS: Yeah. And I'll just -- I'll lay a foundation, I mean, Detective Moore collected them. So I'll just show them to the jury through him. But it's my understanding everything at this point except for the Miranda form and an unredacted statement is in evidence.

THE COURT: Okay. Is that your understanding --

MR. THOMAS: -- we're publishing everything as we go.

THE COURT: -- pretty much?

MR. HENDERSON: Correct. And I don't mind the Miranda form, going ahead and putting it in evidence.

THE COURT: All right.

MR. HENDERSON: And I think there's two Miranda forms, but, you know, we're stipulating that the statement was

THE COURT: All right. The record will reflect that the jury is back and seated. Ladies and gentlemen of the jury, welcome back. We are in the State's -- still in the State's case in chief and we're in the middle of the testimony of Joseph Collins. You'll recall from yesterday, we experienced some technical difficulties in getting the walkthrough video playing and we've done a dry run this morning and we think that it's playing now. So before we proceed with Mr. Henderson's examination of Mr. Collins, we're going to just simply play that video for you. Okay? So the screen is behind you, if you want to pay attention to that, and Solicitor, and your leisure, you can hit play. Could we turn the lights off. That's might help a little bit, please.

(Whereupon, State's Exhibit No. 42 was published for the jury.)

THE COURT: All right. If -- Mr. Collins, if you'll come on back up, please. Of course, you're still under oath. All right. Mr. Henderson.

CROSS-EXAMINATION

BY MR. HENDERSON:

Q Good morning, Detective. How are you?

A Good morning, sir. Doing well.

Q Good. Thank you for your service to our country. I didn't realize until yesterday that you'd left the police

department for full-time military service.
A Yes, sir.
Q I did not realize that. Thank you, again. I want to touch with a couple of things just on that video that we played because that's the most recent thing in the jury's mind here. I think you said that -- I know that's right there at the beginning of the investigation. I know that. Y'all hadn't really gone and started talking to people, but it's my understanding that you said that Nicole Reid was the first person on the scene?
A During that time, that's what I was -- I believe I may have been told by someone, but it was later found out that Martin Harralson was the first officer or first person to actually ajar the door there.
Q Ms. Reid, obviously, is a civilian? A non-police officer.
A Yes, sir.
Q But as far as non-police officers, didn't your investigation show that actually Train Head or Keith Jackson was on the porch at the door before Ms. Reid was?
A Without going back through the interview, I would have to say that that would be false. I don't believe I ever made that statement.
Q Not necessarily you making that statement. I'm just talking about your investigation.

A I don't believe I ever said Train Head was on the porch.

Q Okay. Maybe you didn't, but would you dispute that Ms. Nicole Reid said that Train Head was on the porch before she was?

A I can't say yes or no to that.

Q You just don't know?

A I don't know.

Q Okay. And then, I think you said right there that -- again, I mean, this is right at the beginning of the investigation. I understand that. But your preliminary talkings to three people out there, I think Train Head or Keith Jackson --

A Yes, sir.

Q -- Nicole Reid --

A Yes, sir.

Q -- and Mary Carter, I think goes by Ms. Helen?

A That's correct.

Q And those three told you or one of your colleagues that they didn't see anybody coming out of the -- out of the residence?

A That is correct, and that's pretty common. First one on a murder scene, on one usually wants to talk to us in those areas.

Q Did you do those interviews that night?

A I did them on-scene, I believe.
Q Okay. It's you doing the interviewing?
A Yes, sir.
Q Okay. I know I've got a recording of you interviewing Keith Jackson or Train Head?
A Yes, sir.
Q And actually, you just referenced that he denied seeing anybody come out of the residence. Did you take a recorded statement that night from Blade or Kelsey Watson?
A I do not believe so.
Q Okay. Now, you know who Blade is, don't you?
A I'm familiar with the name. Yes.
Q Kelsey Watson?
A Yes, sir.
Q I mean, he's kind of been a terror in the neighborhood for years?
A I know the name, sir.
Q You know the name?
A Yes.
Q Okay. So when somebody says Blade, that doesn't come as a surprise to who they're talking about?
A I'm familiar with the name, sir.
Q Okay. And, again, let's talk about this investigation a little bit. Now, it's my understanding that no blood splatter analysis was done, was it?

A No, sir.
Q Okay. Now, who does that for the police department? What human being actually does that type of investigation for the police department?
A Blood splatter is really not common practice for us, but that would be our crime scene investigation, Sergeant Kenya Griffin.
Q Ms. Kenya Griffin?
A That's correct.
Q It's my understanding she testified yesterday or do you know?
A I do not know.
Q You don't know? Okay.
A I've been sequestered, so...
Q Okay. How about -- it's my understanding y'all didn't do any type of bullet trajectory analysis?
A You would have to followup that question with Sergeant Griffin.
Q I mean --
A I wasn't the lead investigator, so I don't know all of the details. Just the parts I was involved in, sir.
Q I mean, do you know? I mean, do you have any knowledge of whether or not any was done?
A I do not.
Q You're not --

A I don't remember that.
Q Now, you agree -- well, who would do bullet trajectory analysis for the police department?
A The crime scene investigator.
Q And who would that be?
A Sergeant Kenya Griffin.
Q Kenya -- and, again, you don't know if she testified yesterday or not?
A I do not.
Q Okay. And you agree that -- wouldn't you? I mean, you've been a detective for a long time -- or were a detective for a long time.
A Yes, sir.
Q Done a lot of investigations that -- you can learn a lot by doing the science behind bullet trajectory, can't you? You'd learn --
A I would agree.
Q -- how tall the shooter was?
A I would agree.
Q Whether or not the shooter left-handed or right-handed?
A It just depends on the crime scene, I guess, sir.
Q Right. I mean, but you agree that there is a lot of science out here that can tell you a lot about a shooting?
A Yes, sir.
Q Okay. And you said Ms. Kenya Griffin with your

department would be responsible for all of that?
A Yes, sir.
Q Okay. Do you know whether or not she did that in this case?
A I do not.
Q You do not? Okay. Do you know whether or not -- did you call in SLED to help?
A I did not.
Q Okay. Do you know if Ms. Griffin called in SLED to help the investigation?
A I do not.
Q Okay. Did you call in the FBI or the ATF to help with some of these more technical issues?
A No, sir. It's common practice that we usually handle all our investigations internally.
Q Okay. Do you know if Ms. Griffin called in the FBI or the ATF?
A No, sir. I do not.
Q You just don't know? Okay. Let me ask you. Do you live here in Greenwood or Abbeville? I know you said you're working in --
A Greenwood.
Q Do you keep up with the news?
A It's mostly negative, so I try to stay out of the news here lately, sir.

Q Let me ask. I was noticing Sunday night before this trial started Monday morning --

MR. THOMAS: Objection, Your Honor. Relevance.

MR. HENDERSON: Let me go into --

THE COURT: Y'all approach real quick.

(Whereupon, a sidebar was held.)

THE COURT: Objection sustained.

Q It is my understanding, Detective, that no blood evidence was found on any clothing or shoes that was taken from my client; is that correct?

A Again, I do not believe so, but no blood evidence was found for any suspect for that matter.

Q For any suspect. Right. Including my client?

A Correct.

Q Now, if I'm not mistaken, did you actually go to my client's sister's house? Shea-Shea. Do you remember --

A I recall speaking with his sister. Whether I went directly to her house or not, I can't recall.

Q Okay. And I think during possibly talking to Shea-Shea or possibly talking to my client or actually, during his interview, my client says, I stay some over at my sister Shea-Shea's house. Do you remember that?

A If it's in the statement, then yes.

Q Okay.

A I spoke with her.

Q Did you examine any other clothes that my -- or shoes that my client had over at his sister's?
A I don't -- I don't believe they were presented to us. I think we were told that there were no additional clothes there.
Q Okay. Did you get a search warrant to confirm that?
A No, sir.
Q Okay. So you didn't ask the local magistrate --
A Again, I did not get a search warrant, I wasn't the lead investigator --
Q Okay.
A -- and I'm not sure who would have been assigned to followup with that stuff.
Q Do you know if a search warrant was obtained to go seek any other clothing or shoes --
A I do not.
Q Okay.
A I do not know.
Q Now, you would agree that that could be a potential crucial piece of evidence?
A If the -- if the lead investigator felt like it was, I'm sure he would have acquired a search warrant at that time.
Q Okay. So if the -- and the leading investigator, I guess, was Detective McClinton, is that fair to say?

A I believe it was Detective Moore.
Q Okay. Okay. So if it was Detective Moore -- whoever it was, but as far as you know, nobody went and got a search warrant to start looking at any other clothes?
A As far as I know.
Q Which would leave -- I guess, a fair assumption from that would be that if the police didn't go look for any other clothes or shoes, that they believed or the police believed that the shoes and clothing that were taken from Demorris is what he was wearing on the day of the shooting? I mean, is that an unfair assumption?
A If we're making assumptions, I would assume that it had -- seven days or so had passed and that the suspect probably got rid of those clothes.
Q Okay. You just don't know?
A I don't know, but we're making assumptions.
Q But you know that he lived some with Shea-Shea, his sister, and yet, y'all didn't go over there to see if he had any other clothes?
A No, sir.
Q Okay.
A I did not personally.
Q Well, did anybody in your department?
A I can't speak for everybody, sir.
Q Well, everybody in the department isn't testifying.

You're testifying.

A Yes, sir. I'm testifying to what I did.

Q So I'm assuming the government put you on the stand to talk about this case.

A To talk about my part in the case. Yes, sir.

Q Okay. Well, is Detective Moore going to be testifying or do you know?

A I do not know.

Q You don't have a clue?

A I don't know.

Q Okay. And you would agree that no DNA evidence links my client to this scene or to this murder at all, does it?

A I would agree to that.

Q You'd agree to that. And you would agree that no fingerprints link my client to this murder?

A I would agree with that.

Q Okay. And would you agree that no footprints or shoe prints or anything -- sole prints or anything along those lines, nothing like that links my client to this murder, does it?

A I would agree to that, and I'd also agree that very seldom do we have physical evidence of that nature.

Q Okay. So you're telling this jury that you seldom find DNA at a crime scene?

A That occurs a lot.

Q Okay. And you're telling this jury that you don't find blood on people's clothing and shoes?

A It very seldom happens. This is isn't CSI.

Q Okay. I understand. This is real life.

A Yes, sir.

Q I understand. My client over there understands. This is real life. He knows it's not CSI. But these are basic investigatory tools, aren't they?

A Yes, sir.

Q Okay.

A I agree 100 percent.

Q And you made use of these tools and they don't link up my client to this killing?

A That is correct.

Q Okay. And you would agree that no gunshot residue test was done?

A Without going back, I'm not sure about the gunshot residue. I know I did not perform one on your client.

Q Okay. And I'll represent to you, I haven't seen one if it was done. So I'm just asking you since I'm assuming that the government's put you on the stand to talk about this. So you're who I've got --

A I can speak on my behalf. I have not --

Q You didn't do one?

A -- get a GSR from him.

Q Okay. And you understand you can do GSR tests on -- I guess, on hands?

A Yeah.

Q And can't you also do GSR testing on clothing?

A That's correct.

Q Okay. And you don't know whether or not they did one on my client's hands or his clothing?

A If I would have had to make an assumption, they -- if they didn't do one, it was probably because it was seven days later and the GSR would have been gone.

Q Well, let me ask you this. Going back to talking to his sister, Shea-Shea. Y'all knew Demorris stayed some with his sister; is that -- is that fair to say?

A Yes.

Q And y'all didn't seek a search warrant to go to that house to find any other clothing or shoes that he was wearing?

A I personally did not seek --

Q Okay.

A -- a search warrant.

Q And, again, you don't -- you're not aware of any of your colleagues doing that?

A I'm not aware.

Q Okay. And wouldn't you agree that if there are other clothes out here, they could have been tested for gunshot

residue?
A If that's what the lead -- lead investigator intended to do, sir.
Q Okay.
A Yes, sir.
Q And you're calling Detective Moore here the lead investigator?
A Yes, sir.
Q Okay. And if I'm not mistaken, no polygraph was offered even though my client said he'd take one, is that fair to say?
A Yes, sir.
Q Okay. And sometimes, you know, the police use polygraphs kind of as an investigatory tool at times, don't they? I mean, asking somebody will you take one.
A It's more of a tool used rather than the polygraph itself.
Q Bingo.
A As you know, polygraphs are unreliable --
Q You're not looking for the results, it's fair to say, of the polygraph? You're looking at how people react to --
A To the question sometimes. It's used as a tool. A technique.
Q Bingo. And oftentimes, you know, whatever -- and, again, junk science or not junk science, isn't it true that

oftentimes, the examiner will just say, hey, you were lying when you answered that question, and then the police move in to say, hey, I know you're lying, confess?

A Again, it's a tool. We don't use a terrible lot.

Q Right.

A At least, when I was in investigations there.

Q Right. It's a tool that, obviously, not used in this case, fair enough to say?

A Fair enough.

Q Even though my client said he'd take one, he would subject himself to your polygraph?

A A lot of times what happens in those cases, as well, is, you know, a suspect will say they'll take one then, but when it comes time, they always back out usually or 90 percent of the time.

Q Okay. And that's when you actually put the rubber to the highway and go hook them up to the machine, isn't it?

A I would say that would be protocol.

Q Right. You never hooked him up and put him on the machine, did you?

A I never did. But, again, I wasn't the lead investigator. So I can't speak on the decision made for that.

Q Well, you've read the case file. I mean, do you see anything in the file where they hooked him up to the

polygraph?

A I don't believe so, sir.

Q Okay. And if I'm not mistaken, no gun's been recovered?

A No, sir.

Q No clip has been recovered?

A No, sir.

Q No other ammunition or unspent ammunition has been recovered, correct?

A Just, I believe, two shell casings.

Q Right. And I believe Mr. Warren was actually killed with a .380. Did I hear that right on the video?

A That's what was said during the video. But, again, that's early on in the investigation. Without going back and looking through everything, I mean, I can't say that that was the weapon or not --

Q You just don't know?

A -- or the caliber.

Q You just don't know that that's the caliber? Well, let me ask you. The clip to a .380, that's not a big clip, though, is it?

A I guess, it depends on if it's an extended clip or not.

Q You just don't know? Okay.

A It could be small or it could be big. It could be for a compact weapon. It could be for, you know --

Q But one wasn't found?
A That's correct.
Q Okay. I want to ask you. Jason Logan. Now, somebody identified Mr. Jason Logan as being a possible suspect or possible killer in this matter, correct?
A Yes, sir.
Q And I think actually, you went out and talked to -- well, actually, you talked to Mr. Logan and he gave you an alibi, didn't he?
A Yes, sir.
Q And is it not true that you went out and confirmed his alibi?
A Yes, sir.
Q You went out and I think he was taking his girlfriend or picking her up from work at Walmart or someplace --
A Yes, sir.
Q -- does that ring a bell?
A Yes, sir.
Q There was actually a video showing him being somewhere else at the time of this shooting?
A Yes, sir.
Q Okay. I believe y'all also got some -- maybe his work records or he had a forklift test or something that afternoon?
A Yes, sir.

Q So undoubtably, Jason Logan wasn't involved in this shooting, was he?

A It appeared to us that he was not there.

Q Right. I mean, you feel comfortable --

A He was -- there was no involvement. Yes, sir.

Q Even today, you still feel comfortable about that?

A Yes, sir.

Q Okay. And, again, I think your testimony was yesterday that you've taken homicide investigation classes? Is that a yes?

A Yes, sir.

Q Okay. You've taken some interrogation and interview classes?

A Yes, sir.

Q Is that a -- okay. And I think -- I don't want to put words in your mouth, but I'm thinking you said verbatim yesterday that bluffing is a common practice during your techniques?

A It's a technique. Yeah.

Q Okay.

A We don't always deal with the most truthful people. We're lied to a lot, so...

Q And you were bluffing a lot during Mr. Andrews' interview, weren't you?

A Are you asking me, did I bluff? I'm sure I did at some

point in time.

Q Yeah. I mean, we're going to talk about some of the stuff you said.

A Yes, sir.

Q Or that was said while you -- or in your presence. One or the other.

A Yes, sir.

Q I think there -- you and Detective McClinton were both there?

A Yes, sir.

Q And taking turns talking?

A Yes, sir.

Q Okay. Now, there's no video of that interview, is there?

A No. There is not.

Q Just the audio?

A Just audio.

Q Okay. And you would agree that in order for the jury here to make a fair determination about anybody's body language, they'd need to see a video?

A That's correct.

Q Okay. And they're not being afforded the opportunity, in this case, to see a video?

A That's correct. But, sir, I mean, if they haven't had the training, then they probably wouldn't know what they

were looking for regardless.

Q Well, the average person I hear interacts with lots of people every day. You do, don't you?

A Yes, sir.

Q I do. I'm sure people on the jury over here interact with a lot of people every day. Don't you think it'd be better to let average people in the community make their own determination --

A Yes. I agree.

Q -- about how somebody reacts to something?

A Yes, sir. I agree.

Q That's why video is such a useful tool?

A Yes, sir.

Q Okay. I want to talk to you a little bit about your interview with Mr. Andrews on November the 1st of '16. Now, during -- it's later on in the interview. We listened to it yesterday. And it's not the best audio, is it?

A No. It's not.

Q Let me ask you. Did you have your recorder sitting out in the middle of the table or was it in somebody's pocket?

A It was on the table.

Q It was in the middle?

A Yes, sir.

Q So it's clear that Mr. Andrews saw he was being recorded?

A Correct.

Q It just sounds kind of muffled at times. Was anything --

A There were a lot of papers and stuff on this where we were drawing out stuff for Mr. Andrews to relate to and, I guess, they got shuffled around during that time.

Q I got you. So the recorder wasn't hidden?

A No, sir.

Q So he knew he was being recorded?

A Yes, sir.

Q Okay. Later on in the transcript, he talks about my paranoia. Again, Mr. Andrews is referring to his own paranoia. Being paranoid. Now, you understand what it is when somebody's paranoid, don't you? I mean, just from a layperson's perspective.

A Yes, sir.

Q You understand that people who are paranoid think people are out to get them? I mean, is that a fair assessment?

A A very fair assessment.

Q I mean, it's not -- I mean, I'm not trying to talk medical-ese with you. I'm just trying to talk from a layperson's perspective what paranoia is.

A I'd probably be paranoid too if people said I just murdered someone.

Q I understand. I understand. And paranoid people seem -- are probably suspicious of other people's intentions, is that a fair assessment?

A Yes.

Q Okay. And paranoid people are probably nervous?

A I mean, it depends on the person, but, yeah. I would assume so.

Q Yeah. I mean, we've all dealt with paranoid people in our lives. I'm sure you've got somebody in your life that's paranoid. I know I do. So you know how they behave, is that fair to say?

A Yes, sir.

Q That paranoid people feel persecuted, that people are out to get them?

A I would assume they're paranoid for a reason.

Q Right. Well, some people are just paranoid. And, again, I don't know from the medical diagnosis. I don't know what causes it. I don't have a clue. All I know that is I can see it. I know it when I see it and I think you know it when you see it, too.

A Yes, sir.

Q Okay. Later on in this video -- and the jury heard it yesterday, that you suggested -- or you or Detective McClinton suggested to my client that he had a mental disorder. Do you remember that?

A That was based off what his mother had told us previously --

Q Okay.

A -- because he was just acting strange after the whole murder.

Q Right. And, actually, after he's already brought up that he's paranoid, you ask him does he have a mental disorder?

A Sir, most people we do interview are paranoid.

Q I understand. You asked my client was he schizophrenic. Do you remember that?

A Yes, sir.

Q Okay. And he tells you no?

A Yes, sir.

Q But you had a reason to ask, didn't you?

A That's because of statements his mother made.

Q Okay. And also in the interview, you ask or Detective McClinton asks and my client tells you that somebody named Blade may have shot Barry. Do you remember that?

A I believe he mentioned several people, but Blade was one of those.

Q Right. And he said he was scared of Blade or Kelsey Watson?

A I believe I remember hearing that yesterday.

Q Okay. Well, I know it's on the video --

A Yes, sir.

Q -- on the audio yesterday, and isn't it true that y'all -- or you and Detective McClinton ask him to say -- because my client couldn't tell you where Blade lived. Do you remember that?

A Yeah. If it's in the -- if it's in the recording.

Q Right. I mean, he couldn't tell you who Blade's family was. Do you remember that?

A If it's in the recording.

Q Okay. And he wasn't even sure who Blade's family was. I don't even think he knew what Blade's real name was. Do you remember that?

A Yes, sir.

Q Okay. And I know it's in the recording. The jury got to hear it and the jury's going to be able to hear it again if they want to.

A Yes, sir.

Q But at that point in time when he was saying Blade, from your experience as a law enforcement officer, you knew who Blade was, didn't you?

A Again, I've heard the name before.

Q You've heard the name?

A Yes, sir.

Q Did you know Blade -- on November the 1st of 2016 while interviewing my client, did you know that Blade was Kelsey

Watson? Yes or no.

A More than likely, I did. Yes.

Q More than likely, you did? And y'all were accusing my client -- and it's on -- it's on the tape. It's in the transcript. Y'all were accusing my client of creating Blade out of thin air, that it was a figment of his imagination. Do you remember that?

A If it's in the recording, sir.

Q Right. And you know good and well -- you said you'd run into Blade before. You knew it wasn't a figment of my client's imagination.

A I think there was a mix up with Blade or Blaze or -- he wasn't being very consistent with anything that he was saying. He would -- he would venture off here, venture off there. So that was the confusion.

Q Right. But you knew who Blade was?

A I know who Kelsey Watson and he goes by Blade.

Q Goes by Blade. He had some interaction with Mr. Watson?

A I've heard his name, again. So I know I could put two and two together.

Q Okay. And the jury got to hear on that tape yesterday, it's something that I appreciate you and Detective McClinton doing and my client appreciates it after the fact, that y'all had reason to believe that somebody in Barry Warren's

family was going to kill him the day y'all picked him up, didn't you?

A It was an assumption, but...

Q Right. Right. And I think you actually tell me client that he was naive in wanting to get into a car with somebody that was Barry Warren's nephew. Do you remember that?

A It was a lot more to it than that, but, yes.

Q I understand that's the gist of the story.

A Yes, sir.

Q But it's my understanding, or at least from your conversation with my client, that he didn't know that this person was Barry Warren's nephew?

A He claimed to not know that.

Q Right. And actually, I think y'all told him that he was naive.

A I don't remember calling -- saying that he was naive.

Q And I think I heard the word naive in there.

A Did I say that, sir?

Q You or Detective McClinton did. It might be Detective McClinton because it's hard to tell who's talking at times.

A I don't remember. I don't recall calling him naive, sir.

Q But -- but, no. I appreciate it and my client appreciates y'all saving what could have been an ugly situation that morning when y'all picked him up. And,

again, during this transcript in this recording here, my client repeatedly told you he doesn't wear a watch. Do you remember that?

A Yes. He had no sense of time at all, whatsoever.

Q None. And I think your testimony yesterday, he had no sense of direction?

A That's true. I did say that.

Q You said he didn't have a cell phone. Did you ever find a cell phone on my client or do you remember?

A Without going back through the entire investigation, I do not recall.

Q I mean, based upon your interactions with my client in this interview, is it fair to say that you believe my client was leading a carefree life?

A I would say so. Yes.

Q Right. It sounds like he didn't have a job?

A Just based off his statement.

Q Right. Just he wakes up in the morning and roams the streets all day. I mean, is that --

A That's what he told us.

Q Right. That's what he told you. And I think you actually bring up the fact that, son, you don't have any of the responsibilities like I have, you know, to a family, to people in the military, to a job. Do you remember -

A Yes, sir. I did make that statement.

Q Right. And y'all had a conversation about that. Now, during this interview, my client was somewhat hesitant at times to cooperate at first; is that true?

A I believed that throughout the entire case. Yes, sir.

Q Right. I mean -- and, actually, at times, it almost sounded like he thought y'all were going to alter his DNA. I mean, I'm -- that kind of seems to be listening to the interview and reading this transcript that he was worried about stuff like that.

A That was in the statement. Yes, sir.

Q Right. That he was worried about that y'all were going to plant his DNA on stuff or plant it on clothes. I mean, it was kind of paranoia, is that fair to say?

A Yes, sir.

Q Okay. But you and Mr. -- you and Detective McClinton kind of stayed on him and basically told him that we're not into the -- we're not in the business of planting evidence, is that --

A That's correct.

Q -- fair to say? And again, in this case, you're not in the business of planting evidence, of course, are you?

A That's correct.

Q Okay. And ultimately, y'all get him -- when I say him, my client, to give that little mouth swab; is that correct?

A Yes, sir.

Q After y'all convinced him that y'all aren't trying to alter his DNA --

A Yes, sir.

Q -- or swap DNAs out or plant his DNA at the scene? He ultimately gives you that mouth swab, doesn't he?

A Yes, sir.

Q Actually, he signs a form where I consent to give you my mouth swab?

A That's correct.

Q And, again, the DNA that y'all took from him doesn't match any of the DNA found at the scene?

A That's correct.

Q Okay. And after a while, you know, he gives you his clothes?

A Correct.

Q Y'all don't even have him sign a form for that. He just gives you his clothes, is that fair to say or you just don't --

A I'm not sure whether he signed a form or not.

Q You just don't remember. Okay. And, again, y'all ask him about this gunshot residue test, would he take it, and he said yes. Do you remember that?

A I believe it was asked, sir.

Q Right.

A If it's in the transcript.

Q I know it was. The jury got to listen to it yesterday and it's in the transcript. And also, about this polygraph?
A Yes, sir.
Q And during this, like you just said, he's got no sense of time, no sense of direction, lives a carefree life, is that fair to say?
A Based off the statement. Yes, sir.
Q Right. And you and Detective McClinton in this statement in what the jury got to listen to yesterday, you said multiple times that we're not going to hold you to exact times. Do you remember telling him that?
A I remember telling him that, sir, because we couldn't get anything consistent from him.
Q Right.
A So we just tried to make it as simple as possible for him to give us a detailed statement, a alibi of what he was doing that day.
Q Right. Because, you know -- I mean, that's all it is, is a guessing game, wasn't it?
A Yeah.
Q Is that fair to say?
A It definitely shouldn't have took an hour and a half to get a statement of what he'd done that day.
Q I understand. Maybe for somebody who's not paranoid it might not take an hour and a half, is that a fair

assessment?

A If we're making assumptions. Yes.

Q Okay. And you or Detective McClinton, one or the other -- and, again, it's hard to tell who's talking at times on the video. I can't pick up whether or not it's your voice or Detective McClinton's. And asked -- asks my client who would have reason to hurt Barry. Do you remember that question being asked?

A I remember that question. Yes, sir.

Q Whether or not you ask it, but you remember it being asked?

A Yes, sir.

Q And my client says at one point, Blade, and who y'all know to be Kelsey Watson, is that --

A Yes, sir.

Q -- fair to say? And, again, you remember my client saying that he's scared of Blade?

A Yes, sir.

Q Okay. And you ask or Detective McClinton asks my client why on Earth would Kelsey Watson have shot him if in fact he did shoot him and my client offers the ideas of drug territory?

A Yes, sir.

Q That there's a fight over turf or that's there a -- I think my client brings up the fact there might be a gambling

debt owed by Mr. Warren?

A Several different reasons.

Q Several different things. He --

A Yeah.

Q I mean, and all of those are, I guess, plausible explanations of why Blade would have gone and killed him if in fact Blade went to kill him?

A I mean, it's an alibi.

Q Right. It's -- and I remember listening to that recording yesterday and my client's telling you -- and it seems like even though -- even when his mom -- grandmother's on the telephone there that somebody seemed to suggest that Blade's uncle said that he was 99 percent sure that Blade was the one that killed Barry Warren?

A Numerous times, family members say a lot of things just to -- just to disrupt the investigation or whatnot --

Q Okay. I mean --

A -- just because the suspect's a family member of theirs.

Q I mean, this is during y'all's interview?

A Yes, sir.

Q I mean, this is -- do you remember that where -- I mean, I think it was said multiple times where it's alleged that Blade's uncle said he's 99 percent sure that Blade killed him?

A If it's in the transcript, sir. I mean --
Q I mean --
A -- it was said, I guess.
Q I mean, I want to say I watched it yesterday, but I couldn't watch it yesterday. I listened to it yesterday --
A Okay.
Q -- and the jury got to listen to it yesterday.
A It was two hours long. So if you're saying it's in the transcript, then yes. It was in there.
Q Right. Let me ask you. Did you go find out who Blade's uncle was?
A I did not personally, but I wasn't the lead investigator. There were numerous investigators involved.
Q Do you know if Detective Moore went to find out who the uncle was and talked to him?
A I can't -- I can't speak for Detective Moore.
Q How about Detective McClinton?
A Not that I'm aware of, sir.
Q How about any of your colleagues? Did they go out here and try to find out this man who's saying, I'm 99 percent sure my nephew did it?
A It's possible they did, but, again, I can't speak on what they did or didn't do, sir.
Q You just don't know?
A I don't know.

Q You know you didn't do it?
A Yes, sir.
Q Okay. Now, are you aware that Barry's house was raided, I guess, about four days before his killing? I mean, did you know that?
A I heard. Yes.
Q Okay. And I will represent to you, it was raided on Friday, October 21st.
A Yes, sir.
Q I mean, I'll represent there's been testimony to that and I will represent to you that there's been testimony that law enforcement basically cleaned Barry out and by that, they seized all his drugs, they seized all his money, they seized all his weapons. That would be something law enforcement would do executing a search warrant, wouldn't it?
A Yes.
Q Okay. And they put him in jail. That's something else that law enforcement would do once they find drugs at your house?
A Yes.
Q Okay. So you'd heard about that?
A Yes.
Q Okay. And actually, during my client's interview with you, y'all are actually discussing that. My client says,

hey, when Barry got out of jail on Sunday, I went over to his house or something to that effect. Do you remember that?

A I do recall.

Q And I think somebody at that house -- and it's hard to tell listening to it. Somebody, either Barry or Neek, his girlfriend, actually gave my client a ride home that night. Do you -- does that sound familiar?

A One night, from the statement -- based off the statement.

Q Right.

A What night that was, I don't think it was ever established just because there was no sense of time during --

Q No sense of time at all?

A Yes.

Q My client -- I mean, is it fair to say my client has a hard time keeping up with what day it is, much less what time it is?

A He did that day when he was giving the statement.

Q Right. He did. I mean, he's just all over the place --

A Yes, sir.

Q -- is that fair to say? Now, I watched Detective Harralson's crime scene video yesterday because he was the

first uniform patrol there. So we've got his in-car camera. Have you seen that?

A I may have watched it two years ago or whenever the case is.

Q A while back. And I will represent to you, and the jury got to watch it yesterday, that when the Solicitor stopped it yesterday, right there, the last thing we really see is that you were leading Train Head or Kelsey Watson off the video.

A Yes, sir.

Q And I'm just assuming, again. I think it's a fair assumption that that is actually when you interviewed Train Head that first --

A Yeah. I believed I interviewed him twice. That was the first time I interviewed him.

Q Okay. But right before you lead him off video -- and the jury got to see it yesterday, that he was standing side by side with Blade, Kelsey Watson when you went up and called and said, hey, Train Head, or I'm sure something along the lines of come over here and let's talk. And, again, I can't hear what you're saying, but I'm assuming it's something like that. Did you recognize that he was standing next to Kelsey Watson?

A I wouldn't because I personally don't know Kelsey Watson.

Q You don't know --
A I've just heard his name --
Q You've just heard of his name?
A -- because it's been brought up before.
Q So -- but he's not a ghost? You know he exists?
A Yes.
Q Okay. And here at the beginning of this interview, this November 1 interview -- now -- now, you weren't involved in my client's November the 3rd interview, were you?
A No, sir.
Q Okay. So I just wanted to ask that while it was on my brain. On this November the 1st interview, you read my client his rights or Detective McClinton read them?
A Detective McClinton did. Yes, sir.
Q He did. But my client, he willfully talked to you guys?
A Yes, sir.
Q I mean, he said he would talk to you guys?
A Yes, sir.
Q And he answered your questions, didn't he?
A Yes, sir.
Q And if he told you one time, he told you 100 times, I didn't do it, is that fair to say?
A Yes, sir.

Q You know, sometimes y'all ask people hypotheticals. You know, what if, you know, maybe y'all were fighting, you know, maybe this was self-defense, you know, stuff like that. Did you ask my client any of those types of questions saying, we understand it was an accident that you killed him? Did you ask him any of those type of questions?

A Again, sir, it was a two hour interview. I'm sure, at some point in time, we may have asked him those questions.

Q Kind of like -- kind of getting it down from an intentional act kind of like to an accident, is that fair -- well, you understand where I'm going.

A What's your question, sir?

Q Basically, that sometimes you ask people, be it my client or other folks, that, hey, we know you killed him, we understand it was an accident, tell us why it was an accident, and you're doing stuff like that to get them to confess to killing someone, is that fair to say?

A It's a technique, sir.

Q It's a technique. And did you use that technique on my client?

A I would have to -- I would have to assume that we may have said some things that would, you know, lead him to be honest with us and tell the truth.

Q Right. Stuff that were -- that would be misleading, that would be bluffing, that would be trying to ferret out

information, is that fair to say?
A Yes, sir.
Q And every time my client responded, it was, I didn't do it, would you agree with that?
A I would agree with that. He didn't.
Q Okay. Even when you were bluffing?
A He never admitted to it.
Q Even when you might say, it was an accident, we know that? Even when you were trying to sympathize with him, we understand it, he told you, I didn't do it. You would agree with that?
A Yes, sir.
Q Okay. And I'm just flipping through my transcript right quick just to see if I have anymore questions for you, Detective. And even Demorris tells you multiple times. He said, hey, I don't want to give you the wrong time, but I'm just not good with time. Do you remember that?
A Yes. He said that.
Q Okay. He said that multiple times, is that fair to say?
A Yes, sir.
Q Okay. And during y'all's interview, it's either you or Detective McClinton -- again, I'm not sure. I can't tell the voice. Y'all tell my client -- actually, a couple of times that you call yourself, we're just glorified fact

checkers?

A Yes. I remember saying that.

Q You remember saying that? And, again, you checked out some facts in this case, is that fair to say?

A Yes, sir.

Q But it sounds like from hearing and listening to your testimony that there's other facts you didn't check out or your colleagues didn't check out?

A I can't speak for whether they checked them out or not, sir.

Q You just don't know?

A I know what I did.

Q You know what you did?

A Yes, sir.

Q Okay. Or didn't do, but you don't know what other people did or didn't do?

A That's correct.

Q Okay. And when y'all asked Demorris for his clothes -- and, again, some of the audio is hard to hear. That's why I was wondering if y'all put some paper over the recorder. But it sounds like, as best I can tell listening to that and the jury heard it yesterday, too, that Demorris said he had on the same shoes from the day that Barry was shot. Does that -

A I believe near the beginning of that statement, he

claims that those are not the same clothes and later, once we get to talking about DNA and this and that, he claims that those are the same clothes, so...

Q Just don't know --

A Yeah.

Q -- is that fair to say? But y'all took his shoes and tested them?

A I did not recover the shoes personally, but, yes. I believe they were taken into evidence and tested.

Q Right. I mean, I guess, y'all took his clothes from him that day? Y'all didn't let him leave with his clothes?

A I'm not sure who recovered those.

Q Okay. And he actually tells you that he was wearing the same shirt from several days before. Do you remember that?

A Again, in the beginning of that statement, he says that he was not wearing the same clothes and later on, he does say that he was wearing the same clothes.

Q Okay. Let's suppose you're right that you don't believe he was wearing those clothes. So you're, in the back of your brain, hey, I'm thinking he's probably swapped those clothes out?

A Yes, sir.

Q And y'all knew he kept other clothes or stayed some over at his sister Shea-Shea's, and yet, y'all didn't go get

a warrant to get any of those clothes and shoes?
A Again, you know, I was limited to what I did during this investigation.
Q Okay. And I think there's actually some reference that -- Demorris is talking to you and Detective McClinton, that something along the lines of these clothes stink because I've been wearing them for a while. Do you remember something along those lines?
A He may have said that statement.
Q I mean, do you remember -- if somebody's worn the same clothes for seven days, do you remember how did it smell when you were sitting in there with Demorris?
A That's over two years ago. So --
Q You just don't remember? It doesn't stand out to you?
A No, sir.
Q Okay. And Demorris tells you guys multiple times that he's scared y'all are going to arrest him for murder. Do you remember that?
A Yes, sir.
Q Okay. He said, word's on the street that he did it and he's scared?
A Yes, sir.
Q And Demorris even said -- tells y'all that people have been possibly threatening his family?
A I would assume so.

Q Right. And he's been scared and he's been kind of laying low, so to speak?

A Yes, sir.

Q And at this point in time, y'all didn't have a warrant for Demorris, did you? On November 1st.

A No. We did not.

Q Okay. So he didn't have to come talk to you at all?

A Well, he didn't come talk to us at all. We had to locate him on a --

Q I understand. I understand. But, again, he didn't have any reason to come to you? I mean, he wasn't legally obligated to come see you, is that fair to -- because he --

A That is fair to say. He was not legally obligated, but he knew we were looking for him to interview him.

Q Bingo. I understand that because y'all had talked to his sister. It sounds like y'all might have even talked to grandmama. It sounds like y'all talked --

A Mom or grandmom. One of the two.

Q So you just don't know anything about that second interview?

A No. I do not.

Q So I'd be wasting my time asking you about that second interview?

A Yes, sir.

Q So I ought to be asking Detective Blackwell I believe

was the other officer involved with that?
A Yes, sir.
Q Okay. And I think Demorris' statement says that he was over on Gilliam Court twice the day of the shooting?
A If I recall.
Q Right. And, again, he's not clear about times?
A Never had a sense of time.
Q Never had a sense of time. He told y'all, I talked to Barry or waved at Barry or something along those lines. I think that's about the extent of --
A He was pretty adamant of not giving us a timeline.
Q Right. I mean, he just -- so he wasn't oriented to time or direction according to your testimony yesterday?
A Correct.
Q Okay. Now, did y'all ever get any leads that the person who did the shooting had dreadlocks? Do you remember that?
A There was a lot of things said during that first initial contact with people. So maybe so. I mean --
Q Right. You just -- I mean, a lot of people were pointing -- a lot of names came up --
A It's possible.
Q -- it's fair to say? Okay. And, again, you don't know what Kelsey Watson looks like?
A I do not.

Q You didn't see him testify yesterday?
A No, sir.
Q So you don't know whether or not he's got dreadlocks or not?
A I do not.
Q Okay. And do you remember in that interview that the jury got to listen to yesterday that y'all were asking Demorris about being in the back yard behind Barry's house?
A Yes.
Q And, I guess -- and you would agree with me that unit 8, Barry's house, and unit 9 are attached?
A Yes.
Q I mean, they're one unit, I guess, with a dividing wall in between them? Is that a yes?
A I believe so.
Q Okay. And do you remember asking Demorris did he ever hang out behind Barry's apartment?
A I remember being in the interview. Yes.
Q Right. And his statement -- Demorris' statement was basically, heck no, he's got a mean dog back there.
A Yes, sir.
Q Do you remember that?
A I remember something being mentioned about a dog. Yes, sir.
Q Okay. Do you remember seeing a dog back there behind

Barry's apartment that night?

A I do not personally.

Q You don't? Okay. So you don't know if Barry kept or not?

A I don't remember seeing any dog --

Q Okay.

A -- on that particular night.

Q And I'm looking at -- do you remember, I don't know if it was you or Detective McClinton saying this that after y'all were kind of talking to Demorris to convince him -- and, again, I'm glad you convinced. Keep in mind, you overcame his paranoia and I appreciate that and Demorris appreciates that. But you remember -- while you were trying to convince him to give the mouth swab, to give up his clothes, you remember -- you remember going through that process and he was reluctant and paranoid?

A Basically just saying that cooperation looks good on his part if he would submit those.

Q Right.

A Yes, sir.

Q And after a while, you finally got him to cooperate?

A It took two hours. Yes, sir.

Q Right. It took a while for him to do all of this stuff. And, again, I'm looking at -- do you remember you or Detective McClinton saying we're not going to put anybody in

jail that ain't supposed to be there, so if all of this stuff checks out, guess what, you're no longer a suspect? Do you remember telling him -- telling Demorris that?

A If Detective McClinton said that or I said that, then it's -- then, yes. I remember saying that.

Q Okay. And keep in mind, the DNA checked out, didn't it?

A It didn't come back to any suspect.

Q So it checked out for Demorris?

A It didn't come back to Demorris.

Q Right. So it checked out for him?

A Yes, sir.

Q It's positive for him?

A Yes, sir.

Q And the clothing with no blood, that checked out for him?

A Yes, sir.

Q Okay. And, again, none of these other tests were run even though he said he'd take them. So basically, all of that stuff checked out, you're no longer a suspect. By golly, he's sitting over here in the hot seat, isn't he?

A There's other evidence besides physical evidence, sir.

Q Okay. And he's adamant during this whole time. Demorris says, I didn't do it, I ain't got no blood on me, you're not going to find my fingerprints. You remember he's

just telling you --

A Of course he is.

Q Okay. And he was right, y'all didn't find his fingerprints?

A Not that I'm aware of, sir.

Q You didn't find Barry's blood on --

A We found Barry's blood.

Q On his clothing?

A No. Not on his clothing.

Q And you didn't find my client's DNA on anything at Barry's house?

A No, sir.

Q Okay. Okay. And I'm looking to -- and, again -- and I want to read you something. And, again, it was on the video yesterday that the jury got to watch. And, again, I don't know if this is you talking or Detective McClinton talking, but one of you is talking and this is a question being asked. "Where do you keep all your clothes and stuff at, man, since you bounce around,". And Demorris says, "I really don't have too many clothes. Detective, "The ones that you do have, where do you keep them at,". Demorris, "My sister house". And, again, you know -- you saw that he lived with his sister Shea-Shea?

A Yeah. I'm aware that he has four or five sisters. Yes.

Q Right. But, again, to the best of your knowledge, no warrant or search warrant was ever obtained to go get any of these other clothes or shoes, if there were any?

A I did not obtain a search warrant --

Q You didn't? Okay.

A -- to get any clothes.

Q And you just don't have any knowledge of whether or not one was obtained at all?

A I do not.

Q Okay. And Demarcus repeatedly told you that Barry was his friend?

A Yes, sir.

Q Okay. Well, I think the word I was trying to think of a while ago, y'all actually asked my client was he schizophrenic or bipolar. I couldn't remember bipolar. You remember that?

A If it's in the statement --

Q Okay.

A -- we said it, sir.

Q And he tells you no?

A Yes.

Q But he tells you that he's paranoid?

A If it's in the statement, sir.

Q Okay. So -- and, again, I want to -- do you remember during this -- when my client's telling you about Blade or

Kelsey Watson, the person that you know that they're one and the same. You may not know what he looks like, but you knew who -- that Blade was Kelsey Watson?

A I've heard the name --

Q Right.

A -- Blade and Kelsey Watson.

Q And actually, my client says that, to his knowledge, that Blade would bring him drugs to the house on foot. Do you remember that?

A If it's in the statement, sir.

Q Okay. And that Blade would go in the house when he got there?

A If it's in the statement, sir.

Q Right. When he took him drugs and y'all ask him, my client, would Blade be mad knowing that Barry got picked up a couple nights ago and Demorris says, might be. Do you remember that?

A If it's in the statement, sir.

Q Okay. And remember, Blade was right there at the crime scene. You remember that?

A You're asking me, do I --

Q Yeah.

A At the crime scene?

Q Yeah.

A I don't know what Blade looks like.

Q You don't know what Blade -- but during your investigation, you knew that a Kelsey Watson was right there near the shooting at the time of the shooting?

A I -- you seen the video of who I interviewed, sir.

Q Right. I understand.

A I don't know who Kelsey Watson is.

Q I mean, I'm just talking about this whole case. Even if you don't know what he looks like, you know that Kelsey --

A Later on, his name got brought up. Yes.

Q Well, you knew --

A Whether he -- whether I knew he was there on the scene or not, I did --

Q I will --

A -- I did not know who he was to know he was on the scene, sir.

Q I will represent to you he was at --

A Okay.

Q -- the scene of the shooting.

A I'm not denying that, sir.

Q Okay.

A I'm just saying I didn't --

Q He testified to it. Okay.

MR. HENDERSON: If I may have one minute, Your Honor.

THE COURT: Certainly.

MR. HENDERSON: I don't have anything further at this time, Your Honor.

THE COURT: Redirect?

REDIRECT EXAMINATION

BY MR. THOMAS:

Q Detective Collins, are you aware that Nicole Reid is related to Barry Warren?

A I wouldn't know any relation there.

Q Okay. So you're also not aware that Ms. Childs is related to Kelsey Watson? You just don't know?

A I don't know.

Q When you're interviewing a suspect, are you trying to give them an opportunity to tell you the truth?

A Yes, sir. Of course.

Q Is a common occurrence that you get from them in those situations, though, is that they give you just a little bit of the truth to try and make the story sound a little bit more believable?

A Yes, sir.

Q Do they sometimes try to give you a little misdirection to send you off on a different path?

A Every time.

Q And in this case, the story Mr. Andrews gave you, y'all never could get him to lock down to give you any sort of, this is the time that I went somewhere and did something?

A No, sir. We could not.
Q But he was pretty adamant and he stuck to it and he was consistent on, well, I -- I went to this place, I turned down this street, I took a left on this other street, I took a right, I did a lap, I did another lap? He was pretty specific about where he walked that day?
A Yes, sir.
Q But couldn't tell you the time?
A That's correct.
Q And in fact, at the beginning of the statement he says, I remember that day clearly. Do you remember him saying that?
A Yes, sir.
Q Do you also remember him a couple of minutes later saying, I don't remember the last time I went to my mama's house?
A That's correct.
Q So it was your impression from talking to him that you weren't getting the full story?
A That's correct.
Q And we've talked a lot about the DNA that didn't come back to him, the fingerprints that weren't there. I think, at some point, y'all talked to him about trying to compare that DNA. Did he tell you that, of course my DNA is going to be there, I was over at Barry's house all the time?

A I recall that being the statement. Yes, sir.
Q And how many cases yesterday -- how many shooting cases yesterday did you say you've worked?
MR. HENDERSON: Objection.
THE COURT: He asked how many he worked.
MR. HENDERSON: Okay.
THE COURT: Go ahead.
MR. HENDERSON: I'm sorry. I --
THE COURT: No. No. No.
MR. HENDERSON: -- misunderstood the question.
THE COURT: You did. Go ahead.
Q On direct examination, I asked you how many shooting cases you've worked and do you remember what that number was?
A Fifty plus.
Q Do y'all often try and get DNA off of shell casings?
A Yes. We do.
Q How often does -- do you get DNA off of a shell casing?
A Very seldom.
Q And you said that you didn't find Mr. Andrews' DNA here in this case that --
A No, sir.
Q -- you're aware of? In fact, they didn't find any DNA at the scene?
A No, sir. There was --

Q Other than --
A There was never any --
Q Other than the DNA of the dead guy?
A Barry Warren. Yes, sir.
Q But Barry Warren was there and he was killed by a gunshot to the neck?
A Yes, sir.
Q I think, at some point, Mr. Andrews kept telling y'all he doesn't have a phone, doesn't have a watch. You remember that?
A Yes, sir.
Q Do you also remember Detective McClinton talking to him on the phone?
A I believe I recall in the statement he said, I talked to you on the phone, but...
Q And do you recall in the statement Mr. Andrews saying he'd been talking to Jason Logan on Facebook?
A If it's in the statement, sir, yes.
Q Y'all interviewed him on November 1st. You hadn't spoken -- well, at that point, Train Head hadn't identified him?
A That's correct.
Q You were there -- I believe it was the next day or two days later when Train Head did identify him?
A That's correct.

Q And I think y'all interviewed Kelsey Watson at about the same time you interviewed Train Head?

A Someone would have interviewed him. I had no part in it.

Q The last thing, Detective Collins. You don't know if Sergeant Griffin did any blood splatter analysis or any trajectory analysis? So you don't --

A I can't -- I can't say whether she did or she didn't.

Q But you were in the house and we've seen that walkthrough video. How tall was that entertainment center that the bullet -- the defect was at?

A If I had to make an assumption, the stand itself was probably three and a half or four feet tall and where the projectile entered, maybe a foot and a half.

Q Okay. So the stand is about maybe as tall as this bar here and the bullet is about halfway down it? What does that tell you about where that bullet defect is versus the height of a normal person?

A It would tell me that they were probably similar in height. The suspect and the --

Q Well -- and it would tell you that -- if the bullet defect is down here --

A Yeah. Of course.

Q Unless somebody's squatting down here -

A That's right.

Q -- shooting at your head --
A The projectile would have been --
Q -- they'd have to be -- okay.
A -- pointed at a downward angle. That's right.
Q Okay. And no doubt Barry Warren had a gunshot wound to his neck?
A No doubt.
MR. THOMAS: Thank you, Detective Collins.

RECROSS EXAMINATION

BY MR. HENDERSON:

Q Very briefly, Detective. I truly didn't hear a word that you just said. Did you say the word similar? That the person who shot Barry, that he and Barry had to be similar heights. Did I hear that right?
A I was basing that off the trajectory being middle ways from what he just pointed out up here.
Q But you just don't know?
A I don't know.
Q But you would agree with me, there is a science out here that's available to law enforcement that could tell you how tall the shooter was?
A I would agree a trajectory wasn't done --
Q It wasn't done.
A -- as far as I know.
Q And you could actually tell whether or not Barry was

kneeling when he was shot?

A I wasn't -- I wasn't there, sir.

Q Couldn't that science --

A I didn't do the trajectory, sir.

Q But the science could tell you that? The science could tell you whether or not Barry was standing, couldn't it?

A It would agree it's a possibility. Yes.

Q It's a possibility, but none of that was done?

A As far as I know, it wasn't done, sir. That --

Q So just from your -- just from you, you can't tell this jury what happened in that bedroom other than Barry got shot?

A That's correct. As far --

Q But there is a science out there that would allow the Greenwood Police Department to learn what happened in that bedroom?

A What was the question, sir?

Q You would agree that there is a science out here that would have allowed Greenwood Police Department to be able to tell his family sitting over there what happened in that bedroom?

A It's possible --

Q Yes.

A -- that the science could be applied to that. Yes, sir.

Q And it wasn't applied?

A I didn't apply the science, sir.

Q Do you know whether or not it was applied?

A You'd have the ask the lead detective or the crime scene investigator on that.

MR. HENDERSON: Okay. I don't have anything further, Your Honor.

THE COURT: All right. Sir, thank you very much for coming.

THE WITNESS: Thank you.

THE COURT: Thank you for your patience and you are free to go.

THE WITNESS: Thank you, sir.

THE COURT: Have a great day.

(Whereupon, the witness stepped down from the witness stand.)

THE COURT: All right. Ladies and gentlemen, we've been at it for about an hour plus. So we'll go ahead and take a brief break, and then proceed with some additional testimony. Don't talk about the case. We'll be back on the record in about 10 minutes. Okay? Adjourn to the back, please. Thank you.

(Whereupon, the jury exited the courtroom at 10:50 a.m.)

(Whereupon, a brief recess was held from 10:50 a.m. to

11:09 a.m.)

(Whereupon, State's Exhibit Nos. 49 and 50 were marked for identification.)

(Whereupon, the jury entered the courtroom at 11:09 a.m.)

THE COURT: All right. The jury is back and seated. Solicitor, if you'll call your next witness, please.

MR. THOMAS: Your Honor, the State calls Zykerious Searles.

ZYKERIOUS SEARLES, having first been duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MR. THOMAS:

Q Mr. Searles, if you could, spell your name for Ms. Scott, the Court Reporter.

A Z-Y-K-E-R-I-O-U-S, Searles, S-E-A-R-L-E-S.

Q And how old are you, Mr. Searles?

A Twenty-three.

Q Where do you live at?

A [redacted] in Greenwood, South Carolina.

Q When you say Byrd Street, is that over, I guess, on this east side of town?

A Yes, sir.

Q Sort of up near Seaboard?

A Yes, sir.

Q Do you know Demorris Andrews?

A Yes, sir.

Q Is that him sitting over there?

A Yes, sir.

Q What do you know -- what do you call him?

A Just Demorris, D.

Q How long have you known him?

A Maybe five plus years.

Q Obviously, you know why you're hear today. Detectives came and talked to you back in 2016 about running into him on October 25th of 2016.

A Yes, sir.

Q Do you remember that?

A Yes, sir.

Q Where were you at on October 25th when you saw Mr. Andrews?

A I was there at [redacted] Perrin Avenue.

Q And is that sort of in the same area as Byrd Street?

A Yes, sir.

Q Whose house is that?

A My father's.

Q What were you doing over there that day?

A Just -- I had basically just got there around maybe 4:00, four o'clock or 4:30.

Q Were you just hanging out or --

A Yeah. Just hanging out.
Q Was anybody else there with you?
A Me and Kevin Watson.
Q He's a friend of your's or a cousin?
A Cousin.
Q What were y'all doing? Just hanging out?
A Yeah. Just hanging out. We had basically just got there.
Q And you said it was sometime after 4:00. How do you know roughly what time it was?
A I know that it was between -- well, it was after kids get out of school and the buses come through my neighborhood about four o'clock. So I know it was after then.
Q So you and Mr. Watson are sitting there, just hanging out?
A Yes, sir.
Q When did Mr. Andrews show up?
A Well, I seen him come walking from the path on Hall Street towards where we was at and he came over and was asking for a ride.
Q So if you're like sitting in the front of the house there on Perrin, you can sort of see out towards --
A Yeah.
Q Like it's like a vacant lot -
A Yeah.

Q -- before you get to Hall.
A Yeah. A vacant space.
Q And there's like a little dog there?
A Yeah. On the left.
Q And you could see him walking from that direction?
A Yes, sir.
Q You said he walked up to the house and asked for a ride?
A Yes, sir.
Q How did that go about -- come about? He just knocked on the door?
A Yeah. He just knocked on the door and asked for a ride.
Q Okay. Did he come in the house at all?
A Yeah. For -- not -- I mean, maybe five minutes. He was just contemplating on getting a ride.
Q And he just kept asking you for a ride?
A Yeah. That was all.
Q Was that behavior sort of out of the ordinary for him?
A No. Because he usually -- it ain't typical for him to ask for a ride.
Q Did he seem nervous or fidgety in any way?
A He seemed slightly -- he looked nervous or something.
Q And did you end up giving him a ride?
A Yes, sir.

Q Where did you take him?
A I took him to -- it was supposed to be his grandmother's house on this side -- on the west side of town.
Q Okay. So over here?
A Yeah. Like a couple streets down from the courthouse.
Q Okay. So like by the big Macedonia Church over here?
A Yeah.
Q Okay. So he comes to your house. Did y'all -- did he come in -- did he hang out and play a video game with you at all?
A No.
Q Did he smoke a blunt with y'all?
A No. Not this day. No.
Q Okay. Did he just -- so he just got in the car and went for a ride?
A Yes, sir.
Q Okay. And I think you said while you were giving him a ride you heard some sirens?
A Yes, sir.
Q And that was while y'all were in the car?
A Yes, sir.
Q Where did you drop him off at?
A It was on Macedonia. I can't remember the exact address.

Q Was it --
A I know it was in between the vacant -- it was like three vacant houses on Macedonia on the -- like the left side if you're coming from the -- like if you're coming from the jailhouse and you come down the first street that's beside the jailhouse, take the left, and then you make the quick right to go up Macedonia. I dropped him off right there in between those three vacant houses.
Q And during the car ride, was he talkative at all, was he --
A No. We didn't say nothing.
Q Is that out of the ordinary for him?
A I mean, it was just he didn't say nothing. He just wanted a ride to his grandma's house. That was it.
Q And I think when law enforcement officers first came and talked to you, you kind of told them you didn't know anything about anything?
A No. No.
Q At first, when you talked to them, you kind of played coy with them, didn't you?
A Yeah. Because I didn't know what was going on.
Q But you ended up telling them everything you just told us?
A Yeah. I gave him a ride. Yeah.
Q You actually rode around with them and showed them

where y'all went?

A Yeah.

MR. THOMAS: All right. Mr. Searles, I'll let you answer any questions Mr. Henderson might have for you.

CROSS-EXAMINATION

BY MR. HENDERSON:

Q Hey, Mr. Searles. How are you doing today, sir?

A Doing well. Good. How about you?

Q Good. Good. Good. Thank you for being here today. Now, you and Demorris have been friends for a long time, hadn't you?

A Yes, sir.

Q I thought you said five plus years or did you say 15 plus years?

A Five plus.

Q I thought y'all grew up together and played ball together?

A We kind of did.

Q Okay. So if you're 23 now and I'm thinking he's 27 now. So y'all have known one another for longer than five years, hadn't you?

A Maybe five plus. I don't know exactly.

Q Okay. Okay. And the first statement -- do you remember giving these interviews to the police?

A Sort of.

Q Okay. I'm going to ask you some stuff and, again, I just want to see whether or not you agree with it or disagree with it, but I'll represent to you that you gave your first statement to law enforcement on November the 1st --

A Okay.

Q -- of 2016.

A Okay.

Q You don't have any reason to dispute that?

A No, sir.

Q Okay. And at that point in time, you told the police that the first time you saw Demorris that day -- again, this is October 25th. Let me ask you. Did you know Barry Warren?

A No, sir.

Q You didn't know Barry?

A No.

Q Had you heard about him in the neighborhood?

A No.

Q You just -- you just didn't know Barry?

A Huh-uh.

Q Okay. But I'll represent to you that the day that Barry was killed was October the 25th of 2016. Okay?

A Yes, sir.

Q And that's the day that we're talking about. Okay?

A Yes, sir.

Q In that first statement to the police, you told the police that Demorris got to your house -- or this Perrin Street house about four o'clock to 4:30. Do you remember telling them that?

A Uh-huh.

THE COURT: That's a yes.

A Yes, sir. Yes, sir.

MR. HENDERSON: I'm going to have to ask you to say yes or no, Zykerious. I understand what you're saying.

THE WITNESS: Okay.

MR. HENDERSON: But this young lady down front is actually taking down everything we're -- that's being said from the stand --

THE WITNESS: Okay.

MR. HENDERSON: -- and it's just easier for her to type out a yes or a no.

THE WITNESS: Okay. I got you.

MR. HENDERSON: If you will, please. It helps get our record clean.

Q Now, if you're looking out of your front door at Perrin, you could actually see Demorris walking?

A Yes, sir.

Q And actually, when you look out your front door, there's Perrin Street?

A Uh-huh.
Q Is that a yes?
A Yes, sir.
Q Okay.
A It's right off of Griffin.
Q Right off Griffin. And then, right across the street, there's the path, right?
A Yeah. On Hall Street. Yes, sir.
Q On Hall Street. So it'd be kind of coming down and coming off the path onto Hall, there's kind of a little decline or incline?
A It's just straight -- it's just a straight through path.
Q A straight through path. But you saw him walking?
A Yes, sir.
Q You didn't see him running?
A No.
Q You saw him walking --
A Yes, sir.
Q -- down the path towards your house?
A Yes, sir.
Q And, again, that's what you told the police, right?
A Yes, sir.
Q Okay. I think you also told the police during that interview that Demorris wasn't looking around like he was

scared of anything?

A No, sir. He was kind of -- I could tell he was kind of nervous.

Q Kind of nervous, but he didn't look scared is what you told the police?

A No, sir.

Q He didn't look scared, correct?

A Yes, sir. He didn't.

Q He didn't look scared. And you tell the police -- again, correct me if I'm wrong, that he had on a blue shirt or a black shirt kind of navy like?

A Yes, sir.

Q Do you remember telling them that?

A Yes, sir.

Q You said it was just like a dark color -- just a dark colored shirt?

A Yes, sir.

Q Sitting here today, do you remember whether or not it was a navy blue or black or just dark?

A I just want to say -- I want to say it was blue. Blue, navy blue, blue.

Q Okay. And you said it was a short-sleeved?

A Yes, sir.

Q Okay. And you said you saw him in gym shorts?

A Yes, sir.

Q Like basketball shorts?
A Yes, sir.
Q And, again, I assume gym shorts or basketball shorts, what, come down to -- maybe to your knee?
A To your kneecap. Yeah.
Q Not any lower than your kneecap?
A No, sir.
Q Okay. So he had on shorts and not pants?
A Yes, sir.
Q Okay. And you said he had on some black Jordan shoes?
A Yes, sir.
Q I guess those are like Nikes?
A Yes, sir.
Q Okay. And you say that Demorris didn't say anything? You said he just wanted to ride to his grandmama's?
A Yes, sir.
Q Now, it's my understanding that Demorris would come over to your house once or twice a week to get a ride.
A Not like basically to get a ride, but he would come through once or twice a week for me to see him. You know, like just passing through the neighborhood.
Q Okay. Just because y'all are friends?
A Uh-huh.
Q Is that a yes?
A Yes, sir.

Q Okay. But it wasn't unusual -- this wasn't the first time you'd ever given him a ride, was it?
A No.
Q Okay.
A No.
Q So, I mean, you didn't think it was weird for him to ask you for a ride, did you?
A No.
Q It might not have happened that often, but it wasn't the first he'd asked you?
A No.
Q Okay. You know, Demorris didn't ask you to get rid of anything, did he?
A No, sir.
Q He didn't say, hey, brother, I need you to hide a gun?
A No, sir.
Q Okay. He didn't say, hey, buddy, I need you to hide some money for me?
A No, sir.
Q Hey, buddy, I need you to take these clothes in your back yard and burn them. He didn't tell --
A No.
Q -- you anything like that, did he?
A No, sir.
Q Okay.

A He didn't say nothing.
Q Let me ask you. Is it fair to say he didn't have anything with him when he came to your house?
A No. He didn't.
Q Okay. Other than the clothes and the shoes he's got on him?
A That's it.
Q Okay. And like you said, you usually see Demorris walking around on a fairly regular basis?
A Yes, sir.
Q Okay. And, again, do you remember talking to the police on 11/02, November 2nd --
A Yes, sir.
Q -- of '16?
A Yes, sir.
Q And that would be the second interview, correct?
A I guess. I think I talked to them maybe two or three times.
Q Okay. But, again, this is only the second recorded interview I have.
A Okay.
Q Now, you may have talked to them sometime that they didn't record.
A Okay.
Q But, again, this is the second recorded --

A Okay.

Q -- interview. Did you know you were being recorded, by the way?

A Yes, sir.

Q Okay. They told you that. Okay. And in this one, you say that Demorris definitely had on a royal blue shirt.

A Okay. Yes, sir.

Q Okay. So from the day before, you've gone to black or navy blue to, you know, dark. Now, to royal blue.

A Okay.

Q And, again, you said today you think it's royal blue --

A Yes, sir.

Q -- looking back in your brain?

A Yes, sir.

Q But you also said he had on black gym shorts or basketball shorts?

A Yes, sir.

Q And, again, those are the shorts that come down, what, say, to his knee?

A Yes, sir.

Q Okay. Not pants?

A No -- no, sir.

Q You understand are just like what I'm wearing. Pants come down -

A To your shoes. No, sir.

Q To your shoes.
A Yes, sir.
Q So he didn't have on pants?
A No, sir.
Q You could actually see the bottom, say, from his knee down to his ankles?
A Yes, sir.
Q Okay. And let me ask you, you gave the police department -- and, again, you're not absolutely sure of these times, are you?
A No, sir.
Q I mean, because nobody ever asked you to -- that day, you need to keep track of every minute you spend today, did they?
A No, sir.
Q No. You're -- you're being asked about this stuff a week after the fact --
A Uh-huh (affirmative).
Q -- is that fair to say?
A Yes, sir.
Q Trying to piece together your day?
A Yes, sir.
Q And that's hard to do, isn't it --
A Yes, sir.
Q -- minute by minute? But you told the police the path

that you drove Demorris over to his grandmother's; is that right?

A Yes, sir.

Q And y'all actually came down -- if I'm not mistaken, you come down -- came by the post office?

A Yes, sir.

Q Took a left at the post office on Phoenix?

A Yes, sir.

Q Took that next right by the Inn on the Square?

A Yes, sir.

Q And so, you come up at that traffic light at the Inn on the Square, correct?

A Yes, sir.

Q Now, it's my understanding there's all sorts of cameras around there that, you know, take pictures of cars.

A Okay. Yes, sir.

Q And did the police ever tell you they were going to look at any cameras to confirm what time you actually drove through?

A They told me they was, but they ain't never say nothing else about it.

Q Okay. So the police told you that they were going to pull some camera footage so that they could actually confirm the time that you drove?

A Yes, sir.

Q Okay. And as far as you know, that hadn't been done?
A Not that I know of.
Q And I'll represent to you, I hadn't seen it either.
A Okay.
Q So I don't know if it's been done or not.
A Okay.
Q So you took a left right there. If you take a left at the inn on the square, you'd be on South Main Street, right?
A Yes, sir.
Q And you'd be going by the library?
A Yes, sir.
Q And I think there's a little bank there?
A Yeah, and a church.
Q And a church.
A Uh-huh.
Q I think that bank probably has got some video, too, doesn't it? Don't most banks have video pointing out towards the road?
A Not that I know of.
Q You just don't know. Okay. Do you know whether or not that video has got any video out there by the road?
A Not that I know of.
Q You just don't know. But the police told you they were going to look for some video up there at the intersection?
A Yes, sir.

Q And you just hadn't seen any?
A No, sir.
Q You would agree that if the police had shown you a video, that would probably help you narrow down your timeframe?
A I can't say unless it got the time in it.
Q Bingo. Let's suppose it had time on it. But that would help you know what time you're actually on this trip, wouldn't it?
A Yes, sir.
Q Okay. It'd help us all know what time you were on this trip?
A Yes, sir.
Q And, again, you tell the police on this second interview that he didn't have anything with him?
A No, sir.
Q No bag?
A Nothing.
Q He didn't -- wasn't carrying a satchel with him?
A Nothing.
Q Not pulling a little cart behind him like I do?
A No.
Q Okay. Didn't have nothing on him?
A No.
Q Okay. You know -- and do you know where his

grandmother lives?

A It's right off of Byrd Street. I don't know the address, but I know where it's at.

Q You know -- I mean, where Demorris' grandmother lives over where you were taking him to?

A No. Not -- not that grandmother. I took him to his other grandmother on this side of town.

Q Okay. The one over here off of Macedonia you said?

A Yeah.

Q Do you know what street she lives on, though?

A I don't know -- I don't know. Was it in Macedonia or around the corner or what? I don't know.

Q But she lives in that neighborhood, so far as you know?

A Yes, sir.

Q You might not know the house?

A No.

Q But it's your understanding that she lives in the neighborhood?

A Yes, sir.

Q Okay. And let me ask you, too. Now, you remember talking to my investigator, Ms. Lumley here, don't you?

A Yes, sir.

Q Okay. And I think this is consistent with what you've been saying the whole time that when Demorris came up to your house, that he wasn't sweating?

A No, sir. He wasn't.
Q He wasn't out of breath?
A No. He wasn't.
Q Did you see any blood on him?
A No. I did not.
Q Okay. And nothing in his hands?
A No, sir.
Q Did it look like he'd been in a fight or clawed or anything along those lines?
A No, sir.
Q Okay. And then, you said you heard some sirens?
A Yes, sir.
Q But again, you don't know what time you heard sirens?
A Not exactly.
Q Let me ask you. How do you know or do you know whether or not the sirens you heard were even related to this incident?
A I don't even know. Well, I didn't at the time until after.
Q Right. You don't have a clue, do you --
A No, sir.
Q -- what they're related to?
A No, sir.
Q Now, is it fair to say in the city, you're going to hear sirens, aren't you?

A I mean, I guess so. I don't know.
Q I mean, you're going to hear periodic police sirens?
A Yeah. On through the day, you know.
Q Ambulance sirens?
A Yes, sir.
Q Fire truck sirens?
A Yes, sir.
Q I mean, lots of activity in the city, is that fair to say?
A Yes, sir.

MR. HENDERSON: Okay. If I may have one minute, Your Honor.

Q When did Kevin Watson get to the house on Perrin?
A Approximately around that same time because I had just got there, too. Between 4:00 and 4:30.
Q Okay. Between 4:00 and 4:30 you think?
A Yes, sir.
Q You think?
A Yes, sir.
Q I mean, do you have anything that confirms between 4:00 and 4:30?
A All I can say is, I know the bus had just came through for school and it was after -- right after that.
Q Okay. Let me ask you. You live on Byrd or at that point in time, you lived on Byrd?

A Yes, sir.
Q And you walked over -- did you walk or drive over to Perrin?
A I drove.
Q You drove your vehicle?
A Uh-huh.
Q I think, what, a '97 Cutlass, '98 Cutlass?
A A '97 Cutlass.
Q A '97 Cutlass. What time did -- before you drove over to Perrin, did Kevin Watson drive by your house there on Byrd?
A Yeah. He came by my house on Byrd.
Q He came by your house on Byrd?
A Uh-huh.
Q Is that a yes?
A Yes, sir.
Q And then, y'all met up over at --
A On Perrin, right down the street.
Q On Perrin, right down the street. Was he driving or was he walking?
A He was driving, also.
Q Okay. But you were -- were you inside at Byrd? I'm just trying to -- were you inside at Byrd when he pulled up at Byrd or -
A I can't remember exactly.

Q Okay. But clearly, y'all drove just -- drove down the street?

A Yes, sir.

MR. HENDERSON: Okay. I don't have anything else, Your Honor.

THE COURT: Anything?

REDIRECT EXAMINATION

BY MR. THOMAS:

Q When he -- so he rolled up and he was in some kind blue shirt and maybe some --

A Yes, sir.

Q -- basketball shorts?

A Yes, sir.

Q Okay. Do you sometimes where basketball shorts under like your baggier pants? Do you do that every now and then?

A No, sir.

Q Okay. Do some people do that, though?

A Yeah. I guess.

Q You said he usually comes through a couple times a week and you see him --

A Yes --

Q -- often?

A Yes, sir.

Q He's usually a pretty happy guy, talkative -

A Yes --

Q -- kind of?
A Yes, sir.
Q You said on that car ride, really the only thing you heard was silence from him?
A Yes, sir.
Q He didn't talk a lot?
A No, sir.
Q And they interviewed -- you talked to police on, I believe, a Tuesday, right? Does that sound about right?
A I can't remember exactly.
Q Had it been about a week since --
A Yeah. About a week --
Q Had you --
A -- since --
Q Had you seen -- go ahead.
A -- since the murder. It was about a week.
Q Had you seen him in that week?
A No. Not after -- not ever since I gave him the ride the day of.

MR. THOMAS: Thank you, Mr. Searles.

THE COURT: All right, sir. Thank you. You can step down.

(Whereupon, the witness stepped down from the witness stand.)

THE COURT: Call your next witness, please.

MR. THOMAS: Your Honor, the State calls Kevin Watson.

KEVIN WATSON, having first been duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MR. THOMAS:

Q Mr. Watson, your name is Kevin Watson?

A Yes, sir.

Q Okay. Are you in any relation to Kelsey Watson?

A No, sir.

Q Okay. But you are related to Zykerious Searles?

A Yes, sir.

Q Okay. Is that -- he's your cousin?

A Yes, sir.

Q Do you remember hanging out with Mr. Searles back in October of 2016?

A Yeah.

Q Specifically, October 25th?

A Yeah.

Q Do you know the gentleman sitting over here at the Defense counsel table?

A Yeah.

Q Who is that?

A D. Andrew.

Q You know him as D?

A I know him as D.

Q Okay. How long have you known him?
A A long time.
Q And you and Mr. Searles on October 25th of 2016, where were y'all hanging out at?
A Down off Griffin on Perrin Street. I think that's the name of it.
Q Was that --
A First -- we was on Byrd Street first.
Q Okay. Perrin Street, that's kind of off Griffin? Like Griffin and Hall, and then Perrin is about a block over from Hall, is that about right? There's like a lot between Perrin and Hall?
A Yeah. Yeah.
Q Okay. That's Zykerious' dad's --
A His father stay over there.
Q Okay. When y'all were hanging out over there, do you know about what time it was when you saw Mr. Andrews?
A Maybe 5:00 sometime, maybe.
Q What makes you think that's what time it was?
A Because I had, not too long, left from Credit Union from getting some money out of there and they was almost closed.
Q So you went to the Credit Union and you barely got in there before they closed?
A Yeah.

Q And then, you went back to --
A Perrin -- Perrin Street. Whatever the name of that is.
Q Okay. Perrin Street. Okay. So you're over there and you're hanging out with Mr. Searles. How do you come about to interact with Mr. Andrews? Where does he come from?
A I don't know where he come from. All I know is I was sitting there on the couch when he was at -- appeared at the screen door.
Q Okay. So he comes and knocks on the door?
A Yeah.
Q Do you know if he saw you in there or --
A I assume. I don't know.
Q Okay. What did he say?
A Not much. He just came in and said he was just trying to get a ride.
Q Did you normally hang out with him and see him around?
A Yeah.
Q Is he normally a kind of happy go lucky, fun guy?
A Yeah.
Q Was anything different about him that day?
A No. Not too much. He was just insisting on getting a ride. That was about it.
Q He was insisting on it?
A Yeah. He was just trying to get a ride. That's about it. Just asking for a ride.

Q And Mr. Searles gave him a ride, I guess?
A Yeah. Gave him a ride.
Q And that's the last you saw him?
A That's the last I saw him.
MR. THOMAS: Thank you, Mr. Watson. I will let you answer any questions Mr. Henderson may have for you.
THE COURT: Any questions?

CROSS-EXAMINATION

BY MR. HENDERSON:
Q Hey, Mr. Watson. Thank you for your time being here today. I think -- do you remember being interviewed by the police, sir?
A Yes, sir.
Q They recorded you.
A Yes, sir.
Q Did you see the tape recorder?
A No. I don't remember.
Q So you don't know -- but you understand you were recorded --
A Yeah.
Q -- whether or not they told you you were being recorded?
A I think they told me. It's been so long. I don't remember.
Q Okay. And do you remember telling them that I might

not be too correct with my times?

A Yeah.

Q Okay. Because, again, when somebody comes to ask you, say, what were you doing a week ago, you know, that's hard to --

A Yeah.

Q -- that's hard for any of us, wouldn't it be?

A Yeah. Yeah.

Q So they're asking you a week after the fact to kind of piece your day back together?

A Yeah.

Q Okay. But thinking back on it and you were telling them that -- it's my understanding from listening to your statement that you gave to the police that when you first saw Demorris walk up -- now, you didn't see him at -- did you see him before he got to the door or did --

A No. I -- no.

Q So you don't know whether or not he was walking --

A I don't know if he was walking or riding or what. I don't know.

Q Don't have a clue?

A I don't know.

Q He just showed up at the door?

A He just showed up at the door.

Q But you told the police he wasn't sweating?

A No.
Q You told the police he wasn't breathing hard?
A No.
Q You told the police nothing like that?
A No.
Q Okay. You said -- told the police he had nothing with him?
A No.
Q And by that I mean, he didn't have a bag with him?
A I ain't see no bag.
Q Didn't see any type of satchel or pouch or --
A No.
Q He didn't ask you, hey, Kevin, I need you to get rid of a gun for me?
A No.
Q I mean, he didn't ask you to -- you know, he didn't tell you, I've just committed a crime, you've got to help me out?
A No.
Q Nothing like that?
A No.
Q You said he was just over there and said he wanted a ride?
A That's all.
Q Okay. And, again, you're not sure what time that was,

are you?

A All I know is it was after 5:00. That's all I can say because I know I just -- had just caught the Credit Union.

Q Right.

A So I know a little after 5:00, maybe. I don't know.

Q You just don't know?

A I don't know exactly what time.

Q Don't know?

A I don't know the time. Yeah.

Q And you didn't go along for the ride, did you?

A No, sir.

Q Okay. I think Mr. Searles took him there and I think your statement was that -- do you remember talking to my investigator here, Ms. Lumley?

A Yes, ma'am.

Q And I think --

A I mean, yes, sir.

Q -- you told her that you don't -- you just don't know if he was wearing shorts or pants? You just don't know?

A I don't -- I don't know.

Q Okay. Would you have any reason to dispute that he was wearing shorts?

A All I can say is maybe he was, maybe he wasn't. It was so long ago. I just -

Q You just don't know?

A I just don't know.
Q Would you defer to Mr. Searles' judgement on that as to whether or not he was wearing shorts or pants?
A I guess, maybe, because he seen like more of him than I did.
Q Right. He --
A I mean, I seen him, but I just didn't look him up and down just to see what he was wearing.
Q You would agree that Mr. Searles has actually spent a ride with my client? I mean, they went on a ride together?
A Yeah. He gave him a ride.
Q Right.
A Yes.
Q So they spent more time together than you and he spent --
A Yeah.
Q -- together?
A Yeah.
Q Okay. And when Demorris came in the house -- when Demorris came in Zykerious' house there on Perrin, you could see Demorris good, couldn't you?
A Yeah.
Q Did you see any blood on him?
A No. I didn't see no blood on him.
Q Did you see any scratches on him like he'd been in a

fight getting clawed or --

A No, sir.

Q -- clawing back? Anything like that?

A No, sir.

Q Okay. Nothing along those lines? So it looked normal?

A Looked just normal to me.

Q Not out of breath?

A Not out of breath.

Q Not like he'd just been running all over the neighborhood?

A No, sir.

Q Okay. And I'm trying to think. Is it a possibility that -- when you got back to the house, you said you'd gone to the bank. Do you remember telling my investigator it might have been that y'all could have even been over on Perrin Street up to 15 minutes before he -- Zykerious gave a ride?

A Maybe. Like I said, I don't -- I wasn't looking at the phone or my time. So --

Q Right.

A -- I really can't say how long it was.

Q You just don't know?

A I just don't know.

Q Just don't know. Don't have a clue. Okay.

MR. HENDERSON: If I may have one minute, Your Honor.

Nothing further at the moment, Your Honor.

THE COURT: Any redirect?

MR. THOMAS: No, Your Honor.

THE COURT: Sir, thank you for coming. You're free to go. Take care.

THE WITNESS: All right. Thank you.

(Whereupon, the witness stepped down from the witness stand.)

THE COURT: Call your next witness, please.

MR. THOMAS: Your Honor, the State calls Dwayne Sanders.

DWAYNE SANDERS, having first been duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MR. THOMAS:

Q Mr. Sanders, could you introduce yourself to the jury, please?

A Dwayne Sanders.

Q Mr. Sanders, you don't want to be here right now, do you?

A No, sir.

Q In fact, we had a little conversation earlier about how you don't want to testify today; is that right?

A All right.

Q I may have -- I may have said some things to you that

I'm going to apologize to you for. Now, I shouldn't have talked to you that way. So I'm sorry. Is that okay?

A It's good.

Q You were arrested back in 2017 for a burglary charge --

A Right.

Q -- is that right?

A Right.

Q That's right?

A Uh-huh.

Q And you were housed over in the B unit at the city jail?

A Right.

Q Do you know this man sitting over here?

A I don't know him. I know they call him Smiley.

Q Was he in --

A A nickname.

Q You knew him as Smiley?

A Right.

Q Was he in the B unit with you?

A Yes.

Q Did y'all develop a little bit of a relationship?

A Yeah.

Q Did there come a time when you sent a message from the jail to investigator Blake Moore that you wanted to talk to

him?

A Right.

Q And you told him that you had some information about Mr. Andrews' case?

A I did.

Q And you told Mr. -- Investigator Moore some things that Mr. Andrews had told you about his case?

A Right.

Q What did Mr. Andrews tell you about his case?

A He told me a lot. I can't remember. If I sit here and say some of things he told me -- I mean, he told me a lot of things.

Q You came up to our office on Friday and had a chance to listen to this statement that you gave to Mr. Moore?

A I did.

Q Okay. You just don't remember what you told him at this point?

A That's -- that's about the size of it. Yeah.

Q Do you remember telling him that Mr. Andrews told you that he killed Barry Warren?

A I did.

Q And did you tell Investigator Moore that Mr. Andrews told you that it was basically Jason Logan's idea to rob him?

A Right. That's what he told me.

Q And Mr. Andrews told you -- did Mr. Andrews tell you that he went in -- that they came up with this idea after Barry Warren got out of jail and started selling drugs again?

A Yeah.

Q And did Mr. Andrews tell you that he went into Barry Warren's house, talked to him for a few minutes, and then decided he was going to just go ahead and shoot him and rob him?

A More or less. Yeah.

Q I don't want to put words in your mouth. So if I say something wrong --

A You're not putting words in my mouth.

Q Yeah. If I say something wrong, correct me. Okay?

A I will.

Q Okay. Mr. Andrews told you that he took a Crown Royal bag from Mr. Warren that had drugs and money in it?

A Yes.

Q Mr. Andrews told you he shot him and ran away and didn't look back when he ran out the door?

A He said he shot him and met someone around -- in the back of the apartments or something like that.

Q And he said he went out the back and gave the gun to someone else, and then left the area?

A Yes. He did.

Q Or he tried to give the gun away?
A The guy wouldn't take it or something. I don't -- it's been a minute. You know, you've got the statement. When it was first told to me, I told them. So I don't want to sit up here and say something different. It's right there if --
Q Do --
A That's what I remember him telling me.
Q Do you want to listen to this again to refresh your recollection?
A No. I don't need to refresh anything.
Q Okay. You remember having the conversation with Mr. Andrews?
A Right. Right.
Q Okay. And he told you that after he shot Mr. Warren, he got a ride to the west side and got rid of his clothes?
A Right.
Q And he told you that the police had talked to him and he'd lied to them and said he'd stayed in some abandoned houses?
A That's right.
Q Mr. Andrews told you that he'd had the gun the night before and he'd basically gotten into an argument with his girlfriend's -- I guess, her other boyfriend and, at that point, one of his friends had tried to take a gun from him, but he kept it?

A That's right. They tried -- his friend tried to take the gun from him and shoot the guy he got in the argument with or something like that. Yeah.

Q And he said his cousin Jason had the idea to do a come-up off of Barry?

A Right.

Q And he said him and Jason planned the robbery?

A I don't think he did. I think he said Jason did.

Q And he said Barry had showed off some drugs after he got out of jail and basically said -- announced to the neighborhood that, I'm going to find the person who set me up?

A Right.

Q And he said that Jason was there and was supposed to distract the other people who were playing cards, but when he looked out the door, Jason had left?

A Right.

Q He said he went in and talked to Barry a few minutes?

A That's right.

Q He said Barry came around the couch and he shot him two times?

A Shot him -- let me see. He said he shot twice and hit Barry once or something like that.

Q He said he took a Crown Royal bag from Barry after shooting him?

A Right.
Q He said Jason called him after he talked to the police and told him to get rid of the gun?
A Right.
Q He said after he went in the house, he said -- Mr. Andrews told you, "I said, fuck this and I shot Barry,"?
A That's what he said. Yes.
MR. THOMAS: All right, Mr. Sanders. Please, answer any questions Mr. Henderson has for you.

CROSS-EXAMINATION

BY MR. HENDERSON:
Q Hey, Mr. Sanders. How are you doing today?
A Fine. How are you?
Q I heard the Solicitor apologize to you for saying some stuff he shouldn't have said?
A Yes, sir.
Q Now, you talked to my Solicitor -- my prosecutor --
A I did.
Q -- my investigator. I apologize.
A I did.
Q Ms. Lumley, didn't you?
A Yes, sir.
Q Now, she doesn't need to apologize to you for anything she said to you, does she?
A You need to ask her that.

Q I mean, did she say anything bad to you?
A No.
Q Okay.
A Just talked good.
Q Okay. So she doesn't need to apologize for her behavior?
A Say what?
Q She doesn't need to apologize for her behavior to you?
A I just said she talked good. So --
Q She talked good. Absolutely. Solicitor kind of talked bad by his own admission to you? Is that a yes or a no?
A I mean, he apologized. It doesn't have to be bad. He was just apologizing for things he said.
Q Okay. Now, Mr. Sanders, I will represent to you that you gave this statement to the law enforcement on April the 6th of 2017. Do you remember that day?
A I guess, it's -- yeah. Okay.
Q I'm representing to you, that's the day.
A Okay.
Q April the 6th of 2017. And at that -- on that day, you were in jail, weren't you?
A Yes, sir.
Q Here across the street in Greenwood County?
A Greenwood County.
Q And you had been arrested on March the 14th of 2017 --

A Yes, sir.
Q -- for burglary, hadn't you?
A Yes, sir.
Q And if I'm not mistaken, you had been arrested for burglarizing number [redacted], Gilliam Court; is that correct?
A Correct.
Q Now, you know Barry Warren, don't you?
A All my life.
Q All your life. Barry lived in number 8 --
A Uh-huh.
Q -- Gilliam Court and you would agree with me that number [redacted], Gilliam Court --
A Is next door.
Q Right next door. It's the same unit with just a wall between?
A Uh-huh.
Q Is that a yes?
A Yes, sir.
MR. HENDERSON: Okay. I need you to say yes or no because Madam Court Reporter is taking down everything we say.
THE WITNESS: Yes, sir.
Q So you were over there burglarizing and robbing people in Barry Warren's back yard, was that fair to say?
A No, sir. It's not.

Q Okay. You were arrested over there, weren't you?
A Yes, sir.
Q You know, burglary first that you were arrested for carries at least 15 years in the pokey, doesn't it?
A I think it carries about life, don't it?
Q It could carry life.
A Right.
Q Absolutely. And you've got a pretty bad record, don't you?
A Of course.
Q Okay. So obviously, anything that carries 15 to life, if you plead guilty to it or got convicted of it, you might be seeing the short end of the stick, if you understand what I'm saying? You could be getting a lot of time?
A Yeah. But -- can I say something.
Q Absolutely. Yeah.
A If you get my record on that night for the burglary, it went down to a misdemeanor.
Q We're going to talk about that.
A Okay.
Q We're going to talk about that.
A All right.
Q He just read my mind.
A Okay.
Q His charge went down.

A Okay.
Q Okay. So you get -- so you get arrested on March the 14th of 2017 for burglary. Something that carries life in prison.
A Right.
Q Actually robbing -- burglarizing the place right next door to our victim; is that correct?
A Yes, sir.
Q Okay. You give this statement to police on April the 6th of 2017?
A Yes, sir.
Q Okay. And then, low and behold, on May the 19th of last year, this burglary charge is dismissed by the Solicitor's Office and you plead guilty to a malicious injury?
A Yes, sir.
Q Okay. And that carried up to 30 days in jail?
A That's right.
Q And the Court gave you credit for your time served?
A That's right.
Q You understand that. You know how the system works?
A All the time.
Q All the time. You got rid of a burglary first, which carries life. After this statement was given, you got a 30 day sentence --

A Right.
Q -- is that correct?
A That's correct.
Q You know how game's played?
A Right.
Q Okay. Now, you're describing in this statement -- I've listened to it. The Solicitor said he had the audio and you said you don't need to hear it. So I'm trusting that you know what's on that statement. You're telling -- you told the police that Jason Logan was there at the incident site helping Demorris Andrews kill Barry Warren. I heard that right, didn't I?
A You're through with the burglary? I thought --
Q Yeah.
A -- we were going to get to it, why it got dropped and everything.
Q No. No. No. We're passed that.
A I know. I know.
Q I think the jury -- let the jury infer why it got dropped.
A Okay.
Q I think we're passed that.
A They didn't drop it.
Q Let's go -- well, somebody had to sign off on -
A They didn't drop it. The guy that -- who house that I

said I went in that I was with, he dropped it.
Q Okay.
A His son filed the burglary charge.
Q Okay. But you got arrested for burglary?
A That's what it was.
Q Okay.
A But I'm letting you know off of the top, the officers didn't drop it. You want to listen to the audio?
Q No. I --
A They didn't come to me about anything. I didn't go to them to get a burglary dropped. I went to them because they put this guy in my room saying these things and that was my schoolmate --
Q And --
A -- and something needed to be done about it.
Q So you knew they were going to put him in your -- in your cell, so to speak?
A Because that's how they do it over there. Burglary charges and murder charges, those kind of go together like that.
Q Well, you knew they -- you asked them -- you asked the police to put Demorris in your cell, didn't you?
A I didn't ask them to put him nowhere.
Q Okay. But they put him in your cell?
A He was over there before I got there. They put him in

mine.
Q Okay. That's --
A I mean, they put me in his.
Q Okay. So you got moved to his is what you're saying? Okay. But y'all got put together?
A Yeah. We was together.
Q Okay. But, again, this statement that you were given on May the 6th of last year --
A Yes, sir.
Q -- you're telling the police that Demorris told you that Jason Logan is there with him when this murder is committed?
A Everything he just read off was told to me by this man here.
Q Okay. I just --
A So I don't know if he did it or what. I know it was told to me.
Q I want to make clear that Jason -- that according to that statement, he's saying that Jason Logan is there with him trying to block people while he's inside robbing and committing a murder?
A You know what? I -- when I first got up here, I told this Solicitor, I don't know -- I didn't want to come up here, period, this morning. You know, I told them I wasn't coming up here and I wasn't going to say anything about

anything. But, you know, I sat out there and I thought about it and thought about it and thought about it. I was going to ask the Judge to plead the Fifth on all of this, but what happened, happened. I wasn't there. This young man told me so much that I couldn't keep up with it. I mean, how it happened, who had something to do with it. I don't know these people. Don't care to know them, but I know what happened to my friend.

Q Let me ask you this --

A He should have been dealt with and he needs to be dealt with. Whether he did it, whoever did it, it need to be dealt with --

Q Let me --

A -- and that's why I'm up here.

Q Let me ask you. Did the police ever tell you that there's no possible way that Barry Warren could have been involved -- Barry Warren, that Jason Logan could have been involved in this murder? Did they ever tell you that?

A I don't know what the police are telling me. I'm telling you what he told me. I'm telling the police what he told me.

Q Okay.

A I don't know what the police are saying or anything. I don't -

Q So you just don't know?

A I don't know.
Q Okay.
A I just know what he told me and that's what I told them.
Q Okay. And in that statement to the police, you told them, yeah, I'll be glad to wear a wire. Do you remember that?
A Yeah. But it wasn't going to happen.
Q I understand, but you told them you'd be -- who were you wanting to put a wire on? Go back to D's cell and put --
A Put it in -- put it in his cell.
Q Okay. And you offered to do that?
A Not put it in his cell. That's their job to do that.
Q Okay.
A Not me.
Q But you offered to do that or participate or cooperate?
A At that time because I was a little upset because my partner had got killed.
Q And --
A My friend.
Q And the police never asked you to do that, did they?
A What's that? Put a wire in his cell?
Q I mean, go back into his cell and get wired up or hang a bug from the ceiling or anything. They never asked you to

do that, did they?

A No.

Q And keep in mind, do you think one reason the police didn't do that -- and you may not know. But if they didn't ask you to wear a wire, do you think one reason that they didn't ask you is they knew your story about Jason Logan just didn't make any sense?

MR. THOMAS: Objection, Your Honor. Can we approach?

A I don't know what you're talking about, man.

THE COURT: Come on up.

(Whereupon, the sidebar was held.)

THE COURT: All right. Ladies and gentlemen of the jury, let me explain to you quickly before we move on with additional questions for this witness. At the time the Defendant in this case was in jail with this witness, understand that the Defendant was represented by counsel other than Mr. Henderson and therefore, if the police had wired up this witness as has been suggested, this witness would become an agent of the police and that would violate attorney/client privilege. Okay? And so, because the Defendant had an attorney at the time this witness spoke to the Defendant supposedly, if the police had acted as has been suggested here, that would basically be a violation of the law and that's simply why that was not done. Okay? But Mr. Henderson, please continue with your cross, sir.

MR. HENDERSON: Absolutely.

Q In this statement you gave, you also agreed to go wire up, I believe, Jason Logan, didn't you? People outside of the jail.

A I don't know.

Q Okay.

A No. I don't know.

Q You just don't remember?

A No. I don't remember that.

Q You just don't remember at all? But you agreed to wear a wire inside and outside the jail?

A That's what you're saying. I don't --

Q Well, no. I mean, I've listened to your statement.

A Okay. It might have been.

Q Okay.

A If it had --

Q I mean, I --

A If it had something to do with this man getting killed, probably.

Q Yeah. I mean, I wasn't there. I mean, all I can do is listen.

A Okay. So I'm telling you, you might have been right.

Q Okay. And I'll represent to you, that's what I heard.

A Okay.

Q Okay?

A Uh-huh.
Q And do you remember telling the police that you think that Barry was shot three times? Do you remember that?
A I don't know. He told me he shot three times. I don't know.
Q I mean --
A What I said is what he told me. I don't know. Really, I don't.
Q Well, you're the one that gave this statement.
A Okay. And he's the one that gave it to me.
Q Right.
A Okay.
Q But you ought to remember your statement. I mean, it's out of your mouth, isn't it?
A If it's my statement --
Q Right.
A -- then, yes. It is.
Q So didn't you tell them that you think that Demorris said that Barry was shot three times? Do you remember that?
A Like I just say, I don't know. I can't recall.
Q Well, okay. Well, I'm going to recall for you. I'll represent to you that you said you think he said he was shot three times. Do you dispute that?
A I'm not disputing anything.
Q Okay. Okay. And, again, according to your statement,

that this Jason Logan stayed outside and kind of ran interference and covered so people couldn't see Demorris going into the house to shoot Barry; is that correct?

A If that's on the statement.

Q Okay. I mean, that's what it is, is out of your mouth.

A You keep saying that. If it's on the statement and I wrote the statement --

Q Okay.

A Okay. That's what it is.

Q Now, you know -- you knew where Barry lived? You know that neighborhood, don't you?

A Yeah.

Q Okay. So you've probably been in Barry's house before, hadn't you?

A Yes. I have.

Q Okay. You've been in -- obviously, you've been in that house next door to Barry's because you got arrested there?

A No. I didn't get arrested there.

Q Okay. But you got arrested for going in there? Right or wrong, you got arrested for going in number 9?

A I got arrested for going in there. Yeah.

Q Okay. So you're familiar with the neighborhood?

A Sort of.

Q Okay. And, again, on burglary first, it carries up to life?

A Well --
Q You know that.
A Yeah. I know what it carries.
Q Okay.
A We're back -- we're back on the burglary now?
Q Right. But you got out on a 30 day charge with time served?
A You want -- do you want to know why now or are you just saying --
Q Well, you got out -- I mean, the Solicitor dismissed your charge and you got out on a new charge for 30 days.
A It wasn't because of this here.
Q Okay.
A You can believe that.
Q Okay. It's not up for me to believe anything. It's these 12 people out there to believe it, sir.
A Okay. Okay.
Q I don't have to believe anything.
A Well, the guy who filed it, he dropped it, so...
MR. HENDERSON: If I may have one minute, Your Honor.
Q Again, Mr. Sanders, let me -- thinking back through it, didn't you say -- I was listening to the Solicitor's questions and thinking about your statement that Barry was shot at his couch -- at his sofa.
A I don't recall.

Q You just don't recall?
A Huh-uh.
Q Do you recall whether or not Demorris -
A Ask your client where he was shot at.
Q I don't have to ask my client anything, sir. I'm asking you.
A I mean, he just sent you back up here to ask me a question. Now, I'm saying --
Q I'm ask --
A -- sending you back to him. Ask him where he was shot at.
Q Unfortunately, Mr. Sanders, I mean, I think we could ask questions to one another all day --
A Right.
Q -- but court rules don't allow you to ask me questions. I think His Honor will tell you that.
THE COURT: He's right.
Q Not that I won't answer them. I can't answer them. I legally can't answer them.
A That's why I say he can, probably.
Q So I'm asking you, didn't you tell the police that my client allegedly said that he shot Barry at the sofa or the couch?
A I think I might have said that. I think I might have said that.

Q Okay. I mean, I'm just trying -- I'm not trying to put words in your mouth. I'm just trying to figure out --

A You ain't putting them in my mouth. I mean, he put them in my mouth.

Q Okay.

A That's what he was telling me, you know.

Q I'm just trying -- I'm hearing it from you. The jury gets to hear it from you and you think it was at the sofa that he was shot?

A Whatever he told me and whatever I said in the statement.

Q Okay.

A That's what I'm thinking.

Q Okay.

A Okay.

Q Let me ask you, too, Mr. Sanders. During your statement, you also agreed to inform or narc on, what was it, a Demarcus Barr?

A I don't know him.

Q Okay.

A That's my cousin.

Q Okay. Okay. And you said you'd be willing to rat on him for what?

A I don't -- I don't remember saying that.

Q Okay.

A I don't recall saying that. No.
Q Okay. Do you remember telling the police in that statement that I want to rat on somebody named Red on Hall Street?
A No. I don't.
Q You don't know anything about that?
A Huh-uh.
Q Okay. So, I mean, is it fair to say that you've been an informant before, hadn't you?
A Informant on what? No. I haven't.
Q To the police.
A No.
Q Okay.
A Look at my record and see have I been an informant.
Q Then here, you're obviously -- well, whatever you did got you out of life to time served on 30 days.
A Well, it's what the person's son did that got me out of life to 30 days time served.

MR. HENDERSON: I'm good, Your Honor.

THE COURT: Redirect?

REDIRECT EXAMINATION

BY MR. THOMAS:

Q Mr. Sanders, tell the jury what happened on that burglary.
A The guy's house that I was over, me and him were

sitting there drinking and he got called to work at 10:30 and me and him were schoolmates. He had his son staying there that come to live with him that day and he went to work. He let me in the house, go to sleep on the house. His son come through -- come home, went through my pockets and stole 40 dollars. I was on the couch drunk -- well, had been drinking. His son called the police, they took me to jail for burglary and the guy's father come up and signed a statement saying that he had me in the house and if I dropped the charge for him going in my pocket.

Q And Mr. Brown and I didn't have anything to do with that case?

A No, sir.

Q The first time we spoke was last Friday, I think?

A Yes.

Q And Detective Moore never promised you anything for cooperating?

A No. Not --

Q In fact, you actually -- I think you're on probation now because you pled to something over in Abbeville?

A Driving.

Q You're on probation for a driving offense?

A Yeah.

Q Everything you know about this -- you don't know anything about this case other than what you heard from him?

A Whatsoever. I don't know if he did it, I don't know -- I don't know anything. Some of people's names he called, I don't know. All I know is what this young man told me. I was debating out there -- like I told you all this morning, I didn't want to come in here and testify about anything. Anything whatsoever. I mean, it's up to y'all to catch the person who did this, but I seen -- I went out and smoked and I looked at -- and I seen Barry's sister and I figured -- I've been threatened about this right here.

MR. HENDERSON: I'll object about that, Your Honor.

THE COURT: All right.

THE WITNESS: Okay. I'll leave that out. Whatever. But --

THE COURT: Hold on. Hold on. Any response?

MR. THOMAS: No response, Your Honor.

THE COURT: All right. Sustained. Let's -- perhaps you need to ask a different question.

Q Let me -- let me -- and that's -- no doubt in your mind that he told you that he shot Barry Warren?

A No doubt in my mind.

Q And he told you that Jason Logan was supposed to be apart of it, but Jason Logan wasn't there when he left the house?

A That's the truth.

Q Mr. Henderson mentioned some names. A guy named Red, a

guy named Barr. I think in your statement, you talked about a guy named Punky-Poo. Do you remember Punky-Poo?

A Yeah. I know Punky-Poo.

Q And you said in your statement that those guys were in the back running their mouth to people? That's what you said?

A That's about it.

Q Okay. You never offered to inform on them?

A No.

Q You've never informed on anybody else?

A No.

Q You're not a snitch?

A No. I'm not.

Q That's --

A The only reason I'm here right now is -- in this courtroom, in this chair, saying this, I wasn't going to say anything, like I was saying. I mean, I told you this morning I wasn't going to do this. But your Deputy Solicitor come up and me and her was talking and it's in my statement that he asked for a trophy from the Detective, a picture of Barry and the wound in his head, and it just brought -- I needed to be here. It brought me here. That's the only reason I'm here. One of the reasons I'm here. But, I mean, I don't know if this guy did this or not. I'm just up here saying what I was told.

Q And that's all you can tell us is what he told us --
A Yes, sir.
Q -- is that right?
A That's all.
MR. THOMAS: Thank you, Mr. Sanders.
THE COURT: All right. Sir, thank you very much. You can step down. Well, before he does, did you want to move his -- are you moving his statement into evidence?
MR. THOMAS: Your Honor, I think he's admitted to everything and, I mean, I'll mark it as a Court's Exhibit and move it into evidence if the jury wants to hear it later.
THE COURT: All right. Any objection to that, Mr. Henderson?
MR. HENDERSON: Let's go ahead and do that. Mark it, Madam Court Reporter. It'll be introduced as whatever number it is in evidence.
(Whereupon, State's Exhibit No. 51 was marked for identification purposes and admitted into evidence.)
(Whereupon, the witness stepped down from the witness stand.)
THE COURT: Ladies and gentlemen, I don't know about you, I need a few moments. So we're going to take a quick five, 10 minute break and hopefully, we'll have another witness that won't take more than maybe 30 minutes or so,

give or take. Do we have another one that relatively short next or what do we have?

MR. THOMAS: The next one I have is Detective Blackwell. So that one's probably going to be lengthy.

THE COURT: Okay. Adjourn to the back for a few moments. I'll have you back out here as soon as possible. Don't talk about the case. Thanks.

(Whereupon, the jury exited the courtroom at 12:38 p.m.)

(Whereupon, a sidebar was held. The jury was released for lunch from 12:40-1:45 p.m.)

THE COURT: Solicitor, you've got your next witness coming in, or on the way? Getting him? Let's have the jury, please.

(Whereupon, the jury entered the courtroom at 1:45 p.m.)

THE COURT: The record will reflect that the jury is back and seated. Ladies and gentlemen, my court reporter was successful in getting her equipment operational again. So we are in good shape as far as that's concerned. I hope you enjoyed your lunch. And at this particular point in time, Solicitor, if you'll call your next witness.

MR. THOMAS: Your Honor, the State calls Investigator Matt Blackwell to the stand.

MATT BLACKWELL, having first been

duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. THOMAS:

Q Investigator Blackwell, what's your current position with the City Police Department?

A My current position, I'm the gang investigator for the City of Greenwood. I'm assigned to a FBI Safe Streets task force. I work out of Greenville, around the whole upstate, working gangs and organized crime organizations and different stuff like that. That's my current position.

Q And before that what were you doing for the city?

A Before I was a gang investigator I was in the drug enforcement unit several years ago.

Q And, I guess, how long have you been a police officer?

A I've been a police officer for almost 10 years.

Q And back in October of 2016 were you assigned to the task force then, or were you investigations or --

A I was assigned to the task force, but I was still a gang investigator here. So I was working.

Q So, I guess, as part of that you kind of work some cases here when you get some time?

A I stay here in Greenwood a lot, and then I work other places as needed.

Q And did you happen to get involved in the case we're here on today, the murder of Barry Warren?

A Yes, I did.
Q What was your initial involvement in that?
A What I was -- on November 3rd, 2016 I took a statement with Detective McClinton from Mr. Andrews.
Q So you just kind of came down and helped followup on some leads and stuff?
A Just helped followup on leads. I didn't really have a lot of involvement in it. Just speaking with people, as everybody in the detective's office kind of was. It was a murder at the time, so it was important.
Q So on November 3rd you -- you said you and Detective McClinton interviewed Mr. Andrews?
A Yes.
Q Where is Detective McClinton again?
A Detective McClinton is on military leave right now.
Q Let me show you what's been marked as State's 52. What's that?
A This is an adult waiver of rights form that Mr. Andrews signed the day that we interviewed him. It has all of his rights on there that he initialed. It has his name. Detective McClinton and him both signed it. I witnessed both of them signing it.
Q And so, he gave y'all a statement voluntarily again?
A Yes, sir. He was asked if he needed a lawyer or anything. He agreed to talk with us by signing this form,

so...

MR. THOMAS: And, Your Honor, I guess at this time I'd move 52 into evidence.

MR. HENDERSON: Without objection.

THE COURT: All right. State's 52 is in evidence.

(Whereupon, State's Exhibit Number 52 was entered into evidence.)

Q Let me show you what's been marked for ID only as State's 49. Do you recognize that?

A Yes, this is a copy of the interview that we did with him on November 3rd. With Mr. Andrews.

MR. THOMAS: All right. Your Honor, I've got State's 49 as an ID only, and then State's 50 is the one that we've agreed to publish to the jury.

THE COURT: All right.

MR. THOMAS: And at this time I'd move 50 into evidence and ask to publish it.

MR. HENDERSON: Without objection.

THE COURT: Without objection, 50 is in evidence.

(Whereupon, State's Exhibit Number 50 was admitted into evidence.)

THE COURT: And while he's playing that, if you want to step down and step back there, that's perfectly fine. You don't have to stay up here while this is being played.

THE WITNESS: Yes, sir. Thank you.

(Whereupon, the witness stepped down from the witness stand.)

(Whereupon, State's Exhibit Number 50 was published for the jury.)

MR. THOMAS: I think, for the record, it's at 56:32. We've agreed to just cut it off there.

THE COURT: Very good. All right. If you could come back up, please.

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

THE COURT: Of course, you're still under oath, Mr. Blackwell.

THE WITNESS: Yes, sir.

Q Detective Blackwell, I'll walk through a couple things with you that were said in that statement, and I'm sure Mr. Henderson is going to address some other things. Beginning of the statement did you remember Mr. Andrews saying something along the lines of I didn't really even know Barry?

A Yes, sir.

Q And then he circled around and told y'all about how he couldn't make it to the funeral?

A That's right.

Q Detective McClinton kept telling him he had two witnesses that were going to put him in the house.

A Yes, sir.

Q Is that an exaggeration or --
A It could have been an exaggeration he was using. I didn't know at the time if he talked to them or not. It could have been just a bluffing technique, him trying to put more people there to get him to finally admit to at least being at the scene.
Q But this was on -- this was taken on November 3rd?
A Yes, sir.
Q And they had spoken to Train Head on November 1st or 2nd? They had already spoken to Train Head at this point?
A Yeah.
Q Mr. Jackson?
A I believe. I didn't talk to him, but I believe Detective McClinton did.
Q And you did go with Detective Mclinton to talk to Zykerious Searles?
A Yes.
Q And Mr. Andrews was pretty adamant that he was over at Mr. Searles' house playing a video game and smoking a blunt for -- at one point he says an hour. But he's adamant that he played a video game and smoked a blunt?
A Yes, sir. He -- the whole time in question though you can hear he never denied -- he never admitted that he was lying about the -- or what we thought he was to be lying about it, because we talked to Mr. Searles about it and he

said I just gave him a ride. We never played a video game. And he -- no matter times we told him that he continued to say he did, so...

Q And he said Kevin Watson, at first he didn't know him, but then he does know him, and he just ultimately -- Kevin Watson wasn't with Zykerious?

A That's right. Kind of went back and forth with that.

Q And he said if y'all go ask my sister if I stayed with her she's going to say I didn't. Does that sound right?

A Sounds right.

Q And I think something weird happened there kind of towards the end. Did he ask for -- I guess were y'all showing him the pictures of the scene or of the autopsy photos?

A Well, I believe it was the autopsy photos. Detective McClinton showed him a photo of them and said, you know, how you going -- this is your friend. How you do this to him. And that's what he was talking about. He was showing him a photo then at that time.

Q Did he ask for a copy of that?

A Yes, he did. He asked for a copy of it. Said he wanted to hang it up in his room. That's when I said that's kind of sick, you know. Why would you want a copy of that to put in your room.

Q It sounds like Detective McClinton was getting a little

heated in there.

A Yes, there is emotion about -- you know, he wanted to figure out what happened to this man and the conversation got a little heated at times, but...

Q Was that a, I guess, a mutual sort of elevation, or were y'all just -- just Detective McClinton just kind of had had it, I guess? I don't know.

A I guess. You'd have to talk to Detective McClinton about that. But, I mean, there's kind of mutual going both ways. Didn't mean no disrespect to him or anyone else for the language he was using or anything. It's just -- you know, it was a heated topic.

Q And sometimes when y'all talk to suspects do you have to use a little bit courser language to --

A Yes, sir.

Q -- I guess, communicate on their level sometimes?

A Yes, sir. Sometimes we do use some colorful language.

Q You said you've been on the police force 10 years?

A Yes, sir.

Q You've done a lot of these interviews then, I would guess?

A Yes, sir. I've been in a number of interviews in my career.

Q Is it your experience that in these interviews people sort of give you a little kernel of the truth --

A Yes.
Q -- and not the whole truth necessarily?
A Not the whole truth. Sometimes some people will, but a lot of times it's a -- until they figure out what we have, or could have on them, they kind of want us to talk to them first before they'll finally admit something sometimes.
Q And that's what y'all were trying to do here?
A That's right.
Q Because at this point he was -- he had moved beyond just suspect stage and it was --
A That's right.
Q -- the investigation was narrowed to him?
A Had somebody point him out being there. After shots fired the only person in the house ran out. We knew that he was there. We just wanted him to tell us what was going on inside the house so maybe -- so we could figure that out. And we use whatever we could talking with him to try to get him to finally admit it.
Q But he stuck to his story and --
A That's right.
Q It was a pretty -- you had some details on where he was and what he was doing?
A Yes, sir.
Q Until, I guess, he did say he wanted to change one thing, and now we're not DJ anymore. He's talking to

Popsicle?

A That's right, Popsicle.

Q Are you familiar with anyone named Popsicle over on this side?

A Not right off the top of my head.

Q Not to say you don't -- that that person doesn't exist? You just don't --

A Not to say they don't exist, but I wasn't familiar with them.

Q And that's basically all you did in this case? You didn't do anything else really?

A That's it. Just kind of followed up with Mr. Searles with Detective McClinton and sat in that interview with him.

Q So you don't know anything else about anything that was done?

A I don't have a clue about anything. I didn't go to the crime scene the day of the incident or anything like that. I was just talking with this guy.

MR. THOMAS: Thank you, Detective Blackwell. I'll let you answer any questions Mr. Henderson may have.

THE WITNESS: Thank you.

CROSS-EXAMINATION

BY MR. HENDERSON:

Q Hey, Detective, how are you?

A Good, sir. How are you?

Q Good. Always good to see you. Glad to have you in town today. First thing. At this point in this interview I think you just said that my client was a suspect at this point in time?

A Yes, sir.

Q And basically, the only reason he was a suspect is this statement that Train Head, or Keith Jackson, had given, correct?

A Yes, sir.

Q And if I'm not mistaken, that was the third statement that Keith Jackson had given.

A I'm not sure about that at all.

Q I will represent it to you that that was the third statement that --

A Yes, sir.

Q -- at least the third recorded statement that Keith Jackson had given. And so, that -- at that point in time being a suspect, that's the only evidence you had against my client. Is that fair to say?

A Yes, sir. At that point in time.

Q Okay, at that point in time. So you told this trial jury you arrested the man for murder based upon the third statement given by a career criminal who turns out later broke into a church?

A Yes, sir.

Q Okay. So that's what really led to y'all's probable cause to arrest my client, correct?

A If there's --

Q At that point in time?

A If there was something else -- like I said, I wasn't involved in the full investigation, so I don't want to say for a fact that it was. But if there was something else, I didn't know about it. At the time that's what I thought.

Q Okay. That's what you thought anyway?

A Yes, sir.

Q Okay. And I heard you say that you do some work with the FBI?

A Yes, sir.

Q Did you say what, one of their Safe Streets projects?

A A gang task force.

Q But you're still a City Police Department --

A Yes. I'm employed by the City of Greenwood. They just put me on the task force where I work full-time, so...

Q And how long have you been on that task force?

A Around four years or so, maybe a little longer than that.

Q So you know how to contact the FBI?

A Yes, sir. I know how to contact the people that I'm on the task force with.

Q Right. I mean, you can call -- I mean, the FBI doesn't

have an unlisted number?

A No, sir.

Q So the police department knows how to get in touch with the FBI if they need them?

A Yes, sir.

Q Okay. I just want to make sure of that. And during this whole statement here, I mean, it's fair to say Detective McClinton was getting hot?

A Yes, sir. He was at times. But I think it was more trying to get his point across than anything directed toward your client. I don't think -- I mean, he was getting hot, but everybody -- your client was. It was an intense conversation as you can hear.

Q I understand. But as between the two of you, Detective McClinton is a little bit more of a hothead than you are?

A I mean, we can be the same. I ain't going to say he's more of a hothead than me, but...

Q Just listening to this statement, he seemed to be a lot more riled up than you were.

A He talked a lot more than I did.

Q And during that whole statement -- and you recognize there was a prior statement that you weren't involved with --

A Yes, sir. There was.

Q -- that was close to an hour and 50 minutes, in that

neck of the woods?

A That's what I heard.

Q Right.

A I haven't listened to it and I don't know nothing about it.

Q I will represent to you it's about an hour and 50 minutes. The trial jury over here, they've listened to it. And during that whole statement my client repeatedly said I didn't do it. I wasn't in the house.

A Yes, sir.

Q Does that sound familiar from this second video?

A Yeah. He said that several times.

Q He never varies from that, did he?

A Huh-uh. That's about the only thing he didn't vary.

Q Right. Well, Detective McClinton said, hey, could it have been an accident. You remember him -- maybe you asked that?

A I think I asked that. I said it could have been an accident.

Q What was his response? No, it wasn't an accident. It didn't happen.

A That's right.

Q And y'all were trying to get him to -- you were doing everything you call can to break him down?

A You're exactly right. We wanted to have him tell us

the truth about what happened and him to admit us being there.

Q And he didn't break?

A No, sir.

Q Do you recognize that on that statement a couple days prior that you weren't involved in that he agreed to take a polygraph? Were you aware of that?

A I was not. I had not clue about that.

Q To the best of your knowledge, did you offer him a polygraph?

A Did I?

Q Yeah.

A No, I did not.

Q Solicitor calls you telling -- you and Detective McClinton were telling him repeatedly that two people saw him run into Barry's house.

A Yes.

Q I want you to look these ladies and gentlemen in the eye and tell them who those two people are.

A As I told y'all, that was one of the -- we were trying to use that as a bluffing technique. Maybe there was more people that saw him for him to admit to coming in. So it was a bluff, same as the DNA in the house. Of course, at that time we didn't have any DNA. We were just trying to use that as a bluff at that time, just to get him to admit

to being there. So that's why we did that.
Q Sounded like to me you're just telling these 12 people here y'all lied to my client.
A If you want to call it a lie, it's a lie.
Q Well, a lie is a lie is a lie.
A Well, like I said, that was for us to try to get him to at least admit to being there.
Q And what, he told you I didn't do it.
A Yes, sir. He did.
Q He knows you were lying to him because he wasn't there, didn't he tell you?
A That's what he said.
Q Then you tell him that, hey, we've got two people that saw you running out of the house.
A Yes.
Q And I've heard this Keith Jackson, Train Head third statement. How is the other person that saw him running out of the house?
A I'm not sure. I don't believe -- if there was anybody I haven't heard of them.
Q So another lie? I mean, if I deliberately tell you something that's a falsehood, thou shalt not lie.
A As I said again, when you're using that as a bluffing technique in an attempt to get him to admit being there.
Q And he didn't break down. He told you I wasn't there.

A And again, he didn't ever admit to being there at all, as every one of y'all heard during his statement.

Q He didn't hedge on that at all?

A No, sir.

Q And y'all rode his hinny hard.

A Yes, sir. We did.

Q I mean, you rode --

A I'll admit to that.

Q I mean, you did everything but pin him down and beat him.

A That's farfetched, but --

Q Well, you understand --

A -- we talked to him.

Q Right. I mean, y'all talked to him hard and he said, Detective, I didn't do it. I wasn't there.

A Again, he did say that.

Q Okay. And you tell him that I've got your DNA in the house. You told him that?

A As I just told y'all, I use that as a bluffing technique. So yes, sir, I did tell him that in attempting to get him to admit to being there.

Q So another lie, but he didn't fall for it because he says he wasn't there.

A That's what he said.

Q Right. And he never varied from that?

A No, sir.
Q Okay. And again, he repeatedly tells you in this interview that his time skills are horrible?
A Yes, sir. He did say that his time skills were horrible. He didn't have a phone or anything like that.
Q No watch, no phone.
A That's right.
Q Detective Collins even suggested that he had no since of direction. I mean, direction by east, west, north, south.
A I'm not sure if he did or didn't. I wasn't in there for when Detective Collins seen him.
Q Okay. And you remember during this -- during this course he said I'm going to see you in court. I'm going to see you in trial. You remember him telling you that?
A Who said that?
Q Demorris, my client.
A He said that?
Q Yes.
A If he said that.
Q Right. I mean, I understand, a lot of it's kind of hard. I'm reading --
A I think he said he'd have a lawyer and --
Q -- I'm reading from a transcript.
A Yes. I'm sorry.

Q So, I mean, it's kind of hard to pick up oftentimes. But yeah, he said I'm going to see you in the courtroom.

A He did say that.

Q And guess what we're at today? We're in the courtroom.

A Yes, sir.

Q Okay. Let me -- you said you talked to Mr. Searles. Did I hear that correctly? Zykerious, Mr. Searles.

A Yes, sir.

Q Where did you talk to Zykerious at?

A We talked to him at the City Detectives Office.

Q So he actually came up to your all's place?

A Yes, sir.

Q Okay. And did y'all actually go to this Perrin Street house?

A Yes, sir. That's where we went to attempt to try to find him. After they got the first interview from him, that's where we -- he said he was and we wanted to verify if that was true or not. So that's when we went to the Perrin -- [redacted] Perrin Avenue.

Q Did you actually go in [redacted] Perrin Avenue, or you couldn't find Mr. Searles is what I'm trying to --

A I can't remember if he was there and the followed us up there, or if he wasn't there and his mom or aunt or somebody said that they'd get him to come up there and we talked to him there later, so...

Q Did you go inside to confirm about the PlayStation?
A No, sir. I mean, could have went inside, but I don't remember confirming about a PlayStation or anything like that.
Q You just don't remember what you did when you went inside, or even if you went inside?
A Well, like I said, I didn't talk to him. The main interview for him was at the police department.
Q I guess you rode with Detective McClinton to Perrin?
A Yes.
Q Is that what I'm hearing?
A I think so, yes.
Q Did you ever go over to -- or were you involved in going over to my client's sister's house, Shay Shay over in New Haven?
A I don't believe so.
Q That wasn't you?
A No, sir.
Q I think several detectives went and I haven't been able to figure out --
A I might have been in the car, walking around or something, but I don't remember going in there talking to her at all, so...
Q You don't remember going inside?
A No, sir.

Q Again, I just -- I'm wanting to read you verbatim.
A Yes.
Q But again, I think we've already discussed this in passing, but I want the jury to hear what your question was or comment was, what Detective McClinton's was. Two people watched you go in the house. Two people watched you run out of the house right after the damn gunshots. Two people is going to come to court and testify to that shit. And again, you're saying that's just bluffing?
A Yes, sir. That's when we're trying to get him to admit to being there.
Q So it's okay for you to lie?
A At that time there's nothing wrong with us trying to bluff this man into telling -- finally admitting to us what happened.
Q So it's okay for you to lie but not okay for him to tell the truth? Is that what I'm hearing?
A Well, it would have been perfectly fine for him to tell the truth. I don't believe he ever did during that interview, so...
Q What are you, some sort of human polygraph machine now?
A Based on who we talked to. He was actually lying several times. Even on the interview he changes his story, so...
Q He told you he doesn't have a watch. He told you he

doesn't keep track of time. He tells you -- I mean, he lives a carefree life. He doesn't have any responsibility.

A Yes, sir.

Q I mean, that's my client. I mean, you ought to pick that up from interviewing him for an hour.

A Yes, sir.

Q And surely Detective McClinton picked it up for interviewing him two hours previously. I mean, you're getting on this guy for not being able to tell time.

A I never fussed at him once about a time. I told him several times I believed that the time was irrelevant right then. We just want to know what happened.

Q And again, y'all tell him directly, we got evidence to prove that you were in the house?

A Yes, we did tell him that.

Q And the only person that comes from, Train Head on his third statement?

A Yes, sir.

Q You ain't got no physical evidence my guy was ever in that house, do you?

A No, sir. We didn't have any physical evidence.

Q You got no DNA evidence?

A No, sir.

Q No blood evidence?

A No, sir.

Q No fingerprint evidence?
A No, sir.
Q No blood splatter? Did y'all ever do a blood splatter analysis?
A I wasn't there. I have no idea what happened at the crime scene, so I don't want to comment on anything like that. But there was other detectives that would have been there, so...
Q Let me ask you. Is it typical in a murder case for the police department to do blood splatter analysis?
A I'm not going to say anything about what happened at that crime scene. Sometimes it could be, sometimes it couldn't be. It's depending on the situation. I wasn't there, so I don't know.
Q I understand. You weren't on the scene at all, were you?
A No, sir.
Q So you never went out there and saw Mr. Warren's body?
A No, sir.
Q Okay. But sometimes -- you're telling this jury that sometimes the Greenwood Police Department, during a murder investigation, will do blood splatter analysis?
A Depending on the situation, I guess.
Q Right. Right. I guess --
A I don't have anything to do with crime scenes, so I'm

not an expert in that and I don't want to say anything about it.

Q Does sometimes in these murder investigations that you've been involved with have the police department used this bullet trajectory analysis and have tried to figure out the angle that the bullet came from?

A Some people might. I never have, so I don't know.

Q You just don't know? You don't know what was done in this case?

A No, sir. I don't.

Q But your police department clearly has access to the FBI? You're working with the FBI?

A Yeah, with the gang task force.

Q Okay. And then y'all were telling Demorris here, you're going to prison?

A Yes, sir. We did.

Q I think I heard in there maybe you're going to prison for life. You're going to prison for 50 years. I mean, y'all are scaring him, y'all are threatening him, y'all are doing everything you can, and he continually tells you what? I didn't do it.

A Yes, sir. We were really wanting him to tell us the truth about what happened.

Q I mean, does Detective McClinton typically use this language with people he's talking to?

A Not all the time. I don't know.
Q You just don't know.
A I'm sure he cusses sometimes during his life. Everybody does sometimes I believe.
Q And then y'all tell him it's got to be eating you on the inside, and he says it's not eating me. I didn't do anything.
A Yeah, that's what he said.
Q Yeah. It's got to be weighing on your conscious. He says, it's not weighing on my conscious. I didn't do anything.
A He did say that.
Q I mean, just point after point after point. I mean, this is an adamant denial. This is an hour and 13 minutes, or whatever it was, of denial. Of him saying I didn't do it, isn't it?
A Yes, sir.
Q Okay. And you're familiar with this area on Gilliam Court, aren't you? I mean, you've been in the neighborhood?
A Yes, sir.
Q Are you aware -- even though you weren't there that night, do you know where Mr. Warren lived? Do you know where [redacted] Gilliam Court is?
A Yes, sir.
Q You would agree that when you drive up into Gilliam

Court it would be the last kind of duplex on the left?

A I can't remember if it's the last duplex on the left or the second to the last duplex on the left.

Q I'll represent to you it's the last one.

A Okay. Yes, sir.

Q And you know he -- Mr. Warren lived in 8. Another fellow lived in 9. And that's all -- that's what I call a duplex.

A Yes, sir.

Q But it's all one unit divided into two apartments?

A Yes, sir.

Q You understand what I'm talking about?

A Yes, sir.

Q And then, if I'm standing over here, say, to the right of unit number 9, I'm looking at Dallas Court, aren't I?

A Yes, sir.

Q And there's a little path that runs right through the side of unit number 9 into Dallas Court?

A Yes. There's several paths through there.

Q There's several paths through there, right?

A Uh-huh.

Q And I'm just looking at what y'all told Demorris during this interview where there's -- I guess, obviously talking about Train Head, saying that he watched you run through the path right there going toward Dallas.

A Yes.
Q Do you remember that?
A I believe Detective McClinton told him that.
Q I think it was Detective McClinton. But that's -- Dallas is Dallas Court, right?
A That's right. It's right behind the apartments.
Q Right behind the apartment. So if Barry's apartment is here, number 9 is here, Barry -- if you're running -- say if somebody ran down Barry's steps. You know, they would run down the steps. They would have to cross by number 9. You would agree with me?
A Unless he took a left right off of the steps.
Q You can't take a left right off the steps. He'd be running -- you'd be running into apartment number 9.
A Well, there's a -- I believe that you can get through -- there's space in between the apartments where he could have took a left. Anybody could have walked through there.
Q Not between 8 and 9.
A Between 8 and 9?
Q I will represent to you 8 and 9 is one unit.
A Oh, well, it is a duplex. And if that was the last apartment duplex on the left, then there wouldn't be anything for him to run by.
Q He'd have to go by 9, right? I mean, he -
A If it's the same building, yeah, he definitely would.

Yes, sir.

Q Yeah, he's not Superman. He can't go through the building.

A No.

Q So, I mean, if he came down the steps he'd have to come around number 9 to get on that path going into Dallas Court. Does that make sense to you?

A Yeah, it would make sense.

Q So according to, I guess, Detective McClinton saying that we've got this Train Head who sees you running up the path going toward Dallas.

A He did say that.

Q Okay. You remember that. You were there.

A Yes, sir.

Q So if he's on the path -- or whoever's on the path, or if anybody's on the path running toward Dallas, is it fair to say that somebody who's walking back this way from Dallas Court on this path, they've got to cross?

A Like I said, there's several trials there. Maybe they did, maybe they didn't. I couldn't say.

Q I'm talking about the main one that takes you into Dallas Court.

A Yes, sir. But there's several trails through there that takes you into Dallas Court.

Q I'm talking about the one right after number 9.

There's a specific trail right there.

A Yeah, I guess if they were on the same trail and passed each other you'd definitely see them if you were there at the same time.

Q Right. There's no possible way. I mean, they couldn't have missed one another?

A No, not if two people were going by each other, you're going to see them.

Q They'd have to see one another. You would agree with that?

A Yes, sir.

Q Okay. And then either you or Detective McClinton one asked him -- when talking to Demorris about, you know, his day, y'all asked him he might have this confused with another day. Do you remember that?

A I believe I could have said that, because he was adamant that he was talking with people that we knew he didn't talk to because they were at work --

Q Right.

A -- and I said maybe you have this date confused with another date. That's why you keep telling us that you were talking to them, but we obviously know you didn't talk to him at this time because --

Q And he finally figured out or came to the conclusion when y'all showed him that DJ had to be at work on this day,

so it had to be another day?

A When we proved to him that what he was telling us wasn't true, he did say another name at that time.

Q And again, y'all were asking him was it an accident. Trying to take off, you know, the intentional part of it. You said maybe it's an accident. And he said, heck no, it's not an accident. It didn't happen.

A yes, sir. We said it could have been an accident. Might not have meant to.

Q Could have self-defense? I don't think y'all used self-defense, but I'm surprised y'all didn't use the word self-defense.

A Could have been anything. We were just trying to figure out -- get him to admit to us to being there and what happened.

Q But whatever it was he said I didn't do it. It wasn't me.

A That's right. He said that.

MR. HENDERSON: If I may have one minute, Your Honor.

THE COURT: Yes, sir.

MR. HENDERSON: I don't have anything further, Your Honor.

THE COURT: Redirect.

REDIRECT EXAMINATION

BY MR. THOMAS:

Q Detective Blackwell, in your 10 years on the force and your four years with the FBI task force, has the FBI ever come down to investigate a murder case in Greenwood County?

A No, sir.

Q Why not?

A It's something that they don't do. They just don't ever come out for anything like that. And the task force I'm on, we investigate gang stuff. We don't do any kind of murder investigation or anything.

Q And you're all over the Upstate with that?

A Yes, sir.

Q Mr. Henderson asked you a whole bunch of questions that asked you to speculate about if the house is here and the path is here and the people are there. You never went out to the scene that day?

A I was at the scene that day. No.

Q The only people you talked to in this case are Mr. Andrews --

A Yes.

Q -- and Zykerious Searles?

A Yes.

Q And the story Mr. Andrews gave you, did that match up with the story Mr. Searles gave you?

A Not at all.

MR. THOMAS: Thank you, Detective.

THE COURT: All right. Thank you very much for coming. You're free to go. Take care of yourself.

THE WITNESS: Yes, sir.

(Whereupon, the witness stepped down from the witness stand.)

THE COURT: Ladies and gentlemen, you may not be in need of a break but I desperately am, therefore we will. Okay? About 10 minutes or so. Adjourn to the back, refresh yourselves, get something to drink. Don't talk about the case. I'll have you back out here ASAP. We have at least two witnesses that we do have to get to today. Okay? Get you back as soon as possible.

(Whereupon, the jury exited the courtroom at 3:14 p.m.)

THE COURT: We'll be at ease for a few moments.

(Whereupon, a recess was taken from 3:14 p.m. to 3:42 p.m.)

(Whereupon, the jury entered the courtroom at 3:42 p.m.)

THE COURT: The record will reflect that the jury is back and seated. Mr. Brown, if you'll call your next witness, please.

MR. BROWN: Thank you, Your Honor. The State calls Michelle Eichenmiller.

MICHELLE EICHENMILLER, having first been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BROWN:

Q Good afternoon, Ms. Eichenmiller.

A Hello.

Q Ms. Eichenmiller, where do you work?

A I work for the South Carolina Law Enforcement Division in the forensic lab in the firearms department.

Q And how long have you been with SLED?

A Approximately 12 years.

Q What is your title in the firearms department?

A I'm a forensic firearms examiner.

Q And what is that?

A Our jobs are to -- any evidence that comes in from a crime scene submitted to the laboratory. Really is the firearms is what I deal with. So any firearms, any fire cartridge cases, any bullets or anything else under our umbrella.

Q So technically the firearms and ballistics which would be toolmark examination, or markings?

A Yeah, that's part of it.

Q Part of it. And to become a forensics firearms and ballistics expert do you have training for that?

A I do. I have a bachelor's degree in biology and a master's degree in forensic science. But to be a firearms examiner there's no school to go to. You have to do an

apprenticeship like program. So once I got to SLED I completed the SLED in-house training program, which is approximately three to four years of extensive reading, practices -- practicals on my own, and then sitting with the examiners that are already on staff learning how to do the job. At the end of that I did a comprehensive final, and then they deemed me worthy of doing cases on my own.

Q And have you ever been qualified in the Court of General in South Carolina as an expert in firearms, ballistics and toolmark examinations?

A I have.

Q Approximately how many times?

A Approximately 55 times.

MR. BROWN: Your Honor, the State would move Ms. Michelle Eichenmiller as an expert in firearms, ballistics and toolmark examinations.

MR. HENDERSON: Without objection.

THE COURT: All right. Ladies and gentlemen, in this case the parties agree that Ms. Eichenmiller is an expert in the field of forensic firearm examination, toolmark, etcetera. And normally when a witness testifies they can only testify about something that they've observed with one of their five senses. Something they saw, heard, smelled, etcetera. But an except to this rule exists for experts, and an expert can give opinion testimony that you can use as

you deem appropriate. They're not limited to simply what they observe, but they can offer opinion testimony. All right?

Solicitor, you may continue.

Q Now, Ms. Eichenmiller, in this case did you or another forensics firearm expert scientist receive two fired bullets and two cartridge casings for examination?

A Yes, we did.

Q And when this is sent down -- this case was investigated by Greenwood City Police Department. When these items are submitted down are they given a specific lab number at SLED?

A Yes. Once evidence comes into the building they meet with our evidence technician who assigned a unique case number to all the evidence that comes in from one particular case.

Q And in this case the SLED -- lab number is L16-15-244?

A Yes.

Q And approximately how many items were submitted for your examination, or for an examination by James W. Green, the other forensic scientist?

A We received four items in the firearms department.

Q And what were they labeled as?

A Two cartridges casings and two fired bullets.

Q I'm going to show you what's already in evidence as

State's 40, 41, 38 and 39. Take a look at these items and tell me if you recognize them.

A Whenever evidence comes into the lab the examiner will mark it with their initials, the item number and the case number, and then once it's ready to leave we heat seal the bag and initial it and put a date on it. These are the items we examined in this case.

Q Ms. Eichenmiller, on that actual report it does have James W. Green, forensic scientist who did the initial testing. What did you do in this case, and can you explain kind of why you did that?

A In the firearms department we have 100 percent micro verification. So one examiner will work the case, right up all the evidence. We have worksheets that we write up. Take pictures and do microscopic comparisons. Once they're completed, then they'll call in another examiner to micro verify their results. So two examiners have looked at the evidence.

Q And you were the second examiner?

A Yes.

Q So you actually were hands-on and analyzed these two bullets and cartridge cases?

A Yes.

Q Now, going through item number six. What is item six?

A Six is a fired cartridge case.

Q And item seven is also a fired cartridge case?
A Yes.
Q What caliber were those cases?
A They're .380 auto caliber.
Q Now, there's been some testimony about small calibers, large calibers and intermediate caliber. What would you consider a small caliber?
A The smallest one we usually is a .22.
Q And a large caliber pistol, or a cartridge case for a pistol?
A It's about .45 auto.
Q Where would a .380 come in on that range?
A It comes in sort of around the middle.
Q Is it the same diameter as a 9 millimeter?
A Yes, that's correct.
Q Now, after examining those two .380 auto caliber cartridge cases which were located in the bedroom, what were the results?
A We examined them under a microscopic -- on a microscope, and those results were inclusive. There wasn't enough marks there for us to tell for sure that they came from the same firearm.
Q Were there some similarities?
A There were some similarities.
Q And why -- what are some reasons why they might not

have the same marks?

A It depends on the ammunition. Even ammo that came from the same box could mark it differently. It also depends on the firearm. Some firearms just don't mark as well as others. And some it depends on the way you're holding the firearm even how well it will mark the cartridge cases.

Q Is this unusual to have two cartridge cases laying side-by-side and might not have the same identical toolmarks?

A Yes, it's not -- it's not uncommon.

Q It's not uncommon. Now, item eight and nine, which are -- they're both fired bullets located in the house, located in a pile of clothes, what were -- what were the results on items eight and nine?

A They were most consistent with .380 auto caliber bullets. When we microscopically compared them we couldn't tell if they were fired by the same firearm either. Both exhibited the same general characteristics which are they have the same number of lands and grooves and the same direction of twist and the same caliber.

Q When -- you just mentioned lands and grooves. What is that?

A Lands and grooves are put in a barrel by a manufacturer. They can chose what number they like to put in their firearms. It gives rotation to bullets. So it's

like a quarterback throwing a football. It'll make -- it'll make the bullet rotate and spin and get to its target.

Q And those lands and grooves inside the barrel of pistol, do they -- do those make a marking on a bullet?

A Yes.

Q And if they're making a marking on the bullet, is there something being removed from the bullet, any little shards of metal or lead?

A It could be. Mostly they just mark the bullet with like scratches, we call them striations, that we look at microscopically.

Q Now, these bullets also came back were consistent with a .380 auto?

A Yes.

Q What -- being a firearms expert, what is an auto? What do you mean by that?

A Auto just means it's a caliber that was made for a semiautomatic pistol.

Q And what's a semiautomatic pistol?

A It's a pistol -- they use a magazine to shoot, and it will keep shooting as long as they're ammunition in the magazine and you keep pulling the trigger. So it just -- it keeps going. It's unlike a revolver that has a rotating cylinder that we're probably all familiar with from cowboy movies. This one will fire, load another cartridge. You

pull the trigger again it will fire it, load another one until the magazine is empty.

Q And once it fires one bullet it's also ejecting the cartridge case?

A Correct.

Q And can that eject to the side or backwards in some guns?

A It depends on the firearm, but it could go left, right, over the top.

Q And when it's ejected they fly out normally? I know you didn't get to examine this gun. The gun was never found. But in other .380 autos do the shell casings kick out?

A Yes, they kick out.

Q It can bounce off of other objects potentially?

A Correct.

Q You mentioned a magazine. A semiautomatic has a magazine. Is that also what some people refer to as a clip?

A Yes.

Q And based off of your analysis of these cartridge casings and the bullets, could you give an idea or have what likely -- what firearm likely fired these two bullets?

A We can. We have a database that has manufactures and the number of lands and grooves along with the caliber. Once we take down all the information from any evidence we

received, we can put it in the database and the database will spit out a list of potential firearms that have that -- those characteristics?

Q And in this case were you able to -- how many lands, how many groves were on these two bullets?

A They had nine lands and grooves with a left-hand twist.

Q And what would that be consistent with? What kind of revolver or firearm?

A At this time there's only one manufacturer that uses that rifling and it's Hi-Point Firearms, and they have semiautomatic pistols.

Q And are they real expensive pistols or are they -- or do you know?

A They're on the lower end of --

Q Lower end. Now, going back to the cartridge casings being ejected. When they're fired and they're coming out of the pistol do they usually have a temperature associated with it?

A Due to firing they can be warm.

MR. BROWN: I don't believe I have any further questions. Please answer anything Mr. Henderson may have for you.

CROSS-EXAMINATION

BY MR. HENDERSON:

Q Hey, ma'am, how are you today?

A Hello.
Q I think I heard you right that you're in the forensic division, or is it forensics department?
A The forensics lab. I work in the firearms department.
Q Firearms department. So forensics is kind of the big overall?
A Yes.
Q And you're in the firearms department?
A Correct.
Q And I'm thinking there's also like a crime scene department.
A Yes.
Q I mean, in the forensics there's all sorts of departments?
A Correct.
Q Okay. So SLED does all sorts of stuff as it relates to criminal investigation?
A Yes.
Q And you just happen to work in the firearms department of the forensics department --
A Correct.
Q -- is that fair to say? Let me ask you. Who at SLED -- would it be your particular division that would do like bullet trajectory analysis? Which part of SLED would do that?

A There's really not a department that does bullet trajectory at SLED.

Q Who down there would do that type of work? If Greenwood Police needed it done who would do it?

A There really isn't anyone to refer them to. We'd probably refer them to either the FBI lab.

Q So it's -- so if SLED -- so if the police department called you there's a place for you send them?

A Yes.

Q How about blood splatter analysis?

A That's our crime scene department.

Q Crime scene does that, no doubt it?

A Right.

Q You know that SLED does blood splatter analysis?

A Correct.

Q Okay. Do you work with those guys, or you just hear about it, or you know they do it?

A They're on the same floor as we are, so -- and we talk to them.

Q So you know -- you know what they do for a living?

A Yes.

Q They know what you do for a living?

A Correct.

Q How about -- what division there would do like gunshot residue testing?

A That's the trace evidence department.
Q Is that part of forensics as well?
A Yes.
Q So if Greenwood Police Department needed, say, some help with gunshot residue testing they could give SLED a call?
A Correct.
Q It's not like SLED's number is unlisted, is it?
A No.
Q I mean, all these police departments know how to find you?
A Correct.
Q If they're having trouble doing stuff here locally they can all SLED? That's what SLED's for, isn't it?
A Right. SLED is an assisting agency for any department in the state that needs our assistance.
Q It's actually the State Law Enforcement Division, isn't it?
A Correct.
Q And if the State Law Enforcement Division is not qualified or able to do something you said you can refer these agencies to the FBI?
A Correct.
Q Or if they couldn't do the FBI could Georgia help them, could North Carolina help them, or is that a possibility?

A We would help them find someone that could do something for them, whatever they're looking for.

Q You're not just going to tell them, hey, we don't know how to do that, tough?

A Correct.

Q I mean, that's not your all's answer, is it?

A No. We try to be as helpful in assistance as possible.

Q Okay. I mean, that's why you're here today?

A Correct.

Q I mean, trying to help out the department, trying to help out this trial jury understand what was going on that day?

A Yes.

MR. HENDERSON: Give me one moment, Your Honor.

THE COURT: Yes, sir.

MR. HENDERSON: I don't have anything else, Your Honor.

THE COURT: Thank you very much. Thank you for coming. Drive safely on the way back to Columbia. Okay?

(Whereupon, the witness stepped down from the witness stand.)

THE COURT: Call your next witness.

MR. BROWN: The State calls Dr. Brett Woodard.

DR. BRETT WOODARD, having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BROWN:

Q Good afternoon, Dr. Woodard.

A Good afternoon.

Q Dr. Woodard, what is your occupation?

A I'm a medical doctor licensed in the state of South Carolina and I practice in the field of pathology. Since December of last year I practiced entirely in forensic pathology.

Q Dr. Woodard, to become a pathologist -- let's just go through your educational background to go through undergrad all the way through --

A I attended the University of Pittsburgh and received my baccalaureate degree. I then -- I went to Tulane University in New Orleans and received my medical degree. I did an internship at the Charity Hospital of New Orleans. I did residency training in pathology at Duke University Medical Center in the Durham Veterans Administration Hospital, then I did fellowship training in forensic pathology at the North Carolina Medical Examiner's Office.

Q Dr. Woodard, what is pathology and what is forensic pathology?

A Pathology is the study of human illness and disease. The -- how to diagnose is and grade how extensive those processes are using the liquids of the body, such as urine or blood, as well as tissues and cells from the body.

Forensic pathology is the study of human injury and how it interacts with disease to determine the cause, manner and mechanism of death or the injury.

Q Dr. Woodard, approximately how many times have you testified as an expert in forensic pathology in a Court of General Sessions?

A Hundreds.

Q And how long have you been practicing medicine?

A I began practicing in South Carolina in '82. I began practicing medicine in '75.

MR. BROWN: Your Honor, at this time the State would offer Dr. Brett Woodard as an expert in the field of forensic pathology.

MR. HENDERSON: Without objection.

THE COURT: All right. Again, ladies and gentlemen, because the parties agree that Dr. Woodard is an expert in the field of forensic pathology he can give opinion testimony and he's not limited to merely what he may have seen or heard. You may continue.

MR. BROWN: Thank you, Judge.

Q Dr. Woodard, back in October 26th, 2016 did you perform an autopsy on Barry Warren?

A Yes, I did. At approximately 11:00 a.m. in the morning.

Q And the Coroner Sonny Cox with the Greenwood Coroner's

Office brought him to your -- to Anderson for you to conduct that autopsy?

A That's correct.

Q Dr. Woodard, would you explain how you go about performing an autopsy?

A We start with any information we can gather from the scene investigation that was conducted by the Coroner or police authorities that are present. And if neither of those are present, then we discuss with whoever's brought the body what information they believe to be true. We then examine the body on it's exterior surfaces, which would include the clothing that it's clothed in at the time we receive it. We would look for injuries, blood patterns on the body, and any kind of injuries that could be caused by blunt trauma, sharp trauma or projectiles on the clothing or on the surface of the body that is exposed that doesn't have clothing. We take certain samples before we start the autopsy. Samples for toxicology. It usually consists of urine and blood. We take any samples of any foreign materials that may be attached to the surface of the body, and we take what we call exemplar hairs that if it was a transfer of the victim's hair to the perpetrator, the perpetrator's hair to the victim, we collect those types of things off the surface of the body. We then look inside the body in an orderly fashion that's been predicated to produce

the least amount of artifact as we do the procedure so that we can see what injuries occurred in the body and how they may have incapacitated and ultimately led to the death of the individual that we've been presented with. We then collect certain specimens so that additional testing could be done if necessary, such as additional toxicology testing or DNA testing on the deceased.

Q Dr. Woodard, as you gain background information on the patient that was brought in, Barry Warren, did you learn of his age?

A Yes. He was 57 years old.

Q Dr. Woodard, once you began the autopsy, jumping right to your findings, what did you -- what did you -- what did you document?

A I documented that he had two gunshot wounds. One was to his left neck that passed into the tissues of the neck that passed into the tissues of the neck toward the carotid artery, the major artery on the left side in the front that goes to your brain, across through the soft tissues at the base of the tongue and broke a little floating bone called the hyoid bone, and then crossed to the right side and came out the soft tissues of the right side of the neck. Another was to his right hand. This grazed from his thumb side going to his little finger side across the non-palm side of the hand. This did not produce any damage to any bony

structures or tendon structures to that hand.

Q Dr. Woodard, I want to start with a photograph, State's No. 32. Starting with the hand first.

A This is the hand wound over what we refer to as the dorsal side of the hand, or the non-palmer side. You see his thumb and his finger. You see that it's broad on the thumb side and it's pointed on the second finger side. That tells us the direction it's going in. And this is a graze wound that just barely is scrapping along the surface of the skin.

Q Now, Dr. Woodard, I show you -- before we get into the next photograph, could you explain the closeness -- or closeness of this shot. I know the next photographs will be better. But does this picture have stippling in it?

A This doesn't have stippling or powder debris placed on the skin. When a gunshot is fired, not only does the bullet come out the end of the barrel under the force of the explosion, but little tiny pieces of metal fragment that are scrapped off the surface of the bullet as it goes down the riffling or the ribbing that's on the inside of the barrel is also thrown forward. Because it's much smaller in mass, it can't be thrown as far as the bullet itself can be thrown. Also, powder comes out that's unburnt. And because that powder is very fine, it can only be thrown a very short distance. We usually see powder out to three to six inches

in most standard modern handguns. We see stippling somewhere between six and 12 inches with most modern handguns. It can vary based on the ammunition and the age of the ammunition that's used, as well as the length of the barrel of the gun.

Q Dr. Woodard, it's been testified to these bullets -- the bullets and cartridge casings came from a .380 handgun. Dr. Woodard, this photograph of Mr. Warren's right hand, did you notice any powder or stippling?

A No, there's no powder or stippling on his hand.

Q We'll come back to that photograph momentarily. Dr. Woodard, I want to show you what's been marked as State's Evidence 33.

A This represents the left side of the victim's face. It's not well shown here, but you can see sort of behind the line of his hair a wound on his neck, yes.

Q Is that the entry wound?

A Yes.

Q Dr. Woodward, State's 34.

A This shows under his chin on the right side. On the right side it shows a tear underneath the chin on the right side which is where the bullet has now left the body after coming in the left side.

Q State's 35.

A This is a better picture of the bullet -- around the

bullet going up toward his hair you see little red dots. Those little red dots represent stippling. Stippling actually is an injury to the skin because there was a small particle there that struck the skin and injured the skin. You can see it going up and going down and going forward. You also can observe that there's at least nothing here that would do what we call block the stippling, meaning prevent it from continuing on. He doesn't have thick hair. He doesn't have a thick beard or other such things that could block it.

Q And again, with this entry wound and the stippling around, what would that suggest that --

A That tells us top to put this in the category of a near range gunshot wound. That means the end of the barrel of the gun is somewhere between six and 12 inches away from him at the time it's fired.

Q I think Defense counsel mentioned earlier executed. Would you -- would that close range be considered what you would classify as an execution shot?

A It would be consistent with that, yes.

Q And again, this is a closer picture, State's 36.

A Again you can see the red dots. That's our case identifying number and the fact that the case represents a Greenwood County autopsy. And you can see those red dots of the stippling. But you don't see any fine black powder

around this entry wound.

Q And again, how far away would you estimate the pistol was from Mr. Warren's neck?

A Six to 12 inches.

Q And State's 37.

A This represents the irregular wound in the bottom of his chin and it represents the exit wound.

Q Dr. Woodard, the entry wound in the side of Mr. Warren's left neck, and the exit wound to the side, the right lower of Mr. Warren's -- below his jaw, could you determine a trajectory of this bullet?

A The bullet came from the back left behind the ear on the left side. It went in a slightly downward direction. It dropped approximately one inch. Those I can't say that the head wasn't cocked to achieve that drop, but it drops approximately one inch as it goes. And it hits a major artery, the carotid artery, which would produce a significant amount of bleeding.

Q And based on your examination of Mr. Warren can you say definitively if the gunshot to his hand was the same shot that went through his neck --

A No.

Q -- or it could have been a separate --

A I can't say that he didn't have the gunshot -- the hand somewhere to the right -- his right hand somewhere to the

right of his body at the time that bullet exited, or if it was a complete second shot.

Q Dr. Woodard, I believe you saw a couple photographs before your testimony today of the crime scene. With you being a forensic pathologist, does that help tell a story of what could have happened?

A It helps -- shows the activity after the injury, and conform with our expectations or not conform with our expectations of the activity that would be present. Yes.

Q Dr. Woodard, I'll show you State's No. 19. I'll draw your attention to this entertain system. This mark right above my finger. And also State's 20. The inside of the entertainment center. What does that appear to be? What trajectory does that appear to be to you? And I could bring these to you.

A That shows a projectile going through the entertainment center from what would be perceived as the outside of the entertainment center to the inside of the entertainment center. And again, we see a great deal of blood there on the floor, which would be consistent with this arterial injury and it's effected -- it's expected effect.

Q And does it also appear to be a downward trajectory? I can show you these closeup if you like.

A There's really not a lot of distance and thickness of that wood to make a definitive statement. It's not

inconsistent with a downward trajectory, but it's -- you know, it's a quarter to three-eighths inch wood. Not a long way to travel to make a definitive statement.

Q Now, Dr. Woodward, with this injury to Mr. Warren shot through the left side of his neck, what would have happened to Mr. Warren after this bullet enters his body?

A He would still be conscious. He would perceive the fact that he'd been injured. He may or may not be totally -- he may have a degree of shock and, therefore, not totally be aware of the fact that he's bleeding as profusely as he is. But he will quickly -- his blood pressure will begin to fall. When the blood pressure falls enough, when he's bleed enough, then he'll no longer be able to maintain blood flow to his brain, so he will become unconscious. And shortly after he becomes unconscious he'll go into irreversible shock and die.

Q Photographs from the bedroom. I'll show you State's 20. With the entry into the TV stand and the blood on the floor, how would this -- how would the blood be exiting his body? At what -- would it be more pressure initially?

A Yeah. It would start out with a high blood pressure, but as the volume in his circulation begins to fall, the blood that came out of his body, the pressure would begin to fall. And once the pressure fell far enough he couldn't maintain consciousness, though his heart may continue to

beat.

Q Here's the other photographs. I show you State's 12. The view from the entertainment system.

A Again, you see a great deal of blood and you see blood on the bed sheet at the bottom and sort of an arch, which would be very consistent with the -- an arterial bleed as it comes out under higher pressure than a venous bleed. And you see very large amounts of blood coming down this hallway toward the camera.

Q I'll show you State's 13.

A We see the blood continuing on down the hallway toward the camera. We see very large quantities of blood on the left side of this film as we look at this.

Q And again, that would be consistent with having a gunshot to the left side of his neck?

A That's correct. The closest place for this to evacuate the blood is going to be out the entry hole.

Q And, Dr. Woodard, State's 10. After leaving the bedroom, in this photograph Mr. Warren is at the front door. Would that be after -- obviously after he's lost a lot of blood and the pressure's down?

A He's had significant reduction in his blood pressure. You see a huge puddle of blood a little closer to the door than he is. You see the clothing. The clothing that we received him in. You see blood on the bottom of his shoes

indicating that he was stepping on blood.

Q Dr. Woodard, ultimately the cause of death was the shot to the left -- to his left --

A It was a tearing of the left carotid artery due to the gunshot wound to the neck.

Q And you classified this -- this death as a what?

A A homicide.

MR. BROWN: No further questions.

MR. HENDERSON: If I may have one moment, Your Honor.

CROSS-EXAMINATION

BY MR. HENDERSON:

Q Doctor, how are you?

A Great, thank you.

Q Very briefly. Can you offer any opinion at all, from the time of the shot how long would it take -- have taken for Mr. Warren to pass away?

A To become unconscious wouldn't take all that long, but to totally die, his heart would beat on after he collapses into the position there at the front door. But without emergency services at a high level he wouldn't even survive long enough to become an organ donor.

Q Okay. Going back to the collapse. Once he's lost enough blood where he collapses. How long would it take from the time of the shot to the time of the collapse where that last picture was? Him lying in his livingroom floor.

A It could be a minute, minute and a half.
Q Taking that picture that we just saw -- the jury just saw with him lying in his livingroom floor, knowing how he was shot, is there any possible way for him to have survived 10 minutes?
A Without emergency medical care I would not anticipate that he would survive 10 minutes.
Q How about consciousness for 10 minutes?
A No, I would not anticipate consciousness for 10 minutes.
Q So you anticipate consciousness for a minute to a minute and a half?
A Somewhere in that range.
MR. HENDERSON: If I may have one minute, Your Honor. I don't have anything further, Your Honor. Thank you, Doctor.

REDIRECT EXAMINATION

BY MR. BROWN:

Q Dr. Woodard, just one question. Being able to survive for a minute and a half, walk through the back bedroom to the front door, could somebody also be able to say or speak words before they collapse?
A Yes, sir. The structures of his voice box were in no way injured by this bullet.
Q So he could say I've been shot?

A He could say I've been shot. He could make some sort of death statement.

MR. BROWN: Thank you, Dr. Woodard.

THE COURT: All right. Doctor, thank you for coming. Sorry to keep you waiting. Safe travels back to Anderson.

(Whereupon, the witness stepped down from the witness stand.)

THE COURT: Call your next witness.

MR. THOMAS: Your Honor, State calls Blake Moore.

BLAKE MOORE, having first been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. THOMAS:

Q Detective Moore, were do you currently work?

A Greenwood City Police Department.

Q And what's your current rank?

A Sergeant.

Q And what division do you work in over there?

A Investigation division.

Q So walk us through what kind of education and training and experience it takes to become a sergeant in the investigations division.

A After graduating high school I went and received a four year degree from Lander University. I then attended -- I went to interview with the police department, became hired.

Went to the South Carolina Criminal Justice Academy for nine weeks. I spent approximately two and a half years on the road in the uniform patrol division. I then -- a slot came open in investigations. I was qualified -- I was a qualified candidate. I put my name in. Sat before an interview board, and then was hired to join the investigation division. While in the investigation division I went to numerous training classes, basic homicide investigation, interview and interrogation, basic detective. I've been to an arson class, human trafficking. There's probably more. I just can't remember.

Q Human trafficking. Were you on some kind of task force or --

A The Upstate human trafficking task force.

Q And how long have you been in investigations again? I missed that, I think. I'm sorry.

A Investigations five -- September will be six years.

Q So in October of 2016 you're looking at about four years, five years of investigations?

A Something like that.

Q Three? I'm bad at math. So you -- I guess we've established by now you were the lead detective on the murder of Barry Warren?

A Correct.

Q Did you show up on scene on Gilliam Court on October

25th?

A I did.

Q And describe to us where Gilliam Court is in Greenwood.

A It's on the -- if you go by the city it's on the east -- the east side of the city limits of Greenwood, what we call zone four, which is if you're traveling south on South Main Street, it'll be on the left-hand side approximately half a mile, mile off South Main.

Q So back over here sort of between the Post Office and the packing plant?

A Correct.

Q And while you were on uniform patrol I'm sure you had plenty of chances to go out there, respond to calls, walk around. Is that something you did regularly?

A I did.

Q Is that something you still end up doing from time to time as a detective?

A I do.

Q When you got to Gilliam Court that night what -- about what time did you get there?

A I'd say a few minutes after the call came in, because I was still at work, so I didn't have to get called in in the middle of the night.

Q And this was right -- right at, I guess -- what time do y'all get off? I guess the --

A Between --
Q -- workday is 5:30?
A Yeah, between 5:00 and 5:30 is when investigators usually get off.
Q Not to say y'all don't work other hours --
A Right.
Q -- on this one. So you were out there. Were there other detectives there?
A As far as I remember, I think the majority of the office was but maybe one or two. They may have been on vacation or something, but I'd say pretty much the whole office.
Q And why is the whole office out on Gilliam Court that day?
A Well, we were all still at work. A call came in to dispatch of someone being shot on Gilliam Court. We knew that uniform patrol was going to be the first there. Instead of them having to call us, we responded right away.
Q And I think you said you weren't -- I mean, you're the lead detective, but what does that really mean in terms of how you're assigned cases and whatnot?
A When it comes to the investigation division, the police department answers calls 24 hours a day, seven days a week every day of the year. It's our supervisors' -- one of their duties to come into the office every morning and go

through cases and see what needs to be assigned out. Not that every case is not important. But, for instance, financial crime. It usually don't take seven investigators to work a financial crime. But like I may be assigned that. And so, in this case we all responded. We all had our parts to do in this case. But I was deemed the lead investigator even though we all worked on it pretty much to keep up with the case file, say what -- you're heard all the other officers testify what they did. They would come hand to me -- it's my job to make sure it's in the case file.

Q So you're sort of -- your job is to sort of -- I don't want to say supervise the investigation, but to sort of keep things corralled and make sure everybody is on the right track?

A Correct.

Q When you got to Gilliam Court that day a lot of uniform patrol, a lot of investigators. Were there a lot of civilians out there also?

A There were tons.

Q And is that sort of a common scene when y'all have something like this in the city?

A The majority of the time, yes.

Q Why is that?

A I mean, we live -- or we work within the city. Houses are very close together. People talk, people see what's

going on. They're also nosey. They want to know what's going on. So especially when they see us running blue lights and sirens somewhere they know something's wrong, so they usually -- if they wasn't there, then they're going to start gathering there.

Q So on a murder scene you end up with what looks like State's Exhibit 31? A lot of people hanging around?

A That's right.

Q And when you got there, investigators and uniform patrol, were they already trying to track down leads?

A Correct.

Q Were they trying to talk to people and see if anybody knew anything?

A I know probably all of them did, but I can definitely speak for myself. I walked up -- I walked to that crime -- up to that crime scene tape numerous times asking people, the whole crowd, what did you see. They would just -- I don't know how else to put this, but they kind of give you the go to hell look and say I'm not telling you anything, or they say I don't -- I didn't see anything. And I think we've had maybe a couple people testify that were even there, two, and you see 40 something people there.

Q And that's a common occurrence for y'all?

A Very common.

Q It's something you run into in the city?

A Correct.
Q All right. So you get there and you try to followup on as many people that will talk to you as they will. I guess the coroner came and pronounced Mr. Warren dead?
A Correct.
Q After he did that what's your all's next step once you get the body out?
A To start documenting -- I mean, well, we start documenting the crime scene at the very beginning. But then once, you know, the body -- we are done examining the body, we still haven't moved anything. But once the body is removed from the residence, then we start processing the residence.
Q And Sergeant Griffin comes and does that?
A Correct. She is -- she's the one that has countless hours of training for crime scene and evidence technician.
Q So Detective Collins and Detective McClinton did that little walkthrough video that we watched earlier. Is that a pretty accurate description of what y'all had at that time, what you had to go on?
A Correct, at that time.
Q And that's what the scene looked like?
A Correct.
Q You went and helped -- I guess you were -- I don't know if you helped or if you were sort of there. You were there

while Sergeant Griffin collected all the evidence, correct?
A Correct. While she photographed -- photographed and collected the evidence, once she photographed it she would tell me what it was. I would write it down. Sometimes it's a hard job for her to do by herself, because she's got gloves on. There's so much blood there. That actually she's going to get probably blood on her gloves collecting the items, so she didn't want to get it on the paperwork that needed to be filled out, so I assisted her in doing that.
Q So y'all went -- let me show you what's marked as State's -- State's Number 7. This is a picture of a blanket that was sitting outside. Did y'all collect that?
A I don't -- I don't remember. I'd have to look at the log of evidence.
Q Well, if you didn't collect it, did you -- did you give it back to the family, because it was -- does that look like it goes on the bed in the bedroom? Was that your all's take on things?
A Possibly, yeah. I mean, either used as a blanket on the couch or on the bed. It's one of them.
Q So you've got a bedroom. Is there any kind of bedspread on that or is that just a flat sheet?
A Looks like a flat sheet.
Q All right. So y'all found a blanket out there. Let me

ask you this, back to State's -- back to State's 7. What's this? Is this a Big Gulp cup up here?

A Correct.

Q So on the video Detective Collins talked about collecting some stuff from up there, including a cup and some cigarettes.

A Right.

Q Y'all collected those?

A We did.

Q Did you get any fingerprint evidence, or blood evidence or DNA or anything off of those?

A We did not.

Q You also collected with Sergeant Griffin State's 38, 39, 40 and 41?

A Correct.

Q Any blood or DNA evidence on these?

A We got no blood or DNA evidence of anyone.

Q But when you got there you definitely saw Mr. Warren's body behind the front door?

A Well, once I stepped in. I didn't -- I did not go in the house until EMS had said that he was deceased, so -- and actually he was laying -- I think -- y'all seen the picture. I think Dr. Woodard was talking about where he was laying on his back. That's the first that I observed him.

Q That's not necessarily where Harralson found him?

A That is not where Detective Harralson found him, no. They had to move him away from the door, because he was kind of like in a -- the way Harralson described, in a semi-fetal position. I mean, to work on him and try to revive him they had to lay him on his back and move him away from the door.

Q So at that point you've got a dead Mr. Warren, two shell casings. I think on of these bullets the family actually gave to you later that night; is that right?

A Yeah. I can't remember who called me. One of the family members called me. I went back over there. As they were cleaning up the residence they said, hey, we found a projectile on the bed. They stated they hadn't touched it, therefore I put gloves on, collected it from the bed and submitted it to evidence.

Q And based on everything you had at that point what was your working theory on how this murder happened? Did you have one?

A At that time it was a theory of, I guess you could say, all of ours that the initial gunshots took place in the -- in the bedroom. And actually that's where two projectiles and two shell casings -- spent shell casings were found. There was a bullet hole in the entertainment center, and it was kind of low, so -- on the entertainment center. So we -- we believe that, you know, Mr. Warren possibly was bent over getting something off the entertainment center when he

was shot, and the suspect was standing possibly between the bed and -- or between Mr. Warren and the door kind of -- kind of behind him. Therefore that -- that's when we believe the shots rang out. The suspect left. Mr. Warren then turned around which -- like Dr. Woodard said, he was bleeding out of the left side of his neck from the entry wound. That's when he came back into the livingroom out on the front porch, stated he had been shot, walked back in and collapsed.

Q So you've got bullet defects in this entertainment center here?

A Correct.

Q And you find your shell casings over here in the floor area?

A Correct.

Q So what does that information tell you about where a shooter would have had to have been?

A Somewhere between -- if you see the box fan and the entertainment center. Somewhere between there. I mean, actually that's a hard surface. So when a spent shell casing is ejected out of a gun and lands on a hard surface it's not just going to stop. It probably -- it may bounce a couple inches, or a foot or two.

Q So that's consistent with Dr. Woodard's testimony, that it could have been anywhere from six inches to a foot away?

A Correct.
Q What would you estimate the height of that entertainment center?
A At the most four -- four foot.
Q Where is that bullet defect at?
A On the bottom portion of the entertainment center.
Q So if we're using this as an example, it's down here somewhere?
A Correct.
Q So if Mr. Warren has a bullet hole in the back of his neck and there's a bullet hole here -- to start with, you don't know if it's the same bullet?
A I don't know.
Q So you really don't know if Mr. Warren is shot while he's standing, while he's leaning over? You can't tell that from that information?
A Right.
Q So does the trajectory of this bullet tell you anything about who shot Mr. Warren?
A I'm not a -- it's commonsense looking at -- looking at that hole, the way it entered and the way it exited. It came in at a downward -- at a downward angle. If you look at one side of the hole is higher than the whole on the other side, so you can tell it was traveling at a downward angle. That wasn't hard to figure out.

Q But that doesn't tell you anything about the positioning of the body --

A Correct.

Q -- or where thee shooter would have been?

A It just shows a bullet is going at a downward -- at a downward motion.

Q I think y'all determined from your initial canvas that the most likely witnesses to this would have been Keith Jackson, Ms. Helen, and Patricia James? I think Little Momma?

A Correct.

Q Tell me about Little Momma that night.

A I'll tell you it was hard for some -- some officers to focus on what they were doing because she was causing such a scene. She was highly intoxicated. From what we were told, she was smoking crack earlier that day. We had to calm her down numerous times. She would just rattle off stuff that wouldn't make no sense.

Q So you didn't get any help from her, is what you're telling me?

A No, sir. No.

Q Did you get any help from Ms. Helen?

A No, not at all.

Q Ms. Helen's -- she's been around the block a little bit, hasn't she, out there?

A She has.
Q Have you ever gotten any cooperation from her?
A Never.
Q So that leaves us with Keith Jackson, Train Head?
A It does.
Q Did y'all -- and y'all eventually got a chance to interview him at the station over here?
A Correct. Several -- I didn't, but several other investigators did, yeah.
Q And needless to say, that story was different than the story he gave Detective Collins on scene that day?
A It was, which occurs a lot during these investigations.
Q I think y'all took that interview from him November 2nd, maybe?
A Maybe. I'd have to look at the date. I don't remember.
Q Well, let's -- let's back it up and do it this way. What -- what name kept coming up the most in your investigation?
A A person by the name Smiley.
Q And how do we tie that information to Mr. Andrews?
A We tied that information --
Q And I don't -- I mean, I just -- let me just put it this way. That leads you to -- you know that's his nickname?

A Correct.
Q What's the other name that kept coming up the most?
A Jason Logan.
Q Did somebody go out and talk to Jason Logan and followup on his information?
A They did.
Q After they did that, what was your take on Jason Logan as a suspect?
A He had nothing to do with it. His name never came up again until we -- until we interviewed Mr. Smiley.
Q So y'all interview Mr. Andrews. Detective McClinton and Detective Collins interview Mr. Andrews on November 1st. Does that sound right?
A Correct.
Q And he gives them a story about where he was at the time of the shooting essentially?
A Correct.
Q And they went out and they followed up on his alibi. Talked to Mr. Searles, talked to Mr. Watson?
A Correct.
Q And then they went back and interviewed Mr. Andrews again?
A Correct.
Q And at that point when they talked to him a second time, Mr. Jackson had already told y'all that Mr. Andrews

was the man he saw running out of the house?

A That is correct.

Q Kelsey Watson had given y'all some information also that we've heard?

A That is correct.

Q After getting the information from Mr. Jackson, Mr. Watson, talking to Mr. Searles, talking to Mr. -- the other Mr. Watson, that's when you made the arrest in this case?

A That's correct.

Q I want to talk a little bit about the timeline Mr. Andrews gave everybody. Needless to say, the times aren't very clear?

A No, they weren't.

MR. THOMAS: Your Honor, I'd like to ask Detective Moore to come down here --

THE COURT: Sure.

MR. THOMAS: -- if he could. Just speak up so the jury can hear you.

(Whereupon, the witness stepped down from the witness stand.)

Q I'm going to show you what's marked as State's 53. Does that look familiar to you? It's an overview of Gilliam - Gilliam Court. That area.

THE COURT: Josh, a little louder for Tara, please.

MR. THOMAS: Your Honor, I'd move State's 53 into

evidence at this time.

MR. HENDERSON: Without objection.

(Whereupon, State's Exhibit No. 53 was admitted into evidence.)

Q Come around here and let's show -- point out for the jury on this map. Where's Gilliam Court on here?

A (Indicating)

Q And now, tell the jury where -- let's show us where Perrin Avenue is.

A (Indicating)

Q The top left-hand corner? Okay. So the shooting happened on Gilliam Court -- what time did the 911 call come in?

A 17:00, 17:02, which is 5:00 in the afternoon.

Q So 5:02? If you were to walk from Gilliam Court over to Perrin Avenue, how long would that take you?

A I actually did this numerous times for this investigation and took several different routes, just casually walking, not in a hurry. I hadn't done anything wrong, just a leisure walk. It took, I think, at the most six minutes, five and a half minutes.

Q So this is not a big area we're talking about?

A Not at all.

Q So you've heard the 911 call from Nicole Reid, right?

A I have.

Q How long -- how long did she say it had been since she heard the gunshots and what did she testify to in terms of how long it had been from the gunshots to her calling 911?

A I recall possibly 10 minutes.

Q So more than enough time to get from Gilliam Avenue to Perrin Avenue -- or Gilliam Court to Perrin Avenue?

A Plenty of time.

Q And we keep hearing about this -- let me show you a closer up. Do you recognize this?

A I do.

Q What is this a map of?

A Gilliam Court.

Q Is that just a little more detail?

A Yeah, it's just --

Q And it's going to be kind of hard. We're going to have to point it out to people. But this shows the houses that are there and it shows also a little bit of Dallas Court?

A Correct.

MR. THOMAS: Your Honor, I'd move State's 52 into evidence.

MR. HENDERSON: Without objection, Your Honor.

THE COURT: It's in evidence.

(Whereupon, State's Exhibit No. 52 was admitted into evidence.)

Q Point out to us on this map where Barry Warren's

apartment would be? You may need to move it around a little bit.

A Right around in here (indicating).

Q And where -- when they say the path back to Dallas Court, what is that -- can you see that on that map?

A I actually see two paths. There's one here and there's one right around in here (indicating).

Q So if you're going out to the left of Barry Warren's house, probably that upper one you just showed is how you would get to Dallas Court?

A You're talking about right here (indicating)?

Q Yeah.

A Correct. That's the one that I'd say people travel -- I've been working here so long that I see people take the path if they're going to Dallas from Gilliam.

Q In fact, there's -- when we talk about paths, there's all kinds of paths through the -- through this part of town, right?

A There's paths everywhere.

Q So, I mean, you can see on this map -- can you see any other paths that you might would point out to the jury on here that would get you from Gilliam Court to Perrin Avenue?

A I know I've taken -- if you go -- walk to the dead end of Gilliam, which is slightly passed Mr. Warren's residence, you can go straight and, I mean, you can come out any --

anywhere through here (indicating). You can come straight, come up through here (indicating). Go to Perrin that way, you can -- it's hard to say just exactly where the path is because there are so many. There are so many different directions you can go. I know when I walked this I took three or four different routes and they're all about the same timewise. Maybe a couple seconds different, but nothing -- not minutes difference.

MR. THOMAS: You can go take the stand again.

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

Q So when Mr. Searles says while he was driving away with the Defendant in the car they heard sirens --

A Right.

Q -- does that match up to any kind of timeline that you can maybe put together as to what happened here? Give us your best guesstimate of the timeline.

A Well, you know, Ms. Reid said there was a 10 minute gap between when the shots were fired and when she called 911. So shots were fired. He runs out of the house. Let's say it took him six minutes to get over to Perrin. You know, between five and six minutes. He bangs on the door, answers the door, give me a ride, give me a ride. He jumps in the car. By the -- and when the -- by the time the call comes in dispatcher gets the information that they need, they dispatch it to us. By the time we start heading over there

he could be in the car heading over there, that's why you hear sirens. And it all could be within a 10, 12 minute timeframe.

Q So y'all arrested Mr. Andrews. You ended up taking his clothes from him that he was wearing when he was arrested? Does that sound right?

A Right.

Q Did you collect those?

A I did.

Q We had Sergeant Griffin bring the shirt back. We've marked it as Exhibit 45.

MR. THOMAS: And I believe that's in evidence already.

MR. HENDERSON: It is.

Q And I'm going to show you State's 54. Is that the shirt that's in evidence? Just a picture of it?

A Correct.

MR. THOMAS: Your Honor, I'd move this.

THE COURT: No problem with 54?

MR. HENDERSON: None whatsoever, Your Honor.

MR. THOMAS: 54 is just a picture of 45.

THE COURT: It's in evidence.

(Whereupon, State's Exhibit No. 54 was admitted into evidence.)

Q This is the shirt Mr. Andrews was wearing when he was arrested?

A That is right.
Q He was arrested on November 1st; is that correct?
A Sounds about right.
Q How long after the shooting is that?
A Several days.
Q So a week later he's arrested wearing a black sort of Henley type shirt?
A That's right.
Q Did y'all run any GSR test on him?
A Not that I recall. I mean, SLED won't even process it after six hours, and I've known that for years.
Q Sergeant Griffin didn't find any blood on his shirt or his pants or his shoes? She -- I guess she did some fancy luminol technique to --
A Yeah. I don't have a clue what she does because I'm not certified to do that. She has to go through training to be able to do stuff like that. I'm not able to do it. But it's not surprising. I mean, we picked him up a week later.
Q Let's talk about Dwayne Sanders. Were you familiar with Dwayne Sanders before he gave you a statement in this case?
A I've dealt with him a couple of times, but nothing -- on nothing real serious.
Q But you had never asked him to be a snitch for you or anything like that?

A Oh, no. He's never been an informant of mine.
Q And when you actually had this interview with him that he testified to earlier, had you put him in the same cell with Mr. Andrews or gotten the jail to do anything, or had you asked him to gather any information? How did you come about coming in contact with Mr. Sanders?
A I can't remember if he wrote a letter asking for the lead investigator on the case or if he told a corrections officer. But somehow word got back to me that he needed to speak with me.
Q And you eventually got around to talking to him?
A I did.
Q And he gave you the statement that's been marked as State's 51?
A Correct.
Q And what's the gist of that statement, I guess?
A Mr. Sanders wished to speak with me about -- about the case. He stated he was in the same unit as Mr. Andrews, stating that Mr. Andrews was the one that told him bluntly out of his mouth that he shot Barry Warren. He also said things in there that we -- we don't release to other people. We're not going to sit here and tell you how many shell casings that were found, you know, how many shots were fired. He was just saying things that matched up at the crime scene that nobody else -- that only investigators

knew. So it -- so I believed that Mr. Sanders did obtain this information. He told me numerous times it came out of that man, Mr. Andrews' mouth.

Q And you didn't promise him any sort of reduction in his sentence or help on his charges or anything like that?

A I did not.

Q In fact, he told you he didn't need y'all's help because he had already worked it out with the victim?

A It was something to that effect, yeah.

Q I'll just ask you this because I know Mr. Henderson is jumping to ask you. Why didn't you call the FBI or the ATF or NCIS or any of those guys?

A In the eight and a half years that I've been here we've never called the FBI, ATF, all them to help us with a murder investigation. And, you know, I've never known them to come down to process a crime scene for us because it's not -- I mean, the federal government just don't work state cases. I mean, I don't know how else to put it.

Q But you and all the other detectives involved in this, y'all worked the case?

A We did.

Q And y'all did the best you could with what you had to work with?

A Correct.

MR. THOMAS: I'll let you answer Mr. Henderson's

questions now. Thank you Detective Moore.

THE COURT: About how long do you anticipate your cross perhaps taking?

MR. HENDERSON: A while.

THE COURT: A while. By a while, more than 30 minutes you would think?

MR. HENDERSON: Probably so. Probably about like this morning.

THE COURT: Like this morning? All right. Solicitor, after this witness how many more do you have? This is it? All right.

Ladies and gentlemen, I think that perhaps the better part of valor is to go ahead and take a break for the evening so that we're not bumping into six o'clock or later. I'm hearing from Mr. Henderson that his cross -- that his cross of Mr. Moore may take a while. So we're going to go ahead and break for the night.

Since tomorrow is going to be a shorter day, I'm going to ask, if you could, to be back in the jury room tomorrow morning at nine o'clock, and that way hopefully we can get more done and more information to you first thing in the morning. Okay? Again, I've got that dental appointment. I've got to this fixed. I'm sorry. But it's at 1:30, and I kicked it back from Monday, or whenever I was supposed to do it. So I've got to get this fixed. That'll be tomorrow

afternoon. So if you have any plans for tomorrow afternoon, please keep them.

Again, nine o'clock in the morning. Be in the jury room. I'll see you bright and early. Have a great night. Don't talk to anybody about the case. Rest easy. All right? Have a good night.

(Whereupon, the jury was released for the day at 5:00 p.m.)

THE COURT: And obviously, Mr. Moore, you know not to speak to anybody while we're on break about your testimony.

THE WITNESS: Uh-huh.

(Whereupon, the witness stepped down from the witness stand.)

THE COURT: I'll see y'all tomorrow around 9:00.

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THE COURT: If we could, we'll go ahead and go back on the record. The Clerk isn't up here yet, but since the witness has already been sworn I think we're already in good shape just to keep rolling. I understand there are perhaps some suggestions about the instructions. Let's hold that conversation until we address DV and all that other good stuff. But the jury is here. The Defendant is here. Let us have the jury, please. If you want to come on back up.

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

(Whereupon, the jury entered the courtroom at 9:10

a.m.)

THE COURT: The record will reflect that the jury is back and seated. Ladies and gentlemen of the jury, we're still engaged in the State's case and chief, and when we broke yesterday, of course, we were in the middle of the examination of Mr. Moore who, of course, is still under oath.

At this point, Mr. Henderson, if you want to proceed with your cross, sir?

MR. HENDERSON: Yes, sir, Your Honor.

CROSS-EXAMINATION

BY MR. HENDERSON:

Q Detective, how are you this morning?

A I'm good. How are you?

Q Doing good. I was just going over your testimony yesterday. I believe that you testified that you were the lead detective in his matter.

A Correct.

Q And I think one of your responsibilities, or maybe your ultimate responsibilities, or maybe your ultimate responsibility, was that you were responsible for putting together the evidence collected by the other officers, and yourself, into the case file; is that correct?

A Yes, sir.

Q And the case file would be what would be presented to

the Solicitor's Office for the prosecution of this case?
A Correct.
Q Now, you heard some testimony earlier in the week from Mr. Warren's fiancee or girlfriend, didn't you?
A I did.
Q You remember that? She's sitting out here in the audience, I believe.
A She's not.
Q She's not.
A But I know who you're talking about.
Q She was discussing when Barry's house was raided the Friday before his shooting on Tuesday.
A That's right.
Q And I'll represent to you that Friday was October the 21st.
A That's right.
Q And you heard her talk about how when the law enforcement, I guess, raided -- issued the search warrant and raided Barry's house, and I guess her house, that they took all his guns, all his drugs and all his money. Do you remember that testimony?
A She did say that.
Q Okay. Now, have you seen the incident report that law enforcement did as a result of that raid?
A I'm sure I read it, you know, right around the time we

were working on the case.

Q I'm going to show you this. I just want to show you the incident report that was done. Just kind of look over it for a little bit.

A What part would you like for me to look over?

Q Well, you see the page I had it flipped to where it talks about that the police took money that was in a Crown Royal bag?

A Yes, sir.

Q And I think it was a whole bunch of change, it sounds like, coinage?

A Correct.

Q In the Crown Royal bag?

A I'm assuming so. But just for the record, I was not a part of this search warrant.

Q Oh, I agree. Oh, I agree. I think this is -- because that was the drug unit, wasn't it?

A Correct.

Q And you're not -- you're the detectives unit?

A Correct.

Q I mean, you know these guys but you don't --

A I do.

Q -- you don't go on the drug raids?

A Not all the time.

Q Okay. But according to them -- which is consistent

with what the girlfriend testified to, them taking all the money, the guns and the drugs that they found in the house?

A Correct. But I will allude to this. In one of the statements given by your client to law enforcement he did say that Mr. Warren re-upped, which is a statement that he reupped on narcotics.

Q And which statement was that now?

A It was one or two. I can't remember which one.

Q Now, you heard --

A I mean, it was recorded and the jury heard it.

Q Right. And you remember his girlfriend's testimony that he didn't re-up?

A If she said that I don't remember.

Q I mean, you've been sitting here all week.

A But a lot of people have talked in this case. I can't remember the exact words of everybody.

Q Okay. But you're saying -- I'll take that back from you. If you're saying my client re-upped, the person who lived with him said he didn't re-up.

A I'm not sure if he did or he didn't. One person says he did, one person says she didn't, so I don't know.

Q You don't know?

A I don't know.

Q You don't have a way of knowing?

A I don't.

Q Okay. Curious, listening to your testimony yesterday, you know, we heard from Dwayne Sanders yesterday, the snitch. The informant. You remember hearing from him?

A Correct.

Q Yeah, you were sitting here in the courtroom.

A I remember hearing from him.

Q And according to you, you said that Mr. Sanders had information about this shooting that had not been released to the public, and that was consistent with the crime scene. Is that accurate?

A Correct. I believe I did say that.

Q Okay. I don't want to put words in your mouth. Again, I was trying to good notes, but that's my understanding of what you said.

A Correct.

Q Now, you understand now Mr. Sanders, in his statement, said that Jason Logan was the lookout man?

A He -- he alluded to that, yes.

Q Not alluded to it. He said it, didn't he?

A Okay. He said it.

Q Okay. He said that Jason Logan was there on the scene at the shooting being the lookout man for my client. Is that --

A He said that, but we also verified Mr. Logan's alibi that he gave us.

Q Hadn't got there yet. Hadn't got there yet. I'm talking about what Mr. Sanders told you.

A Okay.

Q So Mr. Sanders told you -- because at that time when he's telling y'all this, y'all know it's a lie. You had already verified Mr. Logan's alibi; isn't that correct?

A Correct. But what Mr. Sanders is giving us is what your client told him in jail.

Q Allegedly.

A That's what he told him.

Q Right. I mean, there wasn't a wire? I mean, there's no recording of this?

A There's not.

Q Okay. But he's telling -- Mr. Sanders is telling you guys that my client said that Mr. Logan was there as the lookout. Is that accurate?

A That's what he said.

Q That it was Mr. Logan's idea to rob Mr. Warren?

A That's what he said, but --

Q Right. And y'all know that's not true.

A Correct.

Q Correct. Y'all knew when Mr. Sanders is telling y'all this that it's not true.

A Well, Mr. Sanders got his information from your client.

Q Allegedly. I mean, he's saying that.

A That's what he got from your client.
Q And I think he was saying that it was probably three shots; is that --
A Two or three. I can't remember.
Q I think he did say -- again, this is what Mr. Sanders told you guys, that it was two or three shots, probably three. Do you remember that?
A I don't remember.
Q Don't remember that. Okay. If you went back and looked at his statement, or listened to his statement you could probably ---
A Correct.
Q And it's very clear that there were only two shots.
A From what we found, yes.
Q From what we found. Is there any evidence of a third shot?
A Not that I know of.
Q Okay. And you heard yesterday, because I got Mr. Sanders to admit that my client allegedly told him the shooting happened there at the sofa and the couch. You remember that?
A That's what your client said, but that's not really matching up with what we found.
Q Right. That doesn't match up with what you found. You know, the couch and sofa were in the livingroom, correct?

A Correct.
Q And I think you told the jury that, you know, it was just based upon just your knowledge and training that you believe the shooting happened in the bedroom.
A That's what we believe.
Q Right. And then that logically it looks like where it's happened. I full well agree with you. So you're telling this jury that to the best of your knowledge it didn't happen at the sofa and the couch?
A He could have mistaken a bed for a sofa or a couch, but the words that came out of his mouth was that your client specifically told him I shot Barry Warren.
Q Right. At the sofa and the couch while Jason Logan's outside being the look out man, and I shot him two or three times, probably three times.
A That came from your client's mouth.
Q Allegedly. You don't have any but the word of a snitch that this happened, do you?
A He came to us on his own free will. I mean, I didn't go fishing for it. He came to us and gave us this information on his own free will that it came out of Demorris' mouth.
Q I mean, but do you have any other evidence that this occurred other than the words of an informant, a rat who's facing life in prison for burglary first?

A Well, at that time he was not signed up as an informant.

Q Okay. But hey, if he comes and rats, he's an informant, whether or not he's signed up.

A No. He -- I mean, if I ask somebody out in the public, hey, what did you see, it don't mean that they're an informant. An informant is somebody who works for us.

Q Okay. Well, this guy was already in jail facing life in prison without the possibility of parole. Is that fair to say?

A If his charge was burglary, then -- burglary first, than yes.

Q It was. I'll represent to you it was burglary first, which subsequently got dismissed for a 30 day time served charge --

A Yes, but you also heard the victim dropped the charges.

Q I don't know that. That's what the man said.

A Okay.

Q You testified yesterday, too, that between Gilliam Court and over on Perrin Avenue, I think your testimony was there's multiple ways to get between one and the other.

A Correct.

Q And I think you said that you walked multiple roads. You walked multiple paths.

A Yes, sir.

Q You took multiple routes --
A Yes, sir.
Q -- between the two?
A Yes, sir.
Q And I think you said about any road or path that you took between the two you estimated it would be about five and to six minutes.
A Something like that.
Q In that neck of the woods. Well, let me ask you. About how many different paths and routes and roads did you walk on?
A Three. Three or four maybe, you know. But then again, I don't know the exact way that your client went. And this was also --
Q Or even -- or even if he went at all.
A Well, he had to get to Perrin somehow, because you heard his -- Mr. Searles testify that he came to his house and knocked on the door begging for a ride.
Q Right. I heard -- heard him say that, absolutely, that he came there asking for a ride. But you don't know how he got there, do you? You don't have a clue.
A They said he came up walking.
Q Well, when I say -- obviously he came up walking. But you don't know what route or path --
A I don't know exactly which way he went.

Q But you walked several. You think three or four?
A Something like that maybe.
Q Let me ask you. Walking those, was anybody walking with you?
A A couple of the detectives did. I don't remember who, because that was a week after the shooting, once we got the information that -- or the information Mr. Andrews gave us that he went to Perrin, then -- so we followed up on his alibi, which did not work out for him. So we walked those routes, you know, to figure out what's the best and quickest way he could possibly get there. And I think I also walked it with the Solicitor a month ago.
Q Okay. Let me ask you. Soon after, when y'all were doing it, say, a week later, did you find any evidence related to this crime at all?
A No, but there's a ton of trash around there.
Q I understand. I understand there's going to be trash. But did you find, say, a hoodie?
A I'll just tell you we didn't find anything.
Q You didn't find anything? No gun, no clip?
A Huh-uh.
Q Is that a no?
A I mean, there's a lot of houses. I mean, a gun or a hoodie could be anywhere. In trash cans, which is picked up about every day, under houses, buried under something. I

don't know. But we didn't find anything.

Q But I'm sure y'all did an all encompassing search out there?

A We looked, yes.

Q Right. But didn't find anything?

A We didn't.

Q Okay. And again -- I'm listening to you. You don't know what path Demorris took?

A I do not know the exact path he took.

Q At all. I mean, and nobody's come to you and told you that they saw him taking a particular path, have they?

A The only path that I know that he was one was right across from the house. In the -- there's a vacant lot across from -- this [redacted] Perrin, there's a vacant lot, field, whatever you want to call it. There's a dirt path you can clearly see that cuts across that field. He was coming up that path, based on what Mr. Searles said. I mean, but you can --

Q You don't know --

A -- you can get to that path by --

Q Multiple ways.

A -- multiple ways.

Q Right. So you don't know where he was at?

A I don't.

Q Nobody does. Is that fair to say?

A Yes, sir.

Q Okay. And you would agree with me, too, that -- we've heard testimony from Officer Griffin -- Kenya Griffin. You would agree that she's got countless hours of training in crime scene investigation and evidence collection?

A She does.

Q And I think she actually she actually went to some special school in Tennessee. Did I hear that right?

A Yeah. That's where the Body Farm is at the University of Tennessee.

Q It's called the what now?

A I think it's the Body Farm. One of those forensic places up there.

Q Okay. And so, she's kind of y'all's evidence guru?

A She is.

Q And I think you said, too, that -- I'm quoting you verbatim, I believe, that there was so much blood at the scene.

A There was a lot of blood, yes.

Q I mean, the pictures look graphic. Of course, none of us were there.

A There was a lot of blood.

Q Okay. And I think I heard your testimony, too, that the family actually found a bullet in the bed sheet?

A Correct. It was on -- it was on the bed.

Q On the bed, okay. And that was, what, on the 26th? It was the next day after the --

A It may have been. It was either later -- it was later in the night on the 25th or the next day the 26th. I don't remember which day.

Q Okay. But Ms. Griffin didn't find it during her initial assessment?

A Correct.

Q Okay. And again, I think you said that your investigation leads you to believe that Barry was shot in the bedroom --

A Right.

Q -- and not in the livingroom next to the sofa or the couch?

A Correct.

Q Okay. And again, I think I've heard testimony -- or the jury's heard testimony from Ms. Griffin, and I think also from you, that y'all didn't call in SLED at all to help with this assistance?

A No, we did not.

Q At all? Okay. Knowing -- and the young lady that testified yesterday said SLED's got an open phone policy, so to speak.

A Right. But Ms. Griffin has just about as many hours of training as they do as well.

Q I understand. But you heard her say, too, that she just doesn't have the expertise in a couple of these areas at all?

A Correct.

Q Okay. And again, going back to this Jason Logan. It's fair to say that right after -- y'all questioned Mr. Logan like immediately after this incident. When I say immediately, a couple of days. I mean, fairly quickly?

A I mean, we questioned him sometime in this investigation. I don't know exactly when. I can't give you a date, but --

Q And you confirmed his alibi?

A We did.

Q I mean, you -- you ultimately -- you excluded him from even being on Gilliam Court at the time of this shooting?

A Correct.

Q No doubt about that?

A Correct.

Q Okay. And I know there were lots of -- I mean, lots or rumors, lots of tips, lots of whatever you want to call it floating around. Is that fair to say?

A There were some, yes.

Q Right. And I know looking through some of the reports it seems to me that somebody said, hey, after the shooting I saw somebody with dreads running near the crime scene.

A Yeah, that was -- we found that to be Brandon Harrison.
Q Brandon Harris.
A He also gave us an alibi. And actually how we followed up on this alibi, so before he could call this person and say, hey, police are coming to look at me, we stood there -- we stood there with him. Another investigator went to talk to his alibi who said, yeah, he was here between -- I don't know, 11:00 and 5:30, 11:00 and 6:00. So we ruled him out.
Q Right. So y'all feel certain that was Mr. Harrison running?
A Correct.
Q Okay. Now, I heard also some of the examination of Mr. Searles, Zykerious Searles yesterday, where he testified that the police told him they're going to be looking for some of these traffic light videos kind of to confirm the time that he actually drove this route. Do you remember that?
A Yes, but that -- if I had to guess, I did not interview Mr. Searles. But, I mean, we use the video bluffing technique a lot.
Q Well, no, it's not a bluff, is it, that there are actually cameras on these traffic lights?
A They're not cameras. They are sensors to change the red lights.
Q So you're telling this jury that there are not cameras

up there that film people going through?
A The ones that's on the red lights?
Q Right. The ones above the --
A The traffic light?
Q Right.
A Right. Because I wanted to get those cameras through my time in investigations for a long time, and the very first time I needed them I asked. Most traffic sensors are in the road that -- to get the light to change. Those cameras you see uptown on top of the red lights are not cameras. They're sensors. So when you pull up, that's what senses the light to change.
Q So did y'all go around and look -- because he gave a very detailed route of how he drove my client over to the westside he said.
A He did, because the investigators put him in the car and he took him right to it.
Q Have to drive -- I mean, they drove by the Inn On the Square?
A I believe so.
Q I think they drove by First Citizens Bank.
A Possibly.
Q Other places that probably have cameras. Did any of your squad, did any of your detectives go and look -- and again, it's crucial. You'll agree that time is crucial here

in this case?

A Correct.

Q Did any of your detectives go out here to look for any -- anything that would have a time on it that could establish when Mr. Searles actually drove this route?

A No. I mean, we believed Searles was telling us the truth. I mean, he could give us a timeframe, but your client couldn't.

Q And, I mean, we got -- and I heard Searles' testimony yesterday about his timeframe.

A Yeah. He was a lot closer than Mr. Andrews though.

Q But again, y'all did nothing to go out here where you could actually confirm a time?

A But when we also want to question Mr. Searles he came up immediately. It took a week for us to actually go find your client to even clear his name. We tried to give him the opportunity and --

Q He wasn't under arrest, was he?

A No, he wasn't.

Q He didn't have to go and talk to you guys.

A No, but --

Q In fact, you heard him telling your other detectives I'm scared. People shooting at my sister's house. The word on the street I did it. I'm scared.

A Then come clear you name.

Q Okay. He came up and see y'all after a while, didn't he?

A He did.

Q It might not have been under the best of circumstances, but he came to see you guys?

A He did.

Q Okay. And listening to my client's statement, you know, there's multiple references in there that Blade's uncle is 99 percent sure that Blade did the killing. You remember hearing all that? There's multiple references to it in my client's -- I think it was the first statement.

A Yes. But we talked to Mr. Watson. He -- he didn't do it. And he's also related to Mr. Warren's family.

Q Okay. Did you go talk to the uncle?

A Sir, I didn't. Somebody may have.

Q Okay. What's the uncle's name? I'm sure the jury would love to know. I'd love to know.

A I don't know.

Q You don't know?

A I don't know.

Q So if you don't know, it's probably a good chance they didn't go to talk to him?

A I can't confirm or deny that.

Q Okay. And you would agree with me, too, that during the course of this investigation y'all learned -- actually

my client told you, that he stays some over at his sister's apartment over in New Haven?

A He said he stayed a lot of places.

Q Right. But he told you he also stayed over in New Haven, didn't he?

A At first he couldn't even give us the right address to New Haven.

Q Okay. After a while you learned that he actually stayed over at New Haven, didn't you, with his sister?

A He says he did.

Q Okay. And I think some of you, maybe you, maybe some of your other detectives actually went over there to examine, to walk through that home. Do you remember that?

A I believe so.

Q Okay. And I think y'all were actually looking for my client in the apartment, in the home?

A We looked for him for a while, yes.

Q Right. And he wasn't there?

A Correct.

Q But it's also, that's where he told you that I keep any other clothes or belongings that I have, he told you he keeps them there, didn't he?

A I don't recall where he said he kept them.

Q I mean, it's in one of his statements. He said, hey, the little other stuff I have is over at my sister's house

in New Haven?

A If it's in the statement, then it's true.

Q Okay. And y'all didn't get a search warrant or anything to go over there to examine those clothes, did you?

A I mean, we're not going to take his whole wardrobe, and it's also been, you know, seven weeks -- seven weeks. I'm sorry. Seven days, you know, after the murder when we got him. And he even told us in his statements he'd been numerous places and, I mean, we just couldn't verify what he was telling us was even true.

Q Well, he didn't -- what I'm getting at is you didn't look. You didn't even try to --

A I don't know if they looked in that apartment or not. I mean, I'm sure they did. If she gave consent to search the house, I'm sure that they went in and looked.

Q Now, keep in mind, I think Officer Griffin yesterday say you really can't get rid of blood. It's hard to get rid of blood. Did I hear her testimony correctly?

A That is true.

Q Now, keep in mind, if law enforcement had reason to believe that any of his other clothes, or any of his clothes had blood on it, because like you said, there was a lot of blood at that scene.

A There was.

Q And if law enforcement had reason to believe that there

was any blood on his clothing, either his sister -- it sounds like she would have consented for y'all to take his clothes, or y'all could have got a search warrant. It sounds like y'all didn't do either.

A No, we didn't. We didn't. I mean, you can tell after Mr. Warren was shot, I mean, he ran out of the house and Mr. Warren came behind him. He's not going to have blood on his clothes.

Q How do -- how do you even know how the shooting happened inside? You don't, do you?

A I have a theory of what happened.

Q I mean, I'm sure you've got a theory. But you would agree with me, too, that theories are wonderful, I guess, but there are sciences out here that could have allowed law enforcement to actually recreate what happened in that room.

A Sometimes they're right, sometimes they're wrong.

Q Right. But at least that's more than a theory.

A Okay.

Q And y'all didn't try to do any of that, did you?

A We don't have the capability.

Q Well, you've got a family out here who's lost a loved one and you're telling them that we don't have the capability to try to do a full and thorough investigation to figure out who killed your loved one.

A We found out who killed him. He's sitting right there.

Q Well, you think he's sitting right there. But you don't have a vote in the matter, do you? Those 12 people have the vote in the matter; isn't that right?

A Yes, they'll determine that.

Q They'll determine whether or not you've proved your case beyond all and any reasonable doubt, won't they?

A Correct.

Q Okay. And didn't I hear you yesterday that you said -- told us that you did the best you could.

A We did.

Q And you're telling that family sitting out there we did the best we could?

A We did.

Q Okay. Have you looked them in the eye, have you gone up to them and said folks, we did the best we could?

A I have. I've talked to them for the last two years.

Q Hey, I'm sorry we didn't get a search warrant for those clothes. You know, I'm sorry we didn't go look for videos to see what time Mr. Searles drove that car. I'm sorry we didn't call in SLED to do some blood spatter analysis. You've told them all that?

A Blood splatter is not going to tell us much of anything.

Q I'm sorry we didn't give Mr. Andrews a polygraph when he said he'd take one.

A Those aren't admissible in court even if he took one anyway.

Q That's a different issue. He offered to do this stuff to clear his name and y'all didn't try and help him clear his name?

A We did. He talked with us twice. He gave us alibis and he lied the whole time.

Q You're calling somebody who doesn't wear a watch, clearly has no since of time -- when your colleague says has no sense of direction, doesn't know what day of the week it is, and you're criticizing him for not being able to follow your timeline?

A He -- he lied to us through those whole interviews. He couldn't even give us approximately how long he was here, how long he was there. We went and asked him and said, well, tell me exactly where you were at at two o'clock. Tell me exactly where you were at at ten o'clock.

Q He didn't know.

A But you know approximately how long you were some -- you were somewhere during that day.

Q That's fair to say now. You know, you and I put on a suit or a coat and tie. We go to work every day, don't we?

A Correct.

Q You have a time to be at work, I have a time to be at work?

A Correct.

Q We have a place -- we have places to be during the day, don't we?

A Yes, sir.

Q This young man doesn't. He told you that. He's not putting on a tie every morning going to work. When he goes up he's moving around the neighborhood smoking marijuana and selling marijuana. He lives a very carefree existence, wouldn't you say?

A I'd say so.

MR. HENDERSON: Let me have one minute, Your Honor. I don't have anything further, Your Honor.

THE COURT: Redirect?

MR. THOMAS: No redirect, Your Honor.

THE COURT: Sir, you can step down. Thank you very much. Solicitor, call your next witness.

MR. THOMAS: Your Honor, at this time the State rests.

THE COURT: All right. Ladies and gentlemen, we finished the State's case in chief. At this point I have a few motions that I need to address with the attorneys and a few other matters that I need to take up. It's difficult for me to project exactly how long this will take, but please be patient with us. Okay? Again, it's not time yet to start talking about the case. So if you would, adjourn to the back. Feel free to get some more coffee. We'll have

you back out here as soon as possible. Okay? Thank you.

(Whereupon, the jury exited the courtroom at 9:38 a.m.)

THE COURT: The jury is out. Mr. Henderson, I presume that the Defense does move for a directed verdict, and renews all prior objections and motions?

MR. HENDERSON: Absolutely, Your Honor. But specifically I'm moving for a directed verdict on the armed robbery indictment. And I've been trying to resummarize -- or summarize what the evidence has been presented during the course of the trial. The indictment says that goods or monies was stolen. Testimony of Wynekia Childs, the girlfriend/fiancee, said that the police took all of Barry's drugs, money and guns during the raid on Friday, October 21st of '16. She said -- she testified that Barry was released from jail on the afternoon of Sunday, October 23rd, '16. She testified that Barry didn't replenish his drug supply. She said that Barry -- testified that Barry had a couple of dollars at the time of the shooting. And she also testified that Barry told my client that he had been cleaned out. You know, that they've taken all my drugs, my guns, his money. Not only was she aware of it, she heard the conversation where Barry told my client the exact same thing. And again, she did not testify that any Crown Royal bag was stolen. That is the government's theory of the case, Your Honor. The Crown Royal bag was stolen with

money. Going down, Officer Griffin. She testified she didn't find a Crown Royal bag during her evidence collection. But again, she also testified she didn't look in that pile of clothes under the entertainment center where allegedly he would have kept the Crown Royal bag. We just don't know. We don't know if one was there or not.

Dwayne Sanders, his statement was that my client stole a Crown Royal bag containing money. I mean, that's what his -- this is where we're getting the Crown Royal bag money from and money is coming from Dwayne Sanders. Detective Moore just testified that he looked at the incident report, you know, and saw that when the cops raided the house on Friday the 21st, they took a Crown Royal bag full of money, when they were sitting there, of change or coins. Loose money. Took that that evening.

So again, you take -- you have my client's alleged extrajudicial confession, take that out of the equation, let's look for any proof aliunde to prove that there has been any type of larceny. If you take my client's statement out of the equation. Ms. Childs doesn't say anything was stolen. Obviously Ms. Griffin doesn't know whether or not anything was stolen, and Detective Moore doesn't know whether or not anything was stolen. So what you've got here is a statement and an alleged confession by my client where there is no corroborating evidence at all, not even in a

light most favorable to the government there's not any evidence to prove anything was stolen. Because it's circumstantial, you're looking at substantial circumstantial evidence. And again, I would warrant it's not substantial by any stretch of the imagination. I'm not even sure it gets you over the more likely than not scenario if you're looking at what benefit of the doubt you have to give the government. And I would say that there's actually, again, very, very, very -- again, no evidence, other than the alleged confession that anything got stolen from Mr. Warren's house on October the 25th of '16. And on that, you know, we'd ask that the court direct the verdict not guilty on the armed robbery indictment.

THE COURT: The armed robbery charge is what perhaps concerns the Court the most. I might take issue with your characterization of the Defendant's statement to the jailhouse informant as being circumstantial evidence. That seems in my mind to be more direct evidence, assuming that it's agreed. Assuming that the jury finds his testimony -- the informant's testimony credible. That seems to be direct evidence as opposed to circumstantial. But I do get your point.

MR. HENDERSON: I would agree that that is direct evidence. But looking for corroboration, take that statement out of the equation, take that piece of evidence

and put it to the side, then we're looking at everything else. Everything else is circumstantial. It would have to be. And again, that's not substantial circumstantial evidence once it's separated from the direct evidence allegedly of confession.

THE COURT: Mr. Thomas?

MR. THOMAS: I think you hit the nail on the head with that one, Your Honor, if we want to talk about the delicti issue here. We've got the Defendant's own statement, I took his Crown Royal bag that had money or drugs or what be it in it. The corroborating evidence to support that is the testimony from the fiancee that that's where the Defendant -- or where the victim kept his drugs. That's what he dealt out of. The other corroboration is that when they searched the house afterwards -- and trust me, they know where to look for drugs. They did it the day -- the week before. They didn't find the Crown Royal bag there. There's more than one Crown Royal bag in the world. Just because they got one taken on Friday doesn't mean he didn't get another one on Monday when he got out of jail. I mean, it's -- it's -- I agree with Your Honor that it is not -- or I agree with Mr. Henderson that it's not the most overwhelming evidence in the world, but the court at this point at the directed verdict stage is concerned with the existence of evidence, not the weight of it. There's enough to send it to the jury

based on that. Based on his statement plus the corroborating evidence.

MR. HENDERSON: But the wife, or girlfriend never said the bag -- anything was stolen, period. If anything, she said there was nothing there to steal. And that Barry actually told my client basically there was nothing there to steal when we've been cleaned out on our drugs, guns and money four days ahead of time.

MR. THOMAS: And that's a great argument about what the testimony says, Your Honor, but that goes to the weight, not to the existence.

THE COURT: Let me think about this for a moment. My Clerk -- I've made some revisions to the instructions that she sent you last evening, and let me just think about the question of the armed robbery instruction for about five minutes. She'll go ahead and pass those out to you.

MR. HENDERSON: One thing I would suggest, Your Honor.

THE COURT: Yes, sir.

MR. HENDERSON: On page three at the top on the first line.

THE COURT: Yes, sir.

MR. HENDERSON: Where it says -- at the end of that line where it says until you reach a verdict. It should say be unless you reach -

THE COURT: Unless you reach a verdict.

MR. HENDERSON: Until you reach a verdict is telling the jury they have to find him guilty, so...

THE COURT: All right. And we'll discuss your request for an instruction on accomplice liability in just a moment. Okay?

MR. HENDERSON: Okay. Thank you.

THE COURT: Let me take a brief break. We'll be at east for about five minutes. Five, 10 minutes.

(Whereupon, a recess was held from 10:02 a.m. to 10:08 a.m.)

THE COURT: We'll go back on the record. The Court has had an opportunity to reflect on this question about whether to charge armed robbery or not and to discuss it with my law clerk. The Court at this point in time is concerned only with the existence, or the non-existence of evidence. Clearly in this case I think that the credibility, and this will be a nice segue into Mr. Henderson's request as far as jury instructions. But clearly in this case I think that a lot of the State's case rests upon the testimony of the informant, which is, if believed, direct evidence of the Defendant's guilt on all of the charges. So because there is some evidence from which the jury could reasonably conclude, since there is direct evidence from which the jury could reasonably conclude that the Defendant did, in fact, steal a Crown Royal bag with drugs and/or money from the

decedent, it stands to reason that the Court is obliged and should charge the jury on the armed robber offense. So that would be my ruling on that subject, of course, to Mr. Henderson's objection to that instruction.

Solicitor, you've had a chance, I assume, to review the case that Mr. Henderson forwarded to the Court. It's the case, just for the record, is United States vs. Luck, L-u-c-k. The citation is 611 Federal 3rd 183. It's a Fourth Circuit Court of Appeals decision decided July 2nd, 2010, and I believe authored by -- I looked at it last night, but --

MR. THOMAS: Judge Gregory.

THE COURT: Gregory, okay. It was authored by Judge Gregory concerning the informant instruction. Specifically Mr. Henderson is requesting that the Court charge the jury the instruction given in Luck. That instruction was that, quote, "The testimony of an informer who provides evidence against a Defendant for pay or for immunity from punishment, or for personal advantage or vindication must be examined and weighed by the jury with greater care than the testimony of an ordinary witness. The jury must determine whether the informer's testimony has been affected by interest or by prejudice against a Defendant.

Did y'all want to speak to that request, Solicitor?

MR. THOMAS: Your Honor, I think if you look at the

facts in that case, that's one where they had a paid informant. I think they call him a professional, and professional paid informants. I think the concern the Court has there, they're talking about sort of the consensus that an informant instruction is necessary when the informant's testimony is uncorroborated by other evidence. Obviously in this case there is some other evidence to corroborate the informant's testimony.

I would also direct Your Honor to the State -- the case of State vs. Collins. That's 266 South Carolina 566. And that's a case that's a little older. It's from 1976. But that's a case where our Supreme Court held that a trial court properly refused to give instructions on the testimony of a co-defendant. I think the defendant there wanted instruction basically that that testimony should be carefully scrutinized and the jury should consider whether the witness was fearful of retribution or had any hope of leniency from the prosecution. Basically, Your Honor, our Court has consistently said that an instruction is erroneous when it unduly emphasizes the right of a jury to pass upon the weight and effect of the testimony of a particular witness, whether it be the Defendant or any other witness. The jury's charged with a grave responsibility of considering and passing judgement upon the credibility of all witnesses alike, and it would be contrary to the due