

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable J. Derham Cole, Circuit Court Judge

ORIGINAL

THE STATE,

RESPONDENT,

V.

KESHAWN MELVIN RICE,

APPELLANT

APPELLATE CASE NO 2018-002074

RECORD ON APPEAL

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SC Court of Appeals

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED NOVEMBER 13-15, 2018	1
MOTION IN LIMINE	12
RULING OF THE COURT	15
JURY VOIR DIRE	18
OPENING STATEMENT BY MR. BULSA	62
OPENING STATEMENT BY MR. WARDER	68
TESTIMONY	
CHAD INGLE	69
JONATHAN LAWSON	77
KEVIN BOWEN	110
WENDY THOMAS	116
MARY ANN KOTLARICH	119
COLLOQUY WITH KAMERON WILSON ON HIS RIGHT TO TESTIFY	136
TESTIMONY	
KAMERON WILSON	138
COBY STEPP	175
COURTNEY BURGESS	186
COLLOQUY WITH ELIAN NAVA ON HIS RIGHT TO TESTIFY	195
TESTIMONY	
ELIAN NAVA	197
CHERYL RICE	221

LAKEISHA RICE	226
ZARIA OWENS	229
KIM PARNELL	233
RICHIE FOSTER	235
THOMAS N. SMITH	243
CHRIS MORROW	246
CHAD SMITH.....	248
JOHN DAVID WREN.....	259
STATE RESTS	271
MOTION FOR DIRECTED VERDICT ON CHARGE OF BURGLARY	272
RULING OF THE COURT	273
MOTION FOR DIRECTED VERDICT ON CHARGE OF ARMED ROBBERY	273
RULING OF THE COURT	274
MOTION FOR DIRECTED VERDICT ON CHARGE OF MURDER	274
RULING OF THE COURT	275
COLLOQUY WITH DEFENDANT ON HIS RIGHT TO TESTIFY	275
CLOSING ARGUMENT BY MR. BULSA.....	286
CLOSING ARGUMENT BY MR. WARDER	312
CHARGE ON THE LAW	318
VERDICT	358
SENTENCING	368
INDICTMENTS & SENTENCE SHEETS	370
CERTIFICATE OF COUNSEL	379

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) IN THE COURT OF GENERAL SESSIONS
3
4 The State,)
5 -vs-) TRANSCRIPT OF RECORD
6 Keshawn Melvin Rice,) 2017-GS-42-1795;1796
7 Defendant.) 2018-GS-42-0649
8) November 13 - 15, 2018
9) Spartanburg, South Carolina
10

11 B E F O R E:

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

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1	<u>INDEX</u>	
2	<u>WITNESSES</u>	<u>PAGE</u>
3	CHAD INGLE (SW)	
4	Direct examination by Mr. Bulsa	69
5	Cross-examination by Mr. Warder	77
6	JONATHAN LAWSON (SW)	
7	Direct examination by Mr. Bulsa	77
8	Cross-examination by Mr. Warder	99
9	Redirect examination by Mr. Bulsa	104
10	KEVIN BOWEN (SW)	
11	Direct examination by Mr. Bulsa	110
12	Cross-examination by Mr. Warder	115
13	WENDY THOMAS (SW)	
14	Direct examination by Mr. Bulsa	116
15	MARY ANN KOTLARICH (SW)	
16	Direct examination by Mr. Bulsa	119
17	Cross-examination by Mr. Warder	129
18	Redirect examination by Mr. Bulsa	133
19	KAMERON WILSON (SW)	
20	Direct examination by Mr. Bulsa	138
21	Cross-examination by Mr. Warder	160
22	Redirect examination by Mr. Bulsa	170
23	Recross-examination by Mr. Warder	174
24		
25		

1	<u>INDEX</u>	
2	<u>WITNESSES</u>	<u>PAGE</u>
3	COBY STEPP (SW)	
4	Direct examination by Mr. Bulsa	175
5	Cross-examination by Mr. Warder	180
6	Redirect examination by Mr. Bulsa	185
7	COURTNEY BURGESS (SW)	
8	Direct examination by Mr. Bulsa	186
9	Cross-examination by Mr. Warder	192
10	ELIAN NAVA (SW)	
11	Direct examination by Mr. Bulsa	197
12	Cross-examination by Mr. Warder	211
13	Redirect examination by Mr. Bulsa	217
14	CHERYL RICE (SW)	
15	Direct examination by Mr. Bulsa	221
16	Cross-examination by Mr. Warder	224
17	Redirect examination by Mr. Bulsa	225
18	LAKEISHA RICE (SW)	
19	Direct examination by Mr. Bulsa	226
20	ZARIA OWENS (SW)	
21	Direct examination by Mr. Bulsa	229
22	KIM PARNELL (SW)	
23	Direct examination by Mr. Bulsa	233
24		
25		

1	<u>INDEX</u>	
2	<u>WITNESSES</u>	<u>PAGE</u>
3	RICHIE FOSTER (SW)	
4	Direct examination by Mr. Bulsa	235
5	Cross-examination by Mr. Warder	240
6	Redirect examination by Mr. Bulsa	240
7	THOMAS N. SMITH (SW)	
8	Direct examination by Mr. Bulsa	243
9	CHRIS MORROW (SW)	
10	Direct examination by Mr. Bulsa	246
11	CHAD SMITH (SW)	
12	Direct examination by Mr. Bulsa	248
13	Cross-examination by Mr. Warder	257
14	Redirect examination by Mr. Bulsa	258
15	DR. JOHN DAVID WREN (SW)	
16	Direct examination by Mr. Bulsa	259
17	Cross-examination by Mr. Warder	268
18		
19	Jury qualification	17
20	Jury sworn	54
21	Opening statements	62
22	Closing arguments	286
23	Jury charge	318
24	Verdict	357
25	Sentence	361

1		<u>EXHIBITS</u>		
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
3	S-1	Photograph	47	
4	S-2	Photograph	47	
5	S-3	Photograph	47	
6	S-4	Photograph	47	
7	S-4-A	Photograph	47	49
8	S-5	Photograph	47	
9	S-5-A	Photograph	47	49
10	S-6	Photograph	47	
11	S-7	Diagram	47	
12	S-8	Legend	47	
13	S-9	Photograph	47	
14	S-10	Photograph	47	
15	S-11	Photograph	47	
16	S-12	Photograph	47	50
17	S-13	Photograph	47	
18	S-14	Photograph	47	
19	S-15	Photograph	47	
20	S-16	Photograph	47	
21	S-17	Photograph	47	
22	S-18	Photograph	47	
23	S-19	Photograph	47	
24	S-20	Photograph	47	50
25	S-21	Photograph	47	

1		<u>EXHIBITS</u>	
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u> <u>EV.</u>
3	S-22	Photograph	47
4	S-23	Photograph	47
5	S-24	Photograph	47
6	S-25	Shell casing	47
7	S-26	Shell casing	47
8	S-28	Shell casing	47
9	S-28	Shell casing	47
10	S-29	Shell casing	47
11	S-30	Fired bullets	47
12	S-31	Fired bullets	47
13	S-32	Fired bullets	47
14	S-33	Fired bullets	47
15	S-34	Fingerprint card	179 179
16	S-35	Fingerprint card	185 189
17	S-36	Photograph	237
18	S-37	Diagram	243 261
19			
20			
21			
22			
23			
24			
25			

1
2
3
4
5
6
7
8
9
10
11
12
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14
15
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17
18
19
20
21
22
23
24
25

EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
D-1	Photograph	131	

1	<u>EXHIBITS</u>			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
3	C-1	State's Exhibit No. 5		49
4	C-2	State's Exhibit No. 4		49
5	C-3	Question from jury and printed response		357
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

1 (Proceedings November 13, 2018)

2 MR. BULSA: This is state vs. Keshawn Melvin Rice,
3 2017-GS-42-1795, indictment for murder; 17-96, indictment
4 for armed robbery; and direct Indictment 18-GS-42-0649 for
5 burglary in the first degree.

6 Your Honor, Mr. Rice through his attorney has waived
7 arraignment on the burglary first indictment.

8 It's my understanding Mr. Rice has rejected the plea
9 offer extended by the state. We would like to have that
10 put on the record.

11 THE COURT: All right. Mr. Warder, you're
12 representing Mr. Rice?

13 MR. WARDER: Yes, sir, Your Honor. I do.

14 THE COURT: And do y'all want to proceed with jury
15 selection?

16 MR. WARDER: Yes, sir.

17 THE COURT: And you've discussed with Mr. Rice the
18 offer made by the state that he referenced?

19 MR. WARDER: Yes, I have, Your Honor.

20 I informed my client that there was an offer made of
21 15 years and that there would be a sentence, after that
22 that it'd be suspended on probation, that that would clear
23 him out with everything and that he could put it all behind
24 him when he accepted that offer, that I informed him that
25 he could go to prison and start that 15-year sentence and

1 that in my opinion that after he would get credit for the
2 85 percent against him he would have about 12 and three
3 quarters years, that he got credit for what time he would
4 get credit off that, the time he's been in jail, which is,
5 I think, about two years and one month. And so he would
6 end up serving right at ten years.

7 I discussed that with him. He tells that he does not
8 want to take that offer, and so here we are.

9 THE COURT: All right. Mr. Rice, you've heard what
10 Mr. Warder told me. You've rejected the state's offers?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Mr. Rice, has Mr. Warder explained to you
13 that if you are convicted on burglary in the first degree
14 you could receive a life sentence?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: If you're convicted of murder you could
17 also receive a life sentence?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: If you're convicted of armed robbery you
20 could receive a 30-year sentence? But it requires a
21 mandatory minimum of 10 on the armed robbery, 30 on the
22 murder and 15 on the burglary. Those are mandatory minimum
23 sentences. Do you understand?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And do you need any further time to talk

1 to Mr. Warder about your decision, or do you stick with
2 your decision to reject the offer?

3 THE DEFENDANT: I still got the same decision.

4 THE COURT: Sir?

5 THE DEFENDANT: I said I still got the same decision.
6 I don't want to take no plea.

7 THE COURT: Okay. All right. Y'all already for the
8 jury selection?

9 MR. BULSA: Your Honor, the state does have a motion
10 in limine regarding some testimony.

11 THE COURT: All right. What is it?

12 MR. BULSA: I handed a copy to Your Honor. It's
13 regarding some questioning that the defense did in the last
14 trial regarding the victim's mother, Ms. Kotlarich.
15 There's a line of questioning going into whether she had
16 told Cesar Mendez to move any of the marijuana, hide the
17 marijuana.

18 We contend that that is false and should not be
19 allowed to be brought in and that it's, in essence,
20 hearsay.

21 Mr. Mendez has rejected for a plea. The State -- is
22 not available as far as the state is concerned. So, and he
23 said to the police regarding that matter should not be
24 allowed and should not be allowed to be introduced in a
25 roundabout way through Mary Ann Kotlarich.

1 Additionally, it would only be meant to prejudice the
2 victim against -- the jury against the victim.

3 We think it's a 403 motion as well.

4 THE COURT: Mr. Warder.

5 MR. WARDER: Your Honor, this is crazy.

6 I have a right to cross-examine a witness on anything
7 that is relevant and material to my client's defense.

8 One of the state's witnesses has testified that the
9 deceased's mother had him move the marijuana so the police
10 wouldn't find it.

11 The facts of this house are the marijuana was growing
12 in the house. There was baggies of marijuana, and he was
13 in the house, in the foyer. He was selling it in the
14 garage.

15 Certainly her knowledge of that and her participation
16 is part of this case. She committed perjury, I think, in
17 the first case, and the state's trying to protect her from
18 me cross-examining her. And if she happened to maybe even
19 reveal the truth this time, which would get her in trouble
20 for that perjury the first time.

21 It's relevant to show, first of all, motive and/or
22 intent. Second of all, it's relevant because it's in the
23 same crime. It's part of it -- this marijuana.

24 The third, it brings out the fact that this was a
25 enterprise. This was -- her son was selling it. She,

1 obviously, knew one of the -- Cesar Mendez. He had been to
2 the house on many occasions. And there's no reason I can't
3 cross-examine her as to whether that happened.

4 THE COURT: Well, was this done in the last trial?

5 MR. WARDER: I'm sorry? I didn't understand.

6 THE COURT: Was that same line of questioning
7 addressed in the last trial?

8 MR. WARDER: No.

9 THE COURT: So this is something you've learned since
10 the last trial?

11 MR. WARDER: No. I asked -- what's brought this about
12 is I asked her on the stand the last time whether or not
13 she -- she moved marijuana or she's removed marijuana.

14 THE COURT: Okay.

15 MR. WARDER: She denied it the last time. I believe
16 that'd be false.

17 THE COURT: Okay. Well, if she were to testify again
18 and she were to be consistent and deny it, would you have a
19 witness that would contradict the testimony?

20 MR. WARDER: Cesar is the one that can contradict it.

21 THE COURT: Well, I know. Are you going to call Cesar
22 as a witness to contradict it?

23 MR. WARDER: I don't know. I think -- I attribute
24 this to the -- partly to the solicitor's motives, because I
25 may not want to put up any defense --

1 THE COURT: Right.

2 MR. WARDER: -- if they can get this -- you to exclude
3 it unless I put up Cesar. Then they have effectively found
4 a way to take away my right to have last argument.

5 THE COURT: Well, I understand. But, at the same
6 time, you know, I mean, hearsay is hearsay.

7 MR. WARDER: But it isn't hearsay. It's what --

8 THE COURT: Well, no. Let me finish.

9 If you want to have somebody to testify as to what
10 Cesar said that's hearsay.

11 MR. WARDER: I don't want to --

12 THE COURT: If you want to ask Ms. Kotlarich if she
13 did something which you already know she has previously
14 denied, then the only purpose of getting that in would be
15 to try to prejudice the state's case when you already know
16 she denies it. And it injects information into a trial
17 that you already know has been denied.

18 And therefore if you do have a witness that will
19 contradict it, then I would permit that examination. If
20 you have no witness to contradict it and the witness denies
21 it, there's no purpose in it being introduced other than to
22 prejudice the state's case.

23 MR. WARDER: Well, I don't understand prejudice the
24 state's case, Your Honor. Everything that's said
25 prejudices the state's case.

1 THE COURT: Not everything.

2 MR. WARDER: But this is -- this is a case where a
3 witness on the scene at the time the crime was committed --
4 I want to ask her what she did, whether she did this. And
5 I don't see any basis for excluding it.

6 THE COURT: Well, I think we just addressed that.

7 But here's what we will do. I will permit you to
8 examine the witness outside the presence of the jury so
9 we'll know exactly what you wish to ask and what her
10 responses are. And then I'll address whether or not that
11 should be permitted to be disclosed in front of the jury.
12 But those questions will not be asked until I have ruled on
13 the admissibility of it. Okay?

14 MR. WARDER: Okay.

15 THE COURT: All right.

16 MR. BULSA: Your Honor, lastly, on the burglary first
17 indictment, we added that based on the testimony from the
18 last trial.

19 I'm asking the Court to prohibit the defense from
20 commenting about the timing of that indictment. I don't
21 see how that would be relevant in any argument to a jury.

22 THE COURT: The timing of the burglary indictment?

23 MR. BULSA: Yes, sir.

24 THE COURT: Okay. Mr. Warder, do you intend to
25 comment upon it?

1 MR. WARDER: I guess I hadn't thought about what the
2 advantage was to that, but I guess if it becomes apparent
3 to me that there's something about the timing of it that
4 would be beneficial to my client, I certainly will ask
5 about it.

6 THE COURT: What is the relevance of it?

7 MR. WARDER: I don't know. He filed a motion saying
8 don't let him say when we brought the indictment, the
9 timing of when we brought the indictment. And in a trial
10 that we're about to start I don't know if he's going to do
11 something that will make it relevant.

12 THE COURT: Oh, well, if it becomes relevant, you can
13 certainly ask about anything that's relevant. That's why
14 I'm asking what --

15 MR. WARDER: At this time I don't know if it's
16 relevant.

17 THE COURT: All right. Well, can we just agree then
18 before you ask any question or any type of evidence
19 relating to that that is admitted that we'll address that
20 outside the jury's presence?

21 MR. WARDER: Sounds like it would be.

22 THE COURT: Okay. Anything else?

23 MR. BULSA: No, sir.

24 THE COURT: All right. You can bring the jury around.

25 MR. BULSA: Your Honor, the state has passed up some

Jury qualification

1 voir dire questions.

2 THE COURT: Mr. Warder, do you have any potential
3 witnesses that are not included on the state's list?

4 MR. WARDER: Your Honor, at this time my client would
5 be the only witness.

6 MR. BULSA: Mr. Mendez is not on the state's list.

7 THE COURT: Do you wish to include Cesar Mendez on the
8 witness list?

9 MR. WARDER: Yes, sir. Potentially.

10 THE COURT: All right.

11 MR. WARDER: Your Honor, Justin Rice would also be on
12 mine.

13 (The following takes place in the presence of the jury
14 venire.)

15 THE COURT: Good afternoon, ladies and gentlemen.

16 We are ready to begin with jury selection in the first
17 trial that's going to require some of your participation.

18 The title of the case is the State vs. Keshawn Melvin
19 Rice. Mr. Rice has been accused by the state through the
20 solicitor's office with three separate and distinct
21 criminal offenses, although they are alleged to have arisen
22 out of one particular event or a course of events which the
23 state alleges occurred back on October the 8th of 2016.
24 But there are three separate and distinct criminal offenses
25 being alleged against the defendant.

Jury qualification

1 Charges brought against a defendant are done so by way
2 of documents referred to as indictments. The indictments
3 set forth the charges brought against a defendant.

4 In this particular case the defendant, as I say, is
5 Keshawn Melvin Rice.

6 He's charged with the crime of burglary in the first
7 degree, the state alleging on October the 8th of 2016 he
8 did enter a dwelling located at [REDACTED]
9 Road here in Spartanburg County without consent of the
10 owner and with the intent to commit a crime therein, and
11 that either when in effecting entry or while in the
12 dwelling or in immediate flight therefrom he or another
13 participant in the crime was armed with a deadly weapon or
14 caused physical injury to a person who was not a
15 participant in the commission of the crime, or used or
16 threatened the use of a dangerous instrument, or displayed
17 what appeared to be a knife, pistol, revolver, rifle,
18 shotgun or other firearm, or the burglary occurred in the
19 nighttime.

20 A second indictment charges Mr. Rice with the crime of
21 armed robbery, the state alleging that on October the 8th
22 of 2016 while armed with a deadly weapon or while either by
23 actions or words he claimed or alleged that he was armed
24 with a deadly weapon, while using a representation of a
25 deadly weapon, that he did commit the crime of robbery by

Jury qualification

1 taking, stealing and carrying away from the person or
2 presence of Thompson Demas personal property by the use of
3 force or violence or intimidation and by the use of a
4 deadly weapon.

5 The remaining indictment charges Keshawn Melvin Rice
6 with the crime of murder, the state alleging on October the
7 8th of 2016 Mr. Rice did wilfully and with malice
8 aforethought kill one Thompson Demas by shooting him and
9 that Mr. Demas died as a proximate result of that gunshot
10 wound.

11 Now, as to each of those indictments and as to the
12 allegations contained therein and the charges alleged
13 against the defendant he has entered a plea of not guilty.

14 A plea of not guilty places upon the state the burden
15 of proving the allegations that they have made by way of
16 each of these indictments.

17 The burden is upon the state to prove each of the
18 essential elements of the crimes that are alleged against
19 the defendant; and therefore the burden is upon the state
20 to establish the defendant's guilt to the satisfaction of
21 12 jurors beyond a reasonable doubt before any verdict of
22 guilty could be returned as to any of the separate
23 indictments, and therefore we are going to be selecting
24 probably 14 of you to participate in the trial of the case.

25 By way of your participation you're going to be called

Jury qualification

1 upon to listen to testimony that will come from the witness
2 stand as witnesses testify and to consider other evidence
3 that might be introduced during the trial of the case.

4 At the trial's conclusion I will instruct you on the
5 law that's applicable as to each of the separate
6 indictments, and the jury will be called upon to deliberate
7 the case, to decide the facts based upon the evidence
8 presented as they relate to the allegations made by way of
9 the indictments.

10 Once the facts are decided the jury will apply the
11 law, and the jury will determine whether or not the
12 defendant's guilt as to a particular charge has been proven
13 beyond a reasonable doubt.

14 Now, before we can begin with jury selection I've got
15 some folks to introduce to you. The purpose of the
16 introductions is to find out if you have any type of
17 connection with anybody involved in the trial of the case.

18 That would include the defendant, that would include
19 the deceased, that would include family members of both,
20 that would include potential witnesses, that would include
21 the lawyers, and that would also include the -- anybody
22 else in the solicitor's office.

23 But I need to find out if you have any connection by
24 blood or by marriage, do you have any connection through
25 employment, church, school or any other type of connection,

Jury qualification

1 do you know the person, have you met them somewhere, do you
2 socialize with them or have you just been introduced to
3 them somewhere along the way. So I need to find out if you
4 have any connection whatsoever with any person that I will
5 be introducing or identifying.

6 And after that I'll have some additional questions to
7 ask you in order to determine whether or not there's any
8 reason why any juror could not be fair and impartial if
9 selected as a juror to serve in this particular case.

10 Now, first of all, as I told you, the defendant --
11 that is the person who is accused of the crimes of
12 burglary, armed robbery and murder -- is Keshawn Melvin
13 Rice.

14 Mr. Rice, if you will, stand and face the jury panel.
15 (Whereupon, the defendant stood.)

16 THE COURT: Mr. Rice is represented by Richard Warder.
17 Mr. Warder is his lawyer. He'll be assisting him during
18 the trial of the case.

19 (Whereupon, Mr. Warder stood.)

20 THE COURT: The person alleged to be the victim of the
21 burglary and of the armed robbery and of the murder is
22 Thompson Demas. Of course Mr. Demas is not here, but we
23 have at least a family member who is present.

24 Who is that, Mr. Bulsa?

25 MR. BULSA: Mother, Mary Anne Kotlarich.

Jury qualification

1 THE COURT: All right. Ms. Kotlarich, if you will,
2 please stand and face the jury panel so that they may see
3 who you are. This is the mother of Thompson Demas.

4 (Whereupon, Mary Anne Kotlarich stood.)

5 MR. BULSA: She lives at the [REDACTED]
6 address.

7 THE COURT: At [REDACTED] Road?

8 MR. BULSA: Yes, sir.

9 THE COURT: Okay. Presenting the case on behalf of
10 the state is Derrick Bulsa. He is an assistant circuit
11 solicitor for the Seventh Judicial Circuit.

12 (Whereupon, Mr. Bulsa stood.)

13 THE COURT: Potential witnesses include the following,
14 and I'm going to recite an exhaustive list. That doesn't
15 mean every one will be testifying, but it means that they
16 have some information that they might need to share. So
17 I'll recite the entire list.

18 The first number of witnesses that I'll recite are all
19 employed by the Spartanburg County Sheriff's Department.
20 And those include Travis Barnett, Wesley Bennett, Kevin
21 Bowen, Courtney Burgess, Richie Foster, Joey Guffey, Jason
22 Hilton, David Hogsed, Steven Horton, Michael Hubbard, Chad
23 Ingle, Jonathan Lawson, Chris Morrow, Kim Parnell, Coby
24 Stepp and Wendy Thomas.

25 Also, employed by the South Carolina Law Enforcement

Jury qualification

1 Division, commonly referred to as SLED, we have Jennifer
2 Clayton, Jennifer Nates and Chad Smith.

3 Also, Tom Smith employed by the Spartanburg County
4 Solicitor's Office; Sincere Jeter, a resident of
5 Spartanburg; Mary Ann Kotlarich who's already been
6 introduced to you as the mother of Demas Thompson --
7 Thompson Demas. Excuse me.

8 we also have Elian Nava, a resident of Spartanburg;
9 Zaria Owens, a resident of Moore; Cheryl Rice, a resident
10 of Spartanburg; Justin Rice, a resident of Spartanburg;
11 Lakeisha Rice, a resident of Spartanburg; Kameron Wilson, a
12 resident of Lyman; Cesar Mendez Martinez, a resident of
13 Spartanburg; and John David Wren, a pathologist with the
14 Spartanburg Regional Medical Center.

15 So does any juror have any connection whatsoever with
16 any person who has just been identified or any members of
17 their respective families? If so, please stand.

18 well, it's taking a while, but we're getting there.

19 UNIDENTIFIED JUROR: Not sure. I know who they are.

20 THE COURT: All right. well, that's what I want to
21 know, if you know who they are.

22 All right. I'm going to start on the front row, and
23 I'll work my way back once I get everybody standing.

24 All right. Is everybody standing now? I need to --
25 I'm just trying to find out if you know anybody or if you

Jury qualification

1 have ever met anybody who's been identified or you know any
2 members of their respective families.

3 All right. I'll start to my right. I'll go the front
4 row.

5 JUROR NO. 84: Come up there.

6 THE COURT: You don't need to come up here unless you
7 want to.

8 JUROR NO. 84: No. 84.

9 THE COURT: Eighty-four?

10 JUROR NO. 84: Yes, sir.

11 THE COURT: All right. Tell me what your name is.

12 JUROR NO. 84: Kim Huckaby.

13 THE COURT: All right. Ms. Huckaby, tell me who you
14 know.

15 JUROR NO. 84: I know Richie Foster and Travis
16 Barnett.

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

18 JUROR NO. 84: Travis -- I used to work with his wife,
19 and I went to -- I was in high school with Richie.

20 THE COURT: Okay. And would either of those
21 connections or facts have any bearing in your decision? Is
22 that a no?

23 JUROR NO. 84: That's, yeah, no.

24 THE COURT: All right.

25 JUROR NO. 84: I'm good with it.

Jury qualification

1 THE COURT: Thank you. Be seated.

2 Yes, ma'am. Your name and number?

3 JUROR NO. 41: Pam Davis, Juror 41.

4 THE COURT: Who do you know?

5 JUROR NO. 41: David Hodges.

6 THE COURT: Now, this is David Hogsed. Do you know
7 David Hogsed?

8 JUROR NO. 41: No, no. I thought you said David
9 Hodges.

10 THE COURT: Yeah. Hogsed, H-O-G-S-E-D. All right.
11 Thank you. Be seated.

12 Yes, ma'am.

13 JUROR NO. 30: Juror No. 30, Lisa Claxton. And I know
14 Derrick Bulsa through prior employment.

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

17 JUROR NO. 30: No. It would not.

18 THE COURT: Thank you. Be seated.

19 Yes, ma'am.

20 JUROR NO. 80: Susan Hood, Juror No. 80. And I know
21 Jason Hilton and Chris Morrow. Jason -- I worked with his
22 wife at the school. And just friends with Chris' family.

23 THE COURT: And would either of those connections have
24 any bearing in your decision?

25 JUROR NO. 80: No, sir.

Jury qualification

1 THE COURT: Thank you. Be seated.

2 Yes, ma'am.

3 JUROR NO. 204: Ericka Todd, 204. I know Jason
4 Hilton. I know of Jason Hilton. His wife works at the
5 school that I work at currently.

6 THE COURT: All right. Anybody else?

7 JUROR NO. 204: No.

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

10 JUROR NO. 204: No, sir.

11 THE COURT: Thank you. Be seated.

12 Yes, sir.

13 JUROR NO. 62: Stephen Foster, 62. I was a part of a
14 C.W.P. class that Richie taught.

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

17 JUROR NO. 62: No, sir.

18 THE COURT: Thank you. Be seated.

19 All right. Front row.

20 JUROR NO. 183: Jeremy Thomas, 183.

21 THE COURT: 183?

22 JUROR NO. 183: Yes, sir.

23 THE COURT: All right.

24 JUROR NO. 183: The entire group from Spartanburg
25 County. I used to work for Spartanburg County from 2012 to

Jury qualification

1 2017, so I've had run-ins and talked with them.

2 THE COURT: Okay. And would any of those connections
3 have any bearing in your decision?

4 JUROR NO. 183: No, sir.

5 THE COURT: Thank you. Be seated.

6 Next.

7 JUROR NO. 150: Craig Richard, Juror 150. Coby Stepp.
8 I went to school with him.

9 THE COURT: And would that have any bearing in your
10 decision?

11 JUROR NO. 150: It won't.

12 THE COURT: All right. And the last.

13 JUROR NO. 35: John Craig. It's Juror 35. I attend
14 the same church as Derrick.

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

17 JUROR NO. 35: No, sir.

18 THE COURT: Thank you. Be seated.

19 Now, this is a case which the state alleges arises out
20 of an event which the indictments allege occurred on
21 October the 8th of 2016.

22 As I've already stated, it is alleged to have occurred
23 at [REDACTED] Road here in Spartanburg County.
24 That's in the Londonderry community of Spartanburg, which
25 is out off of Anderson Mill Road in the Moore community of

Jury qualification

1 Spartanburg.

2 Does any juror think you might have heard, seen or
3 read anything that relates to this case? In other words,
4 have you been exposed to any type of information that
5 relates to this case from any source whatsoever, whether it
6 be television, radio, newspaper, folks talking about it at
7 work, church or school or just out in the community
8 somewhere? Have you heard anything about it? Do you have
9 any information that relates to the case? If so, please
10 stand.

11 (No response.)

12 THE COURT: Has any member of the jury panel or any
13 members of your immediate family -- and I'm going to define
14 an immediate family member as a parent or a spouse or a
15 child or a sibling -- a parent, spouse, child or sibling.

16 Have you or any members of your immediate family as I
17 just defined it ever been the victim of any type of violent
18 criminal offense or have you or that family member ever
19 been accused of having committed any type of violent
20 criminal offense?

21 And offenses which would be included in that
22 definition or designation would include murder,
23 manslaughter, burglary, armed robbery, criminal sexual
24 conduct, domestic violence of a high and aggravated nature,
25 attempted murder or any other similar type of an offense.

Jury qualification

1 Have you or a family member ever been the victim of such or
2 ever been accused of having committed such? If so, please
3 stand.

4 All right. I've got several standing. I'll start to
5 my right again. I'll work to my left. I'll go row by row.
6 And give me your name and your number. Tell me if it was
7 you or a family member. And then I'll need to know what
8 type of an offense it was and whether that person, you or
9 that person, was a victim or an accused.

10 And if you prefer to tell me about it down here at the
11 bench, feel free to step down here, and I'll discuss it.
12 Otherwise, I'll just talk to you from where you are.

13 All right. So the first one is?

14 JUROR NO. 100: Melanie Knighton.

15 THE COURT: And your juror number?

16 JUROR NO. 100: One hundred.

17 THE COURT: Ma'am?

18 JUROR NO. 100: No. 100.

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

20 JUROR NO. 100: No. A parent was molested as a child.

21 THE COURT: All right. And is there anything about
22 that fact that would interfere with your ability to be fair
23 in this case?

24 JUROR NO. 100: No.

25 THE COURT: All right. Thank you, ma'am. You may be

Jury qualification

1 seated.

2 All right. Next.

3 JUROR NO. 95: I was house sitting -- I'm sorry.
4 Meredith Kaiser, No. 95. I was house sitting for my
5 parents and the house was robbed.

6 THE COURT: All right. And is there anything about
7 that experience that would affect your judgment in this
8 case?

9 JUROR NO. 95: No.

10 THE COURT: Thank you. Be seated.

11 Yes, ma'am.

12 JUROR NO. 46: Juror No. 46. I have a C.D.V. back in
13 2007.

14 THE COURT: All right. And would that have any
15 bearing in your decision?

16 JUROR NO. 46: No, sir.

17 THE COURT: Thank you. Be seated.

18 Yes, ma'am.

19 JUROR NO. 118: 118. Many years ago my mom used to
20 work for Alltel, and she was robbed three different times
21 at gunpoint.

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

24 JUROR NO. 118: No, sir.

25 THE COURT: Thank you. Be seated.

Jury qualification

1 Front row.

2 JUROR NO. 156: No. 156. And about two years ago I
3 was a victim of burglary.

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

6 JUROR NO. 156: No, sir.

7 THE COURT: Thank you. Be seated.

8 Yes, ma'am.

9 JUROR NO. 93: Juror No. 93. May I approach the
10 bench?

11 THE COURT: You may.

12 (Bench conference held off the record with Juror No. 93
13 with counsel present.)

14 THE COURT: Juror 93 is excused from service in the
15 case.

16 Next.

17 JUROR NO. 92: Alicia Jones, No. 92. My sister was a
18 victim of C.D.V.

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

21 JUROR NO. 92: No, sir.

22 THE COURT: Thank you. Be seated.

23 Yes, sir.

24 JUROR NO. 150: Craig Richard, Juror 150. My home was
25 burglarized and my daughter was robbed.

Jury qualification

1 THE COURT: And would either of those facts have any
2 bearing in your decision?

3 JUROR NO. 150: It won't.

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

6 JUROR NO. 132: No. 132, Hugh Pace. Several years ago
7 my daughter's house in Bradley was broken into and
8 burglarized. And I also had a 4-wheeler stolen off of my
9 property.

10 THE COURT: And would either of those facts have any
11 bearing in your decision?

12 JUROR NO. 132: No, sir.

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

15 JUROR NO. 157: Tiffany Robinson, Juror No. 157. My
16 home was broken into, and me and my siblings was victims.

17 THE COURT: And would that have any bearing in your
18 decision?

19 JUROR NO. 157: No, sir.

20 THE COURT: All right. Thank you. You may be seated.
21 Has any member of the jury panel or any members of
22 your immediate family as I've already defined it ever been
23 employed as any type of law enforcement officer with any
24 department -- sheriff's department, city police department,
25 town, municipal law enforcement agency, state law

Jury qualification

1 enforcement division, probation and parole, any detention
2 facility or county jail, state law enforcement division,
3 F.B.I., C.I.A.? Any type of law enforcement agency,
4 whether it be civilian or military. I need to know if you
5 or a family member has been so employed. If so, please
6 stand.

7 All right. Start to my right, work to my left and
8 back.

9 Name and number.

10 JUROR NO. 188: David Varner, Juror 188. My mother
11 retired from South Carolina Department of Corrections, and
12 my wife was employed from South Carolina Department of
13 Corrections at one time.

14 THE COURT: All right. Would that have any bearing in
15 the case?

16 JUROR NO. 188: No, sir.

17 THE COURT: Be seated.

18 Yes, ma'am.

19 JUROR NO. 80: No. 80, Susan Hood. My brother was
20 retired from probation and parole.

21 THE COURT: And would that have any bearing in your
22 decision?

23 JUROR NO. 80: No, sir.

24 THE COURT: Thank you. Be seated.

25 JUROR NO. 204: Ericka Todd, 204. My brother is a

Jury qualification

1 current sheriff's deputy in Tennessee.

2 THE COURT: And would that have any bearing in your
3 decision?

4 JUROR NO. 80: No, sir.

5 THE COURT: Thank you. Be seated.

6 Yes, ma'am.

7 JUROR NO. 100: Melanie Knighton, 100. Both my
8 husband and I were both employed by the Spartanburg County
9 Jail.

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

12 JUROR NO. 100: No, sir.

13 THE COURT: Thank you. Be seated.

14 Yes, sir.

15 JUROR NO. 146: Juror 146. My son is currently in the
16 National Guard.

17 THE COURT: Would that have any bearing?

18 JUROR NO. 146: No, sir.

19 THE COURT: Thank you. Be seated.

20 JUROR NO. 62: Stephen Foster, 62. My brother is a
21 retired police officer.

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

24 JUROR NO. 62: No, sir.

25 THE COURT: Thank you. Be seated.

Jury qualification

1 Front row.

2 JUROR NO. 55: Katrina Ferguson. My sister is a
3 corrections officer. Sorry. No. 55.

4 THE COURT: Fifty-five?

5 JUROR NO. 55: Uh-huh.

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

8 JUROR NO. 55: No.

9 THE COURT: All right.

10 JUROR NO. 183: Jeremy Thomas, 183. Used to work for
11 Spartanburg County.

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

14 JUROR NO. 183: No, sir.

15 THE COURT: Thank you. Be seated.

16 JUROR NO. 92: Lacey Jones, 92. My brother is in the
17 Navy.

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

20 JUROR NO. 92: No, sir.

21 THE COURT: Thank you. Be seated.

22 JUROR NO. 75: Angela Halstead, No. 75. My husband
23 was a reserve officer with the Spartanburg County Sheriff's
24 Office.

25 THE COURT: Would that have any bearing in your

Jury qualification

1 decision?

2 JUROR NO. 75: No, sir.

3 THE COURT: Thank you. Be seated.

4 JUROR NO. 150: Craig Richard, Juror 150. I used to
5 work at a juvenile facility and my sister was a counselor
6 for D.J.J.

7 THE COURT: All right. Would either of those facts
8 have any bearing?

9 JUROR NO. 150: No, sir. It won't.

10 THE COURT: Thank you. Be seated.

11 JUROR NO. 12: Gregg Biltoft, No. 12. My son lives in
12 Colorado and is a policeman.

13 THE COURT: Your number was 12?

14 JUROR NO. 12: Yes, sir.

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

17 JUROR NO. 12: No, sir.

18 THE COURT: Thank you.

19 JUROR NO. 132: 132, Hugh Pace. My son-in-law is --
20 served with the Greenwood Police Department, and he's
21 currently on a police department at Lander University.

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

24 JUROR NO. 132: No, sir.

25 THE COURT: Thank you. Be seated.

Jury qualification

1 Yes, sir.

2 JUROR NO. 69: Corey Gibby, 69. My sister worked with
3 sheriff's department in Georgia.

4 THE COURT: Who worked at the sheriff's department in
5 Georgia?

6 JUROR NO. 69: My sister.

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

9 JUROR NO. 69: No, sir.

10 THE COURT: Thank you. Be seated.

11 Now, in any case that a jury participates in, as I
12 indicated earlier, the jury decides what the facts are
13 based upon the allegations where they can. You do that by
14 considering the evidence in the case, and then you consider
15 the allegations made. You decide whether or not the
16 evidence supports the allegations.

17 If it does, then you can accept it. And of course the
18 jury has to be convinced of a person's guilt beyond a
19 reasonable doubt before a person can be found guilty. So
20 the jury's function is to decide the facts.

21 But my function is to provide you with the law. The
22 law has been established, and you don't get to decide what
23 it is. You just have to follow it under your oath as a
24 juror.

25 So what I need to ask is does any juror believe you

Jury qualification

1 could not fulfill that obligation under your oath as a
2 juror and to decide the facts based upon your exercise of
3 your common sense and good judgment. But you apply the law
4 as I provide it to you. Whether you agree with the law or
5 not, you still would have to apply it as it is provided to
6 you.

7 Is there any juror that could not do that? If so,
8 please stand.

9 (No response.)

10 THE COURT: All right. Has any juror already formed
11 an opinion as to what you think the ultimate outcome ought
12 to be based upon what you've heard up to this point or
13 based upon any other consideration? Have you already made
14 up your mind as to the outcome? If so, please stand.

15 (No response.)

16 THE COURT: Does any juror know of any reason
17 whatsoever why you believe you could not be fair and
18 impartial if called upon to serve as a juror in this
19 particular case? If so, please stand.

20 (No response.)

21 THE COURT: All right. Any other questions requested
22 by the state?

23 MR. BULSA: No, Your Honor.

24 THE COURT: By the defense?

25 MR. WARDER: No, Your Honor.

Jury qualification

1 THE COURT: All right. Now, the way a jury is
2 selected, your names are drawn randomly by a computer. All
3 of your names are in there. But the computer will draw you
4 one at a time.

5 As your name is called, you'll be asked to come
6 forward, and you'll simply have a stance there in the
7 middle of the room. The bailiff will be there shortly.

8 You'll turn and face your fellow jurors. Each side
9 has an opportunity to have you excused from service in the
10 case, or both may agree to have you seated for service in
11 the case.

12 When you come forward if either side asks that you be
13 excused from serving, just go back and have a seat where
14 you are now.

15 If both agree to have you accepted for service in the
16 case, you'll be having a jury in jury box to your right and
17 to my left.

18 So please come forward as your name is called, and
19 you'll be instructed if you're to be excused from serving
20 in the case or accepted for service in the case.

21 THE CLERK: Juror No. 80, Susan Hood.
22 What say the state?

23 MR. BULSA: Please present the juror.

24 THE CLERK: What say the defense?

25 MR. WARDER: Please excuse the juror from the trial of

Jury qualification

1 this matter.

2 THE CLERK: Juror No. 204, Ericka Todd.

3 What say the state?

4 MR. BULSA: Please present the juror.

5 THE CLERK: What say the defense?

6 MR. WARDER: Please excuse the juror from the trial of
7 this matter.

8 THE CLERK: Juror No. 182, Geena Thomas.

9 What say the state?

10 MR. BULSA: Please present the juror.

11 THE CLERK: What say the defense?

12 MR. WARDER: Please seat the juror.

13 THE CLERK: Juror No. 114, Meagan McDowell.

14 What say the state?

15 MR. BULSA: Please present the juror.

16 THE CLERK: What say the defense?

17 MR. WARDER: Please swear the juror.

18 THE CLERK: Juror No. 35, John Craig.

19 What say the state?

20 MR. BULSA: Please present the juror.

21 THE CLERK: What say the defense?

22 MR. WARDER: Please excuse the juror from the trial of
23 this matter.

24 THE CLERK: Juror No. 164, Teresa Settle.

25 What say the state?

Jury qualification

1 MR. BULSA: Please present the juror.

2 THE CLERK: What say the defense?

3 MR. WARDER: Please excuse the juror from the trial of
4 this matter.

5 THE CLERK: Juror No. 51, Mary Easley.
6 What say the state?

7 MR. BULSA: Please present the juror.

8 THE CLERK: What say the defense?

9 MR. WARDER: Please excuse the juror from the trial of
10 this matter.

11 THE CLERK: Juror No. 200, Maria Xavier.
12 What say the state?

13 MR. BULSA: Please present the juror.

14 THE CLERK: What say the defense?

15 MR. WARDER: Please swear the juror.

16 THE CLERK: Juror No. 3, Kevin Anderson.
17 What say the state?

18 MR. BULSA: Please present the juror.

19 THE CLERK: What say the defense?

20 MR. WARDER: Please swear the juror.

21 THE CLERK: Juror No. 45, Rebecca Dedmond.
22 What say the state?

23 MR. BULSA: Please present the juror.

24 THE CLERK: What say the defense?

25 MR. WARDER: Please swear the juror.

Jury qualification

1 THE CLERK: Juror No. 100, Melanie Knighton.

2 What say the state?

3 MR. BULSA: Please present the juror.

4 THE CLERK: What say the defense?

5 MR. WARDER: Please excuse the juror from the trial of
6 this matter.

7 THE CLERK: Juror No. 178, Britt Stribling.

8 What say the state?

9 MR. BULSA: Please present the juror.

10 THE CLERK: What say the defense?

11 MR. WARDER: Please excuse the juror from the trial of
12 this matter.

13 THE CLERK: Juror No. 150, Craig Richard.

14 What say the state?

15 MR. BULSA: Please present the juror.

16 THE CLERK: What say the defense?

17 MR. WARDER: Please swear the juror.

18 THE CLERK: Juror No. 147, Jequita Raborn.

19 What say the state?

20 MR. BULSA: Please present the juror.

21 THE CLERK: What say the defense?

22 MR. WARDER: Please excuse the juror from the trial of
23 this matter.

24 THE CLERK: Juror No. 75, Angela Halstead.

25 What say the state?

Jury qualification

1 MR. BULSA: Please present the juror.

2 THE CLERK: What say the defense?

3 MR. WARDER: Please excuse the juror from the trial of
4 this matter.

5 THE CLERK: Juror No. 125, Douglas Morrow.
6 What say the state?

7 MR. BULSA: Please present the juror.

8 THE CLERK: What say the defense?

9 MR. WARDER: Please swear the juror.

10 THE CLERK: Juror No. 103, Michael Lake.
11 What say the state?

12 MR. BULSA: Please present the juror.

13 THE CLERK: What say the defense?

14 MR. WARDER: Please excuse the juror.

15 THE CLERK: Juror No. 186, Erica Trejo.
16 What say the state?

17 MR. BULSA: Please present the juror.

18 THE CLERK: What say the defense?

19 MR. WARDER: Please swear the juror.

20 THE CLERK: Juror No. 62, Stephen Foster.
21 What say the state?

22 MR. BULSA: Please present the juror.

23 THE CLERK: What say the defense?

24 MR. WARDER: Please swear the juror.

25 THE CLERK: Juror No. 165, Brandon Shinoski.

Jury qualification

1 What say the state?

2 MR. BULSA: Please present the juror.

3 THE CLERK: What say the defense?

4 MR. WARDER: Please swear the juror.

5 THE CLERK: Juror No. 22, Steven Brown.

6 What say the state?

7 MR. BULSA: Please present the juror.

8 THE CLERK: What say the defense?

9 MR. WARDER: Please swear the juror.

10 THE CLERK: Juror No. 188, David Varner.

11 What say the state?

12 MR. BULSA: Please present the juror.

13 THE CLERK: What say the defense?

14 MR. WARDER: Please swear the juror.

15 THE COURT: This will be for the first alternate.

16 THE CLERK: Juror No. 146, Joseph Quinton.

17 What say the state?

18 MR. BULSA: Please present the juror.

19 THE CLERK: What say the defense?

20 MR. WARDER: Please swear the juror.

21 THE COURT: Second alternate.

22 THE CLERK: Juror No. 187, Steven Upton.

23 What say the state?

24 MR. BULSA: Please excuse Mr. Upton in this case.

25 THE CLERK: Juror No. 118, Adelynn McPherson.

1 what say the state?

2 MR. BULSA: Please present the juror.

3 THE CLERK: what say the defense?

4 MR. WARDER: Please swear the juror.

5 (whereupon, a jury was impaneled.)

6 THE COURT: All right. Those of you who have been
7 selected, please go with a bailiff to a jury room, and I'll
8 bring you back shortly.

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

11 THE COURT: Are there any matters that need to be
12 addressed regarding jury section by the state?

13 MR. BULSA: No, Your Honor.

14 THE COURT: By the defendant?

15 MR. WARDER: No, Your Honor.

16 (whereupon, the remaining members of the jury venire
17 were excused.)

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

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

21 THE COURT: Ladies and gentlemen, I've got some other
22 matters scheduled that don't relate to this case that I
23 have to address this afternoon. So you're going to be
24 excused now. We'll resume or begin with the trial in the
25 morning at 9:30.

1 Keep in mind now that you've been selected, understand
2 that a jury's decision has to be based upon what is seen
3 and heard during the actual trial of the case.

4 You can't be influenced by any outside or extraneous
5 information, and therefore from now until the trial is
6 concluded you're not to discuss this case with anybody
7 whatsoever in any fashion whatsoever -- that includes your
8 fellow jurors -- until you're instructed to begin
9 deliberations.

10 You're also not to permit yourselves to be exposed to
11 any type of media coverage that relates to the case,
12 whether that be television, radio or newspaper. No media
13 exposure.

14 You are not to conduct any research or conduct your
15 own investigation into any issue or anything that relates
16 to the case. So no internet searches, no other type of
17 investigation or research.

18 With that, do have a good evening. Please report to
19 your jury room at 9:30 in the morning, at 9:30 in the
20 morning. Have a good afternoon.

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

23 THE COURT: All right. Court is in recess until
24 9:30 in the morning.

25 END OF PROCEEDINGS NOVEMBER 13, 2018

1 (Proceedings November 14, 2018)

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

4 (Photographs marked State's Exhibit Nos. 1 through 6;
5 diagram marked State's Exhibit No. 7; legend marked State's
6 Exhibit No. 8; photographs marked State's Exhibits Nos. 9
7 through 24; shell casings marked State's Exhibits Nos. 25
8 through 29; fired bullets marked State's Exhibits Nos. 30
9 through 33.)

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

12 MR. BULSA: Yes, sir, Your Honor.

13 We have shared some photographs with defense counsel.
14 He has an objection to a couple of them if I could state
15 for the record.

16 We have State's Exhibit No. 4 and 4-A and 5 and 5-A.
17 I will show the Court. Four and five show the body of the
18 victim -- 4-A and 5-A. I have blocked those out so they
19 don't appear to the jury.

20 THE COURT: Are these the same photos that have been
21 introduced previously?

22 MR. BULSA: One is. I have added one additional one.

23 THE COURT: Which one is the one that was not?

24 MR. BULSA: 4 and 4-A are the additional ones. It's a
25 different angle.

1 THE COURT: All right. 5 and 5-A were introduced
2 previously?

3 MR. BULSA: Yes, sir. We showed 5-A to the jury, and
4 5 was just for the record.

5 THE COURT: All right. And what is the significance
6 of 5 and 5-A -- the difference?

7 MR. BULSA: The one was blocking the body out.

8 THE COURT: I know that.

9 MR. BULSA: He was objecting to showing the body.

10 THE COURT: Right.

11 MR. BULSA: So I blocked it out.

12 THE COURT: Okay.

13 MR. BULSA: We show the jury a picture of the scene.

14 MR. WARDER: This one will just go with the record, I
15 guess.

16 THE COURT: Are you offering 5-A?

17 MR. BULSA: Yes, sir.

18 THE COURT: Okay.

19 MR. BULSA: I did the same thing with 4-A. Those
20 should be okay, but he's got an objection to two additional
21 photographs.

22 THE COURT: All right. So there's no objection to 4-A
23 and 5-A.

24 MR. WARDER: No, sir.

25 THE COURT: And 4 and 5 are not being offered. Is

1 that what I understand?

2 MR. BULSA: Just to be made a part of the record.

3 THE COURT: Court's exhibits. Okay.

4 (Photograph marked State's Exhibit No. 4-A; photograph
5 marked State's Exhibit No. 5-A; State's Exhibit No. 5 marked
6 Court's Exhibit No. 1; State's Exhibit No. 4 marked Court's
7 Exhibit No. 2.)

8 MR. BULSA: Yes, sir.

9 Now additionally, the state has State's 12 and
10 State's 20. They show portions of the garage. Offering
11 them to show items of evidence.

12 THE COURT: All right. And what is the objection to
13 12?

14 MR. WARDER: It doesn't add anything in probability
15 and that it's prejudicial value exceeds its probative value
16 on any point.

17 We don't object to it. Certainly it shows where two
18 markers were found. Two and three are there in the circle
19 on that. But, once again, if they would redact that part
20 of it, we won't have any objection.

21 THE COURT: If they redact what?

22 MR. WARDER: The part that shows the victim's body.

23 THE COURT: Okay. Mr. Bulsa.

24 MR. BULSA: Your Honor, I don't -- I believe the
25 victim's body is pretty much blocked by the doorframe, and

1 all you see is his foot and leg.

2 THE COURT: All right.

3 MR. BULSA: We don't think that's very prejudicial.

4 THE COURT: Overrule your objection.

5 (Photograph marked State's Exhibit No. 12.)

6 THE COURT: All right. What's the objection to
7 No. 20?

8 MR. WARDER: It would be the same objection, Your
9 Honor.

10 THE COURT: All right. Overrule that objection too.

11 (Photograph marked State's Exhibit No. 20.)

12 THE COURT: I do not find the exhibits being
13 prejudicial in any fashion, certainly not unduly
14 prejudicial.

15 All right. Any other matters to address?

16 MR. BULSA: No, sir.

17 THE COURT: All right. As counsel is aware, one of
18 the jurors this morning has failed to appear. The Court
19 has made every effort to contact the juror by the telephone
20 numbers that she provided, and we get no response, no
21 answer. Not heard from her, don't know where she is,
22 what's happened to her, why she's not here. But she was
23 instructed to be here at 9:30. It's now 10:15, and we have
24 no word as to her whereabouts, and therefore I'm going to
25 remove her from the panel, and we'll proceed with an

1 alternate.

2 Previously, as counsel is aware, the alternates or the
3 twelfth juror was chosen by ballot from the two alternates,
4 and the juror selected was Juror 146, Mr. Quinton.
5 Mr. Quinton will become the twelfth juror and Mr. or
6 Mrs. McPherson will continue to serve as the alternate.

7 Any objection to the selection of the twelfth juror?

8 MR. BULSA: Not by the state, Your Honor.

9 MR. WARDER: No, Your Honor.

10 THE COURT: Okay. All right. Bring them in.

11 Ask Mr. Richard -- that's Juror 150, Mr. Richard -- to
12 take the foreperson's seat.

13 (The following takes place in the presence of the
14 jury.)

15 THE COURT: Good morning, ladies and gentlemen.

16 I'm sorry for the delay, but as you've experienced,
17 one of your fellow jurors has not appeared, and we've
18 checked and we can't locate that juror. So we're not
19 certain why she's not here, but, nevertheless, she's not.
20 And we don't know if she's going to appear shortly.

21 So rather than impose upon your time any further,
22 that's why we had alternate jurors selected. And the
23 alternate jurors take the place of one of the original 12
24 in the event that one of those 12 cannot continue to serve.
25 And that's already happened today.

1 So Mr. Quinton has been -- has taken the -- will no
2 longer be an alternate. And he will become the twelfth
3 juror in the case. And Ms. McPherson will continue to
4 serve as an alternate in the event one of these other
5 jurors cannot continue to serve for some reason.

6 But we are now ready to begin with the trial of the
7 case for which each of you jurors have been selected. As
8 you know, you've been selected in the case of the State vs.
9 Keshawn Melvin Rice.

10 Mr. Richard, I'm going to ask you to serve as the
11 foreperson of the jury. And as the foreperson you'll have
12 three specific duties that none of the other jurors will
13 have.

14 First of all, you'll be asked to serve as the
15 spokesperson for the jury, and that just means if something
16 arises during the trial that needs to be brought to my
17 attention -- that is you or a fellow juror has some
18 difficulty, problem or question -- you'll address that
19 matter to me. You'll do that directly if you're in the
20 courtroom. You'll do it through the bailiff if you're
21 outside of the courtroom.

22 Secondly, you'll be called upon to preside over jury
23 deliberations when that time comes at the trial's
24 conclusion. And that of course will not be until all of
25 the evidence has been received, I have instructed you on

1 the law that's applicable and then you've been asked to go
2 back and begin jury deliberations. But when that time does
3 come you will be tasked with the responsibility of
4 presiding over those deliberations simply to ensure that
5 they are carried out in some orderly fashion.

6 And, thirdly, you'll be asked to actually write the
7 decisions or the verdicts of the jury. You'll do that on
8 verdict forms that I'll provide you at the trial's
9 conclusion on which you will indicate the jury's unanimous
10 decision as it relates to a particular charge set forth in
11 an indictment.

12 Now, the foreperson has those specific duties that
13 I've just indicated. That doesn't mean that he's any more
14 important than any of you other jurors, and that's because
15 the decision of a jury is the unanimous consensus opinion
16 of all 12 jurors. And so all of you will have an equal say
17 and an equal vote in what the ultimate decisions will be in
18 this case.

19 Someone simply has to be delegated those
20 responsibilities that I just indicated, and I have
21 delegated those to Mr. Richard in appointing him as the
22 foreperson. But all of you jurors are equally important so
23 far as the ultimate decisions in this case are concerned,
24 because, as I've stated, the verdicts have to be unanimous.
25 All of you must be in agreement.

Jury sworn

1 And, Ms. McPherson, as you know, you've been selected
2 to serve as an alternate, and as an alternate, as you also
3 know, you will be called upon to take the place of one of
4 the original 12 jurors if during the trial one of them
5 cannot continue to serve any further because of some
6 unforeseen circumstance. But in that event if someone was
7 unable to continue, you take that person's place. You
8 become the twelfth.

9 So it is important that you pay just as careful
10 attention as we ask of all of the jurors in the case
11 because it does occur from time to time for one reason or
12 another one of these 12 may be unable to continue. In that
13 event you become the twelfth.

14 So we do appreciate your participation as an alternate
15 juror, just as we appreciate the participation of each of
16 you jurors who have been selected for the purpose of
17 deciding the verdicts in this particular case.

18 You may swear the panel.

19 (Whereupon, the jury was duly sworn.)

20 THE COURT: All right. As you know, you've been
21 selected to decide the verdicts in the case of the State
22 vs. Keshawn Melvin Rice.

23 As you also know, Mr. Rice has been accused by the
24 prosecutor by way of these indictments with having
25 committed the crimes of burglary in the first degree, armed

1 robbery and murder.

2 The state alleges back on October the 8th of 2016
3 Mr. Rice did commit the crimes of burglary in that he did
4 enter a dwelling here in Spartanburg County without consent
5 of the owner and with the intent to commit a crime therein
6 and that when in effecting entry or while in the dwelling
7 or in flight therefrom he was armed with a deadly weapon,
8 or caused physical injury to another person who was not a
9 participant in the commission of the crime, or used or
10 threatened the use of a dangerous instrument, or displayed
11 what appeared to be some type of deadly weapon or firearm,
12 or the burglary occurred in the nighttime.

13 He's also accused of committing the crime of armed
14 robbery in that he did while armed with a deadly weapon
15 take, steal and carry away from the person or the presence
16 of Thompson Demas by the use of force or intimidation, and
17 accomplished by the use of a deadly weapon, certain
18 personal property that belonged to Mr. Demas with the
19 intent to steal it.

20 And, lastly, he's charged with the crime of murder in
21 that on October the 8th of 2016 he did wilfully and with
22 malice aforethought kill one Thompson Demas by shooting him
23 with a firearm and that Mr. Demas died as a proximate
24 result of that gunshot wound.

25 Now, as I've previously told you, Mr. Rice has entered

1 a plea of not guilty to each of the charges. That plea of
2 not guilty places upon the state the burden of proving the
3 allegations that they have made by way of each of these
4 indictments, the burden of proving each of the essential
5 elements of the crimes that are alleged against the
6 defendant; and therefore the burden is upon the state to
7 establish the defendant's guilt to the satisfaction of you
8 12 jurors beyond a reasonable doubt before any verdict of
9 guilty could be returned as to any of the separate charges.
10 And you will be called upon to render separate and distinct
11 verdicts as to each of the separate and distinct offenses.

12 Every person who is accused of a crime -- and it
13 doesn't matter how serious the offense might be for which
14 that person stands charged -- shall always be presumed
15 innocent of the charge.

16 That presumption of innocence remains with every
17 defendant, as it does with this defendant, from the time
18 that he is placed under arrest and throughout the course of
19 the criminal process and even throughout the course of the
20 actual trial in the case.

21 That presumption of innocence will be with Mr. Rice
22 throughout the trial and even as you go back to begin with
23 your deliberations at the trial's conclusion.

24 That presumption of innocence will be with him in that
25 jury room, and it'll be with him forever unless you find he

1 is no longer entitled to that presumption of innocence.

2 In other words, after you have carefully considered
3 all of the evidence as it relates to the allegations made
4 against him, and after you have been able to determine the
5 facts as they relate to those allegations, and after
6 deciding the facts you apply the law that I will have
7 provided you as it relates to that particular charge, if
8 you 12 jurors unanimously determine that his guilt as to a
9 particular charge has been proven beyond a reasonable
10 doubt, then he would no longer be entitled to the
11 presumption of innocence as it relates to that charge. But
12 it is only if, unless and until you are satisfied of his
13 guilt beyond a reasonable doubt that the presumption of
14 innocence would no longer be applicable.

15 Now, the way the trial will proceed is that in a
16 moment the lawyers are going to address you in what are
17 called opening statements.

18 There are two occasions in the trial of a case where
19 lawyers are permitted to address the jury directly, and
20 that is at the beginning of the trial before any evidence
21 has been introduced, then again at the conclusion of the
22 trial after all of the evidence has been received.

23 But please keep in mind, as I've just indicated, the
24 evidence comes in during the trial between the opening and
25 the closing statements of the lawyers.

1 what the lawyers tell you in their statements is not
2 to be considered by you as any evidence upon which you will
3 base your decision, and that's because the lawyers aren't
4 witnesses to anything. They don't know anything about this
5 case of their own personal knowledge or perception like
6 witnesses will be testifying to when they take the witness
7 stand and testify before you.

8 The lawyers will not be subjected, like witnesses
9 will, to direct and cross-examination from the testimony
10 they provide, and the lawyers aren't going to take the
11 witness stand. They're not going to be placed under oath,
12 and so what they tell you is not to be construed by you as
13 evidence upon which you will base your decision. But you
14 should listen to what the lawyers say because the
15 statements do serve a purpose.

16 The opening statements serve to provide you with a
17 basic understanding as to what this case is about from both
18 the perspective of the state and of the defense so that
19 you'll have some context in which to place the evidence
20 that we will be receiving shortly thereafter.

21 The closing statements occur after the evidence has
22 been received. And, again, while those statements are not
23 evidence, it does afford the lawyers an opportunity to
24 discuss with you the evidence that you have seen and heard
25 during the trial of the case. And through that discussion

1 each will have an opportunity to try to persuade you or to
2 convince you that the evidence in the case does or does not
3 support a particular decision.

4 It's in between those opening and the closing
5 statements that we actually receive the evidence upon which
6 you will base your decisions.

7 The state, as I told you, has the burden of proof.
8 They go forward first in their presentation.

9 After the state concludes its presentation of evidence
10 any defendant, any person accused of a crime, has the same
11 opportunity to testify or call a witness or introduce
12 evidence. But understand that in a criminal case the
13 burden is never upon a person accused of a crime to prove
14 that they are not guilty or to prove that they are
15 innocent, because in some cases that might not be possible.

16 The burden is upon the state because they've made the
17 accusation to establish that person's guilt beyond a
18 reasonable doubt.

19 And so in a criminal trial a defendant may not take
20 the witness stand, may not call any witnesses, may not
21 introduce any evidence himself or herself. And if that's
22 the case that's not something that the jury may hold
23 against the defendant in the slightest degree, nor may you
24 allow that to influence your decision in any way.

25 You've got to base your decision upon what you see and

1 hear during the course of the trial, and you're not
2 permitted to allow the decision by a defendant not to
3 introduce additional evidence to be held against him in any
4 way, because, as I say, the burden's not on him to prove
5 anything. The burden's on the state to prove his guilt.
6 But every person charged is always provided an opportunity
7 to testify or to call witnesses or to present evidence if
8 he or she wishes to do so.

9 So after all of the evidence has been received and you
10 then hear the final summations or arguments of the lawyers,
11 I will then instruct you fully on the law as it relates to
12 the criminal law generally and as it relates to these
13 particular crimes specifically, and then you'll be asked to
14 go back and to begin with your deliberations.

15 Through that process and through the exercise of good
16 judgment and common sense conscientiously applied to the
17 testimony and evidence received, you're going to be called
18 upon to determine the facts as they relates to the
19 allegations made. And where you are able to determine
20 those facts, you then apply the law that I will have
21 provided you, and you will determine whether or not the
22 defendant has been proven guilty of a particular crime
23 beyond a reasonable doubt.

24 If he has, then the verdict is guilty as to that
25 particular charge. And if he has not, then the verdict

1 would be not guilty as to that particular charge.

2 Now, all that we ask for you to do is to pay careful
3 attention throughout the course of the trial. There will
4 be a number of witnesses that will testify. Sometimes the
5 testimony of witnesses is in conflict or contradicted. And
6 if that conflict or if that contradiction relates to a
7 material fact that has to be decided by you in order to
8 arrive at a decision, you are the persons who decide the
9 facts; and therefore you are the persons who judge and
10 evaluate the credibility and the believability of each
11 witness that has testified during the trial.

12 In your assessment of a witness' credibility and your
13 decision as to the facts you can believe everything that a
14 witness testified to, or you may choose to believe none of
15 it. You may believe one portion of a witness' testimony
16 and reject some other portion of that same witness'
17 testimony.

18 In a given case you could believe one witness as
19 opposed to several, or several as opposed to one. But in
20 order for you to be in a proper position to fairly evaluate
21 the credibility and the believability of witness testimony
22 you've got to pay attention as they testify so that you'll
23 be in a proper position at the trial's conclusion to assess
24 their credibility in light of not just their own testimony
25 but in light of any other testimony and other evidence

Opening statements

1 received during the course of the trial.

2 And of course it's important that you keep an open
3 mind throughout the course of the trial, and that just
4 means that you're not to begin making up your minds or
5 formulating your opinions as to what you think the ultimate
6 decisions ought to be until all of the evidence has been
7 received, until I have instructed you on the law that's
8 applicable in the case and until you are then asked to go
9 back and to begin with your deliberations at the
10 conclusion.

11 That is the process that has been designed over the
12 last 240 some odd years to ensure that you can arrive at a
13 fair and impartial decision in any case.

14 So I do want to thank you in advance for your
15 participation, as well as for your careful attention. I
16 would ask that you please give the lawyers your attention
17 now as they give you their opening statements.

18 Mr. Bulsa.

19 MR. BULSA: May it please the Court.

20 Good morning, ladies and gentlemen. This case is
21 about a botched robbery, a botched robbery at [REDACTED]
22 [REDACTED] Road on October the 8th at about 3:30 in the
23 morning.

24 This role is about this man's -- this case is about
25 this man's role in that robbery.

Opening statements

1 This man called a friend of his -- Kameron Wilson --
2 who came up at a location in Spartanburg around
3 3:00 o'clock or so.

4 This man then called another friend to see about
5 buying some marijuana, to rob a drug dealer or setting up a
6 robbery of a drug dealer.

7 Now, our victim in this case is not perfect. The
8 justice system protects all persons. It's your job to
9 decide the facts of this case and determine if this crime
10 happened.

11 You're going to hear from two of the witnesses that
12 participated in this robbery. Four men got together to
13 commit this crime. They got a fifth man to bring them to
14 the drug dealer's house and then the plan was on.

15 One of the men goes with the fifth man to go in and
16 get the marijuana. Two other men go in with guns in the
17 garage where this deal was being acted out. Guys with guns
18 go in to do the deed, and you've got a driver who is
19 waiting out front for them.

20 I'm going to do my best to keep this case simple and
21 keep the identity of these persons within your grasp so you
22 can understand what's going on. I just told you what
23 happened.

24 Now I'm going to give you some names. Okay. Kameron
25 Wilson is the driver. He was at another party with some

Opening statements

1 friends of his. He gets a call from his long-time friend,
2 Keshawn Rice, saying just come and pick me up. He drives
3 over there. Keshawn Rice and Carnellious Stringer get in
4 the car with him. He's driving his mother's Jeep Cherokee.
5 He sees guns at that point. Each of those two men have
6 guns.

7 Keshawn Rice then places a call to Elian Nava. The
8 understanding by Kameron Wilson, he's calling Elian Nava so
9 they can plan this robbery. Elian is supposed to know who
10 might have some marijuana.

11 So they go and pick up Elian. That puts four people
12 in the car. Elian says I know a guy, let me call him up.
13 That guy's name is Cesar Mendez. Cesar doesn't have any
14 drugs, but Cesar says I've got a friend over on [REDACTED]
15 [REDACTED] Lake that I think has some.

16 So unbeknownst to Cesar, he leads these men to this
17 residence. This is, once again, about 3:30 in the morning.

18 Cesar gets out. Elian goes with Cesar because Cesar
19 knows Elian. Okay. Relationships are key in this case.
20 Cesar and Elian go and meet with the victim, Thompson
21 Demas, on the ruse of buying some marijuana.

22 While they are in the garage Cesar -- or excuse me --
23 Keshawn Rice and Carnellious Stringer arrive with their
24 guns. They rush into the garage presumably to just hold
25 him up and take the dope and whatever else they can get,

Opening statements

1 money or whatever. Unfortunately, for Thompson, Thompson
2 wasn't going to give up so easily. He challenged the men.
3 He tried to wrestle one of the guns away from the
4 defendant, Keshawn Rice.

5 Keshawn shot him in the groin area. Keshawn's bullet
6 wound up hitting Thompson's leg. Carnellious Stringer shot
7 Thompson in the back twice. Thompson dies pretty much at
8 the threshold of the walk-through garage door.

9 Four men involved in the robbery flee the scene.
10 Cesar didn't know there was a robbery. Cesar stayed
11 because he knew the victim.

12 He gets the mother up. The mother calls the police.
13 The police arrive and the investigation begins.

14 This case is about that botched robbery. The burglary
15 occurred when this two men rushed into that garage with
16 those guns intent on stealing and doing whatever.

17 The murder happens when the gun goes off and the boy
18 dies.

19 You're going to hear some law by the judge. He told
20 you to use your common sense and good judgment when you
21 listen to this case.

22 The judge will instruct you in detail on the law of
23 murder, armed robbery and burglary in the first degree.

24 I submit to you murder is the killing of another
25 person with malice aforethought. Malice aforethought means

Opening statements

1 with an ill will, evil intent, bad heart. Aforethought
2 means that it existed at some time prior to pulling the
3 trigger.

4 I submit to you when you go in with guns to hold
5 somebody up you're doing it with malice aforethought. When
6 those guns are used to shoot, that's murder.

7 Armed robbery is the taking of property by force while
8 armed with a deadly weapon.

9 You're going to hear that all of that was obtained in
10 this robbery was believed to be a book bag. Well, when the
11 fight ensued inside the garage, this is where the botched
12 robbery comes in. They don't -- they grab what they think
13 has the dope in it. One of them runs out with the book
14 bag. When they get that back to the car, unfortunately, it
15 doesn't have the marijuana in it. So they don't get away
16 with the drugs. That doesn't matter. They did take
17 something of value. That's a robbery. Okay.

18 As I said before, the burglary is the entry into that
19 garage. The garage is part of a dwelling. Entered in the
20 nighttime..

21 Every one of those things the judge said -- we don't
22 have to prove every one of them. But they entered in the
23 nighttime and they entered with weapons and they caused
24 injury and death to someone inside not a participant to the
25 crime.

Opening statements

1 This is a straightforward case. You'll hear evidence
2 from the witness stand. I just want you to understand,
3 ladies and gentlemen, testimony is evidence.

4 Sometimes people get confused. They think you have to
5 have physical items. Well, you're not going to see a gun
6 because the two shooters were difficult to find. In fact,
7 the defendant wasn't arrested for ten days. But you're
8 going to see the physical evidence left at the scene --
9 shell casings, bullets taken from Thompson's body, those
10 showing that two guns were used to shoot him. So there
11 were two shooters.

12 You're going to have testimony from two men -- Kameron
13 Wilson and Elian Nava -- that Mr. Rice had a weapon, a
14 pistol. Elian Nava was there inside the garage. He
15 actually saw what happened. He saw the shooting. He sees
16 the defendant shoot Thompson Demas.

17 Kameron waited out in the car. Kameron was just as
18 involved in the robbery. Elian is just as involved in the
19 robbery. They both have charges pending. They're going to
20 come and testify and tell you what they know, because
21 they're going to do the right thing.

22 I'm asking you to do the right thing and listen
23 closely. At the close of this case I'll argue and try to
24 wrap this all up and ask that you render a verdict. Thank
25 you in advance for your time and attention.

Opening statements

1 THE COURT: Mr. Warder.

2 MR. WARDER: Thank you, Your Honor.

3 Ladies and gentlemen of the jury, this is a case that
4 certainly is tragic, but the version you just heard is not
5 what happened.

6 My client was there that night to purchase drugs. My
7 client was looking for a high time, not a crime. He was
8 with friends that he knew growing up. They were associated
9 with Elian. Kameron Wilson went to the Dorman football
10 program. They all played and spent time together. Some of
11 them have been together through middle school.

12 This is a case that arose out of a set of
13 circumstances that were unique. That was a week there was
14 a hurricane warning. The football game was moved from
15 Friday night to Thursday night. Friday night then was a
16 free night. They didn't have a football game, and
17 everybody was looking for a good time.

18 They went to buy marijuana. My client gave money.
19 Elian went down to the garage and got marijuana, brought it
20 back. It wasn't the right weight. They complained. They
21 went down. They got more marijuana. By this time somebody
22 had smelled it. It didn't smell right. And so there
23 became an argument over the marijuana.

24 My client was there. He didn't shoot a gun. He ran
25 when the guns went off. The shooters in this case are

Chad Ingle
Direct examination by Mr. Bulsa

1 Carnellious Stringer and Elian -- Elian Nava.

2 Both had guns. Both shot them. In fact, Cesar had a
3 gun, and he shot, as the case was getting over, as my
4 client was fleeing towards the car and they shot at him.

5 This is a case that is about greed and a drug deal.
6 It's not a case of an armed robbery by my client.

7 I ask you to listen carefully to all of the testimony
8 in this case. You'll see that this is a case that,
9 unfortunately, I think, got out of hand but not at my
10 client's direction or at my client's action. Thank you
11 very much.

12 MR. BULSA: State calls Deputy Chad Ingle.

13 CHAD INGLE, having been first
14 duly sworn, testified as follows:

15 DIRECT EXAMINATION BY MR. BULSA

16 Q Good morning, Deputy.

17 A Good morning.

18 Q Please introduce yourself to the ladies and gentlemen
19 of the jury.

20 A My name is Chad Ingle.

21 Q who are you employed with?

22 A Spartanburg County Sheriff's Office.

23 Q And how long have you been employed with the sheriff's
24 office?

25 A Been at the sheriff's office about 11 years.

Chad Ingle
Direct examination by Mr. Bulsa

- 1 Q What are your duties with the sheriff's office?
- 2 A Currently I'm a crime scene investigator.
- 3 Q And what were your duties back in October of 2018?
- 4 A Uniform -- uniform patrol.
- 5 Q And what does uniform patrol do?
- 6 A Basically, the initial responding officers to calls
- 7 for service, for 9-1-1 calls.
- 8 Q Are you located in a specific area of the county?
- 9 A Yes, sir. In the southern region.
- 10 Q Okay. And is [REDACTED] Road in that region?
- 11 A Yes, sir.
- 12 Q So that location is in Spartanburg County.
- 13 A Yes, sir.
- 14 Q Did you receive a call to go to that location on the
- 15 evening of -- actually would have been the morning hours of
- 16 October the 8th of 2016.
- 17 A Yes, sir. I did.
- 18 Q Do you remember about time you got that call?
- 19 A At 03:33 a.m.
- 20 Q Okay. What was the nature of the call?
- 21 A I believe it was a shooting, is what it came out as
- 22 initially. Yes, sir.
- 23 Q And would you have been the first officer on the
- 24 scene?
- 25 A Yes, sir. I was.

Chad Ingle
Direct examination by Mr. Bulsa

- 1 Q What kind of neighborhood is this?
- 2 A A very nice residential neighborhood.
- 3 Q So full of houses?
- 4 A Yes, sir.
- 5 Q So when you arrived, what did you first observe?
- 6 A I came up a driveway. I observed a male, a female.
- 7 They ushered me to the victim, and I began calling other
- 8 officers in, as well as E.M.S.
- 9 Q Did you check on the victim?
- 10 A I did.
- 11 Q And how did he appear?
- 12 A He showed no signs of life, no pulse. His eyes were
- 13 fixed and dilated.
- 14 Q And you said you began to call for other officers?
- 15 A Yes, sir.
- 16 Q What was the reason for that?
- 17 A We contain a crime scene to keep other people out, to
- 18 keep somebody from contaminating the scene.
- 19 Q What about the lady and the man that were there? Did
- 20 you identify them?
- 21 A The lady was the victim's mother. I can't recall who
- 22 the other male was. I never spoke with the male.
- 23 Q Did other officers come to handle this crime scene?
- 24 A Yes, sir.
- 25 Q Okay. Once you made that call, what did you then do?

Chad Ingle
Direct examination by Mr. Bulsa

1 A I secured the scene and I remained on scene just to
2 provide security for the investigators.

3 Q Where did the lady and the man go?

4 A I sent them around back toward the front of the house
5 with other officers.

6 Q Okay. I'm going to bring a machine up here, and
7 hopefully we'll show some picture to the jury. I show you
8 some pictures that have been previously marked and admitted
9 into evidence without objection. We're going to move right
10 into these. Okay. Start with one and two. Do those show
11 the neighborhood and the house?

12 A Yes, sir. They do.

13 Q First, I'm going to show you what's been marked as
14 State's Exhibit No. 1. Does that show the portion of the
15 neighborhood that you responded to?

16 A Yes, sir.

17 Q And that house is marked [REDACTED] Road.

18 A Yes, sir.

19 Q Look at that house. Where do you enter into the
20 garage at that house?

21 A If I recall correctly, to the right side of where the
22 residence is marked [REDACTED], up that driveway to the right
23 side. And then the garage is on the rear of the house --
24 where's it at -- there -- right in that area.

25 Q So it's got a long drive, and you have to come around

Chad Ingle
Direct examination by Mr. Bulsa

- 1 and enter from the back side.
- 2 A Yes, sir.
- 3 Q Okay. So you can't see the garage from the front.
- 4 A No, sir.
- 5 Q Don't even see the doors from the front or the side.
- 6 A No, sir.
- 7 Q Okay. And this is State's Exhibit 2 which was taken
- 8 at night. It kind of shows how the -- is that the front of
- 9 the house?
- 10 A Yes, sir.
- 11 Q So the driveway -- from this picture the driveway
- 12 would be on the left side?
- 13 A Yes, sir.
- 14 Q All right. Show you three other pictures similar in
- 15 nature but in varying position -- 3, 4-A and 5-A.
- 16 A Yes, sir.
- 17 Q Do you recognize those?
- 18 A Yes, sir.
- 19 Q Are they pictures of the residence?
- 20 A They are.
- 21 Q Starting with State's 3. What are we seeing here?
- 22 A This is the driveway and leading to the back of the
- 23 house, which is the garage right here.
- 24 Q Okay. Now, when you arrived was the garage door open?
- 25 A It -- I believe it was open. I can't a hundred

Chad Ingle
Direct examination by Mr. Bulsa

1 percent recall.

2 Q Okay. Now, these pictures weren't taken by you.

3 A No.

4 Q But they show how the scene was, right?

5 A Yes, sir, yes, sir.

6 Q And would you have come up the long driveway?

7 A Yes, sir.

8 Q Would you have driven your vehicle up that driveway?

9 A No, sir.

10 Q Where would you have put your vehicle?

11 A My vehicle was at the curb side in front of the house,
12 toward the front of the house.

13 Q Okay. So would all of the responders have stopped in
14 the roadway?

15 A Yes, sir.

16 Q And none of them would have went up the driveway.

17 A They each should not have, no, sir.

18 Q Okay. In fact, in State's 3 I think we can see what
19 appears to be maybe an ambulance.

20 A Yes, sir.

21 Q Okay.

22 A That's probably my vehicle there possibly.

23 Q Okay. So you would have come up this, and this would
24 have been probably the first thing you saw, right?

25 A Yes, sir.

Chad Ingle
Direct examination by Mr. Bulsa

1 Q Now, a different perspective, State's 4-A. Is that as
2 you walk further around and the other portion of the
3 garage?

4 A Yes, sir.

5 Q Got a blocked-out space there near the door.

6 A Yes, sir.

7 Q Would that have been where the victim would have been?

8 A It would, yes, sir.

9 Q Okay. And it appears that the ground is wet. Was it
10 raining that day?

11 A Yes, sir.

12 Q State's 5-A to complete the picture, this is a
13 straight-on shot, is that right?

14 A Yes, sir.

15 Q That's when we see the blocked-out location where the
16 victim was.

17 A Yes, sir.

18 Q Would you yourself have touched anything or moved
19 anything?

20 A No, sir. The only thing I touched was the victim to
21 check for a pulse.

22 Q Would you have looked around inside the garage for any
23 items?

24 A We did an initial search, just visual, to make sure
25 there was no other victims, no other suspects.

Chad Ingle
Direct examination by Mr. Bulsa

1 Q Okay. And what did you see?

2 A I did observe several -- several shell casings and
3 just normal things inside of a garage.

4 Q Okay. All right. The first officer, see what
5 happened and move out any witnesses, and then you call for
6 backup.

7 A Yes, sir.

8 Q And investigators.

9 A Yes, sir.

10 Q Okay. Would a crime scene investigator have arrived
11 sometime later?

12 A Yes, sir.

13 Q That's what you do now, right?

14 A Yes, sir, it is.

15 Q And at that time you were just a regular deputy.

16 A Right.

17 Q So that investigator would have been the one to take
18 these pictures.

19 A Yes, sir.

20 Q And collect evidence.

21 A Yes, sir.

22 Q All right. Just briefly, the two individuals you came
23 into contact with, do you recall the demeanor?

24 A I know the victim's mother was crying, obviously
25 shaken up. I honestly don't recall the other because I

Chad Ingle
Cross-examination by Mr. Warder

1 just ushered them to the front of the house away from the
2 scene.

3 Q Okay. All right. Thank you. That's all I have at
4 this time. Answer any questions Mr. Warder may have.

5 CROSS-EXAMINATION

6 BY MR. WARDER

7 Q what time did you leave the scene?

8 A I'm not sure exactly what time I left the scene. I
9 would guess I was there probably 30 or 45 minutes.

10 Q Okay. It was still dark when you left?

11 A Yes, sir.

12 Q Thank you.

13 A Yes, sir.

14 THE COURT: You may step down.

15 MR. BULSA: The state calls Jonathan Lawson.

16 Your Honor, we ask this officer be excused.

17 THE COURT: He may be.

18 (Whereupon, the witness was excused.)

19 JONATHAN LAWSON, having been
20 first duly sworn, testified as follows:

21 DIRECT EXAMINATION BY MR. BULSA

22 Q Please introduce yourself to the jury.

23 A My name is Jonathan Lawson.

24 Q who are you employed by?

25 A I now am employed by the Spartanburg County Coroner's

Jonathan Lawson
Direct examination by Mr. Bulsa

1 office.

2 Q Okay. And were you formerly employed by the sheriff's
3 office?

4 A Yes, I was. I was in the crime scene division at the
5 sheriff's office and was a supervisor over it as well.

6 Q How long were you at the sheriff's office?

7 A Two and a half, three years.

8 Q And when did you go with the coroner's office?

9 A August 6th of this year.

10 Q Okay. Back on October the 8th of 2016, you were with
11 the sheriff's office in the investigative unit?

12 A Yes, sir.

13 Q Okay. And briefly explain what that unit does.

14 A Basically, the crime scene unit at the sheriff's
15 office processed, collect, preserve any evidence on a crime
16 scene, which includes fingerprinting, initial sampling of
17 items for field-test purposes, things of that nature.

18 Q So you're called to a scene at the request of other
19 officers.

20 A That's correct.

21 Q And on this occasion you got a call to go to [REDACTED]

22 [REDACTED].

23 A Yes, sir. I was called in. I was on call that night
24 for violent crime, homicide response for crime scene
25 division, and I responded out.

Jonathan Lawson
Direct examination by Mr. Bulsa

1 Q Do you recall about what time you would have arrived?

2 A If I can check my notes, I can.

3 Q Please do that.

4 A I arrived on the scene at 4:35 a.m.

5 Q Was it still dark?

6 A It was still dark, yes, sir.

7 Q Did you have assistance?

8 A I did. The way that the crime scene unit works with
9 the homicide on call, slash, violent crime incidents, we
10 have a section of team leaders.

11 with that, then I'll have several assistants or maybe
12 one assistant that would assist me on collecting or
13 basically doing what I ask them to do on the scene. And it
14 just depends on the scene size of how many people we need
15 to come out to assist during that time.

16 Q So who would have been assisting you on this?

17 A That night or that morning it was Investigator Stephen
18 Horton.

19 Q Were you kind of directing him what to do?

20 A Yes, sir. Initially, what I asked Investigator Horton
21 to do is to conduct photographing the scene, overall
22 photographs of the entire -- entire scene.

23 Q So the photographs at the scene were taken by him.

24 A Yes, sir.

25 Q Are they accurate?

Jonathan Lawson
Direct examination by Mr. Bulsa

1 A Yes, sir. They are.

2 Q All right. Now, we've got, showing up there,
3 State's 5-A. That's a direct look into the garage. Is
4 that how it was when you arrived?

5 A Yes, sir, that's how it was.

6 Q Okay. Let me show you State's Exhibit No. 6.

7 A Yes, sir.

8 Q Just to complete the picture, this is a daylight
9 photograph showing the garage door down, is that right?

10 A That's correct.

11 Q Was there any damage to that door?

12 A Yes, sir. Looking at that photograph, the second
13 window to the right, as you can see, it's not as dark as
14 the rest of those windows. This window here is the one I'm
15 talking about. And the reason that is is because that
16 window had been broken out. There was glass shards out in
17 the driveway and glass shards inside the garage itself.

18 Q Okay. So while you don't know exactly when it
19 occurred, but evidence suggested it occurred that evening.

20 A That's correct. That's -- that's why the door was
21 later closed after collecting the other items of evidence
22 inside, basically, working our way from the bottom, top, to
23 the top.

24 Q Okay. Now, when you're at a scene you're looking for
25 what? What are you looking to find?

Jonathan Lawson
Direct examination by Mr. Bulsa

1 A We're looking for any evidence in the crime that was
2 utilized or involved that can show how the crime escalated.
3 You can ask also, articulate what happened that night.

4 Q Now, you don't know what happened. You just know you
5 have a dead body, right?

6 A That is correct.

7 Q Okay. So you're looking for whatever might help you
8 tell what happened?

9 A That's correct.

10 Q You're looking for pieces.

11 A Right, to corroborate the information.

12 Q Okay. And you collect what you can.

13 A Yes, sir.

14 Q Are you confident you always find everything?

15 A No, sir. There's some items -- unfortunately, it's
16 not like T.V. where we can dismantle complete homes and
17 take structural parts out of a house to where it'll
18 collapse.

19 Sometimes we have to leave items behind, example,
20 bullets, fired bullets. A lot of times we're not able to
21 obtain those because it does -- it can mess up the
22 integrity of a structure.

23 Q Okay. And we know this garage had a lot of stuff in
24 it.

25 A Yes, sir. It did.

Jonathan Lawson
Direct examination by Mr. Bulsa

1 Q Did you remove everything in the garage to search
2 everywhere?

3 A I removed just about every item out of that garage
4 minus the -- the -- I think there's some shelving to the
5 right side, which we could see underneath that. But we did
6 remove items from -- from the shelf.

7 Q So you did a pretty thorough job trying to find what
8 you could.

9 A Yes, sir.

10 Q How about outside? Did you look outside for anything?

11 A Yes. Actually conducted a complete search of the
12 back-yard area along the driveway area just to make sure if
13 any first responders that did come on the scene didn't
14 accidentally pick up something in their boots as they were
15 walking up to do the initial check on the victim. Actually
16 checked a residence directly behind that house in the yard
17 area looking for any types of possible blood droplets or
18 anything that could be associated with this -- this case.

19 Q All right. Now, when you collect everything do you
20 package it and store it to be sent off for testing?

21 A That's correct.

22 Q Okay. And you created a diagram showing where you
23 collected items?

24 A Yes. On any violent crime or homicide investigation
25 we or I would conduct a diagram of the actual scene and

Jonathan Lawson
Direct examination by Mr. Bulsa

1 kind of show out the -- the areas where items were
2 approximately collected from. It's not a to-scale type --
3 type drawing.

4 Q All right. Let me show you State's 7 and 8. Do you
5 recognize those?

6 A Yes, sir. The first portion here, which is Item 7, is
7 the actual inside of the garage area where I done the crime
8 scene sketch, and the Exhibit 8 here is going to be
9 alleging to show what the items were that are numbered
10 here.

11 Q Okay. Showing the jury State's No. 7. You note on
12 there that it's not to scale.

13 A Yes, sir.

14 Q Okay.

15 A I do put that on other on all of the drawings that we
16 do.

17 Q why? why do you do that?

18 A Don't want to give an inaccurate description of what's
19 going on, and we had to recreate the crime scene. I write
20 down measurements, but due to the program that we use to do
21 the drawing the measurements wouldn't be accurate on the
22 drawing.

23 Q Okay. Now, you chose to include certain items inside
24 the garage. How did you decide which items to include?
25 Not these markers, but the actual physical items like a

Jonathan Lawson
Direct examination by Mr. Bulsa

1 bicycle, the car and what not.

2 A With putting those items in there it gives a good
3 orientation of what it looks like instead of having to put
4 small boxes or small tangible items that you really -- you
5 can't see them usually on the diagrams that well. These
6 actually stand out to show reference points of items.

7 Q I'll do this. This gives the jury an idea of what the
8 legend looks like. You've got the items marked. So they
9 can look at the diagram -- and we'll have some pictures as
10 well in reference to the legend. Okay. Did you do a
11 diagram of any -- of the exterior part of the house?

12 A I did an overall diagram of the residence as,
13 obviously, was not to scale. Only went into actually one
14 portion of the residence. I went through the side entry
15 door into the house from the garage to go to the victim's
16 bedroom just to photograph the initial area in there and
17 then collected one item and left out of the actual interior
18 of the residence.

19 Q So you had another diagram of the entire house.

20 A That's correct.

21 Q Okay. How about the outside of the house?

22 A I'd have to look at the notes to see if I did have
23 something.

24 Q Go ahead.

25 A Yes. I did have an exterior drawing of the residence.

Jonathan Lawson
Direct examination by Mr. Bulsa

1 Q Did you note any items recovered from the exterior?

2 A No, sir. I had no items at all that were recovered
3 from outside of that residence.

4 Q So you did the extensive search of the driveway and
5 the yard and then went into the other neighbor's yard?

6 A Correct. I didn't --

7 Q You didn't find any other pieces of evidence.

8 A No, sir. Actually even walked all the way to the next
9 street behind that residence.

10 Q Okay. So we can focus the jury on this garage.

11 A Correct.

12 Q That's where the items that you recovered were found.

13 A Yes, sir.

14 Q Okay. Now, pictures State's 9, 10 and 11. Do you
15 recognize those?

16 A Yes, sir. I do.

17 Q Okay. Are they pictures of the interior of the
18 garage?

19 A They are areas of the interior, yes, sir.

20 Q Do they include placards?

21 A That's correct.

22 Q Numbered placards.

23 A That's correct.

24 Q All right. I'll show the jury what we're talking
25 about.

Jonathan Lawson
Direct examination by Mr. Bulsa

1 State's No. 9. Give us a perspective of where that
2 picture was taken from.

3 A If you're looking at the right side here -- if you're
4 standing outside of the garage just at the doorway, which
5 would be in this area here, that's -- that's where that
6 picture was photographed from.

7 Q Okay. So basically from this area?

8 A Yes, sir, from right in this area right here.

9 Q Okay. And what are those placards?

10 A We utilize a number of placards. Some agencies
11 utilize letters. It's just our preference to use the
12 numbers. That normally marks an item of evidence that we
13 are going to collect. And that number stays with that item
14 of evidence through the duration of the entire
15 investigation.

16 Q As far as the sheriff's office is concerned.

17 A That is correct.

18 Q If items are sent to the state law enforcement
19 division, they attach their own item numbers to it.

20 A They -- they connect a lab number to their stuff. Or
21 if their department came out and did the same type of
22 investigation, they may use letters. It just depends on
23 what the preference is for the agency.

24 Q Okay. So let's carry the jury around the garage,
25 State's No. 10, showing the back of the car with some

Jonathan Lawson
Direct examination by Mr. Bulsa

1 additional placards.

2 A Yes, sir.

3 Q And do we also see some broken glass?

4 A There is some areas here, as you can see, on the
5 outside. There's areas of broken glass along here as well,
6 throughout this area here, which would be the front of the
7 garage.

8 Q Now, we see the car is away from the garage door.
9 From your perspective and investigation did it appear that
10 you can move around that, the back of that car, while the
11 garage door would have been closed?

12 A Yes, sir. You could.

13 Q Okay. State's No. 11. This will be the other side of
14 the vehicle. Okay. Showing some additional placards.
15 Okay. And we see a door there to the left. Is that going
16 to the residence?

17 A Yes, sir. This was actually the entrance door into
18 like a little foyer area to the, I think the, kitchen area.

19 Q Okay. Draw your attention specifically to certain
20 items. Did you know -- did you -- was the victim still
21 there? Was his body still there when you got there?

22 A Yes, sir, it was.

23 Q Did you know he'd been shot?

24 A Once I initially conducted the initial walk-through
25 and when I got on the scene I was informed he was possibly

Jonathan Lawson
Direct examination by Mr. Bulsa

1 shot.

2 Q Did you tell -- could you see any bullets wounds on
3 him?

4 A At the time you could see just some areas in the
5 clothing, what appeared to be possible bullet entrances.

6 Q Okay. We're specifically looking for firearm
7 evidence.

8 A That's correct.

9 Q Correct? Okay. And I'm looking to your legend,
10 State's 8. Items 3, 4, 5, 6, 7 are all cartridge cases.

11 A Yes, sir.

12 Q Okay. And I think Item 33 shows a fired bullet.

13 A That's correct.

14 Q So those three items are referencing firearms
15 evidence, is that right?

16 A Yes, sir.

17 Q Okay. And the rest of the items you collected for
18 what reason?

19 A There were several items that were laying around.
20 Once we got on scene it was obvious that a possible
21 narcotic deal had went -- had went in place due to the fact
22 of some of the items here, like the Cigarella packet,
23 plastic grocery bag, sandwich baggies. And there was a
24 large container, a large container of green plant material,
25 found as well on the front of the vehicle. These were all

Jonathan Lawson
Direct examination by Mr. Bulsa

1 just to corroborate what had happened.

2 Q At that time you didn't know the story.

3 A I did not, no, sir.

4 Q So you were just thinking maybe that was a connection.

5 A That's correct. And it being an illegal substance, we
6 still would have collected that either way.

7 Q Right. And later on you learned it was a connection.

8 A Correct.

9 Q Okay. I want to show some closeup photographs of the
10 firearms evidence that you recovered, State's 12, 13, 14,
11 15 and 16. Would you review those briefly?

12 (Pause.)

13 Q Okay. I think in your legend the first indication of
14 a firearm's casing was Item No. 3. Actually, we'll start
15 with three. State's Exhibit No. 12. Photograph shows mark
16 No. 3. That's denoting where the round -- the shell casing
17 would have been found?

18 A Yes, sir. That would -- that would be where the -- it
19 laid directly there with it.

20 Q Okay. So it's pretty much right at the threshold of
21 the door.

22 A Yes, sir.

23 Q Four and five, State's Exhibit No. 13. Those are
24 rounds directly behind the vehicle -- shell casings?

25 A That's correct. Unfired cartridge casings.

Jonathan Lawson
Direct examination by Mr. Bulsa

1 Q Okay. State's 14, placard No. 6, appears to be near
2 the vehicle.

3 A Yes, sir. That would have been on the left side of
4 the vehicle.

5 Q To the left side so --

6 A Driver's side.

7 Q Driver's side.

8 A Yes, sir.

9 Q Okay. And State's No. 15, placard No. 7, appears to
10 be towards the front of the vehicle.

11 A Yes, sir. I believe that's where it was from, front
12 of the vehicle.

13 Q Okay. Now, you of course don't know what happened
14 inside, right?

15 A I do not. Obviously, I could tell from being on the
16 scene that there was some type of gunfight that had
17 occurred.

18 Q So with the casings being found in varying areas of
19 the garage, does that mean a weapon was discharged at those
20 areas?

21 A Within close proximity, it does. That's -- that's
22 what that means usually.

23 Q Okay. If a struggle had ensued could things have been
24 kicked around?

25 A Yes. It could have.

Jonathan Lawson
Direct examination by Mr. Bulsa

1 Q And, lastly, those were the shell casings. I think
2 there were five found, right?

3 A Yes, sir. I think so.

4 Q Okay. And they would all have been packaged and
5 sealed?

6 A They were. They were packaged and sealed
7 individually.

8 Q Okay. And State's 33 -- excuse me -- State's 16,
9 placard No. 33, what does that show us?

10 A That would be an actual fired bullet.

11 Q Okay. And that you couldn't see in any of the larger
12 pictures. Where would that have been found?

13 A No. 33.

14 Q It'd be the bicycle.

15 A Okay. I see it now. It would be right here. It was
16 actually found under the bicycle after the bike was removed
17 from -- from out of the garage.

18 Q So that's an example of moving things and finding
19 items.

20 A Correct.

21 Q And it was actually a -- did it appear that it struck
22 something?

23 A It -- it did. Usually when a fired bullet does strike
24 something it does what they consider a mushroom effect.
25 This is the same -- same thing here. It turned into,

Jonathan Lawson
Direct examination by Mr. Bulsa

1 basically, a mushroom effect or a ball of lead.

2 Q Okay. Show you a couple of pictures about the vehicle
3 that was inside the garage, State's 17 and 18. First of
4 all, State's 17 shows a view of the garage door down.

5 A That is correct.

6 Q And what was the reason for this picture?

7 A I was checking the -- well, this picture here, the
8 reason the garage door is shut, I was checking the garage
9 for any evidence.

10 Also, I was taking photographs of this area here on
11 the vehicle, which was actually a bullet, bullet hole. And
12 the black spots that you see about the vehicle are actually
13 latent print powder. I was fingerprinting the vehicle for
14 any possible latent prints.

15 Q State's 18. What does that show us?

16 A This is showing trajectory angle, basically showing
17 the entrance of the -- the bullet. And it's scaled to show
18 in distinction of what the size of the bullet would be.

19 Q Did you examine the vehicle to see if you could find a
20 round?

21 A I did. I actually opened the trunk. And in the trunk
22 area there were fragments, basically broken parts of a
23 bullet, in the trunk of the vehicle.

24 Q Would those have been useful in identification?

25 A No, sir. There's -- usually on any type of bullet the

Jonathan Lawson
Direct examination by Mr. Bulsa

1 way they identify a bullet and to compare, they have to
2 have striation marks on them, which that single bullet when
3 it goes down the rifling of a firearm, it leaves
4 distinctive marking on that. With a fragment, you can't do
5 any type of comparison with a fragment.

6 Q Okay. And, lastly, two other pictures, State's 19 and
7 20. State's 19. What does this show us?

8 A This right here would be the right side of the garage
9 if you're looking at the rear of the vehicle. And there's
10 a window there in front of that car. And here I've also
11 found what appears to be a bullet entrance hole, which
12 would be to the left side of the -- the window there.

13 Q Did you do anything more with that?

14 A I did. I actually looked for the fired bullet that
15 may have been stuck in that wall. Once again, that goes
16 into where structural issues become a problem without me
17 destroying a home that doesn't belong to the sheriff's
18 office. Didn't want to victimize the mother of this
19 incident any more than she already had been.

20 Q Okay. And, lastly, State's 20. I thought I had this
21 out of order. It shows the bicycle. So the bullet would
22 have been up under it.

23 A That is correct. It was in this general vicinity
24 here. Wasn't able to be found until the bike was removed.

25 Q Okay.

Jonathan Lawson
Direct examination by Mr. Bulsa

1 MR. BULSA: Turn the lights on.

2 Q You talked about you recovering these items and
3 securing them. I have what's been marked State's 25, 26,
4 27, 28 and 29.

5 A Yes, sir.

6 Q Could you identify those for us?

7 A State's Exhibit No. 25 is going to be a C.C.I. .380
8 fired cartridge casing or shell casing.

9 State's Exhibit 26 is the unknown brand, fired .380
10 cartridge casing.

11 State's Exhibit 27 is the unknown brand, .380
12 cartridge casing.

13 State's Exhibit 28 is going to be the winchester .380
14 fired cartridge casing.

15 State's Exhibit 29 is going to be also a winchester
16 .380 fired cartridge casing.

17 Q Okay. And what we see inside is a folded package?

18 A That is correct.

19 Q What is that package?

20 A Inside that package is the actual evidence envelope
21 that these items were placed in and sealed in from the
22 sheriff's office out of the investigation.

23 Q And now we have that folded up inside of a clear
24 plastic bag.

25 A That is correct.

Jonathan Lawson
Direct examination by Mr. Bulsa

1 Q Do you know how it came to be like this?

2 A Yes, sir. Due to the sheriff's office not having a
3 ballistic lab, we send a lot of our times off to be tested
4 to the state law enforcement division, SLED in Columbia.

5 They test most everything for agencies in South
6 Carolina due to the fact that they have a large lab to do
7 this stuff -- forensic lab.

8 Once we send it off, we send it in the condition that
9 we have collected it in a sealed container, complete
10 paperwork to do that, which is considered an I lab. We will
11 send it down through our property and evidence technician.

12 Once they receive the item their -- the individuals
13 that test the evidence that we sent will actually break
14 open the seal and do their -- their testing from -- from
15 their standpoint, which is what that has been done to, is
16 that's been tested and sent back how it was.

17 Q This is the packaging that SLED would use to send it
18 back to your agency.

19 A That is correct.

20 Q Just as an example, this bag has your writing on it.
21 Take a look. You can take it out if you need to.

22 A It's been sealed.

23 Q It's been sealed.

24 A Yes, sir.

25 Q Okay. Can you tell that's your writing?

Jonathan Lawson
Direct examination by Mr. Bulsa

1 A I don't believe that is my writing, no, sir.

2 Q That would be Horton's?

3 A That would be, yeah, Investigator Horton's.

4 Q Okay. This is an example of. This has an Inventory
5 Item No. 3. Does that mean that's placard No. 3?

6 A That is correct. That is the item that we, the
7 sheriff's office, would assign that number.

8 Q Okay. And that would have been the one found using
9 the diagram, State's 7. Would have been the one found
10 essentially at the victim's foot.

11 A That is correct.

12 Q Okay. So the jury can take these and actually place
13 these with your diagram as to where they were in the
14 garage.

15 A That is correct.

16 Q Okay. Now, you didn't just do things at the scene,
17 did you?

18 A No, sir. I did not.

19 Q Did you attend the autopsy of Thompson Demas?

20 A I did.

21 Q When would that autopsy have occurred?

22 A Usually the autopsies occur either -- if it's during
23 certain times of the day, it'll do it within a few hours,
24 or it can be the next day usually just depending on the
25 pathologist's schedule.

Jonathan Lawson
Direct examination by Mr. Bulsa

1 Q Now, when Mr. Thompson Demas' body was examined, you
2 actually witnessed the pathologist?

3 A Yes, sir. I did.

4 Q Okay. Did you receive any items of evidence from the
5 pathologist?

6 A I did. I received three fired bullets that were
7 recovered from inside of Thompson Demas' body.

8 Q I forgot to give you item, State's Exhibit 30.
9 Quickly, is that the bullet from the garage floor?

10 A Yes, sir. That is the fired bullet.

11 Q Okay. And now State's 31, 32 and 33. Were those the
12 rounds taken from Thompson's body?

13 A They are the rounds that were recovered that day. And
14 on the container, which is the pathologist's handwriting,
15 it shows what area of the victim that the bullets came
16 from.

17 Q Okay. I believe it's also noted on the evidence bag
18 itself.

19 A Yes, sir.

20 Q Item 31 would be from the left leg.

21 A That's right. Just the general area from where I put
22 it on -- he actually puts it more in detail since he is the
23 one performing the autopsy.

24 Q Okay. And we see these sealed as well. Were these
25 sent to the state law enforcement division?

Jonathan Lawson
Direct examination by Mr. Bulsa

1 A Yes, sir. They were.

2 Q Okay. What's the purpose of sending all of these
3 items to the state law enforcement division?

4 A Well, there's a program that is used by the state law
5 enforcement division.

6 There's two different things they can do. CODIS,
7 which is checking for D.N.A. Then there's also another one
8 for ballistics to check to see if that gun's already been
9 in the system for any reason.

10 If we have the firearm a lot of times we will send it
11 for comparison to make -- make a comparison for that bullet
12 to that, that firearm. Once again, it's how I explained
13 earlier in the -- my testimony.

14 Q Now, they can also determine if all of those rounds
15 were fired by the same gun, right?

16 A That is correct.

17 Q So they -- while you might not have the pistols, you
18 could determine how many pistols were there.

19 A That's correct. You can tell by the different types
20 of striation marks on the actual bullet.

21 Q Okay. Was a vehicle later located that was suspected
22 of being involved in this case?

23 A I was later informed there was a vehicle that was --
24 that was located.

25 Q You didn't examine it. Another investigator examined

Jonathan Lawson
Cross-examination by Mr. Warder

1 it, is that right?

2 A That is correct. It was Investigator Stepp, I
3 believe, the one. He was also assigned to my homicide
4 team, which at that time he -- he took care of the vehicle.

5 Q Thank you.

6 A Yes, sir.

7 Q Answer any questions Mr. Warder may have.

8 CROSS-EXAMINATION

9 BY MR. WARDER

10 Q You told us that you went into the house, one
11 particular room in the house.

12 A That is correct.

13 Q And you found what in there?

14 A There was a plant inside the closet area, I believe.

15 Q Okay. One plant?

16 A There was one plant in a -- small budding plant in a
17 container in the closet.

18 Q Okay. And did you photograph that container?

19 A Yes, sir. I'm not sure if I did or if it was
20 Investigator Horton that did it, but it was photographed.

21 Q Okay. You gave that -- do you have your list of your
22 exhibits there?

23 A I do.

24 Q And that was Exhibit 34, is that right?

25 A That is correct.

Jonathan Lawson
Cross-examination by Mr. Warder

1 Q And then that was located in what -- where at in the
2 bedroom? Was it in the bedroom?

3 A It was in a bedroom closet.

4 Q Okay. Was there a grow light or anything in there?

5 A Not that I recall.

6 Q Okay. Did you notice anything else unusual about the
7 bedroom?

8 A No, sir, nothing else that stood out to me that I can
9 recall.

10 Q You were there, I guess, say, about 3:00 o'clock, 3:30
11 in the morning?

12 A I actually got there at 4:35 in the morning.

13 Q Okay. And do you remember what the weather was like?

14 A It was rainy.

15 Q Okay. How temperature-wise was it?

16 A I don't recall the temperature.

17 Q Do you recall the bed -- the window being up?

18 A No, I do not. I recall the garage door being opened
19 in the garage.

20 Q Now, was the house air conditioned?

21 A I would assume so, but I don't know. I didn't check
22 to see if it had air conditioning or not.

23 Q Was it comfortable inside?

24 A I can't recall.

25 Q Okay. Would you have found a gun if it'd been laying

Jonathan Lawson
Cross-examination by Mr. Warder

1 outside around the house or --

2 A Most -- most likely, yes, sir, we'd have found a
3 firearm.

4 Q Do you have a dog or anything that looks, can find,
5 smell gunpowder or trace evidence?

6 A I do not, no, sir, I do not.

7 Q And did you search the house to see if there were any
8 more guns?

9 A No, sir. I searched the garage area and went into the
10 victim's bedroom.

11 Q Okay. Did you do a search in the bedroom?

12 A Yes, sir, we did a search in the bedroom.

13 Q Open the drawers and --

14 A Yes, sir.

15 Q And-but not in any other area of the house?

16 A No, sir.

17 Q And what -- did you do that in daylight or in dark?

18 A I don't recall the actual time.

19 Q Did you make an outside search in the daylight or in
20 the dark?

21 A I did that in the daylight.

22 Q What time did you do that?

23 A I just remember it was daylight. I don't remember the
24 exact time.

25 Q How long were you there at the scene?

Jonathan Lawson
Cross-examination by Mr. Warder

1 A Several, several hours. I don't exactly remember
2 exactly what time I left from the scene, but I was there
3 several hours.

4 Q Okay. Can you show us where the drug stuff was found
5 at? I think there's -- No. 12 was a bag of marijuana.

6 A No. 12 would be here, which is the right front portion
7 of the vehicle, driver -- or passenger front side.

8 Q And where would the scale have been found at to weigh
9 that out?

10 A If I'm not mistaken, they were here on top of the --
11 there's a small-like table area here. I believe. Excuse
12 me. No. 8. Here.

13 Q Okay. That's No. 13.

14 A No. 13 is here. No. 8 is the actual scales.

15 Q Okay. What was that scale like? Was that one of
16 those digital scales that you -- or was it a more manual
17 scale, or do you remember?

18 A It was an electronic scale.

19 Q Okay. How big was it?

20 A I don't recall right off the top of my head.

21 Q Okay. And there was more drug paraphernalia found?

22 A We had some zip-lock baggies or plastic baggies.

23 Q Okay. What significant is zip-lock plastic baggies?

24 A From my prior experience with being a narcotic
25 investigator with the federal drug task force, it's

Jonathan Lawson
Cross-examination by Mr. Warder

1 commonly used to package and conceal illegal narcotics --

2 Q Okay.

3 A -- for distribution, for sale.

4 Q What would a cigarillo pack -- what significance would
5 cigarillos have?

6 A Those are commonly utilized in the narcotics side of
7 things to ingest or smoke marijuana.

8 Q Okay. Are they usually sold or often sold with the
9 drugs themselves?

10 A Sometimes people will sell them as a blunt, as they
11 call it. Street term.

12 Q Okay. There was a partially smoked cigar there, Item
13 13?

14 A That's correct.

15 Q Was that loaded with the drugs or marijuana, whatever
16 they had in it?

17 A I do not recall right off.

18 Q Okay. The white cigarette lighter, I take it that was
19 just a Bic type lighter that --

20 A I believe so.

21 Q And you found -- you found a good bit of cartridges
22 and stuff that had been -- been fired. Did you find any
23 guns?

24 A Not -- not on the scene, I did not find any weapons,
25 firearms.

Jonathan Lawson
Redirect examination by Mr. Bulsa

1 Q And you later checked a car. Did you find a gun in
2 that car?

3 A No, sir. I believe that -- I didn't actually check
4 the car, so I can't testify to that.

5 Q Okay. When you were in the bedroom did you take any
6 pictures of the bedroom?

7 A I believe there were pictures photographs of that
8 room.

9 Q Do you have them?

10 A I don't, no, sir.

11 Q Okay. Would they be given a number on this or would
12 there be another log that we'd look at to find out if there
13 were photographs of the bed?

14 A No. We don't -- we don't number our photographs.
15 They're -- they're held into the -- the server system for
16 the law enforcement office.

17 Q Okay. Thank you.

18 A Yes, sir.

19 REDIRECT EXAMINATION

20 BY MR. BULSA

21 Q Why did you go into the bedroom?

22 A I was informed during the investigation that there
23 was -- initially it was told to me it was a marijuana plant
24 in the bedroom. Once I went into the bedroom it was an
25 obvious plant but I couldn't deem whether it was a

Jonathan Lawson
Redirect examination by Mr. Bulsa

1 marijuana plant or not.

2 Q How big was it?

3 A It was less than 6 inches tall.

4 Q Okay. So that was -- you were your acting at somebody
5 else's direction.

6 A That is correct.

7 Q And you actually observed it. You even had experience
8 in narcotics.

9 A That is correct.

10 Q In your experience could you tell what kind of plant
11 that was?

12 A No. If it would have been a marijuana plant it would
13 have had to at least be 12 inches or taller to be
14 considered a marijuana plant.

15 Q So did you find anything of significance in Thompson
16 Demas' bedroom?

17 A No, sir. I did not.

18 Q And that would have been the only room you looked at
19 because somebody directed you to look there.

20 A That's correct. The lead investigator of the case.

21 Q And from your examination of this crime scene did it
22 appear that anything had occurred inside the residence
23 apart from the garage?

24 A No, sir. Nothing appeared to have been anything going
25 on inside that residence.

Jonathan Lawson
Redirect examination by Mr. Bulsa

1 Q In fact, everything recovered was from the garage
2 area.

3 A That's correct.

4 Q Outside of the -- I guess you -- did you take the
5 plants?

6 A I did. I took them into evidence.

7 Q And what did you do with them?

8 A They were later destroyed due to the fact that they
9 weren't anything enough to even test for the presence of
10 T.H.C. or marijuana.

11 Q Okay. And you testified about Item 8. That's not
12 actually a scale, is it?

13 A It's a scale lid. I apologize. It's the top of the
14 electronic digital scale.

15 Q Okay. Did you find a scale?

16 A I don't recall if I -- if I did. If I would have
17 recovered one --

18 Q You would have recovered it, wouldn't you?

19 A I would have collected it for sure.

20 Q And did you recover a scale?

21 A Not on my -- my papers. I don't have anything where a
22 scale was collected.

23 Q Okay. So is it safe to say you did not collect a
24 scale?

25 A That is correct.

Jonathan Lawson
Redirect examination by Mr. Bulsa

1 Q All right. So while you have other items that suggest
2 maybe packaging of marijuana, when you find a drug -- or a
3 scale, there's no actual scale found.

4 A That's right.

5 Q Okay. Did you look on Thompson's body to see if he
6 had the scale maybe in a pocket or something?

7 A The coroner investigator that responded out to that
8 incident was -- he was later searched on the scene. He had
9 nothing like that on his person.

10 Q Did he have anything on his person?

11 A Not that I recall. I don't think he had anything.

12 Q Okay. So he didn't have anything. Okay. So if a
13 scale was being used to weigh some marijuana, it was gone.

14 A That's safe to say, yes, sir.

15 Q Okay. And Mr. Warder went into your search of the
16 exterior of the house, the grounds, I guess.

17 A That's correct.

18 Q And you said you did do that in daylight.

19 A That's correct.

20 Q Because it would have been fruitless to do it at
21 night, right?

22 A Exactly. Without proper lighting and due to the --
23 the rain.

24 Q All right. And he referenced -- he asked you whether
25 you found any pistols. And you didn't find any pistols.

Jonathan Lawson
Redirect examination by Mr. Bulsa

1 A No, sir. I didn't find any firearms.

2 Q You didn't find any spent rounds.

3 A Not out in the yard, no, sir.

4 Q Did you find any spent shell casings?

5 A No, sir, not -- everything was found inside the garage
6 area.

7 Q Did you find anything to indicate that any shots were
8 fired outside that garage?

9 A No, sir.

10 Q Okay. Based on your experience and your examination
11 of this scene the jury should be focused on that garage and
12 what occurred inside the garage.

13 A That'd be correct.

14 MR. WARDER: Objection to that question, Your Honor.

15 THE COURT: Sustained.

16 You may rephrase it if you wish.

17 MR. BULSA: Okay.

18 Q So did you find anything anywhere else in your
19 experience that would be relevant to this case at that
20 scene?

21 A No, sir, I did not. Nothing other than the garage
22 area.

23 Q Thank you.

24 THE COURT: You may step down.

25 MR. BULSA: Your Honor, we'd ask that he be excused.

1 THE COURT: He may be.

2 (Whereupon, the witness was excused.)

3 THE COURT: We're going to take a break. I'll ask the
4 jury to please go to your jury room.

5 Don't discuss the case. It's not concluded.

6 I'll bring you back after that break.

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

9 THE COURT: We'll be at ease for 15 minutes.

10 (Whereupon, a recess was taken.)

11 THE COURT: Are we ready for the jury?

12 MR. BULSA: Yes, sir.

13 MR. WARDER: Yes, Your Honor.

14 THE COURT: Bring them in.

15 Can we state for the record that Exhibits 1 through 33
16 are all admitted without objection with the exception of
17 four and five, which have been made court's exhibits? When
18 I'm referring to that, I'm talking about my exhibit list.

19 MR. BULSA: Your Honor, that was my impression other
20 than Mr. Warder's two objections about --

21 THE COURT: Four and five?

22 MR. BULSA: -- 12 and 20 that show the victim's --

23 MR. WARDER: You ruled on those.

24 THE COURT: Twelve and twenty were -- the objection
25 was overruled.

Kevin Bowen
Direct examination by Mr. Bulsa

1 So I'll state it more correctly. Are all of the
2 exhibits admitted that are shown on this list with the
3 exception of four and five?

4 MR. BULSA: Yes, sir. That was my understanding after
5 discussion with defense counsel that he was not objecting.
6 Therefore I was referencing them.

7 THE COURT: Okay. You're in agreement with that?

8 MR. WARDER: Yes, Your Honor.

9 THE COURT: Okay.

10 (The following takes place in the presence of the
11 jury.)

12 THE COURT: All right. You may continue.

13 MR. BULSA: The state calls Deputy Kevin Bowen.

14 KEVIN BOWEN, having been first
15 duly sworn, testified as follows:

16 DIRECT EXAMINATION BY MR. BULSA

17 Q Please introduce yourself to the jury.

18 A My name is Kevin Bowen. I work for Spartanburg County
19 Sheriff's Office.

20 Q In what capacity?

21 A Uniform patrol.

22 Q How long have you been a deputy?

23 A Going on almost four years now.

24 Q Okay. So back in October of 2016, what were your
25 duties?

Kevin Bowen
Direct examination by Mr. Bulsa

1 A I was uniform patrol patrolling the south region of
2 the county.

3 Q South region of the county. Now, did you respond to a
4 location on [REDACTED] Road on October the 8th,
5 that morning?

6 A Yes, sir.

7 Q Why did you respond?

8 A It was in reference to a shooting call.

9 Q How many officers actually went?

10 A I'm not for sure of actually how many went. There was
11 a few of us ended up showing up.

12 Q Okay. Is that pretty standard practice?

13 A Yes, sir, once -- because we don't know if the
14 suspect's still there, what's going on. So once we secure
15 the scene, then deputies start leaving.

16 Q Okay. So you get a call like a shooting, it's a
17 serious incident.

18 A Yes, sir.

19 Q Everybody kind of floods the area?

20 A Yes, sir.

21 Q Okay. And then when you realize it's secure, people
22 then peel away?

23 A Yes, sir.

24 Q Okay. Now, when you got there, what was taking place?

25 A When I got there I noticed a male and female, the

Kevin Bowen
Direct examination by Mr. Bulsa

1 female which was later identified as the mother, and the
2 male was later identified as Mr. Mendez. I got them to the
3 front porch of the house and held them there so that they
4 didn't go in the back.

5 Q Okay. And how were they acting?

6 A The mother was upset and crying. The gentleman was
7 kind of shaking. He was nervous, distraught a little bit.

8 Q Did he appear angry?

9 A Not that I can remember.

10 Q Okay. Did he -- did you get the impression that he
11 was there when the incident occurred?

12 A Yes.

13 Q He was. Okay. All right. Did you separate the
14 mother and Mr. Mendez?

15 A Once another deputy showed up, we separated them. The
16 mother stayed on the porch and I took the gentleman off to
17 the side.

18 Q Okay. And what did you do with the gentleman you took
19 off to the side?

20 A I spoke to him, got his name, information, his
21 personal information, asked him what he seen happen and
22 everything. He told me what happened, just initial --

23 Q Were you able to identify anybody that was involved?

24 A I think he did eventually give me one name.

25 Q Who was that?

Kevin Bowen
Direct examination by Mr. Bulsa

- 1 A Mr. Nava, N-A-V-A.
- 2 Q Okay. Did he give you a first name?
- 3 A He didn't give me a first name.
- 4 Q Okay. So Nava.
- 5 A Yes, sir.
- 6 Q And what did you do with that information?
- 7 A I passed that along to an investigator.
- 8 Q Okay. So you got Mr. Mendez who tells you what
- 9 happened.
- 10 A Yes, sir.
- 11 Q Okay. Did he give you specifics about what happened?
- 12 A He tells me that he was there.
- 13 MR. WARDER: Objection to hearsay.
- 14 THE COURT: Sustained.
- 15 Q What was his emotional state? Was he distraught?
- 16 A He was distraught, like kind of shocked a little bit
- 17 about what took place.
- 18 Q When did you arrive?
- 19 A I arrived on the scene approximately at 3:41.
- 20 Q Okay. So you got there right after the incident.
- 21 A Yes, sir.
- 22 Q Okay. How many officers were on the scene?
- 23 A I think I was the third one. I think I had arrived
- 24 right after Deputy Ingle, and then I think our lieutenant
- 25 arrived before me.

Kevin Bowen
Direct examination by Mr. Bulsa

1 Q Okay. All right. And you immediately went to
2 Mr. Mendez and Ms. Kotlarich.

3 A Yes, sir.

4 MR. BULSA: Your Honor, can I offer this as an
5 exception to the hearsay rule?

6 THE COURT: Let me see y'all just a minute.

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

9 Q Now, let me ask it this way. Okay. Let me ask you
10 specifically.

11 Mr. Mendez told you on the scene while he was in this
12 excited state that how many men were there?

13 A Mr. Nava and then --

14 THE COURT: Well, the question was just was -- did he
15 say how many men were there.

16 A From what I was gathering, I got three or if -- at
17 first he said four. He named one and then the other two,
18 three.

19 Q So he named one and said three others.

20 A Yes.

21 Q Okay. And the one he named was Mr. Nava.

22 A Yes, sir.

23 Q And that's the person he knew.

24 A Yes, sir.

25 Q Did he say whether Mr. Nava fired a shot?

Kevin Bowen
Cross-examination by Mr. Warder

- 1 A No. He didn't.
- 2 Q He didn't what?
- 3 A Mr. Nava didn't fire a shot.
- 4 Q According to Mr. Mendez --
- 5 A Yes, sir.
- 6 Q -- when he was talking with you.
- 7 A Yes, sir.
- 8 Q Right after the incident occurred --
- 9 A Yes, sir.
- 10 Q -- in that excited state.
- 11 A Yes, sir.
- 12 Q So based on your understanding of your conversation
- 13 did Mr. Mendez know who fired the shoots?
- 14 A Didn't know the name but, he said two black males,
- 15 yeah.
- 16 Q That's all I have.
- 17 CROSS-EXAMINATION
- 18 BY MR. WARDER
- 19 Q How long were you on the scene?
- 20 A I arrived approximately 3:41, and I was there until
- 21 the rest of the shift, until about 0700.
- 22 Q Did you go through the house or anything else?
- 23 A No, sir.
- 24 Q Did you go into the garage?
- 25 A I did not go into the garage.

Wendy Thomas
Direct examination by Mr. Bulsa

1 Q You spent all of your time on the front porch?

2 A Yes, sir, in the front securing the front of the
3 house.

4 Q Okay. And did you leave first or did they transport
5 the witnesses to law enforcement or somewhere?

6 A Mr. Mendez was transported before I left.

7 Q Okay. Thank you.

8 MR. BULSA: Nothing further.

9 THE COURT: You may step down.

10 MR. BULSA: We ask he be excused.

11 THE COURT: He may be.

12 (Whereupon, the witness was excused.)

13 MR. BULSA: State calls Deputy Thomas, Wendy Thomas.

14 WENDY THOMAS, having been
15 first duly sworn, testified as follows:

16 DIRECT EXAMINATION BY MR. BULSA

17 Q Please introduce yourself to the jury.

18 A My name is Wendy Thomas.

19 THE COURT: Please move up closer to the microphone.

20 A Wendy Thomas.

21 Q Who are you employed with?

22 A The Spartanburg County Sheriff's Office.

23 Q What capacity?

24 A I'm sorry?

25 Q What capacity?

Wendy Thomas
Direct examination by Mr. Bulsa

1 A Uniform patrol.

2 Q How long have you been a deputy?

3 A Almost three years.

4 Q Okay. So back when this occurred you were a deputy
5 for about a year?

6 A No, sir. I was fresh on the road when this occurred.

7 Q Okay. This was October of 2016. What were your
8 duties?

9 A I was strictly uniform patrol at that time. First --
10 I wasn't first responding officer but answering calls.

11 Q Were you in this -- was that your zone?

12 A Yes, sir.

13 Q Okay. So you responded along with many other
14 officers.

15 A Yes, sir.

16 Q Okay. Because you don't really know what you have,
17 right? You need to answer.

18 A Correct.

19 Q Okay. And when you got there, what occurred? What
20 was going on?

21 A I noticed a female later identified as mom and other
22 deputies with another male. They had the scene taped off.
23 It came out as a shooting, so that's what I had assumed
24 when I arrived on scene.

25 Q Did you go around to look inside the garage at all?

Wendy Thomas
Direct examination by Mr. Bulsa

1 A I did.

2 Q Okay. And did you participate in any of the
3 investigation?

4 A No, sir. This was my first homicide as a deputy on my
5 own. So my supervisor allowed me to walk around the scene
6 for observation purposes.

7 Q Get you some experience?

8 A Yes, sir..

9 Q What were you then asked to do?

10 A I was stationed at the front of the house with mom,
11 kept her calm, talked to her, just stayed there until
12 investigators could further investigate.

13 Q Could you describe her emotional state to us?

14 A I'm sorry?

15 Q Could you describe her emotional state to us?

16 A Very distraught, confused, crying.

17 Q How long did you stay with her?

18 A A good 30 minutes probably.

19 Q And when did you leave the scene?

20 A I don't remember.

21 Q Okay.

22 A It was still dark.

23 Q Where did -- where did mom go?

24 A Me and her sat on the front porch.

25 Q When you left, where did she go after that? Do you

Mary Ann Kotlarich
Direct examination by Mr. Bulsa

1 know? Did you --

2 A I believe it was in the living room with the
3 investigator.

4 Q Okay. So another officer took her to speak to her?

5 A Yes, sir.

6 Q All right. Thank you, ma'am. Answer anything
7 Mr. Warder has.

8 MR. WARDER: Your Honor, I have no questions of this
9 witness.

10 THE COURT: You may step down.

11 MR. BULSA: We ask she be excused.

12 THE COURT: She may be.

13 (Whereupon, the witness was excused.)

14 MR. BULSA: The state calls Mary Ann Kotlarich.

15 MARY ANN KOTLARICH, having
16 been first duly sworn, testified as follows:

17 DIRECT EXAMINATION BY MR. BULSA

18 Q Good afternoon, ma'am.

19 A Good afternoon.

20 Q Introduce yourself to the jury.

21 A Mary Ann Kotlarich.

22 Q Are you Thompson Demas' mother?

23 A I am.

24 Q Where do you live?

25 A [REDACTED] in Moore.

Mary Ann Kotlarich
Direct examination by Mr. Bulsa

- 1 Q How long have you lived there?
- 2 A Six and a half years.
- 3 Q Did your son live there with you?
- 4 A Yes. He did.
- 5 Q Okay. How old was your son?
- 6 A Twenty.
- 7 Q Twenty when he died. Had he gone -- what was his
8 education?
- 9 A When we moved he had attended Dorman, and after that
10 he started attending S.C.C. in January of 2014.
- 11 Q So.
- 12 A And had gone for a couple of semesters there.
- 13 Q He had a high school diploma?
- 14 A Correct.
- 15 Q And he was attending college, a little bit at
16 Spartanburg Community College?
- 17 A Correct.
- 18 Q Was he employed?
- 19 A He was employed until, I believe it was, sometime in
20 September. And then he was waiting to hear about another
21 job.
- 22 Q All right. I'm sure you remember the day of this, the
23 morning of his death. It's going to be hard, but I need to
24 ask you some questions.
- 25 A Yes.

Mary Ann Kotlarich
Direct examination by Mr. Bulsa

1 Q This is a large house, right?

2 A Three-bedroom house, yeah.

3 Q And we've seen where the garage is. Where is your
4 bedroom in relation to the garage?

5 A The house is a long ranch. So there's three bedrooms
6 on one side of the house, and the garage and driveway are
7 on the exact opposite side.

8 Q Okay. And your bedroom would have been on the far
9 opposite side of the house from the garage?

10 A Correct.

11 Q So the entire length of the house.

12 A Yes.

13 Q Thompson's bedroom would have been close to where
14 yours was.

15 A Thompson's bedroom was catty-corner from -- when I
16 looked out my door I could see into Thompson's room.

17 Q What's the first thing you recall that morning?

18 A I remember hearing noises. I didn't know what they
19 were at the time. And that's what woke me up.

20 Q And what did you do when you heard those noises?

21 A I sat up in bed. I looked up, and through my bedroom
22 door I could see that the light in his bedroom was on.

23 So I got out of bed, and I looked in his room, and the
24 light and the fan were on and the window was wide open.

25 The windows on the front part of that part of the

Mary Ann Kotlarich
Direct examination by Mr. Bulsa

1 house opened to the ground or, you know, go down to the
2 ground. So when you got up you can go directly out onto
3 the -- to the front porch.

4 Q So we're looking at the front of the house, State's
5 No. 2. His window would be to the right of the door?

6 A Correct.

7 Q Okay. I won't turn the machine on. Just to the right
8 of the door.

9 what did you do when you noticed that?

10 A I -- I just didn't know where he was at that point, so
11 I proceeded to go down the hallway to the front door. And
12 I was looking out the front door to see if I could see
13 anything, and I didn't see anything.

14 Q Do you remember what time of the morning this was?

15 A My clock -- when I looked at my clock when I woke up,
16 my clock said 3:34.

17 Q We heard an officer say he got there at 3:33. So it
18 would have been around that 3:30 timeframe?

19 A Correct.

20 Q Okay. So when you went looking for your son, what did
21 you find?

22 A At the front door I didn't see anything. So then I
23 proceeded down to, through the kitchen down to the garage,
24 and I looked out into the garage. I didn't see anything.

25 And at that point I heard the black lab down the

Mary Ann Kotlarich
Direct examination by Mr. Bulsa

1 street -- her name is Sweetie. I remember hearing her
2 barking. So I proceeded back into the house to go back to
3 the front door to see if I could see anything again. And I
4 still couldn't see anything.

5 Q I want to show you. This one might have the best
6 view, State's 20. We see a door here. Is that the door
7 you would have been looking out?

8 A That's the door from the kitchen into the garage, yes.

9 Q Okay. And we see the walk-through door partially
10 opened. And it blocks whatever is behind it. So you would
11 not have seen your son at that point, right?

12 A Correct. I was probably standing where whatever that
13 blue thing is on the floor looking out, and I did not see
14 anything.

15 Q Okay. Was your garage door open or closed?

16 A I don't recall if the garage door was open or closed,
17 but I thought it was closed.

18 Q Okay. So when the police got there if it was open, do
19 you believe you would have been the one that opened it?

20 A Correct, correct.

21 Q Did you open it to try to see if you could see
22 anything?

23 A Well, after I went back the second time to the front
24 door I heard someone yelling, and at that point I went back
25 to the garage to see what it was. And when I went back

Mary Ann Kotlarich
Direct examination by Mr. Bulsa

1 into the garage there was a man standing in the outside of
2 the garage area. I have a back-load garage, and he was
3 standing out in that concrete pad outside of the garage.

4 Q That's in the picture we saw, right?

5 A Correct.

6 Q So you would have been looking at him through the open
7 garage door.

8 A Correct.

9 Q Did you know this man?

10 A I didn't know who it was when -- when he was out
11 there. I needed to ask who he was.

12 Q Okay. Did you later learn that he knew your son?

13 A Yes. I knew that he had met my son in 20 -- I guess
14 -- 12 when we had moved here.

15 Q Now, what did you do when you saw that gentleman and
16 he was yelling?

17 A I -- I asked him what was going on and I asked him
18 where Thompson was.

19 Q Okay. And did he tell you or direct you anywhere?

20 A He gestured his hand in such a way that I realized
21 that he was pointing to something. And when I got out a
22 little further I saw -- I saw him on the ground.

23 Q I know this is hard.

24 Now, when you had went to bed that night, the night
25 before, was Thompson home?

Mary Ann Kotlarich
Direct examination by Mr. Bulsa

1 A Yes. I had gotten home from work. He asked if he
2 could go for a haircut. So we had taken him to go get a
3 haircut. And then we went and had dinner at Panera.

4 Q And when you closed up your house for the night did
5 you lock all of the doors?

6 A Yeah. We locked all of the doors.

7 Q So the garage door would have been down and the
8 walk-through door would have been closed. Would anybody
9 have had any permission to be inside that at any time
10 during the evening?

11 A No.

12 Q So you see your son in a position that we didn't
13 see -- we couldn't show the jury the pictures, but the part
14 we have blocked out, is that about where you remember your
15 son being?

16 A Not exactly, but I remember finding him on the ground
17 in a slightly different position.

18 Q Okay. All right. What did you do when you saw your
19 son like that?

20 A I started frantically running back to my bedroom to go
21 get my cell phone to call 9-1-1.

22 Q And were you able to call 9-1-1?

23 A I called 9-1-1, and the lady asked me to go to him to
24 find out what was going on. I was looking at him, and I --
25 I guess you can't figure out at first what's going on,

Mary Ann Kotlarich
Direct examination by Mr. Bulsa

1 because it did look -- he wasn't moving, but it didn't look
2 like anything was wrong. I couldn't -- I couldn't see
3 anything that was wrong, but he wasn't moving.

4 And then she asked me if there was anything else that
5 I could see. So I got up and tried to move to the --
6 around to the other side of the garage to see if I could
7 see anything. And I realized that I was standing on a sea
8 of glass shards.

9 So I started frantically running back again to the
10 other end of the house to get a pair of shoes on and then
11 was running back again to get to the other side of the car
12 to see what I could see to tell her.

13 Q Okay. How long were you on the phone with 9-1-1?

14 A I don't know how long I was on the phone. At some
15 point in my racing back and forth I know that I must have
16 hung up. And then she eventually called me back.

17 Q Did the -- did the police respond quickly?

18 A It seemed like an eternity.

19 Q I know it did.

20 Were you still on 9-1-1 when the police arrived?

21 A Yes. I believe so.

22 Q Okay. Did they come in and usher you away from the
23 back of your house?

24 A Eventually in between the time I realized that his
25 bedroom window was open.

Mary Ann Kotlarich
Direct examination by Mr. Bulsa

1 So then I ran back again to close the window to figure
2 out where the cat and the dog were. And then I was trying
3 to rustle up the cat and the dog to put them into my
4 bedroom so I could secure them, because I knew that
5 everybody would be coming, and I didn't want them to escape
6 because it was -- it was at nighttime.

7 Q Do you remember Deputy Thomas sitting with you and
8 talking?

9 A Yes, I do.

10 Q Let me show you some more pictures.

11 Let me ask you this first. Maybe we don't need to see
12 the pictures. But did your vehicle have any bullet holes
13 in it before this evening?

14 A No.

15 Q Okay. How about the wall that we saw, the back wall
16 in the garage? Were there bullets there?

17 A No. It did not.

18 Q Okay. And we saw the bicycle overturned which was
19 right near the walk-through door. Is that how it's
20 normally stored?

21 A No, no, it's not. It's upright.

22 Q Upright. So it's clear to you that some kind of
23 struggle had occurred.

24 MR. WARDER: Objection. He's leading.

25 THE COURT: Rephrase it.

Mary Ann Kotlarich
Direct examination by Mr. Bulsa

1 Q Did it appear that a struggle had occurred?

2 A Frankly, I never noticed the bicycle was even on the
3 ground.

4 Q All right. So you just know that it wasn't normally
5 like that.

6 A Correct.

7 Q All right. So you don't know how it came to be like
8 that.

9 A No. I was more concerned about all of the glass
10 shards that were happening at the time, yeah.

11 Q Was that window broken in the garage door before this
12 incident?

13 A No. It was not.

14 Q Okay. Did you find anything missing from your son, of
15 your son's?

16 A Immediately or --

17 Q At any point.

18 A At -- as the time went on I realized that his wallet
19 was missing.

20 Q Okay.

21 A That was the only thing that I knew that was -- was
22 gone.

23 Q Where does he normally keep the wallet?

24 A He would normally keep the wallet on his dresser in
25 his room.

Mary Ann Kotlarich
Cross-examination by Mr. Warder

1 Q Okay. Would he have had any reason to take it into
2 the garage?

3 A Not that I know of.

4 Q Do you know if anybody went inside your house, inside
5 the interior of the house that evening?

6 A No. Actually, my -- my son wasn't even home after I
7 went to sleep and -- and someone obviously had -- had
8 driven him home.

9 Q So you're not sure when he arrived back home?

10 A I am not sure when he arrived back home.

11 Q Okay. So he could have still had his wallet on his
12 person.

13 A Correct.

14 Q Because it wasn't in his bedroom.

15 A No.

16 Q And it wasn't -- did you find it in the garage
17 anywhere?

18 A I've never found his wallet.

19 Q Okay. And the coroner didn't give you his wallet.

20 A No.

21 Q Okay. Mr. Warder is going to ask you some questions.
22 Okay. Please answer any that he asks you.

23 CROSS-EXAMINATION

24 BY MR. WARDER

25 Q Ma'am, when was the last time you did see his wallet?

Mary Ann Kotlarich
Cross-examination by Mr. Warder

1 A I don't recall.

2 Q A week before that, a month before that?

3 A Well, actually I -- I guess I -- I -- he had it when
4 he -- when he paid for his haircut that night.

5 Q Okay. He had it at what time?

6 A I guess we went for the haircut around 6:00 or 6:30.

7 Q Okay. And you say you didn't bring him back home with
8 you.

9 A No. He was home with me. I -- I later learned that
10 one of his friends had picked him up and he had been over
11 at that house.

12 Q Okay. So sometime in the afternoon or evening you saw
13 him with his wallet. And then I guess -- when did you
14 first look to see it wasn't on the dresser where you
15 thought it would be?

16 A After the police all left that afternoon.

17 Q You don't have any idea where it went?

18 A No.

19 Q Okay. Were you aware that your son would meet people
20 and sold drugs to them in the afternoon and evenings?

21 A No, I was not aware of that.

22 Q Well, did he seem to have a lot of money he couldn't
23 account for?

24 A No. The only money he had was in his checking
25 account.

Mary Ann Kotlarich
Cross-examination by Mr. Warder

1 Q I'll show a photograph of the front of your car and
2 ask you if you saw a bag that looks like that there.

3 A No. I did not see that.

4 MR. BULSA: I think that needs to be marked for the
5 record.

6 (Photograph marked Defendant's Exhibit No. 1 for
7 Identification.)

8 Q I hand you what's...

9 MR. WARDER: Can we approach the bench?

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

12 THE COURT: The exhibit has been withdrawn.

13 Q The garage wasn't used. There was no activity. You
14 never worked in the garage or you never worked on cars or
15 things like that.

16 A I'm sorry?

17 Q Your son never worked --

18 A Oh, my son, no.

19 Q The garage was simply a storage. It kept the cars,
20 the lawn mower and bicycle, and some shelves on one wall.

21 A Correct.

22 Q And your son's telephone -- had a cell telephone. He
23 didn't have a house land line that he answered.

24 A We haven't had a land line in 20 years.

25 Q Okay. And he had his phone and you had your phone.

Mary Ann Kotlarich
Cross-examination by Mr. Warder

1 A Correct.

2 Q And did anybody ever take his phone or is it still --
3 you still have his phone?

4 A I don't have the phone. They took the phone.

5 Q Took it into evidence, is what I'm --

6 A Correct. He had just gotten a new phone about a
7 couple of weeks before. His old phone broke, so we had
8 gotten him a new phone.

9 Q Okay. And the police kept it and still have it.

10 A Yeah.

11 Q Okay. And when was the last time your son drove the
12 car?

13 A My son had a car accident at the end of June, and it
14 took a while for the insurance. I don't know why we had --
15 it took forever to get the insurance money back. And he --
16 he was waiting to pick out a new car. I think the -- the
17 accident kind of rattled him, so he wasn't driving.

18 Q Well, he -- he actually didn't have employment since
19 that because he didn't have transportation.

20 A No. When he first had the accident, first, I was
21 taking him back and forth because he was working about an
22 hour from the house. And then he got a job on across from
23 B.M.W. And then eventually he got placed in another
24 facility off of Business 85. So he worked sometime until
25 I -- I want to say it was like mid September. And he was

Mary Ann Kotlarich
Redirect examination by Mr. Bulsa

1. waiting to hear of a new job.

2 Q Okay. Was he working during the period of June to
3 September?

4 A Yes.

5 Q Okay. And he was working where?

6 A At first he was working at Pheason Craft [sic] which
7 is on the far side of Greenville about an hour from our
8 house, and then he was working across from B.M.W. on 101,
9 off 101, and then he was working off of Business 85.

10 Q Okay. And he stopped working in September?

11 A It was very difficult when they shifted him to days
12 for me to give him rides, and then he was trying to find
13 rides and paying people to take him back and forth to work.
14 And I kept trying to get him off the dime to pick out
15 another car.

16 Q Okay. Thank you.

17 MR. BULSA: Just briefly in reply.

18 REDIRECT EXAMINATION

19 BY MR. BULSA

20 Q Ma'am, you were working yourself, right?

21 A Correct. Full time.

22 Q Where do you work?

23 A I work at Michelin.

24 Q Okay. And so when he got shifted to day hours you had
25 difficulty making your work and driving him.

Mary Ann Kotlarich
Redirect examination by Mr. Bulsa

1 A Correct. It was virtually impossible with the
2 construction on 85 and everything else, yeah.

3 Q Okay. So he didn't have a car at that time.

4 A No.

5 Q What door did y'all use mostly to gain entry into your
6 house?

7 A The garage door.

8 Q So open the garage and drive in. How would -- how
9 would Thompson get in?

10 A We both had the controllers, and then we have one of
11 those pads that you put in the numbers and the door opened
12 and closes, yeah.

13 Q Okay. How long were the police at your place?

14 A I remember them being there until sometime in the
15 afternoon.

16 Q Did you kind of stay out of their way?

17 A Yes. When I eventually got off of the front steps my
18 back was really starting to bother me, and I kept
19 requesting to go inside the house. And so eventually I was
20 let -- they let me go back into the living room.

21 Q So you didn't actually watch to see what they were
22 doing. You just know they were there?

23 A No. I -- they wouldn't even let me back, as I said,
24 for -- I want to say it was like an hour or two that I sat
25 on those front steps.

1 Q Thank you, ma'am.

2 THE COURT: You may step down.

3 We're going to break for lunch. I'll caution the jury
4 not to discuss the case. Don't allow yourselves to be
5 exposed to any type of media coverage. No investigation,
6 no research.

7 Do have a good lunch. Please report to your jury room
8 at 2:15, 2:15 this afternoon.

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

11 THE COURT: Court is in recess until 2:15.

12 (Whereupon, a recess was taken.)

13 THE COURT: Ready?

14 MR. BULSA: Your Honor, our next witness is Kameron
15 Wilson who's represented by Josh Schultz.

16 We need to have a colloquy. We did last time. He's
17 testifying in this charge. Make sure he understands what's
18 going on.

19 THE COURT: Mr. Schultz, have you discussed with your
20 client the consequences of his testifying?

21 MR. SCHULTZ: I have, Your Honor.

22 THE COURT: Do you think he understands?

23 MR. SCHULTZ: He does, Your Honor.

24 THE COURT: And does he understand he can't be
25 required to testify presently?

1 MR. SCHULTZ: He does.

2 THE COURT: But he wishes to waive his right to remain
3 silent?

4 MR. SCHULTZ: Yes, sir.

5 THE COURT: And you've fully discussed it with him?

6 MR. SCHULTZ: Yes, sir. Several times.

7 THE COURT: All right. And he's understanding of it.

8 MR. SCHULTZ: Yes, sir.

9 THE COURT: All right. Where is he?

10 MR. SCHULTZ: He's right here, Your Honor, to my
11 right.

12 THE COURT: Okay. Mr. Wilson, you can come around.

13 You've talked to Mr. Schultz about your cases that are
14 presently pending?

15 DEFENDANT KAMERON WILSON: Yes, sir.

16 THE COURT: And do you understand the state wants
17 you -- do you understand the state wants to call you to
18 testify about your knowledge of the events that --
19 regarding the cases that are now being tried and occurred
20 back on October the 8th of 2016?

21 DEFENDANT KAMERON WILSON: Yes, sir.

22 THE COURT: And do you appreciate the fact that you
23 implicate yourself when you testify?

24 DEFENDANT KAMERON WILSON: Yes, sir.

25 THE COURT: And you've fully discussed it with

1 Mr. Schultz?

2 DEFENDANT KAMERON WILSON: Yes, sir.

3 THE COURT: Do you understand I can't make you
4 testify, nor can the prosecutor, nor can Mr. Warder?

5 DEFENDANT KAMERON WILSON: Yes, sir.

6 THE COURT: But you've talked to Mr. Schultz about it
7 and you want to waive your right to remain silent and to
8 take the witness stand and testify about your knowledge of
9 the facts?

10 DEFENDANT KAMERON WILSON: Yes, sir.

11 THE COURT: Okay. Anybody forced you into that
12 decision?

13 DEFENDANT KAMERON WILSON: No, sir.

14 THE COURT: Anybody pressured into it?

15 DEFENDANT KAMERON WILSON: No, sir.

16 THE COURT: You made that decision on our own?

17 DEFENDANT KAMERON WILSON: Yes, sir.

18 THE COURT: You're satisfied with it?

19 DEFENDANT KAMERON WILSON: Yes, sir.

20 THE COURT: And Mr. Wilson is charged with what?

21 MR. BULSA: Armed robbery, Your Honor.

22 THE COURT: Okay. Just have a seat right there on the
23 front row, and we'll bring the jury in.

24 Any other matters to address?

25 MR. BULSA: No, sir.

Kameron Wilson
Direct examination by Mr. Bulsa

1 THE COURT: All right. Bring them in.

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

4 THE COURT: All right. As you know, when recessed for
5 lunch the state was in the midst of their presentation of
6 evidence. So we'll continue with that this afternoon.

7 MR. BULSA: The state calls Kameron Wilson.

8 KAMERON WILSON, having been
9 first duly sworn, testified as follows:

10 DIRECT EXAMINATION BY MR. BULSA

11 Q Cameron, introduce yourself to the jury, please.

12 A My name is Cameron Wilson.

13 Q How old are you, sir?

14 A I'm 18.

15 Q And where do you live?

16 A [REDACTED] Street, Lyman, South Carolina 29365.

17 Q Who do you live with?

18 A My mom.

19 Q Any siblings?

20 A Two sisters, one older and one little.

21 Q And what do you do with your time these days?

22 A I work.

23 Q Where do you work?

24 A Syncreon in Greer.

25 Q What level of education do you have?

Kameron Wilson
Direct examination by Mr. Bulsa

- 1 A High school diploma.
- 2 Q Okay. Did you get a G.E.D.?
- 3 A No, sir.
- 4 Q You actually got a diploma?
- 5 A Yes, sir.
- 6 Q From what school?
- 7 A Dorman.
- 8 Q When did you graduate?
- 9 A This year.
- 10 Q All right. You're charged in this case, aren't you?
- 11 A Yes, sir.
- 12 Q That charge is still pending?
- 13 A Yes, sir.
- 14 Q You know you're going to be prosecuted.
- 15 A Yes, sir.
- 16 Q Why are you testifying?
- 17 A Because it's the right thing to do.
- 18 Q Did you know the young man that was killed?
- 19 A No, sir.
- 20 Q Had you ever been in that neighborhood before?
- 21 A No, sir.
- 22 Q How do you know Keshawn Rice?
- 23 A I been knowing him since I was eight. We played
- 24 football together.
- 25 Q Since you were eight years old you've known him. You

Kameron Wilson
Direct examination by Mr. Bulsa

- 1 grew up playing football?
- 2 A Yes, sir.
- 3 Q Consider him a friend?
- 4 A Yes, sir.
- 5 Q How good of a friend?
- 6 A A good close friend.
- 7 Q How did you get brought into this situation?
- 8 A He called me that night and asked me to take him
- 9 somewhere.
- 10 Q And where were you when he called you?
- 11 A I was at a party.
- 12 Q where?
- 13 A In Boiling Springs.
- 14 Q And what time did he call you?
- 15 A Around 12:00 o'clock, I think.
- 16 Q And what was the reason he called you?
- 17 A He asked me to take him somewhere.
- 18 Q And what did you tell him when he called?
- 19 A Okay.
- 20 Q And when did you go to pick him up?
- 21 A When the party ended.
- 22 Q why did he need a ride from you?
- 23 A I don't know.
- 24 Q Did he have a car himself?
- 25 A I don't believe so.

Kameron Wilson
Direct examination by Mr. Bulsa

- 1 Q He's your friend. Do you know if he had a car?
- 2 A No.
- 3 Q He didn't that night at least, I guess.
- 4 A No, sir.
- 5 Q All right. And where was he?
- 6 A He was in Spartanburg -- Spartanburg.
- 7 Q So you were in Boiling Springs, and he called you for
- 8 a ride, wanted you to come all the way to Spartanburg?
- 9 A Yes, sir.
- 10 Q And where were you living? Were you living at the
- 11 same place?
- 12 A Yes, sir, I was living in the same place.
- 13 Q So you were living in Lyman, at a party in Boiling
- 14 Springs, and he called you all the way to Spartanburg?
- 15 A Yes, sir.
- 16 Q And he called you around midnight. And what time did
- 17 you go to pick him up?
- 18 A Around midnight, a little after midnight.
- 19 Q All right. And where did you go in Spartanburg to
- 20 pick him up?
- 21 A Near an elementary school. I forgot the name of it.
- 22 Q Do you remember the name of the road?
- 23 A No, sir.
- 24 Q Okay. Would it have been John B. White Boulevard?
- 25 A Yes, sir.

Kameron Wilson
Direct examination by Mr. Bulsa

1 Q Okay. Woodland Heights School?

2 A Yes, sir.

3 Q Okay. Did you have anybody with you when you went
4 over there?

5 A Yes, sir.

6 Q Who?

7 A Justin Rice and Kwenshaun Holmes.

8 Q All right. Okay. So tell us what happened when you
9 arrived at -- well, do you know whose house you went to?

10 A Yes, sir.

11 Q Whose house was it?

12 A Sincere.

13 Q Sincere who?

14 A Jeter.

15 Q Sincere Jeter. What was going on at that house when
16 you arrived?

17 A I don't know, sir.

18 Q Was it a party there too?

19 A No, sir.

20 Q No. Okay. So you arrived at Sincere Jeter's house
21 with two other friends to give Mr. Rice a ride?

22 A Yes, sir.

23 Q Tell us what happened.

24 A When I went over there, they got in the car. Well,
25 Justin and Kwenshaun got outta the car and they -- Keshawn

Kameron Wilson
Direct examination by Mr. Bulsa

1 and Neal got into our car, and we went to go pick up Elian.

2 Q Keshawn and Neal got into your car. What kind of car
3 do you have?

4 A It was a Jeep Grand Cherokee.

5 Q Was it yours or your mother's?

6 A My mother's.

7 Q She allowed you to drive it?

8 A Yes, sir.

9 Q Did they have anything in their hands when they got in
10 your car?

11 A Yes, sir.

12 Q What?

13 A Guns.

14 Q What kind of guns?

15 A I can't tell you the name.

16 Q Were they handguns?

17 A Yes, sir.

18 Q Pistols?

19 A Yes, sir.

20 Q Do you know why they had those pistols?

21 A No, sir.

22 Q Well, why were you giving a ride to two young men with
23 pistols?

24 A I don't know.

25 Q What was your understanding that was supposed to

Kameron Wilson
Direct examination by Mr. Bulsa

1 happen?

2 A I -- well, later on I thought they was -- well, later
3 on I found out they was going to try to rob somebody. I
4 didn't know it at the time.

5 Q When did you learn there was going -- there was
6 supposed to be a robbery?

7 A When they picked up Elian -- when we picked up Elian.

8 Q Okay. And we need to make sure the jury understands
9 this. Keshawn Rice calls you over to pick him up.

10 A Yes, sir.

11 Q He and Neal -- do you know Neal's full name?

12 A Carnellious Stringer.

13 Q Did you know it at the time?

14 A Yes, sir.

15 Q You did?

16 A Yes.

17 Q So you picked up Keshawn Rice and Carnellious
18 Stringer. Both of them carrying pistols. And how do you
19 wind up at Elian's?

20 A Keshawn. They told me where to go.

21 Q Okay. Was Elian expecting you?

22 A Yes.

23 Q How do you know that?

24 A Because Keshawn told me.

25 Q Okay. So Keshawn also set up the meeting at Elian's.

Kameron Wilson
Direct examination by Mr. Bulsa

- 1 A Yes, sir.
- 2 Q He told you where to go, to Elian's.
- 3 A Yes, sir.
- 4 Q Did you know Elian?
- 5 A Yes, sir.
- 6 Q You did know Elian?
- 7 A Yes, sir.
- 8 Q What's his full name?
- 9 A Elian Nava -- Nova.
- 10 Q Okay. Nava, N-A-V-A, maybe?
- 11 A Yes, sir.
- 12 Q Okay. All right. So you're going over to Elian's.
- 13 And what's your understanding? Why are you going over
- 14 there?
- 15 A To pick them up to go find somebody with some weed or
- 16 some marijuana.
- 17 Q Okay. Well, is it a money mission?
- 18 A I couldn't tell you.
- 19 Q Was that used in any of the conversations with Keshawn
- 20 Rice?
- 21 A Yes, sir, when he first texted me on snapchat.
- 22 Q What did he say?
- 23 A Come take me. Pick him up and take him on a money
- 24 mission.
- 25 Q Money mission. You didn't know what that meant?

Kameron Wilson
Direct examination by Mr. Bulsa

- 1 A It could mean a lot of things.
- 2 Q Okay. So that's what you think you're doing when you
- 3 pick him up initially.
- 4 A Yes, sir.
- 5 Q Going on a money mission.
- 6 A Yes, sir.
- 7 Q And then he directs you to Elian's, right?
- 8 A Yes, sir.
- 9 Q And then what happens?
- 10 A And then we go. Then we go get Cesar because they
- 11 found -- well, Elian found out he had some weed.
- 12 Q When did the talk about a robbery start?
- 13 A On the way to go get -- well, on the way to Cesar's
- 14 house.
- 15 Q Who is talking about a robbery?
- 16 A All of them.
- 17 Q All of them? Keshawn Rice, Carnellious Stringer,
- 18 Elian Nava?
- 19 A Yes, sir.
- 20 Q And Kameron Wilson?
- 21 A No, sir.
- 22 Q What do you mean -- no, sir?
- 23 A Not -- I wasn't talking about it.
- 24 Q You weren't?
- 25 A No, sir.

Kameron Wilson
Direct examination by Mr. Bulsa

- 1 Q But you were the driver?
- 2 A Yes, sir.
- 3 Q So you knew what was going on?
- 4 A Yes, sir.
- 5 Q And you were agreeing to continue to drive them --
- 6 A Yes, sir.
- 7 Q -- knowing they were going to rob somebody?
- 8 A Yes, sir.
- 9 Q Were they going to go rob Cesar?
- 10 A I believe so.
- 11 Q Because Elian said Cesar had some marijuana.
- 12 A Yes, sir.
- 13 Q All right. What happens when you get -- well, how did
- 14 you get to Cesar's?
- 15 A Elian took me. Well, Elian directed me over there.
- 16 Q Okay. So you are driving these places you don't even
- 17 know how to get to.
- 18 A Yes, sir.
- 19 Q About what time of the night is this?
- 20 A About -- about 1:00 o'clock in the morning.
- 21 Q Okay. And what happens?
- 22 A Cesar said he didn't have any but he knew somebody
- 23 with some that we can go to.
- 24 Q All right. So make sure the jury understands this
- 25 where you're driving three men who have been discussing a

Kameron Wilson
Direct examination by Mr. Bulsa

- 1 robbery to Cesar -- what's his last name?
- 2 A I don't know.
- 3 Q You never knowed his last name?
- 4 A No, sir.
- 5 Q Okay. To Cesar's house. So you get directions to
- 6 Cesar's, and Cesar doesn't have any marijuana.
- 7 A No, sir.
- 8 Q So what happens?
- 9 A He -- he directs us to the man's house.
- 10 Q He gets in the car with you?
- 11 A Yes, sir.
- 12 Q Does he become part of the robbery?
- 13 A No, sir.
- 14 Q How do you know that?
- 15 A Because he was going to go get the weed from the dude
- 16 before that.
- 17 Q So was the robbery discussed in front of Cesar?
- 18 A Not that I know of.
- 19 Q Well, was it discussed when he was in the car with
- 20 you?
- 21 A No, sir.
- 22 Q All right. So y'all leave Cesar's house and go where?
- 23 A I don't know the neighborhood's name, but the guy's
- 24 house that was killed.
- 25 Q Okay. You don't know the timing of all of this

Kameron Wilson
Direct examination by Mr. Bulsa

- 1 either, do you?
- 2 A No, sir.
- 3 Q Just know it was in the morning hours.
- 4 A Yes, sir.
- 5 Q Where should you have been?
- 6 A Home.
- 7 Q Did your mother know where you were?
- 8 A No, sir.
- 9 Q You didn't let her know what was going on?
- 10 A No, sir.
- 11 Q All right. So you drive to -- I'll show you the
12 picture first, a couple of pictures, State's 21 and 22. Is
13 that your car?
- 14 A Yes, sir.
- 15 Q And that's paper tags. So is it pretty new to y'all?
- 16 A Yes, sir.
- 17 Q Jeep Cherokee. So you drive that vehicle over.
18 Show you a picture, State's No. 1. You've seen this
19 before. Does that look like the area where you drove to?
- 20 A Yes, sir.
- 21 Q Okay. And you'd never been there before?
- 22 A No, sir.
- 23 Q Dark outside.
- 24 A Yes, sir.
- 25 Q Anybody around, anybody outside?

Kameron Wilson
Direct examination by Mr. Bulsa

1 A No, sir.

2 Q Okay. All of the lights off in all of the houses?

3 A Yes, sir.

4 Q All right. So what happens when you get there?

5 A They get out of the car and -- well, Cesar got out of
6 the car to go -- go get some weed from the dude. He
7 brought it back down to them, and they was outside, I mean,
8 outside the car -- Elian and Keshawn and Neal.

9 Q All right. Stop. You didn't tell us where you parked
10 your vehicle.

11 A I parked in front of his house.

12 Q So you didn't drive in the driveway?

13 A No, sir.

14 Q Were your headlights on?

15 A No. I cut the car off.

16 Q You cut the car off and just stopped. And you're
17 telling this jury that the other four men in the car got
18 out?

19 A Yes, sir.

20 Q Did you get out?

21 A No, sir.

22 Q Could you hear what was being said outside?

23 A No, sir.

24 Q So how do you know that Cesar went up to the house?

25 A Because I looked back one time and I didn't see him.

Kameron Wilson
Direct examination by Mr. Bulsa

- 1 Q Do you know what part of the house he went to?
- 2 A The garage, I think.
- 3 Q All right. So you're telling this jury that Cesar
- 4 went to the garage one time. Did he come back?
- 5 A Yes, he came back.
- 6 Q How do you know that?
- 7 A Because I seen him again.
- 8 Q Okay. Which way is your car facing?
- 9 A Down the street.
- 10 Q Would the driveway be in front of you or behind you?
- 11 A Behind.
- 12 Q Behind you?
- 13 A Yes, sir.
- 14 Q Did you see anybody else with any type of gun that
- 15 night?
- 16 A No, sir.
- 17 Q So you only saw Keshawn Rice and Carnellious Stringer
- 18 with some sort of handgun that night.
- 19 A Yes, sir.
- 20 Q Did they take it with them out of your car?
- 21 A I think so.
- 22 Q They didn't leave it in your car, did they?
- 23 A After they got out of the car, I didn't see it any
- 24 more.
- 25 Q Okay. Here's the house. Where did you park?

Kameron Wilson
Direct examination by Mr. Bulsa

- 1 A In the front like right beside the driveway.
- 2 THE COURT: Use the microphone, please.
- 3 Q You need to speak up.
- 4 A Right beside the driveway.
- 5 Q Right here or here?
- 6 A The first one.
- 7 Q Right here.
- 8 A Yes, sir.
- 9 Q Which way were you facing?
- 10 A Left.
- 11 Q This way?
- 12 A Yes, sir.
- 13 Q So had you driven by the driveway?
- 14 A Yes, sir.
- 15 Q And parked here. And where were the men when they
- 16 were talking?
- 17 A Behind -- behind the car.
- 18 Q Back in here. Sort of at the edge of the driveway?
- 19 A Yes, sir.
- 20 Q Speak up.
- 21 A Yes, sir.
- 22 Q Okay. So far as you know the men are outside. And
- 23 you see Cesar going off and come back.
- 24 A Yes, sir.
- 25 Q And you don't hear what they're saying.

Kameron Wilson
Direct examination by Mr. Bulsa

- 1 A No, sir.
- 2 Q Then what happens?
- 3 A And then Cesar goes back in the house again and
- 4 then --
- 5 Q Does anybody go with him?
- 6 A I think Elian went with him too.
- 7 Q Okay. Got Cesar and Elian going up towards the house.
- 8 A Then about five minutes later I turn around and see
- 9 nobody.
- 10 Q Okay. So you're telling this jury that Cesar and
- 11 Elian Nava left to the house together. That would have
- 12 left Keshawn Rice and Carnellious Stringer back behind your
- 13 car at the edge of the driveway.
- 14 A Yes, sir.
- 15 Q And then sometime later you turned around and they
- 16 weren't even there.
- 17 A Yes, sir.
- 18 Q Okay. And what's the next thing you know happens?
- 19 A I heard gunshots.
- 20 Q Could you tell where the gunshots were coming from?
- 21 A No, sir. I just heard them.
- 22 Q All right. About how many gunshots did you hear?
- 23 A About three.
- 24 Q About three. What did you do?
- 25 A I started up the car about to pull off, and I seen

Kameron Wilson
Direct examination by Mr. Bulsa

1 people running.

2 Q You start up the car and you were going to pull off
3 and leave your friends?

4 A Yes, sir.

5 Q All right. Did you get it in gear?

6 A No, sir.

7 Q Where did the people come running from?

8 A I guess the house.

9 Q well, where did they run to?

10 A The car.

11 Q who were they?

12 A Keshawn and Neal and Elia.

13 Q All three men except Cesar came running back to your
14 car.

15 A Yes, sir.

16 Q Three men that had been discussing the robbery
17 together ran back to your car.

18 A Yes, sir.

19 Q Did they all get in the car?

20 A Yes, sir.

21 Q Who got in the front seat?

22 A Carnellious.

23 Q And who got in the back seat?

24 A Keshawn and Elia.

25 Q Is that how y'all rode over there together?

Kameron Wilson
Direct examination by Mr. Bulsa

- 1 A No, sir.
- 2 Q How was your ride? How was the ride over there?
- 3 A Keshawn was in the front and Neal and Elia was in the
4 back.
- 5 Q Cesar would have been where?
- 6 A In the back seat too.
- 7 Q Okay. How were these men acting when they got back to
8 your car?
- 9 A Anxious. I can't -- I don't know.
- 10 Q Did they tell you to take off?
- 11 A Yeah. They did.
- 12 Q Okay. Did they have anything with them?
- 13 A A book bag.
- 14 Q Book bag.
- 15 A Yeah.
- 16 Q All right. What happened when you're in the car? Do
17 you take off like they tell you to?
- 18 A Yes, sir.
- 19 Q Where did you go?
- 20 A Back to where I picked Keshawn and Neal up from.
- 21 Q Back to the house on John B. White Boulevard?
- 22 A Yes, sir.
- 23 Q What conversation is taking place inside the car?
- 24 A No conversation except Elia said they had shot
25 somebody. That's it.

Kameron Wilson
Direct examination by Mr. Bulsa

1 Q All right. So at least Elian knew that somebody had
2 been hit.

3 A Yeah.

4 Q What about the book bag?

5 A I don't know what happened to it. It wasn't nothing
6 in it.

7 Q I'm sorry? I can't hear you and I'm standing right
8 here next to you.

9 A I don't know what happened to it.

10 Q You said nothing was in it?

11 A No.

12 Q How do you know that?

13 A Because they looked in it when they was in -- when we
14 was -- when they was in the car.

15 Q So who had the book bag?

16 A Neal.

17 Q Neal had the book bag. And he is going through it?

18 A Yes, sir.

19 Q And nothing's in it?

20 A Uh-huh.

21 Q Nothing at all?

22 A No, sir.

23 Q All right. How does that make him?

24 A Mad, I guess.

25 Q Huh?

Kameron Wilson
Direct examination by Mr. Bulsa

- 1 A Mad.
- 2 Q Kameron, you were there. They've just been involved
- 3 in a robbery and a shooting.
- 4 A Yes, sir.
- 5 Q And what was going on inside that car?
- 6 A Nothing. They was looking through the book bag. They
- 7 didn't find nothing, and they was mad about it.
- 8 Q And how long did it take you to drive back to drop
- 9 them off?
- 10 A It took like -- like ten minutes.
- 11 Q All right. So you dropped them off?
- 12 A Yes, sir.
- 13 Q Did they take the book bag with them?
- 14 A Yes, sir.
- 15 Q Did you see their guns again?
- 16 A No, sir.
- 17 Q what happens to Elian Nava?
- 18 A I took him back home too.
- 19 Q Had your friends got, other friends got, back in the
- 20 car with you?
- 21 A Yes, sir.
- 22 Q So that put four more men in the car.
- 23 A Four? It was --
- 24 Q You, plus your two friends, plus Elian Nava.
- 25 A Oh, yeah, yes, sir.

Kameron Wilson
Direct examination by Mr. Bulsa

- 1 Q Okay. And y'all -- you drive and drop Elian Nava off?
- 2 A Yes, sir.
- 3 Q Any conversation between you and him about what just
- 4 happened?
- 5 A No, sir.
- 6 Q Did your two friends that you were giving a ride to
- 7 know what happened?
- 8 A No, sir.
- 9 Q when did the police find you?
- 10 A The next morning.
- 11 Q Do you know how they got your name?
- 12 A Elian.
- 13 Q All right. They found Elian, and Elian told on you.
- 14 A Yes, sir.
- 15 Q And you went to the police station?
- 16 A Yes, sir.
- 17 Q Talked to the police?
- 18 A Yes, sir.
- 19 Q Your mother was with you?
- 20 A Yes, sir.
- 21 Q You told them what had happened?
- 22 A Yes, sir.
- 23 Q You admitted your involvement?
- 24 A Yes, sir.
- 25 Q And you know you're just as guilty because you're the

Kameron Wilson
Direct examination by Mr. Bulsa

- 1 driver?
- 2 A Yes, sir.
- 3 Q Do you still consider Mr. Rice a friend of yours?
- 4 A I don't know.
- 5 Q You stayed in touch with him when he got out of jail,
- 6 didn't you?
- 7 A Yes, sir.
- 8 Q He would call you on occasion?
- 9 A Yes, sir.
- 10 Q Several times, right?
- 11 A Yes, sir.
- 12 Q When did you stop talking to him?
- 13 A After -- I think after the first trial.
- 14 Q Why did you stop talking to him?
- 15 A Because my attorney told me to stop.
- 16 Q Okay. Did you have any other contact with
- 17 Carnellious?
- 18 A No, sir.
- 19 Q Did you have any other contact with Elia?
- 20 A No, sir.
- 21 Q Have any -- ever had any other contact with Cesar?
- 22 A No, sir.
- 23 Q So you remained friendly with Keshawn Rice.
- 24 A Yes, sir.
- 25 Q Is it hard for you to testify?

Kameron Wilson
Cross-examination by Mr. Warder

1 A Yes, sir.

2 Q Did you tell us the truth?

3 A Yes, sir.

4 Q Was he, was Keshawn Rice, involved in the robbery?

5 A Yes, sir.

6 Q Was he possessing a pistol that night?

7 A Yes, sir.

8 Q Did he run back from the house where a shooting had
9 occurred?

10 A Yes, sir.

11 Q You didn't see the shooting, but you did learn that
12 somebody got shot.

13 A Yes, sir.

14 Q Keshawn Rice was there too.

15 A Yes, sir.

16 Q Thank you. Mr. Warder has some questions for you, so
17 answer them.

18 CROSS-EXAMINATION

19 BY MR. WARDER

20 Q Did I understand you that you didn't see who went in
21 the garage?

22 A Yes, sir.

23 Q You don't know whether they went in or not?

24 A No, sir.

25 Q You know that Kershawn [sic] left the car. But you

Kameron Wilson
Cross-examination by Mr. Warder

1 don't know where he went?

2 A Yes, sir.

3 Q Okay. And Carnellious Stringer, did he go with him
4 when he left the car?

5 A Yeah. Both of them was outside of the car.

6 Q That's right. Do you know whether they were together
7 or separate?

8 A No, sir.

9 Q They could have been separate, just as well as
10 together.

11 A Yes, sir.

12 Q Okay. And you told me that Elian wasn't armed, is
13 that right?

14 A Yes, sir.

15 Q How do you know he didn't have a gun?

16 A I don't know, sir.

17 Q Okay. He could have been armed, is that right?

18 A Yes, sir.

19 Q Now, you said that when you first saw Kershawn and
20 Carnellious they brought out two guns.

21 A Yes, sir.

22 Q who had them? who brought out the two guns?

23 A Keshawn and Carnellious.

24 Q They each brought out one, or did one brought out two,
25 or what were they?

Kameron Wilson
Cross-examination by Mr. Warder

- 1 A They each brought out one.
- 2 Q How did that happen that they're showing you their
- 3 guns?
- 4 A I don't know. I just seen them when they was walking
- 5 out of the house.
- 6 Q Where were they at?
- 7 A At the house that I picked them up from.
- 8 Q No. I mean where were the guns at that you could see?
- 9 A In their hands.
- 10 Q Did they each come out with a gun in their hand?
- 11 A Yes, sir.
- 12 Q Did somebody get in the front seat with you?
- 13 A Yes, sir.
- 14 Q What did they do with the gun they had in their hand?
- 15 A I don't know, sir.
- 16 Q Well, they're carrying it all the way to the car,
- 17 aren't they?
- 18 A Yes, sir.
- 19 Q They get in and they sit down. Is it not in their
- 20 hand then?
- 21 A No, sir. I didn't see it.
- 22 Q So you didn't see it after they got in the car.
- 23 A I stopped paying attention after a while. I know I
- 24 seen them when they first came outta the house though.
- 25 Q But they could have just laid them down somewhere,

Kameron Wilson
Cross-examination by Mr. Warder

1 couldn't they?

2 A Yeah. They could have.

3 Q So if we analyze it most carefully, what you really
4 saw was you saw two men come from the house with guns and
5 get in the car maybe with guns and maybe without, is that
6 right?

7 A Yes, sir.

8 Q Okay. Now, I take it they told you how to get to
9 Elian's house.

10 A Yes, sir.

11 Q Were they discussing anything about a robbery when
12 they were going to Elian's house?

13 A No, sir.

14 Q Was it -- the conversation about -- was there any
15 conversation about buying marijuana or was it always about
16 stealing marijuana?

17 A Talking about on the way to get Elian?

18 Q Huh?

19 A You talking about on the way to get Elian?

20 Q Well, yeah. Before Elian got in the car were they
21 talking about stealing any marijuana?

22 A No, sir. We were talking about football and stuff
23 like that.

24 Q Okay. So they got out. Pardon me. They come out,
25 got in your car and you talked about other things.

Kameron Wilson
Cross-examination by Mr. Warder

- 1 A Yes, sir.
- 2 Q And do you know Elian?
- 3 A Yes, sir.
- 4 Q And had you known him for a long time?
- 5 A Well, I knew him since middle school, but I didn't
- 6 know him like that.
- 7 Q Okay. You and him were together in middle school, and
- 8 you kind of drifted apart for a while?
- 9 A Yes, sir.
- 10 Q And you knew him as Neal?
- 11 A Who? Elian, no.
- 12 Q No. You knew Elian as Elian and then he -- was there
- 13 a period of time you didn't see him at all?
- 14 A Elian?
- 15 Q Yeah.
- 16 A Yes, sir.
- 17 Q How did you get reunited with him?
- 18 A He had came back to the car. Oh, you talking about
- 19 before all of this?
- 20 Q Yeah.
- 21 A The -- the night. That's the night that I had got
- 22 reunited with him. I didn't talk to him other than that.
- 23 Q Okay. And Elian told you how to get to Cesar's.
- 24 A Yes, sir.
- 25 Q After Elian got in the car and before you got to

Kameron Wilson
Cross-examination by Mr. Warder

1 Cesar's did Elian start discussing stealing the marijuana?

2 A Yes, sir.

3 Q And so he really brought up that idea.

4 A Yes, sir.

5 Q And the first time anybody discussed it was when he
6 got in the car.

7 A Yes, sir.

8 Q Now, you go to the address on -- what was the name of
9 that subdivision?

10 A I don't know, sir.

11 Q Okay. When you get -- get to the subdivision, how did
12 you know what house? Elian told you?

13 A No. Cesar told me.

14 Q Cesar told you. Okay. And Cesar told you to stop at
15 that house?

16 A Yes, sir.

17 Q Okay. And the car was still facing down the street
18 from the direction you came from?

19 A Yes, sir.

20 Q And did everybody get out?

21 A Yes. Well, I didn't. Everybody but me got out.

22 Q Okay. Now, did -- were you playing the radio or were
23 you playing on your phone or what?

24 A I was on my phone.

25 Q Was there any reason you didn't get out?

Kameron Wilson
Cross-examination by Mr. Warder

1 A No, sir.

2 Q No one said you stay in the car because we might need
3 you to take off and get us out of here or anything?

4 A No, sir.

5 Q Did you know what they were doing when they got out?

6 A No, sir.

7 Q And were you there when they made the decision that
8 Cesar would go or that -- down to the house?

9 A No, sir.

10 Q Okay. So -- so out of the car is Cesar who knows
11 where the house is and knew the guys. Elian got out.
12 Kershawn got out and Neal got out.

13 A Yes, sir.

14 Q Okay. And do they stand around and talk there?

15 A The car, yes.

16 Q Okay. Was there a time that Cesar was gone and the
17 other three were there?

18 A Yes, sir.

19 Q And is that when he brought back the marijuana?

20 A Yes, sir.

21 Q Did anybody get any money or show any money to pay for
22 the marijuana?

23 A Not that I know of.

24 Q Okay. You didn't see Kershawn -- Keshawn given any
25 money.

Kameron Wilson
Cross-examination by Mr. Warder

- 1 A No, sir.
- 2 Q You didn't see Cesar with any money.
- 3 A No, sir.
- 4 Q Didn't see Elian with any money.
- 5 A No, sir.
- 6 Q Didn't see Neal with any money.
- 7 A No, sir.
- 8 Q Okay. When Cesar came back the first time did they --
- 9 did they show and look at the marijuana?
- 10 A I don't know, sir.
- 11 Q You don't know. You didn't -- did -- no one discussed
- 12 how much was there and whether it was -- they'd paid too
- 13 much or whether they didn't get enough marijuana?
- 14 A I don't know, sir.
- 15 Q Okay. And did you see it when Cesar went back?
- 16 A No. I didn't see when he went back. I just --
- 17 Q You didn't -- you saw him come back, but you never saw
- 18 him make a second trip?
- 19 A No, sir.
- 20 Q And was there a time then that Elian left?
- 21 A Yes, sir.
- 22 Q And there was just Keshawn and Carnellious there?
- 23 A Yes, sir.
- 24 Q And Carnellious, you know him as Neal, is that right?
- 25 A Yes, sir.

Kameron Wilson
Cross-examination by Mr. Warder

- 1 Q But his real name is Carnellious Stringer.
- 2 A Yes, sir.
- 3 Q You called him Neal. Was that what you usually called
- 4 him?
- 5 A Yes, sir.
- 6 Q Okay. So Neal and Kershawn are still there, and Cesar
- 7 and Elia are gone for a while.
- 8 A Yes, sir.
- 9 Q Is that when you heard the shots?
- 10 A No, sir.
- 11 Q Okay. When did you hear the shots?
- 12 A When I looked behind me and seen nobody was there.
- 13 And a couple of minutes later, that's when I heard shots.
- 14 Q Okay. Were you starting to leave when you saw
- 15 Kershawn?
- 16 A When I saw him?
- 17 Q Yeah.
- 18 A I started to leave when I heard gunshots.
- 19 Q Okay. And you didn't -- you saw him after that?
- 20 A Yes, sir.
- 21 Q And he run out in front of you, is that right?
- 22 A Yes, sir.
- 23 Q Okay. You stopped. Everybody got in the car?
- 24 A Yes, sir.
- 25 Q Who got in the front?

Kameron Wilson
Cross-examination by Mr. Warder

- 1 A Carnellious.
- 2 Q Carnellious got in the front. Now, Keshawn had -- had
- 3 ridden there in the -- in the front seat, is that right?
- 4 A Yes, sir.
- 5 Q And then he was in the back seat on the trip back?
- 6 A Yes, sir.
- 7 Q Carnellious had ridden there in the back seat.
- 8 A Yes, sir.
- 9 Q And he was in the front seat.
- 10 A Yes, sir.
- 11 Q And Cesar got back in.
- 12 A No, sir.
- 13 Q So just four of you on the trip back.
- 14 A Yes, sir.
- 15 Q Did you see Cesar again that night?
- 16 A No, sir.
- 17 Q And you only heard three gunshots.
- 18 A Yes, sir.
- 19 Q You're positive about that.
- 20 A Yes, sir.
- 21 Q Did anybody say who shot?
- 22 A No, sir.
- 23 Q Keshawn certainly didn't say he shot, did he?
- 24 A No, sir.
- 25 Q You didn't see a gun on the way back anywhere.

Kameron Wilson
Redirect examination by Mr. Bulsa

1 A No, sir.

2 Q What did you talk about on the way back?

3 A Nothing except for the book bag, and they was mad
4 about that.

5 Q Okay. Did you enter in that conversation?

6 A No, sir.

7 Q Did Keshawn say anything about that book bag?

8 A No, sir.

9 Q Carnellious said something about it.

10 A Yes, sir.

11 Q Thank you.

12 MR. BULSA: Just a few questions.

13 REDIRECT EXAMINATION

14 BY MR. BULSA

15 Q Kameron, do you know anything about guns?

16 A No, sir, not that much.

17 Q Have you ever fired one?

18 A Yes, sir.

19 Q You have? How did you come to fire a pistol?

20 A I was with my cousin one time and he had one.

21 Q A little hard to hear. Okay. Make sure you speak up.

22 A I was with my cousin one time and he had one and I
23 shot it.

24 Q Okay. Was it an automatic, semiautomatic or a
25 revolver that you shot?

Kameron Wilson
Redirect examination by Mr. Bulsa

- 1 A It was a handgun.
- 2 Q Okay. You don't know how it ejected the bullets?
- 3 A No, sir.
- 4 Q Okay. So these two guns that you saw that Keshawn
- 5 Rice had and Carnellious Stringer had --
- 6 A Yes, sir.
- 7 Q -- you know they were at least handguns.
- 8 A Yes, sir.
- 9 Q And did they stop somewhere and put them down before
- 10 they got into your car?
- 11 A I don't know, sir.
- 12 Q What do you mean, you don't know? Where were they
- 13 when you saw the guns? How close were they to your car?
- 14 A Talking about before they got in the car?
- 15 Q Yes, sir.
- 16 A No. They didn't stop nowhere.
- 17 Q So they -- you saw them walking out of the house
- 18 carrying a gun.
- 19 A Yes, sir.
- 20 Q And they walked straight to your car.
- 21 A Yeah.
- 22 Q And got in your car.
- 23 A Yes, sir.
- 24 Q So safe to say they had the guns on them.
- 25 A Yes, sir.

Kameron Wilson
Redirect examination by Mr. Bulsa

- 1 Q Did the police take your car from you?
- 2 A No, sir.
- 3 Q They didn't? They searched it at your house?
- 4 A Yes, sir.
- 5 Q Did they find any guns in it?
- 6 A No, sir.
- 7 Q Did you ever see any marijuana that night?
- 8 A No, sir.
- 9 Q Never at all. Do you smoke marijuana?
- 10 A No, sir.
- 11 Q Had you ever?
- 12 A Yes, sir.
- 13 Q What were you hoping to get out of this crime?
- 14 A Nothing.
- 15 Q Nothing?
- 16 A Except -- nothing except gas money.
- 17 Q But you agreed to go on a money mission with Keshawn
- 18 Rice, didn't you?
- 19 A Yes, sir.
- 20 Q Okay. And then you later learned that at least three
- 21 of the men were talking about committing a robbery, right?
- 22 A Yes, sir.
- 23 Q And you're telling this jury you weren't expecting to
- 24 get anything out of it except some gas money?
- 25 A Yes, sir.

Kameron Wilson
Redirect examination by Mr. Bulsa

1 Q And Mr. Warder asked you about Elian and your
2 relationship with him. You knew him when you were younger,
3 but you had not seen him in quite a while, right?

4 A Yes, sir.

5 Q In fact, that night was the first time you'd seen him
6 in about how long?

7 A Since seventh grade.

8 Q Since seventh grade? So that was several years.

9 A Yes, sir.

10 Q Were you surprised to see him?

11 A No, sir.

12 Q No. Did you know that he and Keshawn Rice were still
13 friends?

14 A No, sir.

15 Q Did you overhear the conversation between Keshawn Rice
16 and Elian Nava that I guess -- you testified Keshawn Rice
17 somehow had spoken to Keshawn -- I mean, to Elian Nava,
18 right?

19 A Yes, sir.

20 Q Did you hear any of that?

21 A No, sir.

22 Q So you don't know if they talked about getting
23 together to commit a robbery or not.

24 A No, sir.

25 Q Just so the jury understands this, we know five men

Kameron Wilson
Recross-examination by Mr. Warder

1 drove over to that house, but only four of you were aware
2 there was supposed to be a robbery.

3 A Yes, sir.

4 Q Cesar was not involved.

5 A No, sir.

6 Q Cesar did not come back with you.

7 A No, sir.

8 Q Now, you say you heard three shots. Could there have
9 been more?

10 A Yes. It could have.

11 Q It's just three you remember hearing.

12 A Yes, sir.

13 Q Of those four other men in your car that night, who
14 were you the closest to?

15 A Keshawn.

16 Q Thank you.

17 RECROSS-EXAMINATION

18 BY MR. WARDER

19 Q The solicitor asked you if there could have been more
20 than three shots, and you said yes. When I asked you, you
21 said you heard -- you heard three shots and you know that.
22 Do you know how many shots you heard?

23 A I heard three, but it could have been more than three.
24 I don't know.

25 Q You mean it could have been five or six?

Coby Stepp
Direct examination by Mr. Bulsa

1 A Yes, sir.

2 Q Seven or eight?

3 A Yes, sir.

4 Q Could have been ten or fifteen?

5 A Yes, sir.

6 Q You thought it was three. Thank you.

7 THE COURT: You may step down.

8 MR. BULSA: Your Honor, we ask he be excused from the
9 courtroom.

10 THE COURT: He may be.

11 (Whereupon, the witness was excused.)

12 MR. BULSA: State calls Coby Stepp.

13 COBY STEPP, having been first
14 duly sworn, testified as follows:

15 DIRECT EXAMINATION BY MR. BULSA

16 Q Please introduce yourself to the jury.

17 A I'm Deputy Stepp with the Spartanburg County Sheriff's
18 office. I currently work in the position of an
19 investigator.

20 Q Okay. Were you involved in this case at all?

21 A Yes, sir. I was involved in the case of processing a
22 vehicle on October the 8th of 2016. Got on the scene about
23 1:20 in the afternoon.

24 Q And what were -- what were your duties back then,
25 crime scene investigations?

Coby Stepp
Direct examination by Mr. Bulsa

1 A Crime scene investigation.

2 Q How long have you been an officer?

3 A I've been with the sheriff's office almost -- about to
4 wrap up 20 years here in another couple of months and been
5 a crime scene investigator since April of 2011.

6 Q And you were asked to go to a location to process a
7 car?

8 A Yes, sir. I was.

9 Q Who directed you?

10 A Got the call from 9-1-1 dispatch, and on scene was
11 Sergeant Letterman at the time.

12 Q Okay. You were the one on duty?

13 A Yes, sir. I was working running calls that day.

14 Q Okay.

15 A And got called to the scene, yes, sir.

16 Q And what actually did you do?

17 A I got on scene and discussed with Sergeant Letterman
18 the extent of what he wanted done with the vehicle.

19 I photographed the exterior and the interior of the
20 vehicle. Then I started processing the vehicle, exterior
21 and interior areas, for latent prints and also took some
22 D.N.A. swabs from the steering wheel, the gear shift and
23 each interior door handle -- the front driver's door, the
24 front passenger-side door, the rear passenger-side doors,
25 both, for D.N.A. swabs.

Coby Stepp
Direct examination by Mr. Bulsa

1 Q What were you hoping to determine?

2 A Who was in the car based on either latent fingerprints
3 or D.N.A.

4 Q Now, did you search for any objects inside the car?

5 A Yes, sir. I always look and do a search of objects
6 inside the vehicle. And I didn't find anything of
7 significance inside the vehicle -- no types of guns.
8 Didn't find any type of drugs or those type of things
9 inside the vehicle upon search.

10 Q Ammunition?

11 A I did not find any ammunition.

12 Q Okay. Show you a series of photographs, State's 21,
13 22, 23 and 24. Do you recognize those?

14 A Yes, sir. That's the vehicle that I photographed and
15 processed at that scene.

16 Q Were you successful in lifting fingerprints?

17 A Yes. I lifted a total of seven fingerprints, various
18 surfaces on the vehicle.

19 Q Do you know if any of them resulted in any
20 identifications?

21 A What I remember that -- that the AFIS report did state
22 that it did come back to individuals. But I don't know if
23 the individuals at the time were involved or not.

24 Q Okay. That's not your job to examine, is it?

25 A No, sir. My job is not to examine the fingerprints

Coby Stepp
Direct examination by Mr. Bulsa

- 1 and put them with an individual.
- 2 Q Do you have other people who do that?
- 3 A Yes, sir. We do.
- 4 Q Saw this from a distance. This is just the vehicle.
- 5 A Yes, sir.
- 6 Q Rear view.
- 7 A Rear view.
- 8 Q Front-side view?
- 9 A Yes, sir.
- 10 Q And we're going to zero in specifically on a print
- 11 that you lifted, State's 23. Appears to be the passenger
- 12 side.
- 13 A Yes, sir, rear door. Looks like it's on the interior
- 14 frame if I'm not mistaken.
- 15 Q Okay. Do you see that white mark? What is that?
- 16 A That's the tape to pull a latent fingerprint lift
- 17 with.
- 18 Q And that's going to be the rear door, correct?
- 19 A That's correct, rear passenger-side door.
- 20 Q All right. State's 24, closer view. That's -- what
- 21 does that "A" stand for?
- 22 A That's just the -- that's the first lift I took in
- 23 sequence.
- 24 Q Okay.
- 25 A Lift A.

Coby Stepp
Direct examination by Mr. Bulsa

1 Q So you label each one?

2 A Yes, sir, label each print.

3 MR. BULSA: Need to get this marked if I may.

4 (Fingerprint card marked State's Exhibit 34 for
5 Identification.)

6 Q Show you what's been marked for identification as
7 State's 34. Do you recognize that?

8 A Yes, sir. Those are all the lifts that I took from
9 the vehicle.

10 Q Okay. Those are the lifts you took from the Jeep
11 Cherokee?

12 A Yes, sir, Jeep Cherokee.

13 MR. BULSA: Your Honor, the state would offer this
14 into evidence, State's 34.

15 MR. WARDER: Without objection.

16 THE COURT: It's admitted.

17 (Fingerprint card marked State's Exhibit 34.)

18 Q Okay. And you dated this on October the 8th of 2016,
19 is when you processed this vehicle?

20 A Yes, sir.

21 Q Okay. Now, this letter "A" has some notations on it.
22 Did you make those?

23 A No, sir, I did not make those notations.

24 Q Okay. Could it have been the person that processed
25 these --

Coby Stepp
Cross-examination by Mr. Warder

1 A Yes.

2 Q -- once you get them back down to the sheriff's
3 office?

4 A Yes, sir. That would be the AFIS personnel.

5 Q Okay. That's all I have. Answer any questions
6 Mr. Warder may have.

7 CROSS-EXAMINATION

8 BY MR. WARDER

9 Q A latent fingerprint is -- is just a photograph of a
10 fingerprint, is that right?

11 A A photograph?

12 Q You photograph a fingerprint when you -- when you lift
13 it?

14 A Yes, sir. The area that I deem to be a latent print,
15 I tape it, label it, try to get a photograph. As you saw
16 the first one was a back, and then the next one is kind of
17 a closeup just to show a more precise area of where I'm
18 getting the print from.

19 Q And to bring the photograph -- make it so you can
20 photograph you put that powder on them. Is that what that
21 does?

22 A Yes, sir. Latent fingerprint powder brings out any
23 type of ridge detail if it's there.

24 Q I guess it just highlights oil spots or something from
25 a hand?

Coby Stepp
Cross-examination by Mr. Warder

1 A Yes, sir, the oils from the finger.

2 Q Okay. And do you always leave the oils on a -- when
3 you touch metal, touch a door, touch a hood and touch a
4 window?

5 A Not always. It could be extenuating factors to the
6 surface itself -- the weather conditions, hot, cold,
7 whether someone's wearing gloves or their hands are dirty.

8 Q Now, in the outside of a car I guess a print gets worn
9 off of it quicker than it would if it was shouldered in the
10 inside of a car, is that right?

11 A Yes, sir, especially if it's exposed to moisture. In
12 that area it's exposed to more elements versus the inside
13 of a doorframe of a vehicle.

14 Q Okay. That was a print there that was inside the
15 door -- door frame.

16 A Yes, sir, inside the doorframe.

17 Q So that as the door closed up that -- that print would
18 be protected by the door and the weather -- weather seal
19 and all of that.

20 A Yes, sir. It's be a lot more protected. The outside
21 of opening and closing it, they're exposing it through
22 opening and closing.

23 Q A fingerprint that was in the place this one was where
24 it was protected with a seal and stuff, how long would that
25 last?

Coby Stepp
Cross-examination by Mr. Warder

1 A I couldn't give you an answer on how long that would
2 last, sir.

3 Q Well, there's cases that have been able to get them
4 years afterwards.

5 A To my knowledge, yes, there has been certain cases.

6 Q Okay. So this fingerprint would show that the owner
7 of it had touched that piece of metal sometime in, gosh,
8 knows how long.

9 A That's correct.

10 Q And fingerprint -- they talk about the AFIS system.
11 Is that a computer that they run them through?

12 A For comparison.

13 Q And that's what a comparison technician would do, is
14 make those.

15 A Yes, sir.

16 Q And I guess they're specially trained to do that. I
17 mean, a person that does that is specially trained.

18 A A person that does that is specially trained to do
19 that type of thing, yes, sir.

20 Q And your -- crime scene, you're specially trained to
21 get them the picture to -- to try and match.

22 A To give them the lift and turn in and let them put it
23 through the system to do their thing.

24 Q Okay. And that was the only piece of evidence you
25 found on the car was -- did you find more than one

Coby Stepp
Cross-examination by Mr. Warder

1 fingerprint though? Didn't you?

2 A Yes, sir. I found a total of seven.

3 Q Okay. So those seven prints are the only evidence you
4 got off the car or anything.

5 A Of fingerprints outside the D.N.A. -- the touch D.N.A.
6 swabs I did to the interior of each door handle.

7 Q Okay. Now, do those always come up with the D.N.A.?

8 A Not always.

9 Q Do they usually come up with D.N.A.?

10 A They can, yes, sir.

11 Q Okay.

12 A They can.

13 Q And D.N.A., does it -- does it stay around like
14 fingerprints, or is it less permanent?

15 A Well, then, again, depending on how many people touch
16 and use. There's -- there were -- as I say, interior is
17 more protective than trying to swab an outside door handle.
18 So given the less exposure the deterioration of the D.N.A.
19 will last probably longer inside versus the outside
20 doing -- being exposed to the conditions itself.

21 Q Okay. Now, D.N.A. is you got -- what you've got is a
22 swab that --

23 A Two sterile swabs slightly moistened with distilled
24 water.

25 Q Okay.

Coby Stepp
Cross-examination by Mr. Warder

1 A And you rub it on the area that you want to get the
2 sample from. Or if there's a sample there, and then you
3 carton it, and it's usually sent off to SLED for analysis.

4 Q When you swab like the steering wheel wouldn't you
5 expect to have --

6 A Multiple.

7 Q -- multiple all mixed together?

8 A You would expect that due to numerous people driving,
9 getting in and out of cars, as well as all the gear shift.

10 Q Okay. If you have more than one person's D.N.A. on a
11 swab can they kind of sort it out when they -- or does it
12 make a mixture that then wouldn't be discoverable?

13 A Usually if you have a sample from someone they can
14 compare it to the sample. Like if you get a swab from
15 inside someone's mouth or blood that's left behind and it's
16 a known source, then the comparison could be made.

17 Q If two -- two samples mixed together when you swab
18 them with the distilled water can you still match them?

19 A I'm not sure. I would say they probably could with
20 the technology. That's kind of out of my field.

21 Q You're not sure though?

22 A No, sir.

23 Q Thank you.

24

25

Coby Stepp
Redirect examination by Mr. Bulsa

1 REDIRECT EXAMINATION

2 BY MR. BULSA

3 Q Investigator, doesn't it take an expertise to analyze
4 fingerprints?

5 A Yes, sir. It does.

6 Q Have certain training?

7 A Yes, sir.

8 Q Have to be declared an expert to even testify in court
9 about it, right?

10 A Yes, sir. You have to have the training and the
11 credibility.

12 Q Same thing about D.N.A.

13 A Yes, sir.

14 Q You're not an expert in either one, right?

15 A No, sir. I'm not. I just collect the areas.

16 Q Okay. All right. Thank you. That's all I have.

17 THE COURT: You may step down.

18 MR. BULSA: We ask he be excused.

19 THE COURT: He may be.

20 (Whereupon, the witness was excused.)

21 MR. BULSA: I need to check outside.

22 (Pause.)

23 MR. BULSA: The state calls Courtney Burgess.

24 (Fingerprint card marked State's Exhibit No. 35 for
25 Identification.)

Courtney Burgess
Direct examination by Mr. Bulsa

1 COURTNEY BURGESS, having been
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. BULSA

4 Q Will you please introduce yourself to the jury?

5 A Courtney Burgess.

6 Q And what is your occupation now?

7 A I'm a latent fingerprint examiner for the Spartanburg
8 County Sheriff's Office.

9 Q And how long have you been doing that?

10 A About three and a half years.

11 Q How long have you been involved in law enforcement?

12 A For -- well, since February of 2006.

13 Q Are you actually a police officer?

14 A Yes.

15 Q Where did you get your undergraduate degree?

16 A I have a bachelor of science in forensic
17 identification from West Virginia University.

18 Q How did you get down to Spartanburg?

19 A I -- my first job out of college was working with
20 Spartanburg City Police Department as a crime scene
21 investigator.

22 Q And you later switched over to the sheriff's office?

23 A Yes. And that's where I became a latent fingerprint
24 examiner.

25 Q What kind of training did you get for that job?

Courtney Burgess
Direct examination by Mr. Bulsa

1 A Well, while at W.V.U. there were several fingerprint
2 classes taken there -- the science and technology of
3 fingerprint identification through the F.B.I., a latent
4 fingerprint class where you actually do comparisons of
5 latent fingerprints or crime scene fingerprints to known
6 fingerprints.

7 I've also taken an advanced latent ridgeology class
8 from Sirchie Fingerprint Laboratories in North Carolina.
9 That was in May of 2015. That's just a more advanced
10 fingerprint comparison class. And I've also taken an
11 advance latent palm print comparison class at Sirchie.

12 Q Have you been declared an expert in court before?

13 A I have.

14 Q Have you testified in court cases to identify
15 fingerprints?

16 A I have. I think I've been qualified as an expert in
17 fingerprint analysis five times now.

18 MR. BULSA: The state would offer Ms. Burgess as an
19 expert in fingerprint analysis.

20 MR. WARDER: No objection, Your Honor.

21 THE COURT: She is qualified.

22 Q Now, you work for the sheriff's office, right?

23 A Yes.

24 Q And do officers bring you latent prints?

25 A They do. We get any fingerprints that either the

Courtney Burgess
Direct examination by Mr. Bulsa

1 patrol officers, occasionally, or the I.D. officers, which
2 are the crime scene investigators.

3 Q Okay. And this case, specifically, involves an
4 incident from October the 8th of 2016.

5 A Okay.

6 Q Do you have notes as to how many prints you would have
7 received?

8 A Yes. I received one latent fingerprint card. It had
9 seven lifts on it or seven -- seven areas of possible
10 fingerprints that were lifted.

11 Q Okay. Is that State's 34?

12 A Yes.

13 Q Okay. So those are latent prints lifted by
14 Investigator Stepp?

15 A Yes. They are.

16 Q And were you able to run any comparisons on those?

17 A I was. On two of the latent prints I did comparisons.

18 Q Why just two?

19 A When we get a fingerprint or a latent fingerprint card
20 we actually look at the prints or possible prints that are
21 on these lifts to see if they are of sufficient quality to
22 even be able to do anything with them.

23 There were -- out of all of these there were only two
24 that had -- had readable ridge detail in them, meaning they
25 were the only ones that really had any value to us.

Courtney Burgess
Direct examination by Mr. Bulsa

1 Q So you're actually looking at them from your expertise
2 to see if it's even worth it.

3 A Right, correct. You know, we don't always get a
4 perfect, perfect print. Sometimes it's just a -- it's
5 either smudged or it's too light, too dark, too much
6 pressure or just not enough there to be able to do anything
7 with.

8 Q Okay. Of the two you looked at were you able to make
9 any matches?

10 A Yes. On one I was able to make identification.

11 Q Okay. Show you this State's 35 for Identification.
12 Do you recognize that?

13 A Yes.

14 Q What is it?

15 A This is a chart that I prepared showing the
16 identification. It actually shows the known fingerprint or
17 the ten print, which is the inked print, compared to the
18 latent fingerprint that came from the scene.

19 MR. BULSA: We would offer State's 35 into evidence.

20 MR. WARDER: No objection, Your Honor.

21 THE COURT: It's admitted.

22 (Fingerprint card marked State's Exhibit No. 35.)

23 Q Now, you said you have a known print, right?

24 A Yes.

25 Q And was the known print you were looking at in this

Courtney Burgess
Direct examination by Mr. Bulsa

1 case the known print of Keshawn Rice?

2 A It was.

3 Q Okay. Let's first look at this State's 34. It has
4 the writing on the back identifying where everything was
5 lifted.

6 A Yes.

7 Q And then the one in question is this A.

8 A Yes. That -- I've got it labeled as latent print 000.
9 That 000 just identifies whenever we scan a fingerprint in
10 so that we can do the comparison. The computer
11 automatically generates that number. So the 000 really
12 means nothing.

13 Q Now, just so the record is clear and the jury
14 understands, this projection onto that screen is nowhere
15 near the quality that you were looking at.

16 A Right, right.

17 Q The chart you mentioned, State's 35, you pulled out
18 this piece and put it onto your chart.

19 A Yes. That's just an enlarged version of the
20 fingerprint.

21 Q And then you compared it to one of the inked prints of
22 Mr. Rice?

23 A Yes. That's the print on the left. That would be the
24 No. 1 finger, which is the right thumb.

25 Q So what is your expert opinion in this case?

Courtney Burgess
Direct examination by Mr. Bulsa

1 A The latent fingerprint 000 or Lift A is the No. 1
2 finger of Keshawn Melvin Rice.

3 Q So while you don't know when it was put there --

4 A Right.

5 Q -- we know that his fingerprint was placed on that
6 vehicle.

7 A Yes. We know that it was there. We just don't know
8 when.

9 Q Okay. How hard is it to leave fingerprints?

10 A It depends the surface; it depends on the environment.
11 It also depends on the individual's skin on their fingers.

12 There are several factors that go into leaving a
13 fingerprint. Just because I touch an object doesn't
14 necessarily mean I'm going to leave a fingerprint.

15 This -- this wood right here, it's possible to leave a
16 print, but it may not be a great print. Again, it depends
17 on the oil and the moisture that's in my fingertips.

18 It also depends on the texture of this surface.
19 Again, the humidity. There's all different factors that go
20 into leaving a fingerprint.

21 Really the best -- best place to get a fingerprint is
22 on a really smooth nonporous surface like a vehicle or
23 glass or something like that.

24 Q Glass or metal?

25 A Yes.

Courtney Burgess
Cross-examination by Mr. Warder

1 Q Thank you. Answer any questions Mr. warder has.

2 CROSS-EXAMINATION

3 BY MR. WARDER

4 Q The chart that the computer helped you compare, it
5 notes areas of similarity, is that right?

6 A No. I actually do that. I have to physically do that
7 myself.

8 Q Okay. And you've identified, I think, 12 areas of
9 similarity on that.

10 A I believe so. Without having it in front of me,
11 again, I'm not sure how many points are on there.

12 (Pause.)

13 A Thank you. Yes. There are 12 points here.

14 Q Okay. Are there also areas of dissimilarity?

15 A Not necessarily dissimilarity. We're looking for
16 actual -- there are points within the fingerprint that we
17 look for that are in the same orientation in both prints,
18 the same distance from each other, the same type of point.
19 We're looking for ending ridges, which means that the
20 black lines that you see in the fingerprint, when that line
21 ends that's an ending ridge.

22 We're looking for also bifurcations, which is if you
23 think about a fork in the road, that's where a line's going
24 along and it splits off into two lines.

25 So we're looking for those and not just necessarily --

Courtney Burgess
Cross-examination by Mr. Warder

1 okay. You've got an ending ridge in this print and an
2 ending ridge in this print. We want to make sure they're
3 in the same location related to each other in both prints.

4 Q How many possible points are there?

5 A It just depends on the -- on the fingerprint. Some
6 fingerprints have a lot of points of minutiae. Those
7 little points that we were talking about are called
8 minutiae. Some fingerprints have quite a few points in
9 them, and some don't have very many at all.

10 Also, on this print, it's a partial print, so you
11 don't have the entire print there. So the points are --
12 you know, if you had more of the print, there would be more
13 prints available to you.

14 Q Do -- do experts differ sometimes on whether
15 fingerprints match?

16 A We actually -- in order to declare an identification,
17 our policy is if I make an identification, I have someone
18 else go behind me and make sure they would make the same
19 identification. And that was -- that was done in this
20 case.

21 Q Well, is there a minimum number of points of
22 similarity there must be before you consider one?

23 A There is not. You can go off of different features
24 within the print such as creases, scars, the size and shape
25 of the print. So there's really no set minimum number of

Courtney Burgess
Cross-examination by Mr. Warder

1 points that you can use within a print.

2 Q Can you make -- can you declare a match with one
3 point?

4 A It can be done. I've never made one with one point,
5 no. But it -- it can be done, just depending on like those
6 other factors that I was -- I mentioned.

7 Q Thank you.

8 MR. BULSA: Nothing further, Your Honor.

9 THE COURT: You may step down.

10 MR. BULSA: We ask that she be excused.

11 THE COURT: She may be.

12 (Whereupon, the witness was excused.)

13 MR. BULSA: Can we take a break before the next
14 witness?

15 THE COURT: We can.

16 We'll take a short break before we continue. Please
17 go to your jury room. Do not discuss the case. I'll bring
18 you back after that break.

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

21 THE COURT: We'll be at ease for 15 minutes.

22 (Whereupon, a recess was taken.)

23 MR. BULSA: Your Honor, the next witness is Elian Nava
24 who is also charged. Mr. Brown is his attorney.

25 Stand right up here. He's going to talk to you.

1 (Attorney Michael Demorris Brown appeared with Elian
2 Nava.)

3 THE COURT: You're Elian Nava?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Mr. Brown is your lawyer?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Mr. Brown, what's he charged with as it
8 relates to this case?

9 MR. BROWN: He's facing an armed robbery charge, Your
10 Honor.

11 THE COURT: All right. Mr. Nava, do you understand
12 the state is calling you to testify in the trial of this
13 case about knowledge you have about the event that occurred
14 back on October the 8th of 2016 that resulted in you and
15 some others being charged with burglary, armed robbery and
16 murder, which of course includes Mr. Keshawn Rice?

17 Do you understand because you're charged in the same
18 crime with armed robbery you can't be required to take the
19 witness stand and testify or provide any evidence that
20 might tend to incriminate yourself in the charge for which
21 you now -- for the crime for which you now stand charged?

22 But the solicitor tells me that you are willing to
23 testify and that you have a lawyer to assist you and advise
24 you about that. Is that true?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Have you talked to Mr. Brown fully about
2 your right not to testify in this case if you don't want
3 to?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And did you and he discuss whether or not
6 you will testify?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And what did you decide?

9 THE DEFENDANT: I'm going to do it.

10 THE COURT: You're going to testify?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Did anybody force you into that decision?

13 THE DEFENDANT: No, sir.

14 THE COURT: Anybody promise you anything in return for
15 it?

16 THE DEFENDANT: No, sir.

17 THE COURT: Has anybody pressured you into it?

18 THE DEFENDANT: No, sir.

19 THE COURT: You made that decision on your own?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: You're satisfied with it?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Mr. Brown, are you satisfied that his
24 decision to testify is freely and voluntarily made with the
25 full consequences of that decision?

Elían Nava
Direct examination by Mr. Bulsa

1 MR. BROWN: I am, Your Honor.

2 THE COURT: All right. Thank you.

3 Ready for the jury?

4 MR. BULSA: Yes, sir.

5 THE COURT: Bring them in.

6 MR. BULSA: Mr. Nava is still in custody. I believe
7 the officer can stand up next to him.

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

10 THE COURT: The jury is present.

11 May you proceed.

12 MR. BULSA: The state calls Elían Nava.

13 ELIAN NAVA, having been first
14 duly sworn, testified as follows:

15 DIRECT EXAMINATION BY MR. BULSA

16 Q Mr. Nava, introduce yourself to the jury.

17 A My name is Elían Nava. I'm Mr. Keshawn Rice
18 codefendant.

19 Q How old are you, sir?

20 A Eighteen.

21 Q And where did you live?

22 A [REDACTED] Street -- [REDACTED] Street.

23 Q Beverly Hills Street. Is that here in Spartanburg?

24 A Yes, sir.

25 Q Who did you live with?

Elian Nava
Direct examination by Mr. Bulsa

1 A My mother.

2 Q You've been in the county jail for the last couple of
3 years, right?

4 A Yes, sir.

5 Q Facing charges in this case?

6 A Yes, sir.

7 Q Are you willing to testify in this case?

8 A Yes, sir.

9 Q Why?

10 A Because I feel like it's the right thing to do of
11 everything that happened.

12 Q Have you been made any promises?

13 A No, sir.

14 Q Do you consider Mr. Rice a friend?

15 A No, sir.

16 Q How well do you know him?

17 A I knew him since middle school, but off and on, I
18 guess. I really didn't talk to him like that.

19 Q Okay. How did you and he come to be together the
20 morning of October the 8th of 2016?

21 A Well, Mr. Rice -- he went to Alternative School, and
22 so we started hanging a little bit, started smoking weed.

23 The night of October 8th he hit me up and asked me to
24 do a robbery with him. So I told him okay, come pick me
25 up.

Elian Nava
Direct examination by Mr. Bulsa

1 He came and picked me up with Neal and Kameron. So I
2 got in the car, and then we went Mr. Rice's house. And
3 Mr. Rice told me we'll hit somebody up that got some weed.
4 So I hit up Cesar.

5 Q Let me stop you a minute right there.

6 These men that you got in the car with, did you know
7 them?

8 A No. I only knew one of them.

9 Q who was the one you knew?

10 A Kameron. But that's all I knew.

11 Q How did you know Kameron?

12 A He went middle school and high school with me.

13 Q So you didn't know this Neal fellow at all.

14 A No.

15 Q And it was Keshawn that called you up about doing
16 this.

17 A Yes, sir.

18 Q And they picked you up at your house?

19 A Yes, sir.

20 Q Continue on. How did this get started?

21 A well, Keshawn told me to hit somebody up that got some
22 weed. So I hit up Cesar, and Cesar told me he don't got
23 none but he knowed somebody that got some.

24 So we went and go pick 'um up. I got outta the car
25 and knocked on his window. He came outside and, you know,

Elian Nava
Direct examination by Mr. Bulsa

1 just told each other hey, you know what I'm saying. We got
2 in the car and then we went in Tom's house.

3 Q Let me stop you again.

4 when you hit up Cesar asking him if he had any
5 marijuana, was he going to be the target of the robbery?

6 A I mean, if he had it -- if he had it, yes, sir.

7 Q Okay. But he didn't have it.

8 A No, sir.

9 Q And he told you that on the phone.

10 A Yes, sir.

11 Q But he knew where you would get some.

12 A Yes, sir.

13 Q was he brought into this robbery scheme?

14 A No, sir.

15 Q Did he know?

16 A He just knowed we was just trying to buy some.

17 Q so he just thought he was facilitating a drug deal.

18 A Yes, sir.

19 Q Okay. Did y'all talk about committing a robbery while
20 you were in Kameron's car?

21 A We just talked about Cesar. If he had some we were
22 going to rob him.

23 Q Okay. And Cesar didn't have any.

24 A Yes, sir.

25 Q Cesar's finding you the new victim.

Elian Nava
Direct examination by Mr. Bulsa

- 1 A Yes, sir.
- 2 Q Right?
- 3 A Yes, sir.
- 4 Q So there was talk about committing a robbery while in
5 Kameron's car.
- 6 A Yes, sir.
- 7 Q But not while Cesar was present.
- 8 A No, sir.
- 9 Q So Cesar -- y'all picked up Cesar, and Cesar takes
10 y'all to whose house?
- 11 A Tom's house.
- 12 Q Do you know this Tom fellow?
- 13 A Not really. I met him, like, one time, but I didn't
14 really know him.
- 15 Q Did you know his full name?
- 16 A No. I mean, all I know him by is Tom.
- 17 Q Okay. Do you know if Mr. Rice knew Tom?
- 18 A I'm not sure.
- 19 Q Cesar certainly did. Do you know if Neal or Kameron
20 knew him?
- 21 A I don't think so. I'm not really sure.
- 22 Q How did y'all get to Tom's house?
- 23 A Cesar guided us through there.
- 24 Q Okay. And was this early in the morning hours?
- 25 A It was -- it was late at night.

Elian Nava
Direct examination by Mr. Bulsa

1 Q Okay. But -- all right. You call nighttime what?

2 A Around, like, 11:00, 12:00.

3 Q Okay. So it's five of you in the car.

4 A Yes, sir.

5 Q Kameron is driving.

6 A Yes, sir.

7 Q You go to Tom's house.

8 A Yes, sir.

9 Q And what happens?

10 A Well, as soon as we got there Keshawn handed me some
11 money to get some bud. Well, I gave it to Cesar. Keshawn
12 gave me the money, and I gave it to Cesar. And they wanted
13 to buy an ounce of some weed. And Cesar's, like, okay, Tom
14 can do that but only me and Elian can go because he don't
15 know y'all. And then Keshawn and Neal was, like, nah, we
16 want to go because we -- we're the one that's purchasing
17 the weed. But Cesar was, like, he don't know y'all.

18 So me and -- me and Cesar went and met up Tom, like,
19 in the driveway, at the top of the driveway. And Tom
20 already had the weed on him. So he told me and Cesar to
21 count out the money, how much it is. I'm really not sure
22 how much it was, but I know they had enough for a half. So
23 Tom -- Tom just gave us a half, half of an ounce.

24 And they had like a couple of extra dollars. I'm not
25 really sure how much it was. But we went back and we

Elian Nava
Direct examination by Mr. Bulsa

1 showed them the weed, and they said they liked it and they
2 had a couple of extra dollars. So they was, like, well,
3 with the extra money that we got can you get us some more
4 weed. Cesar's, like, okay, I'll do it but y'all have to
5 stay here, only me and Lan go because Tom just know us too.

6 So me and Cesar was going back, and then Cesar told
7 me, hey, man, I got a gun on me so tell your friends if
8 they try to do anything funny I'm going to shoot them or
9 something.

10 So I went back and I told Keshawn and Neal not to do
11 anything -- not to do anything.

12 Q Let me ask you. Where is Kameron during all of this?

13 A He was inside the car.

14 Q Okay. While you're with Cesar going to meet with Tom,
15 you still believed there was going to be a robbery, right?

16 A At this point I'm not really sure because I didn't --
17 we didn't never talk about what was going to happen in
18 Tom's. As soon as Keshawn handed me money, I thought we
19 was just going to get some bud, just wanted to purchase
20 some bud.

21 Q You thought it maybe switched from a robbery to just a
22 purchase?

23 A Yes, sir.

24 Q Okay. So, and you go warn them that Cesar has got a
25 gun?

Elián Nava
Direct examination by Mr. Bulsa

1 A Yes, sir.

2 Q And then what happens?

3 A Then me and Cesar -- when I told him, I was, like,
4 Cesar's gotta gun so don't try anything because he might
5 shoot y'all. And then they was like, no, we're not going
6 to do anything, we're just trying to get some weed.

7 Q Do you know if they had guns? You didn't see the guns
8 at -- not at that point?

9 A Uh-uh.

10 Q All right. You're shaking your head. No?

11 A No, sir.

12 Q Okay. All right. So you tell them that. And then
13 what happens?

14 A Then I went back to where Cesar's in the garage, and
15 Tom was scaling the bud out.

16 Q Did you actually go inside the garage at that time?

17 A Yes, sir.

18 Q You and --

19 A Me and Cesar.

20 Q -- Cesar and Tom --

21 A Yes, sir.

22 Q -- inside the garage.

23 A Yes, sir.

24 Q Okay.

25 A So we got in the inside the garage. Tom was scaling

Elian Nava
Direct examination by Mr. Bulsa

1 out the weed, and me and Cesar, we just talking about
2 random stuff. So Tom was done scaling it out, and he
3 handed me and -- me and Cesar the bud, and we gave him the
4 money.

5 And we was going to go all the way back to the car to
6 give them the weed, and that's when Keshawn and Neal came
7 in through the back door aiming the gun at me and Cesar and
8 Tom. And then Tom freaked out, threw, like, a jar at them
9 and busted the window. And then they started shooting.
10 And he grabbed me and used me as a shield and then threw me
11 off and then started fighting Keshawn.

12 Q who did all of that?

13 A Tom.

14 Q Tom started fighting Keshawn?

15 A Yes, sir.

16 Q Were they near the doorway?

17 A Yes, sir.

18 Q And what happened as they started fighting?

19 A When they started fighting?

20 Q Yes, sir.

21 A I heard gunshots went off about like three or four,
22 but, I mean, I didn't see. I didn't really see Tom get
23 shot, but I did hear him, like, he was like in pain. So
24 I -- I didn't know if he was shot or not because I didn't
25 see it from my angle.

Elian Nava
Direct examination by Mr. Bulsa

1 Q Did he fall on the ground?

2 A Yes. He was on the ground.

3 Q Okay. And who had guns inside the garage?

4 A Keshawn and Neal.

5 Q Okay. And they came in after y'all had already made
6 the deal.

7 A Yes, sir.

8 Q And Tom was trying to fight back.

9 A Yes, sir.

10 Q That must have been when he got killed.

11 A He -- well, when I seen Keshawn got up from the
12 ground, well, Tom was laying down, and he pointed the gun
13 at Tom's head. And he said I'm going to shoot him in the
14 head and that's -- I tried to diffuse the situation, told
15 him to, man, calm down, man, leave him alone, leave him
16 alone.

17 Then Neal came -- came back because he -- he took a
18 book bag and left. And he came back, and he aimed the gun
19 at me and told me to get -- get away from him, get away
20 from him.

21 And me and Cesar was just telling him leave him alone,
22 man, leave him alone. And that's when Neal tried to kick
23 him and tried to get him off Keshawn, because Keshawn
24 told -- told him to get -- told him to get off him.

25 Q So Tom was still holding onto Keshawn?

Elian Nava
Direct examination by Mr. Bulsa

1 A Yes, sir.

2 Q All right. And Neal was trying to get him off?

3 A He was kicking him and trying to get him off Keshawn.

4 Q And then what happened?

5 A And then Neal shot him three times in the back.

6 Q And what happened when those shots went off?

7 A Tom let go of Keshawn, and Keshawn start running from
8 the back door.

9 Q And what else?

10 A And then Cesar when all of that happened -- what I
11 seen, Tom was just laying down. I didn't know if he was
12 dead or not. I mean, I didn't check him or nothing. But
13 when I seen him his eyes was open. And all I just seen,
14 Cesar took out a gun, and I started -- I started running
15 because I thought he was fixing to shoot at me. But he
16 started shooting -- he went outside and started shooting.

17 I ran down the street, and then I seen Keshawn and
18 them. Then they told me to get in the car, get in the car
19 with Kameron and them -- Kameron and Neal. So I got in the
20 car.

21 And at that point I was scared. I didn't -- I didn't
22 know what was going on. And they -- then they was, like, I
23 told them, man, y'all just killed this dude over a book
24 bag, man. And they told me to shut up, told me to be
25 quiet, man. And I was like, well, can y'all take me home.

Elian Nava
Direct examination by Mr. Bulsa

1 But they went to somebody's house. I'm not really sure. I
2 guess one of the homeboy's house.

3 As soon as we got there everybody went inside. And I
4 kept telling Kameron can you take me home, man, can you
5 take me home. Kameron was, like, nah, yeah, man, I'm
6 fixing to go take Neal and some of his homeboys to the
7 store and then I'll be back and I'll take you home.

8 So they left the book bag out there outside in -- I
9 think in the garbage, the garbage can. I went outside and
10 I looked at the book bag, and then I just -- I couldn't
11 believe that they just killed Tom over a book bag.

12 Q So the book bag was empty?

13 A Yes, sir.

14 Q Did you see what happened to the two pistols?

15 A No, sir.

16 Q Were you armed yourself?

17 A No, sir.

18 Q You said Cesar was armed.

19 A Yes, sir.

20 Q And Cesar actually ran out in the garage to try to
21 shoot?

22 A Yes, sir.

23 Q Did Cesar get back in the car with you?

24 A No, sir.

25 Q Do you know what happened to Cesar?

Elian Nava
Direct examination by Mr. Bulsa

- 1 A No, sir.
- 2 Q How well did you know Cesar?
- 3 A Man, we was -- I wouldn't say I knew him very well,
4 but we hanged a couple of times, but I'm not, you know.
- 5 Q So you just --
- 6 A Just smoke weed. We just smoked weed.
- 7 Q So he wasn't a friend of you, just an acquaintance?
- 8 A Yes, sir.
- 9 Q Of these four men you're with, who were you the
10 closest to?
- 11 A I say Keshawn, but we talked off and on, but I smoked
12 weed with him.
- 13 Q And the night you saw -- the night that happened, is
14 that the first time you'd seen Kameron in a while?
- 15 A Yes, sir.
- 16 Q You didn't know this Neal fellow at all.
- 17 A No, sir.
- 18 Q So you didn't know his name.
- 19 A I knew his name because supposedly he played little
20 league football with me, which, I mean, he said he played
21 with me. I'm not really sure. I did know him being Neal,
22 but I didn't know if it was him or not because I didn't --
23 it been so long.
- 24 Q The police came and found you where?
- 25 A sir?

Elian Nava
Direct examination by Mr. Bulsa

- 1 Q Where did the police find you?
- 2 A At my house.
- 3 Q Was it, like, the same day?
- 4 A Yes, sir. Early that morning.
- 5 Q So you were named by Cesar, right?
- 6 A Yes, sir.
- 7 Q The police took you down to the police station and
- 8 spoke to you?
- 9 A Yes, sir.
- 10 Q Did you tell them what you just told us?
- 11 A Yes, sir.
- 12 Q Did you tell them the people's names that you knew?
- 13 A Yes, sir.
- 14 Q And that was Keshawn Rice and Kameron Wilson?
- 15 A Yes, sir.
- 16 Q Did you speak with any of them after this incident?
- 17 A No, sir. Well, I was in -- when I was 17 and in the
- 18 annex they put us all -- me, Keshawn and Neal -- in the
- 19 same area but different cells.
- 20 Q Was there any talk about this incident?
- 21 A Yes, sir.
- 22 Q Did Mr. Rice say anything about it?
- 23 A He know he did it. He just not going to say it
- 24 though.
- 25 Q okay. Thank you. Answer anything Mr. Warder has.

Elian Nava
Cross-examination by Mr. Warder

1 CROSS-EXAMINATION

2 BY MR. WARDER

3 Q You didn't have a gun?

4 A No, sir.

5 Q So the -- the gun that was shot after Kershawn [sic]
6 and Neal left, that wasn't you?

7 A No, sir.

8 Q Was Cesar shooting?

9 A Yes, sir.

10 Q Okay. Cesar was still in the building when he started
11 shooting?

12 A He -- he -- he started shooting, like, a couple of
13 times in the building, but then he went outside and started
14 shooting.

15 Q Okay. So he shot a couple of times in the building?

16 A Yes, sir.

17 Q Okay. Did you see where he was shooting at in the
18 building?

19 A I really don't remember.

20 Q Okay. But it -- it wasn't you that was shooting.

21 A No, sir.

22 Q Okay. Did you -- did you know Cesar had a gun?

23 A He told me when we was going back into the garage,
24 that he said he had a gun. And he told me -- he told me to
25 tell Keshawn and Neal not to try anything.

Elian Nava
Cross-examination by Mr. Warder

1 Q Okay. When he was shooting outside was he -- where
2 was he standing?

3 A At the top of the driveway.

4 Q Okay. Now, help me. The top of the driveway. Is
5 that the end by the house or the end by the street?

6 A The house, it's, like, from what I remember, it's the
7 driveway and there's the house. Cesar was shooting kinda
8 like close to the top, like in the middle, shooting.

9 Q Okay. So he was kind of in the middle of the driveway
10 when he was shooting?

11 A Yes, sir, from what I remember. I could be wrong
12 but...

13 Q Okay. He had an automatic, a semiautomatic pistol?

14 A I think so.

15 Q Okay. And do you know how many times he shot when you
16 add together the ones he shot in the building and the ones
17 he shot outside of the building?

18 A I don't remember, sir.

19 Q Would he have emptied his gun?

20 A I don't know.

21 Q How many -- he shot a couple of times in the building.

22 A Yes, sir.

23 Q Okay. And that's where -- where everybody was.

24 A Yes, sir.

25 Q Okay. And then he went outside the building, and you

Elián Nava
Cross-examination by Mr. Warder

1 don't know how many times he shot.

2 A No, sir.

3 Q would it have been more than one?

4 A Yes, sir.

5 Q More than two or three?

6 A I don't know.

7 Q Okay. You know he shot more than one but you don't
8 know how many more.

9 A Yes, sir.

10 Q Okay. You told us that they were scaling the bud
11 out -- that Tom was scaling it out. And I take it that
12 scaling it out means that you're -- you're putting it on a
13 scale?

14 A Measuring it out, yes, sir.

15 Q Okay. And was it -- was it in a big bag?

16 A When I came in and I seen him scale the bud out, I
17 didn't see no big bag or anything. He just had some in the
18 scale and just weighing it out. I didn't see no big bag or
19 anything.

20 Q Okay. You saw marijuana already on the scale. And
21 was he -- was he changing the amounts in it like he was --

22 A He was just measuring how much he was going to give
23 them for the money that -- that they was purchasing. And
24 he was just measuring out how much to give them. Put it in
25 a bag. And he gave it to Cesar.

Elian Nava
Cross-examination by Mr. Warder

1 Q Okay. Now, Tom had the scale out twice, is that
2 right? The original first amount and then the second
3 amount?

4 A Oh, the first time he didn't have no scale on him. He
5 just had an ounce and a half -- an ounce and a half of --

6 Q Okay. So he had it already bagged up.

7 A Yes, sir.

8 Q Okay. So he -- he had it in the order he'd sell it.
9 He sold ounces and half ounces, is that right?

10 A Yes, sir.

11 Q Okay. And he just gave them the ounce bag, and that
12 was the first time and then they --

13 A No. He didn't. When we first approached Tom he
14 wanted us to count out the -- count out the money. And it
15 didn't add up to ounce. And he said, well, I can give them
16 a half because they don't have enough for ounce.

17 Q Okay. And then the half was what they got. That's
18 how they got a half.

19 A Yes, sir.

20 Q And then he was going to give them some more?

21 A Yes, sir.

22 Q And they were going to get some more money?

23 A Yes, sir.

24 Q How much money does an ounce of that go for?

25 A I mean, I don't know his prices. Usually go about two

Elian Nava
Cross-examination by Mr. Warder

1 hundred, two ten.

2 Q And a half is half of that or is that --

3 A A half is like one -- it all depends on the person.

4 I'm not really sure what was his prices. I guess his price
5 was like one forty, one fifty. I'm not -- I'm not really
6 sure.

7 Q Okay. It's a little more expensive if you buy it half
8 at a time, and it gets a little cheaper if you buy an
9 ounce?

10 A Yeah.

11 Q And -- and I believe you told me that -- that he -- he
12 attacked Tom when they were struggling.

13 A Mr. Rice?

14 Q Yeah.

15 A He attacked Tom?

16 Q No. They come in and -- and Mr. Rice was -- was in a
17 fight.

18 A Yes, sir.

19 Q Okay. And who was the first aggressor in that fight?

20 A Tom. well, it was because -- he only attacked because
21 they were shooting.

22 Q Okay. He was attacked and in response to bullets
23 flying?

24 A Yes, sir, because when they came in they was, like,
25 give me all the weed, give me all the weed. And Tom -- I

Elian Nava
Cross-examination by Mr. Warder

1 don't know how to call it, but I guess he flipped out. He
2 started throwing stuff at them and they started shooting.

3 Q Okay. Now -- now, when you say Tom kinda flipped out,
4 he threw something and broke the window.

5 A Yes, sir.

6 Q And then -- then he wasn't -- he wasn't shot
7 initially, was he?

8 A From my angle, I couldn't see. I mean, I heard shots
9 going off in there, and I heard Tom scream like in pain,
10 but it -- I didn't see it.

11 Q There's a big door on the front that goes up and down,
12 and then there's a door that opens.

13 A Yes, sir.

14 Q The big door was down all of the time.

15 A Yes, sir.

16 Q And you're saying that Neal and Kershawn left through
17 that little door and that that left you inside with Cesar
18 and Tom. And Cesar started shooting, shot a couple of
19 times. And then he went out and shot at -- did he shoot at
20 you or was he shooting at Kershawn?

21 A He pulled out a gun, and I started running because I
22 didn't know what -- what was going to happen. He shot.
23 I'm not really sure how many -- how many times in the
24 garage. But then he went outside and started shooting at
25 us.

Elian Nava
Redirect examination by Mr. Bulsa

1 Q Okay. And you didn't run straight down the driveway.

2 You ran out across the grass?

3 A Yes, sir.

4 Q And was the car already moving when you got to it?

5 A Yes, sir.

6 Q You said that you looked at the pack or the book bag
7 or whatever it was and you thought it was in the trash?

8 A It was in the trash can when I seen it. When I went
9 outside, it was in the trash can.

10 Q You looked at it just to see if it was empty. Is that
11 what you did?

12 A I mean, I seen it. I already knew it was empty
13 because Neal -- he's the one that had it. And he opened it
14 up in the car and say, man, there ain't nothing in here,
15 there's no bud in here.

16 Q Thank you.

17 REDIRECT EXAMINATION

18 BY MR. BULSA

19 Q Mr. Nava, how familiar are you with guns?

20 A I never had one in my life.

21 Q You ever fired one?

22 A No, sir.

23 Q Do you know the difference between an automatic and a
24 revolver?

25 A No, sir.

Elian Nava
Redirect examination by Mr. Bulsa

1 Q So when Mr. Warder asked you if it was a semiautomatic
2 did you know what he was talking about?

3 A Not really.

4 Q Okay. So do you know what kind of gun Keshawn Rice
5 had in his hand?

6 A No, sir.

7 Q Do you know the kind of gun Cesar Mendez had?

8 A No, sir.

9 Q How about Carnellious Stringer?

10 A All I knew, the gun was small. That's all I knew.

11 Q Do you know that Carnellious Stringer is Neal?

12 A Yes, sir.

13 Q Have you learned that since this case?

14 A Yes, sir.

15 Q But at the time you didn't know his full name, did
16 you?

17 A No, sir.

18 Q Are you certain that Neal -- or excuse me -- that
19 Cesar shot while he was in the garage?

20 A Yes, sir.

21 Q Do you remember giving statements to the police?

22 A Sir?

23 Q Do you remember giving written statements to the
24 police?

25 A Yes, sir.

Elian Nava
Redirect examination by Mr. Bulsa

1 Q And you wrote two separate statements, right?

2 A Yes, sir.

3 Q October the 8th and October the 11th. Did your
4 attorney share those with you?

5 A Yes, sir.

6 Q Did you see where on those you did not say that Cesar
7 shot while he was in the garage?

8 A From what I remember.

9 Q In your statement you wrote that you heard shooting
10 outside and Cesar happened to be outside so you assumed it
11 was him.

12 A Yes, sir.

13 Q So you didn't actually see him shooting, did you?

14 A No, sir.

15 Q If Cesar had shot inside the garage, where was Tom?

16 A Tom was already laying down.

17 Q Tom was already on the ground.

18 A Yes, sir.

19 Q So if Cesar was inside when he was shooting he would
20 have been aiming at the people that had shot Tom, right?

21 A Yes, sir.

22 Q And the people that came in the garage unannounced
23 without invitation was Keshawn Rice and Neal.

24 A Yes, sir.

25 Q How -- how would -- what were you thinking when all of

Elian Nava
Redirect examination by Mr. Bulsa

1 this was going on?

2 A I was scared.

3 Q why did you run back and get in the car with them?

4 A I don't know. I was scared at that point in time. I
5 didn't know what to do.

6 Q why didn't you run and go tell your mother?

7 A At the time I was thinking they was going to kill me
8 if I said anything.

9 Q So you were just looking to get home, to get away from
10 them?

11 A Yes, sir.

12 Q And the police found you right away, right?

13 A Yes, sir.

14 Q Did you tell the police right away what happened?

15 A Yes, sir.

16 Q Were you mad at Cesar for putting your name in it?

17 A No, sir.

18 Q You said you actually saw Tom lying on the ground and
19 his eyes were open?

20 A Yes, sir.

21 Q So he wasn't moving?

22 A Can't confirm that because I'm not really sure.

23 Q Were you scared seeing him on the ground?

24 A Yes, sir.

25 Q And this is the man you know to be Keshawn Rice.

Cheryl Rice
Direct examination by Mr. Bulsa

1 A Yes, sir.

2 Q And he's the one that called you and said he wanted to
3 commit a robbery.

4 A Yes, sir.

5 Q He's the one you met up with in Kameron's car.

6 A Yes, sir.

7 Q And actually tried to set Cesar up first.

8 A Yes, sir.

9 Q And then wound up going to Tom's house.

10 A Yes, sir.

11 Q who is Thompson Demas, the guy who died.

12 A Yes, sir.

13 Q And you know you're facing punishment over this,
14 right?

15 A Yes, sir.

16 Q You're willing to accept your punishment?

17 A Yes, sir.

18 Q Thank you.

19 THE COURT: You may step down.

20 MR. BULSA: The state calls Cheryl Rice.

21 CHERYL RICE, having been first
22 duly sworn, testified as follows:

23 DIRECT EXAMINATION BY MR. BULSA

24 Q Good morning, ma'am. Would you introduce yourself to
25 the jury?

Cheryl Rice
Direct examination by Mr. Bulsa

- 1 A My name is Cheryl Rice, Keshawn's grandmother.
- 2 Q And I hate to have to call you as a witness. Okay.
- 3 We talked on the phone, right?
- 4 A Uh-huh, yes.
- 5 Q You work, don't you?
- 6 A Yes.
- 7 Q Where do you work?
- 8 A I work as a nurse at a nursing home in Greenville.
- 9 Q And what hours do you work?
- 10 A First and second shift.
- 11 Q You pull double shifts?
- 12 A Yes.
- 13 Q How long have you been doing that?
- 14 A For 19 years.
- 15 Q Well, did Keshawn live with you --
- 16 A Yes.
- 17 Q -- when he was out of jail?
- 18 A Yes.
- 19 Q And how long had he lived with you?
- 20 A Ever since he's been born.
- 21 Q So does his mother live with you too?
- 22 A Off and on, yes.
- 23 Q Off and on. And you remember back when this happened,
- 24 right?
- 25 A I don't know the exact day, no.

Cheryl Rice
Direct examination by Mr. Bulsa

1 Q Okay. Do you remember the police coming to your house
2 looking for him?

3 A I remember they busted open my door, made me come out
4 of my house with a housecoat on, no shoes, didn't show me a
5 warrant or anything and rushed through my house and had
6 myself and my son to come outta the house.

7 Q Was Keshawn there?

8 A No.

9 Q Did you ever see Keshawn after the police came there?

10 A No.

11 Q You never did?

12 A No, not after they asked questions about somebody that
13 I didn't even know, calling names out.

14 Q Do you remember the day of that, when they got to?

15 A No.

16 Q Could it have been October the 8th, the day --

17 A I'm not quite sure. That's all I know. They woke me
18 up on a Saturday morning.

19 Q So a Saturday morning. Okay. So this happened Friday
20 night, Saturday morning. So it would have been the --
21 likely the same day of the shooting.

22 A It was -- I'm not sure quite sure. I don't even know
23 when the shooting happened.

24 Q Did they -- did they tell you why they were looking
25 for him?

Cheryl Rice
Cross-examination by Mr. Warder

1 A No.

2 Q They didn't?

3 A No.

4 Q Well, did you ever speak with him again after that
5 date?

6 A No.

7 Q So you never -- did you ever try to contact him and
8 say, hey, what's going on?

9 A He didn't have a cell phone, no.

10 Q He didn't have a cell phone?

11 A No. If he did -- no, sir, not as far as I know. Not
12 on him.

13 Q Do you know when he finally was caught?

14 A I don't know the exact day, no.

15 Q Was it about ten days later?

16 A I don't know for sure.

17 Q Okay. Needless to say, you never saw him again before
18 he was arrested. Did you?

19 A No.

20 Q Okay. Thank you. That's all I have.

21 CROSS-EXAMINATION

22 BY MR. WARDER

23 Q You said Keshawn turned himself in about ten days
24 later?

25 A I believe so, yes.

Cheryl Rice
Redirect examination by Mr. Bulsa

1 Q And he's been in jail ever since?

2 A Yes.

3 Q Okay. Turned himself in at the law enforcement center
4 or out at the jail or some place like that?

5 A I believe he turned himself in at the law enforcement
6 center.

7 Q Thank you.

8 A Okay.

9 REDIRECT EXAMINATION

10 BY MR. BULSA

11 Q Were you with him?

12 A No.

13 Q Who was with him?

14 A I'm quite sure whether his mother or his father might
15 have been with him. I was at work.

16 Q You were at work. That would have been which shift?

17 A Probably first, second. I do first and second. I do
18 doubles at the time. I'm not quite sure, did I do a double
19 that particular day or not.

20 Q You ever do the third shift?

21 A No.

22 Q What is third shift hours?

23 A 11:00 to 7:00 a.m. in the morning.

24 Q Okay. And so if he turned himself in at 2:00 o'clock,
25 you wouldn't have been working.

Lakeisha Rice
Direct examination by Mr. Bulsa

1 A If I wasn't working a second shift, I would have been
2 at home asleep.

3 Q It's 2:00 o'clock in the morning?

4 A Yes, because if I did a second, we get off at
5 11:00 a.m. at -- 11:00 p.m. at night.

6 Q Okay. Thank you, ma'am.

7 A Okay.

8 THE COURT: You may step down.

9 MR. BULSA: State calls Lakeisha Rice.

10 LAKEISHA RICE, having been
11 first duly sworn, testified as follows:

12 DIRECT EXAMINATION BY MR. BULSA

13 Q Please state your name for us.

14 A It's Lakeisha Rice.

15 Q And, Ms. Rice, I don't like doing this any more than
16 you like being here. Okay. But justice requires it.

17 All right. Keshawn is your son, right?

18 A Correct.

19 Q Where did he go to high school?

20 A Dorman.

21 Q Was he enrolled in Dorman at the time of this crime?

22 A He was at alternative school.

23 Q Was he attending school?

24 A Yes.

25 Q He was. So if the police went there, they could have

Lakeisha Rice
Direct examination by Mr. Bulsa

- 1 found him there?
- 2 A Correct.
- 3 Q Okay. We'll see about that.
- 4 A That's fine.
- 5 Q Did you turn him in?
- 6 A His father.
- 7 Q Did you try to find him after the police came by the
8 house?
- 9 A I couldn't get in contact with him.
- 10 Q You never -- you wasn't in texting contact with him?
- 11 A No. I was not. He didn't have a cell phone.
- 12 Q Do you remember an officer coming and speaking with
13 you --
- 14 A Yes.
- 15 Q -- about your contact with him?
- 16 A He didn't ask me about contact, no.
- 17 Q Didn't you go to Sincere Jeter's house trying to find
18 him?
- 19 A That was the day after, yeah.
- 20 Q Okay. And he wasn't there, was he?
- 21 A No.
- 22 Q Even though you had just talked to him minutes before.
- 23 A I didn't talk to him minutes before.
- 24 Q Okay. But you talked to him sometime that day.
- 25 A Yes.

Lakeisha Rice
Direct examination by Mr. Bulsa

1 Q You went to get him and he was gone.

2 A Correct.

3 Q All right. And you were trying to get him to turn
4 himself in, weren't you?

5 A That day, yes.

6 Q Okay. And how long did it take him to turn himself
7 in?

8 A I'm not sure.

9 Q Okay. Did you ever see him before he turned himself
10 in?

11 A No. I did not.

12 Q So you never saw him from the time the police officers
13 first came to see you until the time he turned himself in.

14 A Correct.

15 Q Okay. So was he dodging you?

16 A I'm sure he was scared.

17 Q Did he ever come home?

18 A He did not.

19 Q Yet you say he went to school.

20 A He went to school previously, before.

21 Q Okay. That's my point, is after the shooting did he
22 go back to school.

23 A No.

24 Q No. He did not.

25 A He did not.

Zaria Owens
Direct examination by Mr. Bulsa

1 Q He didn't go home; he don't go to school. Do you know
2 where he was?

3 A No.

4 Q Who finally convinced him to turn himself in?

5 A Me and his father.

6 Q So how did you do that if you couldn't talk to him?
7 How did you finally convince him?

8 A I spoke with his father.

9 Q Okay. Thank you, ma'am.

10 A All right.

11 MR. WARDER: I have no questions.

12 THE COURT: You may step down.

13 MR. BULSA: State calls Zaria Owens.

14 ZARIA OWENS, having been first
15 duly sworn, testified as follows:

16 DIRECT EXAMINATION BY MR. BULSA

17 Q Please introduce yourself, Ms. Owens.

18 A I'm Zaria Owens.

19 Q And how old are you, ma'am?

20 A Eighteen.

21 Q You still in school?

22 A No, not right now.

23 Q Did you graduate?

24 A Yeah.

25 Q where?

Zaria Owens
Direct examination by Mr. Bulsa.

- 1 A Dorman.
- 2 Q Dorman. How do you know Mr. Rice?
- 3 A We dated.
- 4 Q Okay. Were you dating at the time of this crime?
- 5 A Yes.
- 6 Q Okay. After this crime happened did you have any
- 7 contact with him?
- 8 A Yes.
- 9 Q And did he tell you that this was a robbery and nobody
- 10 was supposed to get hurt?
- 11 A No.
- 12 Q Isn't it true that you met with me and investigators
- 13 and told us that?
- 14 A No.
- 15 Q You didn't meet with me at your school and tell me
- 16 that?
- 17 A Well, yeah, I met with you. I don't remember what I
- 18 said.
- 19 Q You don't remember what you said?
- 20 A Yeah. I don't.
- 21 Q Okay. So you don't remember telling me that Keshawn
- 22 said it was just supposed to be a robbery and nobody was
- 23 supposed to shoot?
- 24 A No. I don't remember telling you that.
- 25 Q Do you remember telling me that in a previous hearing?

Zaria Owens
Direct examination by Mr. Bulsa

1 A No.

2 Q So your previous testimony was you -- he did not tell
3 you he was involved in a robbery.

4 A Yes.

5 Q Okay. But now you're trying to say you don't remember
6 telling me that.

7 A Yes.

8 Q Okay. But there were other persons in the room,
9 right --

10 A Yeah.

11 Q -- when I interviewed you?

12 A Yes.

13 Q In fact, we talked at your school and you told us
14 that. And then we broke brought you to court, and you told
15 us that again. And then you came into court and saw this
16 family and changed your story, isn't that true?

17 A No.

18 Q Isn't it true this man admitted to you that he was
19 involved in a robbery but nobody was supposed to get hurt?

20 A No.

21 Q Okay. Did you tell him he needed to turn himself in?

22 A Yes.

23 Q And he got mad at you, didn't he?

24 A Yes.

25 Q Did you remain in contact with him until he turned

Zaria Owens
Direct examination by Mr. Bulsa

1 himself in?

2 A No.

3 Q So how many times did you speak to him before he
4 turned himself in?

5 A Once.

6 Q Did you see him at all?

7 A No.

8 Q Do you know where he was hiding out?

9 A No.

10 Q Did you go over to try to find him?

11 A No.

12 Q Did the police -- you met with me at the school, but
13 did you meet with other officers during that time they were
14 looking for him?

15 A No.

16 Q You didn't meet with officers at your school during
17 that time?

18 A No.

19 Q You don't remember? Okay. Weren't officers at the
20 school trying to find him?

21 A I don't know.

22 Q You don't know. Thank you, ma'am.

23 MR. WARDER: No questions.

24 THE COURT: Step down.

25 MR. BULSA: State calls Kim Parnell. She is outside.

Kim Parnell
Direct examination by Mr. Bulsa

1 KIM PARNELL, having been first
2 duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. BULSA

4 Q Please introduce yourself to the jury.

5 A My name is Kim Parnell.

6 Q And you are with the sheriff's office?

7 A Yes. I work for the Spartanburg County Sheriff's
8 office.

9 Q For how long?

10 A Approximately eight years.

11 Q what are your duties there?

12 A I'm a patrol supervisor now.

13 Q What were your duties back in October of 2016?

14 A I worked upstairs in C.I.D., in the investigation
15 unit.

16 Q Did you have an occasion to assist in this
17 investigation?

18 A Yes, sir. I did.

19 Q what did you try to do?

20 A I spoke with Ms. Rice the -- Keshawn Rice's mother.

21 Q Okay. And when was that?

22 A That was on October 8th of 2016.

23 Q Okay. And did she tell you she had contact with her
24 son?

25 A She did.

Kim Parnell
Direct examination by Mr. Bulsa

1 Q Did she tell you that she tried to get him to turn
2 himself in?

3 A Yes, sir. She did.

4 Q Did she tell you that she went to look for him at
5 Sincere Jeter's house and he had fled?

6 A Yes, sir. She did.

7 Q Did you speak with any other persons trying to find
8 him, trying to find Mr. Rice?

9 A I spoke with some of the deputies that night that was
10 trying to find Mr. Rice.

11 Q Okay. So you weren't the only one looking for him.

12 A No, sir. There was -- there was several deputies that
13 worked night shift that were also looking for him.

14 Q Because we've heard two other people got arrested that
15 same day. And yet y'all were looking for Mr. Rice and you
16 couldn't find him.

17 A Yes, sir.

18 Q You even went to his family's house, and they couldn't
19 find him.

20 A Correct.

21 Q Okay. Thank you.

22 MR. WARDER: No questions, Your Honor.

23 THE COURT: Step down. You can step down.
24
25

Richie Foster
Direct examination by Mr. Bulsa

1 RICHIE FOSTER, having been
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. BULSA

4 Q Would you introduce yourself to the jury, please?

5 A Richie Foster with the Spartanburg County Sheriff's
6 office.

7 Q How long have you been with the sheriff's office?

8 A A little over 28 years.

9 Q What are your duties now?

10 A I'm at -- a school resource officer now at Woodruff.

11 Q Back in October 2016, what were your duties?

12 A I was in investigation and the violent crimes unit.

13 Q Did you assist in the investigation of a shooting at
14 [REDACTED] on October the 8th of 2016?

15 A I did.

16 Q Did you actually go to the scene that day?

17 A I'm sorry?

18 Q Did you actually go to the scene that day?

19 A I did.

20 Q Okay. But you weren't the lead investigator.

21 A No.

22 Q Okay. And what was your primary duties?

23 A I was running down leads trying to find people. One
24 of the investigators -- Clark -- on the scene was giving us
25 names and addresses to go run down.

Richie Foster
Direct examination by Mr. Bulsa

1 Q Okay. And was one of the persons you were trying to
2 find Keshawn Rice?

3 A Yes.

4 Q And did you have occasion to go to Dorman High School
5 on October the 12th to try to find him?

6 A I did.

7 Q Did you have any success?

8 A No. I did not.

9 Q Did you meet with his girlfriend, Zaria Owens?

10 A We did.

11 Q Okay. And did she indicate that she had had contact
12 with him since the shooting?

13 A She just said she hadn't see him in about a week.

14 Q Okay. And she was trying to get him to turn himself
15 in and he wouldn't do it?

16 A Correct. She said that she had talked to him and told
17 him to turn himself in and he got mad.

18 Q Okay. And you went to other locations trying to find
19 him as well.

20 A Yes, sir.

21 Q Did you have any success in locating him?

22 A Did not.

23 Q Do you know the circumstances under which he turned
24 himself in?

25 A No, I do not know that.

Richie Foster
Direct examination by Mr. Bulsa

1 Q Okay. Let me show you something.

2 MR. BULSA: Get this marked, please.

3 (Photograph marked State's Exhibit No. 36 for
4 Identification.)

5 Q This is marked for identification as State's 36. Do
6 you recognize that? Don't tell me what it is. Just tell
7 me if you recognize it.

8 A Yes, sir.

9 Q Is that something prepared by your office?

10 A Our office. I'm not sure which investigator, but it
11 comes out of our office.

12 Q Okay. All right.

13 MR. WARDER: Your Honor, we have objection and need to
14 be heard on it.

15 THE COURT: Okay. Let me ask the jury to please go to
16 your jury room. Don't discuss the case. I'll bring you
17 back in a moment.

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

20 THE COURT: Okay.

21 MR. WARDER: Your Honor, the solicitor has shown me a
22 poster, I guess, or wanted ad that was prepared by the
23 sheriff's office, says wanted for armed robbery. And I
24 don't know. I didn't see whether it says any other crimes
25 or not.

Richie Foster
Direct examination by Mr. Bulsa

1 THE COURT: Murder and armed robbery.

2 MR. WARDER: It's certainly evidence that has not --
3 just they were looking for him and that's clearly -- the
4 fact that they make a poster on it doesn't make it an
5 exhibit at trial.

6 Second of all, its probative value is far outweighed
7 by the prejudice to it by printing that picture and saying
8 he's guilty of armed robbery.

9 I submit to you it's not no evidence that he ever seen
10 or anybody in the community ever seen it.

11 THE COURT: What's the point of it?

12 MR. BULSA: To show that they put out to the news
13 agencies and the public that he was a wanted person and he
14 was very difficult to find.

15 THE COURT: This doesn't -- this doesn't establish
16 he's difficult to find. It just establishes that he is
17 wanted.

18 MR. BULSA: Yes, sir. But it goes to the argument
19 that he -- they looked for him for over ten days before he
20 turned himself in. And that was printed on October the
21 13th and released.

22 THE COURT: All right. And the witness has testified
23 to that? That doesn't seem to be in dispute.

24 MR. BULSA: I can ask some more questions, I guess,
25 without this.

Richie Foster
Direct examination by Mr. Bulsa

1 THE COURT: Okay. Bring them back.

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

4 BY MR. BULSA

5 Q Deputy Foster, what efforts are usually taken to try
6 to locate wanted persons?

7 A Well, we'll -- like I said, we'll have somebody trying
8 to run down, just acquaintances or anything. We'll start
9 checking names and addresses of anybody he associates with.
10 Go out. And if we can't find him first day or so, we'll
11 start generating a media release to send out and let them
12 put it out in the news and on T.V. and in the paper.

13 Q Okay. So is it safe to say that somebody would likely
14 note -- well, I won't ask that. So we know y'all went to
15 speak to his family.

16 A Yes.

17 Q And we know you went to the school, spoke to some of
18 his friends. And nobody knew where he was as far as you
19 know.

20 A No.

21 Q Do you know when he turned himself in?

22 A I do not, no, sir.

23 Q Does October 18th sound familiar?

24 A I know it was several days later.

25 Q All right. Was that your primary norm, was to try to

Richie Foster
Cross-examination by Mr. Warder
Redirect examination by Mr. Bulsa

1 locate him?

2 A In this particular case, it was, yes.

3 Q Thank you. That's all I have.

4 CROSS-EXAMINATION

5 BY MR. WARDER

6 Q No question within ten days he came down to the law
7 enforcement center and said here I am, right?

8 A I'm not sure how he turned himself in.

9 Q That isn't a particularly long time to have to look
10 for somebody.

11 A Ten days is pretty -- week and a half.

12 Q You fellows don't have people go out months and years
13 that you can't find?

14 A Correct.

15 Q You don't have people that leave the state, the city
16 and the county?

17 A They do.

18 Q No evidence he did any of them things, is there?

19 A I'm sorry? No...

20 Q No evidence he left the state, city, county.

21 A Not that I know of.

22 Q Thank you.

23 REDIRECT EXAMINATION

24 BY MR. BULSA

25 Q Is there any evidence that his family was hiding him

Richie Foster
Redirect examination by Mr. Bulsa

1 out?

2 A We never found him and they never were forthcoming on
3 answers of where he might be.

4 Q So he could have left the county to get away from them
5 just as well.

6 A Correct.

7 MR. WARDER: Objection. That's pure speculation.

8 MR. BULSA: You asked the question about it.

9 THE COURT: Overruled.

10 Q So there's just as much evidence to suggest he might
11 have fled the county and then somebody talked him back,
12 right?

13 A Correct.

14 Q Thank you.

15 THE COURT: You may step down.

16 MR. BULSA: May we approach, Your Honor?

17 THE COURT: Yes.

18 MR. BULSA: We ask that the officer be excused.

19 THE COURT: He may be.

20 (Whereupon, the witness was excused.)

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

23 THE COURT: All right. We're going to break for the
24 afternoon.

25 Keep in mind the caution previously given you. No

1 discussions, no research, no investigation of any kind, no
2 exposure to any type of media coverage.

3 Have a good evening. Report to your jury room at
4 9:30 in the morning, 9:30 in the morning.

5 (The following takes place outside the presence of the
6 jury.)

7 THE COURT: Court is in recess until 9:30 in the
8 morning.

9 END OF PROCEEDINGS NOVEMBER 14, 2018

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Thomas N. Smith
Direct examination by Mr. Bulsa

1 (Proceedings November 15, 2018)

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

4 THE COURT: Are there any matters to address before
5 the jury is brought in?

6 MR. BULSA: None by the state, Your Honor.

7 MR. WARDER: No, Your Honor.

8 THE COURT: Bring them in.

9 (Diagram marked State's Exhibit No. 37 for
10 Identification.)

11 (The following takes place in the presence of the
12 jury.)

13 THE COURT: Good morning, ladies and gentlemen.

14 We are going to continue with the state's
15 presentation.

16 Mr. Bulsa.

17 MR. BULSA: The state calls Tom Smith.

18 THOMAS N. SMITH, having been
19 first duly sworn, testified as follows:

20 DIRECT EXAMINATION BY MR. BULSA

21 Q Please introduce yourself to the jury.

22 A My name is Thomas N. Smith.

23 Q And who are you employed by?

24 A Seventh Circuit Solicitor's Office.

25 Q In what capacity?

Thomas N. Smith
Direct examination by Mr. Bulsa

1 A As an investigator.

2 Q And do you work with me on occasion?

3 A Yes, sir.

4 Q Did you help me prepare this case?

5 A Yes, sir.

6 Q And did you meet with Zaria Owens with me?

7 A Yes, sir, at the Dorman High School.

8 Q Do you remember approximately when that was?

9 A Late January of 2018.

10 Q Okay. And in meeting with her did she make comments
11 about Keshawn Rice?

12 A Yes, she did.

13 Q What was your understanding of their relationship?

14 A It was boyfriend and girlfriend.

15 Q And did she make statements regarding a comment he
16 made to her?

17 A Yes, she did.

18 MR. WARDER: Your Honor, I object to this as hearsay.

19 THE COURT: Overruled.

20 Q So she commented about having spoken with Keshawn Rice
21 after this incident?

22 A Yes, she did.

23 Q Okay. And what did she tell us?

24 A As we were fixing to end the interview she stated that
25 he -- that there was a robbery and no one was supposed to

Thomas N. Smith
Direct examination by Mr. Bulsa

1 be hurt.

2 Q Okay. And that -- and that came from Keshawn Rice
3 himself.

4 A Yes.

5 MR. WARDER: Objection. He can't -- he's testifying
6 to something that came from Mr. Rice. He was talking to
7 another person.

8 THE COURT: who has testified in the case.
9 overruled.

10 Q And did we meet with her approximately a week later?

11 A Yes.

12 Q And did she reaffirm that comment that she heard from
13 Mr. Rice?

14 A Yes, she did.

15 Q Do you recall if she mentioned Mr. Rice's attitude
16 towards her?

17 A At one time they were boyfriend and girlfriend, but I
18 think they had ended it shortly after the event.

19 Q Thank you. That's all I have.

20 MR. WARDER: I have no questions.

21 THE COURT: You may step down.

22 MR. BULSA: State calls Chris Morrow.
23
24
25

Chris Morrow
Direct examination by Mr. Bulsa

1 CHRIS MORROW, having been
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. BULSA

4 Q Please introduce yourself to the jury.

5 A Chris Morrow.

6 Q Who are you employed with?

7 A Spartanburg County Sheriff's office.

8 Q In what capacity?

9 A I'm a deputy sheriff, master deputy.

10 Q How long have you been with the sheriff's office?

11 A Approximately a little over 20 years.

12 Q And what were your duties back in October of 2018?

13 A I was working Delta Platoon patrol, night shift.

14 Q I think I spoke over you. In October of 2016, what
15 were your duties?

16 A I was a deputy sheriff, Delta Platoon, night shift
17 patrol.

18 Q You actually responded to a location on [REDACTED]
19 [REDACTED], didn't you, on October the 8th of 2016?

20 A Yes, sir.

21 Q And what was your role at the scene?

22 A I -- when I got there they had already had things
23 roped off. So I just started a crime scene log, which is
24 basically just noting who has been on the scene.

25 Q And other than that did you have involvement with the

Chris Morrow
Direct examination by Mr. Bulsa

1 defendant?

2 A At that time?

3 Q At any time later.

4 A I believe it was approximately two weeks later that he
5 turned himself in to the jail.

6 Q Okay. Would that have been October the 18th?

7 A Yes, sir, I believe that was October the 18th about
8 2:00 a.m., I believe.

9 Q About 2:00 a.m. in the morning?

10 A Yes, sir.

11 Q Okay. And how did you become involved in that?

12 A They sent out over the radio that a murder suspect was
13 turning himself in to the jail. Unit that was close by was
14 responding. I responded as well because he was in the
15 lobby.

16 Q And what would have been done with him?

17 A At that point in time we'd take him into custody, take
18 him to the warrant office to serve the warrant and start
19 the process. Him being a juvenile at the time, it was a
20 little different process than it would be with an adult.

21 Q All right. Thank you, sir. That's all I have.

22 MR. WARDER: No questions, Your Honor.

23 THE COURT: You may step down.

24 MR. BULSA: Your Honor, I'd ask that this deputy be
25 excused.

Chad Smith
Direct examination by Mr. Bulsa

1 THE COURT: He may be.

2 (Whereupon, the witness was excused.)

3 MR. BULSA: State calls Agent Chad Smith.

4 CHAD SMITH, having been first
5 duly sworn, testified as follows:

6 DIRECT EXAMINATION BY MR. BULSA

7 Q Agent Smith, would you introduce yourself to the jury?

8 A My name is Chad Smith.

9 Q Who are you employed with?

10 A I'm employed by the South Carolina Law Enforcement
11 Division, which is commonly known as SLED. Specifically, I
12 work as a forensic scientist at SLED's forensic services
13 laboratory in Columbia in the firearms department.

14 Q And what training have you had in that field?

15 A Well, I have an educational background. I attended
16 Clemson University where I earned a bachelor of science
17 degree in biological sciences.

18 Then when I came on board with SLED I entered the
19 training program to become a firearms examiner. That
20 training program lasts between three to five years. It is
21 supervised by the court-qualified examiners of the firearms
22 department. It involves extensive reading and studying.
23 There are multiple examinations and practical tests given
24 during that period.

25 Later in the training I helped the other examiners

Chad Smith
Direct examination by Mr. Bulsa

1 prepare their case work. And then at the end of my
2 training I received a comprehensive multipart examination
3 which I successfully passed. And then I began to receive
4 and own case work.

5 Q How long have you been an agent with SLED?

6 A A little over ten years now.

7 Q Have you testified in court as an expert before?

8 A Yes, sir.

9 Q And what is your expertise?

10 A Firearms identification.

11 MR. BULSA: Your Honor, the state would offer Agent
12 Smith as an expert in firearms identification.

13 MR. WARDER: No questions, Your Honor.

14 THE COURT: He is so qualified.

15 Q Agent Smith, did you receive items of evidence
16 regarding the decedent, of Thompson Demas?

17 A Yes. I did.

18 Q Did you receive those from the Spartanburg County
19 Sheriff's Office?

20 A Yes, sir.

21 Q Okay. And what were you instructed to do or look for?

22 A Well, specifically, I received a number of fired
23 cartridge cases, and I received several fired bullets as
24 well.

25 I did not receive a firearm to compare to the fired

Chad Smith
Direct examination by Mr. Bulsa

1 evidence. But what I did was I examined the cartridge
2 cases to try to determine possibly how many guns were
3 involved, and then with the bullets as well tried to
4 determine how many guns were involved.

5 Q Let's talk initially about the shell casings. These
6 have been entered into evidence State's 25 through 29.
7 Review those and see if those are the ones you examined.

8 A Yes, sir. These are the five fired .380 auto caliber
9 cartridge cases that I received for examination.

10 Q Okay. And how would those rounds have been ejected
11 from a firearm?

12 A Well, a semiautomatic pistol -- basically, there are
13 two types of guns. There's a revolver and a semiautomatic
14 pistol -- two types of handguns, that is.

15 The revolver if you've ever seen like any of the old
16 West movies, cowboy action movies, is typically what they
17 use.

18 Now, a revolver has a cylinder which you -- has
19 multiple chambers in it. So you put the cartridges in the
20 chambers. And as you fire the revolver the cylinder turns
21 and rotates.

22 Well, a semiautomatic pistol uses a -- what is known
23 as a detachable magazine. So you put the cartridges in the
24 magazine, load it into the pistol. And then you chamber a
25 round ready for firing.

Chad Smith
Direct examination by Mr. Bulsa

1 Then as you fire each round it, basically, feeds from
2 the magazine, loads a cartridge into the chamber, fires,
3 extracts the fired cartridge case and ejects it out of the
4 firearm and then loads another round into the chamber ready
5 for firing.

6 So as that's happening you've got the fired cartridge
7 cases that are expended from the firearm automatically.

8 Q Are they -- are they ejected in any sort of pattern?

9 A Typically, depending on what kind of gun it is --
10 typically, semiautomatic pistols eject up and to the right.
11 And then from there, you know, it can hit different
12 surfaces and bounce around.

13 So really where they end up could just depend on what
14 kind of surface or if anybody kicks the cartridge cases.
15 So there's really a lot of variables involved as to where
16 cartridge cases can end up.

17 Q So you can't necessarily position a pistol to fire
18 where the pistol was fired based on the position of the
19 shell casings.

20 A Correct. You know, just, again, depending on the
21 surface, that the cartridge case could bounce, or if it's
22 slow it can -- it can roll. And, again, if there's
23 individuals around the cartridge casings can get kicked
24 into different positions.

25 Q Now, were you able to compare these cartridge cases to

Chad Smith
Direct examination by Mr. Bulsa

1 each other?

2 A I did. How we do that is we have a -- it's called a
3 comparison microscope. Basically, it's two microscopes
4 that's connected by an optical system that we can look into
5 and we can view each sample simultaneously. We can compare
6 it and look for the markings that are created by the
7 firearm to determine if the samples were fired by the same
8 gun. So I did that in this case with all of the cartridge
9 cases, compared them with each other.

10 Q And were you able to reach any conclusions?

11 A I did.

12 Q And what were those?

13 A I determined that three of the cartridge cases were
14 fired by the same gun, and those were State's Exhibits 25,
15 26 and 27 represented here. And then that State's
16 Exhibits 28 and 29 were fired by the same gun as well.

17 However, when I compared the two groups to each other
18 they were inconclusive. So, basically, I couldn't
19 determine if the same firearm that fired the first three
20 cartridge cases was the same firearm that fired the
21 other -- the group of the other two cartridge cases. But I
22 could determine that a group of three were fired by the
23 same gun and the group of two were fired by the same gun.

24 Q why couldn't you make the comparison of the five?

25 A Basically, just the differences in different types of

Chad Smith
Direct examination by Mr. Bulsa

1 ammunition. I just couldn't say for certain that they were
2 fired by the same gun or they could be two different guns.

3 Now, if I had a firearm to compare it to, possibly I
4 could shoot, test fire different types of ammunition to try
5 to replicate different markings. But, again, a lot of it
6 can depend on the different types of ammunition that's used
7 and just how those markings replicate.

8 Q Okay. Just so I understand and the jury understands,
9 you are able to definitively identify State's 25, 26 and 27
10 as being fired by a single gun.

11 A Correct.

12 Q And you're able to definitively say that 28 and 29
13 were fired by a single gun.

14 A That's correct.

15 Q But based on what you just said, you can't determine
16 if they were fired by different guns.

17 A Right. That is correct. If the same gun fired all of
18 them or if possibly there were two guns involved.

19 Q It's logical that could have been two guns.

20 A It could have been, yes, sir.

21 Q Okay. All right. Now, you were also given some fired
22 bullets.

23 A Yes, sir. Four fired bullets.

24 Q Okay. Maybe this will help distinguish those. Let me
25 hand you these. These have been marked State's 30, 31, 32

Chad Smith
Direct examination by Mr. Bulsa

1 and 33.

2 A Yes. These are the four fired bullets that I received
3 for examination.

4 Q And did you compare those to each other?

5 A Yes, sir. I did.

6 First of all, when we get fired bullets we try to
7 determine possibly what kind of caliber they are. And we
8 can do that by looking at the observable physical
9 characteristics, as well as doing some measuring to try
10 to -- if it's in good enough shape we can measure diameter,
11 as well as weigh it and then, again, look at the
12 characteristics to try to determine what sort of caliber it
13 could be.

14 And with all four of these bullets I determined that
15 they were most consistent with being .380 auto caliber
16 bullets.

17 Q And those were the same caliber as the shell casings.

18 A That's correct.

19 Q Okay.

20 A And then with the comparisons with the bullets with
21 each other, again, using the comparison microscope looking
22 for -- for markings that were created by the firearm, I was
23 able to determine that two of these were fired by the same
24 gun. And then the other two were fired by the same gun,
25 yet but they were fired by a different firearm.

Chad Smith
Direct examination by Mr. Bulsa

1 Q And you were able to conclusively distinguish two
2 separate guns with the bullets.

3 A That is correct. State's Exhibits 30 and 31 were both
4 fired by the same firearm, and State's Exhibits 32 and 33
5 were both fired by the same firearm, but yet I conclude
6 that they were fired by a different firearm than fired the
7 other two bullets.

8 Q Okay. So while your examination of the spent casings
9 was inconclusive, your examination of the bullets is
10 definitive.

11 A That is correct.

12 Q Okay. So simple logic would say that the casings were
13 likely from two separate guns.

14 A They very well may have been. Again, it was
15 inconclusive, but with the bullets it does seem to support
16 that they could have been fired by two different guns.

17 Q Did you determine if these were from a semiautomatic
18 pistol?

19 A Bullet-wise I believe that they possibly could have
20 been. What we try to do is, especially when we don't have
21 a firearm, again, to compare test fires to evidence, we can
22 try to determine possibly what make of firearm could have
23 fired those specific bullets. And how we do that is,
24 again, we can take measurements of the bullets and we can
25 use what's known as rifling impressions.

Chad Smith
Direct examination by Mr. Bulsa

1 Now, when I talk about rifling, that's something that
2 firearm manufacturers put in the barrels in order to give a
3 bullet a spin or some rotational movement as it's traveling
4 down the barrel.

5 And what that does is once it exits the barrel, it
6 gives the bullet stability. So, basically, it just gives
7 it more accurate and it gives it -- travel further
8 distance. So it's kind of like a football quarterback
9 wants a nice type spiral and he's throwing a football so he
10 can hit his target. That's the same thing with what
11 rifling does.

12 Now, rifling is made up of a series of lands and
13 grooves inside the barrel. Now, what -- again, this is
14 imparted into the barrel as a helical grooves. Basically,
15 all helical means is a twisting pattern that it's kind of
16 like a spiral. But it doesn't come to a point.

17 And so manufacturers can specify what -- basically,
18 how many lands and grooves they want in a barrel. And so
19 we can measure the lands and grooves. We can measure the
20 widths of those lands and groove impressions on a bullet,
21 plug all of that information into a database, and it
22 provides information of what possible manufacturers could
23 have fired those specific bullets. Again, the list isn't
24 all inclusive, but it's some possible makes.

25 And so, again, with the data that was provided into

Chad Smith
Cross-examination by Mr. Warder

1 the database -- I don't know specifically if they were
2 semiautomatic pistols, but a lot of the manufacturers
3 listed do produce semiautomatic pistols.

4 Q All right. That's all I have. Answer any questions
5 Mr. Warder may have.

6 A Yes, sir.

7 CROSS-EXAMINATION

8 BY MR. WARDER

9 Q Could you tell if the ammunition came from the same
10 lot of ammunition, whether it was manufactured by the same
11 manufacturer?

12 A Several of the -- the cartridge cases had the same
13 head stamp, which is basically manufacturers' information.
14 You know, different manufacturers have different
15 information they want to put onto the bottom of the
16 cartridge to identify, basically, manufacturer and the
17 caliber. So several of them did have the same make -- make
18 of ammunition.

19 Q Okay. How many of them were the same make of
20 ammunition?

21 A Two of them had the same make and two others had the
22 same make, and then there was -- there was one that was by
23 itself.

24 Q Okay. And the one that was by itself, could you match
25 it to a particular other group of those shells to tell

Chad Smith
Redirect examination by Mr. Bulsa

1 whether it was the ones that was fired from the -- from one
2 gun or it could have been from either lot?

3 A If I understand you correctly, the one that was by
4 itself was matched to other cartridge cases as being fired
5 by the same gun. Again, it was a different brand, which we
6 see all kind of different brands in the field, so.

7 Q Okay. Thank you. That's all the questions I would
8 have.

9 A Yes, sir.

10 REDIRECT EXAMINATION

11 BY MR. BULSA

12 Q Just briefly in followup to that.

13 You can mix brands in firearms, correct?

14 A That is correct. There are numerous brands of
15 ammunition.

16 As long as it's the same caliber you can mix and match
17 different brands, load it into a magazine and fire --
18 firearm without any issues.

19 Q Thank you.

20 THE COURT: Step down.

21 MR. BULSA: The state would ask that Agent Smith be
22 excused.

23 THE COURT: He may be.

24 (Whereupon, the witness was excused.)

25 MR. BULSA: The state calls Dr. David Wren.

Dr. John David Wren
Direct examination by Mr. Bulsa

1 DR. JOHN DAVID WREN, having
2 been first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. BULSA

4 Q Good morning, Dr. Wren.

5 A Good morning.

6 Q Would you introduce yourself to the jury, please?

7 A My name is John David Wren.

8 Q What is your profession, sir?

9 A I'm a medical doctor with a specialty in anatomic and
10 clinical pathology and forensic pathology.

11 Q And you're an expert in those areas?

12 A Yes.

13 Q Testified on multiple occasions?

14 A Yes, probably 250 times in my career.

15 Q So you would be an expert in forensic pathology.

16 A That's correct.

17 MR. BULSA: Your Honor, the state would offer Dr. Wren
18 as an expert in forensic pathology.

19 MR. WARDER: No voir dire.

20 THE COURT: He is qualified.

21 BY MR. BULSA

22 Q Dr. Wren, did you perform an autopsy on Thompson
23 Demas?

24 A Yes. I did an autopsy on an individual identified as
25 Thompson Kotlarich Demas on October the 8th of 2016 in the

Dr. John David Wren
Direct examination by Mr. Bulsa

1 Spartanburg Medical Center Autopsy Room. And I began that
2 autopsy at approximately 12:50 p.m.

3 Q Is he a 20-year-old male?

4 A Yes.

5 Q What was his approximate size?

6 A He was 72 inches in length, which or may not be his
7 actual standing height by up to 2 inches in some cases, but
8 at least one, and he weighed only 142 pounds.

9 Q So he was a thin gentlemen.

10 A Yes. He was thin.

11 Q Did you note injuries that he had suffered?

12 A He had abrasions and contusions over his body that
13 were consistent with a struggle. There were several of
14 them. There's no need -- there were no pattern injuries,
15 so there's need of going through all of them unless I'm
16 required to.

17 He did have five gunshot wounds to his body, two to
18 his back and three to his left upper leg near the perineum,
19 which is the name given to the bottom of the crotch region.

20 Q We're going to go into the gunshot wounds
21 specifically, but let me touch upon the other injuries.
22 You said they were consistent with him being in a struggle?

23 A Yes.

24 Q Okay. All right. And then you had the more serious
25 injuries, the gunshot wounds.

Dr. John David Wren
Direct examination by Mr. Bulsa

1 A That's correct.

2 Q Let me show you State's Exhibit 37 for Identification.
3 Do you recognize that diagram?

4 A Yes. I prepared this diagram, basically, of the
5 injuries to the body, front and back.

6 Q And will that help the jury understand the locations
7 of those wounds?

8 A Yes.

9 MR. BULSA: Your Honor, the state would offer 37 into
10 evidence.

11 MR. WARDER: Without objection, Your Honor.

12 THE COURT: It's admitted.

13 (Diagram marked State's Exhibit No. 37.)

14 Q Dr. Wren, if you would, step down here and describe
15 these wounds to the jury as we project it on the screen.

16 (Whereupon, the witness left the stand.)

17 Q Get the pointer out.

18 A Okay. Basically, when we describe wounds, stab wounds
19 or gunshot wounds, we start in the front of the body and go
20 from top to bottom. Usually it's arbitrary in the way we
21 do them except for front, top to bottom, and then either
22 right to left or left to right. In this case it was right
23 to left.

24 Then we go to the back and describe those in the back
25 from top to bottom and right to left.

Dr. John David Wren
Direct examination by Mr. Bulsa

1 So in this case -- and usually top from the more
2 superior one is described before the others. In other
3 words, if two of them are at the same level, you would do
4 the ones to the right side probably first. But the length
5 from the top of the head takes precedence, then from which
6 one is more lateral or medial to the body.

7 Then when we diagram them, as they're diagrammed if
8 the -- if the circle is complete or irregular and complete,
9 that means you can see it if you were looking at the body.

10 In this case there were two to the back labeled four
11 and five. You can see in this case they are circular. And
12 then if the -- if you can't see the path of the bullet, it
13 is dotted, like in this case, for instance, the one on the
14 right posterior shoulder went in, disappeared from view and
15 went down through the body and was found where "A" is on
16 the -- near the front. It was recovered from the anterior
17 abdominal wall.

18 So there were two gunshot wounds to the back. They
19 came from the same general direction, from the individual's
20 upper shoulder and from behind him.

21 They went into the body and forward to come to rest in
22 the -- in one case in the anterior abdominal wall. And the
23 other one was in the -- also I think in the anterior
24 abdominal wall, but it was closer to the heart.

25 The other three wounds were in the front of the body,

Dr. John David Wren
Direct examination by Mr. Bulsa

1 and that's why they're labeled one, two and three. One
2 came in just above -- just below the crotch region. It
3 exited pretty close to that. Then it re-entered into the
4 leg and was found just above the knee anteriorly.

5 The two bullets that were recovered, A and B, were
6 similar bullets, and the bullet C was a different type of
7 bullet. I have them described but --

8 Q Did you collect those bullets and turn them over to
9 law enforcement?

10 A Yes, I did. I labeled. The autopsy number was 221
11 that one can see here FA16-221. I label them wherever I
12 can. In this case I labeled on the base of the bullet
13 where there -- where there's a flat surface. And I
14 label -- I put the last number of the autopsy on there, and
15 then I put a Delta which is a -- it's the Greek letter for
16 Delta, capital Delta, and it looks like an equilateral
17 triangle. In other words, a triangle with all three sides
18 equal. It's easier to put it on.

19 Then I used the English letter "A" through ever how
20 many I find for the locations. In this case gunshot wound
21 No. 5 was associated with Bullet A, 1 Delta A. No. 4 was 1
22 Delta B, and gunshot wound one to two to three. And then
23 into the leg back, back into the leg, was Bullet C, and so
24 that would be labeled 1 Delta C.

25 Q Did you put those in containers?

Dr. John David Wren
Direct examination by Mr. Bulsa

1 A Yes, I did.

2 Q Okay. And these have been previously entered
3 State's 31, 32, 33. Are those the type of containers that
4 you would have viewed? I will let you look at them.

5 A For instance, this is No. -- this is C. That's left
6 thigh.

7 Q State's 31.

8 A Is -- we put them in a little orange-top container.
9 The white tag you see on here is one that's printed out so
10 that we use for -- for identification purposes. In this
11 case this is my handwriting, FA16-221 recovered from the
12 left thigh. I signed it and dated it 10/8/16. And it's
13 a -- I have it listed another place here. I can't read
14 mine. Do you have one?

15 (Pause.)

16 A The bullet associated with it was labeled 1-A-C, and
17 that bullet was rounded-nosed copper-jacketed, full
18 copper-jacketed, had visible lands and grooves, and
19 measured 35 one-hundredths of an inch in diameter at the
20 base and 46 one-hundredth inch in length. It's pristine
21 just as it was fired, because it didn't hit anything that
22 would dent it or destroy the configuration. So it's just
23 as it was loaded.

24 Q Okay. And State's 32 and 33. would those have been
25 the bullets from the upper body?

Dr. John David Wren
Direct examination by Mr. Bulsa

1 A Yes. These are No. -- this is FA16-221. It's got his
2 name written, my name, and the date. It also says upper
3 medial left abdomen, which is Bullet A.

4 Q State's 32.

5 A And then 32 is mid left abdomen, FA16-221, my name and
6 signed it. And that one is -- all of these bullets are
7 pretty -- pretty pristine. They didn't hit any bone as
8 well as I could tell. But that one is the one that came to
9 rest near the navel, which is medically called the
10 umbilicus.

11 These went through the lungs.

12 The top one went through the heart, also beside the
13 lung, and went through the liver. But they went through
14 the liver and came out, started out, the anterior abdominal
15 wall. But they were stopped by the tissues there.

16 Both of them caused considerable bleeding in the left
17 pleural cavity around the heart for the bullet labeled A,
18 which was No. 5 gunshot wound, a little bit more medial, in
19 the back a little more medial and a little bit lower than
20 No. 4 and came to rest after going through the edge of the
21 heart and the diaphragm.

22 Q Is there any way to determine which round was fired
23 first?

24 A No.

25 Q So we can't draw any distinction from your numbering?

Dr. John David Wren
Direct examination by Mr. Bulsa

1 A Those are unrelated. As I -- I usually put on here --
2 I don't see that I did in this -- these gunshot wounds do
3 not necessarily indicate the order in which -- I did do a
4 summary of a gunshot wound before that. I did say there
5 are five gunshot sounds to the body which would be
6 described in usual order, with an indication of order
7 infliction and gunshot wound charted -- autopsy report and
8 diagram indicates rough locations.

9 Q Okay.

10 A I do have a chart saying exactly where they were in
11 relation to the body as well as I could tell.

12 Q And this is a picture graph showing your findings.

13 A Right. The two in the -- the two in the back were
14 fired from the same general direction. The one in the
15 front was most probably from the front because all of it is
16 from the front and were at different times as far as I
17 could tell. But these two were closely approximated since
18 they're real close together and going in the same general
19 direction.

20 This one was in the same general direction but entered
21 the front. So if you can imagine his leg being far enough
22 back for it to go in the front, I guess it could have been
23 at the same time but not absolute.

24 Q Okay. Now, what was the cause of Mr. Demas' death?

25 A I assigned a cause of death as internal hemorrhage,

Dr. John David Wren
Direct examination by Mr. Bulsa

1 which medically is called exsanguination, secondary to
2 gunshot wounds to the back.

3 The one to the leg didn't hit anything of vital
4 importance. It -- the leg wasn't swollen from bleeding.
5 It was potentially fatal. Any wound that any person gets,
6 even minor scrapes and abrasions, can cause death if they
7 get infected.

8 Q So in your expert opinion, Dr. Wren, if Thompson had
9 been shot first in the groin could he have still been
10 struggling with someone?

11 A Yes. Quite possible.

12 Q But that wound could have been fatal in itself had it
13 not been treated.

14 A That's correct. Even if it were treated if he had
15 gotten an unusual infection, like he could have gotten
16 tetanus.

17 Q In your expert opinion the two to the back were
18 essentially immediately fatal.

19 A Quickly fatal, yes.

20 Q That would have stopped any struggle he was involved
21 in.

22 A Rather quickly, yes. As blood started accumulating
23 around the heart, the heart couldn't beat any more. No
24 blood -- very little blood was being distributed through
25 the lungs and into the aorta and out to the body, and

Dr. John David Wren
Cross-examination by Mr. Warder

1 particularly to the head. And so he would have lost
2 consciousness not long after those were inflicted.

3 Q Okay. Thank you, Dr. Wren. You can have a seat.

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

5 Q That's all I have. Answer any questions Mr. Warder
6 may have.

7 CROSS-EXAMINATION

8 BY MR. WARDER

9 Q Doctor, it's my understanding that from your testimony
10 there are three gunshot wounds, is that correct?

11 A There are three gunshots. There are five gunshot
12 wounds.

13 Q Okay. The gun was discharged and the bullets struck
14 him three times.

15 A Yes. That's correct.

16 Q Okay. And we had a picture of a man standing up with
17 his hands out. You're not saying in any way that was the
18 position he was in when the gunshot wound was inflicted.

19 A No. You can't -- I'm not an artist, so I don't think
20 I could attempt to even describe how he was -- I mean, I
21 could say in some cases things are not consistent with him
22 being in a certain position, but I can't tell exactly what
23 position he was in.

24 Q Okay. And you can't tell which bullets were fired
25 first.

Dr. John David Wren
Cross-examination by Mr. Warder

1 A No. I think -- I think the two to the back were fired
2 in close temporal relationship within seconds of each
3 other.

4 The other one was probably independently inflicted
5 either before or after the first two.

6 Q Okay. Sometimes you can tell whether they were
7 contact wounds or they were wounds at a greater distance.

8 A Right.

9 Q In this sense they were wounds at some distance?

10 A Well, the -- he had on a hoody that I described in my
11 description of the clothing. I'll just read it because I'd
12 have to explain it anyway.

13 "The posterior hooded jacket contains two defects near
14 the shoulder seam with a large gaping one medially with
15 some possible powder burns around the area and a very small
16 round hole along the sleeve nearly approximately four
17 centimeters away."

18 That was number -- the more medial one was the gaping
19 wound. So that one was probably done -- well, I can't tell
20 you whether it was done before or after. But the one that
21 had the gaping hole that was in the -- near the seam but
22 not in the sleeve was -- was the one that was extremely
23 close, probably contact. I can't examine clothing. I
24 don't have a scanning microscopy capability. So that would
25 have to be done by SLED if it were necessary.

Dr. John David Wren
Cross-examination by Mr. Warder

1 Q Okay. So to tell whether it was a contact wound you
2 need some -- some other equipment than equipment you have.

3 A In some cases. Like, if someone has a -- if you fire
4 a weapon, and you fire it at a flat light-colored surface,
5 as the projectile comes out of the barrel soot and burning
6 powder follow it out.

7 So you can divide a gunshot wound into distant,
8 meaning you don't see any evidence of anything happening,
9 intermediate where you might see soot in a -- well, if it's
10 against a flat surface, then you would see a round hole if
11 the barrel was straight toward it. You would see a round
12 hole with powder tattooing, it burning powder, tattooing
13 that it's called, and you would see soot deposited on it
14 for a certain distance.

15 Depending on the size of the weapon, it could be no
16 further than 4 inches or it could be up to 12 to 16 inches
17 in some cases, particularly with rifles and shotguns. But,
18 at any rate, you can tell and you can say that's
19 intermediate range.

20 Now, if it's contact you leave a gaping hole if it
21 hits something, and it blows. It blows the powder and
22 gasses back out around it, so it makes a bigger hole. So
23 that's why I thought the one medially was probably right at
24 contact.

25 Now, if there's clothing in the way you can't see what

Dr. John David Wren
Cross-examination by Mr. Warder

1 happens under the skin because all of that clothing is in
2 between.

3 He didn't have any evidence that there was contact to
4 his skin, but it was probably contact to the clothing. And
5 it was moved because, as one could see from the diagram,
6 the one that was more medial was quite a distance from the
7 seam of his hoody. So that hoody was pulled over toward --
8 toward that. And the sleeve was over toward where the
9 bullets actually went into his body.

10 Q And did you -- when did you autopsy, when did you do
11 the autopsy?

12 A What time?

13 Q What date?

14 A I did it on October the 8th. I began at 12:50 p.m.

15 Q Thank you very much.

16 MR. BULSA: Nothing further.

17 THE COURT: You may step down. Thank you.

18 MR. BULSA: May Dr. Wren be excused?

19 THE COURT: He may be.

20 (Whereupon, the witness was excused.)

21 MR. BULSA: Your Honor, at this time the state would
22 rest.

23 THE COURT: All right. Ladies and gentlemen, that is
24 all of the testimony or other evidence to be offered by the
25 state, at least in their case in chief.

1 Before we go further I've got some issues I'll need to
2 address with the lawyers, and so we'll do that. It should
3 take only a few minutes.

4 So please retire to your jury room. But not discuss
5 the case yet. It's not concluded.

6 (The following takes place outside the presence of the
7 jury.)

8 THE COURT: Any motions or other matters to address
9 before we continue?

10 MR. BULSA: Not by the state, no, sir.

11 MR. WARDER: Your Honor, I would of course move for a
12 directed verdict on the charge of burglary. Certainly,
13 there's no evidence that my client entered without
14 permission.

15 This is a drug sale where the seller was certainly
16 expecting the buyers to be there.

17 There is some testimony that from someone other than
18 the seller -- Cesar said that he didn't like to do it in
19 front of other people, which there's no, certainly no,
20 evidence that it was entering to -- to the group of people
21 without permission. And I would respectfully submit that
22 there's no evidence of burglary and we're entitled to a
23 directed verdict on that.

24 THE COURT: Mr. Bulsa.

25 MR. BULSA: Your Honor, Elian Nava testified that

1 Tom -- as he called the victim -- did not want the other
2 men in there. He didn't know them. He knew Cesar and Tom.

3 The other men were not allowed into the garage. They
4 were to remain near the driveway. So they were not invited
5 in, and it's clear testimony from Mr. Nava that they rushed
6 in the door wielding weapons certainly intent on committing
7 a crime therein. So we feel it's certainly a jury
8 decision.

9 THE COURT: Mr. Warder.

10 MR. WARDER: Your Honor, there's not any testimony
11 that the Mr. Demas objected to him coming in or said
12 anything about him not coming in.

13 So it's a case that -- that he was selling a product,
14 and it appears to me that who didn't want him in was Cesar,
15 of course, that was making the trip down. And I don't know
16 whether that was because Cesar was getting some money or
17 gotten something out of it himself or what. But Cesar
18 didn't want him in. And certainly there's no evidence that
19 the person in control of the building, Thomas Demas, had
20 any objection to him being there.

21 THE COURT: Well, there is sufficient evidence to
22 establish that it was not consensual, and therefore your
23 motion is denied.

24 MR. WARDER: Okay. Your Honor, we'd make a motion as
25 to the charge of armed robbery. Certainly, there's no

1 evidence that my client took anything through fear and
2 intimidation that would be necessary for a robbery.

3 THE COURT: Mr. Bulsa.

4 MR. BULSA: Your Honor, he was certainly involved in a
5 conspiracy to commit the robbery and wielded a weapon and
6 went inside the garage to try to get what appears to be the
7 marijuana. So certainly the hand of one is the hand of
8 all, which would make him complicit in the taking of any
9 item from that garage.

10 THE COURT: Mr. Warder.

11 MR. WARDER: Your Honor, I think there's insufficient
12 evidence to go to a jury.

13 THE COURT: All right. Well, there is evidence that
14 he was at least an accomplice in the commission of the
15 crime, therefore that motion is denied.

16 MR. WARDER: Well, I certainly would make a motion on
17 the murder. No client -- no evidence my client ever
18 intended for a murder, encouraged a murder or committed a
19 murder.

20 There's some evidence that -- I believe one witness
21 says that he shot one time or two. No evidence that that's
22 the gun that shot him, no evidence that he was hit.

23 THE COURT: Mr. Bulsa.

24 MR. BULSA: Your Honor, Dr. Wren just testified about
25 the potential death of the wound to the front. We believe

1 that's the wound that Mr. Rice inflicted to the victim.
2 He's also implicit as an accomplice in the murder as well.

3 THE COURT: There is sufficient evidence. Motion is
4 denied.

5 Any others?

6 MR. WARDER: Not at this time, Your Honor.

7 THE COURT: Have you discussed with Mr. Rice his right
8 to testify, as well as not testify, during this trial?

9 MR. WARDER: Yes, sir. I have.

10 THE COURT: Has he indicated to you a preference?

11 MR. WARDER: Yes, sir. He's told me he does not want
12 to testify.

13 THE COURT: He does not.

14 All right. Mr. Rice, you've heard what Mr. Warder
15 just told me.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you understand you have an absolute
18 right to remain silent if you want to? Nobody can make you
19 take the witness stand and testify or make a statement or
20 answer questions.

21 At the same time, you also have a right to testify and
22 take the witness stand and provide this jury with any other
23 additional information you'd like to provide them.

24 Do you understand that it is your decision as to
25 whether or not you will testify in this trial?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you understand that now is the only
3 opportunity that you will have to do so?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you understand that if you elect to
6 take the witness stand and testify you have to answer not
7 only your lawyer's questions but you'd have to answer the
8 questions asked of you by the prosecutor to the extent that
9 they're relevant even if the responses to those questions
10 might tend to prove you guilty of some crime the state
11 claims you committed?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you also understand that if you elect
14 not to take the witness stand and testify that I will
15 instruct the jury, as I already have, that they can't
16 consider that in any way or hold that against you and they
17 can't allow it to enter in their -- enter into their
18 deliberations and their determination as to whether or not
19 your guilt has been proven beyond a reasonable doubt?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Have you and Mr. Warder discussed the
22 advantages and disadvantages of testifying, as well as not
23 testifying?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And do you appreciate what those

1 advantages and disadvantages are?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And have you had time to reflect upon your
4 decision?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And have you made one?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: What is it?

9 THE DEFENDANT: I will not testify.

10 THE COURT: And is that a decision that you've made of
11 your own free will and accord?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And you've had time to reflect upon it?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And you're satisfied with it?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right. Do you have any other witness
18 you'd like for Mr. Warder to call during the trial?

19 THE DEFENDANT: No, sir.

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

21 Any jury instruction requests?

22 MR. BULSA: Yes, sir.

23 (Pause.)

24 THE COURT: All right. Mr. Warder, do you have
25 instruction requests?

1 MR. WARDER: Yes, sir. I believe those are all
2 usually included in your general instructions anyway.

3 THE COURT: Which ones?

4 MR. WARDER: Well, certainly these are all correct
5 statements.

6 THE COURT: Oh, no. I'm asking if you've got any of
7 your own --

8 MR. WARDER: No, Your Honor.

9 THE COURT: -- aside from Mr. Bulsa's.

10 MR. WARDER: No. I'm -- no. Your standard
11 instructions.

12 THE COURT: Are you in agreement with Mr. Bulsa's
13 request?

14 MR. WARDER: Well, I'm not sure I agree. That may
15 have been my choice of wording of it, but the law...

16 THE COURT: Well, look at it and see if there's a
17 specific one that you object to.

18 MR. WARDER: Well, in reasonable doubt. I think that
19 the charge it has in common with it, that the
20 hesitate-to-act definition, which was not rejected.

21 THE COURT: No. That's part of my instruction.

22 MR. WARDER: Yes, sir. I would like one like that in
23 there.

24 THE COURT: All right.

25 MR. WARDER: I think accomplice liability, we need to

1 talk about a specific intent in it, Your Honor.

2 THE COURT: And what do you mean? Do you mean they
3 have to be present with the intent and the state has to
4 establish that an accomplice -- if it is an accomplice --
5 that the accomplice has to be present with the intent to
6 aid, abet, assist or participate in the commission of the
7 crime?

8 MR. WARDER: Yes, sir.

9 THE COURT: That's included in my instruction.

10 MR. WARDER: And he's got entitled to hand of one. Of
11 course that takes a specific intent too. You have to
12 intend. And conspiracy, the proposed is -- says that a
13 defendant does not need to be charged with conspiracy for
14 one to exist.

15 THE COURT: Well, quite frankly, I think that's
16 subsumed in the accomplice liability instruction.

17 Don't you agree with that, Ms. Bulsa?

18 MR. BULSA: Yes, sir, but I envision arguing that
19 these men were in a conspiracy together and planned this
20 robbery, and I don't want any misunderstanding by the jury
21 saying, well, he's talking about a conspiracy that they're
22 not charged with conspiracy. They don't have to be
23 charged -- conspired with each other. I don't know if -- I
24 don't recall your hand --

25 THE COURT: Well, he has to be charged with conspiracy

1 to be convicted of conspiracy.

2 MR. BULSA: Yes, sir.

3 THE COURT: So if they're going to be convicted, he's
4 going to be convicted of something, it has to be under some
5 other theory because, unlike trafficking in drugs, for
6 instance, conspiracy is not an element of any of these
7 offenses.

8 Now, accomplice liability does require aiding,
9 abetting and assisting where it -- pursuant to a common
10 plan, scheme or design. And so the jury will be instructed
11 to that extent.

12 You can call it a conspiracy if you want to, but that
13 might confuse a jury. I don't know. But they will be
14 instructed that an accomplice liability requires a common
15 scheme or plan or design and that all of those
16 participating in that are equally guilty of any crime
17 committed as a result of the common efforts of all.

18 MR. BULSA: I just was thinking conspiracy, there's a
19 more common term known to persons and might be easier for
20 them to follow this argument that these guys, these men,
21 conspired together to plan a robbery and to commit a
22 robbery. But if you're not going to charge that, then I
23 will remove that from my argument.

24 THE COURT: Well, that might be -- let me look and
25 see. I mean, I'm not saying I don't use the word conspire,

1 but I think it might be confusing when we start talking
2 about a conspiracy when, as you say, he's not charged with
3 that. But doesn't have to be either in order to be guilty
4 as an accomplice.

5 Here's my usual language, is that where two or more
6 people act together with a common intent and purpose and
7 they combine, conspire, plan or otherwise agree.

8 MR. BULSA: Okay. That will be sufficient, Your
9 Honor.

10 THE COURT: All right. What else, Mr. Warder?

11 MR. WARDER: And I would object to the definition of a
12 dwelling to include a garage. I think that while that
13 might be a statement of the law, that the real law is that
14 anything in the curtilage can be the subject of a burglary.

15 THE COURT: That's true. And any shed, room or
16 structure attached is also the subject of a burglary.

17 All right. What about the lesser included offenses?

18 MR. WARDER: Well, they're asking for a charge on the
19 facts rather than the law when they say that --

20 MR. BULSA: No. That's --

21 THE COURT: That's his explanation as to why he's
22 asking for it.

23 MR. BULSA: Yes, sir.

24 THE COURT: That's not why I'm charging it. I'm just
25 asking if you agree for me to provide the jury with that

1 choice of lesser included offenses, which would include
2 attempted armed robbery, voluntary manslaughter and
3 aggravated assault and battery.

4 MR. WARDER: Yes, sir. I think that charging those
5 lesser includeds will be proper.

6 THE COURT: Okay. All right. Any other matters we
7 need to address before we conclude?

8 MR. WARDER: Not at this time.

9 MR. BULSA: No, sir.

10 THE COURT: How much time do you think you'll need to
11 argue, Mr. Bulsa?

12 MR. BULSA: Twenty minutes.

13 THE COURT: How many?

14 MR. BULSA: Twenty.

15 THE COURT: Thirty?

16 MR. BULSA: Twenty to thirty.

17 THE COURT: Mr. Warder.

18 MR. WARDER: I don't need a whole lot of time, Your
19 Honor. I've covered mainly what I wanted.

20 THE COURT: What's a whole lot of time?

21 MR. WARDER: Fifteen minutes.

22 MR. BULSA: I do have an argument on what are
23 charged -- excuse me -- order of argument.

24 THE COURT: Okay.

25 MR. BULSA: Under the State vs. Beatty case, the

1 initial case which was replaced by a 2018 case, talked
2 about middle parties.

3 The 2018 case sets out that common-law rule in cases
4 where the defendant does not introduce evidence, he has the
5 right to open and close, may waive the opening and present
6 full argument after the state's closing. That is similar
7 to what we had, introduced evidence, that the state would
8 have those rights.

9 However, the Beatty case was brought in 2016 under the
10 concern that the state had sandbagged the defense in their
11 last argument.

12 The state is concerned that the defendant will sandbag
13 the state in its last argument as it did in the first
14 trial.

15 We think this Beatty case references due process,
16 fairness in trial and that Your Honor has the right to
17 require the defendant to open in full, and he would still
18 have the reply argument. So we would ask he be required to
19 open in full in the argument in this case.

20 THE COURT: Do you want the defense to open?

21 MR. BULSA: Yes, sir.

22 THE COURT: Followed by you, and then he has a right
23 to reply?

24 MR. BULSA: Yes, sir.

25 THE COURT: All right. Mr. Warder, do you want to

1 take that opportunity?

2 MR. WARDER: I think I'm entitled to -- one argument
3 will be sufficient as a closing argument, but be the last
4 argument.

5 THE COURT: Okay. So you want to waive your opening?

6 MR. WARDER: Yes, sir.

7 THE COURT: Does that mean you're just going to reply
8 to his?

9 MR. WARDER: Huh?

10 THE COURT: That means you're just going to be
11 replying to his and not raising any new matter?

12 MR. WARDER: No. I think I'm entitled to raise my new
13 matter and all in one argument.

14 THE COURT: All right. We'll address it if we need
15 to.

16 All right. Anything else?

17 MR. BULSA: When do you expect us to close?

18 THE COURT: In ten minutes. Is that enough?

19 MR. BULSA: I need to print some things off.

20 THE COURT: Okay. Well, how much time do you need?

21 MR. BULSA: I've got it prepared. I just wanted to --
22 I wasn't sure how the last witnesses were going. Just need
23 to --

24 THE COURT: I'm going to give you whatever time you
25 need.

1 MR. BULSA: Fifteen minutes. I just need to go
2 upstairs.

3 THE COURT: Fifteen minutes. We'll be at ease for 15
4 minutes.

5 MR. BULSA: Thank you.

6 (Whereupon, a recess was taken.)

7 THE COURT: Now, let me remind the bailiffs. Once we
8 get started here there'll be entry, no exit.

9 If you can't stay and sit and watch, then you need to
10 leave now.

11 Are we ready for the jury?

12 MR. BULSA: Yes, sir.

13 THE COURT: All right. Bring them in, please.

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

16 THE COURT: All right. The state has rested.

17 Mr. Warder, does the defendant wish to introduce any
18 additional evidence?

19 MR. WARDER: No, Your Honor. The defendant rests at
20 this time.

21 THE COURT: All right. Ladies and gentlemen, that is
22 all of the evidence to be presented.

23 What now remains to be done are the lawyers' final
24 summations, after which I'll instruct you on the law, and
25 then you can begin with your deliberations.

Closing arguments

1 So please give the lawyers your attention now as they
2 give you their final summations.

3 Mr. Bulsa.

4 MR. BULSA: Thank you, Your Honor.

5 Ladies and gentlemen, I'm going to use this machine to
6 help present my argument. I hope I don't get too simple
7 for you. I prepared some charts and some lists that I'm
8 going to use to help basically go over the testimony and
9 what we believe occurred.

10 I told you at the beginning that I hoped you didn't
11 get confused because there's a lot of players in this. You
12 actually heard from two of those, Kameron Wilson. Remember
13 him. And Elian Nava. They were actually participants in
14 this crime. And they came and testified about their role
15 and the role of Mr. Rice.

16 Mr. Stringer's not here. His case is for another day.
17 You are not to be concerned about his case.

18 We had mentioned Cesar. Cesar didn't come and
19 testify. We don't know why. But that's not important.
20 I'll go through that as I present this -- this argument to
21 you.

22 I want to thank you for your attention. I know this
23 is a difficult situation. Jury duty is hard. Questions
24 you have to answer are hard. But justice demands hard
25 decisions. And I'm asking you to listen, continue

Closing arguments

1 listening, and go back and deliberate on the law as the
2 judge gives it to you. I'm going to address that law a
3 little bit in my presentation as well.

4 Let me first talk about the participants in this to
5 help you understand and recall who they were.

6 Okay. First off we have the driver of the vehicle.
7 He's got to get everybody there. Okay. That's Kameron
8 Wilson. He testified. He testified that he remained in
9 the vehicle while the incident was occurring. But he
10 testified that he was part of the discussion. The men were
11 discussing it when he was driving them over there. And he
12 was more than willing to take them to the scene and remain
13 while the deed was being done.

14 He picks up two gunmen. We call them gunmen because
15 he's the one that sees guns in their hands at first. He
16 picks them up -- Keshawn Rice, the defendant, and
17 Carnellious Stringer. Remember they were together at a
18 house off of John B. White Boulevard near Woodland Heights.

19 And then they contact Elian Nava because Elian knows
20 how to get some marijuana. So they go and pick him up. So
21 you've got these four men in the car, and they are talking
22 about committing this robbery. They want to steal some
23 marijuana.

24 well, Elian first calls Cesar. Cesar doesn't have
25 anything, but he says I've got somebody that probably does,

Closing arguments

1 I can take you to him. So Cesar contacts Thompson in some
2 fashion and takes these parties over there.

3 Remember, there's no discussion of the robbery in
4 front of Cesar. That's why he's not involved in this case.
5 And Elian and Kameron clearly said that he wasn't involved.

6 Okay. But he's the one that's got to get the
7 marijuana out, so he's the connection to Thompson. And he
8 gets Thompson to bring the marijuana out. Of course our
9 victim is Thompson Demas.

10 And I want to make a comment right here. You know,
11 you didn't even see a picture of Thompson Demas during this
12 trial, because I can't show you one. The laws don't allow
13 me to show you because you can't base your decision upon
14 any sympathy towards this family just like you can't base
15 your decision on any sympathy towards this defendant.

16 He can sit here and get dressed up in his suit and tie
17 and look all young and youthful, but you can't put any
18 sympathy towards his appearance because you can't even see
19 the victim in this case.

20 Remember he was just 20 years old when he died. He
21 was a son. He had a mother and a father. He was working.
22 He had his diploma. He had gone to college. He had a
23 life.

24 Yeah. He made a bad choice. He made a bad choice to
25 get involved in drugs. But our constitution protects

Closing arguments

1 everybody in this country. Everybody is entitled to a fair
2 trial; everybody's entitled to protection. And even though
3 he might have been involved in an illegal activity doesn't
4 mean he deserved what he got. And I hope you don't let
5 that enter into your discussions, because it's the wrong
6 thing to do.

7 Okay. You know how I had to show you Mr. Demas
8 Thompson? I couldn't even show him laying on the ground.
9 I had to block his picture out so you wouldn't feel any
10 sympathy. This is a serious case though because a man is
11 dead, and that's all you got to see, is a blocked-out
12 picture of where he died. He died right outside that
13 entrance door to his garage, and these are the men
14 responsible.

15 Now, it's the state's job to prove the case. We put
16 the case together. We meet with witnesses. We build our
17 case. And I bring it in here, and I bring the witnesses in
18 here and I call them and I question them. And I have some
19 kind of an outline, and I don't know if you could follow
20 it. I hope we made it simple and clear to you, but this is
21 what we were doing.

22 First, we started with the scene. I brought in
23 officers Ingle and Lawson to kind of paint the picture.
24 This was a 2-car garage with a lot of stuff and had a
25 single car in it in the middle.

Closing arguments

1 It's clear from the disturbance that there was a
2 struggle inside. There was a fight. And clearly shots
3 were fired in that garage because there were shell casings
4 and bullets; and we have of course Thompson's body just
5 outside the garage door.

6 Now, when they got there the garage door, the main
7 garage door, the car door, was open. And we heard from
8 Ms. Kotlarich, the mother. She opened it. Okay. But the
9 crime occurred with the garage door down. So all of this
10 is taking place in a confined area. And we're going to go
11 through that as we go through this.

12 Then we brought in who was there, who was at the scene
13 when the police arrived. Now, we've got, of course, the
14 mother. She's the one that called the police. We brought
15 in the deputies that had contact with each of these
16 parties.

17 Then we have Cesar. And here's the importance of
18 Cesar. Even though he wasn't here to testify, it's
19 important that you understand that -- can't bring you
20 this -- he was not involved. He stayed at the scene.
21 Deputy Bowen dealt with him at the scene. Deputy Bowen
22 testified about how his demeanor was, how upset he was, how
23 excited he was. And he was under -- what we call under the
24 influence of the event.

25 Okay. Now, he wasn't here to testify, but I asked

Closing arguments

1 Deputy Bowen some questions about what Cesar told him, and
2 the defense objected trying to say that's hearsay. Well,
3 there's exceptions to hearsay, meaning you can rely on
4 testimony from someone who is at a crime scene who had just
5 recently experienced that event -- it's just theory -- that
6 they're likely to be telling the truth when somebody first
7 arrives and asks them what's going on and what's happened.
8 And you can tell by the demeanor that he's still excited.
9 And that's what's called the excited utterance. So that is
10 an exception. You can accept as evidence his statements he
11 made to Deputy Bowen about what happened.

12 Now, he didn't get into an extensive description of
13 what happened, but he clearly said that Elian Nava -- Nava
14 is the gentleman he knew, remember, was there and didn't
15 shoot.

16 That's important because in Mr. Warder's opening
17 statement he told you that Elian Nava fired a pistol. I
18 don't know where that came from, but he said it in his
19 opening. There's no evidence of it. And we have a witness
20 on the scene that certainly clarifies that, that he did not
21 have a weapon. But Cesar also said that there were three
22 other men in addition to Nava. So we know we're dealing
23 with four men.

24 Okay. And then Deputy Woody told about how upset, of
25 course, the mother was. And she clearly did not expect

Closing arguments

1 people to be in her garage. She would not have allowed
2 consent for anybody to be in that garage at that time of
3 the morning. So whoever was in there certainly didn't have
4 her permission to be in there. And it's clear things have
5 been damaged, things have been moved, a struggle had
6 ensued.

7 Then we went and moved into the crux of the case.
8 Okay. The meat of it. We brought in Kameron and we
9 brought in Elian and you -- you heard their testimony. You
10 take it as you want. Yeah, they're charged; yeah, they're
11 biased; yeah, they hope to gain something by this. That's
12 clear. That's the way this system works.

13 I'm not going to stand here and mislead you that they
14 should not get some consideration for their cooperation.
15 But that's why they had to come and testify and you had to
16 judge them. Okay. You decide what you think of their
17 stories. And we're going to go through their versions a
18 little bit later.

19 But I submit to you on the most part they were pretty
20 credible. Still not convinced about Cesar's shooting, but
21 because there's no physical evidence that supports that,
22 but, once again, Cesar is not here. Maybe that's one
23 reason why he didn't come here. But they told the story,
24 and their story is corroborated by the physical evidence as
25 we walk through this case.

Closing arguments

1 And then we brought in the fingerprint evidence. You
2 might ask me why did you bring in that, solicitor. The
3 defense attorney admitted that he was there. We don't know
4 that. We want to help corroborate Kameron's story and put
5 the defendant in the vehicle that was transporting people
6 to and from this crime. It's clear that his fingerprint
7 was on the back door and he got in the back of the car as
8 he fled the scene. Okay. He rode in the front seat on the
9 way there.

10 Then we brought in a lot of family members. And I
11 apologized when I brought them up. It's difficult. I
12 don't have to like to have to bring family members in to
13 testify. But it was important. It was important for you
14 to understand that this man fled, hid trying to avoid
15 prosecution.

16 Kameron went straight home. He was found at his
17 house. Elian went straight home. He was found at his
18 house. Defendant never went home. He never went to
19 school. In fact, he left where his mama thought he was.
20 It took ten days for somebody to convince him to finally
21 turn himself in.

22 We brought in the deputies Parnell and Foster to show
23 to you the extensive search that the law enforcement were
24 making, was making for him.

25 Then we brought in Zaria Owens, label the comment by

Closing arguments

1 the defendant. You might say why did you bring her in,
2 solicitor, because she certainly didn't agree with what you
3 said she said.

4 well, that's why I brought Tom Smith in. Zaria is his
5 girlfriend. Zaria spoke to him days after the incident.
6 He was mad at her because she was also trying to get him to
7 turn himself in. But she told us that he admitted to her
8 it was a robbery but that no one was supposed to get hurt.
9 And that's probably why she was trying to get him to turn
10 himself in, was to go in and tell that story that you
11 didn't mean to hurt anybody. Yeah. It was a robbery but
12 nobody was supposed to get hurt.

13 That's important because the defense attorney says in
14 his opening that all Mr. Rice was over there to do was to
15 buy drugs. If that's all he was going there to do, why
16 didn't he go home? why didn't he go to school? I submit
17 to you because it was much more than that.

18 Then we went into the capture of the defendant. I
19 had -- I wanted you to clearly understand it took ten days.
20 And when did he turn himself in? In the early morning
21 hours. I don't know what -- I don't know if he ever
22 sleeps, because the crime occurred around 3:30 in the
23 morning. Then he turned himself in ten days later at
24 2:00 o'clock in the morning.

25 Then we brought in the forensic evidence, which is

Closing arguments

1 some of the most telling. Chad Smith, expert, looked at
2 the shell casings. While he can't say for certain that
3 these were fired by two different guns, simple logic
4 suggests that they were. These were fired by one; these
5 were fired by one. Can't quite tell if they were fired by
6 different ones. But then you can't say that they weren't
7 either.

8 Then we have the bullets. We clearly know that two
9 guns were used, i.e., Mr. Rice and Mr. Stringer, two guys
10 that had the guns because of the bullets, one -- one in the
11 floor. Let me make sure you understand this.

12 Remember Item 33. It was the bullet underneath the
13 bicycle right near the victim. It matched the bullet taken
14 from the leg. That's where it appears the struggle between
15 Thompson and Mr. Rice occurred. And Mr. Rice shot him.
16 Shot twice. Missed him once, at least one time, or one of
17 the rounds he fired hit him in the leg, the groin and then
18 entered into the leg. That wasn't immediately fatal.
19 Thompson was still able to fight and struggle.

20 Thompson made some bad choices, unfortunately, and, he
21 was trying to -- trying to keep -- I guess he was trying to
22 keep the men there. I don't know what was going through
23 his head. He was still struggling, and then he got shot in
24 the back twice. And Mr. or Agent Smith said his testimony
25 is that the two bullets in the back that wound up towards

Closing arguments

1 the front matched, fired by the same gun. And that is --
2 that corroborates Elian Nava's story about what occurred
3 inside that garage.

4 Remember. They were in there trying to get the
5 marijuana. I submit to you they trying to make it show so
6 the other guys could come and steal it. And when the two
7 guys came in with guns Thompson fought back and was
8 struggling with Mr. Rice. Mr. Rice shot him. Thompson
9 wouldn't let go. Carnellious Stringer shot him in the
10 back, which is almost immediately fatal according to Dr.
11 Wren. That's why we brought Dr. Wren in, to show the
12 location of the wounds and show how consistent it is with
13 the story about what happened.

14 I submit to you this is a clear fact pattern. He
15 essentially dropped where he was. He died in the threshold
16 of that door.

17 That's how we presented the case. Hopefully, you
18 could follow it and hopefully this presentation kind of
19 carried you through it.

20 I made a comment in my opening statement that the
21 relationships are important in this case. So I put them
22 together the best I could, and hopefully this doesn't get
23 too confusing.

24 Keshawn of course is the defendant, Keshawn Rice.
25 Kameron is the driver. Remember? Keshawn called Kameron.

Closing arguments

1 They had known each other since eighth grade. They were
2 friends. They played football together. They went to
3 school together. They stayed in contact even after the
4 commission of the crime.

5 We know that Kameron made bond because he finished
6 high school. The defendant remained in jail, but they
7 still had phone contact. They were still friendly.

8 I thought it was pretty telling that Kameron said he
9 only stopped speaking to Mr. Rice because his attorney told
10 him to stop. That's how close they were.

11 It was difficult for him to come in here and say he
12 called me for a money mission and he had a pistol, directed
13 me to Elian's.

14 Kameron didn't stay involved in the speaking because
15 he stayed in the car. But it was difficult for Kameron to
16 point out his friend in court. He could have easily have
17 said, no, it was not who had the gun or, no, it was Cesar
18 that had the gun. He did not have to name him, but he
19 named him because it was the truth.

20 Then we have the relationship between Keshawn and Nava
21 -- Elian. They knew each other for years also. They were
22 at least acquaintances. Keshawn knew him enough to call
23 Elian about where to get some marijuana.

24 And then remember at the close of Elian's testimony,
25 he said they were in jail together and Keshawn admitted he

Closing arguments

1 was involved, but he wasn't going to admit it in court, he
2 wasn't going to come and plead.

3 So then we have Keshawn and Neal. Don't know much
4 about them, but we certainly know that they were together
5 before this crime. They were together and they had
6 pistols, and they got in the car together and they rode
7 together and they ran into the garage together with pistols
8 and they both fired those pistols. And they got back in
9 the car together, and they were dropped off at the same
10 place they were picked up with.

11 Could they have had a more extensive discussion
12 between them while at that house on Woodland Heights or
13 across from Woodland Heights? Because remember it was
14 Keshawn that called Kameron and said come on over, I need
15 to a money mission. It's not just Keshawn getting in.
16 It's Keshawn and Neal. Both armed.

17 Now, let's look at the relationship between Elian and
18 Kameron. They knew each other from years ago, but they had
19 not had any contact until that night. They essentially had
20 stopped seeing each other. I'm not saying they were
21 stopped being friendly, but they just didn't run the same
22 paths.

23 Who brought them together? Keshawn brought them
24 together, which means either one of them could have -- they
25 were both much closer to Keshawn. They were closest to him

Closing arguments

1 of anybody in that group. They could have easily laid it
2 off on somebody else.

3 Remember the story they told in court is not the first
4 time they told it. They told it the day of the incident
5 when they were arrested and taken to the police station.
6 So please don't read into their testimony in that they're
7 just saying that to gain some favor. They are testifying
8 consistently with what they told the police the day they
9 were caught, which was the day of the incident.

10 And then we have Elian and Cesar. They were
11 acquaintances. Elian knew he could get drugs from Cesar,
12 but on this occasion Cesar didn't have any. So,
13 unfortunately, Cesar brings Thompson into this issue
14 unknowingly. They were somewhat friendly, at least
15 acquaintances. Cesar was so much upset he stayed there and
16 tried to help him. We heard from the officers as to how he
17 was acting. So the relationships are important. Keshawn
18 is the key.

19 Now, this might be simplistic, but I actually listed
20 out the sequence of events as I understand them to be
21 through the testimony. I may have spoken on portions of
22 this already. I think it bears reiteration.

23 All right. First, we've got Kameron at a party. I
24 didn't put that in there. But Keshawn contacts him, wants
25 a ride. Keshawn doesn't have his car. He needs Keshawn --

Closing arguments

1 he wants Kameron to give him a ride.

2 I made a typo there, didn't I? Kameron goes and picks
3 up Keshawn and Neal, and Keshawn and Neal have the pistols.
4 And then Keshawn contacts Elian to try to find somebody
5 they can get some marijuana from.

6 Then Keshawn tells Kameron where to go. Elian gets in
7 the car. The robbery is discussed. Elian finds Cesar.
8 Cesar doesn't have anything. Presumably, Cesar might have
9 been the one that was going to be robbed, but he didn't
10 have anything. But Cesar said I know where to get some.
11 So Cesar contacts Thompson, the victim, and then Cesar
12 directs Kameron where to go.

13 Then Cesar, you remember, gets out and meets with him.
14 And there's testimony from Nava about some money being
15 given, and Mr. Warder makes a big deal about that in his
16 opening statement, that that shows this was just a drug
17 buy.

18 I submit to you remember Cesar didn't know what was
19 going on. So what's Cesar going to do if he gets there and
20 says, all right, give me the money, I've got to go buy the
21 drugs? It's got to be done that way. They've got to give
22 him the money to act like they're going to buy some, number
23 one, to make sure there's some there. And, number two, to
24 get it out in the open.

25 So Cesar unknowingly follows through with his job, and

Closing arguments

1 he gets Thompson to show him some drugs. And then they
2 make this claim that we want more. That was to get
3 Thompson to go back to where he actually had his stash,
4 because remember Thompson had already been outside and they
5 met in the driveway.

6 So all he had was a little bit that they were buying.
7 They weren't going to settle for just that much. They
8 wanted it all. So then they get Cesar to go in with
9 Thompson to where he's got the rest of it. And Nava being
10 a friend of Cesar, being the connection, he goes in with
11 him. And then they're acting as if they're doing a deal.
12 And what happens? There at the bottom. Keshawn and Neal
13 rush in with the guns.

14 Cesar and Nava were arguably invited into the garage
15 for drugs. But there's actually a provision of the
16 burglary statute that says you can't be tricked into
17 gaining consent. You can't trick the person to allow you
18 to come into your house.

19 And I suggest to you that that's what was happening
20 because this was a ruse that they were going to buy some
21 marijuana. It was a ruse to get in there to actually steal
22 it. But, arguably, Cesar and Nava at least have permission
23 by Thompson to be in that garage. But certainly Keshawn
24 and Neal did not because they were told to stay back in the
25 driveway.

Closing arguments

1 And then what happens? They rush in. They clearly
2 entered that house without consent intending to commit a
3 crime because they're both armed. And then of course
4 Thompson reacts, actually throws something and breaks the
5 window, remember, in the garage door.

6 Shoots are fired. Thompson grabs Keshawn. I guess he
7 was closest to him. Then they have a fight. Then
8 ultimately Keshawn shoots him during the fight in the groin
9 and it ends up in his leg, but he's still struggling with
10 him.

11 And then what happens? Neal comes and shoots Thompson
12 essentially to get him off Keshawn. Comes to his aid. And
13 everybody runs, but Neal grabs something as they leave
14 thinking it's the dope in the book bag. Apparently it was
15 out in sight, thought that's where it was. So they do take
16 something.

17 Then there's that issue whether Cesar shot. And I
18 know we went back and forth with the direct and
19 cross-examination whether Cesar if he did shoot, whether he
20 shot inside the garage or left outside and shot.

21 There's no other evidence of a third gun. But if
22 Cesar did shoot, he certainly didn't shoot Thompson,
23 because Thompson was already dead on the ground. If he did
24 shoot him, it was certainly out of anger towards seeing
25 what happened, just happened, to his friend.

Closing arguments

1 Then the defendants all run to the Jeep and flee.
2 Cesar stays. He alerts mother. Mother calls the police.
3 The police arrive on the scene. Police talk with Cesar.
4 He tells them about Elian Nava, and the police go find
5 Elian. Elian talked to the police. He says, okay, these
6 are the two guys I know, Keshawn Rice and Kameron Wilson.
7 He didn't know Neal Stringer. He didn't know his full
8 name. He just knew he was Neal.

9 So then the police go find Kameron at home. Then
10 Kameron tells them about Neal. So then the search is on
11 for Neal and for Keshawn. As I told you, we're not
12 concerned about Neal at this stage.

13 what do they do? They go look multiple places. Can't
14 find him. And then he turns himself in ten days later.
15 Then we get to this crime and get to this court date.

16 Hopefully it's clear to you. If you believe the two
17 codefendants, that's the sequence of events and that's what
18 happened.

19 Your job is credibility. The judge told you to use
20 your good judgment and common sense. You evaluate the
21 witnesses and their testimony. You can believe all of what
22 they say. You can believe none of what they say. You can
23 believe a little of what they say, some or part of it.

24 I submit to you their -- their admission alone that
25 they were involved in a robbery and they understand they

Closing arguments

1 have to face those consequences and that this man was
2 involved in that robbery means at least -- at least he's
3 guilty of a robbery. And because he was armed -- we know
4 they were armed. Guns were used and fired. That's the
5 least he's guilty of.

6 But here's the charges, and I kind of listed them by
7 elements. I'm not the expert on the law. The judge is.
8 These are the ones I believe he's going to present to you.
9 And you're going to have the option to choose among them
10 and decide which ones fit the facts as you find them.

11 Start with the burglary. Okay. Burglary in the first
12 degree is an unlawful entry into a dwelling -- a garage is
13 part of a dwelling -- without consent.

14 Now, I'm sure that's going to be part of the
15 contention that the defense is going to say is they had
16 consent to go in because they were there to buy marijuana.
17 Well, they weren't there to buy marijuana. They were there
18 to steal marijuana. If you're going there to buy why do
19 you go in with guns? Why do you flee the police and hide
20 from the police, hide from your own family? You were doing
21 more than just going to buy marijuana.

22 So they didn't have consent to go inside, and they
23 certainly went inside to commit a crime. They went inside
24 to steal dope.

25 One of these following have to exist. You don't

Closing arguments

1 have -- doesn't have to be all of them. Sometimes people
2 get confused when they hear the judge reading the law to
3 them because he'll list all of these out because they're
4 within the statute. But only one of them has to exist. I
5 submit to you every single one of them exists, but only one
6 of them has to.

7 You only have to find that he was armed with a deadly
8 weapon; only have to find that he caused physical injury;
9 you only have to find that he used or threatened the use of
10 a dangerous instrument, which would be a firearm; you only
11 have to find that he displayed what appeared to be a pistol
12 or other firearm; or you only have to find that this
13 occurred in the nighttime. We clearly know it occurred in
14 the nighttime. Those are the elements of burglary in the
15 first degree. You'll have to decide the facts you decide
16 fit that charge.

17 Then armed robbery. Simple, simple charge. It's got
18 to be a robbery while armed with a deadly weapon. A
19 robbery is a larceny or a taking or a stealing of something
20 by force or intimidation.

21 Why did I put a lesser included offense of attempted
22 armed robbery? Because you're going to have that choice.
23 If you find for some reason that that book bag alone being
24 taken was not enough to satisfy you that an armed robbery
25 occurred, you can find him guilty of just attempted armed

Closing arguments

1 robbery.

2 I submit to you that that book bag, while not having a
3 lot of value, it does have some value, and therefore it was
4 stolen. But that's your prerogative if you're satisfied
5 that that's not what they went there to steal. I hope you
6 don't get confused. Some people might think that, well,
7 they were just there steal marijuana. That's drug. That's
8 an illegal substance. That can still be the object of a
9 theft.

10 Because you know why? Because if the law says it's
11 not we'd be having people rob drug dealers all of the time.
12 It would be crazy out there.

13 Drugs have value. We've even had people tell us --
14 young people insist that it's going to become legal one day
15 even in South Carolina because a lot of young people don't
16 even consider it illegal. Of course we all know it is.
17 But it -- illegal drugs can be the object of a robbery.
18 And that's what I submit to you, they were there to steal.
19 But you'll have the choice of armed robbery and attempted
20 armed robbery.

21 Here's where it gets real interesting on the murder
22 charge. Okay. Murder is the killing of another human
23 being with malice aforethought. I tried to define that to
24 you in my opening. And the judge will do it much more
25 distinctly and much more clearly, I'm sure.

Closing arguments

1 We certainly have the killing of another person. But
2 do we have malice aforethought? I submit to you we do
3 because they went armed with weapons and they went there
4 with an evil intent to commit a crime. And even though
5 they might not have intended to be shooting
6 somebody like -- like Keshawn told Zaria, it was just
7 supposed to be a robbery. Nobody was supposed to get hurt.

8 But because you go in there with guns, we have
9 something called a natural and probable consequence in the
10 law. It's a probable consequence that if you are wielding
11 a gun during the commission of a crime it might go off and
12 somebody might get hit and somebody might die. Therefore,
13 you are responsible for that death.

14 And possession of that weapon and the wielding of that
15 weapon and the discharging of that weapon, I submit to you,
16 shows malice. And aforethought means he puts a thought
17 into it before. Well, you carried it in there and you
18 pulled the trigger more than once. It only has to exist at
19 the moment you pull the first trigger, the first round off.

20 So I submit to you that murder has been proven. But
21 as you review the facts, as you review the witnesses'
22 testimony and you try to figure out what happened, if you
23 think -- if you think, well, maybe there wasn't really
24 malice because he didn't really intend to kill him, you
25 don't have to have specific intent to kill somebody for it

Closing arguments

1 to be murder. That's not in the charge, and you won't hear
2 it.

3 In fact, you didn't even have to have a motive to kill
4 somebody. That should be in the charge as well. But the
5 law allows for a lesser included offense if somebody is
6 killed and there is no malice aforethought. But the way to
7 distinguish the two is those two phrases I put in there --
8 upon sufficient provocation and in the heat of passion.

9 Now, if for some reason y'all want to go back there
10 and say Thompson was in the wrong, he was dealing drugs he
11 shouldn't have, he reacted and he went after Keshawn and
12 therefore he provoked Keshawn, I submit to you that should
13 not be what you find but I'm -- we're realists here.

14 If for some reason you believe that, if you buy the
15 defense story that he's the drug dealer and he's no good
16 and he was selling to Dorman students, remember that he --
17 this wasn't at 3:00 o'clock in the afternoon. This was at
18 3:00 o'clock in the morning at his own house. Thompson
19 didn't go out looking for these guys. They came looking
20 for him. They brought the guns. They brought the crime to
21 him.

22 But if for some reason you want to buy his argument
23 that Thompson's a bad dude and all he had to do was give up
24 the dope, you might find that's provocation.

25 And then while he's struggling with Keshawn, Keshawn

Closing arguments

1 was getting upset and angry, and he acts. He acts or
2 reacts in the heat of passion. That technically you could
3 find him guilty of manslaughter.

4 We believe that because of the way this happened,
5 because the shooting occurred during the commission of that
6 armed robbery, that it's clearly with malice aforethought.

7 Now, even further, another leaser included offense,
8 and this is where it gets even more interesting, is you
9 heard testimony from Dr. Wren that the two gunshots to the
10 back were almost immediately fatal. That was the cause of
11 death.

12 We're not here telling you that Keshawn shot him in
13 the back. Keshawn shot him in the leg, groin and the leg.
14 So if for some reason you want to say, well, Keshawn isn't
15 the one that actually killed him, all he did was injure
16 him, unlawful injury to another person, either where great
17 bodily injury resulted, which I submit to you would be a
18 shot to the groin, or that the act was accomplished by
19 means likely to produce death or great bodily injury,
20 meaning shooting someone, then you have the prerogative of
21 finding that charge alone.

22 Now, there are some other provisions in the law. I
23 mentioned one of them to you earlier, natural and probable
24 consequences.

25 There's also something called accomplice liability and

Closing arguments

1 the hand of one is the hand of all. If you're a party to
2 an agreement to commit a crime and you participate in any
3 fashion, you are guilty of every single crime that occurs.

4 So technically Kameron and Elian are guilty of
5 burglary, are guilty of armed robbery and are guilty of
6 murder by that theory of the hand of one is the hand of
7 all.

8 They weren't charged with that because they fessed up
9 right away. They admitted they were involved in a robbery,
10 nobody was supposed to get hurt. They didn't have the
11 guns. And it was way more than they asked for. And he's
12 the guy that brought them into this. He's the guy that had
13 the gun.

14 Technically, under that theory, the hand of one is the
15 hand of all, means that they're all guilty. And I say that
16 to you because that means he's as guilty as everybody else
17 himself. And I submit to you he's more culpable because he
18 made the call to Kameron, he made the call to Elian. He
19 and Neal likely discussed this in more detail together.
20 And they had the firearms and they did the shooting.

21 Those are the charges the judge will give you. He'll
22 instruct you on other points of the law. Please direct
23 your attention to him as you have me.

24 The defense attorney is entitled to your attention as
25 well. I don't know what he's going to say. I just know

Closing arguments

1 what he said in his opening statement. I made a few notes.
2 He said -- I kind of laid it out to you what I believe the
3 testimony was going to show. He got up here and said
4 that's not what happened. Well, I think the testimony
5 beared out what I told you in my opening, that the
6 witnesses testified consistently with what I told you.

7 He admitted that Mr. Rice was there. So identity is
8 not really an issue. Identity of what his role might have
9 been might be an issue, but I submit to you you have
10 credible evidence that shows what his role was.

11 He says that he was just there looking for drugs.
12 Well, he was. He was looking to steal some drugs.

13 He brings up this issue, a member of the football
14 team. Well, if he was a member of the football team, he
15 apparently didn't go to practice either after he committed
16 this crime. He went into telling you that was a Friday
17 night, it was a free night because they'd played on a
18 Thursday night so they had Friday night off and everybody
19 went off at different parties.

20 Well, that might have been all well and good. I don't
21 know how that excuses what was going on. But if he was
22 that kind of a guy, he didn't go back to school. He didn't
23 go to football practice.

24 He wasn't just there to buy drugs. He was there up to
25 no good. And he said that -- of course he's going to say

Closing arguments

1 this, is that Keshawn didn't shoot a gun. He said
2 Carnellious did. That's -- everybody agrees to that, so
3 he's at least agreeing to that part of the testimony.

4 Then he said Nava -- Nava fired a gun. I don't know
5 where in the world that came from because there's no
6 evidence of that.

7 Then he brings in the fact that Cesar shot. Well,
8 Nava did say Cesar shot, but we know Cesar, if he did
9 shoot, he certainly didn't shoot Thompson. He was shooting
10 out of anger.

11 Ladies and gentlemen, thank you. I know I've taken up
12 a lot of your time and hopefully made it clear going to
13 jury deliberations.

14 Give due diligence to the evidence that we've
15 presented. Remember the testimony and the exhibits are
16 evidence.

17 We'd ask for justice. Justice is a guilty verdict to
18 murder, armed robbery and burglary in the first degree.
19 Thank you.

20 THE COURT: Mr. Warder.

21 MR. WARDER: Thank you, Your Honor.

22 When you get the solicitor's interpretation of all of
23 the facts that he listed up there, if you just pick and
24 choose among the facts and disregard the ones that you do
25 not like, in this particular case they want you to

Closing arguments

1 disregard part of Mr. Nava's testimony. They say Mr. Nava
2 told us that Cesar shot a man, that Cesar shot in the
3 garage twice.

4 And they say, well, we know that Keshawn shot him.
5 And that isn't what we know. You know, the facts we know
6 are that the shooting in the garage left five casings or
7 five bullets and that it involved two guns. If Mr. Cesar
8 shot twice, there was the two on one. And if Neal shot him
9 fatally that accounts for all of the bullets, all of the
10 shots.

11 They just ignored that because they picked the facts,
12 and then the prosecution says it's got to be this way, and
13 they list it out. And they don't listen to the witnesses.

14 You know, they want Mr. Nava to be credible on some
15 things and then they want to just not count, not pay
16 attention to the other things, and that's it, the fact that
17 Mr. Nava puts Cesar shooting in the garage twice, even puts
18 him shooting more than that, and everybody gets away in the
19 car and Cesar's still there.

20 So think back to your memory of the testimony. His
21 Honor will tell you that your verdict is the verdict of
22 your opinion of what you heard and your evaluation of it.

23 This trial will finish out with His Honor giving you
24 the law, charging you on the law, and sending you back to a
25 jury room. Each of you will deliberate, discuss and decide

Closing arguments

1 on the testimony you remember. It isn't what the
2 prosecutor says it is. It's what came from the witness
3 stand. And each of you should use your own memory and that
4 join in discussions with your fellow jurors to arrive at
5 the truth.

6 You know, I think, undoubtedly, my client and his
7 friends were trying to get high. They were not trying to
8 commit high crimes. They were trying to get high.

9 And they were seeking to buy marijuana. And the
10 prosecutor says that somehow we gave money to get marijuana
11 and then that was part of some other scheme and plan.

12 I submit to you it doesn't make any sense. That's not
13 the way you remember it all. It was a fight in that
14 garage, and two members shot. And he's right. It's
15 Kameron. And he disregards the other shooter, which is
16 Cesar.

17 Now, this is a case that has no real evidence against
18 these people at all in the sense of what happened in the
19 garage. There's no D.N.A. on the garage, there's no
20 fingerprints in the garage. There's nothing physical.
21 It's all oral testimony.

22 You know, the physical evidence that come out of the
23 garage was the bullets, the number of shots, I guess the
24 overturned bicycle. That's the things that were physically
25 there. The other is all testimony from what people say.

Closing arguments

1 This is a case, His Honor will tell you, that the
2 state must prove beyond all reasonable doubt. And in that
3 regard my client has come into this courtroom to claim his
4 constitutional right to the presumption of innocence.

5 Under His Honor's charge my client is innocent and
6 cannot be found guilty until you retire to your jury room
7 having taken with you the law he gives you, your memory of
8 the facts, your understanding of what happened.

9 He is presumed innocent until somebody, some jury,
10 some person unanimous, all together, decides that there's
11 guilt beyond a reasonable doubt, not that probably happened
12 one day or could have happened. Beyond all reasonable
13 doubt.

14 Now, in this particular case think of the -- all
15 evidence. There's no -- no doubt that there were several
16 people there. No doubt that people were together. But
17 they weren't -- they didn't go there with the intent of
18 committing a crime, didn't do anything on any place except
19 when they got there. And that's where they were buying the
20 marijuana.

21 Now, this isn't a case that -- it's hard to understand
22 how young people can get in this trouble, and it's because
23 the solicitor -- because of marijuana makes you believe
24 that it should be legal. If it was legal it would be
25 obtainable in the store at a fair price and in a fair

Closing arguments

1 quantity. It wouldn't be people going out to the mercy of
2 a pusher, mercy of a drug house. This is -- this is the
3 dispute that happened. And my client is not the one that
4 shot.

5 You must decide what a reasonable doubt is. You must
6 decide when one would overcome the presumption of innocence
7 if they could do that. Reasonable doubt has been defined
8 as the type of doubt that might make you hesitate to act.
9 It's the kind of doubt that would leave a juror fairly
10 looking for the truth in an unsettled state. It's
11 something that's much more than probably happened, could
12 have happened.

13 Now, it's important to consider in determining what's
14 been proven to judge the reliability, the credibility, the
15 fairness, the impartialness of all of the witnesses.

16 In this case every witness has a charge pending
17 they're waiting for the solicitor to make a decision on
18 what to do with, or at least all the codefendant witnesses.

19 Do them people have a particular interest in selling
20 one to you? No one that was there that night that come
21 into this courtroom is impartial. They're all pending
22 charges, and they're here giving testimony knowing it and
23 that they're going to later have to face charges
24 themselves. And the solicitor can choose which one they
25 face. I submit to you that makes evidence less credible

Closing arguments

1 than completely neutral and detached witnesses.

2 This is a case where the only proveable facts are the
3 ones that are on the scene itself, the one that shows the
4 five bullets, the wounds on the victim that show the three
5 shots that did.

6 You know, the state should be required to do far more
7 than that to prove a criminal case. The state should be
8 able to put up evidence that proves it beyond all
9 reasonable doubt.

10 You know, in the English system they don't use
11 reasonable doubt as to lead to a verdict of guilty or not
12 guilty. They say it's a proven case or an unproven case.
13 It gets the same result.

14 I submit to you in this case the fair, the right, the
15 just verdict is a verdict of not guilty or unproven,
16 because in this case there exists reasonable doubt.

17 If you stop and look at everything that's been proven
18 by the testimony, it contradicts each other in all the
19 cases and it leaves reasonable doubt.

20 I ask you for the fair verdict in this matter, a
21 verdict that says he's not guilty. And don't fall for this
22 lesser included. Decide what the charge really is and
23 decide what all it must involve.

24 You know, the solicitor casts out like it's a fact
25 that when you invite somebody to come to your place to buy

Jury charge

1 marijuana you don't give them permission to come in and
2 talk to you, see you, pick it up.

3 would they think everybody that went there and
4 purchased marijuana at that garage was a burglar? No.
5 Because the invitation to sell contains the permission to
6 come. And this is a case where the invitation to come was
7 clearly extended. I thank you very much.

8 THE COURT: Does any juror wish to take a break before
9 I provide you with the instruction?

10 (No response.)

11 THE COURT: Okay. All right. Ladies and gentlemen,
12 you of course have heard and seen all of the evidence to be
13 presented in the case.

14 You've now heard the final summations of the lawyers;
15 and therefore it now becomes my duty and obligation to
16 instruct you on the law that's applicable in the case.

17 You'll then be asked to go back and begin with your
18 deliberations, and through that process you'll examine the
19 evidence, you'll determine the facts as they relate to the
20 allegations, apply the law and arrive at a fair and
21 impartial decision, whatever that decision might be.

22 It is your exclusive prerogative to determine what the
23 facts are, and you do that through your own common sense
24 examination and evaluation of all of the testimony and the
25 other evidence received during the course of this trial.

Jury charge

1 You 12 jurors alone will decide what weight, value and
2 effect to give to any particular witness' testimony or
3 other evidence in the case. Again, your sole objective is
4 to simply render a fair and impartial decision based upon
5 the evidence that's presented and the law that's applicable
6 as I will have provided it to you.

7 Now, as you know, in this particular case the
8 defendant has been charged with three separate and distinct
9 offenses. Those three separate and distinct offenses are
10 set forth in three separate indictments.

11 One indictment charges Mr. Rice with the crime of
12 burglary in the first degree; one indictment charges
13 Mr. Rice with the crime of armed robbery; and the remaining
14 indictment charges Mr. Rice with the crime of murder.

15 Now, as to those indictments and as to the charges
16 contained therein Mr. Rice has entered a plea of not
17 guilty. And as I've told you, that plea of not guilty
18 places upon the state the burden of proving the allegations
19 that they have made by way of the indictments, the burden
20 of proving each of the essential elements of the crimes
21 that have been alleged against the defendant; and therefore
22 the burden is upon the state to establish the defendant's
23 guilt to the satisfaction of you 12 jurors beyond a
24 reasonable doubt before any verdict of guilty could be
25 returned as to any of the separate indictments.

Jury charge

1 And as I've told you, there are three separate
2 charges. There are going to be three separate verdicts
3 that you're going to be called upon to render.

4 Those verdicts may be the same; they may be different.
5 That of course will depend upon your determination of fact
6 as it relates to the allegations made by way of a
7 particular indictment and then your application of the law
8 to those facts as you have determined them to be in order
9 to arrive at your decision in the case.

10 Now, any person who is charged with a crime is always
11 presumed innocent of the charge. That presumption of
12 innocence remains with every defendant, as it does with
13 this defendant, from the time that he is placed under
14 arrest and throughout the course of the criminal process
15 and even throughout the course of the actual trial in the
16 case.

17 That presumption of innocence, as I've told you, is
18 with this defendant, and it will be with him even as you go
19 back to begin with your deliberations at the conclusion of
20 this instruction.

21 That presumption of innocence will be with him in the
22 jury room, and it'll be with him forever unless you 12
23 jurors determine that he's no longer entitled to the
24 presumption of innocence as it relates to a particular
25 charge.

Jury charge

1 In other words, after you have carefully considered
2 all of the evidence as it relates to a particular charge,
3 and you've determined the facts as it relates to those
4 allegations, and you've applied the law that I will have
5 provided you, if you 12 jurors unanimously determine that
6 his guilt as to a particular crime has been proven beyond a
7 reasonable doubt, then he would no longer be entitled to
8 the presumption of innocence as it relates to that
9 particular charge or crime. But it is only if, unless and
10 until you are satisfied of his guilt beyond a reasonable
11 doubt that the presumption of innocence would no longer be
12 applicable.

13 Now, the state does have the burden of proving the
14 defendant's guilt to your satisfaction beyond a reasonable
15 doubt. This does not mean that the state has to prove his
16 guilt beyond all doubt or beyond any possible doubt. But
17 it does require the state to prove his guilt to your
18 satisfaction beyond a reasonable doubt.

19 The term reasonable doubt should be given its plain
20 and ordinary meaning. A reasonable doubt is the kind of
21 doubt that would cause a reasonable person to hesitate to
22 act upon the information that's provided.

23 The defendant is entitled to any reasonable doubt that
24 arises from the evidence, or lack of evidence in a case,
25 and if, upon any factual issue essential to a finding of a

Jury charge

1 verdict of guilty, you have some reasonable doubt as to how
2 that issue should be resolved, it would be your duty to
3 resolve that reasonable doubt in favor of the defendant.

4 Now, while there are various forms of evidence such as
5 testimony, photographs, documents, charts and other types
6 of physical exhibits that have been introduced during the
7 trial, there are really only two types of evidence. Either
8 or both of those types of evidence may be used to prove any
9 fact in issue. But the two types of evidence are direct
10 evidence and circumstantial evidence.

11 Direct evidence is the testimony of a person who
12 testifies from actual knowledge of that fact. It is
13 testimony by a person who has perceived the existence of
14 some fact by means of his or her senses, and then they come
15 into court and they testify as to what they have previously
16 perceived. Direct evidence proves the existence of a fact
17 directly and does not require any deduction or inference in
18 order to establish that fact.

19 Circumstance evidence, on the other hand, is the proof
20 of some other fact or set of facts which taken either
21 singly or collectively may prove the existence of a fact in
22 question as a necessary consequence, that is by a deduction
23 or through an inference.

24 An inference is simply a deduction of fact that may
25 logically and reasonably be drawn from the proof of some

Jury charge

1 other fact or set of facts. In other words, it's a fact
2 not proven by the direct testimony of a witness based upon
3 that person's personal perception, but it is a conclusion
4 which might reasonably be drawn from the proof of other
5 facts.

6 In other words, you may infer that a particular event
7 occurred or that a particular fact exists based upon the
8 proof of sufficient factual circumstances which would
9 reasonably warrant your arriving at a particular
10 conclusion.

11 The commission of a crime and any particular element
12 necessary to establish the commission of a particular crime
13 may be proven by direct evidence, may be proven by
14 circumstantial evidence, or it may be proven by a
15 combination of both direct evidence and circumstantial
16 evidence.

17 The law makes no distinction between the weight or the
18 value to be given to direct evidence or to circumstantial
19 evidence. However, to the extent that the state relies
20 upon circumstantial evidence in order to establish the
21 commission of a crime, all of the circumstances proven must
22 be consistent with each other and when taken together point
23 conclusively to the guilt of the accused beyond a
24 reasonable doubt.

25 If those circumstances merely portray the defendant's

Jury charge

1 behavior as suspicious that proof is insufficient and it
2 fails. The burden rests with the state, regardless of
3 whether the state relies upon direct evidence or
4 circumstantial evidence or some combination of the two, to
5 prove the defendant guilty beyond a reasonable doubt.

6 Proof beyond a reasonable doubt is proof that leaves
7 you firmly convinced of the defendant's guilt. There are
8 very few things in the world that we know with absolute
9 certainty, and in criminal cases the law does not require
10 proof that overcomes every possible doubt.

11 So if, based upon your consideration of the evidence
12 and in the exercise of good judgment and common sense
13 conscientiously applied to the evidence in the case, if you
14 are firmly convinced that the defendant is guilty of some
15 crime for which he stands charged, then you must find the
16 defendant guilty of having committed that particular crime.

17 If, on the other hand, you think there is a real
18 possibility that the defendant is not guilty of a crime for
19 which he stands charged, then you must give him the benefit
20 of the doubt and find him not guilty of that particular
21 offense.

22 Now, the same law that provides that you are the
23 judges of the facts also provides that I am the judge of
24 the law. That simply means that nobody is going to tell
25 you how to arrive at your determination of fact in this

Jury charge

1 case.

2 As I've stated, you do that through the exercise of
3 good judgment and common sense conscientiously applied to
4 the testimony and the evidence received during the course
5 of the trial. So you determine the facts.

6 You must however under your oath as a juror accept the
7 law as I provide it to you as being the law that you are to
8 apply in the case. In other words, you're not to concern
9 yourself with what you thought the law was before you came
10 to serve as a juror this week or what you think the law
11 ought to be.

12 Under your oath as a juror you must accept the law as
13 I provide it to you as being the law that you are to apply
14 in the case, and then you simply take that law and you
15 apply it to the facts as you 12 jurors determine those
16 facts to be based upon your common sense examination and
17 evaluation of the evidence received during the trial.

18 Now, because you are the judges of the facts you are
19 therefore necessarily the sole judges of the credibility
20 and the believability of each witness that has testified
21 during the course of this trial, and you 12 jurors alone
22 will decide what weight, value and effect to give to any
23 particular witness' testimony, or even portions of
24 testimony.

25 But there are a number of factors which you should

Jury charge

1 take into consideration in arriving at your determination
2 or assessment as to a witness' credibility and
3 believability, and I'm going to list those factors for you.

4 You should consider the demeanor the witness, that is
5 how the witness appeared to you as the witness was
6 testifying from the witness stand. Was the witness
7 straightforward in responding to questions, or was the
8 witness hesitant or evasive in responding to questions
9 posed of the witness? Simply put, did the witness appear
10 to you to be telling the truth and to have knowledge of the
11 facts to which that witness has testified.

12 You should also consider whether or not the testimony
13 of a witness is consistent, or is it inconsistent with that
14 witness' own testimony and consistent with statements
15 either made in court or outside of court by that particular
16 witness.

17 You should also consider whether or not the testimony
18 of a witness is consistent, or is it inconsistent with
19 other testimony or other evidence received during the
20 course of the trial.

21 You should also consider how a witness came to know
22 the fact to which a witness has testified. In other words,
23 what was that particular witness' opportunity and ability
24 to perceive the existence of those facts to which that
25 witness has come into court and testified to by having

Jury charge

1 previously used his or her senses, and then what is that
2 witness' ability to be able to come into court and to
3 accurately recollect to you as to what they have previously
4 perceived.

5 You should also consider any bias or prejudice or
6 interest that a witness might have in regard to a case. In
7 other words, do you find some reason that a particular
8 witness would come into court and would testify one way or
9 another to help or hurt one side or the other. And you may
10 consider any interest that a witness might have in the
11 outcome of the case if you determine that a witness does
12 have such an interest and you find that that interest would
13 bear upon that particular witness' credibility.

14 You should also consider whether or not the testimony
15 of a witness is strengthened, or is weakened by other
16 testimony or other evidence received during the course of
17 the trial.

18 Now, you as the finders of the fact and you as the
19 judges of the credibility of each witness that has
20 testified during the course of this trial, you are
21 permitted to believe as much or as little of what a witness
22 has testified to as you deem is appropriate in the exercise
23 of good judgment and common sense.

24 So you can believe everything that a witness testified
25 to. You may choose to believe none of it. You may believe

Jury charge!

1 some portion of a witness' testimony and reject some other
2 portion of that same witness' testimony.

3 You may believe one witness as opposed to several, or
4 several as opposed to one. But whatever your good judgment
5 and common sense tells you is the most believable and
6 credible testimony is the testimony you should accept, and
7 you should reject any testimony that you find not to be
8 credible or believable.

9 Again, your sole objective is to simply render a fair
10 and impartial decision based upon the evidence presented
11 and the law that is applicable as I will have provided it
12 to you.

13 Now, as you know, there are three separate indictments
14 for which you're going to be called upon to render three
15 separate and distinct decisions.

16 The first indictment that I will reference is the
17 indictment for burglary in the first degree. I'm going to
18 instruct you on the law as it relates to what constitutes
19 burglary in the first degree. In other words, what has to
20 be proven before a person can be found guilty of burglary
21 in the first degree.

22 I will then instruct you as to the law as it relates
23 to the crime of armed robbery. When I instruct you on that
24 law I will also be instructing you on the law as it relates
25 to the criminal offense, the lesser included criminal

Jury charge

1 offense, known as attempted armed robbery.

2 Then with regard to the remaining indictment charging
3 the defendant with the crime of murder, I'll be instructing
4 you on the law as it relates to the crime of murder, also
5 the lesser included offenses of voluntary manslaughter and
6 of assault and battery of a high and aggravated nature.

7 Now, that's a detailed instruction, but the reason
8 that I have to instruct you on all of those offenses, plus
9 any lesser included offenses, is because your decision
10 depends upon your determination of fact. And depending on
11 what those facts are as you determine them to be will
12 determine what offense, if any, the defendant has committed
13 as it relates to this particular case.

14 And of course if the defendant -- if the state has
15 failed to prove the defendant to be guilty of any crime,
16 then you must find the defendant not guilty.

17 So, as I say, I'm going to begin with instructing you
18 on the law as it relates to the crime of burglary in the
19 first degree.

20 All of these crimes are statutory offenses, and that
21 just means that they're all included in these blue books.
22 And the legislature meets every year from January to June.
23 During the course of their session they pass a number of
24 laws and rules and regulations that govern our conduct in a
25 variety of ways. Some of the laws that they pass are

Jury charge

1 referred to as criminal penalty statutes, and that just
2 means that the legislature prohibits us from engaging in
3 some particular activity that they described. And if we
4 are found to have engaged in that prohibited activity, then
5 it subjects us to some form of punishment or penalty for
6 having violated the statute.

7 Now, please understand that your concern is never with
8 punishment or penalty. That's not what you decide. Your
9 sole obligation and duty under your oath as a juror is to
10 determine whether or not a person has been proven guilty of
11 a particular crime, and you are to do that without regard
12 to any consequence of that decision or what punishment or
13 penalty might be imposed as a result of that decision.

14 But burglary in the first degree is set forth in
15 Section 16-11-311 of the Code of Laws, and it provides in
16 its relevant parts that a person is guilty of burglary in
17 the first degree if the person enters a dwelling without
18 consent and with the intent to commit a crime therein and
19 that one of the following also exists: when, in effecting
20 entry or while in the dwelling or in immediate flight
21 therefrom, the defendant or another accomplice or
22 participant in the crime is armed with a deadly, or causes
23 physical harm or injury to a person who is not
24 participating in the commission of the crime, or uses or
25 threatens the use of a dangerous instrument, or displays

Jury charge

1 what appears to be a pistol or firearm, or the burglary
2 occurs in the nighttime.

3 So based upon that foregoing statute you would not be
4 able to find the defendant to be guilty of burglary in the
5 first degree unless the following elements have been proven
6 to your satisfaction beyond a reasonable doubt.

7 First of all, it has to be proven that the defendant
8 entered a dwelling. Entry is an indispensable element in
9 the crime of burglary. Entry is the act of going into the
10 dwelling or any room or structure attached or pertinent
11 thereto.

12 It is not necessary that any physical force be used to
13 accomplish an entry, nor does any door, window or other
14 barrier have to be opened or removed in order to effect an
15 entry.

16 The entry must also be into a dwelling, and a dwelling
17 is defined as a building or structure which is used or
18 normally used for sleeping, living or lodging by any
19 person. And that would include any structures, rooms or
20 sheds attached to the dwelling or used in conjunction
21 therewith.

22 So there must be an entry of a dwelling and there also
23 must be an entry of a dwelling without consent. Entering
24 without consent means to enter a dwelling without the
25 consent of the owner or the person otherwise in lawful

Jury charge

1 possession of the premises, or it means to enter a dwelling
2 by using deception, artifice, trick or misrepresentation in
3 order to gain consent to enter the dwelling from some
4 person in lawful possession and authorized to give consent.

5 Thirdly, there must be an entry of a dwelling without
6 consent and with the intent to commit a crime therein.
7 There must be an intent to commit a crime therein whether
8 or not the crime is actually committed, accomplished or
9 completed.

10 The mere entering of a dwelling without an intent to
11 commit a crime does not constitute the crime of burglary.
12 It is only when there is an entering without consent
13 accompanied with an intent to commit a crime that the crime
14 of burglary is complete. And a crime of any grade or
15 severity is sufficient to satisfy this particular element
16 of the crime of burglary.

17 So the entry of a dwelling without consent and with
18 the intent to commit a crime therein constitutes the crime
19 of burglary.

20 And the forth element in order to establish the crime
21 of burglary in the first degree is that in addition to
22 there being an entry without consent and with the intent to
23 commit a crime therein, it must also be proven that when in
24 effecting entry or while in the dwelling or in immediate
25 flight therefrom the defendant or some other accomplice or

Jury charge

1 other participant in the criminal offense is armed with a
2 deadly weapon, or causes physical injury to a person who is
3 not a participant in the crime, or uses a threatens the use
4 of a dangerous instrument, or displays what appears to be a
5 pistol or other firearm, or the entering or the
6 remaining -- that is the burglary -- occurs in the
7 nighttime.

8 The nighttime is defined as that period between sunset
9 and sunrise, that period of darkness when a person's facial
10 features are not discernable by the light from the sun.

11 In this case the state is alleging that the crime of
12 burglary in -- it is the crime -- it is the crime of
13 burglary in the first degree because a burglary was
14 committed by the defendant who was armed with a deadly
15 weapon, and/or caused physical injury to another person who
16 was not a participant, and/or used a dangerous instrument,
17 and/or displayed a firearm, and/or the burglary occurred in
18 the nighttime.

19 So the state alleges all, but the state need only
20 prove one in order to establish the crime of burglary in
21 the first degree.

22 I'm now going to instruct you on the law as it relates
23 to the crime of armed robbery. And, as I've told you, I
24 will also instruct you on the lesser included offense,
25 which is attempted armed robbery.

Jury charge

1 Armed robbery is also a statutory offense, as is
2 attempted armed robbery. Armed robbery is set forth in
3 16-11-330 of the Code of Laws, and it provides that a
4 person who commits the crime of robbery while armed with a
5 pistol, dirk, slingshot, metal knuckles razor, or other
6 deadly weapon, or while alleging either by action or words
7 that he is armed while using a representation of a deadly
8 weapon or some object which a person present during the
9 commission of the robbery reasonably believed to be a
10 deadly weapon is guilty of the crime of armed robbery.

11 So that you'll understand the crime of armed robbery,
12 I'm going to instruct you on the offenses of robbery and
13 larceny, because they're subsumed in the crime of armed
14 robbery.

15 But robbery is a larceny by force or the threat of the
16 use of force. Robbery is defined in the law as the taking
17 of another person's property with the intent to steal it
18 from the person or their presence by the use of force or
19 violence or by the threat of the use of force or violence,
20 that is through intimidation, in order to accomplish the
21 theft.

22 A thing is deemed to be in the presence of a person
23 with respect to the crime of robbery when the property is
24 so within his reach, observation or control that he could,
25 if not overcome by violence or prevented by fear, retain

Jury charge.

1 possession of the property.

2 A robbery is the forcing or a person to surrender
3 property with the intent to steal it by the use of force or
4 violence or by threatening a person with the use of force
5 or violence in order to accomplish the theft.

6 Taking property of another with an intent to steal it
7 by forcing a person to surrender possession or causing a
8 person to surrender by putting that person in fear through
9 intimidation is a robbery under the law.

10 A robbery becomes an armed robbery when the robbery is
11 accomplished through the use of a pistol or other deadly
12 weapon, and therefore before you could find the defendant
13 to be guilty of the crime of armed robbery in this case it
14 would be necessary that the state has proven to your
15 satisfaction beyond a reasonable doubt that the defendant
16 or an accomplice, where it's proven that they acted in
17 concert one with the other, did commit the crime of robbery
18 and that at the time the crime of robbery was committed one
19 or more of the participants was armed with a pistol or
20 other deadly weapon with which the robbery was
21 accomplished.

22 The lesser included offense of armed robbery is
23 attempted armed robbery, and an attempt is the commission
24 of an overt act or acts done in furtherance of the intent
25 to do a specific thing which tends towards the

Jury charge

1 accomplishment of the intended goal but which falls short
2 of completion for some reason.

3 An attempt to commit a crime means the making of an
4 effort towards or the doing of an act or acts which
5 directly move toward the completion of the commission of
6 the crime intended, and in this case that would be the
7 crime of armed robbery.

8 And therefore before you could find the defendant
9 guilty of attempted armed robbery in the case it would be
10 necessary that the state has proven beyond a reasonable
11 doubt that the defendant did attempt to commit the crime of
12 robbery and at the time he attempted the crime of robbery
13 he was armed with a pistol or other deadly weapon with
14 which the crime of robbery was to be accomplished.

15 I'm now going to instruct you on the third indictment
16 alleging the crime of murder. As I say, I'll also instruct
17 you on the lesser included offenses of voluntary
18 manslaughter and of assault and battery of a high and
19 aggravated nature.

20 Murder is defined in Section 16-3-10 of the Code of
21 Laws of South Carolina as the killing of any person with
22 malice aforethought, either expressed or implied.

23 In order for you to find the defendant to be guilty of
24 the crime of murder it would be necessary that the evidence
25 in this case has established to your satisfaction beyond a

Jury charge

1 reasonable doubt that the defendant, Keshawn Melvin Rice,
2 or an accomplice -- and I'll define that term for you later
3 on in this instruction -- did commit some act or acts which
4 did proximately cause the death of Thompson Demas and that
5 the killing was done with malice aforethought.

6 So what is malice aforethought? Well, malice as an
7 essential element of the crime of murder is a state of mind
8 connoting an ill will and having the intent to do harm.
9 Intent refers to the state of a person's mind which directs
10 his actions towards a specific object or goal, and intent
11 would include those consequences which represent the very
12 purpose for which an act is done, as well as those
13 consequences which are known to be substantially certain to
14 result, whether actually intended or not.

15 Malice is a technical term importing wickedness and
16 excluding just cause or legal excuse. It is something
17 which springs from depravity, from a heart devoid of social
18 duty and fatally bent on mischief.

19 It is a state of mind indicating an extreme disregard
20 for or an extreme indifference to human life. Malice may
21 be likewise defined as a state of mind which indicates a
22 formed purpose and design to do a wrongful act under
23 circumstances that exclude any legal right to do it.

24 The words expressed or implied malice do not mean
25 different kinds of malice but merely the manner in which

Jury charge

1 malice may be shown to have existed, that is to say either
2 by direct evidence or by circumstantial evidence implying
3 or inferring the existence of malice.

4 Malice may be expressed as where there is an expressed
5 threat to kill or a lying in wait or where the
6 circumstances show directly that the intent to kill was
7 entertained by the killer.

8 Malice may be inferred, though no expressed intent to
9 kill is proven by direct evidence, where the facts and
10 circumstances which have been proven by the evidence in the
11 case satisfy you beyond a reasonable doubt that malice was
12 present in the mind of the killer at the time any killing
13 took place.

14 The existence of malice may be inferred from any acts,
15 declarations or conduct of a killer, as well as from any
16 other circumstances shown to have existed at the time of
17 the event from which you might reasonably infer the
18 existence of malice, as often the state of a person's mind
19 can only be proven by circumstantial evidence.

20 Malice as an essential element of the crime of murder
21 does not necessarily require proof of an ill will or a
22 hatred towards the particular individual who was killed,
23 nor does it necessarily require prove of an actual or a
24 specific intent to take human life, but rather it means a
25 state of mind accompanying conduct signifying a general

Jury charge

1 malignant recklessness and an extreme disregard for or an
2 extreme indifference to human life.

3 So even if the facts are sufficient to raise an
4 inference of malice such an inference would simply be an
5 evidentiary fact to be taken into consideration by you 12
6 jurors along with all of the evidence received during the
7 trial of the case, and you may give such weight to those
8 inferences that you determine they should receive, if any.

9 It's also essential that malice be aforethought. The
10 law does not require that malice must exist for any
11 appreciable length of time before the commission of some
12 act proximately causing a fatal result. In fact, it may be
13 conceived at the very moment that the fatal act is
14 committed.

15 It is sufficient in the law so long as the evidence
16 has proven beyond a reasonable doubt both the existence of
17 malice and the commission of an act or acts by the
18 defendant or an accomplice which proximately caused the
19 fatal result.

20 You must determine whether or not malice aforethought
21 existed based upon your consideration of all of the
22 evidence introduced during the trial of the case including
23 any reasonable inferences that might be deprived from that
24 evidence.

25 And also motive is not an essential element of the

Jury charge

1 crime of murder which has to be proven, although there may
2 evidence relating to that fact introduced during the course
3 of the trial of the case.

4 Now, as I've said, an indictment for a greater offense
5 may also include a lesser offense, even though that lesser
6 offense is not actually set forth in the indictment itself.
7 But a jury may find the defendant guilty of only a lesser
8 included offense where the evidence and the law applicable
9 in the case warrants such a finding. And the crime of
10 voluntary manslaughter is a lesser included offense of the
11 crime of murder, as is the crime of assault and battery of
12 a high and aggravated nature.

13 So when a person is charged with the crime of murder
14 but the jury is not convinced beyond a reasonable doubt
15 that the defendant has committed that crime because one or
16 more of the essential elements is lacking, the defendant
17 may -- excuse me -- the jury may then consider the
18 defendant to be only guilty of the lesser included offense.
19 In this case that could be voluntary manslaughter or
20 assault and battery of a high and aggravated nature.

21 In that event the jury could only find the defendant
22 guilty of one of those lesser included offenses but only if
23 you are satisfied beyond a reasonable doubt that he has
24 committed either of those offenses.

25 So I'm going to instruct you on the law as it relates

Jury charge

1 to voluntary manslaughter.

2 Manslaughter is defined as an unlawful killing of a
3 human being without the element of malice, either expressed
4 or implied, being present. While the element of malice
5 must be proven in order for a defendant to be found guilty
6 of the crime of murder, malice is not an essential element
7 of the crime of manslaughter.

8 Voluntary manslaughter is defined as the unlawful
9 killing of a human being which is committed in a sudden
10 heat of passion provoked by a sufficient legal provocation.

11 The law recognizes that the sudden heat of passion
12 arising out of exasperation, rage, anger, sudden
13 resentment, fear or terror may for the time being affect
14 the self control of an individual temporarily disturbing
15 the ability to properly reason creating an uncontrollable
16 impulse to do violence, and therefore the law allows a
17 reduction from the crime of murder to that of voluntary
18 manslaughter provided the sudden heat of passion arose from
19 a sufficient legal provocation.

20 The law does not reduce from murder to voluntary
21 manslaughter every homicide that is committed in the heat
22 of passion. It must be the heat of passion justly excited
23 by a sufficient legal provocation. And if a sufficient
24 legal provocation does not exist, then the killing even
25 committed in the heat of passion is murder and is not

Jury charge

1 voluntary manslaughter.

2 The sudden heat of passion aroused by a sufficient
3 legal provocation which may reduce a homicide from that of
4 murder to that of voluntary manslaughter need not dethrone
5 reason entirely or shut out knowledge or volition, but it
6 must be such heat of passion provoked by such acts or
7 circumstances as would naturally disturb the ability of an
8 ordinary reasonable and prudent person to properly reason
9 rendering in his mind -- rendering his mind incapable of
10 cool reflection and producing what according to human
11 experience may be described as an uncontrollable impulse to
12 do violence.

13 In determining whether an act resulting in the death
14 of another was impelled by heat of passion aroused by a
15 sufficient legal provocation or by malice aforethought you
16 should take into consideration all of the surrounding
17 circumstances and conditions accompanying the event.

18 And therefore as stated, voluntary manslaughter is an
19 unlawful homicide committed in the absence of malice but in
20 a sudden heat of passion aroused by a sufficient legal
21 provocation.

22 If you find that the evidence in the case has failed
23 to establish the defendant has committed the crime of
24 murder and has failed to prove the defendant has committed
25 the crime of voluntary manslaughter, then you would also be

Jury charge

1 able to consider the lesser included offense of assault and
2 battery of a high and aggravated nature.

3 Section 16-3-600(B)(1) of the South Carolina Code of
4 Laws provides that a person commits the crime of assault
5 and battery of a high and aggravated nature if a person
6 unlawfully injures another person and great bodily injury
7 results to that person or the act is accomplished by means
8 likely to produce death or great bodily injury.

9 Great bodily injury is defined as an injury which
10 causes a substantial risk of death or a serious permanent
11 or protracted loss or impairment of the function of a
12 bodily member or organ.

13 Now, as I stated previously, a person may be convicted
14 of a crime as a principal offender or as an accomplice,
15 that is as an aider or as an abettor, in the commission of
16 a crime.

17 So one who is charged with the commission of a crime
18 may be convicted as the principal offender or may be
19 convicted as an accomplice.

20 An accomplice is defined as one who knowingly and
21 voluntarily and with a common intent and purpose unites
22 with the principal offender or offenders in the commission
23 of criminal acts resulting in the commission of a crime.

24 An accomplice is often referred to as an aider or an
25 abettor in the commission of a crime. So in order to be

Jury charge

1 guilty as an aider or as an abettor -- that is as an
2 accomplice -- a person must be a participant in the crime
3 and be chargeable with knowledge of the principal's
4 criminal conduct.

5 In this case the state is alleging that the defendant,
6 Keshawn Melvin Rice, is guilty of the crimes of burglary in
7 the first degree, armed robbery and murder or some lesser
8 included criminal offense either as the principal offender
9 or as an accomplice with a principal offender.

10 It is the law that when two or more people act
11 together with a common intent and purpose and they combine,
12 conspire, plan or otherwise agree to the commission of a
13 crime, each person who is present to aid, abet, assist or
14 otherwise participate in the commission of the crime are
15 equally guilty of any crime accomplished by the efforts of
16 all who participate.

17 The hand of one is the hand of all; the act of one is
18 deemed to be the act of all. Any person who joins with
19 another or others to accomplish an illegal purpose is held
20 to be criminally responsible for everything done by any
21 other person which occurs as a natural and probable
22 consequence of the acts done pursuant to and in furtherance
23 of the common plan and purpose.

24 In order for the defendant to be found guilty under
25 the legal theory of accomplice liability or aiding or

Jury charge

1 abetting it must be proven that the defendant was present
2 at the scene of the event when a crime was committed and
3 that he was present at the scene with the intention of
4 aiding, abetting, assisting and participating in a common
5 plan or scheme which culminates in the commission of a
6 crime and he was not just merely present without such an
7 intent.

8 Under the theory of accomplice liability two or more
9 people may be guilty of an lawful homicide even though only
10 one person actually commits the act which is directly
11 responsible for the death of another; and therefore where
12 two for more persons combine, conspire or otherwise agree
13 to the commission of a crime such as armed robbery and in
14 the commission of criminal acts done in furtherance of that
15 crime a homicide is committed by one of the participants
16 which is a natural and probable consequence of those acts
17 done in furtherance of the common plan, all who are present
18 and participating in the criminal acts are equally as
19 responsible as the one whose acts directly caused the fatal
20 result.

21 The common purpose may not have been to kill anyone at
22 all, but if during the commission of a criminal offense a
23 homicide is committed by one of the participants which is a
24 natural and probable consequence of the acts done in
25 furtherance of the common plan, each person who is present

Jury charge

1 aiding, abetting, assisting and participating in the common
2 design and plan are equally guilty of any homicide
3 committed by any one of the participants. As I've stated,
4 the hand of one is the hand of all, the acts of one are the
5 acts of all.

6 A criminal intent is a necessary element of any crime
7 that has to be proven, because there has to be a common
8 design and an intent to commit a crime, the crime be
9 committed pursuant thereto, with all persons aiding,
10 abetting, assisting and participating one with the other
11 where it is alleged that there was a common plan including
12 others. And of course intent means the state of a person's
13 mind which directs his actions towards a specific object or
14 goal.

15 Criminal intent is a mental state of conscious
16 wrongdoing. Intent may be proven by the acts, declarations
17 and conduct of the defendant, as well as any other
18 circumstances which are established by the evidence in the
19 case from which you might naturally and reasonably infer
20 such an intent.

21 Now, ladies and gentlemen, I emphasize to you, as I
22 previously have, that the fact that a defendant does not
23 take the witness stand and testify during the trial of a
24 case is not a fact which may be considered by the jury in
25 any way during your deliberations, nor may you allow such a

Jury charge

1 fact to weigh in the slightest degree against a defendant,
2 because, as I've stated, the burden is on the state because
3 they brought the accusation to prove a defendant guilty
4 beyond a reasonable doubt. The burden is never upon a
5 defendant to prove that they are not guilty or to prove
6 that they are innocent because in some cases that might not
7 be possible.

8 And therefore you may not draw any inference nor reach
9 any conclusion from the fact that a defendant does not
10 testify during the course of the trial, nor may that fact
11 be considered by you in any fashion in your deliberations
12 or in your determination as to whether his guilt has been
13 proven beyond a reasonable doubt, nor may that fact even be
14 discussed by you while you are engaged in your
15 deliberations.

16 Now, Mr. Foreman and ladies and gentlemen of the jury,
17 I am not in any way concerned with what your decisions are,
18 but, as I have previously stated, your -- any decision the
19 jury reaches must be unanimous. All 12 of you must be in
20 agreement.

21 So, Mr. Foreman, the indictments -- I think I must
22 have told you, but if I didn't, the indictments will be in
23 the jury room, but they're not evidence. They don't prove
24 anything; they don't establish anything. They'll be in the
25 jury room with the evidence, but these indictments are not

Jury charge

1 evidence, but they're there to serve one purpose, and that
2 is they are there to serve as the verdict forms.

3 And so as it relates to the indictment -- the
4 indictment charging the defendant with the crime of murder,
5 you'll indicate the jury's decision on that particular
6 form.

7 The indictment alleging the defendant to be guilty of
8 the crime of armed robbery, you'll indicate the jury's
9 decision as to that indictment on that indictment -- on
10 that indictment form.

11 And as it relates to the crime of burglary first
12 degree, you'll indicate the jury's decision as to that
13 charge on that particular indictment form.

14 As I also stated, your decisions may be the same as
15 they relate to the indictments. They may be different.
16 That of course will depend upon your determination of fact
17 as it relates to a particular charge, as well as the lesser
18 included offenses, and then your application to the facts
19 as you determine those facts to be.

20 So whatever the decision is as to a particular charge,
21 Mr. Foreman, you're going to indicate that decision.
22 You'll see on the back of the indictments in the lower
23 left-hand corner there is the word verdict. It's beneath
24 that word that you'll indicate the jury's decision as it
25 relates to that particular indictment. You will sign your

Jury charge

1 name as the foreperson. You're the only juror that needs
2 to find the verdict -- that needs to sign the verdict form.
3 And you'll place the appropriate date. And today is the
4 15th of November.

5 Now, with respect to two of the indictments, you have
6 some lesser included offenses to consider. And so
7 regarding the indictment for murder, you're going to have
8 in that event or in that particular -- on that particular
9 indictment you'll have four potential verdict forms.

10 And I'm going to send back a form that will -- for
11 your guidance that'll have all of these on it. But with
12 respect to the indictment for murder, you have four
13 potential verdict forms. And those four potential verdict
14 forms are guilty, which means guilty of the crime of
15 murder, or guilty of voluntary manslaughter. You have to
16 write that out. Or guilty of assault and battery of a high
17 and aggravated nature. You have to write that out. Or not
18 guilty. So those verdict -- those are the potential
19 verdict forms. You can only find one. Whatever it is,
20 indicate it and sign your name as the foreperson.

21 Regarding the indictment for armed robbery, you have
22 three potential verdict forms. Those three potential
23 verdict forms are guilty, which means guilty of armed
24 robbery, or guilty of attempted armed robbery, which is the
25 lesser included offense, or not guilty.

Jury charge

1 If you find him guilty of the lesser included offense,
2 as I say, you'll write that out also.

3 And then the indictment for burglary in the first
4 degree, there are just two potential verdict forms, and
5 those are guilty and not guilty.

6 So whatever the decisions are, indicate it in the
7 space provided. Sign your name as the foreperson, place
8 the date on it and knock on the door. Notify the bailiff
9 that you and your fellow jurors have reached unanimous
10 decisions, and we'll bring you back to receive those
11 verdicts.

12 Now, after you have decided the case, Mr. Foreman, and
13 after you have indicated the decisions on the verdict forms
14 and after you notify the bailiff to -- that you've reached
15 that decision, you will hold on to the verdict forms. You
16 can give the bailiff the exhibits, but you will hold on to
17 the verdict forms, and I'll accept those from you after you
18 and your fellow jurors come back into the courtroom for us
19 to receive your decisions.

20 Now, during the trial -- excuse me. During your
21 deliberations there may come a time where you have a
22 question about the facts of the matter or questions about
23 evidence in the case.

24 I am never permitted to answer questions that relate
25 to issues of fact, nor will it be permitted for any

Jury charge

1 additional evidence to be introduced into the case, because
2 the case is over. It's closed. At least the time for
3 introducing evidence is closed. And so no additional
4 evidence can be received. So don't inquire about
5 additional evidence that you might like to have if you
6 think -- you wonder if it exists and could you have it. No
7 additional evidence can be introduced now that the case is
8 closed.

9 The lawyers and the court reporter will verify all of
10 the exhibits that have been introduced during the trial,
11 and so we will confirm that they are all present before
12 they go back.

13 However, if you get back there and start deliberating
14 and you think something was introduced into evidence that
15 you don't have, you let me know, and we'll make that
16 determination. But all exhibits should be present. And,
17 as I say, no additional exhibits may be introduced.

18 If you have a question about a witness' testimony and
19 you think that question can be answered by having a
20 witness' testimony reheard in whole or in part, we can
21 bring you back into the courtroom to have a witness'
22 testimony replayed.

23 I don't have transcripts to send back, but if you'd
24 like to hear a witness' testimony, you let me know. We'll
25 bring you back into the courtroom and allow you to rehear

Jury charge

1 the witness' testimony in whole or in part.

2 If you ever have a question about the law that is
3 applicable, I am always permitted to answer those
4 questions, and so if you do need a reinstruction on the law
5 that I provided or if you need an additional explanation or
6 clarification of some point of law that I've already
7 provided, I'll be happy to provide you with that
8 reinstruction or some point of clarification or explanation
9 should that be needed.

10 So, Mr. Foreman, if at any time you need to direct
11 some comment or question to me, you or your fellow jurors
12 has some issue that you wish to address to me, if you'll
13 simply write it on a piece of paper, give it to the
14 bailiff, he'll provide it to me and then I'll respond as
15 necessary.

16 Now, I don't know if we have smokers on the jury, but
17 if we do you can smoke but you can't smoke in the
18 courthouse. You have to go outside for that purpose. And
19 so understand that during deliberations if any juror is
20 absent as a result of some authorized excuse, then the
21 deliberations have to stop, and they may only resume when
22 all 12 are present so that all 12 may participate.

23 I know you've ordered lunch, and so the lunch will be
24 here shortly, if not already. Probably not already, but
25 it'll be here soon. And I'll leave it up to you as to

Jury charge

1 whether you want to stop and have lunch and then resume
2 deliberations or whether you want to deliberate while
3 you're having lunch. That's up to you. You can do what
4 you want to about that.

5 I think that covers everything, but if it didn't, I'm
6 certain one of these lawyers will remind me that I
7 neglected to provide you with some information that I
8 should have.

9 And if I agree, I'll bring you back to provide you
10 with that additional instruction. And if I don't need to
11 bring you back, I'll simply send word by way of the bailiff
12 that you may begin with your deliberations. And in that
13 event the bailiff will bring to the jury room all of the
14 exhibits which have been introduced.

15 And to you, Mr. Foreman, he'll also -- he or she will
16 also bring the indictments which will serve as the verdict
17 form. And there'll also be another document just for your
18 guidance that reflects each of the potential forms as it
19 relates to each of the separate indictments so that you can
20 understand what the form -- how it must appear on the
21 indictment after you've reached your decision.

22 Now, I'll tell you what I will do. When you have that
23 guidance form, there are places beside the potential forms
24 that you can check to indicate the jury's decision. So let
25 me ask that you check that form also as to the appropriate

Jury charge

1 decision. But also write it on the indictment itself.

2 okay. All right. I'm going to ask the alternate
3 juror to stay with me. I'll ask the 12 primary jurors to
4 please retire to your jury room. But do not begin
5 deliberations until I send you word to do so. I have got
6 to address those matters with the lawyers. If I don't need
7 to bring you back, I'll send word to begin. If I do need
8 to bring you back, I will.

9 So please retire but don't begin until I instruct you
10 to do so.

11 (Whereupon, the jury retired to deliberate at
12 1:03 p.m.)

13 (Whereupon, the alternate juror was excused.)

14 THE COURT: Are there any exceptions taken to the
15 instruction or requests for additions to the instruction
16 by the state?

17 MR. BULSA: Your Honor, I did not hear Your Honor tell
18 the jury that marijuana could be the object of a robbery.

19 THE COURT: Well, I didn't because that's a comment on
20 the facts but --

21 MR. BULSA: Okay.

22 THE COURT: -- I will do this.

23 I can instruct them that the subject of the larceny
24 can be property in possession of a person, whether it's
25 lawfully or unlawfully possessed.

Jury charge

1 MR. BULSA: Okay.

2 THE COURT: Did you request that?

3 MR. BULSA: Yes, sir. I believe I did.

4 THE COURT: Okay. Mr. Warder, do you have an
5 objection?

6 MR. WARDER: No, sir.

7 THE COURT: Okay. Do you have any other exceptions or
8 requests for additions?

9 MR. WARDER: No, Your Honor.

10 MR. BULSA: I have one other one, Judge. I didn't
11 hear a charge on experts.

12 THE COURT: Well, nobody contested the experts.

13 MR. BULSA: That's okay.

14 THE COURT: So they're just like any other witness.

15 MR. BULSA: Review the evidence before you bring them
16 back?

17 THE COURT: Yeah. Go ahead and do that.

18 (Pause.)

19 MR. BULSA: Your Honor, for the record, we have
20 reviewed the evidence and it's all...

21 (Whereupon, the jury returned to the courtroom at 1:03
22 p.m.)

23 THE COURT: Ladies and gentlemen, I just have one
24 thing that I need to add that I failed to provide you an
25 instruction to.

Jury charge

1 With reference to the crimes of armed robbery and
2 robbery or attempted armed robbery, the law is that
3 property which is in the possession of a person may be the
4 subject of a larceny whether or not that person possesses
5 that property lawfully or unlawfully.

6 The only time it would not be subject to a larceny
7 would be if the person taking the property was taking their
8 own property. In other words, if the person in possession
9 of the property was holding it unlawfully because it
10 belonged to the person who was taking it, then that
11 wouldn't be a larceny and it wouldn't be a robbery.

12 However, if you take property from the person of
13 another or from their presence that they possess, it
14 doesn't matter whether they are actually possessing that
15 property lawfully or unlawfully. It may still be the
16 subject of a robbery or larceny.

17 Okay. All right. Please retire to your jury room.
18 And once the exhibits are delivered and the verdict forms
19 are received, you may begin with your deliberations.

20 (Whereupon, the jury retired to deliberate at
21 1:12 p.m.)

22 THE COURT: All of the exhibits are accounted for?

23 MR. BULSA: Yes, sir.

24 THE COURT: Any other exceptions or objections to the
25 instruction?

Verdict

1 MR. BULSA: No, sir, not from the state.

2 MR. WARDER: No, Your Honor.

3 THE COURT: All right. Let me ask you all to look at
4 the guidance form as far as the verdict forms are
5 concerned.

6 (Pause.)

7 THE COURT: We will be at ease while the jury is
8 deliberating.

9 (Whereupon, a recess was taken.)

10 (Question from the jury and printed response marked
11 Court's Exhibit No. 3.)

12 THE COURT: I am told the jury has reached a decision.
13 Are we ready to receive it?

14 MR. BULSA: Yes, sir.

15 THE COURT: Okay. Bring them in.

16 (Whereupon, the jury returned to the courtroom at
17 4:05 p.m. to report its verdict.)

18 THE COURT: Mr. Foreman, have you and your fellow
19 jurors reached a unanimous decision as to each of the
20 separate indictments?

21 THE FOREMAN: Yes, sir. We have.

22 THE COURT: And have you reflected that decision on
23 the back of each indictment as requested?

24 THE FOREMAN: Yes, sir. We have.

25 THE COURT: Did you sign it and date it?

Verdict

1 THE FOREMAN: Yes, sir.

2 THE COURT: If you will, please hand those verdict
3 forms up by way of the bailiff.

4 You may publish the verdicts.

5 THE CLERK: Indictment No. 2018-GS-42-0649, the State
6 of South Carolina, County of Spartanburg, the State vs.
7 Keshawn Rice, indictment for burg first, we, the jury, find
8 the defendant guilty. Signed by the foreperson on
9 November the 15th of 2018.

10 Indictment No. 2017-GS-42-1796, the State of South
11 Carolina, County of Spartanburg, the State vs. Keshawn
12 Melvin Rice, indictment for armed robbery, we, the jury,
13 find the defendant guilty. Signed by the foreperson on
14 November the 15th of 2018.

15 Indictment No. 2017-GS-42-1795, the State of South
16 Carolina, County of Spartanburg, the State vs. Keshawn
17 Melvin Rice, indictment for murder, we, the jury, find the
18 defendant guilty of voluntary manslaughter, November the
19 15th of 2018.

20 Ladies and gentlemen of the jury, if this is your
21 verdict and still your verdict, please raise your right
22 hand.

23 (Whereupon, all jurors responded in the affirmative.)

24 THE CLERK: So say you all.

25 THE COURT: Does the defendant wish to have the jury

Verdict

1 polled?

2 MR. WARDER: Yes, Your Honor.

3 THE COURT: All right. Poll the jury, please, ma'am.

4 MR. BULSA: May we approach on that matter?

5 THE COURT: Okay.

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

8 THE CLERK: Ladies and gentlemen of the jury, I will
9 pose a question to you after which I will ask you to stand
10 individually and respond to my question, the question being
11 is this your verdict and still your verdict.

12 Juror No. 182, is this your verdict and still your
13 verdict?

14 THE JUROR: Yes.

15 THE CLERK: Juror No. 114, is this your verdict and
16 still your verdict?

17 THE JUROR: Yes.

18 THE CLERK: Juror No. 3, is this your verdict and
19 still your verdict?

20 THE JUROR: Yes.

21 THE CLERK: Juror No. 45, is this your verdict and
22 still your verdict?

23 THE JUROR: Yes.

24 THE CLERK: Juror No. 150, is this your verdict and
25 still your verdict?

Verdict

1 THE JUROR: Yes.

2 THE CLERK: Juror No. 125, is this your verdict and
3 still your verdict?

4 THE JUROR: Yes.

5 THE CLERK: Juror No. 186, is this your verdict and
6 still your verdict?

7 THE JUROR: Yes.

8 THE CLERK: Juror No. 62, is this your verdict and
9 still your verdict?

10 THE JUROR: Yes.

11 THE CLERK: Juror No. 165, is this your verdict and
12 still your verdict?

13 THE JUROR: Yes.

14 THE CLERK: Juror No. 22, is this your verdict and
15 still your verdict?

16 THE JUROR: Yes.

17 THE CLERK: Juror No. 188, is this your verdict and
18 still your verdict?

19 THE JUROR: Yes.

20 THE CLERK: Juror No. 146, is this your verdict and
21 still your verdict?

22 THE JUROR: Yes.

23 THE CLERK: The jury has been poled.

24 THE COURT: All right. Are there any other matters to
25 address with the jury present?

Sentence

1 MR. BULSA: No, sir.

2 MR. WARDER: No, Your Honor.

3 (Whereupon, the trial jury was excused.)

4 THE COURT: All right. It is understandable that
5 emotions are -- not be able to be controlled. But if you
6 can't control them, you have to leave.

7 All right. Any other matters we need to address prior
8 to the imposition of sentence?

9 MR. BULSA: I think we need to approach on that
10 matter, Your Honor.

11 (Bench conference held off the record.)

12 THE COURT: We're going to take ten minutes prior to
13 the sentencing hearing.

14 (Whereupon, a recess was taken.)

15 THE COURT: Are y'all ready to proceed with the
16 imposition of sentence?

17 MR. WARDER: Yes, Your Honor.

18 THE COURT: All right. Anything further on behalf of
19 the state?

20 MR. BULSA: Yes, sir. George Demas, the victim's
21 father, would like to speak.

22 THE COURT: All right.

23 MR. BULSA: And he does have a juvenile record.

24 THE COURT: Okay.

25 GEORGE DEMAS: My name is George Demas. I was going

Sentence

1 to say I was Thompson's father, but I am Thompson's father
2 and I'll always be his father even though he's not longer
3 with us.

4 Do I feel good about what happened in this courtroom
5 today? Part of me does, because I think I see justice for
6 this man that murdered my son.

7 No offense, but the woman crying in the back really
8 got to me. And what it brings home to me is that we've all
9 been hurt by this -- Thompson's immediate family, my
10 extended family, this gentleman's family. This can touch a
11 whole lot of people and will continue to for a whole long
12 time.

13 And my point is that this one fast 2-second, 3-second
14 horrible mistake is going to affect a whole flock of people
15 for a whole long time.

16 My son will never be back. And his family will never
17 be the same. They won't have him around and I won't have
18 my son around me.

19 So I can't go home feeling good. I feel maybe
20 satisfied that justice has been done because I think it
21 has, but I know there's a whole lot of people that don't
22 even think that was done here.

23 This is just a horrible mess. I think it was well
24 executed. I appreciate all of the work that was done in
25 this case. I really do. And I think that that's a good

Sentence

1 thing, that we have this system that can do this. But it
2 brings out a horrible -- just horrid to a lot of people.

3 And I'd like to think that if -- if there's a lesson
4 to be learned, the lesson is that when you pull a trigger
5 or do any one of a number of things that hurt or kill
6 somebody you're upsetting a whole lot of worlds, and that's
7 the real shame of it.

8 What you do, Your Honor, in terms of sentencing today
9 is totally up to you. I don't know how that's done or
10 exactly how it works out. It doesn't matter. What matters
11 is the harm that's been done to everybody here. Thank you.

12 THE COURT: Thank you, Mr. Demas. I wish you the
13 best.

14 MR. BULSA: Your Honor, the defendant was adjudicated
15 guilty on September the 13th of 2016, just 20 something
16 days prior to this incident.

17 As part of his sentence -- excuse me -- he was
18 adjudicated guilty of three counts of breaking into motor
19 vehicle and two counts of petit larceny.

20 Part of his sentence was supposed to be house arrest.
21 He was supposed to be living at the residence of his
22 grandmother on Cherry Tree Court. Obviously, he was not
23 abiding by that condition.

24 The state, as we presented, we feel he was
25 instrumental in setting this in motion, if not technically

Sentence

1 the ring leader. We believe he probably was. He clearly
2 brought the parties together. Now we ask that he be
3 punished as a result of that.

4 THE COURT: All right. Now, I know that Mr. Nava and
5 Mr. Wilson's cases have not been disposed of. But
6 Mr. Stringer's case has.

7 MR. BULSA: Yes, sir.

8 THE COURT: And refresh my memory as to Mr. Stringer's
9 admissions at his sentencing.

10 MR. BULSA: He -- I'm trying to recall that myself,
11 Your Honor.

12 I believe he had Clay Allen as his attorney. It was
13 on the eve of the last trial in February. He pled guilty.
14 He requested through his attorney to plead guilty if we
15 would agree to the minimum sentence of 30 years. We'd
16 actually extended that offer to both defendants. Based on
17 the family's wishes, we chose to accept that.

18 I'm not sure he actually made much of an admission
19 other than an acceptance of responsibility. I don't think
20 he wanted to claim what his actual role was.

21 He just -- he admitted being there and being part of
22 the incident. He had given a statement to that effect,
23 denied being the shooter. But we, obviously, had clear
24 evidence that he was one of the shooters.

25 THE COURT: All right. Anything further on behalf of

Sentence

1 the state?

2 MR. BULSA: No, sir.

3 THE COURT: All right. Mr. Warder.

4 MR. WARDER: Your Honor, this is a case of a young man
5 that was making poor decisions, but that's not it. As I
6 read about people, youth, in trouble, they talk about not
7 fully developed brains, reasoning power, immature. I think
8 those are conditions that my client, just like many other
9 of his peers -- drugs seems to make people take more
10 chances, including marijuana makes people accept more
11 risks, more chance, riskier behavior. I think all of that
12 affected my client.

13 I think there's another side to my client -- friends,
14 good family member, a team player, gets along with people
15 well.

16 I think there's every chance my client can
17 rehabilitate himself to a situation that he's completely
18 law-abiding.

19 I don't think this is a young man that represents
20 meanness, hardness. I think he's made immature, foolish,
21 illegal decisions.

22 I think that when we put people in prison we do it for
23 a lot of reasons. And the justice system works on
24 punishment, acceptance of responsibility. But we get out
25 something different. If you were to give this man 15

Sentence

1 years, the man you saw in 15 years would be substantially
2 different than the man that stands before you today.

3 What the victim's father said was very intelligent, is
4 right. He affected a lot of people. Not only did he
5 affect the victim's family, but the courtroom is full of
6 people that care about him, and their lives are forever
7 changed because of this.

8 It is a tragedy, and it's a tragedy in this case, and
9 to some degree it's an American tragedy because it happens
10 in cases everywhere.

11 Your Honor, I ask for a fair sentence in this case. I
12 ask for you to consider a sentence that won't be so long
13 that it's just punitive.

14 I think that to some degree as much as we can
15 sentences should be rehabilitating, and I urge you to
16 consider that, because I think in rehabilitation there's a
17 lot of young man here that can still be valuable to his
18 family, maybe even partly pay back the debt that his
19 behavior has caused them and misery and loss -- loss and
20 separation.

21 You know, a young man goes to his prison and his
22 mother serves the time with him every day. She gets up
23 worrying about whether somebody has hurt him, whether he's
24 getting enough to eat.

25 He loves his family. He'll be worrying about them

Sentence

1 when they get sick, when he can't do anything for them.
2 Young men go to prison and their families grow old.
3 Sometimes their family members die. Everybody is forever
4 changed. Certainly I ask that you give a sentence that has
5 an end to it. Thank you.

6 THE COURT: All right. Mr. Rice, is there anything
7 you'd like to add to what your lawyer has told me?

8 THE DEFENDANT: I feel sorry for the -- the loss that
9 they took. I feel sorry for the loss they took whether or
10 not -- honestly, I don't feel like -- well, it ain't what I
11 feel like.

12 I feel like I was wrongly accused, but that's -- that
13 really don't have nothing to do with the opinions of the
14 other people or what not, but I do feel sorry for the
15 family and the people, the impression they lost and the
16 people that have been affected of the situation or what
17 not. But I'm sorry. I mean, it ain't much you can do.
18 Ain't much you can take back. But, like I say, I don't
19 know nothing.

20 It may sound like I'm protecting myself and all of
21 that but I'm -- ain't -- I just didn't feel like that
22 was -- that was right.

23 I'm sorry though. I'm sorry for what it effected and
24 who it effected. Ain't much else I can say.

25 THE COURT: All right. Anything else?

Sentence

1 MR. WARDER: No, sir.

2 THE COURT: All right. On Indictment 2018-00649 --
3 that's the indictment for burglary in the first degree --
4 wherein you have been found guilty by the jury, also on
5 Indictment 2017-01796, an indictment for armed robbery,
6 wherein you have been found guilty by a jury of that
7 offense, on Indictment 2017-01795, an indictment for
8 murder, wherein you have been found guilty of the offense
9 of voluntary manslaughter, as to each of the indictments
10 the sentence of the Court is you, Keshawn Melvin Rice, be
11 confined to the South Carolina Department of Corrections
12 for a period of 30 years.

13 Those sentences are concurrent, and he's to be given
14 credit for any time he's entitled to pursuant to 24-13-40.

15 Mr. Rice, you have a right to appeal the verdicts of
16 the jury and the sentence of the Court. You must file your
17 notice to appeal those decisions within ten days of today's
18 date.

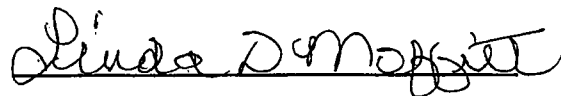
19 END OF REQUESTED TRANSCRIPT OF RECORD
20
21
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25

CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 13th, 14th and 15th days of November 2018.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

May 31, 2019



Linda D. Moffitt
Circuit Court Reporter

WITNESSES

- 1. SENTENCE MADE
- 2. REPORT ENDED
- 3. CARD PULLED
- 4. INDEXED
- 5. CHECKED WARRANTS
- 6. CHECKED SIGNATURE
- 7. ASSESSMENT AND FINE CARD MADE
- 8. TRAFFIC VIOLATION COP

COMPUT

COMPUT

ARREST WARRANT NUMBER

2016A4210103874

ACTION OF GRAND JURY

Cor

MAR 24 2017

Foreperson of Grand Jury
Date:

VERDICT

Guilty of Voluntary Manslaughter

Foreperson of Petit Jury
Date: 15 Nov 18

DOCKET NO.

17-GS-42-1725

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAR 27 2017

TERM

THE STATE

vs.

Keshawn Melvin Rice

Indictment for

MURDER

SC Code 16-03-0010, 0020
CDR Code 116
Class FEL-EXM

2017 MAR 31 PM 1:54

SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

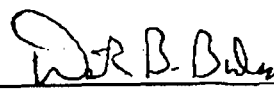
At a Court of General Sessions, convened on MAR 24 2017 the

Grand Jurors of Spartanburg County present upon their oath:

MURDER

The Defendant, Keshawn Melvin Rice, did in Spartanburg County on or about October 8, 2016, feloniously, willfully, and with malice aforethought, kill one Thompson Demas, by shooting him and the victim died as a proximate result thereof, all in violation of Section 16-3-0010, 0020, Code of Laws of South Carolina, (1976, as amended).

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



Deputy Solicitor

WITNESSES

1. SENTENCE MADE ☒2. REPORT ENDED ☒ COMPUTER3. CARD PULLED ☒Spartanburg County Sheriff's Office ☒4. INDEXED ☒5. CHECKED WARRANTS ☒6. CHECKED SIGNATURE ☒7. ASSESSMENT AND
FINE CARD MADE ☒ COMPUTER8. TRAFFIC VIOLATION COPY ☒

ARREST WARRANT NUMBER

2016A4210203505

ACTION OF GRAND JURY

COR

MAR 24 2017

Foreperson of Grand Jury

Date:

VERDICT

Guilty

Foreperson of Petit Jury

Date: 15 Nov 18

DOCKET NO.

17-GS-42-1796
The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAR 27 2017

TERM

THE STATE

VS.

Keshawn Melvin Rice

Indictment for

ARMED ROBBERY

SC Code: 16-11-330 (A)

CDR Code: 139

Class: FEL/A

2017 MAR 31 PM 1:55

JURY

SC

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on MAR 24 2017 the Grand

Jurors of Spartanburg County present upon their oath:

ARMED ROBBERY

That the Defendant, Keshawn Melvin Rice did in Spartanburg County, on or about October 8, 2016, while armed with a pistol, dirk, slingshot, metal knuckles, razor, knife or other deadly weapon or while alleging, either by actions or word, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon feloniously take from the person or presence of Thompson Demas, by means of force or intimidation goods or monies of Thompson Demas, described as follows: a book bag, with intent to deprive the owner permanently of such property, in violation of Section 16-11-330 (A), Code of Laws of South Carolina (1976, as amended).

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


 DEPUTY SOLICITOR

WITNESSES

1. SENTENCE MADE ☒2. REPORT ENDED ☒

SCSO

3. CARD PULLED ☒4. INDEXED ☒5. CHECKED WARRANT ☒6. CHECKED SIGNATURE ☒7. ASSESSMENT AND FINE CARD MADE ☒8. TRAFFIC VIOLATION COPY ☒

COMPUTER

COMPUTER

DOCKET NO

18-GS-42-06-11

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

FEB 23 2018

TERM

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

FEB 23 2018

VERDICT

Guilty

Foreperson of Petit Jury

Date:

15 Nov 18

THE STATE
vs.

Keshawn Rice

Indictment for

BURGLARY, FIRST DEGREE
(Dwelling)

SC Code: 16-11-0311

CDR Code: 0079

Class: FEL/EXM (V)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

OCT 23 2016

At a Court of General Sessions, convened on _____, the Grand Jurors of
 Spartanburg County present upon their oath:

BURGLARY, FIRST DEGREE**(DWELLING)**

That Keshawn Rice did in Spartanburg County on or about October 8, 2016 did enter a dwelling located at 348 East Killarney Lake Rd, Spartanburg, without consent and with intent to commit a crime in the dwelling, and either:

(1) when, in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime:

(a) was armed with a deadly weapon or explosive; or

(b) caused physical injury to a person who is not a participant in the crime:

or

~~use of a dangerous instrument; or~~

(d) displayed what was or appeared to be a knife, pistol, revolver, rifle, shotgun, machine gun, or other firearm; or

(2) the entering or remaining occurred in the nighttime,

In violation of §16-11-311, Code of Laws of South Carolina, 1976, as amended.

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


 DEPUTY SOLICITOR

376

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COMPLETE

COUNTY OF SPARTANBURG

STATE VS.

Keshawn Rice

AKA:

Race: BLACK Sex: Age: 18

DOB: SS#:

Address: Ct

City, State, Zip: Una, SC 29378

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Manslaughter / Voluntary manslaughter

INDICTMENT/CASE#: 2017GS4201795

A/W#: 2016A4210103874

Date of Offense: 10/8/2016

S.C. Code § 16-03-0010; 16-03-0020

CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lowd Act) ☐ §17-25-45The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: BULSA, DERRICK SCB15264 Keshawn Rice Defendant Richard Harold Attorney for Defendant SCB05827

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed — years and/or to pay a fine of \$ — provided that upon the service of — days/months/years and/or payment of \$ —; plus costs and assessments as applicable*; the balance is suspended with probation for — months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: —☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP —Total: \$ — plus 20% fee: \$ — — days/hours Public Service EmploymentPayment Terms: —☐ Set by SCDPPPS —Recipient: —

*Fine:	\$
§14-1-206 (Assessments 107.5 %)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100
§14-1-211(A)(2) (DUI Surcharge)	\$100
§56-5-299§ (DUI Assessment)	\$12
§56-1-286 (DUI Breath Test)	\$25
Proviso (Public Def/Probation)	\$500
§14-1-212 (Law Enforce. Funding)	\$25
§14-1-213 (Drug Court Surcharge)	\$150
§50-21-114 (BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/en
3% to County (if paid in installments)	\$ 3.75

TOTAL: \$128.75

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

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge —

Judge Code: 2053

Sentence Date: 11/15/2016

Clerk of Court/ Deputy Clerk C. PoolCourt Reporter: Moffitt

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
 STATE VS.
Keshawn Melvin Rice
 AKA: _____
 Race: BLACK Sex: M Age: 18
 DOB: [REDACTED] SS#: _____
 Address: _____
 City, State, Zip: _____
 DL#: _____ SID#: _____

INDICTMENT/CASE#: 2017GS4201796
 A/W#: 2016A4210203505
 Date of Offense: 10/8/2016
 S.C. Code §: 16-11-0330(A)
 CDR Code #: 0139

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
 TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
 The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Bulsa, Derrick SC Bar# Keshawn Rice Defendant Richard Ward Attorney for Defendant 05837 SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center.
 for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed — years
 and/or to pay a fine of \$ —; provided that upon the service of — days/months/years and/or payment
 of \$ —; plus costs and assessments as applicable*; the balance is suspended with, probation for —

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-20.
 Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP
 Total: \$ — plus 20% fee: \$ — days/hours Public Service Employment

Payment Terms: _____
☐ Set by SCDPPPS _____

Recipient: _____

*Fine:
 § 14-1-206 (Assessments 107.5%) \$
 § 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00
 § 14-1-211(A)(2) (DUI Surcharge) \$100 \$
 § 56-5-2995 (DUI Assessment) \$12 \$
 § 56-1-286 (DUI Breath Test) \$25 \$
 Proviso 61.6 (Public Def/Probation) \$500 \$
 § 14-1-212 (Law Enforce. Funding) \$25 \$25.00
 § 14-1-213 (Drug Court Surcharge) \$150 \$
 § 50-21-114(BUI Breath Test Fee) \$50 \$
 § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
 3% to County (if paid in installments) \$3.75

TOTAL: \$128.75

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

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

Clerk of Court/ Deputy Clerk C. Paul
 Court Reporter: Moffitt
 SCCA/217 (07/2016)

Presiding Judge _____
 Judge Code: 2053
 Sentence Date: 11/15/2016

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS.

Keshawn Rice

AKA:

Race: BLACK Sex: Age: 18

DOB: SS#:

Address: Ct

City, State, Zip: Una, SC 29378

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (After June 20, 1985) - First degree

IN THE COURT OF GENERAL SESSIONS

COMPUTER

INDICTMENT/CASE#: 2018GS4200649

A/W#: 2018GS4200649

Date of Offense: 10/8/2016

S.C. Code § 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC) ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

BULSA, DERRICK

SCB15264

SC Bar#

Keshawn Rice

Defendant

Warder, Richard Harold
Attorney for Defendant

SCB05827

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered ☐ OTHER

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§14-1-206 (Assessments 107.5 %)	\$	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (DUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter: Moffitt

SCCA/217 (04/2018)

days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐May serve W/E beginning ☐Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fee.

Presiding Judge

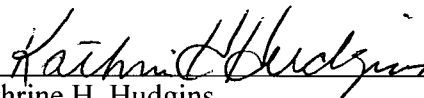
Judge Code: 053

Sentence Date: 11/15/2016

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 4th day of December, 2019.

RECEIVED
DEC 04 2019
SC Court of Appeals