

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Orangeburg County

Honorable Robert E. Hood, Circuit Court Judge

LEROY GLOVER, JR.

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-000812

APPENDIX

KATHRINE H. HUDGINS
Appellate Defender

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

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

SARA GUNTON
Assistant Attorney general
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

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1 State of South Carolina

Court of General Sessions

2 County of Orangeburg

3
4
5 State of South Carolina,)

Transcript of Record

6 vs.)

2013-GS-38-01622

2013-GS-38-01624

7 Jason Glover and)

8 . Leroy Glover, Jr.,)

9 Defendants.)

10
11 September 14th-18th, 2015
Orangeburg, South Carolina

12 B E F O R E:

13 The Honorable Maite Murphy, Judge; and a jury.

14
15
16 A P P E A R A N C E S:

17 Donald N. Sorenson, Assistant Solicitor
Attorney for the State

18 Eduardo Curry, Esquire
19 Attorney for Leroy Glover, Jr.

20 Michael Culler, Esquire
21 Glenn Walters, Esquire
Attorneys for Jason Glover

22
23
24 Stacy S. Johnson, RPR
25 Circuit Court Reporter

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1 (The following proceedings were held on September 14,
2 2015, beginning at 2:28 PM.)

3 **BAILIFF:** All rise, please.

4 **THE COURT:** Thank you, everyone. You may have a seat.
5 Do we need to bring our defendants out?

6 **MR. CULLER:** I thought they were getting them, Your
7 Honor.

8 (Whereupon, Jason Glover entered the courtroom.)

9 **THE COURT:** All right. Solicitor, it's my
10 understanding we need one more defendant.

11 **MR. WALTERS:** Yes, ma'am. That's correct.

12 (Whereupon, Leroy Glover entered the courtroom.)

13 **MR. CULLER:** All right, Your Honor.

14 **THE COURT:** All right, gentlemen. It's my
15 understanding there are several pre-trial motions in this
16 case. Which motion -- who would like to go first?

17 **MR. CULLER:** I defer to Mr. Curry. I think he filed
18 first.

19 **MR. SORENSON:** We need to -- actually my suggestion,
20 Your Honor, would be to take up Mr. Culler's continuance
21 motion. I think that one would determine --

22 **MR. CULLER:** Well, that's true.

23 **MR. SORENSON:** -- kind of where we're going.

24 **THE COURT:** And, Mr. Culler, just for the record, you
25 represent which defendant?

1 **MR. CULLER:** Your Honor, Mr. Walters and I were
2 appointed to represent Jason Glover. I think Ryan Shealy
3 had initially represented Jason for about eighteen months
4 and Mr. Walters and I were appointed by Judge Dixon in
5 January.

6 **THE COURT:** All right, sir. You may proceed.

7 **MR. CULLER:** Thank you, Your Honor. Your Honor, I
8 have not had a chance to mark this, if I might?

9 **THE COURT:** Yes, sir.

10 **MR. CULLER:** I don't think you have any objection to
11 it, do you? The letter.

12 (Discussion between counsel.)

13 **MR. SORENSON:** Either way.

14 **MR. CULLER:** This is just a copy of a letter.
15 Mr. Sorenson has the original, if I could have that marked?

16 (Court's Exhibit Number 1 was marked for
17 identification.)

18 **MR. CULLER:** Thank you. And I -- we have this. If
19 the Court wants to review it, I'll just hand it up.

20 **THE COURT:** Yes, sir.

21 **MR. CULLER:** Mr. Sorenson has the original.

22 Your Honor, basically what has happened is -- as I was
23 telling the Court in chambers, we've been working very hard
24 on this case to try to get ready to go and Mr. Sorenson has
25 been very straightforward with us in every way. On Friday

1 I went down to Summerville to meet with him and he gave me
2 one or two pieces of information. One of them is this
3 letter that I have marked, which is purportedly written by
4 Jason Glover, and it's -- it's sent to the solicitor. And
5 the gist of it is, Dear Mr. Sorenson, I know you're the
6 solicitor in my case. I just want my brother out of this.
7 My brother didn't have anything to do with it. I'm guilty.
8 My brother didn't have anything to do with it. It mentions
9 his brother about four times.

10 Well, so I come back to Orangeburg on Saturday and go
11 to the jail and show that to Jason Glover and he says I've
12 never seen it. We've had in this case previously multiple
13 kites or letters that are being sent at the jail, signed by
14 mostly Smoke, Mr. Leroy Glover, and it's striking as a lay
15 person to look at the writing in those kites and to look at
16 this letter written by Jason that looks very much like
17 Leroy wrote a letter to the solicitor saying hey, I'm Jason
18 and I did it all, let me out of it, and then sign Jason's
19 name.

20 My concern is or my big problem is I don't have an
21 expert to examine this to say yes, Smoke wrote this letter,
22 that Jason did not. And, Your Honor, that's a pretty
23 significant piece of exculpatory evidence for me in terms
24 of establishing what our argument's going to be, which is
25 that this has all been choreographed by Leroy in terms of

1 this -- you know, giving statements and this confession
2 that Mr. Jason Glover gives which really don't comport with
3 the facts of the case.

4 In fact, and the Court may see later on tape,
5 Detective Shumpert said, you know, basically are you doing
6 this for your brother and can't quite believe that the
7 statement that Jason makes is true. And I don't think that
8 any of us that have looked at it believes that that's a
9 truthful confession, quote unquote. The problem now is
10 I've got a piece of evidence that would really undo that
11 because it's a letter which contains basically the same
12 language almost that's used in the statement. I think
13 in the taped statement that Mr. Shumpert did there are
14 multiple references to "I just want my brother out of it,
15 he didn't do anything, I want my brother out of it". It's
16 the same kind of stuff. It's choreographed. And if you
17 don't know, it's pretty damning material for Mr. Jason
18 Glover. The problem is I can't do anything except argue to
19 a jury hey, this taped statement is really not true and if
20 you watch it even the officer doesn't think it's true. But
21 if I've got this written statement and I've got an expert
22 to examine it and say hey, the co-defendant choreographed
23 all this, he wrote it, then that undermines the video
24 statement as well.

25 So there are two pieces of evidence that are

1 important. I think the date on this statement was
2 January the 14th of 2014 and, as I said, the solicitor
3 produced it to me on Friday through no fault of his own,
4 I don't think, because he assumed hey, this language
5 tracks the video statement. But, again, I can't do
6 anything to dispute the genuineness of the video other
7 than the stupidity of it and the fact that it's not
8 factual, but I can do something about the written statement
9 which would then significantly impact a jury's view of the
10 weight that they're going to give the video statement.

11 Of course, you know, it's a due process situation,
12 Your Honor, and the ability to adequately compare and
13 confront. I'm just saying, you know, this is gonna be a
14 case where Jason Glover is gonna testify a hundred percent
15 and explain everything that happened and, you know, we've
16 been around the tree with that one as well with the
17 solicitor, but that's just kind of where we are, and that's
18 my concern.

19 So I'm moving to continue it on Jason's behalf to
20 have an expert review the statement so that I can have
21 an opportunity to really separate him further from his
22 brother.

23 I will tell the Court that yesterday I e-mailed
24 and called Mickey Dawson. I don't know if the Court's
25 familiar with Mr. Dawson. He used to be with SLED, he's

1 a handwriting expert, but I don't know that he'd be able
2 to do it, you know, like tomorrow. That's where I am.

3 **THE COURT:** All right. Thank you, Mr. Culler.

4 Mr. Curry, do you have a position on that?

5 **MR. CURRY:** Your Honor, only in that we don't object
6 to the case being severed or continued; however, for the
7 reasons that Mr. Culler gives we may patently disagree.

8 **THE COURT:** All right, sir. Thank you. Solicitor?

9 **MR. SORENSON:** May it please the Court, Your Honor?

10 **THE COURT:** Yes, sir.

11 **MR. SORENSON:** And I know we've talked about some of
12 this back in chambers. I guess I'll probably need to kind
13 of clarify a little more just kind of how all of this kind
14 of came about just for the Court.

15 **THE COURT:** Yes, sir.

16 **MR. SORENSON:** Just to kind of get you kind of some
17 dates in mind here, this incident occurred on the evening
18 of September 23rd of 2013. The two defendants were both
19 arrested on September 27th of 2013, so that Friday of that
20 same week. On December 2nd of 2013, so some two and a half
21 months after their arrest, Jason Glover through him and
22 also through some family members contacted the Orangeburg
23 County Sheriff's Office indicating that he wished to come
24 over and give a statement about what had happened and did
25 not want his lawyer present for that. That is prior to

1 Mr. Culler and Mr. Walters' involvement. He was brought
2 over, was re-advised of his rights and subsequently they
3 took initially an oral statement, which was videotaped,
4 from him and then had him provide a written statement,
5 which it pretty much tracked with the oral statement. That
6 was also still while that video was running. That was on
7 December 2nd of 2013 and in that -- that oral and written
8 statement he indicates that he did it by himself, his
9 brother wasn't there, his brother shouldn't be in jail for
10 this and -- and so forth.

11 This letter comes and it's dated, as Your Honor can
12 see, January 3rd of 2014, so it's right at a month later.
13 It looks like from looking at the envelope it was received
14 in our office on January 7th. Somebody stamped "received"
15 at least. I'm not sure when it physically made it into my
16 custody, but I imagine it would have been sometime within
17 a week or so at the latest after that.

18 Early on after -- after talking to law enforcement and
19 seeing the -- the videotaped statement that Jason Glover
20 had given, we all -- law enforcement and myself had some
21 -- some concerns that it was not -- we did not feel like
22 that was what had happened. There were too much
23 inconsistencies, things that are not supported by the
24 evidence, and we're not, as a result of that, gonna
25 suddenly dismiss the charges and do anything with Leroy

1 Glover, which is what -- and we then had multiple family
2 members pestering the sheriff's office, calling my office,
3 wanting to know what we were gonna do, when we were gonna
4 dismiss Leroy Glover's charges based on that videotape and
5 written statement given by Jason Glover. This comes
6 basically when all that's going on.

7 So, I mean, at that point in time, as far as I'm
8 concerned, to me it was no different than -- no different
9 than what had been provided in the written and audio
10 statement and also just the family members, you know, at
11 that point in time pestering us about Leroy's charges, so
12 it basically just got put in my file. It wasn't really
13 until kind of looking back at it over the last couple of
14 weeks that I made several attempts -- Mr. Curry and I had
15 talked on multiple occasions about him trying to go through
16 my file, that I had some concerns whether -- whether -- you
17 know, I didn't know if they had been turned over or not
18 because it was in my file or it got put in my notebook and
19 I really didn't know if I had turned it over or not. In
20 looking at it, it appeared on its face exculpatory for
21 Leroy Glover, so at that time I made sure that I got that
22 when I, you know, had some conversations with all defense
23 counsel about trying to get together and do a -- kind of a
24 discovery conference and go through my file probably a
25 couple of weeks ago that -- that for whatever reason didn't

1 get done until -- until Mr. Curry and I met in the middle
2 -- towards the end of last week and I provided him a copy
3 and then Mr. Culler had indicated that we were supposed to
4 do it in the middle of last week, I got tied up and he
5 ended up not being able to stick around where he swung by
6 my office Friday and I, you know, at that point in time
7 gave him a copy of file.

8 I mean, I can't say for a fact that they were given
9 this prior to last week. To be honest with you, I have no
10 knowledge if they were or not, but in my looking at it, I
11 mean -- and obviously in hindsight given the argument they
12 have now maybe I was wrong in that regard, but, you know,
13 my concern really was getting it to Mr. Curry because it
14 does appear to be very consistent with what was just given
15 to law enforcement a month earlier by their client and that
16 it would be exculpatory for him. So that's kind of our
17 position, Your Honor.

18 **THE COURT:** All right. Thank you. Anything further?

19 **MR. CULLER:** One thing I didn't do, if we could make
20 that a Court's exhibit, Your Honor.

21 **THE COURT:** Yes, sir. We'll mark that as a Court's
22 exhibit.

23 **MR. SORENSON:** I don't if you want -- do you want the
24 one that has the envelope and all that, too? I don't know
25 if I gave you a copy of the envelope or not. I may not

1 have.

2 **THE COURT:** Why don't we make that one the Court
3 exhibit so we have the original?

4 **MR. SORENSON:** This is the original. It's just got --
5 the only difference is it's got holes punched, ma'am, but
6 other than that --

7 **MR. CULLER:** Then can I have that one back maybe and
8 kind of substitute it?

9 **MR. SORENSON:** We'll re-mark it, I guess.

10 (Court's Exhibit Number 1 was remarked and
11 substituted.)

12 **THE COURT:** Having reviewed the contents of the
13 letter, which was dated January 3, 2014, and the State's
14 position regarding whether or not that they -- they didn't
15 know whether or not they had turned it over to the defense,
16 in looking at the contents it appears very consistent with
17 what the alleged statement was given on December 2nd of
18 2013 and --

19 **MR. SORENSON:** Do you want to see that written
20 statement? I mean, would that --

21 **THE COURT:** I saw it with your motion to sever. Was
22 it attached to the motion to sever?

23 **MR. CURRY:** I included it in my motion to sever.

24 **MR. SORENSON:** Oh, okay.

25 **THE COURT:** So I read it with the motion to sever, so

1 I'm familiar with it.

2 **MR. CULLER:** That's right.

3 **THE COURT:** I'm familiar with the statement as it
4 was attached to the motion to sever and it appears it's
5 entirely consistent. I don't think it brings any new
6 surprise to the defense. If anything, it would be
7 exculpatory to Mr. Curry's client, not to Mr. Culler
8 and Mr. Walters' client. The defense has not made a
9 satisfactory showing that the new -- the new evidence
10 would produce important exculpatory proof towards the
11 defendant represented by Mr. Culler and Mr. Walters, so
12 your motion for continuance is respectfully denied.

13 **MR. CULLER:** Thank you, Your Honor.

14 **THE COURT:** Next motion.

15 **MR. CURRY:** Yes, Your Honor. If it please the Court,
16 I'm Eduardo Curry, representing Mr. Leroy Glover. Your
17 Honor, out of an abundance of caution we filed a motion
18 for severance, I guess it was sometime early last week, on
19 which we argued that a specific right of Mr. Glover --
20 Leroy Glover may be impaired or that in this instance that
21 a jury might not be able to make a reliable judgment when
22 dealing with a co-defendant's guilt. And, Judge, the
23 reason we say this is, you know, this case is two brothers
24 and obviously we included as an exhibit in our motion that
25 one brother has written a statement exculpating the other

1 brother. Whether or not it's true or false, it's something
2 for the trier of fact to actually deal with, but at this
3 particular instance obviously it's within your discretion
4 to sever the case and allow each individual to be tried
5 separately by the State. We believe that the issue with
6 the exculpatory information would actually impinge upon
7 Mr. Glover's right to either testify or offer evidence in
8 one way against a brother that would actually have a
9 transference of guilt.

10 And I mentioned a couple of things in my motion for
11 the severance that I thought you should consider, one being
12 that, number one, the dangers of transference of guilt;
13 that we would strongly argue that there's a disparity in
14 the weight of the evidence and that factually this
15 exculpatory piece of confession de-minimizes Mr. Leroy's
16 Glover's involvement absent any other evidence that would
17 point toward it. Just having a look at it without arguing
18 the case, Judge, it appears that the evidence at best is
19 circumstantial evidence and nothing with direct evidence,
20 and so we believe that in this particular case that each
21 party is entitled to have a jury trial upon their own
22 right.

23 We also argue that if you had evidence that was far
24 more damaging, when we talk about the specificity, there's
25 still no eyewitness as to who completed the murder, no

1 gun as to the source of the murder. There appears to
2 be some activity at the home where Leroy Glover's actually
3 there. There is arguably some difference as to whether or
4 not Mr. Leroy Glover was present at the time of any murder
5 or was even present at the time of any arson. So other
6 than some circumstantial evidence with the pinging of the
7 transmitters, Judge, we believe that in comparison there's
8 less evidence that would have a tendency to inculcate
9 Mr. Leroy Glover than it that would to -- that would
10 incriminate him. And so, Judge, based on our severance
11 motion, out of abundance of caution I filed it because I
12 wanted to make sure that Mr. Glover has a fair day in
13 trial.

14 **THE COURT:** Thank you, Mr. Curry.

15 Would counsel for the other Mr. Glover care to be
16 heard?

17 **MR. CULLER:** No, Your Honor.

18 **THE COURT:** Solicitor?

19 **MR. SORENSON:** Thank you. May it please the Court,
20 Your Honor?

21 **THE COURT:** Yes, sir.

22 **MR. SORENSON:** It's our position that this is a case
23 that, you know, basically screams for being jointly tried.
24 I would disagree with Mr. Curry's assertion that there is
25 not a lot of evidence against his client, but that's

1 obviously something for the trier of fact, I think, to
2 determine.

3 I handed up with the response that I filed probably
4 one of the more recent, it's a 2009 case, State v. Holcomb,
5 that cites a bunch of other cases that kind of lays out the
6 State's current kind of outlook on jointly trying murder
7 defendants and basically holding that they don't have a
8 matter -- they're not entitled to separate trials as a
9 matter of right. It's obviously up to the Court to
10 instruct the jury that they are to ultimately look at the
11 evidence independently against each defendant, weigh each
12 of their verdicts independently, and ultimately hold that
13 the severance should only be granted when there is a
14 serious risk that the joint trial would compromise the
15 specific trial right of a co-defendant or prevent the jury
16 from making a reliable judgment about a co-defendant's
17 guilt.

18 In this case, Your Honor, I submit to you Mr. Curry
19 has not shown that. I mean, he attaches and references
20 multiple times this exculpatory statement that is given by
21 the co-defendant. I mean, that doesn't raise any kind of
22 a Bruton issue. And if anything, I mean, I think he
23 should -- I mean, that would be his argument, I would
24 assume, in front of the jury. So, I mean, I -- I just
25 think the trier of fact is in the perfect situation to

1 ultimately kind of hash all of this out in this case. I
2 mean, there's not -- there's plenty of cases that deal
3 with the mere fact that two defendants have antagonistic
4 defenses and pointing the finger at each other that that
5 is not a reason for the Court to sever the charges.

6 You know, the main issue becomes when you're dealing
7 with statements, when you're dealing with Bruton issues and
8 trying to redact statements. That doesn't exist in this
9 case. They give -- each of them, as I indicated earlier,
10 were arrested -- the incident happens on Monday evening,
11 they're both arrested on Friday, they both give statements
12 to law enforcement prior to that time when they deny any
13 involvement in this case, actually kind of put themselves
14 with each other. So they're, in some regards, kind of
15 consistent, but needless to say not inculcating either one
16 of them in a crime. It is not until after they're arrested
17 that they give statements where Jason Glover, as I said,
18 is not -- it's not prejudicial at all towards Leroy Glover,
19 I mean, it exculpates him. I will say that Leroy Glover
20 does give a statement about a week prior to that that does
21 implicate Jason Glover and we're not looking to go into
22 that statement in our case in chief. Obviously if we
23 decide -- you know, once they start testifying if that
24 happens, we can kind of address that at that point in
25 time, but that would be one that we would not be looking

1 to get into.

2 So with all that, Your Honor, we would respectfully
3 ask you to deny Mr. Curry's motion and allow us to jointly
4 try the two of them together.

5 **THE COURT:** Thank you, Solicitor. Any reply,
6 Mr. Curry?

7 **MR. CURRY:** No, Your Honor. Thank you.

8 **THE COURT:** All right. As all parties know, criminal
9 defendants are jointly tried for murder, not entitled to
10 separate trials as a matter of right, and the Court finds
11 that a joint trial would not compromise a specific trial
12 right of the co-defendant or prevent the jury from making
13 a reliable judgment in this case. The Court will
14 specifically instruct the jury to -- make an individual
15 instruction to protect the individual rights of each of
16 the defendants to ensure that prejudice does not result
17 from a joint trial, so your motion to sever is respectfully
18 denied.

19 **MR. CURRY:** Thank you, Your Honor.

20 **THE COURT:** All right. Next motion.

21 **MR. SORENSON:** I guess if we could handle the -- as
22 I indicated, I think a couple of matters that we need to
23 address today otherwise evidentiary-wise. There is a
24 photo lineup that is shown to a witness who identifies
25 Jason Glover out of that lineup as being -- kind of

1 driving the victim's vehicle away from the scene. And, as
2 I referenced earlier, the Jackson v. Denno hearing dealing
3 with the statements of Mr. Leroy Glover and Jason Glover.
4 I guess that we could maybe handle the Neil v. Biggers and
5 deal with the lineup first, so that I can have that witness
6 and get them out of here. It's the same witness basically
7 on all the rest.

8 **THE COURT:** Certainly. That's fine. You may call
9 your first witness.

10 **MR. SORENSON:** The State calls David Williams.

11 **THE CLERK:** Please place your left hand on the Bible
12 and raise your right hand.

13 DAVID WILLIAMS,
14 having been duly sworn, testified as follows:

15 **THE CLERK:** Thank you. You may have a seat.

16 **THE COURT:** Mr. Williams, make sure you speak out
17 loud. The court reporter's got to take down everything you
18 say, sir.

19 **THE WITNESS:** Yes, ma'am.

20 **THE COURT:** All right. Your witness.

21 **MR. SORENSON:** Thank you, Your Honor. Is it okay if I
22 get something marked real quick? Could I get this marked
23 as State's Exhibit 1 for ID at this point?

24 (State's Exhibit Number 1 was marked for
25 identification.)

1 DIRECT EXAMINATION (In-camera)

2 BY MR. SORENSON:

3 Q. All right. Mr. Williams, will you make sure you keep
4 your voice up nice and loud for me, okay?

5 A. All right.

6 Q. Tell the Court, if you would, how old you are.

7 A. Forty-six.

8 Q. Okay. Mr. Williams, I want to ask you some questions
9 about -- about what you saw back on the evening of Monday,
10 September 23rd of 2013, okay?

11 A. Yes, sir.

12 Q. All right. And do you remember -- let me ask you,
13 first of all, do you remember a couple of days after that
14 meeting with Lieutenant Shumpert at the Orangeburg County
15 Sheriff's Office and giving him a statement about what you
16 saw that night?

17 A. Yes, sir.

18 Q. All right. Now late that afternoon, Mr. Williams,
19 were you hanging out somewhere?

20 A. Yes, sir, I was hanging out with my homeboy next door.

21 Q. Okay. You need to make sure you speak up. She needs
22 to be able to understand you, okay?

23 A. I said I was with my homeboy -- next door with my
24 homeboy.

25 Q. Okay. Your homeboy next door?

1 A. Yes, sir.

2 Q. What road was that you were on; do you remember?

3 A. Country Colony.

4 Q. County Colony?

5 A. Yes, sir.

6 Q. Okay. And who lived next door to your homeboy?

7 A. That was -- that was where the house was on fire.

8 Q. Okay. We're not there yet, okay?

9 A. Okay. Right. Sorry.

10 Q. Who lived at that -- who lived at that trailer next

11 door?

12 A. Smoke.

13 Q. Okay. And do you see Smoke in the courtroom?

14 A. Yeah, right there.

15 Q. Which one is he?

16 A. In the orange.

17 Q. In the orange?

18 A. Uh-huh.

19 Q. Is that what you knew him by back then?

20 A. Yeah, I knew -- I just knew him as Smoke. I didn't

21 know him other than Smoke.

22 Q. All right. Now let me ask you this. Prior to that

23 night, did you know -- did you know Jason Glover?

24 A. No, I didn't know him.

25 Q. All right. And you said that Smoke lived -- lived in

1 the trailer next door to your homeboy where you were
2 hanging out?

3 A. Yes, sir.

4 Q. Bear with me one second. Let me show you one other
5 thing. I'll get this marked in a second as State's Number
6 2, but is that -- is that the trailer that you're talking
7 about?

8 A. Yes, sir.

9 Q. And who lived in that trailer back in September of
10 2013?

11 A. Smoke.

12 (State's Exhibit Number 2 was marked for
13 identification.)

14 BY MR. SORENSON:

15 Q. All right. Now late that afternoon you said you were
16 at your homeboy's house. Do you know what his name is?

17 A. J.R. The guy's called J.R.

18 Q. John?

19 A. J.R.

20 Q. J.R.?

21 A. Yeah.

22 Q. Okay. And kind of late that afternoon, did you -- did
23 you see any vehicles pull up to this trailer?

24 A. Yes, sir.

25 Q. And whose vehicle did you see pull up to that trailer?

1 A. The rent man.

2 Q. Okay. Did you know the rent man's name?

3 A. No, I didn't know. I knew like he took care of the

4 house.

5 Q. Okay. And what did the rent man look like?

6 A. Kind of tall and gray hair.

7 Q. Okay. A white male or a black male?

8 A. White.

9 Q. A white male?

10 A. Yes, sir.

11 Q. Okay. And was he in a -- was he in a vehicle?

12 A. Yes, sir, in a white truck.

13 Q. All right. And were there any other cars or vehicles

14 -- when he pulled up to this trailer, were any other cars

15 or vehicles that were there?

16 A. Yeah.

17 Q. What was there?

18 A. A blue Ford with rims on it.

19 Q. Okay. A blue Ford?

20 A. Yeah, with rims on it.

21 Q. And do you know whose car that was?

22 A. That be Smoke's car.

23 Q. Okay. And did you actually see the rent man?

24 A. Yeah, I see him get out. I see him come -- come in

25 and be in the yard.

1 Q. Okay. You saw him come in the yard?

2 A. Yeah.

3 Q. Did you see whether he went in the trailer or not?

4 A. I think he went inside the trailer, yeah.

5 Q. Okay. And you were still next door at J.R.'s?

6 A. Yes, sir.

7 Q. Okay. And tell the jury -- or I'm sorry. Tell the
8 judge what -- what did you see or hear next?

9 A. I was outside and I just heard a pow. I said I think
10 somebody's shooting firecrackers and then I heard a truck
11 pull out of the yard real fast and tires squealing and I
12 think his brother was in the truck -- him was in the truck
13 and then I went down the street and when I come back --

14 Q. Let me stop you. So you heard the pow and it sounded
15 like a firecracker?

16 A. Yes, sir.

17 Q. Okay. And then you saw the -- you saw the truck
18 leave. Whose truck was that?

19 A. The rent man truck.

20 Q. Okay. And was the rent man driving the truck?

21 A. No, sir.

22 Q. Did you see who was driving the truck?

23 A. Yes, sir.

24 Q. Okay. Did you recognize the person that was driving
25 the truck?

1 A. Yes, sir.

2 Q. Okay. Who was it that was --

3 A. That man right there now.

4 Q. Okay. We'll get that, but did you know who that was

5 back then?

6 A. No, I didn't know that.

7 Q. Okay. But was it Smoke driving the truck?

8 A. Unh-unh.

9 Q. Okay. Did you see the rent man in the truck?

10 A. No.

11 Q. Did you see Smoke in the truck?

12 A. No.

13 Q. All right. So after seeing that truck leave, you said

14 it was driving out real fast?

15 A. Yes, sir.

16 Q. Okay. What -- was the Crown Vic -- or the Ford with

17 the rims, was it still there?

18 A. No, sir.

19 Q. Okay. What -- what happened with it?

20 A. He probably left, you know. When I came back down the

21 road and I see the car pull in the yard and then leave back

22 out down that road and I came back and see the trailer

23 house was on fire and I ran to the house and said the

24 trailer was on fire.

25 Q. Okay. Let me make sure I understand that. So you had

1 gone walking?

2 A. Yeah.

3 Q. Okay.

4 A. And I came back down the road, then I see the trailer
5 house was on fire.

6 Q. All right. But before that you saw -- you said you
7 saw the -- the Ford pull -- pull back in the yard?

8 A. Yeah.

9 Q. Okay. But you had testified earlier it was there
10 earlier; is that correct?

11 A. Yeah, yeah.

12 Q. All right. Now did you see who was driving it?

13 A. Him.

14 Q. Who's that?

15 A. Smoke.

16 Q. Okay. All right. And then what -- did the Crown Vic
17 -- I'm sorry, I keep saying the Crown -- the Ford. I think
18 you described it as a Ford; is that correct?

19 A. Yes, sir.

20 Q. Was the Ford, was it still -- was it still there when
21 you were walking around?

22 A. Yeah.

23 Q. Okay. And then at some point in time did -- did you
24 see the Ford leave or did it stay there?

25 A. The first thing I see the truck -- the truck pull out

1 first and then the Ford leave.

2 Q. Okay. And then you said it came back though, right?

3 A. It came back, yeah.

4 Q. Did you see it leave again?

5 A. Yes, sir.

6 Q. Okay. And what else did you see then when you saw the
7 Ford leave the second time?

8 A. Then I come back down the street and I see there's
9 some smoke, like they having a cookout, you know, everybody
10 in the house, the house was on fire and there was smoke
11 because the house was on fire.

12 Q. Okay. I'm showing you State's Exhibit Number 2. Is
13 that the house that was on fire?

14 A. Yes, sir.

15 Q. And you said you went and told the people next door?

16 A. Yes, sir.

17 Q. Was that J.R. or somebody else?

18 A. No, sir, right in the middle. Right in the middle
19 next to it.

20 Q. All right. And did the fire department come out
21 there?

22 A. Yes, sir.

23 Q. Okay. I had asked you this a few minutes ago, but did
24 you -- ultimately a few days later did Lieutenant Shumpert
25 get you in and get you to give a statement and talk to him

1 about what you saw that night?

2 A. Yes, sir.

3 Q. Okay. And do you remember that night him ultimately
4 showing you some -- some photographs and see seeing if you
5 recognized anybody?

6 A. Yes, sir.

7 Q. I'm showing you State's Exhibit Number 1. Do you
8 recognize State's Exhibit Number 1, David?

9 A. Yes, sir.

10 Q. Okay. Is that the photos that Lieutenant Shumpert
11 showed you?

12 A. Yes, sir.

13 Q. And were you able to pick anybody out of State's 1?

14 A. Yes, sir.

15 Q. What number did you pick out?

16 A. Number 5.

17 Q. Okay. In fact, is that circled with your initials and
18 the date?

19 A. Yes, sir.

20 Q. Okay. And why is it that you picked out Number 5?

21 A. He was driving the truck.

22 Q. And then did Lieutenant Shumpert go over kind of that
23 affidavit with you and get you to kind of memorialize the
24 fact that you picked out Photograph Number 5?

25 A. Yes, sir.

1 Q. It says here, "I saw the boy driving the truck", and
2 then he asked you a question, "When you say the truck,
3 you're talking about whose truck? The rent man's." Is
4 that right?

5 A. Yes, sir.

6 Q. On the same day as the fire?

7 A. Yes, sir.

8 Q. Okay. And did you sign that? Is that dated 9-26-13
9 at 9:05 PM with your signature?

10 A. Yes, sir.

11 Q. Now did Lieutenant Shumpert ever tell you who to pick
12 out of this lineup?

13 A. No, he say who's the picture and I pointed to
14 Number 5.

15 Q. Okay. Did he tell you who to pick?

16 **MR. WALTERS:** I'm sorry. I apologize, Your Honor. I
17 can't hear him. What did he say?

18 **THE WITNESS:** I said he said who's -- pick out who the
19 photo was and picked out Number 5 is the one I saw.

20 **MR. SORENSON:** Okay. You got that, Glen?

21 **MR. WALTERS:** Yes.

22 BY MR. SORENSON:

23 Q. All right. I think you've done this already, David,
24 but do you see that person that was driving that truck that
25 night? Is he here in the courtroom?

1 A. Yes, sir.

2 Q. Would you point him out to the Court?

3 A. White shirt.

4 Q. White sitting on the row there?

5 A. Yes, sir.

6 **MR. SORENSON:** Thank you, Mr. Williams. Please answer
7 any questions that Mr. Culler has.

8 CROSS-EXAMINATION (In-camera)

9 BY MR. CULLER:

10 Q. Mr. Williams, how far were you over in J.R.'s yard?

11 A. Right next door.

12 Q. And if you're on the street looking at the trailer
13 that burned, were you on the left or the right?

14 A. On the right.

15 Q. Okay. And so you were on the right. Where in the
16 yard are you? What are you doing?

17 A. In the back. In the backyard.

18 Q. You're in the backyard?

19 A. Near my homeboy's house. My homeboy's house, yes,
20 sir.

21 Q. Okay. So you're in the backyard of the house?

22 A. Yes, sir.

23 Q. And so you saw this truck leaving or did you see it
24 pulling into the backyard or what did you see?

25 A. I see the truck in the front of the trailer house.

- 1 Q. I'm sorry?
- 2 A. In the front. The front of the trailer?
- 3 Q. Yeah.
- 4 A. I see the truck in the front and then all of a sudden
- 5 I hear a pow and then I said what is that, it sounds like a
- 6 firecracker, and then like the truck pulled out real fast.
- 7 Q. Pulled out where real fast?
- 8 A. Pulled out -- pulled out of the house where it burned
- 9 down. The trailer house right there.
- 10 Q. I understand that. My question --
- 11 A. It speed out real fast.
- 12 Q. My question is where did the truck go? By which I
- 13 mean when you saw it moving, was it in -- where was it?
- 14 A. Corner of Country Colony.
- 15 Q. I beg your pardon?
- 16 A. Corner of Country Colony going out, speeding out.
- 17 Q. Well, that's fair. You saw it come in.
- 18 A. I saw -- I saw it come in and then later on that truck
- 19 pulled out and went to make a left.
- 20 Q. Okay.
- 21 A. It was speeding.
- 22 Q. And did -- so the truck just pulled out of the front
- 23 yard and left?
- 24 A. Yeah, yeah.
- 25 Q. So the truck -- I don't want to put words in your

1 mouth. What did you see the truck do when it started
2 moving again? What did it do?

3 A. Nothing. It just pulled out from what I seen.

4 Q. Okay. So it just -- again, I'm not trying to put
5 words in your mouth, but I don't know how else to do it.

6 A. It just pulled out, yeah.

7 Q. So it just backed out and drove away?

8 A. Yeah, backed off and went wherever. I just see the
9 truck fly by. I seen the front and the fenders both.

10 Q. Okay. And you said you were in the backyard?

11 A. Yes, sir.

12 Q. How far behind J.R.'s trailer were y'all?

13 A. Right there, that trailer house in the middle. The
14 house -- the trailer house where the house burnt up, yeah,
15 I was right next to it there.

16 Q. I know that. How far behind that trailer were you?
17 You said you were in the backyard.

18 A. The backyard, yeah.

19 Q. How far in the backyard?

20 A. Not far. Right -- right back there from me to her.

21 Q. So you were right next to the trailer?

22 A. Uh-huh.

23 Q. Okay. All right. And you said this truck was moving
24 fast?

25 A. Yeah, yeah. Swoosh, yeah.

1 Q. So let me -- let me be clear. So you said you were
2 how far from the trailer?

3 A. Right here. There was a house in the middle, a
4 trailer right there and his house right there.

5 Q. Okay.

6 A. The people's house I went to and said the house was on
7 fire, the trailer next door to that.

8 Q. How far were you from J.R.'s trailer?

9 A. Right next door. Right there next to it.

10 Q. How far were you physic --

11 A. Right there.

12 Q. How far were you standing from J.R.'s trailer? You
13 just said you were right next to it?

14 A. Yeah, I was standing in the yard. Yeah, I was
15 standing in the yard. I don't know how far it was, but I
16 was standing in the yard.

17 Q. Was it -- was it from here to the back door or was it
18 right next to it?

19 A. Yeah, from here to the back door. Yeah.

20 Q. So you were that far away from the back of the
21 trailer?

22 A. Yeah. I was in my friend's yard and I heard a pow,
23 you know what I'm saying?

24 Q. Right. I understand. So you're that far away from
25 the trailer in the backyard?

1 A. Uh-huh.

2 Q. But you just said that the truck was in the front
3 yard.

4 A. The truck was in the front. It was in the front yard.

5 Q. Okay.

6 A. Then I heard like a pow and then I saw the truck pull
7 out real fast.

8 Q. Okay. So how were you able to see the truck if you
9 were in the backyard?

10 A. I came out -- I came out to the front out of the
11 backyard and the truck pulled out. I came to the front and
12 I could see a face.

13 Q. Okay. So how far do you think -- you had to run,
14 didn't you?

15 A. No, I walked.

16 Q. You walked?

17 A. Uh-huh. See, here -- okay. Maybe you can understand.
18 His house is right here, my friend's house is right here,
19 the house in the middle and the trailer house right here
20 and the rent man's trailer house. I was in my homeboy's
21 house in the backyard and then I hear something like a pow,
22 then I see the truck -- no, the first thing is the rent man
23 pulled in the yard -- pulled up the yard, right? Pulled
24 up, got out of the truck and went inside the trailer house.
25 I was sitting in the back yard and I heard a pow. I

1 thought it was a firecracker, then I see the truck speed
2 out the yard real fast, I didn't see the rent man driving
3 it. It speed out real fast then and I went down the street
4 and come back and I saw the trailer house was on fire.

5 Yeah, that's what I saw.

6 Q. And you gave a statement to law enforcement?

7 A. Yeah, I did. Yeah.

8 Q. You didn't write this?

9 A. No.

10 Q. The detective wrote it for you?

11 A. I can't read and spell that much, sir.

12 Q. Sir?

13 A. I can't read and spell that much..

14 Q. Okay. Well, let me ask you this. So you're -- you're
15 testifying today and you said in your statement it was
16 moving real fast.

17 A. Yeah, real fast. Yeah.

18 Q. How fast?

19 A. Like that car be flying. Swoosh, like that.

20 Q. And it went out the front yard real fast?

21 A. Yeah, out the front yard, and he must have gone and
22 left.

23 Q. I understand.

24 A. Yeah.

25 Q. And you'd never seen this man Jason before? You never

1 met him?

2 A. No, I never see him before. I seen he was driving the
3 truck, yeah.

4 Q. Sir?

5 A. I saw him drive that truck. I ain't never seen
6 nobody, but I seen him drive that truck.

7 Q. And you were standing in J.R.'s backyard --

8 A. Yes, sir.

9 Q. -- about let's say -- I don't know what a fair
10 estimate of that is.

11 A. About to the door right there. To the door right
12 there.

13 Q. About to the door.

14 A. Yeah.

15 Q. So that's, I don't know, thirty feet, forty feet?

16 A. Maybe. I don't know.

17 Q. So you're behind's J.R.'s trailer --

18 A. Yeah, behind the house.

19 Q. -- forty feet and the rent man's truck in is the front
20 of the next door neighbor's yard, the one that burned?

21 A. Yeah.

22 Q. And it sped out real fast and you were able to see the
23 driver?

24 A. Uh-huh. 'Cause I walked around to the front and could
25 see it speed out. It sped out fast.

1 **MR. CULLER:** Okay. Nothing else, Your Honor.

2 **THE COURT:** Okay. Mr. Curry.

3 CROSS-EXAMINATION (In-camera)

4 BY MR. CURRY:

5 Q. Mr. Williams, I'm Eduardo Curry, representing
6 Mr. Glover. Now you gave a statement. I guess then that
7 statement would have been on -- sometime right after this
8 allegedly occurred, correct?

9 A. Yes, sir.

10 Q. You gave it to Lieutenant Shumpert, correct?

11 A. Yes, sir.

12 Q. And in that statement you were clear about what you
13 heard, right?

14 A. Yes, sir.

15 Q. You're very sure of that. Is that factual?

16 A. Yes, sir.

17 Q. All right. In your statement you say that this
18 occurred at 4:00 PM?

19 A. In afternoon, yeah. Late afternoon, yes, sir.

20 Q. You said 4:00?

21 A. Yeah, it was 4:00.

22 Q. All right. Okay. And you're sure it was 4:00?

23 A. Yes, sir.

24 Q. All right. And so you're sure that that's when it
25 happened?

1 A. Yes, sir.

2 Q. And that's -- when did you hear the shot? Around
3 4:00?

4 A. Uh-huh.

5 Q. 4:00? Is that yes?

6 A. Yes, sir.

7 Q. Okay.

8 A. I hear a pow. Pow. I hear a pow.

9 Q. You said pow, pow or pow?

10 A. Pow.

11 Q. Pow? One shot?

12 A. Yes, sir.

13 Q. 4:00?

14 A. Uh-huh.

15 Q. On the 23rd of September?

16 A. (Nods head.)

17 Q. Is that correct?

18 A. Yes, sir.

19 Q. 2013?

20 A. Yes, sir.

21 **MR. CURRY:** Okay. Thank you.

22 **THE COURT:** Anything further?

23 **MR. SORENSON:** Just real quick, Your Honor.

24 REDIRECT EXAMINATION (In-camera)

25 BY MR. SORENSON:

1 Q. It was -- was it daylight out when this happened?

2 A. Yes, sir.

3 Q. And do you have a watch?

4 A. No, sir.

5 Q. Were you wearing a watch back in September?

6 A. No, sir. I ain't wear watches.

7 Q. Okay. Did the fire department come right after the --
8 right after the trailer got caught on fire?

9 A. Yes, sir. I went and told the people next door the
10 trailer house was on fire and they called it in.

11 Q. Did the fire department show up right away?

12 A. Yes, sir.

13 Q. And it's your testimony, I think, just so I understand
14 it, Mr. Williams, that after you heard the pow you'd come
15 around front?

16 A. Yes, sir.

17 Q. And that's when you saw the vehicle --

18 A. Yes, sir.

19 Q. -- after you'd come around speeding out and take a
20 left?

21 A. Yes, sir.

22 Q. So if it took a left --

23 A. It was going out, yeah.

24 Q. -- so the driver's side would be on your -- facing you
25 right then; is that correct?

1 A. Yes, sir.

2 MR. SORENSON: That's all I have, Your Honor. Thank
3 you.

4 MR. CURRY: Judge, just to follow up.

5 RECROSS EXAMINATION (In-camera)

6 BY MR. CURRY:

7 Q. You said you don't have a watch, correct?

8 A. Yes, sir.

9 Q. All right. But you give -- another time you said you
10 came back at 3:00. How did you determine it was 3:00?

11 A. No, what I'm saying though I came -- it was about
12 4:00, you know what I'm saying, then it was -- then I hear
13 -- you know what I'm saying? 4:00 I hear a pow, the truck
14 sped up -- sped out of the yard, then I went down the
15 street and came back, the trailer house was on fire, you
16 know what I'm trying to say?

17 Q. Mr. Williams, you gave a statement; did you not?

18 A. Yes. Yes, I give a statement to Shumpert. Yes,
19 sir.

20 Q. And then you said around 12:00 you saw two people
21 standing in the yard. You gave that --

22 A. Yeah. Yeah, in the yard. They was over there,
23 yeah.

24 Q. And then you said you left to get a hustle and you
25 came back at 3:00; did you not?

1 A. No, I came back --

2 Q. You didn't say that?

3 A. Yes, sir, I said that. Yes, sir, I said that. Yes,
4 sir.

5 Q. All right. And then you said you heard the shot at
6 4:00; did you not?

7 A. Yeah.

8 Q. All right. So it don't matter whether you had a
9 watch, those are the times that you said you heard stuff?

10 A. Yes, sir.

11 Q. And those are the times you said you saw stuff?

12 A. Yes, sir.

13 **MR. CURRY:** All right.

14 **THE COURT:** All right, sir. You may step down, sir.

15 Thank you.

16 **THE WITNESS:** Yes, ma'am.

17 (Witness excused.)

18 **THE COURT:** You may call your next witness.

19 **MR. SORENSON:** Thank you. The State calls Lieutenant
20 Shumpert.

21 JAMES SHUMPERT,

22 having been duly sworn, testified as follows:

23 **THE CLERK:** Thank you. You may have a seat.

24 **THE COURT:** Your witness.

25 **MR. SORENSON:** Thank you.

1 DIRECT EXAMINATION (In-camera)

2 BY MR. SORENSON:

3 Q. Lieutenant, if you would, please tell the Court where
4 it is you're employed.

5 A. Orangeburg County Sheriff's Office.

6 Q. How long have you been with the sheriff's office?

7 A. Going on sixteen years.

8 Q. Okay. And what are your current duties there?

9 A. I'm lieutenant of criminal investigations.

10 Q. Okay. And then as part of your involvement -- as part
11 of your duties as lieutenant over investigations, were you
12 the supervisor handling the investigation of the murder of
13 Michael Carter?

14 A. Yes, sir.

15 Q. Okay. And as part of that, did you have an occasion
16 on the evening of September 26th of 2013 to locate and come
17 in contact with Mr. Williams, who just testified?

18 A. I did. Yes, sir.

19 Q. And did you have an opportunity that night to show
20 Mr. Williams a photographic lineup?

21 A. Yes, sir.

22 Q. And had he given you a statement that evening also?

23 A. He did. Yes, sir.

24 Q. And do you remember if he did that prior to or after
25 being shown the lineup?

1 A. I can't remember exactly which one came first.

2 Q. Okay. Let me ask you this. In talking to him that
3 night, did he indicate whether he had seen some people out
4 at the trailer that had burned down on Country Colony back
5 on September 23rd?

6 A. He did. Yes, sir.

7 Q. Did he indicate to you whether he knew either of those
8 people that he saw?

9 A. I think he just said he knew one of the individuals
10 standing in the yard.

11 Q. Okay. And do you remember which one that was that he
12 said he knew?

13 A. He told me Smoke at the time, I believe.

14 Q. Okay. And did you know ultimately who that was he was
15 talking about?

16 A. Yes, sir. Leroy Glover.

17 Q. Okay. All right. And after talking to Mr. Williams
18 -- so you ultimately did show him a lineup that night?

19 A. I did. Yes, sir.

20 Q. And who did you show him a lineup of then that night?

21 A. Jason Glover.

22 Q. And had he indicated whether he knew who that other
23 person was besides Smoke, Leroy Glover?

24 A. No, he did not.

25 Q. Okay. So who was the target person that was put in

1 that lineup that you showed him that night?

2 A. Jason Glover.

3 Q. Okay. I'm showing you State's Exhibit 1. Is that the
4 lineup that you showed to Mr. Williams?

5 A. Yes, sir. It is.

6 Q. Okay. And let me ask you, did you tell Mr. Williams
7 who to pick out of that lineup?

8 A. No, sir. I did not.

9 Q. Okay. Did you tell him he had to pick anybody out of
10 that lineup?

11 A. No, sir. I did not.

12 Q. Okay. Tell the Court how -- what did he do when you
13 handed it to him?

14 A. I handed him the photo lineup and he looked at it and
15 he just went to the number and picked out Mr. Jason Glover.

16 Q. And that's circled, dated and initialled?

17 A. Circled and dated by his initials, correct. Yes, sir.

18 Q. And Number 5, who is Number 5?

19 A. Jason Glover, Number 5.

20 Q. That's the Defendant in the white shirt?

21 A. Yes, sir. It is.

22 Q. Okay. And after kind of having him initial that and
23 date it, did you then fill out the affidavit that goes
24 along with it?

25 A. Yes, sir. I did.

1 Q. Okay. And did Mr. Williams also sign that indicating
2 -- indicating why he was picking that person out of that
3 attached photo lineup?

4 A. He did. Yes, sir.

5 Q. Okay. And did he sign that?

6 A. He did.

7 Q. Okay. And is it dated and timed?

8 A. Correct. November {sic} 26, 2013, at 9:05 PM.

9 Q. September 26th?

10 A. Yes, sir.

11 Q. And that was an all done in your presence?

12 A. Yes, sir.

13 **MR. SORENSON:** That's all I have for Lieutenant
14 Shumpert.

15 **THE COURT:** Cross-examination?

16 **MR. WALTERS:** May it please the court?

17 **THE COURT:** Yes, sir.

18 CROSS-EXAMINATION (In-camera)

19 BY MR. WALTERS:

20 Q. Lieutenant Shumpert, you indicated that you've been
21 at the sheriff's department about sixteen years; is that
22 correct?

23 A. Yes, sir.

24 Q. All right. And I believe that you've been previously
25 through a Neil v. Biggers hearing before, haven't you?

1 A. Yes, sir.

2 Q. All right. And you understand the ramifications of
3 testifying in this particular proceeding to determine if
4 the lineup was unduly suggestive?

5 A. Yes, sir.

6 Q. All right. And in this particular case, I believe
7 you took a statement from David Williams who just
8 testified; is that right?

9 A. Correct. Yes, sir.

10 Q. All right. And did you write the statement?

11 A. Yes, sir. I did.

12 Q. Okay. I want to take the first three pages --

13 **MR. WALTERS:** Your Honor, may I approach the witness?

14 **THE COURT:** Yes, sir. You may.

15 BY MR. WALTERS:

16 Q. And would you identify this document? I believe it's
17 the three sheets of paper that you have written out; is
18 that correct?

19 A. Yes, sir. That's my handwriting, correct.

20 Q. Okay. On the first page of that document, voluntary
21 statement, does it state my client's name anywhere within
22 that document?

23 A. You say on the first page?

24 Q. Yes, sir. You wrote the first page, didn't you?

25 A. Correct.

1 Q. It says voluntary statement, page number blank of
2 blank?

3 A. Right.

4 Q. It says I, David Williams. Do you see the document?

5 A. Correct.

6 Q. All right. Where does it state my client's name?

7 A. Nowhere, sir.

8 Q. That's right. In fact, my client doesn't even have
9 a nickname that's indicated here; is that correct?

10 A. Correct.

11 Q. All right. Let's move to Page 2, okay?

12 A. All right.

13 Q. And where does it state my client's name on that
14 document?

15 A. Nowhere.

16 Q. All right. And let's move to the third page and where
17 does it state my client's name on that document?

18 A. On those pages as well, nowhere.

19 Q. Nowhere. That's right.

20 A. Correct.

21 Q. In fact, if you go through the three documents that
22 you drafted -- and you drafted these in your handwriting;
23 is that correct?

24 A. Correct. Yes, sir.

25 Q. All right. Whose name is mentioned within the four

1 corners of the three documents that you have in front of
2 you?

3 A. Whose name is mentioned? I'm not sure --

4 Q. Yeah. Do you want me to help you? Page 3, doesn't it
5 state someone's name is Kwon? Is that correct? Do you see
6 what I'm doing? On Page 3 they name an individual named
7 Kwon. The fourth line down.

8 A. Yes, sir. It says who was outside when the truck
9 pulled off real fast. Kwon.

10 Q. All right. And it doesn't state anyone else's name;
11 is that right?

12 A. Correct. Yes, sir.

13 Q. Let's go to Page 2. Whose name is mentioned there?

14 A. Smoke.

15 Q. All right. As far as the individual that's named
16 Kwon, you've determined that's not my client; is that
17 correct?

18 A. Correct. Yes, sir.

19 Q. And as far as the individual that's named Smoke,
20 you've determined that's not my client; is that correct?

21 A. Correct.

22 Q. All right. Let's move to the first page. You've
23 already testified there's no mention of my client there;
24 is that right?

25 A. Correct.

1 Q. All right. And you went back to the police department
2 and you decided to put together a photo ID lineup; is that
3 right?

4 A. Yes, sir.

5 Q. Okay. What was the date of the document that you
6 drafted here?

7 A. This document here?

8 Q. Yes. It doesn't have a date, does it?

9 A. No, sir.

10 Q. That's right. So when did you take this statement?
11 You're under oath now. Tell us what date you wrote that
12 statement.

13 A. I wrote the statement on -- I believe that was -- I
14 believe I spoke with David on a Thursday.

15 Q. All right. But what was the date?

16 A. I can't remember.

17 Q. Thursday's coming up this week, but what was the date?

18 A. I can't remember the date. It was the date after the
19 incident. The Thursday after the incident.

20 Q. All right. So the bottom line is that you've written
21 a statement, it wasn't witnessed and it wasn't dated, was
22 it?

23 A. My name is at the top. I put my name at the top of
24 it. Known to me, Lieutenant Shumpert.

25 Q. Right. You printed in your name up there; is that

1 correct?

2 A. Right. Correct.

3 Q. All right. So let's make sure we're clear. The first
4 page you do not have a witness, you do not have a date,
5 but that's supposed to be Mr. Williams' signature that he
6 testified to?

7 A. Correct. Yes, sir.

8 Q. All right. But you didn't date this document?

9 A. No, sir.

10 Q. And on the second page, there's no witness, there's
11 no date. In fact, the only thing you have is the signature
12 of David Williams; is that right?

13 A. Yes, sir.

14 Q. All right. And then there's the third page. You have
15 no witness and just your signature; is that correct?

16 A. Mr. Williams' signature.

17 Q. Mr. Williams' signature; is that correct?

18 A. Correct. Yes, sir.

19 Q. All right. And then you didn't even sign as a
20 witness?

21 A. No, I put my name. I always put my name at the top.

22 Q. Well, you wrote your name there.

23 A. Correct.

24 Q. But you know the difference between writing your name
25 and printing it and signing it?

1 A. Yes, sir.

2 Q. Your name is not Lieutenant J. Shumpert.

3 A. No, sir.

4 Q. What is your full name?

5 A. James Shumpert.

6 Q. Right. And that's what you would sign as the witness
7 or you would sign as a supervising officer, but you didn't
8 sign off on this document, did you?

9 A. No, I did not.

10 Q. That's right. All right. So we don't have a date.
11 Well, tell me this.

12 A. Yes, sir.

13 Q. If you drafted this document and it contains three
14 pages and it lists everyone that David Williams -- and I
15 think he's still here in the courtroom, the gentleman over
16 there, he put his name on this document and said these are
17 the individuals I saw that day. The only two individuals
18 that he saw was Kwon and Smoke; is that correct?

19 A. Correct. Yes, sir.

20 Q. Did you determine who Kwon is?

21 A. No, sir.

22 Q. All right. And did you determine who Smoke is?

23 A. Yes, sir.

24 Q. All right. So in forming the photo ID lineup that you
25 presented before him, I believe you've got the color copy

1 here, and the question now is, is this unduly suggestive.
2 Do you understand that's what the standard is here? You've
3 done this before. You've been here sixteen years.

4 A. I have. Yes, sir.

5 Q. All right. You didn't find out who Kwon was. Have
6 you today, as of today's date, found out who Kwon was
7 that's listed in the statement of David Williams?

8 A. No, sir.

9 Q. You couldn't find him?

10 A. Couldn't find him.

11 Q. All right. But you could find out who Smoke is?

12 A. Yes, sir.

13 Q. All right. What prompted you -- out of all the people
14 in the world, why would you go and pick out this particular
15 individual and place him on the lineup when David Williams
16 he never stated he was there?

17 A. Yes, sir. Well, the reason why that became a -- due
18 to Mr. Glover's girlfriend, named Keisha, she said when
19 she arrived at the house there was four individuals at
20 the house and she said says her, Smoke, then she named
21 Mr. Jason Glover and Wesley. So we determined that Wesley
22 was at work and we didn't have no other information that
23 Mr. Glover left the residence, so I decided to put him in
24 the lineup to see if that was the individual who was
25 driving the truck.

1 Q. All right. But the question is when did you find that
2 out?

3 A. That was prior to.

4 Q. Well, there's a statement here and you didn't even
5 date it.

6 A. Correct. Yes, sir.

7 Q. All right. And this young man ended up on the photo
8 ID lineup and this is dated 9 what?

9 A. I've got to see the lineup.

10 Q. You wrote it on there.

11 A. Well, if you let me see it, I can tell you.
12 9-26-2013.

13 Q. All right. You pulled the information you obtained
14 from Keisha. Her name is Keisha Mack?

15 A. Yes. She gave us the individual that was the yard
16 that day when we first interviewed her.

17 Q. Where's the statement?

18 A. I don't have it here.

19 Q. You knew the trial was today, didn't you?

20 **MR. SORENSON:** Give him the -- I mean, he asked him
21 if he -- I mean, he doesn't have it up there with him.

22 May I approach the witness, Your Honor?

23 **THE COURT:** Yes, sir. You may.

24 **THE WITNESS:** Thank you.

25 BY MR. WALTERS:

1 Q. Do you have a copy of it?

2 A. I do now. Yes, sir.

3 Q. Okay. All right. And I believe that you stated there
4 was -- let's go through the individuals. You stated there
5 was an individual named Wes; is that correct?

6 A. Correct.

7 Q. What is Wes' last name?

8 A. When I asked Mr. Glover, he didn't know, so I don't
9 know his last name as well.

10 Q. All right. But you're a police officer. You've got
11 Kwon. You don't know his name, do you?

12 A. Correct.

13 Q. And as of today's date you don't know who Kwon is?

14 A. Correct.

15 Q. All right. And then there's Wes who you allege that
16 was living inside the apartment. What is his full name?

17 A. I've got to look back at my notes. Give me a chance
18 to read here.

19 Q. Well, let me ask you a question.

20 A. Yes, sir.

21 Q. All right. You believe a crime has been committed, a
22 vehicle's being driven to this house, someone you believe
23 has been shot and there's an individual that they state is
24 a roommate living inside of the house --

25 A. Correct.

1 Q. -- and this murder occurred in the year 2013. It's
2 now 2015 and you still don't know of the name of the
3 roommate that was in the house as of today's date?

4 A. It could be in the notes, but I just don't know it
5 now.

6 Q. It could be?

7 A. Yes.

8 **THE COURT:** Lieutenant, would you like your copy of
9 your case file?

10 **THE WITNESS:** Well, it's actually -- that would be
11 more than welcome, ma'am. Thank you.

12 **MR. WALTERS:** Ma'am, he knew the trial was today and
13 he knew he was required to testify today and he's telling
14 this Court I don't have my file.

15 **MR. SORENSON:** It's sitting right there.

16 **THE COURT:** He has the file. It's just not on the
17 witness stand with him. If he can locate it in his file,
18 then he can locate it in his file.

19 **MR. SORENSON:** Give him the whole --

20 **THE WITNESS:** Thank you. It will take a minute, so.
21 I believe his last name is Mr. Jamison.

22 **MR. CULLER:** I'm sorry. Forgive me.

23 BY MR. WALTERS:

24 Q. And you believe it was Wesley Jamison; is that
25 correct?

1 A. Yes, sir.

2 Q. Was he placed in this lineup?

3 A. No, he was not.

4 Q. All right. And that was one of the individuals that
5 was in the home?

6 A. No, he was at work.

7 Q. All right. Did you determine that?

8 A. Yes, sir.

9 Q. In your Rule 5 information, do you have any
10 information that states he was at work?

11 A. By Mr. Glover and Ms. Keisha. They said he was going
12 to work when they pulled up to the house. That's what they
13 told us.

14 Q. But you never verified that, did you?

15 A. Well, I -- no, sir. I don't believe so.

16 Q. If someone goes to work, you simply go to the employer
17 and say give me their hours, I'll verify they were at work
18 and they were working during the period of time when the
19 crime was committed. Did you do that?

20 A. No, I did not. It was several individuals working on
21 this case. I was assisting Mr. Collins already.

22 Q. Your testimony was that you're the lead criminal
23 investigator; is that correct?

24 A. No, I was not.

25 Q. All right. Well, then who was responsible for doing

1 so?

2 A. I'm the lead investigator or supervisor.

3 Q. All right. Well, let's find who to blame. Who was
4 responsible for verifying that information?

5 A. Verify what information?

6 Q. That this individual was not present when the crime
7 was committed.

8 A. Well, we took the information from Mr. Glover and
9 we took also information from Ms. Mack. That was our
10 information. That's what we stated. I mean, I don't know
11 what you want from me.

12 Q. So you relied on information from a defendant and his
13 girlfriend?

14 **THE COURT:** Mr. Walters, maybe you should ask whether
15 or not he verified that information or if somebody else
16 verified that information to his knowledge.

17 BY MR. WALTERS:

18 Q. Did you verify that information or someone of your
19 knowledge, did they verify that information that Wesley
20 Jamison was at work?

21 A. I did not. I don't know if anybody else did.

22 Q. If you did not verify that information, then it's
23 possible that Wesley Jamison could have been present when
24 the murder occurred; is that right?

25 A. No.

1 **MR. SORENSON:** Your Honor, can I object at this
2 point in time? Because I really think we've gone so far
3 out of the scope of what this hearing is about. I mean,
4 this is all fine and dandy cross-examination stuff when
5 we're in front of the jury and going through the entire
6 investigation, but, I mean, all the -- all we're dealing
7 with today right now is the admissibility of this lineup
8 and that witness's -- I mean, whether other people --

9 **THE COURT:** Mr. Walters, if you could keep it to this
10 hearing. I understand for cross-examination purposes
11 you're free to go outside that scope, of course, but for
12 purposes of the reliability of this lineup, let's keep it
13 to that.

14 **MR. WALTERS:** With all due respect to Your Honor, his
15 testimony was I narrowed down the individuals that were
16 present when this was going on. I simply asked a question
17 with regards to an individual that was present. He did not
18 verify where they were and I simply stated did you put them
19 in the photo ID lineup.

20 **THE COURT:** Right, and that's been asked and answered.
21 Let's move on.

22 **MR. WALTERS:** Yes, ma'am. Okay.

23 BY MR. WALTERS:

24 Q. All right. The other individuals that you picked out
25 for this photo ID lineup, let's go through each one. You

1 created this lineup, didn't you?

2 A. No, that was -- I think that was generated through the
3 -- let me look at this. Yeah, we go through an array of
4 photos from the computer system and we try to get the
5 similarities of each individual as close as possible when
6 we do a photo lineup.

7 Q. What computer process do you go through to generate
8 those names of the individuals?

9 A. We've got a computer system at the office that we go
10 through the jail system that have an array of people being
11 booked on the charges and we try to pick out the most --
12 are you gonna let me answer? Because you're shaking your
13 head. We try to pick out the most closest picture of the
14 individual that we deem as a suspect. So we try to pick
15 out most similarities of that suspect as close as possible.

16 Q. Is it your testimony -- there is no computer system.
17 You're picking out people at random; is that correct?

18 A. There is a computer. We look at the computer system
19 and we select the individuals that's closely as possible to
20 the individual. We select them off the computer system.

21 Q. Perhaps you didn't understand my question.

22 A. No.

23 Q. I know there's a computer system and it has a log of
24 each person that is booked and taken into incarceration at
25 that jail; is that correct?

1 A. Correct.

2 Q. All right. And that is used for the purpose of coming
3 over there and saying I want to see John Brown, you can
4 pull up a picture and you know exactly who that person is,
5 you log and tag it and you fingerprint the person, so you
6 keep the information on people and their criminal activity;
7 is that correct?

8 A. The jail keeps that information.

9 Q. That's right. Okay.

10 A. Correct.

11 Q. Now you stated that we go through a computer system to
12 determine what should be done with regards to a photo ID
13 lineup; is that right?

14 A. Right, but we have since changed that system, but
15 during this time, like I'll say again, if we have a
16 suspect, an individual, we go on the computer system and
17 pull up an array of pictures it has and we put in the
18 information and we put in the close similarities of the
19 individual suspect as closely as possible and then we
20 generate a lineup.

21 Q. So you're saying there's a software that does this?

22 A. No, I said that we pick them. I mean, I said that we
23 pick the individuals.

24 Q. That's what I'm getting at.

25 A. Right.

1 Q. You sit down with several individuals and then you
2 decide what pictures should be put on this sheet of paper.
3 There is no computer process, there is no process of black
4 male, five-ten, a hundred and forty pounds, and you sit
5 down and put that information in and the computer spits it
6 out. You individually decide which face you're going to
7 put on this sheet of paper. It's based on your assumptions
8 and your beliefs.

9 A. No, sir. We go in the computer system. You put in
10 the height, the weight, the age, the hair description,
11 whether they've got a mustache or anything, and then it
12 generates several pictures, several hundred pictures, and
13 then you've got to sit down and look at each one of those
14 pictures and you've got to pick out, once again, the
15 closest picture to the individual that is suspected of
16 the crime and then you generate a photo lineup.

17 Q. So what you're saying is you put in certain indicia
18 and they produce that information and then based on that
19 information you then create the lineup?

20 A. Correct.

21 Q. All right. That is left to your personal opinion
22 after the computer submits everyone that's a black male,
23 that's five-ten, that weighs a hundred and forty pounds,
24 and then you look at all of those individuals and then out
25 of those individuals you decide who you're going to pick?

1 A. Correct.

2 Q. All right. And in this particular case, you decided
3 the names that would be put down here; is that right?

4 A. You don't see the names, you just see the individual
5 pictures.

6 Q. Right. But you know who they are before you put them
7 on there?

8 A. No, I do not. I have not a clue to who these people
9 are before I put them on there. I look at the picture, if
10 it like looks close, similar as the suspect, I put them on
11 there. If they're way off, I don't pick them. You don't
12 get the names until after you print off the photo lineup
13 and then it generates the names after you print them.

14 Q. Did you produce this in your Rule 5?

15 A. Produce what, the names?

16 Q. The system that's been used to produce this document.

17 A. No.

18 Q. Could you produce that system for us?

19 A. I mean, I could take everybody to the sheriff's office
20 and show them. I mean, I'm not gonna bring the who
21 computer here.

22 Q. There must be a protocol and a procedure in order to
23 do this.

24 A. Yes, if you've got -- like I told you, it has since
25 changed.

1 Q. What did it change to?

2 A. Now we send off to SLED and now SLED goes through the
3 same basic steps that we went through. They pick out
4 several individuals closest to the suspected person that we
5 send up and then they'll generate a photo lineup and then
6 they send it back to us.

7 Q. All right. So the selection that was done here, was
8 it under the old system or the new system?

9 A. The old system.

10 Q. The old system?

11 A. Correct.

12 Q. So under the old system -- you're over people. Is
13 there a policy or a procedure that you train people under
14 you to use in order to generate the photo ID lineup? Do
15 you have that paperwork on how that's done for this lineup?

16 A. No, I do not. I don't have it. I didn't know I
17 needed it.

18 **THE COURT:** Mr. Walters, can you tell me how that's
19 relevant to whether it substantially gives rise to
20 misidentification?

21 **MR. WALTERS:** I believe the standard is if it's unduly
22 suggestive and in this particular case he's saying there's
23 a system that's in place and then ultimately in the end I
24 pick out what I want on this sheet of paper.

25 **THE COURT:** But how are you getting to unduly

1 suggestive based on this computer program rather than the
2 individual characteristics of the people in the lineup?

3 **MR. WALTERS:** What I'm getting at is, is that there
4 have been two people named; one of them they have not
5 identified and was not placed on this lineup who was
6 present when this occurred. There's another individual
7 who actually lived in the mobile home who's not on this
8 particular lineup and there was no verification as to
9 whether that person was there during the crime that was
10 being committed. This lineup has been picked out by this
11 officer based on a random selection provided by a computer
12 and under our Rule 5 we have not been provided information
13 on the selection process that's used by this computer and
14 then, of course, it's then left to the personal bias of the
15 officer, and at three different occasions. Kwon is not on
16 here, Wes is not on here and the only person that's on here
17 in this particular case are the individuals that this
18 officer had focussed on. And there's one individual out of
19 all the people, there's nothing been produced in the
20 Rule 5, that doesn't verify whether Wes Jamison or Wesley
21 Jamison was involved. And there are other individuals in
22 the Rule 5 that have not been produced with regards to this
23 particular information. And now he tells us oh, there's a
24 new computer system now, we're under the old computer
25 system.

1 **THE WITNESS:** I didn't say there's a new computer
2 system. I said there's a new system.

3 **MR. WALTERS:** Yes, sir. And I asked what was the
4 policy. To produce these documents and put people in jail,
5 you have to identify them. I'm simply asking what is the
6 protocol and the procedure which sets it up for you to be
7 allowed to make the random choice.

8 **THE COURT:** I think he's already testified to that
9 fact, Mr. Walters. He testified what criteria he puts
10 into like random pictures and, of course, he's got the
11 subject, which he knows he's looking at to include that,
12 and whether it's unduly suggestive that's what the Court's
13 looking at. How it's randomly drawn I don't think goes
14 to that. It's just how unduly suggestive it is and the
15 Court's gonna be able to look at this lineup and see
16 whether or not it's unduly suggestive, if these individuals
17 appear like each other or not, and you can argue --
18 question him regarding that, but the computer system and
19 the selection of the photographs I don't think go to this
20 matter.

21 **MR. WALTERS:** Yes, ma'am. Your Honor, I'll address
22 it in a subsequent motion.

23 **THE COURT:** Thank you.

24 **MR. WALTERS:** Thank you.

25 **THE COURT:** All right. Mr. Curry?

1 CROSS-EXAMINATION (In-camera)

2 BY MR. CURRY:

3 Q. Lieutenant, I'm Eduardo Curry. Did you ever speak to
4 J.R.?

5 A. No, sir.

6 Q. Okay. And you never speak to J.R. about whether or
7 not David Williams was there?

8 A. No, sir. The J.R. that he's speaking of, those folks
9 were very uncooperative with us if that's the house that
10 was next door that he was supposed to have been in next to
11 the trailer.

12 Q. Does J.R. have a name? Does J.R. stand for something?
13 Were you able to verify who that was?

14 A. No, sir.

15 Q. What about Kwon? Were you ever able to find out who
16 Kwon was or is or where Kwon was?

17 A. As I said earlier, I have no idea who Kwon is.

18 Q. And even to this day you have not been able to verify
19 David Williams' story through Kwon?

20 A. No, sir.

21 Q. Nor have you been able to verify David Williams' story
22 through J.R.?

23 A. No, sir.

24 MR. CURRY: Thank you.

25 THE COURT: Anything further, Solicitor?

1 **MR. SORENSON:** Just real briefly, Your Honor.

2 REDIRECT EXAMINATION (In-camera)

3 BY MR. SORENSON:

4 Q. Just so we're clear here, he indicates Kwon is
5 standing outside with him when the truck pulls away, right?
6 Not that Kwon was driving the truck; is that correct?

7 A. Correct.

8 Q. And he had -- David Williams has never told you that
9 he knew Jason Glover's name, right?

10 A. In fact, he said he didn't know who the person was
11 driving the truck.

12 Q. Never seen him before?

13 A. Never saw him before.

14 Q. So there was no reason for Jason Glover's name to be
15 in the statement; is that correct?

16 A. Correct.

17 **MR. SORENSON:** That will be all I have, Your Honor.

18 **THE COURT:** Sir, you may step down. Thank you.

19 **THE WITNESS:** Thank you.

20 (Witness excused.)

21 **MR. SORENSON:** May I hand this up to Your Honor?

22 **THE COURT:** Is it marked as an exhibit?

23 **MR. SORENSON:** It's State's 1.

24 **THE COURT:** Any other witnesses, Solicitor?

25 **MR. SORENSON:** Not on this motion, no, Your Honor.

1 **THE COURT:** I'll be happy to hear from the other
2 parties.

3 **MR. CULLER:** Well, you know, I understand it goes
4 to the suggestiveness of it and I understand that
5 Mr. Williams' testimony in front of the jury is gonna be
6 something that the jury considers. I would say, Your
7 Honor, Mr. Williams didn't seem to be real clear about a
8 lot of things. I'm still not sure how far he was with
9 regard to his opportunity to observe this or things like
10 that. I don't think it goes to whether it's unduly
11 suggestive, but I just -- in terms of whether he's a
12 credible witness, that's -- anyway I would suggest to the
13 Court that he's not. I think his testimony sort of laid
14 that out. I don't think he -- it was a very interesting
15 witness, but I would ask for the suppression nonetheless.

16 **THE COURT:** Mr. Curry, do you care to be heard?

17 **MR. CURRY:** No, Judge. I just join with the motion.

18 **THE COURT:** Solicitor?

19 **MR. SORENSON:** Your Honor, it's our position that --
20 and you have the lineup up there, that there is nothing
21 unduly suggestive about that. You know, obviously
22 Mr. Williams' credibility is something that they can argue
23 in front of the jury. I mean, I disagree. I think he
24 actually came across -- I mean, he's certain about what he
25 saw and certain about who he picked out of the lineup, so

1 we would respectfully ask Your Honor to deny the motion.

2 **THE COURT:** In looking at the lineup, the Court does
3 not find that it's unduly suggestive. And although
4 Mr. Williams' testimony was a little difficult to follow
5 at times; however, he did seem very certain that he -- he
6 knew Mr. Smoke, he didn't know Jason Glover from before,
7 but he did testify that it was light outside, that he had
8 an opportunity to see, it was close in time that he gave
9 the statement and picked the defendant out of the lineup
10 from the crime that was alleged. And his level of
11 certainty was certainly heightened, he said the driver's
12 side was close to him when he went by, so the Court does
13 find that it will be a reliable identification and will
14 allow it.

15 Anything further at this time? You said Jackson v.
16 Denno?

17 **MR. SORENSON:** Yes, ma'am. Could we take maybe just
18 a couple minute break? I know we need to set up the
19 video. Let me just kind of make sure that we're on the
20 same page with what I -- the first matter I think just
21 going through my notes to address would be Leroy Glover
22 gives a -- gives a statement the following day of this
23 incident, so September 24th of 2013, and he's not in
24 custody at that point in time, he comes into the sheriff's
25 office. It is videotaped, it is an oral statement that's

1 fifty some odd minutes long, and ultimately ends up in
2 him giving a written statement kind of after that is over
3 with. So I guess the initial oral statement that's on
4 video is actually probably about an hour long. The last
5 I'm guessing ten minutes of that or so deals -- is
6 Lieutenant Shumpert is questioning him and Mr. Glover's --
7 Leroy Glover's prior record comes up, the fact he's been
8 to prison before, questions about a polygraph. I've had
9 Mr. Bell in my office -- basically we redacted that and
10 cut it off kind of right prior to where that stuff starts,
11 so that is what I intend to ultimately offer into evidence
12 is that.

13 So, unfortunately, it just kind of ends suddenly, but
14 there's a bunch of prejudicial and I think inadmissible
15 stuff that does kind of come out in the conversation after
16 that. I don't necessarily know if we need to play that
17 whole thing for the Court. The initial part of it though
18 is him being advised of his rights, so I would like to be
19 able to play that part of it through Lieutenant Shumpert
20 and then obviously I've got the written statement that
21 basically is just he gives -- you know, almost all of his
22 handwriting right afterwards to deal with him.

23 **THE COURT:** Okay.

24 **MR. SORENSON:** And then Jason Glover has an oral
25 statement that's not videotaped through Lieutenant Shumpert

1 where he's advised of his rights and then just questioned
2 briefly about that Monday and then the written statement
3 that was given. And I had not intended to put in the
4 videotape of the December 2nd statement. I had planned
5 on just putting the handwritten statement in and we can
6 address --

7 **MR. CULLER:** Well, two things. Starting with the
8 first point with regard to the redaction or, I guess,
9 we're not really redacting it, just stopping it, I can't
10 remember -- I've looked at the tape a number of times. I
11 would probably ask the Court's permission to look at it
12 again and see what in the last ten minutes -- I think the
13 solicitor's about right -- might be useful to me with
14 regard to defending Jason Glover. I do acknowledge, and
15 Mr. Sorenson and I discussed, there are three or four
16 things that, you know, shouldn't come in, but I would like
17 to just see if there's anything in there interspersed with
18 that unfortunate material that might be of benefit to me.
19 So I don't want to just say I'm agreeing the last ten
20 minutes are gone. If we could review that, figure out a
21 way to do it without --

22 **MR. SORENSON:** I can -- well, I think what we can do
23 with that -- because I'm not really sure that needs to be
24 hashed out today.

25 **MR. CULLER:** No, no.

1 **MR. SORENSON:** So I can give -- and I've got a -- I
2 burned one copy to give to Eduardo and I can before the
3 end of the day give another one to Mr. Culler. Lieutenant
4 Shumpert won't be testifying before Wednesday afternoon or
5 Thursday morning, so we've got time to see if there's
6 something else to that.

7 **THE COURT:** So if you gentlemen will just get together
8 and see if you can agree on that. If not, not we'll listen
9 to the contested portions later.

10 **MR. SORENSON:** That last part of it I guess. Or if
11 there's something that one of you all see that I missed in
12 that initial fifty some odd minutes, too. I don't think
13 there was anything during that, but, I mean, that's up to
14 Mr. Curry.

15 **MR. CURRY:** Your Honor, if it pleases the Court, my
16 client has indicated to me that other than that last ten
17 minutes we don't have any objection to that. I don't want
18 to waste the Court's time arguing about something that he
19 gave willfully, voluntarily, without coercion and signed
20 off on it.

21 **THE COURT:** So your position on behalf of your client
22 is that it was voluntary?

23 **MR. CURRY:** That is correct, Your Honor. He came to
24 the police and he actually did it, so our position is we're
25 not trying to muddy the water. Maybe that last ten minutes

1 I do believe may be issues that should not come out based
2 on the fact -- because obviously he has a right against
3 self-incrimination and all that other stuff --

4 **THE COURT:** Certainly.

5 **MR. CURRY:** -- but certainly just the regular ten
6 minutes -- the video other than the ten minutes we have no
7 objection to.

8 **THE COURT:** So that the record is clear regarding your
9 client, Leroy --

10 **MR. CURRY:** That's correct.

11 **THE COURT:** -- Mr. Smoke, you're waiving your right to
12 a Jackson v. Denno hearing and stating that that video is
13 admissible as well as the statement contained other than
14 the last portion?

15 **MR. CURRY:** That is correct, Your Honor.

16 **THE COURT:** All right. Thank you.

17 **MR. SORENSON:** If we could maybe mark those right now
18 then so that -- Eduardo?

19 **MR. CURRY:** Yes.

20 **MR. SORENSON:** I'm gonna mark that and then we can
21 obviously talk about --

22 **MR. CURRY:** The last one. That's correct.

23 **MR. SORENSON:** -- if there's anything else we need to
24 review to make sure I didn't miss something in the first
25 fifty minutes or something. I don't think I did because

1 I've listened to it three times. If we could mark, I
2 guess, that as State's 3, I think. And then, Eduardo, I'll
3 mark that as State's 4, if there's no objection?

4 **MR. CURRY:** No objection as long as it doesn't have
5 the last ten minutes.

6 **MR. WALTERS:** That's correct.

7 **MR. SORENSON:** And then this will be the written
8 statement and that's basically given right after the
9 conclusion of this.

10 **THE COURT:** So then we'll just proceed with the
11 Jackson v. Denno on Jason Glover?

12 **MR. CULLER:** Right. And with regard to that, Your
13 Honor, I appreciate the solicitor didn't want that tape in,
14 I probably wouldn't either if I were a -- because that's
15 where the detective sort of doesn't seem to really believe
16 the statement. I, of course, want that in to play it.
17 It's about how long do you think?

18 **MR. SORENSON:** To be honest with you, I don't have any
19 objection to that. He says that's improvising. In all
20 candor, I don't -- I don't believe what he tells them is
21 the truth.

22 **MR. CULLER:** How long is that?

23 **MR. SORENSON:** It's like an hour, but I don't really
24 know if we --

25 **MR. CULLER:** I'm not talking about the first one,

1 Your Honor. I'm talking about Mr. Jason Glover's is about
2 -- I thought it was more like twenty minutes.

3 **MR. SORENSON:** I think it's an hour because it's --
4 well, because -- because it's technically running the
5 entire time he's writing this. That's what makes it long.
6 It's probably not. I mean, the actual oral part of it
7 initially is not.

8 **MR. CULLER:** Ten minutes?

9 **MR. SORENSON:** About that. They basically leave him
10 in the room, he writes out a three-page or whatever
11 statement. I think he may sit there for a little while
12 before they come back in and, I mean, it's --

13 **MR. CULLER:** I don't mean to cut you off. I'm not
14 interested in watching him watch the statement on tape,
15 but I am interested in the interview portion.

16 **MR. SORENSON:** I don't have any objection to putting
17 that in also. I mean, that's not -- I mean, to be honest
18 -- I mean, do you have an objection to the statement? I
19 mean, do we need to have a Denno hearing for that or no?

20 **MR. CULLER:** No, I don't think so.

21 **THE COURT:** And your client is also waiving the Denno
22 hearing?

23 **MR. CULLER:** Pardon?

24 **THE COURT:** Your client is also waiving his right to
25 a Denno hearing?

1 **MR. CULLER:** He is, and it's an unusual circumstance.
2 I want the record to be clear that Mr. Jason Glover
3 contacted law enforcement. I don't know who else in his
4 family contacted law enforcement, but allegedly all these
5 people called and said, you know, you need to give this
6 statement to get your good brother Smoke out of this charge
7 and so he, you know -- and that's something that on the
8 tape, Your Honor, we'll see tomorrow Detective Shumpert
9 says hey, you called me, right, and they go over that a
10 number of times. So I don't think we have -- let me say we
11 don't have an issue with regard to that. Unfortunately,
12 that was something he did before Mr. Walters and I got
13 involved in this.

14 **THE COURT:** Do you need any more time to confer with
15 your client on that or are you okay?

16 **MR. CULLER:** If you want to take a break while we do
17 that, would that suit the Court?

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

19 **MR. SORENSON:** That's fine with me. I also need to,
20 I guess, ask him also going back -- because with him we
21 do have also on September 26th of 2013 there is -- they
22 advised him of his rights that day that he's not under
23 arrest, he comes in and basically gives kind of an oral
24 statement. I mean, I could just summarize what I intended
25 on getting out of that was basically that he and Smoke,

1 Leroy, had gotten together that Monday, the 23rd, about
2 11:00, they'd gone looking for girls, ultimately going back
3 to Leroy's house. Wesley had left, Keisha had come and
4 then left with her car, the two of them then had gone off
5 of Highway 176 and were hanging out at -- near Thaddeus'
6 Place when Leroy got a call that his house was on fire.
7 And he provided his cell phone number 803- [REDACTED]. That
8 was basically the oral statement that I was seeking to get
9 into with Lieutenant Shumpert from 9-26.

10 **MR. CULLER:** We'll talk about that and then there was
11 another matter we might want to -- may we approach, Your
12 Honor?

13 **THE COURT:** Sure.

14 (Proceedings held at the bench; not reported.)

15 **THE COURT:** All right. So we'll have a brief recess.

16 (Recess taken.)

17 (State's Exhibit Number 3, 4, 5 and 6 were marked for
18 identification.)

19 **BAILIFF:** Come to order, please.

20 **THE COURT:** Thank you, everyone. You may have a seat.

21 All right. So it's my understanding, Mr. Culler, that
22 your client does not wish to waive the Jackson v. Denno on
23 his behalf. Do you wish to proceed first on that one?

24 **MR. SORENSON:** Yes, Your Honor.

25 **MR. WALTERS:** That's correct, Your Honor.

1 **MR. SORENSON:** May it please the Court, Your Honor?

2 **THE COURT:** Yes, sir.

3 **MR. SORENSON:** The State calls Lieutenant James
4 Shumpert.

5 **THE COURT:** You're still under oath, sir. Your
6 witness.

7 **MR. SORENSON:** Thank you.

8 JAMES SHUMPERT,
9 having been previously sworn, testified as follows:

10 DIRECT EXAMINATION (In-camera)

11 BY MR. SORENSON:

12 Q. Lieutenant Shumpert, I want to turn your attention, if
13 I could -- bear with me one second. I want to turn your
14 attention, if I could, to September 26th of 2013. Did you
15 have an occasion that afternoon to come into contact with
16 the defendant, Jason Glover?

17 A. I did, yes, sir.

18 Q. Okay. And where did that occur at?

19 A. At 1032 Chestnut, Ellis, CID headquarters.

20 Q. Okay. That's the criminal investigative division for
21 the sheriff's office?

22 A. Yes, sir.

23 Q. Okay. And let me ask you was -- Mr. Jason Glover, was
24 he under arrest for anything at that point in time?

25 A. No, sir.

1 Q. He voluntarily came into the sheriff's office that day
2 to talk to you?

3 A. Yes, sir.

4 Q. Okay. Did you have an opportunity though given the --
5 the severity of what you were investigating to advise him
6 of his rights that day however?

7 A. I did. Yes, sir.

8 Q. Okay. And let me show you, first of all, State's
9 Exhibit Number 5.

10 **MR. CULLER:** Thank you.

11 BY MR. SORENSON:

12 Q. Do you recognize that document, Lieutenant?

13 A. Yes, sir.

14 Q. Okay. And what is that document?

15 A. Advisement of Mr. Jason Glover's rights.

16 Q. And what's the date and time on that?

17 A. November 26, 2013, 5:21 PM.

18 Q. What month?

19 A. I'm sorry. 9-26-2013. September 26th. Sorry.

20 Q. All right. And who -- let me ask you when you had a
21 chance to sit down and attempt to talk to Mr. Glover on
22 September 26th of 2013, who was present when that occurred?

23 A. Investigator Collins and Lori Garrison.

24 Q. And that's Investigator Collins right there?

25 A. Correct. Yes, sir.

1 Q. All right. And did you go over that advice of rights
2 form with Mr. Glover?

3 A. I did.

4 Q. Okay. And, if you would, tell the Court how it was
5 that you went over that form with him.

6 A. I started off by asking him to fill out the place,
7 date, time and then I read each advisement of his rights.
8 I started off with Number 1: You have the right to remain
9 silent. Anything you can -- you say can be used against
10 you in court. Then I went to Line 2: You have the right
11 to talk to a lawyer for advice before we ask you any
12 questions and have him with you during questioning. And
13 then I went to Number 3: If you can't afford a lawyer, one
14 will be appointed for you before any questioning if you
15 wish. I went down to Number 4: If you decide to answer
16 questions without a lawyer present, you will still have the
17 right to stop answering at any time. And then I went down
18 to Line 5: You also have the right to stop answering at
19 any time until you talk to a lawyer. And then I asked him
20 did he understand his rights and he went by and initialled
21 one through five and then he signed at the bottom where it
22 says I understand my rights.

23 Q. Okay. So on that form, those initials next to Line 1
24 through 5, whose initials are those?

25 A. Jason Glover's.

1 Q. Okay. And then he signed that indicating he
2 understood his rights?

3 A. He did. Yes, sir.

4 Q. And is there another portion of that advice of rights
5 form?

6 A. Yes, sir. At the bottom of it, it says the waiver of
7 rights, and it states: I have read the statement of my
8 rights and I understand what my rights are. I am willing
9 to make a statement and answer questions. I do not want
10 a lawyer at this time. I understand and know what I am
11 doing. No promises or threats have been made to me. No
12 pressure or coercion of any kind has been used against me,
13 and he signed right here along by Lori Garrison.

14 Q. Actually is that Investigator Collins, I believe?

15 A. Collins. I'm sorry. Yes, sir.

16 Q. All right. But who actually went over the rights with
17 him?

18 A. I went over the rights with him.

19 Q. And Investigator Collins witnessed Mr. Glover's
20 signature?

21 A. Yes, sir.

22 Q. Okay. And after that, did you then have an
23 opportunity to talk to Mr. Jason Glover about his
24 whereabouts and what he had done back on Monday,
25 September 23rd of 2013?

1 A. Yes, sir.

2 Q. Okay. And did he -- did he give you a written
3 statement at that time?

4 A. No, sir. He did not.

5 Q. Okay. Were you able to kind of get -- get kind of a
6 brief oral statement from him about his whereabouts and
7 what he did that day though?

8 A. Yes, sir.

9 Q. Okay. Who did he tell you he had been with that day?

10 A. He told me that -- I wrote down he told me that he was
11 with his brother Smoke.

12 Q. Okay. And did he say how long -- when he had met up
13 with Smoke?

14 A. He said he met him about 11:00 that morning.

15 Q. Okay. And did he indicate to you what they were doing
16 that day?

17 A. Basically said that he was going to look for -- they
18 went to look for girls. They went to Frank's Car Wash and
19 then they went to 301 Platinum.

20 Q. Okay. And did he indicate whether they ultimately
21 ended up back over at Leroy Glover's house or trailer that
22 day?

23 A. Yes, sir. He said both went back to the house.

24 **MR. WALTERS:** Your Honor?

25 **THE COURT:** Mr. Walters.

1 **MR. WALTERS:** May it please the Court? I apologize
2 for interrupting. I certainly wouldn't do it if it was
3 inappropriate. What document is the witness reading from?

4 **THE WITNESS:** My notes.

5 **MR. CULLER:** Were those -- can we get a copy?

6 **MR. WALTERS:** Were we provided those?

7 **MR. SORENSON:** That was in my notebook that I copied
8 for everybody.

9 **MR. WALTERS:** Okay. Could we have another copy,
10 please?

11 **MR. CURRY:** Might as well make it two.

12 (Pause in the proceedings.)

13 **THE COURT:** You may proceed.

14 **MR. SORENSON:** Thank you, Your Honor.

15 BY MR. SORENSON:

16 Q.. These notes here, whose notes are these that
17 everybody's got copies of now?

18 A. Mine.

19 Q. All right. And that's from the interview that day on
20 September 26th, that evening?

21 A. Correct.

22 Q. All right. And I think you'd indicated, to kind of
23 catch up, that they had gone to look for girls, that they
24 had gone by Frank's Car Wash, 301 Platinum and then had
25 gone back to Leroy's house at some time; is that correct?

1 A. Correct.

2 Q. All right. And did they indicate anything -- or did
3 he indicate, I'm sorry, Jason Glover, anything about Wes or
4 Wesley?

5 A. He said Wes was gone when we pulled up.

6 Q. Okay. And how about anything about Keisha?

7 A. He said Keisha left in car. I mean, I was just like
8 writing very briefly while he was talking, so I was just
9 jotting down notes of what he was saying.

10 Q. So he indicated that Keisha had left at some point in
11 her car?

12 A. Correct.

13 Q. Something to that effect? All right. And then did
14 they indicate -- did he indicate, Jason Glover, where they
15 ended up going at that point in time kind of after all of
16 that?

17 A. Yeah, he said he went down 176 to hang out at
18 Thaddeus' Place.

19 Q. Okay. Is that a location off of Highway 176?

20 A. Correct. Yes, sir.

21 Q. Okay. And did he indicate anything about when his
22 brother Smoke got the call about his house being on fire?

23 A. He just stated that Smoke had gotten a call that his
24 house was on fire and he stayed on 176 posted up.

25 Q. All right. And let me ask you also as part of talking

1 to him that day, did he give you his cell phone number?

2 A. Yes, he did.

3 Q. Okay. And what was the cell phone number that Jason
4 Glover gave you?

5 A. I wrote in parentheses Jason [REDACTED].

6 Q. Okay. All right. And I think I asked you this
7 already, but did he end up giving a written statement at
8 that point in time?

9 A. No, he did not.

10 Q. Was he -- did he ultimately leave the sheriff's office
11 that day?

12 A. He did.

13 Q. I think you had testified earlier that the two of them
14 were ultimately arrested at the end of that week, I think,
15 on the 27th of September; is that correct?

16 A. Correct.

17 Q. Okay. Did there come a time closer to December 2nd of
18 2013, so a couple of months later -- let me ask you -- let
19 me back up. A couple things I forgot to ask you. Back on
20 September 26th, did you threaten Mr. Glover at all to get
21 him to talk to you?

22 A. No, I did not.

23 Q. Did you make him any promises?

24 A. No, I did not.

25 Q. Did he indicate at any point in time that he wanted to

1 stop talking to you?

2 A. No, he didn't.

3 Q. That he wanted a lawyer?

4 A. No, he did not.

5 Q. Okay. Was he freely and voluntarily telling you that
6 information about where he allegedly was that past Monday?

7 A. Yes, sir. He did.

8 Q. All right. So now kind of fast-forward to, say,
9 closer to December 2nd of 2013. Did there come a time
10 when you were contacted by Jason Glover indicating that he
11 wanted to come talk to you?

12 A. Correct. Yes, sir.

13 Q. Okay. And where was he located at that time?

14 A. He was at the detention center.

15 Q. Okay. And was he brought over from the detention
16 center?

17 A. He was.

18 Q. Okay. Did he indicate to you at that point in time
19 when you brought him over that he wished to talk to you?

20 A. He did.

21 Q. Okay. Did he indicate to you that he, in fact, had
22 been attempting to contact you on multiple occasions to
23 make that happen?

24 A. He did.

25 Q. And did he want to have his lawyer present for that

1 conversation?

2 A. No, he did not.

3 Q. Okay. And, in fact, did you ultimately then -- did
4 you go over his rights with him again at that time?

5 A. I did. Yes, sir.

6 Q. And did he ultimately give you kind of an oral
7 statement and then a subsequent kind of written statement
8 that differed from what he told you back in September?

9 A. Yes, sir.

10 Q. And -- and was that all videotaped?

11 A. It was. Yes, sir.

12 Q. And as far as the advice of rights form, let me show
13 you State's Exhibit Number 6. Do you recognize that
14 document?

15 A. Yes, sir.

16 Q. Okay. And does that -- does that contain, I guess,
17 the advice of rights that you went over with Mr. Glover on
18 December 2nd of 2013?

19 A. It does.

20 Q. Okay. And is that the same rights that are contained
21 in the document that you went over for the Court earlier?

22 A. Yes, sir, but -- it's the same advice of rights, but
23 it's just short of the last one, Number 5.

24 Q. Okay. And what was -- okay. So can you go over, I
25 guess, that just briefly with the judge how you went over

1 that with him?

2 A. Yes.

3 Q. And, again, that's all on video; is that correct?

4 A. It is. Correct.

5 Q. Okay.

6 A. I had the individual fill out the top part of the
7 defendant affidavit. I read him his rights and I explained
8 it to him as well. Number 1, it states I have the right to
9 remain silent. Anything I say can be used against me in
10 court. He initialled. I went to Number 2. I told him you
11 have the right to talk to a lawyer for advice before asked
12 any questions. If I cannot afford one, one will be
13 appointed for me before questioning, if I wish. And he
14 initialled. And, Number 3, if I decide to answer questions
15 now without a lawyer present, I will still have the right
16 to stop answering at any time, which he also initialled.
17 And the final one, Number 4, it says I also have the right
18 to stop answering at any time until I talk to a lawyer,
19 which he initialled as well. That's it.

20 Q. Okay. All right. And did he -- he indicated at that
21 point in time that he wished to continue talking to you?

22 A. Correct. Yes, sir.

23 Q. Did you threaten him to get him to talk to you?

24 A. No, sir.

25 Q. Make any promises?

1 A. I did not.

2 Q. Hold out any hope of reward if he -- if he spoke to
3 you?

4 A. I did not.

5 Q. Did he appear to be freely and voluntarily talking to
6 you at that point in time in your experience?

7 A. He was. He did.

8 Q. Okay. And did he ultimately then give you a -- kind
9 of an oral statement?

10 A. He did.

11 Q. Okay. And subsequent to that, did he then write
12 State's Exhibit Number 6, this statement?

13 A. Yes, sir. That's his writing.

14 Q. And that -- yet again, that was all on video also?

15 A. It is.

16 Q. And then kind of the questioning and answering part
17 at the end, is that you writing the questions and him the
18 answers?

19 A. Yes, sir.

20 Q. Okay. Is that also contained on that video?

21 A. Yes, sir.

22 **MR. SORENSON:** I believe that's all I have, Your
23 Honor.

24 **THE COURT:** All right. Thank you. Cross-examination?

25 **MR. WALTERS:** May it please the Court?

1 **THE COURT:** Yes, sir.

2 CROSS-EXAMINATION (In-camera)

3 BY MR. WALTERS:

4 Q. Officer Shumpert, at the time that the charges were
5 put against Jason Glover, who was his attorney?

6 A. I have no earthly idea.

7 Q. I believe it was Ryan Shealy; is that correct?

8 A. I don't know.

9 Q. You don't have any idea?

10 A. No, I have no earthly idea who his attorney was.

11 Q. Okay. All right. And you testified there was one
12 statement that was given. What was the date of the first
13 statement that was the oral statement where he walked in?

14 A. That was -- I'll have to look back on --

15 **MR. SORENSON:** It's sitting right there.

16 **MR. WALTERS:** I'll hand them all to you.

17 **THE WITNESS:** I think you said an oral statement
18 where --

19 BY MR. WALTERS:

20 Q. There was an oral statement where you made notes?

21 A. Right. I have that here.

22 Q. What date was that?

23 A. That was -- I believe that was the Wednesday, the
24 25th, I believe.

25 Q. Okay. And as a result of that meeting, there was no

1 written documentation that was produced other than the
2 waiver; is that correct?

3 A. Hold on one second here. No, his statement was on --
4 the oral statement was on the 26th of September --

5 Q. Right.

6 A. -- but he did not write a statement, correct.

7 Q. That's correct. And the only thing that was produced
8 from that was the documentation where you had taken the
9 notes?

10 A. Correct. Yes, sir.

11 Q. All right. And it's your testimony you weren't aware
12 of the fact that he was represented by counsel?

13 A. No, I didn't even speak to him. He -- once he was
14 arrested, he was put in jail and I had gotten information
15 he wanted to contact me and I just asked him several times
16 are you sure you want to speak to me and he said yes, so I
17 went back over the rights again.

18 Q. And was he out on bond?

19 A. No, he was not.

20 Q. All right. Was he denied bond?

21 A. Generally with those type of charges you do get bond
22 denied, but I don't know what his bond was at that time.

23 Q. And you've attended those bond hearings over and over
24 again where bond is denied?

25 A. Correct.

1 Q. Is that correct?

2 A. I said generally they are. Yes, sir.

3 Q. All right. And nine times out of ten if you don't
4 have a lawyer, what do they inform them? We'll appoint a
5 lawyer for you?

6 A. Correct. Yes, sir.

7 Q. All right. And at the time that you met with him on
8 9-26-13, did you inquire and say do you have a lawyer
9 representing you?

10 A. No, I didn't ask him.

11 Q. Okay. And he walked in off the street and wanted to
12 talk to you?

13 A. Yes.

14 Q. Because he was not under arrest?

15 A. He was not under arrest, correct.

16 Q. And as a result of that meeting, we have this one
17 document that you wrote by hand?

18 A. Correct.

19 Q. All right. And it doesn't state that there was a
20 murder that occurred or anything of that nature, does it?

21 A. No, it was just me shorthand taking notes on the
22 interview that we had.

23 Q. All right. Okay. But the second time you met with
24 him, what date was that?

25 A. December 2nd.

1 Q. That's right. Of 2013; is that right?

2 A. Correct.

3 Q. All right. And when you met when him on December 2nd
4 of 2013, he had been arrested; is that correct?

5 A. Correct. Yes, sir.

6 Q. Before on 9-26-14 {sic} he had no lawyer, he hadn't
7 been charged, had he?

8 A. Correct.

9 Q. All right. But on December 2nd of 2013 he had been
10 charged; is that correct?

11 A. Correct.

12 Q. It was murder and possession of a weapon during the
13 commission of that crime; is that right?

14 A. Correct.

15 Q. Okay. And who was the lawyer representing him at that
16 time?

17 A. I don't know.

18 Q. All right. Did you appear at the bond hearing?

19 A. Which one?

20 Q. There was a bond set with regards to this particular
21 charge?

22 A. Yes.

23 Q. All right. And he had counsel representing him?

24 A. I can't remember. I don't --

25 Q. All right. Did you receive a request for Rule 5

1 information from Ryan Shealy, the attorney representing
2 him?

3 A. All Rule 5's usually go to the solicitor's office. I
4 don't.--

5 Q. All right. And that's what I'm getting at. You work
6 in conjunction with the solicitor's office and when they
7 receive a Rule 5, you gather the information and forward it
8 to the solicitor's office; is that correct?

9 A. If the Rule 5 would have come in, it would have went
10 to Investigator Collins and he would have sent it, but I
11 don't know about the Rule 5.

12 Q. Okay. You don't know anything about that?

13 A. I know about Rule 5, but don't know nothing about no
14 Rule 5 being sent. Like I said, it usually goes down to
15 the solicitor's office.

16 Q. All right. And then you stated there was a waiver
17 that he signed because he was over in the detention center
18 and he wanted to talk to you; is that correct?

19 A. I never said he signed a waiver to come talk to me.
20 I said that he requested -- I was told that he wanted to
21 speak to me, he was brung over and asked him several times
22 are you sure you want to speak to me and he said yes, so I
23 advised him of his rights again. So that's what you're
24 speaking of, I advised him of his rights again. We went
25 over them again and he said he wanted to speak.

1 Q. All right. So let me make sure I'm clear about what
2 you did.

3 A. Uh-huh.

4 Q. You say you didn't know that he was represented by a
5 lawyer?

6 A. I can't remember who the lawyer was. You asked me who
7 it was. I don't know. I can't remember.

8 Q. But you knew he was represented by a lawyer?

9 A. I can't remember that. I just don't remember. I
10 mean, I don't know.

11 Q. It's your testimony I don't remember whether he was
12 represented by a lawyer, but he came over to talk to me; is
13 that correct?

14 A. Correct.

15 Q. At any time did you stop in your sixteen years of
16 service and simply state that your attorney is John Brown,
17 we need to call him on the phone before we have this
18 conversation?

19 A. No, I did not because I wasn't aware -- like I said,
20 again, I don't know who he -- if he contacted a lawyer or
21 not. I don't know. All I just know is he requested to
22 come speak to me and I was abiding by his wishes.

23 Q. And you would agree that to determine if there was a
24 lawyer that was representing him, you could pick up the
25 phone and call the solicitor's office?

1 A. Not during that time of night. I think he came over
2 -- what time was it? It was like 9:44. I'm not sure if
3 it was day or night. I could have called a lawyer during
4 business hours, but, once again --

5 Q. 9:44 at night. You could have waited until 9:00 in
6 the morning and called the solicitor's office and found out
7 that this young man was represented by an attorney.
8 Couldn't you have done that?

9 A. Yes, but I thought that young man to be competent and
10 he wanted to speak to the investigator, so I abided by his
11 wishes.

12 Q. All right. So let's get to the bottom of what you're
13 saying. Number one, you made a determination that he was
14 competent; is that right?

15 A. Yes.

16 Q. Then you made a determination that he had fired his
17 counsel; is that correct?

18 A. I have no earthly idea about that.

19 Q. You did not make an inquiry as to whether he had
20 counsel?

21 A. I didn't need to. I didn't know I needed to make an
22 inquiry that he fired his -- that's his personal business.
23 That doesn't have anything to do with me.

24 Q. All right. So it's your testimony that you have no
25 responsibility to determine if this person is represented

1 by counsel?

2 A. I have no responsibility to know if he fired his
3 attorney or not.

4 Q. All right. And you have no responsibility to inquire
5 as to whether they're represented by a lawyer before you
6 talk to them?

7 A. No. If he called to request to speak to me, once
8 again, I did what I was supposed to do. I asked him
9 several times do you want to speak to me. He was very
10 competent. He said yes, I want to speak to you. Then I
11 said well, let me read you your rights to make sure, and
12 in Line 2 it says I have the right to talk to a lawyer for
13 advice before I'm asked any questions. If I can't afford
14 a lawyer, one will be appointed for me before questioning
15 if I wish. So I went over all those advisements of rights
16 and so I found him to be competent, of sound mind, so I
17 spoke to him.

18 Q. All right. So it's your testimony that if a defendant
19 approaches you and wants to have a conversation --

20 A. Correct.

21 Q. -- and you're aware they're represented by counsel
22 that you have the freedom to talk to them and you do not
23 have to contact opposing counsel?

24 A. Correct. Because I believe that's the defendant's
25 choice if he wants to speak to me or not. I mean, as long

1 as I do what I'm supposed to do, go over his Miranda
2 warnings, advise him if he needs to have counsel. If he
3 wants counsel, he can certainly have that counsel here. So
4 if he's of sound mind, competent, and he wishes to speak to
5 me, I'm gonna speak to him.

6 **MR. WALTERS:** I have no further questions.

7 **THE COURT:** Mr. Curry, do you have anything?

8 CROSS-EXAMINATION (In-camera)

9 BY MR. CURRY:

10 Q. Lieutenant Shumpert --

11 A. Yes, sir.

12 Q. -- was it your professional opinion on the night that
13 you questioned Jason Glover that he wanted to speak to you?

14 A. Yes. Yes, he wanted to speak to me, correct.

15 Q. And you Mirandized him; is that correct?

16 A. I did. Yes, sir, I did.

17 Q. All right. Did he tell you that he had a lawyer?

18 A. No, he did not.

19 Q. All right. Did he tell you that he needed to speak
20 to his lawyer before he spoke to you?

21 A. No, sir, he did not.

22 Q. Did you tell him that he had the right to stop talking
23 to you at any time if he wanted to speak to a lawyer?

24 A. Yes, sir, I did.

25 Q. All right. Did you think that Mr. Jason Glover was of

1 sound mind and body?

2 A. Yes, sir.

3 Q. Did you think he was competent?

4 A. Yes, sir.

5 Q. In your professional opinion, did you believe that
6 you were operating according to the rules governed by the
7 Supreme Court and your operating standard procedure?

8 A. Yes, sir, I was.

9 MR. CURRY: Thank you.

10 THE COURT: Anything further, Mr. Sorenson?

11 MR. SORENSON: No, Your Honor. Well, not for this
12 witness. The only other thing is if Your Honor wanted to
13 watch the -- kind of the beginning colloquy between them
14 actually on the video.

15 THE COURT: That's up to you if you want to submit it.
16 I don't, you know, think it's necessary; however, that's
17 entirely up to you.

18 MR. SORENSON: I guess we've had some talk about
19 maybe putting it in evidence, so if I could just mark it
20 for right now.

21 THE COURT: Sure.

22 MR. CULLER: Is that the full one?

23 MR. SORENSON: Nothing's redacted.

24 (State's Exhibit Number 7 was marked for
25 identification.)

1 **MR. SORENSON:** I have nothing further of this witness,
2 Your Honor.

3 **THE WITNESS:** Thank you, Your Honor.

4 (Witness excused.)

5 **THE COURT:** You may call your next witness.

6 **MR. SORENSON:** That would be all, Your Honor.

7 **THE COURT:** Do either parties care to make a
8 statement?

9 **MR. WALTERS:** I leave it to the Court's discretion,
10 Your Honor.

11 **THE COURT:** The Court does find that Lieutenant
12 Shumpert did comply with the requirements of Miranda and
13 the Court does determine that the statement given by Jason
14 Glover was voluntarily given on both occasions; both on
15 September 26, 2013, as well as on December 2, 2013. The
16 defendant -- Mr. Glover did actually initiate the contact
17 on both occasions to discuss the matters with Lieutenant
18 Shumpert. And regarding him having counsel or not having
19 counsel, certainly that's up to the defendant to waive that
20 and he was properly advised of his right to -- his right
21 not to talk to anybody and have a lawyer present, so the
22 Court does find that it would be properly submitted to the
23 jury.

24 Anything further?

25 **MR. CULLER:** No, Your Honor.

1 **MR. CURRY:** Nothing from us, Your Honor.

2 **THE COURT:** Mr. Sorenson, anything else?

3 **MR. SORENSON:** I don't believe so, no.

4 **THE COURT:** So just housekeeping matters, if y'all
5 have any special voir dire or anything for in the morning,
6 if you'd just have that to me first thing in case there's
7 any question. Any other matters that -- if y'all can
8 figure out your strikes and what order, who wants to go
9 first, who wants to go second, I'd appreciate that so we
10 can discuss that if we need to.

11 **MR. CULLER:** Okay. Thank you, Your Honor.

12 **THE COURT:** Anything else?

13 **MR. SORENSON:** I don't believe so.

14 **MR. CURRY:** Nothing further. Thank you.

15 **THE COURT:** Could I see security back in chambers
16 real quick?

17 All right. We'll be at ease until -- I think the
18 jury comes in at 10:00 and I'll be here a little bit early
19 in case anything comes up. I'll be here at 9:30.

20 **MR. SORENSON:** Your Honor, may we approach?

21 **THE COURT:** Sure.

22 (Proceedings held at the bench; not reported.)

23 **MR. SORENSON:** Destiny Roberts. Ms. Roberts?

24 **THE COURT:** Ma'am, would you, please, state your name.

25 **MS. ROBERTS:** Destiny.

1 **THE COURT:** Destiny Roberts? Could you come forward
2 a little bit so we make sure we hear you.

3 Ma'am, it's been brought to my attention that you
4 approached our bailiff and let her know that you're
5 actually on the jury list for tomorrow to be present; is
6 that correct?

7 **MS. ROBERTS:** Yes, ma'am.

8 **THE COURT:** And you're related to the defendants or
9 you're sitting with the family of the defendants; is that
10 correct?

11 **MS. ROBERTS:** Yes, ma'am.

12 **THE COURT:** Okay. Since you've been in the courtroom
13 during the pre-trial proceedings, I'm going to excuse you
14 through the consent of both parties just to ensure the
15 fairness of the trial for both parties, okay? So you do
16 not have to appear tomorrow.

17 **MS. ROBERTS:** Okay.

18 **THE COURT:** All right. Thank you, ma'am.

19 **MS. ROBERTS:** Thank you.

20 **MR. CULLER:** Thank you, Your Honor.

21 **MR. SORENSON:** Thank you.

22 (Whereupon, the proceedings were concluded for
23 September 14, 2015, at 4:36 PM.)

24 (The following proceedings were held on September 15,
25 2015, beginning at 11:14 AM.)

1 (State's Exhibit Number 8 through 13 were marked for
2 identification.)

3 **THE COURT:** All right. Ladies and gentlemen, the jury
4 panel is now qualified. All right, Solicitor. You may
5 call your first case.

6 **MR. SORENSON:** Thank you. May it please the Court,
7 Your Honor? At this time the State calls the case of the
8 State of South Carolina versus Leroy Glover, Jr. That's
9 2013-GS-38-1624, charging Mr. Glover with one count of
10 murder. And last the case of the State vs. Jason Glover,
11 2013-GS-38-1622, also charging Mr. Jason with one count of
12 murder.

13 **THE COURT:** Solicitor, may I have the indictments?

14 **MR. SORENSON:** Yes, ma'am.

15 **THE COURT:** Ladies and gentlemen, we're about to begin
16 the trial of the State of South Carolina versus Jason
17 Glover and the State of South Carolina versus Leroy Glover.
18 I'm gonna ask you several questions to see if you have any
19 knowledge about this, case or any information about this
20 case. Please listen very carefully to these questions.
21 I'll ask you if a question does apply to you, please just
22 stand up and I'll ask you to come forward at that time and
23 discuss the matter with me.

24 I'll read the indictments to you first so that you
25 have some general knowledge regarding the allegations in

1 these cases to see if you do have any previous knowledge.
2 Indictment 2013-1624, the State versus Leroy Glover, Jr.,
3 states that in Orangeburg County, on or about September 23,
4 2013, with malice aforethought, the Defendant, Leroy
5 Glover, Jr., did kill one Richard M. Carter, Senior, by
6 means of shooting the victim with a handgun. The victim
7 did die as a proximate result thereof. And this offense is
8 in violation of the common law in the South Carolina Code
9 of Laws as amended.

10 Indictment 2013-GS-38-1622, the State versus Jason
11 Glover, states that in Orangeburg County, on or about
12 September 23, 2013, with malice aforethought, the Defendant
13 Jason Glover did kill one Richard M. Carter, Senior, by
14 means of shooting the victim with a handgun. The victim
15 did die as a proximate result thereof. This offense also
16 being in violation of the common law in the South Carolina
17 Code of Laws as amended.

18 Ladies and gentlemen, first I'm gonna ask the
19 solicitor to introduce himself and the members of his
20 office.

21 **MR. SORENSON:** Thank you. May it please the Court?

22 **THE COURT:** Yes, sir.

23 **MR. SORENSON:** My name is Don Sorenson. I'm a senior
24 assistant solicitor here for the First Circuit, which is
25 comprised of Orangeburg County, Dorchester County and

1 Calhoun County. The other attorneys in our office here in
2 Orangeburg -- of course, our elected Solicitor is David
3 Pascoe. The other assistants solicitors are Tommy Scott,
4 Ashley Cornwell, Harrison Bell, Sara Ford, Joshua Edwards
5 and Mandy Wilkerson. Seated with me at the table today is
6 my victim advocate, Ms. Tammy Craven. You also may see my
7 investigator, Walt Turner, in and out of the courtroom.
8 And this is Investigator Tom Collins with the Orangeburg
9 County Sheriff's Office.

10 **THE COURT:** Thank you, Solicitor.

11 Ladies and gentlemen, is there any member of the jury
12 panel related by blood or marriage or a close personal or
13 social friend with any of the attorneys or has ever been
14 represented or has any connection with any of the attorneys
15 or people in the solicitor's office that Mr. Sorenson just
16 stated? If so, please stand. I find that there is no one
17 standing.

18 Mr. Culler and Mr. Walters, I'll allow you to please
19 stand and introduce yourselves.

20 **MR. CULLER:** Thank you, Your Honor. I'm Michael
21 Culler. I practice law with Andrew Brown here in
22 Orangeburg. Our investigator is Andy McDaniel. We have
23 Rhonda Mack working with us and Alissa Glendale.

24 **MR. WALTERS:** My name is Glenn Walters. I'm attorney
25 here in Orangeburg. I practice right over there on Russell

1 Street.

2 **THE COURT:** Ladies and gentlemen of the jury panel,
3 the same question applies to these gentlemen. Is any
4 member of the jury panel related by blood or marriage or
5 have a close personal or social relationship with them or
6 has ever been represented by their offices? If so, please
7 stand.

8 (Jurors stand.)

9 **THE COURT:** Yes, ma'am. Would you please come
10 forward?

11 (The following proceedings were held at the bench out
12 of the hearing of the jury panel.)

13 **THE COURT:** Yes, ma'am. Your juror number?

14 **PROSPECTIVE JUROR:** 184.

15 **THE COURT:** 184. Ms. Tyler?

16 **PROSPECTIVE JUROR:** Uh-huh.

17 **THE COURT:** Yes, ma'am. Who do you know?

18 **PROSPECTIVE JUROR:** Glenn Walters.

19 **THE COURT:** Mr. Walters?

20 **PROSPECTIVE JUROR:** Yes, ma'am.

21 **THE COURT:** How do you know Mr. Walters?

22 **PROSPECTIVE JUROR:** He did a case for me.

23 **THE COURT:** How long ago was that?

24 **PROSPECTIVE JUROR:** About -- about two years ago.

25 **THE COURT:** Two years ago?

1 **PROSPECTIVE JUROR:** Uh-huh.

2 **THE COURT:** And is that case completed?

3 **PROSPECTIVE JUROR:** Uh-huh.

4 **THE COURT:** Having known Mr. Walters, can you set
5 that relationship aside and listen to the evidence in this
6 case as it comes from the witness stand and be fair and
7 impartial to the both the State and the defendants?

8 **PROSPECTIVE JUROR:** Yes.

9 **THE COURT:** Will you follow the law as I give it to
10 you?

11 **PROSPECTIVE JUROR:** Uh-huh.

12 **THE COURT:** Is that a yes?

13 **PROSPECTIVE JUROR:** Yes, ma'am.

14 **THE COURT:** All right. Thank you, ma'am.

15 Yes, ma'am. Your juror number?

16 **PROSPECTIVE JUROR:** I believe it's 176.

17 **THE COURT:** Ms. Summers?

18 **PROSPECTIVE JUROR:** Yes.

19 **THE COURT:** Yes, ma'am. Who do you know? Come
20 forward a little bit so the court reporter can hear you.

21 **PROSPECTIVE JUROR:** Andrew Brown.

22 **THE COURT:** Mr. Andrew Brown?

23 **PROSPECTIVE JUROR:** Yes.

24 **THE COURT:** And how do you know Mr. Brown?

25 **PROSPECTIVE JUROR:** He's represented my son in a

1 situation.

2 **THE COURT:** Okay. And is that a criminal case or is
3 it a civil case?

4 **PROSPECTIVE JUROR:** Civil case.

5 **THE COURT:** Okay. And do you personally know him or
6 just your son?

7 **PROSPECTIVE JUROR:** Me and my son.

8 **THE COURT:** Okay. Anything about him representing
9 your son currently, can you set that aside and listen to
10 the evidence as it comes from the witness stand and be fair
11 and impartial to both the State and to the defense?

12 **PROSPECTIVE JUROR:** I can. I just don't want it to be
13 a discrepancy. That's all.

14 **THE COURT:** No, I appreciate your honesty.

15 **PROSPECTIVE JUROR:** Yes.

16 **THE COURT:** You feel confident you can set that
17 aside and --

18 **PROSPECTIVE JUROR:** Yes, ma'am.

19 **THE COURT:** -- you'd be fair and impartial to both
20 sides?

21 **PROSPECTIVE JUROR:** Yes, ma'am.

22 **THE COURT:** And will you follow the law as I give it
23 to you?

24 **PROSPECTIVE JUROR:** Yes, ma'am.

25 **THE COURT:** All right. Thank you, ma'am.

1 (The following proceedings were held in open court.)

2 **THE COURT:** Mr. Curry, if you would please stand and
3 introduce yourself and the members of your office, please.

4 **MR. CURRY:** Thank you very much, Your Honor. If it
5 pleases the Court, ladies and gentlemen, I'm Eduardo Curry.
6 I'm from Charleston, South Carolina, but I practice law
7 in the beautiful state of South Carolina in all of the
8 forty-six counties. Thank you.

9 **THE COURT:** Thank you, Mr. Curry.

10 Ladies and gentlemen of the jury panel, anyone
11 related by blood or marriage or a close personal or social
12 relationship with Mr. Curry or has ever been represented by
13 his office? If so, please stand.

14 **THE COURT:** I find that there is no one standing.

15 Ladies and gentlemen, is anybody related by blood or
16 marriage or a close personal or social relationship with
17 Mr. Jason Glover? And Mr. Glover is the gentleman right
18 here in the white shirt.

19 (Jurors stand.)

20 (The following proceedings were held at the bench out
21 of the hearing of the jury panel.)

22 **THE COURT:** Yes, ma'am. Your number again?

23 **PROSPECTIVE JUROR:** 179.

24 **THE COURT:** 179. How do you know Mr. Glover?

25 **PROSPECTIVE JUROR:** We grew up together.

1 **THE COURT:** You grew up together?

2 **PROSPECTIVE JUROR:** Uh-huh.

3 **THE COURT:** And did you visit in each other's homes?

4 **PROSPECTIVE JUROR:** Yes. Uh-huh. Off and on.

5 **THE COURT:** And you still talk to him on a regular
6 basis?

7 **PROSPECTIVE JUROR:** No.

8 **THE COURT:** When was the last time you saw Mr. Glover?

9 **PROSPECTIVE JUROR:** The last time he was out of jail.

10 **THE COURT:** Excuse me?

11 **PROSPECTIVE JUROR:** The last time that he was at home
12 he was at my house.

13 **THE COURT:** And your first statement was the last time
14 he was out of jail?

15 **PROSPECTIVE JUROR:** Uh-huh.

16 **THE COURT:** So you know a little bit about his past?

17 **PROSPECTIVE JUROR:** Uh-huh.

18 **THE COURT:** All right. All right. I think I'm gonna
19 excuse you from serving on this trial, okay?

20 **PROSPECTIVE JUROR:** Okay.

21 **THE COURT:** And your number was 154?

22 **PROSPECTIVE JUROR:** 179.

23 **THE COURT:** Thank you.

24 Yes, sir. Your juror number?

25 **PROSPECTIVE JUROR:** I forgot.

1 **THE COURT:** Can you speak up a little bit?

2 **PROSPECTIVE JUROR:** I forgot my juror number.

3 **THE COURT:** What's your name?

4 **PROSPECTIVE JUROR:** Robert Sumter.

5 **THE COURT:** Mr. Sumter?

6 **PROSPECTIVE JUROR:** Uh-huh.

7 **THE COURT:** 177. Yes, sir. How do you know

8 Mr. Glover?

9 **PROSPECTIVE JUROR:** I grew up with him.

10 **THE COURT:** You grew up with him? Were you like
11 neighbors or friends?

12 **PROSPECTIVE JUROR:** What now?

13 **THE COURT:** Were you neighbors or friends? How close
14 are you to Mr. Glover?

15 **PROSPECTIVE JUROR:** We're neighbors.

16 **THE COURT:** Okay. You see him on a regular basis?

17 **PROSPECTIVE JUROR:** Yes.

18 **THE COURT:** And knowing him, do you know anything
19 about the facts of this case?

20 **PROSPECTIVE JUROR:** No.

21 **THE COURT:** Do you consider yourself social
22 acquaintances? How much do you know about Mr. Glover?

23 **PROSPECTIVE JUROR:** We grew up together, so we went to
24 school together.

25 **THE COURT:** Okay. Would you feel uncomfortable

1 serving on the jury?

2 **PROSPECTIVE JUROR:** I think I would.

3 **THE COURT:** You would?

4 **PROSPECTIVE JUROR:** Yeah.

5 **THE COURT:** All right. Why don't we excuse you from
6 the trial of this case?

7 **PROSPECTIVE JUROR:** All right.

8 **THE COURT:** Thank you. And, just for the record,
9 Mr. Sumter seemed very hesitant in that he knew Mr. Glover
10 very well growing up.

11 Yes, sir. Your juror number?

12 **PROSPECTIVE JUROR:** I can't remember my number.

13 **THE COURT:** That's okay. What's your name?

14 **PROSPECTIVE JUROR:** Clay Hezekiah.

15 **THE COURT:** I'm sorry?

16 **PROSPECTIVE JUROR:** Clay Hezekiah.

17 **THE COURT:** 79. Yes, sir. How do you know
18 Mr. Glover?

19 **PROSPECTIVE JUROR:** That's my nephew from a previous
20 marriage.

21 **THE COURT:** Okay. All right, sir. Do you stay in
22 contact with him? Do you know him very well? I mean, are
23 you a close family?

24 **PROSPECTIVE JUROR:** No, not -- not him. His mother,
25 but not him. He's one of the young ones.

1 **THE COURT:** Okay. And what about his brother?

2 **PROSPECTIVE JUROR:** No, ma'am.

3 **THE COURT:** Okay. Being your nephew though, would
4 that put you in a difficult position sitting on a jury
5 involved in his case?

6 **PROSPECTIVE JUROR:** No, ma'am.

7 **THE COURT:** No?

8 **PROSPECTIVE JUROR:** No, ma'am.

9 **THE COURT:** You feel you can set that relationship
10 aside?

11 **PROSPECTIVE JUROR:** Yes.

12 **THE COURT:** Are you sure?

13 **PROSPECTIVE JUROR:** Yes, ma'am.

14 **THE COURT:** Okay. Will you be fair and impartial to
15 both the State and to the defense?

16 **PROSPECTIVE JUROR:** Yes.

17 **THE COURT:** Will you follow the law as I give it to
18 you?

19 **PROSPECTIVE JUROR:** Say again.

20 **THE COURT:** Will you follow the law as I give it to
21 you?

22 **PROSPECTIVE JUROR:** Yes, ma'am.

23 **THE COURT:** Let me ask you this. Do you know anything
24 about this case?

25 **PROSPECTIVE JUROR:** No, ma'am.

1 **THE COURT:** You haven't heard any of the allegations
2 in this case?

3 **PROSPECTIVE JUROR:** I heard something.

4 **THE COURT:** Well, tell me what you've heard.

5 **PROSPECTIVE JUROR:** They had killed a fellow.

6 **THE COURT:** Why don't we do this? Just to be on the
7 safe side, I'm gonna excuse you from serving on this case
8 since you're related to the family.

9 **PROSPECTIVE JUROR:** Okay.

10 **THE COURT:** Thank you, sir. He's excused.

11 (The following proceedings were held in open court.)

12 **THE COURT:** Ladies and gentlemen, the same question
13 will apply to Mr. Leroy Glover. Mr. Leroy Glover is the
14 gentleman over here in the blue shirt. Is anyone related
15 by blood or marriage or a close personal or social
16 relationship with Mr. Leroy Glover? If so, please stand.
17 I find that there is no one standing.

18 Ladies and gentlemen, has anyone had a close personal
19 or social relationship or related by blood or marriage to
20 the alleged victim in this case, Mr. Richard M. Carter,
21 Senior? If so, please stand.

22 (Jurors stand.)

23 (The following proceedings were held at the bench out
24 of the hearing of the jury panel.)

25 **THE COURT:** Yes, sir. Your juror number?

1 **PROSPECTIVE JUROR:** It's 111.

2 **THE COURT:** 111. Mr. Lee?

3 **PROSPECTIVE JUROR:** Right.

4 **THE COURT:** Yes, sir. How did you know Mr. Carter?

5 **PROSPECTIVE JUROR:** This is Mike Carter?

6 **THE COURT:** Yes, sir.

7 **PROSPECTIVE JUROR:** I was -- I knew him since high
8 school and before. His mother and I -- I mean, Ms. Ruby,
9 his mother, was a good friend of my mom's. We went to high
10 school together. I knew A.F., I knew Rachel Carter, so he
11 was pretty close to me.

12 **THE COURT:** So would it be difficult for you to serve
13 in this case?

14 **PROSPECTIVE JUROR:** (Nods head.)

15 **THE COURT:** Yes, sir. Okay. I can certainly tell by
16 your expression. I appreciate you being honest with me, so
17 you're excused, okay?

18 **PROSPECTIVE JUROR:** Okay. Thank you.

19 **THE CLERK:** Excused?

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

21 Good morning. Your juror number?

22 **PROSPECTIVE JUROR:** 170.

23 **THE COURT:** 170. Come on up a little bit, ma'am.

24 **PROSPECTIVE JUROR:** I actually worked with the
25 victim's niece at the time of the crime -- alleged crime,

1 so I don't know if that -- I just wanted it to be out
2 there. I don't really know anybody.

3 **THE COURT:** But you worked with his niece at the time?

4 **PROSPECTIVE JUROR:** Yes.

5 **THE COURT:** Do you know anything about the particulars
6 of the case?

7 **PROSPECTIVE JUROR:** No, because that was actually at
8 the time when we were ramping down at my job, so she was
9 actually leaving at the time. So once that happened, she
10 was actually gone.

11 **THE COURT:** Okay.

12 **PROSPECTIVE JUROR:** So I didn't follow the case. I
13 don't read the papers or anything like that.

14 **THE COURT:** So you have no firsthand knowledge of
15 anything?

16 **PROSPECTIVE JUROR:** No.

17 **THE COURT:** Can you set that relationship aside with
18 his niece and listen to the evidence in this case and be
19 fair and impartial to both the State and the defense?

20 **PROSPECTIVE JUROR:** Yes. She didn't actually work,
21 you know, with me. I just meant in the facility.

22 **THE COURT:** No, I appreciate that. It's really more
23 of acquaintance, not something very close?

24 **PROSPECTIVE JUROR:** Correct.

25 **THE COURT:** Visited in each other's homes or anything?

1 **PROSPECTIVE JUROR:** No.

2 **THE COURT:** All right. So can you be fair and
3 impartial to both the State and the defense?

4 **PROSPECTIVE JUROR:** Yes.

5 **THE COURT:** And will you listen to the law and apply
6 it as I give it to you?

7 **PROSPECTIVE JUROR:** Yes.

8 **THE COURT:** All right. Thank you, ma'am.

9 (The following proceedings were held in open court.)

10 **THE COURT:** Ladies and gentlemen, I'm gonna read a
11 list of potential witnesses in this case. After I read
12 the list of potential witnesses, I will ask you the same
13 questions; if you're related by blood or marriage or have
14 a close personal or social relationship with any of the
15 following people. And if any of them are in the courtroom,
16 if they would please stand so the jury can see who you are.

17 Sergeant Allan Hunter. Sergeant Paul Fischer.
18 Lieutenant Gerald Carter. Investigator William
19 Ketcherside. Lieutenant James Shumpert. Investigator
20 Thomas Collins. Mr. Collins is here. Investigator Keisha
21 Gillard. You may sit down, sir. Investigator Jared
22 Kittrell. Kim Pugh. Captain Scott McDonald. Michael
23 Phipps. James Green. Maryann Boehm. Kukila Stanley.
24 Chief Edward Barnett.
25 Dr. Janice Ross. Paul Hurley. Kenneth Piffer. Wendy

1 Carter. Eboni Webb.

2 **MR. SORENSON:** There's Ms. Carter.

3 **THE COURT:** Oh, there's Ms. Carter. Thank you, ma'am.

4 Scott Bolt. Deborah Jenkins. Alice Simpson. Demetra

5 Simpson. David Williams. Wesley Jamison. LaTosha

6 Truewell. Keisha Mack. Ikwon Frazier. Patrick Thrower,

7 Jeremy Bradley. Neil Patel. Mickey Dawson. Ricky Bear.

8 And Steven Douglas.

9 Any member of the jury panel have a close personal or
10 social relationship or is related by blood or marriage to
11 any of the potential witnesses that I've just mentioned?

12 (Jurors stand.)

13 **THE COURT:** Yes, ma'am. If you'd come forward.

14 (Proceedings held at the bench out of the hearing of
15 the jury panel.)

16 **THE COURT:** Yes, ma'am. Your juror number?

17 **PROSPECTIVE JUROR:** 87.

18 **THE COURT:** 87. Ms. Irick?

19 **PROSPECTIVE JUROR:** Uh-huh.

20 **THE COURT:** Yes, ma'am. Who do you know?

21 **PROSPECTIVE JUROR:** I'm related to Jared Kittrell.

22 **THE COURT:** Okay.

23 **PROSPECTIVE JUROR:** I mean, he's a cousin. We haven't
24 discussed any of this or anything.

25 **THE COURT:** And he's your cousin?

1 **PROSPECTIVE JUROR:** He's my cousin.

2 **THE COURT:** Okay. He hasn't talked to you about this
3 case or anything?

4 **PROSPECTIVE JUROR:** Unh-unh.

5 **THE COURT:** The fact that he's your cousin, can you
6 set that relationship aside in this case and listen to the
7 evidence?

8 **PROSPECTIVE JUROR:** Yes, I think so, but I also need
9 to add that I work closely with Lou-Ann Carter, which is
10 the deceased's ex-wife. I notice that she's here in the
11 courtroom, so that would kind of make it hard because, you
12 know, it's hard not to sympathize.

13 **THE COURT:** Sure. You're close friends with her and
14 the family?

15 **PROSPECTIVE JUROR:** Not really the family, but, like I
16 said, I work closely with her, so I know her personally.

17 **THE COURT:** All right. And have you discussed this
18 case with her?

19 **PROSPECTIVE JUROR:** No, not really, but, you know,
20 just there was a lot of talk at work and stuff once it
21 happened. But, no, I haven't talked to her.

22 **THE COURT:** And it would make you feel uncomfortable?

23 **PROSPECTIVE JUROR:** Yes.

24 **THE COURT:** All right. I'm gonna go ahead and excuse
25 you from this trial.

1 **PROSPECTIVE JUROR:** Okay. Thank you.

2 **THE COURT:** Good morning, ma'am. Your juror number?

3 **PROSPECTIVE JUROR:** 48.

4 **THE COURT:** 48. Ms. Downs?

5 **PROSPECTIVE JUROR:** Yeah.

6 **THE COURT:** Yes, ma'am. Who do you know?

7 **PROSPECTIVE JUROR:** I don't know if it's the same
8 person, but I know a Deborah Jenkins.

9 **THE COURT:** Okay. A Deborah Jenkins. And do you know
10 what capacity she's employed with or --

11 **PROSPECTIVE JUROR:** She's a nurse with the Regional
12 Medical Center.

13 **THE COURT:** Okay.

14 **MR. SORENSON:** I'm not -- do you know where she lives?

15 **PROSPECTIVE JUROR:** No, I only know her through
16 working with her.

17 **THE COURT:** Okay. You work with her?

18 **PROSPECTIVE JUROR:** Right.

19 **THE COURT:** Okay. Do you visit in each other's homes?

20 **PROSPECTIVE JUROR:** No.

21 **THE COURT:** Okay. And just knowing her from work, do
22 you think you can set that relationship aside and listen to
23 the evidence that comes from the witness stand?

24 **PROSPECTIVE JUROR:** Sure.

25 **THE COURT:** And will you be fair and impartial to both

1 the State and the defense?

2 **PROSPECTIVE JUROR:** Yeah.

3 **THE COURT:** Will you follow the law as I give it to
4 you?

5 **PROSPECTIVE JUROR:** Say it again.

6 **THE COURT:** Will you follow the law as I --

7 **PROSPECTIVE JUROR:** Sure.

8 **THE COURT:** Thank you, ma'am. You can stay.

9 **THE CLERK:** What's her number?

10 **MR. CURRY:** 48.

11 **THE CLERK:** Is she excused?

12 **THE COURT:** 48's staying.

13 Yes, ma'am. Your juror number?

14 **POTENTIAL JUROR:** I don't know. My name's Patricia
15 Ryant.

16 **THE COURT:** Riley?

17 **POTENTIAL JUROR:** Ryant.

18 **THE COURT:** Yes, ma'am. Do you know?

19 **PROSPECTIVE JUROR:** James Green.

20 **THE COURT:** James Green?

21 **PROSPECTIVE JUROR:** Yes.

22 **THE COURT:** Okay.

23 **MR. SORENSON:** (Shakes head.)

24 **THE COURT:** He's not the same person? How do you know
25 Mr. Green?

1 **PROSPECTIVE JUROR:** We're first cousins.

2 **THE COURT:** First cousins. Do you know what he does
3 for a living?

4 **PROSPECTIVE JUROR:** No, I don't.

5 **MR. SORENSON:** He works at SLED. He's a firearms guy.

6 **THE COURT:** This is a guy that works at the Law
7 Enforcement Division, SLED. He's a firearms expert.

8 **PROSPECTIVE JUROR:** No, he was doing drugs and stuff.

9 **THE COURT:** Okay. So a different James Green, but
10 thank you, ma'am.

11 **THE COURT:** She'll stay with us.

12 (The following proceedings were held in open court.)

13 **THE COURT:** Ladies and gentlemen, is there any
14 member of the jury panel or a close personal or social
15 relationship ever been the victim of a violent crime? A
16 violent crime, of course, would include a crime such as
17 murder, armed robbery, kidnapping, burglary, something of
18 that nature. If so, please stand.

19 (Juror stands.)

20 (Proceedings held at the bench out of the hearing of
21 the jury panel.)

22 **THE COURT:** Yes, sir. Your juror number?

23 **PROSPECTIVE JUROR:** 183.

24 **THE COURT:** 183. Mr. Thompson?

25 **PROSPECTIVE JUROR:** Yes, ma'am. I had some guys break

1 into my house. They stole a pistol and within twenty-four
2 hours a man was killed with my pistol and I had to go
3 through all the proceedings and stuff like that in
4 Dorchester County.

5 **THE COURT:** Okay. And when did that happen?

6 **PROSPECTIVE JUROR:** 1997.

7 **THE COURT:** So it's been a little while?

8 **PROSPECTIVE JUROR:** It has.

9 **THE COURT:** Anything about that experience -- can you
10 set that experience aside and in this case listen to the
11 evidence as it comes from the witness stand and be fair and
12 impartial to both the State and the defense?

13 **PROSPECTIVE JUROR:** Yes, ma'am.

14 **THE COURT:** And will you follow the law as I give it
15 to you?

16 **PROSPECTIVE JUROR:** Yeah.

17 **THE COURT:** All right, sir. Thank you.

18 (The following proceedings were held in open court.)

19 **THE COURT:** Is there any member of the jury panel
20 related by blood or marriage or a friend or acquaintance
21 of anybody employed by the attorney general's office,
22 solicitor's office, any prosecuting office, or has anyone
23 worked with law enforcement, a civilian or military law
24 enforcement agency? If so, please stand. I know that's a
25 lot of questions in there at once.

1 (Jurors stand.)

2 **THE COURT:** All right. If y'all would please come
3 forward.

4 (Proceedings held at the bench out of the hearing of
5 the jury panel.)

6 **THE COURT:** Yes, sir.

7 **PROSPECTIVE JUROR:** I've done computer forensics for
8 Air Force OSI.

9 **THE COURT:** Okay. And your juror number?

10 **PERSPECTIVE JUROR:** 136. It's a private contractor.

11 **THE COURT:** Mr. Patel?

12 **PROSPECTIVE JUROR:** Yes.

13 **THE COURT:** All right. For OSI and you do computer
14 forensics?

15 **PROSPECTIVE JUROR:** I don't work for them, I'm a
16 private contractor, so. I've done it within the past six
17 months.

18 **THE COURT:** Okay. Anything about -- working in that
19 capacity, can you set that aside and be fair and impartial
20 to both the State and to the defense?

21 **PROSPECTIVE JUROR:** Yes, ma'am.

22 **THE COURT:** And will you follow the law as I give it
23 to you?

24 **PROSPECTIVE JUROR:** Yes, ma'am.

25 **THE COURT:** All right, sir. Thank you.

1 Yes, ma'am. Your juror number?

2 **PROSPECTIVE JUROR:** 148.

3 **THE COURT:** 148. Ms. Reich?

4 **PROSPECTIVE JUROR:** Yes.

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

6 **PROSPECTIVE JUROR:** I worked with the New York City
7 Police Department as a fingerprint technician.

8 **THE COURT:** Oh, okay. That's interesting. When did
9 you do that?

10 **PROSPECTIVE JUROR:** From 1973 to 1996.

11 **THE COURT:** Okay. And you're retired now?

12 **PROSPECTIVE JUROR:** Yeah.

13 **THE COURT:** Anything about that previous experience,
14 can you set that aside and be fair and impartial to both
15 the State and the defense in this case?

16 **PROSPECTIVE JUROR:** Yes, I can.

17 **THE COURT:** Will you listen to the evidence and apply
18 the law as I give it to you?

19 **PROSPECTIVE JUROR:** Yes.

20 **THE COURT:** All right. Thank you, ma'am. Stay with
21 us.

22 Yes, ma'am.

23 **PROSPECTIVE JUROR:** I just wanted to be clear. Did
24 you say a relative working with --

25 **THE COURT:** Law enforcement.

1 **PROSPECTIVE JUROR:** Public safety?

2 **THE COURT:** Public safety, sure. And you're
3 Ms. Downs, right?

4 **PROSPECTIVE JUROR:** Right.

5 **THE COURT:** Who -- can you scoot up?

6 **PROSPECTIVE JUROR:** Oh, sure. A sister works at --
7 I'm not quite sure what her job title is.

8 **THE COURT:** But your sister works with public safety?

9 **PROSPECTIVE JUROR:** Yes.

10 **THE COURT:** Anything about her employment, can you set
11 that aside and listen to the evidence as it comes from the
12 witness stand and be fair and impartial to both the State
13 and to the defense?

14 **PROSPECTIVE JUROR:** Yeah.

15 **THE COURT:** Well, I need to know for sure.

16 **PROSPECTIVE JUROR:** Yeah. I mean -- yeah, I'd like to
17 be excused though.

18 **THE COURT:** Well, can you tell me why?

19 **PROSPECTIVE JUROR:** Well, mainly because of the nature
20 of the case.

21 **THE COURT:** You'd have a difficult time sitting in a
22 case involving a murder allegation, is that what you're
23 saying?

24 **PROSPECTIVE JUROR:** Yes.

25 **THE COURT:** Well, you understand that each defendant

1 is presumed innocent; that they have the burden of proof
2 beyond a reasonable doubt and it's a juror's job to listen
3 to the evidence and apply the facts as they find from the
4 evidence and be fair and impartial to both sides. Do you
5 think you can do that?

6 **PROSPECTIVE JUROR:** Can I be honest?

7 **THE COURT:** Yes. Oh, I want you to be honest.

8 **PROSPECTIVE JUROR:** I'm really just concerned because
9 I don't know a whole lot of stuff involved with this case,
10 but I'm just concerned for my safety to be perfectly honest
11 with you. I don't know what the case is about, but I --
12 and I've just come -- I've just been here about three
13 years, so I don't know all the parties involved, but I'd be
14 concerned about not knowing a situation or not knowing
15 someone and my safety factor.

16 **THE COURT:** Okay. Well, as far as not knowing
17 someone, that's a perfect juror really because you're not
18 involved with the facts of the case, you have no knowledge
19 with the facts of the case. Obviously if there's any
20 problem or you have concerns after the trial, certainly
21 law enforcement would -- we take care of our jurors. I
22 certainly want you to feel comfortable regarding your role
23 if you are selected, but is there something -- just any
24 kind of criminal case would have you concerned?

25 **PROSPECTIVE JUROR:** No, it's really just this one. I

1 mean, it's just this type of case.

2 **THE COURT:** What about this? I'm gonna transfer you
3 to a civil term of court, okay, so you can serve on a civil
4 jury rather than a criminal jury.

5 **PROSPECTIVE JUROR:** Okay. That's fine.

6 **THE COURT:** Okay. All right. We'll transfer
7 Ms. Downs to a civil jury. All right. Thank you, ma'am.

8 (The following proceedings were held in open court.)

9 **THE COURT:** Has any member of the jury panel formed or
10 expressed an opinion on any issue or matter involved in
11 this case? If so, please stand. I find that there is no
12 one standing.

13 Is there any member of the jury panel that was a
14 member of the grand jury which issued the indictment in
15 this case? If so, please stand. I find that there is no
16 one standing.

17 Has any member of the jury panel read or heard
18 anything about this case either today or before today? If
19 so, please stand.

20 (Jurors stand.)

21 (Proceedings held at the bench out of the hearing of
22 the jury panel.)

23 **THE COURT:** All right. Mr. Thompson, right?

24 **PROSPECTIVE JUROR:** Yes, ma'am. 183.

25 **THE COURT:** All right, Mr. Thompson. Tell me what

1 you've read or heard.

2 **PROSPECTIVE JUROR:** I've just read articles in the
3 newspaper.

4 **THE COURT:** Okay. And, of course, you understand
5 that articles in the newspaper don't always portray all
6 information correctly.

7 **PROSPECTIVE JUROR:** Oh, I understand that.

8 **THE COURT:** Okay. And you understand that the
9 defendants are both presumed innocent and the State has
10 the burden of proving their guilt beyond a reasonable
11 doubt?

12 **PROSPECTIVE JUROR:** Yes.

13 **THE COURT:** Can you set what you've read in the
14 newspapers aside and set listen to the evidence that comes
15 from the witness stand and be fair and impartial to both
16 the State and the defense?

17 **PROSPECTIVE JUROR:** Yes, ma'am.

18 **THE COURT:** And will you follow the law as I give it
19 to you?

20 **PROSPECTIVE JUROR:** Oh, yeah.

21 **THE COURT:** All right, sir. Thank you.
22 Yes, ma'am. Your juror number?

23 **PROSPECTIVE JUROR:** 53.

24 **THE COURT:** Ms. Fersner, yes, ma'am. What did you
25 hear?

1 **PROSPECTIVE JUROR:** I just heard about Jason and I
2 just heard about the incident.

3 **THE COURT:** You heard about the incident?

4 **PROSPECTIVE JUROR:** Yes, in the paper. And some of my
5 family members used to rent from him.

6 **THE COURT:** Okay. Some of your family members used to
7 rent from the victim in this case?

8 **PROSPECTIVE JUROR:** Yes, the man, uh-huh.

9 **THE COURT:** Okay. The victim in this case. And did
10 you know them personally, the family, the victim's family?

11 **PROSPECTIVE JUROR:** (Shakes head.)

12 **THE COURT:** And you read something about it in the
13 newspaper?

14 **PROSPECTIVE JUROR:** (Nods head.)

15 **THE COURT:** Can you say yes or no? She's got to take
16 down your response.

17 **PROSPECTIVE JUROR:** Yes.

18 **THE COURT:** You understand that what's in the
19 newspaper obviously, of course, is not always complete or
20 accurate. Do you understand that?

21 **PROSPECTIVE JUROR:** Yes.

22 **THE COURT:** And you understand that both defendants
23 are presumed innocent and the State has the burden of proof
24 beyond a reasonable doubt. Do you understand that burden?

25 **PROSPECTIVE JUROR:** Yes, ma'am.

1 **THE COURT:** And based on that burden, can you set
2 aside anything that you may have heard and be fair and
3 impartial to both the State and to the defense?

4 **PROSPECTIVE JUROR:** Yes, ma'am.

5 **THE COURT:** And will you follow the law as I give it
6 to you?

7 **PROSPECTIVE JUROR:** Yes, ma'am.

8 **THE COURT:** All right. Thank you.

9 Yes, ma'am. Juror number?

10 **PROSPECTIVE JUROR:** 198.

11 **THE COURT:** Ms. Wright?

12 **PROSPECTIVE JUROR:** Yes.

13 **THE COURT:** Yes, ma'am. Can you tell me what you've
14 heard?

15 **PROSPECTIVE JUROR:** Well, I read about it in --

16 **THE COURT:** Come closer.

17 **PROSPECTIVE JUROR:** I've read about it and I --
18 because it happened a close distance to where I live and
19 so I was afraid, so I kind of --

20 **THE COURT:** Well, when you say you read about it, read
21 about the articles in the newspaper?

22 **PROSPECTIVE JUROR:** In the paper and kind of heard
23 everybody in the neighborhood, you know, talking about it.

24 **THE COURT:** Sure. Let's tackle one at a time, okay?

25 **PROSPECTIVE JUROR:** Okay.

1 **THE COURT:** The articles that you read in the
2 newspaper obviously sometimes that information isn't always
3 complete or accurate. Do you understand that?

4 **PROSPECTIVE JUROR:** Right.

5 **THE COURT:** And what you've read in the newspapers,
6 you understand that both defendants are presumed innocent
7 until the State meets the burden of proof beyond a
8 reasonable doubt. Do you understand that?

9 **PROSPECTIVE JUROR:** Yes.

10 **THE COURT:** And can you set aside whatever you've read
11 in the newspaper and listen to the evidence solely as it
12 comes from the witness stand and be fair and impartial to
13 the State and to the defense?

14 **PROSPECTIVE JUROR:** Yes.

15 **THE COURT:** And will you follow the law as I give it
16 to you?

17 **PROSPECTIVE JUROR:** Yes.

18 **THE COURT:** All right. The same questions apply to
19 what you've heard in the neighborhood. Obviously if you
20 were in close proximity to someone that's been talking,
21 you understand that they may not have firsthand knowledge
22 or if they do it may not be accurate?

23 **PROSPECTIVE JUROR:** Yes.

24 **THE COURT:** And can you set that aside --

25 **PROSPECTIVE JUROR:** Yes.

1 **THE COURT:** -- and listen completely to the evidence
2 that comes from the witness stand and be fair and impartial
3 to both the State and to the defense?

4 **PROSPECTIVE JUROR:** Yes.

5 **THE COURT:** And will you follow the law as I give it
6 to you?

7 **PROSPECTIVE JUROR:** Yes.

8 **THE COURT:** Thank you, ma'am.

9 All right. Yes, sir. Your juror number?

10 **PROSPECTIVE JUROR:** 141.

11 **THE COURT:** 141? Mr. Puckett?

12 **PROSPECTIVE JUROR:** Right.

13 **THE COURT:** Can you tell me what you've heard?

14 **PROSPECTIVE JUROR:** I've just kept up with the case a
15 little bit and actually hearing anything, I haven't heard
16 anything. I didn't know if I was supposed to --

17 **THE COURT:** No, I appreciate that. That's all we ask.
18 We just want to make sure the jurors can be fair and
19 impartial.

20 **PROSPECTIVE JUROR:** Right. Right.

21 **THE COURT:** When you say you've kept up with the case,
22 you mean like you've read the articles in the newspaper?

23 **PROSPECTIVE JUROR:** Just kept up with the articles
24 mainly.

25 **THE COURT:** All right. And you understand that the

1 articles in the newspaper may not be accurate and complete?

2 **PROSPECTIVE JUROR:** Correct. That's correct.

3 **THE COURT:** Can you set aside everything you've read
4 in the newspaper and listen to the evidence that comes
5 solely from the witness stand and be fair and impartial to
6 both the State and to the defense?

7 **PROSPECTIVE JUROR:** Yes, I can.

8 **THE COURT:** Do you understand that both defendants
9 are presumed innocent and it's the State's burden of proof
10 beyond a reasonable doubt? Can you follow that?

11 **PROSPECTIVE JUROR:** I sure can.

12 **THE COURT:** All right, sir. Will you follow the law
13 as I give it to you?

14 **PROSPECTIVE JUROR:** Yes.

15 **THE COURT:** All right, sir. Thank you.

16 Yes, ma'am. Your number again?

17 **PROSPECTIVE JUROR:** 170.

18 **THE COURT:** 170. All right. Yes, ma'am.

19 **PROSPECTIVE JUROR:** I just wanted to, again, let you
20 know when I heard about the incident is when she was still
21 working with us, we work for insurance, health insurance,
22 so we were ramping down during that time, so she wasn't
23 there very long, but I did hear about the case through her
24 and the job.

25 **THE COURT:** And that was the victim's niece, right?

1 **PROSPECTIVE JUROR:** Yes.

2 **THE COURT:** Okay. And, again, I'll ask you the same
3 questions. Having heard about the incident, can you set
4 that aside and listen to the evidence solely as it comes
5 from the witness stand and be fair and impartial to both
6 the State and to the defense?

7 **PROSPECTIVE JUROR:** Yes.

8 **THE COURT:** Will you follow the law as I give it to
9 you?

10 **PROSPECTIVE JUROR:** Yes, ma'am.

11 **THE COURT:** All right. Thank you, ma'am.
12 Yes, sir. Your number, please?

13 **PROSPECTIVE JUROR:** Number 51.

14 **THE COURT:** Mr. Etheridge?

15 **PROSPECTIVE JUROR:** Yes.

16 **THE COURT:** Can you tell me what you heard?

17 **PROSPECTIVE JUROR:** I just remember it from being in
18 the paper when it happened. No specifics or anything. I
19 just remember the name.

20 **THE COURT:** Okay. And you understand, of course, that
21 what's in the paper may not be complete and accurate?

22 **PROSPECTIVE JUROR:** Yes, ma'am. Definitely.

23 **THE COURT:** And you understand that both defendants
24 are presumed innocent and the State has the burden of proof
25 beyond a reasonable doubt? Do you understand that?

1 **PROSPECTIVE JUROR:** Yes, ma'am.

2 **THE COURT:** Can you set aside what you've read in the
3 newspaper or you may have heard and listen to the evidence
4 solely as it comes from the witness stand and be fair and
5 impartial to both the State and to the defense?

6 **PROSPECTIVE JUROR:** Yes, ma'am.

7 **THE COURT:** Will you follow the law as I give it to
8 you?

9 **PROSPECTIVE JUROR:** Yes, ma'am.

10 **THE COURT:** All right, sir. Thank you.

11 **PROSPECTIVE JUROR:** Thank you.

12 (The following proceedings were held in open court.)

13 **THE COURT:** Is there any member of the jury panel
14 aware of any bias or prejudice towards either the State or
15 the defendants in this case? If so, please stand. I find
16 that there is no one standing.

17 Does any member of the jury panel know of any reason
18 whatsoever why he or she should not serve as a juror in
19 this case, with a particular emphasis being placed on your
20 ability to be fair and impartial to both the State and the
21 defense in this case? If so, please stand. I find that
22 there is no one standing.

23 Ladies and gentlemen, that will conclude the list of
24 questions before we begin our jury selection.

25 Madam clerk, do we need a few minutes?

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

2 **THE COURT:** Ladies and gentlemen, it will take us just
3 a few minutes to put your numbers in the -- your numbers
4 are actually circulated around and they're selected in kind
5 of a random order. When the clerk gets the names ready,
6 what we'll do is we'll call you to come up front and if you
7 would when your name is called if you would face the front
8 of the courtroom and at that point the parties will have an
9 opportunity to seat you on the jury or not seat you on the
10 jury. Again, please don't take offense to either side.
11 There's many reasons why attorneys do that, but it will
12 take us just a few minutes. But, again, when you come
13 forward, if you'd bring all your personal belongings with
14 you because if you are seated on the jury we'll go ahead
15 and seat you in the jury box.

16 Ladies and gentlemen, while we wait for the numbers
17 to be called I'll share with you a story that may make you
18 appreciate your jury service here in Orangeburg County a
19 lot more. As judges, we're required to attend legal
20 education courses in Reno, Nevada with judges from across
21 the country and from different countries as well. I met a
22 judge from Alaska who informed me that his territory is
23 just about as big as the State of Texas almost and to have
24 jurors come to court -- many jurors go to small villages
25 and in order to get to court, the court must provide

1 transportation for them, most of which include a two-hour
2 snowmobile ride, a dogsled ride and an airplane ride, and
3 they're all armed with firearms when they get on each of
4 these treks to get to the courthouse; not because the other
5 people are a potential danger there, but because of bear
6 attacks. So your jury service may not be quite as
7 difficult as that, but we certainly appreciate y'all being
8 here.

9 (Proceedings held at the bench out of the hearing of
10 the jury panel.)

11 **THE COURT:** All right. You may proceed.

12 Ladies and gentlemen, again, if your name is called if
13 you would come forward and face the back of the courtroom
14 to see whether or not you will be selected to be seated on
15 the jury or excused. Again, please bring all your personal
16 belongings with you because if you are seated on the jury,
17 we'll go ahead and seat you in the jury box.

18 You may proceed, Madam Clerk.

19 **THE CLERK:** Thank you. Juror Number 168, Teresa
20 Smith.

21 (Whereupon, Teresa B. Smith, a black female, was
22 called forward.)

23 **THE CLERK:** What says the State?

24 **MR. SORENSON:** Please present Ms. Smith.

25 **THE CLERK:** What says the defense?

1 **MR. CULLER:** We accept the juror, Your Honor.

2 **THE CLERK:** What says the defense?

3 **MR. CURRY:** Please swear the juror in the service of
4 this case, Madam Clerk.

5 **THE CLERK:** You may have a seat in the jury box,
6 please, ma'am.

7 Juror Number 134, April Pam.

8 (Whereupon, April C. Pam, a black female, was called
9 forward.)

10 **THE CLERK:** What says the State?

11 **MR. SORENSON:** Please present Ms. Pam.

12 **THE CLERK:** What says the defense?

13 **MR. CULLER:** Please seat Ms. Pam.

14 **THE CLERK:** What says the defense?

15 **MR. CURRY:** Please swear Ms. Pam in the service of
16 this case, Madam Clerk.

17 **THE CLERK:** Thank you. Have a seat in the jury box.
18 Juror Number 53, Lashanna Fersner.

19 (Whereupon, Lashanna Fersner, a black female, was
20 called forward.)

21 **THE CLERK:** What says the State?

22 **MR. SORENSON:** Please excuse Ms. Fersner.

23 **THE CLERK:** You may return to your seat.

24 Juror Number 191, Flitcha Williams.

25 (Whereupon, Flitcha G. Williams, a black female, was

1 called forward.)

2 **THE CLERK:** What says the State?

3 **MR. SORENSON:** Please present Ms. Williams.

4 **THE CLERK:** What says the defense?

5 **MR. CULLER:** Please seat Ms. Williams.

6 **THE CLERK:** What says the defense?

7 **MR. CURRY:** Please swear Ms. Williams in the service
8 of this case, Madam Clerk.

9 **THE CLERK:** Thank you. You can have a seat in the
10 jury box.

11 Juror Number 198, Vikki Wright.

12 (Whereupon, Vikki R. Wright, a black female, was
13 called forward.)

14 **THE CLERK:** What says the State?

15 **MR. SORENSON:** Please present Ms. Wright.

16 **THE CLERK:** What says the defense?

17 **MR. CULLER:** Please seat Ms. Wright.

18 **THE CLERK:** What says the defense?

19 **MR. CURRY:** Please swear Ms. Wright in the service of
20 this case, Madam Clerk.

21 **THE CLERK:** You may have a seat in the jury box.

22 **THE CLERK:** Juror Number 54, Janice Fields.

23 (Whereupon, Janice M. Fields, a black female, was
24 called forward.)

25 **THE CLERK:** What says the State?

1 **MR. SORENSON:** Please present Ms. Fields.

2 **THE CLERK:** What says the defense?

3 **MR. CULLER:** Please seat Ms. Fields.

4 **THE CLERK:** What says the defense?

5 **MR. CURRY:** Please swear Ms. Fields in the service of
6 this case, Madam Clerk.

7 **THE CLERK:** Thank you. Juror Number 65, Laverne
8 Gross.

9 (Whereupon, Lavern K. Gross, a black female, was
10 called forward.)

11 **THE CLERK:** What says the State?

12 **MR. SORENSON:** Please excuse Ms. Gross.

13 **THE CLERK:** You may return to your seat.
14 Juror Number 140, Jackie Prophet.

15 (Whereupon, Jackie L. Prophet, a black male, was
16 called forward.)

17 **THE CLERK:** What says the State?

18 **MR. SORENSON:** Please excuse Mr. Prophet.

19 **THE CLERK:** You may return to your seat, sir.
20 Juror Number 69, Wanda Hamilton.

21 (Whereupon, Wanda L. Hamilton, a black female, was
22 called forward.)

23 **THE CLERK:** What says the State?

24 **MR. SORENSON:** Please present Ms. Hamilton.

25 **THE CLERK:** What says the defense?

1 **MR. CULLER:** Please seat Ms. Hamilton.

2 **THE CLERK:** What says the defense?

3 **MR. CURRY:** Please swear Ms. Hamilton in the service
4 of this case, Madam Clerk.

5 **THE CLERK:** Thank you. You can have a seat in the
6 jury box.

7 Juror Number 115, Regal Mack.

8 (Whereupon, Regal D. Mack, a black male, was called
9 forward.)

10 **THE CLERK:** What says the State?

11 **MR. SORENSON:** Please excuse Mr. Mack.

12 **THE CLERK:** You may return to your seat.

13 Juror Number 76, Kimberly Herman.

14 (Whereupon, Kimberly A. Herman, a white female, was
15 called forward.)

16 **THE CLERK:** What says the State?

17 **MR. SORENSON:** Please present Ms. Herman.

18 **THE CLERK:** What says the defense?

19 **MR. CULLER:** Please seat Ms. Herman.

20 **THE CLERK:** What says the defense?

21 **MR. CURRY:** Please swear Ms. Herman in the service of
22 this case, Madam Clerk.

23 **THE CLERK:** Thank you.

24 Juror Number 75, Billie Headland.

25 (Whereupon, Billie J. Headland, a white female, was

1 called forward.)

2 **THE CLERK:** What says the State?

3 **MR. SORENSON:** Please present Ms. Headland.

4 **THE CLERK:** What says the defense?

5 **MR. CULLER:** Please excuse Ms. Headland.

6 **THE CLERK:** Please return to your seat.

7 Juror Number 170, Deanna Snelgrove.

8 **MR. CURRY:** You said 170, Madam Clerk?

9 **THE CLERK:** Yes.

10 (Whereupon, Deanna L. Snelgrove, a white female, was
11 called forward.)

12 **THE CLERK:** What says the State?

13 **MR. SORENSON:** Please present Ms. Snelgrove.

14 **THE CLERK:** What says the defense?

15 **MR. CULLER:** Please excuse Ms. Snelgrove.

16 **THE CLERK:** You may return to your seat.

17 Juror Number 1, Janay Abraham.

18 (Whereupon, Janay E. Abraham, a black female, was
19 called forward.)

20 **THE CLERK:** What says the State?

21 **MR. SORENSON:** Please excuse Ms. Abraham.

22 **THE CLERK:** You may return to your seat.

23 Juror Number 183, David Thompson.

24 (Whereupon, David L. Thompson, a white male, was
25 called forward.)

1 **THE CLERK:** What says the State?

2 **MR. SORENSON:** Please present Mr. Thompson.

3 **THE CLERK:** What says the defense?

4 **MR. CULLER:** Please excuse Mr. Thompson.

5 **THE CLERK:** You may return to your seat.

6 Juror Number 104, Maurice Keitt.

7 (Whereupon, Maurice F. Keitt, a black male, was called
8 forward.)

9 **THE CLERK:** What says the State?

10 **MR. SORENSON:** Please excuse Mr. Keitt.

11 **THE CLERK:** You may return to your seat.

12 Juror Number 51, Paul Etheridge.

13 (Whereupon, Paul R. Etheridge, a white male, was
14 called forward.)

15 **THE CLERK:** What says the State?

16 **MR. SORENSON:** Please present Mr. Etheridge.

17 **THE CLERK:** What says the defense?

18 **MR. CULLER:** Please excuse Mr. Etheridge.

19 **THE CLERK:** You may return to your seat.

20 Juror Number 178, Patricia Taste.

21 (Whereupon, Patricia J. Taste, a black female, was
22 called forward.)

23 **THE CLERK:** What says the State?

24 **MR. SORENSON:** Please present Ms. Taste.

25 **THE CLERK:** What says the defense?

1 **MR. CULLER:** Please seat Ms. Taste.

2 **THE CLERK:** You may have a seat in the jury box,
3 ma'am.

4 **THE COURT:** Ms. Taste, wait.

5 **THE CLERK:** I'm sorry. What says the defense?

6 **MR. CURRY:** Please swear Ms. Taste in the service of
7 this case, Madam Clerk.

8 Juror Number 116, Robert MacPherson.

9 (Whereupon, Robert G. MacPherson, a white male, was
10 called forward.)

11 **THE CLERK:** What says the State?

12 **MR. SORENSON:** Please present Mr. MacPherson.

13 **THE CLERK:** What says the defense?

14 **MR. CULLER:** Please seat Mr. MacPherson.

15 **THE CLERK:** What says the defense?

16 **MR. CURRY:** Please strike Mr. MacPherson in the
17 service of this case, Madam Clerk.

18 **THE CLERK:** Juror Number 68, Jennifer Halls-Jones.

19 (Whereupon, Jennifer J. Halls-Jones, a black female,
20 was called forward.)

21 **THE CLERK:** What says the State?

22 **MR. SORENSON:** Please present Ms. Halls-Jones.

23 **THE CLERK:** What says the defense?

24 **MR. CULLER:** Please seat Ms. Halls-Jones.

25 **THE CLERK:** What says the defense?

1 **MR. CURRY:** Please swear Ms. Halls-Jones in the
2 service of this case, Madam Clerk.

3 **THE CLERK:** Thank you. May have a seat in the jury
4 box.

5 Juror Number 187, Mulinda Washington.

6 (Whereupon, Mulinda B. Washington, a black female, was
7 called forward.

8 **THE CLERK:** What says the State?

9 **MR. SORENSON:** Please excuse Ms. Washington.

10 **THE CLERK:** You may return to your seat.

11 Juror Number 138, Jesse Personett.

12 (Whereupon, Jesse R. Personett, a white male, was
13 called forward.)

14 **THE CLERK:** What says the State?

15 **MR. SORENSON:** Please present Mr. Personett.

16 **THE CLERK:** What says the defense?

17 **MR. CULLER:** Please seat Mr. Personett.

18 **THE CLERK:** What says the defense?

19 **MR. CULLER:** Please swear Mr. Personett in the service
20 of the case, Madam Clerk.

21 **THE CLERK:** Have a seat in the jury box.

22 Juror Number 156, Charles Rudd.

23 (Whereupon, Charles C. Rudd, Jr., a white male, was
24 called forward.)

25 **THE CLERK:** What says the State?

1 **MR. SORENSON:** Please present Mr. Rudd.

2 **THE CLERK:** What says the defense?

3 **MR. CULLER:** Please seat Mr. Rudd.

4 **THE CLERK:** What says the defense?

5 **MR. CURRY:** Please excuse Mr. Rudd in the service of
6 this case, Madam Clerk.

7 **THE CLERK:** You may return to your seat.

8 Juror Number 85, Linda Huggins.

9 (Whereupon, Linda K. Huggins, a black female, was
10 called forward.)

11 **THE CLERK:** What says the State?

12 **MR. SORENSON:** Please present Ms. Huggins.

13 **THE CLERK:** What says the defense?

14 **MR. CULLER:** Please seat Ms. Huggins.

15 **THE CLERK:** What says the defense?

16 **MR. CURRY:** Please swear Ms. Huggins in the service of
17 this case, Madam Clerk.

18 **THE CLERK:** You may have a seat in the jury box.

19 Juror Number 148, Margaret Reich.

20 (Whereupon, Margaret Reich, a black female, was called
21 forward.)

22 **THE CLERK:** What says the State?

23 **MR. SORENSON:** Please present the juror.

24 **THE CLERK:** What says the defense?

25 **MR. CULLER:** Please excuse Ms. Reich.

1 **THE CLERK:** You may return to your seat.

2 Juror Number 120, Brenna McAlhany.

3 (Whereupon, Brenna M. McAlhany, a white female, was
4 called forward.)

5 **THE CLERK:** What says the State?

6 **MR. SORENSON:** Please excuse Ms. McAlhany.

7 **THE CLERK:** You may return to your seat.

8 Juror Number 176, Rosemary Summers.

9 (Whereupon, Rosemary H. Summers, a black female, was
10 called forward.)

11 **THE CLERK:** What says the State?

12 **MR. SORENSON:** Please excuse Ms. Summers.

13 **THE CLERK:** You may return to your seat.

14 Juror Number 136, Dev Patel.

15 (Whereupon, Dev Patel, an Asian male, was called
16 forward.)

17 **THE CLERK:** What says the State?

18 **MR. SORENSON:** Please present Mr. Patel.

19 **THE CLERK:** What says the defense?

20 **MR. CULLER:** Please excuse Mr. Patel.

21 **THE CLERK:** Juror Number 36, Ira Colwell.

22 (Whereupon, Ira G. Colwell, a white male, was called
23 forward.)

24 **THE COURT:** Counsel, would you please approach?

25 (Proceedings held at the bench; not reported.)

1 **THE CLERK:** What says the State?

2 **MR. SORENSON:** Please present Mr. Colwell.

3 **THE CLERK:** What says the defense?

4 **MR. CULLER:** Please excuse Mr. Colwell.

5 **THE CLERK:** Juror Number 180, Angela Terry.

6 (Whereupon, Angela P. Terry, a black female, was
7 called forward.)

8 **THE CLERK:** What says the State?

9 **MR. SORENSON:** Please present Ms. Terry.

10 **THE CLERK:** What says the defense?

11 **MR. CULLER:** Please seat Ms. Terry.

12 **THE CLERK:** What says the defense?

13 **MR. CURRY:** Please swear Ms. Terry in the service of
14 this case, Madam Clerk.

15 **THE CLERK:** That's our twelve. How many alternates?

16 **THE COURT:** Two alternates.

17 **THE CLERK:** Juror Number 184, Lisa Tyler.

18 (Whereupon, Lisa A. Tyler, a black female, was called
19 forward.)

20 **THE CLERK:** What says the State?

21 **MR. SORENSON:** Please present Ms. Tyler.

22 **THE CLERK:** What says defense?

23 **MR. CULLER:** Please seat Ms. Tyler.

24 **THE CLERK:** What says the defense?

25 **MR. CURRY:** Please swear Ms. Tyler in the service of

1 this case, Madam Clerk.

2 **THE CLERK:** Juror Number 82, Deasia Holden.

3 (Whereupon, Deasia D. Holden, a black female, was
4 called forward.)

5 **THE CLERK:** What says the State?

6 **MR. SORENSON:** Please present Ms. Holden.

7 **THE CLERK:** What says the defense?

8 **MR. CULLER:** Please seat Ms. Holden.

9 **THE CLERK:** What says the defense?

10 **MR. CURRY:** Please swear Ms. Holden in the service of
11 this case.

12 **THE CLERK:** You may have a seat.

13 **THE COURT:** Any exceptions to the selection or
14 objections to the jury as to selection from the State or
15 the defense?

16 **MR. SORENSON:** I'll have a motion.

17 **MR. CULLER:** We wouldn't.

18 **MR. CURRY:** None from the defense.

19 **THE COURT:** All right. Ladies and gentlemen of the
20 jury panel that was selected for the jury in this case,
21 I'm gonna ask for our bailiff here to take you to your
22 jury room and if you would go in there for just one minute.
23 It's actually 12:15. It's actually a good time for us to
24 take our lunch break before we begin the actual trial of
25 the case. If you would be back in your jury room at, say,

1 1:30. That should give you enough --

2 **MR. SORENSON:** Your Honor?

3 **THE COURT:** You said you did have a motion?

4 **MR. SORENSON:** Yes.

5 **THE COURT:** I'm sorry. Okay. Ladies and gentlemen of
6 the jury panel, I'm sorry. I misunderstood whether or not
7 there were any motions. I'm gonna ask you to go into your
8 jury room and to remain in there for just one minute and
9 the remaining members of the jury panel if you would please
10 exit the courtroom and stay outside and do not discuss the
11 case with anyone until we ask you to come back in.

12 (Whereupon, the jury retires to the jury room and the
13 remaining jury panel exited the courtroom at 12:15 PM.)

14 **THE COURT:** And if security would make sure that no
15 jurors come in or out while we're hearing this motion.

16 Thank you, sir.

17 All right. Solicitor, you have a motion?

18 **MR. SORENSON:** Yes, Your Honor. And I definitely
19 have a motion with regards to the strikes exercised by
20 Mr. Curry, if I could address that first. I don't think
21 I do as to Mr. Culler, but I need to kind of look over
22 that kind of as we're going through, but if we could do
23 Mr. Curry's first.

24 **THE COURT:** Okay.

25 **MR. SORENSON:** He exercised -- it's kind of a unique

1 situation where, you know, we have one of the defendants
2 that has already exercised his strikes, so there were
3 ultimately only two that he used of his --

4 **THE COURT:** Correct.

5 **MR. SORENSON:** -- but I would -- that was Juror 116
6 Mr. McPherson, and 156, Mr. Rudd. We point out they both
7 were white males that were struck by Mr. Curry. They were
8 two individuals -- from looking at my notes, I don't
9 believe either one of them ever stood up for anything and
10 I just -- I just am looking at them. Other than their
11 race, I just cannot come up with a reason in my mind why
12 they were struck.

13 **THE COURT:** All right. Mr. Curry, if you'd like to --

14 **MR. CURRY:** Yes, Your Honor. Simply this. Number
15 116, Robert MacPherson, he works for Koch Industries. He
16 was married. His wife was a homemaker. My client is not
17 married and so, therefore, he was not looking for having
18 this particular person who's married, when he's single.
19 And there may be some testimony that comes out, Judge,
20 about that they were looking for women and so, therefore,
21 would be in direct contravention to someone who's in a
22 covenant relationship.

23 **THE COURT:** Solicitor, do you have anything to rebut
24 that?

25 **MR. SORENSON:** Give me a second, Your Honor. Number

1 168, the first juror that was seated, Ms. Smith, an
2 African-American female. She is married. Juror 134, she
3 is not. Juror 191, Ms. Williams, is married. She was
4 seated.

5 **THE COURT:** Hold on one second. Don't go so fast.
6 191?

7 **MR. SORENSON:** Yes, ma'am. Juror 198, the next
8 juror that was seated, she is married. Juror 1 -- I'm
9 sorry, 69, Ms. Hamilton, is married. Juror 178, Ms. Taste,
10 is married. Juror 68, Ms. Halls-Jones is married.

11 **THE COURT:** Hold on one second. All right. You may
12 continue.

13 **MR. SORENSON:** Juror 180, Ms. Terry, is married.
14 And as far as the alternates, Ms. Tyler, 184, is married.
15 82 is not. So that's well over half. If that's his
16 reason for striking this person is the fact that they're
17 married and they have a problem with -- I mean, that just
18 boggles my mind that that would be the supposed race
19 neutral reason when he put -- even looking at it from that
20 standpoint, I think a female would be -- a female juror
21 who's married would be more concerned with testimony about
22 guys out looking for girls, but he puts all of those
23 African-American females that are married on there and
24 strikes, you know, the white male and gives that the
25 reason. I mean, that just -- I mean, I --

1 **THE COURT:** All right. Let's move on to the second
2 strike regarding Juror Number 156.

3 **MR. SORENSON:** That's Charles Rudd. I mean, I don't
4 know if that's -- I mean, yet again, he did not stand up
5 and he's married also, so I don't know if it's the same
6 reason.

7 **THE COURT:** Mr. Curry?

8 **MR. CURRY:** Your Honor, not only is he unmarried, my
9 client in a race neutral reason was looking for obviously
10 females with regard to their sensitivity and thought that
11 the male pool may not have had the same sensitivity with
12 regard to the use of guns or the -- what males were
13 actually doing, so that was his reason in regard.

14 **THE COURT:** That's your reasoning regarding both the
15 previous strikes?

16 **MR. CURRY:** Both the strikes, number one, that they
17 were males and then, number two, that in a covenant
18 relationship they might, depending on how they viewed it,
19 might look at what he was doing to be something different
20 and he just decided that he didn't want them on there. It
21 had nothing to do with race whatsoever.

22 **MR. SORENSON:** I mean, he basically just said that
23 it's gender, which is the other part of it, I mean, the
24 fact that they're a male. I mean, that's -- I mean, that
25 right there is an improper reason to strike a juror.

1 **THE COURT:** Mr. Curry, anything further?

2 **MR. CURRY:** Your Honor, I think that in these -- in
3 these preemptory strikes he's trying to say that he struck
4 them because they were white. Color had nothing to do with
5 it. He struck them because they were males. He struck
6 them because there is some testimony with regard to -- that
7 we think may come out with regard to what they were doing
8 together allegedly and how they were actually doing it and
9 he's looking for people on the jury who may see it
10 differently. And that may be a judgment call, Your Honor,
11 but I don't think that it has anything to do with race in
12 regard to that. You know, we're the last on the tail end
13 of the strikes and so he's got to have a reason for wanting
14 to strike them and we think that they're race neutral. And
15 the fact that I'm being candid about the fact that they're
16 males and what he thinks that males think about what he's
17 doing is something as a trial strategy, but, Judge, I don't
18 think it should disqualify a strike.

19 **THE COURT:** Well, Mr. Curry, under the law obviously
20 it need only be a race or gender neutral reason for the
21 strike and you've indicated that it is not a gender neutral
22 reason, but that is specifically the reason why you struck
23 these two gentlemen. So I don't find that it's a race
24 reason, but that it is a gender reason for the strikes, and
25 I'm going to grant the State's motion and we'll re-select

1 the jury.

2 **MR. SORENSON:** Thank you.

3 **THE COURT:** So if we could -- do we have time to?

4 **THE CLERK:** Yeah.

5 **THE COURT:** Okay.

6 **MR. CULLER:** They've got to run the machine again?

7 **THE CLERK:** We have to retype all that and put them
8 back in.

9 **MR. CULLER:** Okay. It suits me to try to do it
10 before lunchtime. I don't know what the Court wants to do.

11 **THE COURT:** I'm fine with -- let's go ahead and try
12 to get the jury and then let them go to lunch. Just go
13 ahead and get that done. Just let me know what you're
14 ready.

15 (Pause in the proceedings.)

16 **THE COURT:** Before we bring the jury back in,
17 obviously the standard is to start the jury selection
18 de novo, so we will do that. And my ruling was based
19 upon the totality of the circumstances and the facts and
20 circumstances on the record and the reasons proposed by
21 both parties.

22 All right. Are we ready for our jury?

23 **MR. CULLER:** Your Honor, may it please the Court?

24 While we wait for them to come in, do you mind if we take
25 a break? I mean, it won't be five minutes.

1 **THE COURT:** Okay. We'll wait for you.

2 **MR. CULLER:** It won't be three minutes. It won't be
3 two minutes.

4 **THE COURT:** Okay.

5 (Pause in the proceedings.)

6 (Whereupon, the jury and the remaining jury panel
7 return to the courtroom at 12:28 PM.)

8 **THE COURT:** Welcome back, ladies and gentlemen of the
9 jury panel. Sometimes circumstances require us to go
10 through this process a second time and that's what we're
11 going to do this morning. We'll now begin the jury
12 selection process anew.

13 Madam Clerk, you may begin.

14 **THE CLERK:** Juror Number 138, Jesse Personett.

15 (Whereupon, Jesse R. Personett, a white male, was
16 called forward.)

17 **THE CLERK:** What says the State?

18 **MR. SORENSON:** Please present Mr. Personett.

19 **THE CLERK:** What says the defense?

20 **MR. CULLER:** Please seat Mr. Personett.

21 **THE COURT:** What says the defense?

22 **MR. CURRY:** Please swear Mr. Personett in the service
23 of this case.

24 **THE CLERK:** Please have a seat in the jury box.

25 Juror Number 17, Patsy Bozard.

1 **MR. CURRY:** What number, Madam Clerk?

2 **THE CLERK:** 17.

3 (Whereupon, Patsy L. Bozard, a white female, was
4 called forward.)

5 **THE CLERK:** What says the State?

6 **MR. SORENSON:** Please present Ms. Bozard.

7 **THE CLERK:** What says the defense?

8 **MR. CULLER:** Please seat Ms. Bozard.

9 **THE CLERK:** What says the defense?

10 **MR. CURRY:** The Court's indulgence. Please swear
11 Ms. Bozard in the service of this case, Madam Clerk.

12 **THE CLERK:** You may have a seat in the jury box.

13 Jury Number 102, Paulus Jumper.

14 (Whereupon, Paulus P. Jumper, a white male, was called
15 forward.)

16 **THE CLERK:** What says the State?

17 **MR. SORENSON:** Please present Mr. Jumper.

18 **THE CLERK:** What says the defense?

19 **MR. CULLER:** Please seat Mr. Jumper.

20 **THE CLERK:** What says the defense?

21 **MR. CURRY:** Please swear Mr. Jumper in the service of
22 this case, Madam Clerk.

23 **THE CLERK:** You may have a seat in the jury box.

24 Juror Number 136, Dev Patel.

25 (Whereupon, Dev Patel, an Asian male, was called

1 forward.)

2 **THE CLERK:** What says the State?

3 **MR. SORENSON:** Please present Mr. Patel.

4 **THE CLERK:** What says the defense?

5 **MR. CULLER:** Please excuse Mr. Patel.

6 **THE CLERK:** Please return to your seat.

7 Juror Number 184, Lisa Tyler. What says the State?

8 **MR. SORENSON:** Please excuse Ms. Tyler.

9 **THE CLERK:** You may return to your seat.

10 Juror Number 168, Theresa Smith.

11 (Whereupon, Theresa B. Smith, a black female, was
12 called forward.

13 **THE CLERK:** What says the State?

14 **MR. SORENSON:** Please present Ms. Smith.

15 **THE CLERK:** What says the defense?

16 **MR. CULLER:** Please seat Ms. Smith.

17 **THE CLERK:** What says the defense?

18 **MR. CURRY:** Please swear Ms. Smith in the service of
19 this case, Madam Clerk.

20 **THE CLERK:** Thank you. Have a seat.

21 Juror Number 180, Angela Terry.

22 (Whereupon, Angela P. Terry, a black female, was
23 called forward.)

24 **THE CLERK:** What says the State?

25 **MR. SORENSON:** Please present Ms. Terry.

1 **THE CLERK:** What says the defense?

2 **MR. CULLER:** Please seat Ms. Terry.

3 **THE CLERK:** What says the defense?

4 **MR. CURRY:** Please swear Ms. Terry in the service of
5 this case, Madam Clerk.

6 **THE CLERK:** You may have a seat, Ms. Terry.

7 Juror Number 83, Deasia Holden.

8 (Whereupon, Deasia D. Holden, a black female, was
9 called forward.)

10 **THE CLERK:** What says the State?

11 **MR. SORENSON:** Please present Ms. Holden.

12 **THE CLERK:** What says the defense?

13 **MR. CULLER:** Please seat Ms Holden.

14 **THE CLERK:** What says the defense?

15 **MR. CURRY:** Please swear Ms. Holden in the service of
16 this case, Madam Clerk.

17 **THE CLERK:** Juror Number 68, Jennifer Halls-Jones.

18 (Whereupon, Jennifer J. Halls-Jones, a black female,
19 was called forward.)

20 **THE CLERK:** What says the State?

21 **MR. SORENSON:** Please present Ms. Halls-Jones.

22 **THE CLERK:** What says the defense?

23 **MR. CULLER:** Please present Ms. Halls-Jones.

24 **THE CLERK:** What says the defense?

25 **MR. CURRY:** Please swear Ms. Halls-Jones in the

1 service of this case, Madam Clerk.

2 **THE CLERK:** Thank you. Juror Number 134, April Pam.

3 (Whereupon, April C. Pam, a black female, was called
4 forward.)

5 **THE CLERK:** What says the State?

6 **MR. SORENSON:** Please present Ms. Pam.

7 **THE CLERK:** What says the defense?

8 **MR. CULLER:** Please seat Ms. Pam.

9 **THE CLERK:** What says the defense?

10 **MR. CURRY:** Please swear Ms. Pam in the service of
11 this case, Madam Clerk.

12 **THE CLERK:** You may have a seat.

13 Juror Number 187, Mulinda Washington.

14 (Whereupon, Mulinda B. Washington, a black female, was
15 called forward.)

16 **THE CLERK:** What says the State?

17 **MR. SORENSON:** Please excuse Ms. Washington.

18 **THE CLERK:** You may return to your seat.

19 Juror Number 120, Brenna McAlhany.

20 (Whereupon, Brenna M. McAlhany, a white female, was
21 called forward.)

22 **THE CLERK:** What says the State?

23 **MR. SORENSON:** Please excuse Ms. McAlhany.

24 **THE CLERK:** You may return to your seat.

25 Juror Number 54, Janice Fields.

1 (Whereupon, Janice M. Fields, a black female, was
2 called forward.)

3 **THE CLERK:** What says the State?

4 **MR. SORENSON:** Please present Ms. Fields.

5 **THE CLERK:** What says the defense?

6 **MR. CULLER:** Please seat Ms. Fields.

7 **THE CLERK:** What says the defense?

8 **MR. CURRY:** Please swear Ms. Fields in the service of
9 this case, Madam Clerk.

10 **THE CLERK:** Juror Number 140, Jackie Prophet.

11 (Whereupon, Jackie L. Prophet, a black male, was
12 called forward.)

13 **THE CLERK:** What says the State?

14 **MR. SORENSON:** Please excuse Mr. Profit.

15 **THE CLERK:** You may return to your seat.

16 Juror Number 183, David Thompson.

17 (Whereupon, David L. Thompson, a white male, was
18 called forward.)

19 **THE CLERK:** What says the State?

20 **MR. SORENSON:** Please present Mr. Thompson.

21 **THE CLERK:** What says the defense?

22 **MR. CULLER:** Please excuse Mr. Thompson.

23 **THE CLERK:** You may return to your seat.

24 Juror Number 1, Janay Abraham.

25 (Whereupon, Janay E. Abraham, a black female, was

1 called forward.)

2 **THE CLERK:** What says the State?

3 **MR. SORENSON:** Please excuse Ms. Abraham.

4 **THE CLERK:** You may return to your seat.

5 Juror Number 159, Patricia Ryant.

6 (Whereupon, Patricia Ryant, a black female, was called
7 forward.)

8 **THE CLERK:** What says the State?

9 **MR. SORENSON:** Please present Ms. Ryant.

10 **THE CLERK:** What says the defense?

11 **MR. CULLER:** Please seat Ms. Ryant.

12 **THE CLERK:** What says the defense?

13 **MR. CURRY:** Please swear Ms. Ryant in the service of
14 this case, Madam Clerk.

15 **THE CLERK:** Juror Number 76, Kimberly Herman.

16 (Whereupon, Kimberly A. Herman, a white female, was
17 called forward.)

18 **THE CLERK:** What says the State?

19 **MR. SORENSON:** Please present Ms. Herman.

20 **THE CLERK:** What says the defense?

21 **MR. CULLER:** Please seat Ms. Herman.

22 **THE CLERK:** What says the defense?

23 **MR. CURRY:** Please swear Ms. Herman in the service of
24 this case, Madam Clerk.

25 **THE CLERK:** Juror Number 115, Regal Mack.

1 (Whereupon, Regal D. Mack, a black male, was called
2 forward.)

3 **THE CLERK:** What says the State?

4 **MR. SORENSON:** Please excuse Mr. Mack.

5 **THE CLERK:** You may return to your seat.
6 Juror Number 141, Glenn Puckett.

7 (Whereupon, Glenn H. Puckett, a white male, was called
8 forward.)

9 **THE CLERK:** What says the State?

10 **MR. SORENSON:** Please present Mr. Puckett.

11 **THE CLERK:** What says the defense?

12 **MR. CULLER:** Please excuse Mr. Puckett.

13 **THE CLERK:** You may return to your seat.
14 Juror Number 198, Vikki Wright.

15 (Whereupon, Vikki R. Wright, a black female, was
16 called forward.)

17 **THE CLERK:** What says the State?

18 **MR. SORENSON:** Please present Ms. Wright.

19 **THE CLERK:** What says the defense?

20 **MR. CULLER:** Please seat Ms. Wright.

21 **THE CLERK:** What says the defense?

22 **MR. CURRY:** Please swear Ms. Wright in the service of
23 this case, Madam Clerk.

24 **THE CLERK:** Juror Number 36, Ira Colwell.

25 (Whereupon, Ira G. Colwell, a white male, was called

1 forward.)

2 **THE CLERK:** What says the State?

3 **MR. SORENSON:** Please present Mr. Colwell.

4 **THE CLERK:** What says the defense?

5 **MR. CULLER:** Please seat Mr. Colwell.

6 **THE CLERK:** What says the defense?

7 **MR. CURRY:** Please swear Mr. Colwell in the service of
8 this case, Madam Clerk.

9 **THE CLERK:** Juror Number 170, Deanna Snelgrove.

10 (Whereupon, Deanna L. Snelgrove, a white female, was
11 called forward.)

12 **THE CLERK:** What says the State?

13 **MR. SORENSON:** Please present Ms. Snelgrove.

14 **THE CLERK:** What says the defense?

15 **MR. CULLER:** Please excuse Ms. Snelgrove.

16 **THE CLERK:** Juror Number 188, Thomas Washington.

17 (Whereupon, Thomas Washington, Jr., an Oriental male,
18 was called forward.)

19 **THE CLERK:** What says the State?

20 **MR. SORENSON:** Please present Mr. Washington.

21 **THE CLERK:** What says the defense?

22 **MR. CULLER:** Please seat Mr. Washington.

23 **THE CLERK:** What says the defense?

24 **MR. CURRY:** Please swear Mr. Washington in the service
25 of this case, Madam Clerk.

1 **THE COURT:** Any exceptions or objections as to the
2 selection of the jury from either the State or the defense?

3 **MR. SORENSON:** Nothing from the State, Your Honor.

4 **MR. CULLER:** Nothing from us, Your Honor.

5 **MR. CURRY:** Nothing from the defense, Judge.

6 **THE COURT:** All right.. Ladies and gentlemen of the
7 jury panel that was selected, if you would go back to your
8 jury room for just one second. What we'll do is we'll go
9 ahead and take our lunch break as we discussed last time.
10 If you would be back in the jury room at 2:00 that should
11 give you enough time to go grab lunch and then come back.
12 Please remember, ladies and gentlemen of the jury
13 panel, that you have not heard any evidence and it's very
14 important that you do not discuss this case with anyone,
15 including amongst yourselves, or allow anyone to discuss
16 the case with you. If you see any members coming in and
17 out of the courthouse or any parties involved and they
18 don't say hello to you, they're not being rude, they're
19 following the Court's instructions. So it's very important
20 that you do not talk to anyone about the case, including
21 amongst yourselves. Have a nice lunch and we'll see you
22 at 2:00.

23 (Whereupon, the jury was excused for lunch at
24 12:41 PM.)

25 **THE COURT:** Ladies and gentlemen of the jury panel

1 that was not selected for service on this jury panel, you
2 are now free to go. You've served your jury service and
3 this was actually the only case for trial this week, so we
4 will no longer need your services. Have a nice day.

5 (Whereupon, the remaining jury panel was dismissed at
6 12:42 PM.)

7 **THE COURT:** Anything further at this time from either
8 the State or the defense?

9 **MR. SORENSON:** No, Your Honor.

10 **MR. CULLER:** No, Your Honor.

11 **MR. CURRY:** No, Your Honor.

12 **THE COURT:** We'll be at ease until 2:00.

13 **MR. CULLER:** One thing, Your Honor, I beg your pardon,
14 before we leave. I notice that my client is wearing leg
15 irons. I didn't know that that was something that we had
16 to do. I'll defer to security, of course, but I've never
17 had that before.

18 **THE COURT:** I just excused the panel. I had asked
19 security to ensure that no irons were visible under his
20 pants or anything. I don't know if you want to me to give
21 any kind of limiting instruction or how you would like for
22 me to handle that with jury.

23 **MR. CULLER:** Oh, no.

24 **THE COURT:** I don't want to bring it to their
25 attention.

1 **MR. CULLER:** I don't think that helps. Yeah, I agree
2 with you.

3 **THE COURT:** I think that brings it to their attention.
4 I do note for the record that Mr. Glover is seated and you
5 are -- at least from my perspective looking down where the
6 jury might have been, where you are seated and Mr. Walters
7 is seated, I think pretty much would block their view from
8 the floor where his feet are..

9 **MR. SORENSON:** Standing right here, Your Honor, where
10 they would have turned around, you can't see the feet.

11 **MR. CULLER:** No, no, no. I'm not talking about that.
12 Excuse me, I'm not talking about that. I'm talking about
13 during the trial.

14 **THE COURT:** Yeah, we'll definitely fix that before.

15 **MR. CULLER:** Oh, thank you, Your Honor.

16 **THE COURT:** We'll definitely fix that before.
17 Security, if we could make sure that any shackles or leg
18 irons are not visible to the jury during the trial, I
19 certainly would appreciate that.

20 **MR. CULLER:** Thank you, Your Honor.

21 **THE COURT:** And, gentlemen, if you have to stand for
22 any reason during the trial, I'll excuse the jury so they
23 don't notice any kind of leg shackles or anything of that
24 nature. So I don't anticipate that unless you're called
25 as a witness or anything like that, but we'll make sure

1 that the jury takes a break before that time.

2 **MR. CURRY:** I would join in that motion, Judge.

3 **THE COURT:** Certainly, and it's granted.

4 **MR. CULLER:** Thank you, Your Honor.

5 (Whereupon, a luncheon recess was taken at 12:45 PM.)

6 (State's Exhibit Numbers 14 through 18 were marked for
7 identification.)

8 **BAILIFF:** Let's all rise, please.

9 **THE COURT:** Thank you, everyone. You may have a seat.

10 Are there any matters that we need to take up before
11 we bring the jury out?

12 **MR. CULLER:** Your Honor, we spoke in chambers and I
13 wanted to put on the record my concerns that I shared with
14 the solicitor about Jason Glover being shackled by his
15 feet. And I know that the Court yesterday tried to help
16 us with security, so inexplicitly Orangeburg hasn't decided
17 to spring for the nonvisible shackles and I think maybe
18 Mr. Walter's case here will serve as our blocker today, but
19 I understood that Solicitor Sorenson was trying to secure
20 some of the more modern equipment from Dorchester, and I
21 just wanted that on the record because we were just
22 concerned as we go forward, but I think we've done the best
23 we can do to take care of that.

24 **THE COURT:** Yes, sir. And it's my understanding the
25 solicitor has contacted Dorchester County and they do have

1 two extra sets that hopefully we can coordinate with
2 security to pick before we begin tomorrow. And just for
3 the record, I think we had previously discussed based on
4 where your client's sitting I don't think the shackles are
5 visible to the jury, so hopefully that's been taken care of
6 for today. And if you need any further assistance, please
7 let me know, but hopefully that will take care of the
8 matter.

9 **MR. CULLER:** I understand, Your Honor.

10 Your Honor, may it please the Court? Just so that
11 it is on the record for my purposes, I would move --
12 understanding where we're going, but nonetheless for the
13 purposes of this afternoon, the Court consider that
14 security remove his shackles just for this afternoon.
15 Understanding what we've just said, but understanding also
16 I'm not going to acquiesce to things on the record that
17 will be potentially an issue later.

18 **THE COURT:** Well, Mr. Culler, with all due respect, I
19 think security is a matter for security and not for the
20 Court. I'm going to trust in their judgment that the
21 defendants need to be shackled. I think it's properly
22 hidden at this point. If you need another briefcase, I
23 have a briefcase in my office. If we could place it
24 somewhere else, I'll be happy to loan it to you, but I
25 don't think it's visible at this point and I'm going to

1 abide by their security requirements at this time.

2 **MR. CULLER:** Thank you, Your Honor.

3 **THE COURT:** Anything further, Solicitor?

4 **MR. SORENSON:** No, Your Honor.

5 **THE COURT:** All right.

6 **MR. CURRY:** Nothing further, Your Honor.

7 **THE COURT:** Let's have our jury, please.

8 **BAILIFF:** Yes, Your Honor.

9 (Whereupon, the jury enters the courtroom at 2:17 PM.)

10 **THE COURT:** Welcome back, ladies and gentlemen of the
11 jury. Madam Clerk, if you'd please swear our jury in.

12 **THE CLERK:** Please stand and raise your right hand.

13 (Whereupon, the jury was duly sworn by the Clerk of
14 Court.)

15 **THE CLERK:** You may have a seat. Thank you.

16 **THE COURT:** Ladies and gentlemen of the jury, as you
17 know now we're about to begin the trial of the case of the
18 State of South Carolina versus Jason Glover and the State
19 of South Carolina versus Leroy Glover, Jr. Thank you for
20 taking and accepting the important responsibility of jury
21 service and for your contribution today to our system of
22 justice.

23 What I will now say to you is intended to serve as the
24 introduction to the trial of this case. These remarks are
25 not a charge on the law in this case. I will instruct you

1 on the law applicable in this case at the end of the trial
2 before you retire to consider your verdict. This is merely
3 an explanation of the procedure that we will follow in this
4 case so you may better understand what may be happening.
5 You may not take notes during the trial of this case.

6 The defendants are each charged by an indictment filed
7 in this court with the crime of murder, the elements of
8 which will be explained to you later. The indictments are
9 simply the charge by which the case is brought into this
10 court and it is not in any sense evidence of any of the
11 allegations that they contain. The defendants have pled
12 not guilty to these indictments. The State, therefore,
13 has the burden of proving each of the elements of each
14 indictment beyond a reasonable doubt and it will be your
15 duty, ladies and gentlemen, to decide whether the State has
16 met that burden.

17 Your purpose as jurors is to find and determine the
18 facts. You are the sole judges of the facts. If at any
19 time I make a comment regarding the facts, you must
20 disregard it. You are to determine the facts from the
21 testimony you hear and from the other evidence that is
22 introduced in court. It is up to you to determine the
23 inferences which you feel may be properly drawn from the
24 evidence. It is especially important that you perform
25 your duty of determining the facts diligently and

1 conscientiously because ordinarily there's no way to
2 correct an erroneous determination of the facts by a jury.

3 On the other hand, and with equal emphasis, the same
4 law that makes you the judge of the facts, makes me judge
5 of the law. The law as given by the Court is the only law
6 that you may consider. You must accept it and follow it
7 even though you may disagree with it. I cannot tell you
8 what the facts are and you cannot disagree with me about
9 what the law is or what the law should be. Your job is to
10 take the law as I give it to you and apply it to the facts
11 as you find them from the testimony of the witnesses and
12 any other evidence that is introduced. After doing that,
13 you will render your verdict, a true and just verdict under
14 the solemn oath that you just took as jurors.

15 Until I advise you to begin your deliberations, you
16 must not discuss this case with anyone, including your
17 fellow jurors, family members, friends or anyone involved
18 in the case. This includes discussions face to face, by
19 way of telephone, e-mail, text, blog, or any other method
20 of communication. You may not use a computer, cell phone
21 or any other electronic device with communication
22 capabilities at any time while in the courtroom or during
23 your deliberations.

24 During your breaks for meals or overnight, if
25 necessary, you may use these devices; however, you may not

1 at any time use these devices to get or send information
2 about the case. This includes any information about a
3 party, a witness, an attorney, a court officer, any news
4 accounts about the case, or any research on any topics that
5 may be raised or anything that you might find or think
6 would be helpful in deciding the case or any testimony
7 presented by a witness.

8 During the trial do not read, listen to, watch any
9 news reports about the case. This includes anything that
10 may be in the newspapers or on TV, the Internet or radio.
11 You must not consider anything that you may have heard or
12 read about this case outside of this courtroom whether it's
13 before or during the trial.

14 After the case is submitted to you, you must discuss
15 it only in the jury room with your fellow jurors. The
16 attorneys and the parties in this case have been advised
17 they're not to talk to you at all, so if you see anyone
18 involved in the trial during the course of this time, if
19 they don't speak to you, again, they're not being rude,
20 they're just following the Court's instructions.

21 It is important that you keep an open mind and not
22 decide any issue in the case until all of the evidence
23 has been presented, the parties have made their closing
24 arguments and I have instructed you on the law of this
25 case. It is your solemn responsibility to determine the

1 guilt or innocence of the defendants and your verdict must
2 be based solely on the evidence presented to you in the
3 trial and on the law as I instruct you during and at the
4 close of the trial.

5 In just a moment the solicitor will make what is
6 called an opening statement in which the solicitor will
7 explain to you what the issues in the case are or at least
8 what the solicitor thinks the issues in the case are. The
9 attorneys for the defendants may also make an opening
10 statement, although they're not required to do so. What
11 the attorneys tell you during their opening statements is
12 not evidence in this case, it is only their contention as
13 to what the issues are in this case. The evidence in this
14 case will be presented to you by the testimony of the sworn
15 witnesses from the witness stand and by any exhibits that
16 are properly introduced as evidence in this trial.

17 From time to time during the trial you may hear one of
18 the lawyers say something like Your Honor, I have a point
19 of law or a question of law or may we approach the bench,
20 or sometimes I myself might find it necessary to excuse you
21 from the courtroom for a short while so the attorneys and
22 I can discuss a matter of law. The reason for this is
23 because you're the judges of the facts in this case and
24 sometimes when I'm discussing matters of law with the
25 attorneys, it may be necessary for me to make some comment

1 as to the facts in connection with ruling on the law or
2 whether a particular law applies. I'm not supposed to tell
3 you what I think the facts are, so I will excuse you from
4 the courtroom while these discussions take place so that
5 you in no way will be influenced by anything that I might
6 say or do in connection with the facts of the case.

7 In determining what the true facts are in this case,
8 you must decide whether or not the testimony of the
9 witnesses is believable. It will be my responsibility to
10 rule as a matter of law whether certain testimony is
11 admissible at all or not, but once the testimony is
12 admitted whether or not you believe it is solely for you
13 to determine.

14 In deciding whether to believe a witness, you have the
15 right to consider the interest of any witness, the bias of
16 any witness, the prejudice of any witness, the opportunity
17 for the witness to have seen the matters and things about
18 which the witness may testify and the way the witness acts
19 on the witness stand. You have the right to consider
20 anything that is in the record that will help you evaluate
21 the testimony of the witness. That means it is your duty
22 to pay close attention to these witnesses, to observe the
23 witnesses, to listen to the witnesses and pay close
24 attention to the attorneys and to the Court.

25 Please don't let your thoughts wander, but give strict

1 attention to the testimony in this case so at the end of
2 the trial after the testimony and after the arguments of
3 counsel and your instructions on the law by the Court, you
4 will then be in a position to determine what the true facts
5 are and to render a true and just verdict as under the
6 solemn oath that you just took.

7 Later during the trial I will appoint a foreperson to
8 act as somewhat of a liaison to the Court so that if the
9 jury needs something, they'll certainly let us know and we
10 will certainly take care of it and I will give you further
11 instructions on that.

12 To preserve everyone's rights, is there any objection
13 to the opening charge that I just stated?

14 **MR. SORENSON:** No, Your Honor.

15 **MR. CULLER:** None, Your Honor.

16 **MR. CURRY:** None, Your Honor.

17 **THE COURT:** Solicitor?

18 **MR. SORENSON:** May it please the Court, Your Honor?

19 **THE COURT:** Yes, sir.

20 **MR. SORENSON:** Good afternoon, ladies and gentlemen.
21 Back on September 23rd of 2013, sixty-one-year-old Michael
22 Carter left his job over at AgSouth around the bypass on
23 Joe Jeffords Boulevard when they closed at 5:00. He left
24 there to go over to a trailer, he had a bunch of rental
25 properties that he owned, to go pick up some rent money

1 that he owned -- or that he was owed from a trailer at
2 [REDACTED] Drive located here in Orangeburg right
3 off of Highway 301 about three miles from his job.

4 He left out at 5:00 to go meet that man, Leroy Glover,
5 who was renting that property from him. I submit to you
6 less than thirty minutes later he was dead of a single
7 gunshot wound to the back behind his left ear. At 7:00
8 that night his burned body was engulfed in flames in his
9 vehicle all the way in Santee while at the same time that
10 trailer at [REDACTED] Road was on fire also. Now,
11 ladies and gentlemen, as a result of those two brothers'
12 actions, Jason and Leroy Glover, that night the two of them
13 have both been charged with Mr. Carter's murder.

14 As I introduced myself to you earlier, my name's Don
15 Sorenson. I'm an assistant solicitor here in the First
16 Circuit and it is my responsibility, one that I welcome in
17 this case, to present to you, I submit, the evidence that
18 is going to convict both of those brothers of Mr. Carter's
19 death and Mr. Carter's murder.

20 What I want to do right now is take just a few minutes
21 and just kind of touch on a few of the kind of legal
22 principles that are gonna kind of come up in this case and
23 then just to give you a brief kind of road map, a brief
24 little outline of kind of what you're gonna hear from this
25 witness stand and the evidence that the State is gonna

1 present over the next couple of days that I submit to
2 you is gonna convict them of Mr. Carter's death and
3 Mr. Carter's murder.

4 Now as you've heard, both Leroy and Jason Glover are
5 charged with one count of murder. Murder is the most
6 serious charge in our statutes and it's also got probably
7 the shortest and one of the more simpler definitions.
8 Murder, ladies and gentlemen, very simply, is the unlawful
9 killing of another person with malice aforethought. The
10 unlawful killing of another person with malice
11 aforethought. You notice that nowhere in there did I say
12 it has to be premeditated. That malice has to exist at the
13 time that fatal shot was fired. It doesn't have to be
14 something there hours, days, minutes beforehand. It just
15 has to be present at the time, in this case, that fatal
16 gunshot was fired into the back of Mike Carter's head.

17 All right. Malice. What's malice? Malice is hatred,
18 ill will, hostility towards another person. The doing of
19 an unlawful act without just cause or excuse is malice.
20 You may have caught on when I said Mr. Carter, Mike Carter,
21 was shot one time in the back of the left head. One bullet
22 was fired. We've got two defendants charged. You're
23 wondering how is that possible. Well, under our laws we
24 have something called accomplice liability or, more simply,
25 you've probably heard of the term the hand of one is the

1 hand of all. That's very simply when two or more people
2 join together to do an unlawful act, they're each
3 responsible for each other's actions basically, the natural
4 or probable consequences of their actions.

5 Okay. One who joins with another to accomplish an
6 illegal purpose is liable criminally for everything done by
7 his confederate incidental to the execution of that common
8 design and purpose. In other words, the hand of one or the
9 act of one is the hand or the act of all. So, in other
10 words, for the State to prove to you Jason and/or Leroy
11 Glover's guilt in this case, we basically have to prove one
12 of two things. Either, one, they're the one that fired --
13 personally committed the crime and fired that bullet into
14 his head or, two, they were present aiding, abetting and
15 assisting in the completion of that murder. Either one.
16 Either one.

17 And the burden is on us ultimately to prove that, to
18 prove each of those defendants' guilt beyond a reasonable
19 doubt. To prove beyond a reasonable doubt that they
20 either, as I said, pulled the trigger or that they were
21 present in aiding the other one in committing that murder.

22 So how are we gonna do that? We're gonna do that by
23 calling witnesses, we're gonna do that by presenting
24 evidence from that witness stand. And ultimately it kind
25 of becomes like putting a puzzle together, each of these

1 pieces, you know, kind of. Some of them you may wonder --
2 when you first hear a witness testifying, you may kind of
3 wonder, you know, what's the purpose of that, okay?
4 They're all little pieces that ultimately, ladies and
5 gentlemen, at the close of this I'm gonna come back before
6 you and hopefully put it together for you.

7 What I want to do now is just take a few minutes and
8 kind of talk to you real briefly so you have kind of a
9 general idea of what you're gonna be hearing about and
10 hearing from -- who you're gonna be hearing from over the
11 next couple of days. As I said, Leroy and Jason Glover are
12 brothers. Leroy Glover, back in September of 2013, was
13 living at that trailer at [REDACTED] Drive with
14 another young man by the name of Wesley Jamison. They were
15 renting from Mike Carter.

16 All right. That Monday afternoon, September 23rd,
17 Leroy Glover places a phone call at 4:45 to Michael Carter,
18 fifteen minutes before he's about to get off from his other
19 job. A minute or so after 5:00 Michael Carter leaves his
20 job and he's made arrangements to meet another young lady
21 at about 5:15 to pick up some rent on another piece of
22 property he owned. I submit to you he leaves because he
23 knows he's got enough time, about ten or fifteen minutes,
24 to go try to run over to [REDACTED] Drive and pick
25 up the money that Leroy Glover owed him. He never shows

1 up to meet with that other young lady, a young lady by the
2 name of Eboni Webb. She tries to call him multiple times
3 and is unable to get ahold of him.

4 Ultimately, there's multiple witnesses that see
5 Mr. Carter's SUV at that trailer that afternoon between
6 5:15 and 5:30. You will hear from a witness by the name
7 of David Williams that at about that time period he hears
8 a gunshot or hears a pow and thinks it's a firecracker
9 initially and then sees the rent man's truck pulling out at
10 a high rate of speed with a person that he later identifies
11 in a photo lineup as being that man, Jason Glover, driving
12 that SUV. Mike Carter is already dead. He's dead in the
13 back seat of that vehicle at that point in time. That's
14 probably about 5:30 in the afternoon.

15 You will hear about 7:00 at separate ends of the
16 county two separate calls come in. A call comes in from
17 Santee near a wooded area, a short distance from where the
18 two of them grew up, about smoke in the woods. When the
19 fire department responds, they find there's an SUV fully
20 engulfed in flames in a wooded area off of a cotton field.
21 They get that fire put out and lo and behold find a body in
22 the back seat that turns out to be Michael Carter shot one
23 time. At about the same time as that call is coming in to
24 Santee that same David Williams sees a Ford with rims go
25 pulling out of that Country Colony Drive driveway and sees

1 Smoke in the back. He goes around to kind of see what's
2 going on and sees that that trailer is now on fire also.
3 He goes to a neighbor's house and 9-1-1 is called and the
4 fire department comes to put that trailer out. I submit to
5 you that's Leroy Glover leaving that trailer after setting
6 fire there trying to put that -- trying to erase any
7 evidence of that crime.

8 You're also gonna hear -- and we'll talk about some
9 phone records just briefly in a minute, but you're also
10 gonna hear evidence of Mr. Jason Glover as being the
11 person, as I said, that was picked out of the lineup, but
12 other evidence that corroborates that he shows up in Santee
13 and is the one that actually sets fire to that SUV in the
14 woods.

15 You're gonna hear that over the next couple of days
16 the sheriff's office develops the two of them as suspects
17 in this case. As I said, it was a Monday evening that this
18 happened. Over the next couple of days the two of them,
19 both Leroy Glover and Jason Glover, come in to law
20 enforcement, give statements denying any involvement in
21 this, denying having any contact with Mike Carter back on
22 September 23rd. Statements that I submit to you when you
23 hear them are inconsistent with each other. Statements
24 that Leroy Glover gives that are inconsistent with --
25 that he changes when he's confronted with evidence and

1 confronted with lies. Statements that are inconsistent
2 with other witnesses that they try to get involved as
3 alibis and ultimately consistent with the physical evidence
4 that is left behind from essentially two separate scenes.

5 And, ultimately, the last thing that you're gonna hear
6 about are phone records, the type of evidence that's not
7 subject to memory, things you can't get around. You're
8 gonna hear how Leroy Glover's phone records ultimately put
9 him at the time of this homicide just sitting in his
10 trailer and you'll hear how afterwards the phone records
11 of Leroy Glover and Jason Glover, they're calling each
12 other, ultimately putting them in those two areas I've just
13 talked about at the time the vehicle is burned in Santee
14 and Jason Glover's phone is pinging off a tower in Santee
15 and during the time that trailer is being set on fire off
16 of Highway 301 that Leroy's Glover's phone is pinging off
17 there. You're gonna hear other things about those records
18 that I submit to you ultimately prove their guilt beyond
19 not a reasonable doubt, I submit to you beyond any doubt.

20 I'm about to sit down and one thing I just want to
21 ask you to do, kind of leave it there, is just a simple
22 request. In this case, as I said, it's like kind of
23 putting a puzzle together. You're not gonna have it all
24 until we're done. So one thing I just ask you all, each
25 and every one of you, is to keep an open mind. I know

1 you're gonna pay attention to the witnesses, but give me an
2 opportunity at the close of the case, after you've heard
3 all of the evidence, you've heard all of the testimony, to
4 come back before you and put those pieces together because
5 I submit to you when they're all put together the only
6 verdict in this case that is just is a verdict that
7 ultimately will hold both of them, Leroy Glover and Jason
8 Glover, accountable, responsible for Mike Carter's death.
9 Thank you.

10 **THE COURT:** Counsel for defense?

11 **MR. CULLER:** If it please the Court, Your Honor?

12 **THE COURT:** Yes, sir.

13 **MR. CULLER:** Unfortunately, Jason Glover was not
14 charged with accessory after the fact, he was charged with
15 murder. So the choice you're gonna have to make with him
16 is whether Jason is guilty of murder, not helping his
17 brother after his brother Smoke, who sits over there,
18 killed Mr. Carter. You're going to hear from Jason Glover.
19 He's gonna testify and he's gonna tell you what happened
20 out there and he's gonna explain to you how he went over
21 to the trailer to hang out with his brother. He's gonna
22 explain to you how his brother called the rent man and that
23 the rent man was gonna come over and look at a television
24 and collect some rent money and they were playing MBA
25 basketball and that subsequently there was another phone.

1 call that Leroy made to the rent man, Mr. Carter, are you
2 still coming? That's documented. That's gonna be pretty
3 simple. Mr. Sorenson's got that. The puzzle is gonna be
4 pretty easy.

5 Leroy Glover for some reason decided he was gonna kill
6 Mr. Carter that day. When Mr. Carter arrived at the mobile
7 home, Jason let him in, went and sat down and said Leroy's
8 down the hall. Mr. Carter walked down the hallway. You're
9 going to hear Jason testify I heard voices rising, I heard
10 a gunshot, I ran in back, I said what have you done. And
11 that's where he made a tremendous error in judgment because
12 that's when he decided that he would help his brother Smoke
13 who said you've got to help me.

14 You're gonna hear him testify that they did, in fact,
15 move Mr. Carter's body and that they left the trailer
16 together in Mr. Carter's car and that subsequently Leroy
17 tried to set the car on fire, it didn't work out, and Leroy
18 decided hey, I've got to go back and burn the house down,
19 you've got to help me, you've got to take the car and burn
20 it, and that Jason at that point let Leroy out, Jason drove
21 off into, and you'll see all of this, a side road and
22 burned the car after which he called a brother of his and
23 said hey, I need you to come give me a ride. He didn't
24 tell his brother what was going on. His brother gave him
25 a ride. He said I need a hotel room. We're gonna have

1 documents to the effect that that's where Jason stayed that
2 night. He stayed in the Howard Johnson in Santee. The
3 next morning he went over to a friend's house, Jeremy
4 Bradley, and we're gonna have Mr. Bradley testify as well.
5 Mr. Bradley is gonna say you know what happened the next
6 day is Smoke showed up and offered to pay me \$50 to say he
7 was with me all day yesterday to create an alibi.

8 So our position is going to be, and I believe -- I
9 would submit to you the facts will show that Jason's
10 involved in this in terms of covering it up, in terms of
11 helping his brother as an accessory after it is committed.

12 With regard to knowing what was gonna happen, let's
13 talk about that. Jason didn't rent anything from
14 Mr. Carter. He'd never seen Mr. Carter. His name is not
15 on Mr. Carter's calendar. All of those relationships are
16 with Leroy Glover. So you have to ask yourself why would
17 Jason want to kill this guy that he didn't know? I submit
18 to you he didn't.

19 Now you're gonna have a couple of very interesting
20 things. I have the unfortunate task of trying to untangle
21 a mess that Jason's made because he's not a very bright
22 person. He's guilty of being stupid, but not of murder.
23 Because what he decided to do was after he had been in
24 jail for a while he called a detective, Detective Shumpert,
25 and said I want to give you a statement, and he did and it

1 was videotaped, and you'll get to see it. This is what I
2 did, I took the gun from the man and I killed him. And
3 Shumpert's like no, we found his gun, you didn't shoot him
4 with his gun. And you're gonna hear that his confession
5 doesn't even follow the facts.

6 Well, what does he say in his confession? My brother
7 had nothing to do with it. My brother is innocent. Let my
8 brother out. Over and over and over. And you're gonna
9 have another tape of Mr. Leroy Glover, which I submit to
10 you is an entirely different presentation, where Mr. Leroy
11 Glover is very animated and creating different stories and
12 when he's confronted he says well, really it was a drug
13 deal that I was involved in and I didn't want to tell you
14 the truth, talking to Detective Shumpert, and Detective
15 Shumpert just frankly says all you've been doing is lying
16 to us. So Jason gives that statement. It's gonna be very
17 interesting to see how that comports with or follows the
18 facts.

19 The other thing Jason allegedly does later -- you know
20 what he does? He sends a letter to Solicitor Sorenson.
21 Dear Mr. Sorenson, I want to tell you my brother had
22 nothing to do with this. I did it. My brother had nothing
23 to do with this. The only problem is Leroy is the one that
24 wrote that letter and signed Jason's name. He's a very
25 interesting character and he's manipulated his brother to

1 try to take the blame here. And you're gonna hear from
2 Jason. He's gonna take the stand and tell you his story.
3 And we're going to present the other evidence that I've
4 described. We have the tapes, there's some communications
5 at the jail, but in terms of his guilt of the murder, of
6 the killing with malice, no. No. He helped his brother,
7 which was incredibly stupid and incredibly wrong and caused
8 incredible pain, but he's not guilty of murder.

9 And that's what we're really after here, justice.
10 Certainly for this family, but also for him. The verdict
11 would be not guilty on murder. Thank you.

12 **THE COURT:** Counsel?

13 **MR. CURRY:** Thank you very much, Your Honor. May it
14 please the Court?

15 **THE COURT:** Yes, sir.

16 **MR. CURRY:** Solicitor, Defense Counsel Number 1,
17 ladies and gentlemen of the jury, I'm Eduardo Curry. I'm
18 a defense lawyer. One time there was a president that said
19 the greatest service that you could ever have is that to
20 serve as a juror. I'm here to tell you you have no friends
21 to reward or no enemies to punish. In fact, in our system
22 that we have it's a system that's an adversarial system.
23 People are accused and they have the right to wait for
24 their day in court. Almost two years have gone by and that
25 day is today. And I thank you for swearing and agreeing to

1 sit here patiently and listen to us as we talk about the
2 evidence as the prosecutor presents their case because
3 there's a method to the madness.

4 The reason the prosecution has to go first is that
5 they have the burden of proof, burden of persuasion, and
6 they have to prove this case beyond a reasonable doubt.
7 Someone said that it is a doubt that would cause a
8 reasonable person to hesitate to act, but you will make
9 that decision because you are the triers of the facts. The
10 judge here is the trier of the law, but you are able to
11 examine the facts. And how do you do that you may ask me?
12 You do it through examining the witnesses, whether or not
13 they're truthful, their ability to recall, their ability to
14 recollect, how consistent are they in their statements, are
15 they willing to change their statements, how accurate are
16 they? You get to make that judgment.

17 You also should know that the defendant doesn't have
18 to say anything, doesn't have to prove anything. I don't
19 want you to get caught up in that. The silence of a
20 defendant is sacrosanct. They don't have to say anything
21 or do anything because it's not their burden. Don't get
22 caught up in that; who's gonna testify, who's not. You are
23 the judge of the facts. You can make that decision.

24 When you talk about the presumption of innocence, you
25 view it in two ways. Kind of like a bubble, if you're ever

1 chewing gum, it's there. It's a bubble that's around them
2 and that bubble is intact throughout this entire process.
3 You are innocent until proven guilty. Say it in your mind.
4 Innocent until proven guilty. The trier of the facts makes
5 that decision. Now who gets to bust that bubble? It's the
6 prosecution with the highest burden of proof can take their
7 staff and poke a hole in it and get it where it deflates.
8 Maybe that happens. Or in another way, the presumption of
9 innocence is like a cloak that you put on. You know the
10 bathrobe that we all like? We put it on and it can only be
11 taken off if ripped off by the evidence and that's where
12 you can only find them guilty.

13 Now I'm going to say to you when you have an
14 adversarial system, you have to have someone to resolve it,
15 someone who will entrench themselves into the facts and
16 will not be moved. We have come to you because you are
17 those people who have to stand up and say I don't have a
18 friend to reward or an enemy to punish. If they prove them
19 guilty, find them guilty. But if they don't, you have to
20 be bold enough to stand up and say I heard the facts and
21 you didn't meet your burden.

22 Now a final thing is very interesting. There has been
23 some talk about two brothers and they are brothers. The
24 question is what happened? Who was there? Who did it?
25 You look to the facts. Be bold enough to stand. You've

1 sworn that you will listen. Now we've waited for this day.
2 We've waited for a time such as this for you to come. I
3 believe that after you've heard all the facts, after you've
4 weighed it using your life experiences, your common sense
5 and experience, I believe that you will find Leroy Glover
6 not guilty. Thank you.

7 **THE COURT:** You may call your first witness,
8 Solicitor.

9 **MR. SORENSON:** Thank you. May it please the Court?

10 **THE COURT:** Yes, sir.

11 **MR. SORENSON:** The State calls Wendy Carter.

12 WENDY CARTER,

13 having been duly sworn, testified as follows:

14 **THE CLERK:** Thank you. You may have a seat. And,
15 please state your name again for the record.

16 **THE WITNESS:** My name is Wendy Carter.

17 **THE CLERK:** Thank you.

18 **THE COURT:** Your witness.

19 **MR. SORENSON:** Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY MR. SORENSON:

22 Q. Wendy, if you would, please tell the jury how it is
23 that you're related to Richard Carter.

24 A. I'm his wife.

25 Q. Okay. And how long were you and he married?

1 A. For thirteen years.

2 Q. Okay. And did Richard have a nickname that he went
3 by?

4 A. He was called Mike.

5 Q. Okay. And, if you would, tell the jury how old was
6 Mike when he was killed.

7 A. He was sixty-one.

8 Q. Okay. And how -- about how big was Mike? How tall
9 was he?

10 A. He was six foot two and he weighed about 210.

11 Q. Okay. And, Wendy, back in September of 2013, where --
12 where was Mike working at that time?

13 A. He was working for AgSouth.

14 Q. Okay. And do you know where his office was located
15 at?

16 A. It's on the bypass. They call it Joe Jeffords
17 Highway.

18 Q. Okay. And how long had Mike worked at AgSouth?

19 A. He was there for thirty-five years.

20 Q. And was he close -- actually close to retiring in
21 September of 2013?

22 A. He was. He was gonna retire in December.

23 Q. All right. And did Mike have something that he did
24 kind of on the side also that was kind of a side business?

25 A. We did. We had rental property.

1 Q. Okay. And about how many rental properties did you
2 and your husband own back in September of 2013?

3 A. Probably close to a hundred.

4 Q. Okay. And were you aware of -- were any of those
5 properties located in Orangeburg County over on Country
6 Colony Drive?

7 A. Yes. We had two houses over there.

8 Q. Okay. Was one of those houses located at [REDACTED]
9 [REDACTED]?

10 A. It was.

11 Q. And what was that? Was that a residence or a mobile
12 home or --

13 A. It was a single wide mobile home.

14 Q. Okay. And are you familiar with that area and where
15 that was located at?

16 A. I am, uh-huh.

17 **MR. SORENSON:** Do you have any objection to this?

18 **MR. WALTERS:** No objection.

19 **MR. CULLER:** We've previously seen this, Your Honor.
20 We have no objection.

21 **MR. CURRY:** No objection.

22 **THE COURT:** All right.

23 **MR. SORENSON:** Your Honor, at this time I'd offer
24 State's Number 8 in evidence.

25 **THE COURT:** Did you say 8?

1 **MR. SORENSON:** 8. Yes, ma'am.

2 **THE COURT:** Yes, sir. Thank you.

3 (State's Exhibit Number 8, a map blowup, was admitted
4 into evidence.)

5 BY MR. SORENSON:

6 Q. And, Wendy, showing you State's Exhibit Number 8,
7 you've had a chance to look at this map before?

8 A. I have.

9 Q. Okay. And I have a hi-tech pointer here. If you
10 could, kind of point out for the jury where -- I'll back
11 up a little bit here. Does this map, State's Exhibit
12 Number 8, show where your husband's -- where AgSouth was
13 located at?

14 A. Right. The bypass is here and then his office is
15 right there.

16 Q. So it's got the blue around it basically there?

17 A. Right. Right.

18 Q. Okay. And so that would be Joe Jeffords and you said
19 that's the same as the bypass; is that correct?

20 A. That's correct.

21 Q. All right. And what is this major road that you come
22 out to here?

23 A. Well, it's called Five Chop Road, but it's really
24 Highway 301.

25 Q. Okay. So if I was coming from -- if I was coming

1 from your husband's work, show the jury then where -- where
2 [REDACTED] and that trailer at [REDACTED] is located at.

3 A. All right. The trailer is up here. He would come
4 down the bypass and get on 301 and you would turn up
5 Brentwood and come down Country Colony and it turns right
6 down through here and there's the house.

7 Q. Okay. It's on the right then if you're coming down
8 Country Colony?

9 A. Is on the right, uh-huh.

10 Q. Okay.

11 **MR. CULLER:** Again, no objection to this -- what
12 number?

13 **MR. CURRY:** No objection.

14 **MR. SORENSON:** State's Number 2.

15 **THE COURT:** Number 2.

16 BY MR. SORENSON:

17 Q. Let me show you -- do you recognize State's Exhibit
18 Number 2?

19 A. Yes, I do.

20 Q. Okay. What is that -- what is that a picture of?

21 A. That's a picture of the mobile home.

22 Q. Okay. And obviously it's after the fire; is that
23 correct?

24 A. Uh-huh. Yes.

25 **MR. SORENSON:** Your Honor, at this time we'd offer

1 State's Number 2 into evidence.

2 **MR. CULLER:** Without objection, Your Honor.

3 **MR. CURRY:** Without objection.

4 **THE COURT:** It's in.

5 (State's Exhibit Number 2, a photograph, was admitted
6 into evidence.)

7 BY MR. SORENSON:

8 Q. So this is the trailer that was located at [REDACTED]

9 [REDACTED] Drive; is that correct?

10 A. That's correct.

11 Q. Let me ask you, did you know -- back in September of
12 2013, were you aware of who was renting from you and your
13 husband at that trailer?

14 A. I knew it was Leroy Glover because I do all the book
15 work and keep all the records.

16 Q. Now, Wendy, back in September of 2013, what kind of
17 vehicle did Mike have?

18 A. He drove a 2002 Toyota Land Cruiser.

19 Q. Okay. And do you remember what color that was or --

20 A. Kind of a silver color.

21 Q. All right. I'm showing you State's Exhibit Number 10.

22 **MR. CULLER:** Again, without objection.

23 **MR. CURRY:** Without objection, Your Honor.

24 BY MR. SORENSON:

25 Q. State's Exhibit Number 10, is that the title

1 information for that -- for that Land Cruiser?

2 A. Yes, it is.

3 Q. Okay. And it's registered in you and your husband's
4 names?

5 A. It is.

6 **MR. SORENSON:** We'd offer State's Exhibit Number 10,
7 Your Honor.

8 **MR. CURRY:** Without objection.

9 **THE COURT:** It's in.

10 (State's Exhibit Number 10, a vehicle title, was
11 admitted into evidence.)

12 BY MR. SORENSON:

13 Q. And that has the VIN number on it, is that correct,
14 Highlighted up in the corner?

15 A. Yes.

16 Q. Now were you aware back during that time period,
17 Wendy, whether Mike kept any firearms in his -- in that
18 Land Cruiser?

19 A. I did. He had a small little black gun, it was a
20 Ruger, that he kept in the console of the car and then he
21 had a -- a shotgun. I don't really know what kind it was,
22 but I think it was for dove hunting and it was in the very
23 back of the car.

24 Q. Okay. And as to that -- that Ruger, you said he kept
25 it in the console?

1 A. He did.

2 Q. Is that the center console?

3 A. Uh-huh.

4 Q. Okay. And let me show you State's Exhibit Number 11.
5 Is that the paperwork from that gun as far as the box with
6 the serial number and all that?

7 A. It is.

8 Q. Okay.

9 **MR. SORENSON:** State's 11.

10 **MR. CURRY:** Without objection.

11 **MR. CULLER:** And that's without objection, Your Honor.
12 We've seen this previously.

13 **THE COURT:** It's in.

14 (State's Exhibit Number 11, a gun receipt, was
15 admitted into evidence.)

16 BY MR. SORENSON:

17 Q. Okay. And, again, that's got the -- the serial number
18 on it?

19 A. Yes, the serial number. That was on the box that we
20 had at home.

21 Q. Okay. Is that the only then handgun that your husband
22 owned?

23 A. That's the only handgun we had.

24 Q. Now I want to turn your attention, Wendy, back to
25 the evening of Monday -- or late afternoon of Monday,

1 September 23rd of 2013, okay?

2 A. Uh-huh.

3 Q. All right. Did your husband work at AgSouth that day,
4 that Monday?

5 A. Yes.

6 Q. And what time would he usually get off of work?

7 A. He got off at five.

8 Q. Okay. And let me ask you back -- back during
9 September of 2013, did you have a cell phone?

10 A. I did.

11 Q. Okay. And do you remember what your cell phone number
12 was back then?

13 A. It was [REDACTED].

14 Q. [REDACTED]?

15 A. (Nods head.)

16 Q. Okay. Is that an 803 number?

17 A. 803.

18 Q. Okay. And how about Mike? Did Mike have a cell phone
19 also?

20 A. He did. His number was [REDACTED].

21 Q. Okay. Now that Monday, September 23rd, did you have
22 an occasion that late afternoon kind of close to the end
23 of the day to talk to Mike on the phone?

24 A. I did.

25 Q. Okay. And do you know where he was when you spoke to

1 him?

2 A. He was at his office.

3 Q. Okay. And do you know about what time that was that
4 you spoke to him?

5 A. It was right before five.

6 Q. Okay. And what -- had y'all initially had some plans
7 that evening?

8 A. We had a piece of property of ours that they had a
9 zoning meeting for that we were supposed to attend and I
10 had been out of town at my daughter's and I was on the way
11 home, I had been painting, and when I talked to him he
12 asked me to attend the meeting, and I really didn't want to
13 because I had paint on me, but he said he had something
14 that he needed to do and he said you need to go, so I -- I
15 did.

16 Q. All right. And you said that call was right -- right
17 before 5:00?

18 A. Right before five. He was getting ready to leave.

19 Q. Okay. And is that ultimately, Wendy, the last time
20 you spoke to your husband?

21 A. It is.

22 Q. Okay. And about what time -- so do you end up going
23 to that meeting?

24 A. I did.

25 Q. And about what time did you get out of that meeting

1 that night?

2 A. I think it was around 7:00, somewhere around there.

3 Q. Okay.

4 A. It ran later than we thought. 7:00, 7:30. I can't
5 remember.

6 Q. Okay. And what did you do when you got out?

7 A. As soon as I pulled out, I called him and he wasn't
8 there. I mean, I didn't get him. And I thought well,
9 maybe he was outside or something, so I went home. And
10 when I got there, he wasn't there and, you know, of course,
11 I called him.

12 Q. Okay. You repeatedly called him that evening?

13 A. Yeah. I mean, I called him and couldn't get him.

14 Q. Did anybody ever answer his cell phone?

15 A. No.

16 Q. Okay. And at some point in time did you end up
17 contacting law enforcement?

18 A. I did. You know, I -- when I couldn't get in touch
19 with him, I kept calling and then I decided to go out where
20 maybe he was and I drove around and drove around and it
21 got late and he wasn't answering, so I -- you know, I had
22 always heard you're not supposed to call if someone's
23 missing, but I got scared and I -- it finally got to be
24 midnight and I said there's just something wrong, so I
25 called them and I told them. I said there's something

1 wrong. I said I know this might not seem -- I'm not --
2 I'm not supposed to do this, but my husband's missing. I
3 mean, something's wrong.

4 Q. Okay. And the following day did law enforcement and
5 the coroner come and let you know that your husband had
6 been killed?

7 A. They did.

8 Q. All right. And the last thing, Wendy, I want to show
9 you, are you familiar with your husband's handwriting?

10 A. I am.

11 Q. Okay. And let me show you State's Exhibit Number 12
12 and 13. Are you familiar with what's depicted in those
13 photographs?

14 A. It's his blotter at work and then -- yeah. And then
15 that's his handwriting.

16 Q. Okay. So his handwriting on the blotter?

17 A. On the blotter and on that paper.

18 Q. Okay.

19 **MR. SORENSON:** Your Honor, at this time we'd offer
20 State's 12 and 13 into evidence.

21 **THE COURT:** Any objection?

22 **MR. CULLER:** Without objection, Your Honor.

23 **MR. CURRY:** Without objection.

24 **THE COURT:** All right. Admitted.

25 (State's Exhibit Number 12 and 13, photographs, were

1 admitted into evidence.)

2 BY MR. SORENSON:

3 Q. Wendy, State's Exhibit Number 12, is that at your
4 husband's -- is that actually at his office?

5 A. That's at his office.

6 Q. And that's his calendar for September of 2013; is that
7 correct?

8 A. Yes, it is.

9 Q. And specifically then, State's Exhibit Number 13, is
10 that kind of the block showing Monday, September 23rd,
11 2013?

12 A. It is.

13 Q. Okay. And that's the date that your husband
14 disappeared?

15 A. Yes.

16 Q. Okay. And, specifically, underneath the numbers,
17 what -- next to that number 93, what name is written down
18 there?

19 A. Glover.

20 Q. Okay. What would your husband use that blotter at
21 work with all these names and numbers for?

22 A. That was people that owed him that he'd have to go
23 pick up from and how much they owed.

24 Q. So that would indicate that Glover owed him \$93 on
25 September 23rd?

1 A. Yes. Yes.

2 MR. SORENSON: Thank you, Wendy. That would be all I
3 have. Please answer any questions Mr. Culler or Mr. Curry
4 might have, okay?

5 THE WITNESS: All right.

6 CROSS-EXAMINATION

7 BY MR. CULLER:

8 Q. Briefly, Ms. Carter, y'all had about a hundred rental
9 properties?

10 A. Probably close to that. We had another partner in
11 Santee.

12 Q. Did Mike keep records in his Land Cruiser anywhere?

13 A. He did.

14 Q. Where did he keep those records?

15 A. Probably on a little tab -- a little pad or something
16 that he'd taken off his blotter and put on there.

17 Q. All right. Did he have anything in the passenger seat
18 that he drove around with, you know, records or anything
19 typically or no?

20 A. He could have had papers there, hamburger bags, all
21 kinds of stuff.

22 Q. I understand.

23 MR. CULLER: I don't have anything further. Thank
24 you, Ms. Carter.

25 THE COURT: Mr. Curry?

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CROSS-EXAMINATION

BY MR. CURRY:

Q. Ms. Carter, I'm Eduardo Curry. I just wanted to ask you a couple of questions. September 23rd of 2013 was a Monday; was it not?

A. It was.

Q. Okay. And it's your testimony that either right before five or at 5:00 you spoke to your husband and he was alive?

A. He was.

Q. Okay. And that would have been at least 4:55 or as late at 5:04, somewhere around there, correct?

A. No, it was -- it was before five. It was probably about a quarter till five or something like that.

Q. But at least at that point he was alive, correct?

A. He was alive, yes.

MR. CURRY: Okay. Thank you.

THE COURT: Any redirect?

MR. SORENSON: No, Your Honor.

THE COURT: You may step down, ma'am. Thank you.

(Witness excused.)

THE COURT: You may call your next witness.

MR. SORENSON: The State calls Eboni Webb.

THE CLERK: Please place your left hand on the Bible and raise your right hand.

1 EBONI WEBB,

2 having been duly sworn, testified as follows:

3 THE CLERK: Thank you. You may have a seat. Please
4 state your name again for the record.

5 THE WITNESS: Eboni Webb.

6 THE COURT: Your witness.

7 MR. SORENSON: Thank you, Your Honor.

8 DIRECT EXAMINATION

9 BY MR. SORENSON:

10 Q. And, Eboni, you live here in Orangeburg County?

11 A. Yes, sir.

12 Q. Okay. And back in September of 2013, where were you
13 living at that time?

14 A. [REDACTED].

15 Q. Okay. And that -- was that also located here in
16 Orangeburg?

17 A. Yes, sir..

18 Q. Okay. And how long had you lived there?

19 A. A year. A year prior.

20 Q. Okay. And who was your landlord back in September of
21 2013?

22 A. Mike Carter.

23 Q. Okay. And had you rented from Mike that whole time
24 you lived there?

25 A. Well, yes, him and his wife.

1 Q. Okay. And I want to turn your attention back to
2 Monday, September 23rd of 2013. Did you owe Mike some rent
3 money at that time?

4 A. Yes, sir.

5 Q. Okay. And let me ask you, did you -- Eboni, back
6 during that time period, did you have a cell phone?

7 A. Yes, sir.

8 Q. Okay. And do you remember what your number was back
9 then?

10 A. [REDACTED].

11 Q. Okay. All right. And did you make contact with --
12 with Mike Carter that afternoon of September 23rd about
13 trying to arrange meeting up with him to pay him some of
14 that rent money that you owed him?

15 A. Yes, sir.

16 Q. And did you use your cell phone to do that?

17 A. Yes, sir.

18 Q. Okay. And do you know about what time it was that you
19 called him to kind of --

20 A. I called him about 5:00.

21 Q. About 5:00. And what arrangements did you make with
22 Mike as far as where and when you were gonna meet him?

23 A. We were supposed to meet at the Sunoco station by
24 5:15.

25 Q. Okay. And do you know where that Sunoco station is

1 located at?

2 A. By the Joe Jeffords Highway, Charleston Highway
3 intersection.

4 Q. Let me show you -- and I apologize that you haven't
5 seen this map before, but to get you kind of where it is,
6 this is Highway 301 right here?

7 A. Yes, sir.

8 Q. So coming into Orangeburg and you're coming into town
9 here, so that's Joe Jeffords Boulevard; is that correct?

10 A. Uh-huh.

11 Q. And is that Sunoco station down here kind of at the
12 corner down here?

13 A. Yes, sir.

14 Q. Okay. So it was right across the street kind of
15 almost catty-corner from --

16 A. Yes. Family Dollar is across the street and Dollar
17 General.

18 Q. And had you met him there before?

19 A. Yes.

20 Q. So you made arrangements to meet him about 5:15 you
21 said at that Sunoco?

22 A. Yes.

23 Q. And that was about 5:00 that you spoke to him?

24 A. Yes, sir.

25 Q. And did you -- did you show up there?

1 A. Yes.

2 Q. Okay. And was Mr. Carter there when you got there?

3 A. No, sir.

4 Q. Okay. And what time do you think you got there?

5 A. Roughly probably about -- almost close to that time.

6 Probably about 5:13, 5:14.

7 Q. Okay. And at some point in time when Mr. Carter
8 didn't show up, did you then attempt to call him to see
9 where he was?

10 A. Yes, sir.

11 Q. Okay. And when you did that, did you notice anything
12 when you looked at your phone?

13 A. I missed a call from him at about 5:03.

14 Q. Okay. So you missed a call from him at 5:03. Did you
15 attempt to call him multiple times?

16 A. Yes, sir.

17 Q. Did you ever get an answer?

18 A. No, sir.

19 Q. All right. Did you end up -- how long do you think
20 you waited there at the Sunoco?

21 A. Probably about almost an hour.

22 Q. Okay. Did you try to call him any more that evening
23 also?

24 A. Yes.

25 Q. Okay. Did you ever get an answer or hear from him?

1 A. No.

2 Q. Did you ever end up seeing him that afternoon?

3 A. No.

4 Q. That evening?

5 A. No.

6 Q. Or hear back from him?

7 A. No.

8 Q. So the last time, I guess, you talked to him then
9 would have been that phone call that you made at about --
10 right at 5:00?

11 A. To arrange to meet.

12 Q. Okay.

13 **MR. SORENSON:** Thank you, Ms. Webb. That's all I
14 have.

15 **THE COURT:** Cross-examination?

16 **MR. CULLER:** Nothing, Your Honor.

17 **THE COURT:** Mr. Curry?

18 CROSS-EXAMINATION

19 BY MR. CURRY:

20 Q. Ms. Webb, I'm Eduardo Curry. You never saw Mr. Carter
21 at that gas station, did you?

22 A. Never.

23 Q. Did you see Mr. Carter with Leroy Glover that day?

24 A. I don't know who Leroy Glover is. I didn't see him at
25 all that day.

1 Q. All right. And the time that you spoke to Mr. Carter
2 would have been at around 5:00 and he was alive, correct?

3 A. Yes.

4 Q. And then according to your testimony previously, you
5 got a return call about 5:03 or so?

6 A. Yes.

7 Q. It was from Mr. Carter's phone?

8 A. Yes.

9 Q. Presumably from Mr. Carter, correct?

10 A. Yes.

11 Q. Did he leave a message on your voicemail?

12 A. My voicemail was full.

13 Q. Okay. So that was the last communication you had with
14 him?

15 A. Yes, sir.

16 **MR. CURRY:** Thank you.

17 **THE COURT:** Anything further?

18 **MR. SORENSON:** No, ma'am.

19 **THE COURT:** You may step down, ma'am. Thank you.

20 (Witness excused.)

21 **THE COURT:** Would counsel please approach.

22 (Proceedings held at the bench; not reported.)

23 **THE COURT:** You may call your next witness.

24 **MR. SORENSON:** The State calls Scott Bolt.

25 **THE CLERK:** Place your left hand on the Bible and

1 raise your right hand.

2 STEVEN SCOTT BOLT,

3 having been duly sworn, testified as follows:

4 **THE CLERK:** Thank you. You may have a seat. Please
5 state your name again for the record.

6 **THE WITNESS:** Steven Scott Bolt.

7 **THE CLERK:** Thank you.

8 **THE COURT:** Your witness.

9 **MR. SORENSON:** Thank you, Your Honor.

10 DIRECT EXAMINATION

11 BY MR. SORENSON:

12 Q. Do you go by Scott?

13 A. Yes.

14 Q. All right. And, Scott, do you live here in
15 Orangeburg?

16 A. Yes.

17 Q. Okay. And back in September of 2013, where were you
18 working at that time?

19 A. AgSouth Farm Credit.

20 Q. Okay. And Mike Carter worked with you?

21 A. Yes.

22 Q. How long did the two of y'all work together?

23 A. Approximately eight years at that time.

24 Q. Okay. And, specifically, on the afternoon of Monday,
25 September 23rd of 2013, were you both working that

1 afternoon?

2 A. Yes.

3 Q. Okay. And what time did y'all get off of work?

4 A. 5:00.

5 Q. 5:00. And is there an alarm system at AgSouth?

6 A. Yes.

7 Q. Okay. And who -- that Monday afternoon,
8 September 23rd, who armed the alarm that afternoon?

9 A. I did.

10 Q. Okay. And what time was it that you set the alarm
11 that day?

12 A. About 5:04.

13 Q. Okay. And -- and, I guess, typically -- I mean, the
14 office closes at five?

15 A. At five and then we just cut the lights out.

16 Q. Okay. And it takes a couple of minutes before the
17 alarm is actually set?

18 A. Yes.

19 Q. And did Mike leave at the same time you did that
20 afternoon then?

21 A. Yes.

22 Q. Okay. And do you remember what he was doing kind of
23 as he was leaving and heading out that day?

24 A. Talking on the cell phone.

25 Q. So that would have been at 5:01, 5:02, 5:03, in that

1 range?

2 A. Yes.

3 Q. And let me ask you, do you have any idea where he was
4 going when he was leaving work that afternoon?

5 **MR. CURRY:** Objection.

6 **THE COURT:** Basis for your objection?

7 **MR. CURRY:** Calls for speculation, Judge.

8 **THE COURT:** If he knows.

9 **MR. SORENSON:** His answer's gonna be no.

10 **MR. CURRY:** Okay.

11 **THE WITNESS:** No, I do not.

12 BY MR. SORENSON:

13 Q. Let me ask you did you actually see -- see him leave
14 the parking lot that day?

15 A. I saw him get in his car, yes.

16 Q. Okay. And what kind of vehicle did Mike have back in
17 September of 2013?

18 A. A Land Cruiser.

19 Q. And did you hear from him any more that evening after
20 -- after the two of y'all closed up and left for the day?

21 A. No.

22 **MR. SORENSON:** That would be all I'd have, Your Honor.
23 Thank you. Please answer any questions the defense may
24 have.

25 **MR. CULLER:** Nothing, Your Honor.

1 **THE COURT:** Mr. Curry?

2 **MR. CURRY:** Nothing, Your Honor.

3 **THE COURT:** You may step down, sir. Thank you.

4 (Witness excused.)

5 **THE COURT:** You may call your next witness.

6 **MR. SORENSON:** The State calls Paul Hurley.

7 **THE CLERK:** Place your left hand on the Bible and
8 raise your right hand.

9 PAUL HURLEY,

10 having been duly sworn, testified as follows:

11 **THE CLERK:** Thank you. You may have a seat. And
12 please state your name again for the record.

13 **THE WITNESS:** My name is Paul Hurley.

14 **THE CLERK:** Thank you.

15 **THE COURT:** Your witness.

16 **MR. SORENSON:** I beg the Court's indulgence one
17 second, Your Honor.

18 DIRECT EXAMINATION

19 BY MR. SORENSON:

20 Q. Mr. Hurley, if you would, tell the jury where it is
21 that you're employed.

22 A. I'm employed with AT&T as a performance engineer.

23 Q. How long have you been employed with AT&T?

24 A. Eight years.

25 Q. And what are your current kind of duties and

1 responsibilities with AT&T?

2 A. I'm -- basically I do the integration of the network.
3 When a new satellite comes into the network, I perform
4 integration.

5 Q. Okay. And as part of your duties also has AT&T
6 designated you to act as a records custodian for them?

7 A. That is correct.

8 Q. Okay. And is that what you're here for today? Has
9 AT&T sent you as a records custodian to deal with some cell
10 phone records?

11 A. That is correct.

12 Q. Okay. And let me show you, if I could, and they're
13 kind of all in a folder here so I'm gonna let you look at
14 them, State's Exhibit 14, 15, 16, 17 and 18, and just ask
15 you -- ask if you recognize all those documents?

16 A. Yes, I do.

17 Q. Okay. And are those all documents pertaining to -- I
18 believe it's three separate cell phone numbers that have
19 been previously provided as a result of either search
20 warrants or court orders that have been submitted. Are
21 those the records that have been provided as a result of
22 those previous requests?

23 A. That is correct.

24 Q. Okay. And those records contained in State's -- what
25 was it, 14 through 17 was the last one or what was the last

1 one?

2 A. 14, 15, 16, 17 and 18.

3 Q. Were those -- in State's 14 through 18, are those all
4 kept at this time in the regular course of business by
5 AT&T?

6 A. Yes, that is correct.

7 Q. Okay. And let me ask you is it kind of the regular
8 practice of not only AT&T but, I guess, also basically all
9 cellular service companies to make and keep reports such as
10 those?

11 A. Absolutely, on a daily basis, correct.

12 **MR. SORENSON:** Your Honor, at this time we'd offer
13 those records into evidence.

14 **THE COURT:** Any objection?

15 **MR. CULLER:** None, Your Honor.

16 **MR. CURRY:** No, Your Honor.

17 **THE COURT:** Okay. So 14 through 18 are in.

18 (State's Exhibit Number 14 through 18, cell phone
19 records, were admitted into evidence.)

20 BY MR. SORENSON:

21 Q. Okay. And let me have those back to kind of go
22 through them one at a time just briefly so we can get you
23 to identify what they are. I'm showing you initially
24 Number 14. What is State's Number 14, Mr. Hurley?

25 A. This is the site latitude and longitude and cell site

1 reference guide.

2 Q. Okay. And explain, if you could, just kind of
3 briefly, what is a -- what is a cell site?

4 A. A cell site is basically a component at the base of a
5 tower that will transmit and receive signals from a phone.

6 Q. Okay. And do the -- the records that ultimately are
7 generated, do they then indicate where a phone is located
8 in relation to those cell site towers?

9 A. That is correct, yes.

10 Q. Okay. And that's -- State's Exhibit Number 14, does
11 that have not only the cell site numbers, but also then the
12 latitude and longitude of the locations of all those cell
13 sites?

14 A. That is correct.

15 Q. All right. State's Exhibit Number 15. State's
16 Exhibit Number 15, is that records pertaining to cell phone
17 number [REDACTED] ?

18 A. That is correct.

19 Q. Okay. And tell the jury who was the subscriber for
20 that -- for that cell phone number back in September of
21 2013.

22 A. Leroy Glover.

23 Q. Okay. What is the address for Mr. Leroy Glover?

24 A. It's [REDACTED], Santee, South Carolina,
25 29142.

1 Q. And attached to those records, does that contain
2 that cell phone number's call log, basically calls
3 received and calls placed log for the period that contains
4 September 23rd of 2013?

5 A. Yes, that's correct.

6 Q. Okay. And that also then, as I indicated, shows the
7 -- shows the cell site ID; is that correct?

8 A. Yes, that's correct.

9 Q. And just so I understand, the way that's worded it
10 says first cell ID?

11 A. That's correct.

12 Q. So if I place a call to you, is that showing where my
13 phone is located at?

14 A. That's correct.

15 Q. Okay. Now if you place a call to me, would that then
16 show where your phone is located at?

17 A. That's correct, yes.

18 Q. And those numbers -- like just, for instance, like the
19 very first call on here it's got cell site 1726; is that
20 correct?

21 A. That's correct.

22 Q. You can then look on here and find under the cell ID,
23 and they're not in numerical order, but ultimately find
24 1726 and it will give that latitude and longitude for that
25 cell site?

1 A. That is correct.

2 Q. Okay. And the next -- let me show you State's Exhibit
3 Number 16, I'll hand you that, and who is the subscriber
4 for that number? And that's, I believe, [REDACTED].

5 A. R. Michael Carter..

6 Q. R. Michael Carter?

7 A. That's correct.

8 Q. And does that also -- do those records then also
9 contain his cell phone records with -- with the period of
10 September 23, 2013, in those records?

11 A. Yes, that's correct.

12 Q. And then the last one I want to ask you about is
13 another one here, State's Exhibit Number 17. I'll hand you
14 that one, Mr. Hurley. And does that contain the records
15 for [REDACTED]?

16 A. That's correct.

17 Q. Okay. And who is the subscriber for that number,
18 [REDACTED]?

19 A. Leroy Glover.

20 Q. Okay. Is that the same -- same as State's Exhibit
21 Number 15?

22 A. That is correct.

23 Q. Okay. It's the same address also, the [REDACTED]
24 [REDACTED], Santee, South Carolina?

25 A. That's correct.

1 Q. And does that -- those records then also contain the
2 cell phone call history for that number during that period
3 around September 23rd of 2013?

4 A. That's correct.

5 Q. And then, lastly, let me show you State's Exhibit
6 Number 18. Do you recognize that document?

7 A. Yes, I do.

8 Q. Okay. And is that -- what number does that document
9 pertain to?

10 A. That number pertains to [REDACTED].

11 Q. Okay. So that would be the same -- pertaining to the
12 same number that we just talked about?

13 A. That's correct.

14 Q. Okay. And what is contained in State's Exhibit
15 Number 18?

16 A. This looks like text messages being sent from one
17 device to another; in this case [REDACTED], text messages
18 being sent to [REDACTED].

19 Q. Okay. It's got a whole bunch of other text messages
20 throughout there?

21 A. That's correct, yeah. With timestamps, yeah.

22 Q. So that's got -- does that, yet again, contain the
23 period of time September 23rd of 2013 and the several days
24 that followed?

25 A. Yes.

1 Q. Okay. And that would actually have the substance of
2 those text messages for that -- for that cell phone during
3 that time period?

4 A. That's correct. The messages, correct.

5 Q. All right. Let me just ask you, and I don't know
6 if you're aware of this, are text messages kept for any
7 significant period of time?

8 A. I'm not aware of that.

9 Q. Okay. Those -- as far as though the records here, the
10 only text messages we have are pertaining to that phone,
11 the last one, the [REDACTED] number; is that correct?

12 A. That's correct.

13 **MR. SORENSON:** Thank you, Mr. Hurley. That's all the
14 questions I would have.

15 **THE COURT:** Cross-examination?

16 **MR. CULLER:** None.

17 **THE COURT:** Mr. Curry?

18 **CROSS-EXAMINATION**

19 **BY MR. CURRY:**

20 Q. Mr. Hurley, I'm Eduardo Curry. I represent
21 Mr. Glover. You had talked about State's Exhibit Number 4.
22 Do you have all those with you right there?

23 A. No, I don't.

24 **MR. CURRY:** May I approach the witness, Your Honor?

25 **THE COURT:** You may.

1 **THE WITNESS:** What number, 4?

2 BY MR. CURRY:

3 Q. Number 14.

4 A. Oh, I've got it.

5 Q. Have you got it? Let me put them in order. I hand
6 you what is on the top, State's Exhibit 14.

7 A. Yes.

8 Q. And you talked about site latitude and longitude?

9 A. Yes, sir.

10 Q. What does that mean?

11 A. It's basically the coordinates of where the cell site
12 is located based on GPS coordinates.

13 Q. All right. So you've got this transmitter here and
14 then you've got telephones that use the transmitter; is
15 that correct?

16 A. That's correct, yeah.

17 Q. All right. And could you tell me what is the maximum
18 distance a cell phone could use that transmitter?

19 A. Sure.

20 Q. What would be the maximum distance?

21 A. So it depends on the environment. So in the southeast
22 -- and, again, it depends on the telephone antenna and what
23 power wattage you're broadcasting, so there's a lot of
24 variables to that, but on average I would say up to five
25 miles.

1 Q. Five miles?

2 A. Yes.

3 Q. Okay. So that means that someone could have a phone,
4 and I guess we'll use a simple word, ping off a transmitter
5 within a five-mile distance, correct?

6 A. Yes. It can be said like that, yes.

7 Q. Okay. And that's five miles going -- so it would be a
8 five-mile radius in terms of circumference?

9 A. Correct.

10 Q. All right. So that means from that point where that
11 transmitter is anywhere within a five-mile period in a 360
12 it would be ping to that transmitter?

13 A. It's possible, yes.

14 Q. All right. Well, in our particular case that's what
15 you're testifying to?

16 A. Sure. Yes.

17 Q. Okay. In the -- when you mentioned in State's
18 Exhibit 15 and you said 837-0346, do you recall your
19 testimony on that?

20 A. 3746, that's correct.

21 Q. Right. What was the latitude and longitude for that
22 phone? Was there a particular or did it vary?

23 A. For this phone?

24 Q. Yes, sir.

25 A. Just one second. It's not gonna have the longitude

1 and latitude on this document, I don't believe, but as you
2 had mentioned it would give you the ping of the nearest
3 tower it was located to.

4 Q. And what was the ping for that tower?

5 A. Well, on the first call records I'm looking at Tower
6 1726.

7 Q. Okay. Do you know where that tower's located?

8 A. I would have to reference a map.

9 Q. Do you have a map today that you could tell us where
10 that tower is located?

11 A. I do not have a map. Not with me.

12 Q. And you knew you were coming today to talk to us about
13 transmitters and pings and stuff. You knew that, correct?

14 A. Well, to validate the records, correct..

15 Q. All right. They didn't tell you that they wanted to
16 know about locations of cell phones versus locations of the
17 towers? You didn't hear that from the solicitor?

18 A. I did and there was a map included with the e-mail,
19 but I did not bring it with me.

20 Q. So you don't have that today?

21 A. No, sir.

22 Q. All right. Now I want to get it straight so that I
23 can get some understanding. You know, you're the expert.
24 You're not here to testify to this jury about any
25 conversations that occurred on these cell phones, are you?

1 A. No, sir.

2 Q. Any content?

3 A. No, sir.

4 Q. That's no, right?

5 A. (Shakes head.)

6 Q. And you're not here to testify as to whether those
7 cell phones were in the possession of certain people, are
8 you?

9 A. No, sir.

10 Q. All right. You're just here to testify that the
11 transmitters exist and cell phones exist and they
12 communicate to each other. That would be fair to say,
13 wouldn't it?

14 A. And the custodian of the records.

15 Q. That would be yes?

16 A. Yes, sir.

17 **MR. CURRY:** All right. I have no further questions.

18 **THE COURT:** Any redirect?

19 **MR. SORENSON:** Just briefly.

20 REDIRECT EXAMINATION

21 BY MR. SORENSON:

22 Q. Mr. Hurley, and as far as -- let me ask you are you
23 aware from kind of preparing to come to court that there's
24 another expert that's been hired to deal with -- as far as
25 explaining all the records and mapping out the locations?

1 A. Yes, you had mentioned that.

2 **MR. SORENSON:** That would be all I have.

3 **THE COURT:** Thank you, sir. You may step down.

4 **THE WITNESS:** Thank you.

5 (Witness excused.)

6 **THE COURT:** You may call your next witness.

7 **MR. SORENSON:** Can we -- may I approach?

8 **THE COURT:** Sure.

9 (Proceedings held at the bench; not reported.)

10 **THE COURT:** Ladies and gentlemen of the jury, it's
11 time for us to take a brief afternoon recess, so we're
12 gonna take a recess for about five minutes. Again, please
13 remember my previous instructions not to discuss the case
14 or anything about the case even amongst each other. Thank
15 you.

16 (Whereupon, the jury retires to the jury room at
17 3:26 PM.)

18 **THE COURT:** We'll be in recess for five minutes.

19 (Recess taken.)

20 (State's Exhibit Number 19 through 23 were marked for
21 identification.)

22 **BAILIFF:** Order, please. Court's now in session.

23 **THE COURT:** Thank you, everyone. You may have a seat.
24 Is everyone ready to proceed?

25 **MR. SORENSON:** Yes, Your Honor.

1 **MR. CURRY:** Yes, Your Honor.

2 **MR. CULLER:** Yes, Your Honor.

3 **THE COURT:** All right. Let's have our jury, please.

4 **BAILIFF:** Yes, Your Honor.

5 (Whereupon, the jury returns to the courtroom at
6 3:46 PM.)

7 **THE COURT:** Welcome back, ladies and gentlemen of the
8 jury. We're now ready to proceed with the trial of the
9 case. You may call your next case, Solicitor.

10 **MR. SORENSON:** Thank you. The State calls Edward
11 Barnett.

12 **THE CLERK:** Please place your left hand on the Bible
13 and raise your right hand.

14 EDWARD BARNETT,
15 having been duly sworn, testified as follows:

16 **THE CLERK:** Thank you. You may have a seat. And
17 please state your name again for the record.

18 **THE WITNESS:** My name is Edward Barnett.

19 **THE CLERK:** Thank you.

20 **THE COURT:** Your witness.

21 DIRECT EXAMINATION

22 BY MR. SORENSON:

23 Q. Chief, will you make sure you keep your voice up nice
24 and loud for us, okay?

25 A. Okay.

1 Q. If you would, please, tell us where it is that you're
2 employed.

3 A. At the Santee Fire Department.

4 Q. And how long have you been with the Santee Fire
5 Department?

6 A. I started as a volunteer back in 1986 and I moved
7 through the ranks and right at 1999 I became a volunteer
8 fire chief and in 2000 I became a career chief with the
9 Santee Fire Department.

10 Q. Okay. So you've been employed in that capacity for
11 the last fourteen, fifteen years or so?

12 A. Fifteen years.

13 Q. Okay. And I want to turn your attention, if I could,
14 Chief, back to the evening of September 23rd of 2013. Do
15 you recall responding to a fire that evening in Santee?

16 A. Yes.

17 Q. Okay. And tell the jury what that initial call was
18 that came in.

19 A. The initial call that came in to Santee Fire
20 Department said there was unknown fire burning at a certain
21 location. I think it was Wactor Drive and Antioch Road.
22 Wactor Drive and Antioch Road. Firefighters responded to
23 the station to pick up the fire trucks and they sort of
24 circled that area and didn't know exactly where they see
25 the smoke, didn't know exactly where the location was

1 located at right here, and we took the truck, Engine 152,
2 and proceeded in that direction on Antioch where the fire
3 was located at in the woods.

4 Q. Okay. And so were you one of the firefighters then
5 that responded out there that day -- that night?

6 A. I was the very first one with a truck out there.

7 Q. I'm showing you State's Exhibit Number 9.

8 **MR. SORENSON:** Eduardo, do you --

9 **MR. CURRY:** No objection. Without objection.

10 **MR. CULLER:** We've seen this previously. No
11 objection.

12 **MR. SORENSON:** We'd offer State's Number 9, Your
13 Honor.

14 **THE COURT:** It's in.

15 (State's Exhibit Number 9, a photograph blowup, was
16 admitted into evidence.)

17 BY MR. SORENSON:

18 Q. And, Chief, you've had a chance to look at this just
19 briefly before court today?

20 A. Yes.

21 Q. And does that show that area of Wactor Road and
22 Antioch Road where you responded that night?

23 A. Yes.

24 Q. Let me -- give me one second. And just to kind of get
25 you oriented here, here's Antioch Road right here?

1 A. Yes.

2 Q. And then Wactor Road that comes into Antioch down
3 here; is that correct?

4 A. Yes.

5 Q. Okay.

6 A. And we came down from right here. Once we pulled out
7 from the station, we saw the smoke and stuff once we got in
8 the area right here with the tree high top and what we did
9 we went down this little road right here and backed into
10 this area right here where the fire itself was located at
11 right here and we had both trucks located in that area as
12 well and then we started extinguishing the fire as well as
13 putting out the wood fire as well, too, because it already
14 spread into the woods as well.

15 Q. Okay. And let me ask you, Chief, when you got back
16 into that wooded area back there, did you discover what it
17 was that was on fire back there?

18 A. Yes, we immediately discovered that it was, you know,
19 a vehicle. A vehicle fire.

20 Q. Okay. And were y'all able to extinguish that vehicle
21 fire?

22 A. Yes, we were able to extinguish that vehicle fire.

23 Q. Okay. And what time was that alarm put out to y'all
24 about -- about a fire or smoke being in that wooded area?

25 A. Somewhere around in the vicinity of about seven.

1 Q. Have you got your kind of paperwork that shows what
2 time y'all were toned out to that?

3 A. Yeah, we were dispatched at this call here -- it was
4 -- hold on just a second. Let me try to get my glasses
5 right here. The call initially alarmed out at 19:14.

6 Q. So that would be 7:14 PM?

7 A. Yes, 7:14 PM.

8 Q. Okay.

9 A. And we arrived on the scene at 19:21.

10 Q. Okay. All right. And I believe you indicated a
11 moment ago that y'all were able to get that vehicle
12 extinguished?

13 A. Yes.

14 Q. Okay. Was it fully involved, fully engulfed, when
15 y'all got there?

16 A. It was fully involved.

17 Q. Okay. And after getting the vehicle extinguished --
18 and how long would that have taken for y'all to get that
19 vehicle extinguished so that you could kind of further
20 investigate that vehicle fire?

21 A. It took approximately about ten to fifteen minutes
22 to extinguish that vehicle because it was real hot and
23 stuff right here so we could get up to it and start an
24 investigation and stuff.

25 Q. Okay. And tell the jury what, if anything, after that

1 vehicle was -- once that fire was put out on that vehicle
2 what, if anything, was found inside the vehicle?

3 A. Okay. Once we extinguished the fire, got it down,
4 it was still yet hot and stuff right here, we proceed up
5 to the vehicle to discharge all hot spots with that
6 vehicle itself. Once we got to the doors and stuff right
7 there, start wetting everything down inside, then it was
8 discovered that, you know, there was a body on the back
9 seat face up in that vehicle as well.

10 Q. Okay. And after discovering that, Chief, what did you
11 do at that time?

12 A. At that time we immediately know it was a crime scene,
13 so we had notified the sheriff's department and -- we
14 notified our dispatch first to inform the sheriff's
15 department and, you know, other law enforcement agencies
16 to come out and investigate.

17 Q. Okay. And how about as far as the actual scene out
18 there of that truck, did y'all do anything as far as --

19 A. Yeah, once -- once we found out that it was a crime
20 scene, we immediately put crime scene tape around the whole
21 area right here to keep anybody from coming in -- anybody
22 from coming into that location.

23 Q. And was that scene secured then until the sheriff's
24 office arrived out there?

25 A. Yes.

1 Q. Okay. And did the sheriff's office come out there
2 that night?

3 A. Yes, they did.

4 Q. And the coroner's office also, I assume?

5 A. Yes, they did.

6 Q. All right, Chief. I appreciate --

7 A. And SLED.

8 Q. And did ultimately --

9 A. Yeah, ultimately SLED was out there, too.

10 Q. -- did SLED come out there later on?

11 A. Yes.

12 Q. Okay.

13 **MR. SORENSON:** That's all I have. Please answer any
14 questions that defense counsel has, Chief. Thank you.

15 **THE COURT:** Cross-examination?

16 **MR. CULLER:** Briefly, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. CULLER:

19 Q. Chief, do you live in that area?

20 A. Yes.

21 Q. And this road where the car was found, would it be
22 fair to characterize it as sort of an obscure road, more
23 like a field road?

24 A. It was a cotton field right next to the Antioch Road
25 and it's -- I guess it's a driveway for the farmers to go

1 to his cotton field and stuff like that.

2 Q. All right. And then there was, I think, two gates off
3 of that road, but it was way back off of the main road?

4 A. Yes, it was a gate there. I recall a gate was there
5 and stuff right there.

6 Q. Okay. My point is it was an obscure area by which I
7 mean you had to know where it was, it wasn't something you
8 were readily gonna find?

9 A. Well, once we -- once we saw where the smoke itself
10 was located and stuff like that, then we figured out
11 exactly where we needed to go, you know, to get to that
12 location.

13 Q. Sure. I understand.

14 **MR. CULLER:** Thank you, Chief.

15 **THE COURT:** Mr. Curry?

16 CROSS-EXAMINATION

17 BY MR. CURRY:

18 Q. Chief, I'm Eduardo Curry. I represent Leroy Glover.
19 You're not testifying who set the fire, are you?

20 A. No. No.

21 Q. You don't have any evidence -- any knowledge --
22 firsthand knowledge about how that fire got set, how it
23 got started, how the truck got there, how the body got
24 there, do you?

25 A. No. Upon our investigation and stuff right here once

1 we -- usually whenever we go to a car fire or any kind of a
2 fire you normally do an investigation and at that point in
3 time right here we couldn't discover exactly what was the
4 -- initially the cause of it, what was the point of origin
5 or the point of contact due to cause that fire and stuff
6 like that. We didn't know exactly what we have, so what we
7 did is we immediately notified the proper authorities.

8 Q. So you're just testifying that you found a car that
9 was burned and had a body in it that was burning, correct?

10 A. Yes.

11 Q. And that's the limit of your testimony?

12 A. Yes.

13 **MR. CURRY:** All right. Thank you.

14 **THE COURT:** Anything further?

15 **MR. SORENSON:** No, Your Honor.

16 **THE COURT:** You may step down, Chief. Thank you.

17 (Witness excused.)

18 **THE COURT:** You may call your next witness.

19 **MR. SORENSON:** The State calls Deborah Jenkins.

20 **THE CLERK:** Please place your left hand on the Bible
21 raise your right hand.

22 DEBORAH JENKINS,

23 having been duly sworn, testified as follows:

24 **THE CLERK:** Thank you. You may have a seat. And
25 please state your name again for the record.

1 **THE WITNESS:** Deborah Jenkins.

2 **THE COURT:** Your witness.

3 **MR. SORENSON:** Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MR. SORENSON:

6 Q. Good afternoon, Deborah.

7 A. Hi.

8 Q. If you would, I need to make sure you speak up nice
9 and loud for us, okay?

10 A. Okay.

11 Q. If you would, tell the jury where it is that you live.

12 A. Country Colony Drive.

13 Q. Okay. And what's your address on [REDACTED] ?

14 A. [REDACTED].

15 Q. Okay. And you're familiar with the trailer that
16 burned down two years ago?

17 A. Yes. It's across the street from where I live.

18 Q. You live across the street?

19 A. Yes.

20 Q. Okay. And how long -- how long have you lived there?

21 A. I've been out there since 2012.

22 Q. And who -- back in September of 2013, who was your
23 landlord out at [REDACTED] ?

24 A. Mike Carter.

25 Q. I want to turn your attention, if I could, Deborah,

1 back to that Monday, September 23rd, the night that the
2 trailer burned down, okay?

3 A. Okay.

4 Q. Do you remember -- did you go somewhere that evening?

5 A. Yes, I did. I was headed to Norway to check on my
6 nieces.

7 Q. Okay. And do you remember -- were you by yourself?

8 A. Yes.

9 Q. Okay. Do you remember about what time you left your
10 house that night?

11 A. It was about -- about 5:15.

12 Q. Okay. And that was at [REDACTED] ?

13 A. Yes.

14 Q. Okay. And when you came out of your house, what
15 direction did you go?

16 A. I turned right towards Brentwood.

17 Q. Okay. So you were going towards -- take a right going
18 out towards Brentwood?

19 A. Yes.

20 Q. Okay. And tell the jury did you pass or see any other
21 cars out there on your way kind of after leaving your house
22 and heading towards Brentwood?

23 A. Yes, I passed Mike Carter.

24 Q. Okay. And was he driving?

25 A. Yes.

1 Q. Okay. And do you know where he was going when you
2 passed him?

3 A. No, I didn't know where he was going, but I thought he
4 was going to my place as I looked back in my mirror.

5 Q. Okay. And where did you see -- did he actually turn
6 in to your trailer?

7 A. No, he turned in to the trailer across the street.

8 Q. Okay. I'm showing you State's Exhibit Number 2. Is
9 it that trailer that he turned in to?

10 A. Yes.

11 Q. Okay. And let me ask you back in September of 2013,
12 Deborah, did you know who was living in that trailer?

13 A. I knew some guys was living over there, but I never
14 met them -- met them personally. My son used to be over
15 there with them sometimes and one afternoon the one that
16 they call Smoke was over to my house, but that was the only
17 time I ever seen him.

18 Q. Okay. So you knew one of the guys that lived there
19 was nicknamed Smoke?

20 A. Yes.

21 Q. Okay. Let me ask you, Deborah, now when you saw
22 Mr. Mike's truck or SUV pull in to that trailer across the
23 street, had you seen anybody else outside there?

24 A. No, I didn't see anyone else.

25 Q. Okay. Were you paying attention even really to who

1 else was outside or --

2 A. No.

3 Q. Okay. And what time -- Deborah, do you know about
4 what time you ended up getting home later that evening from
5 Norway?

6 A. Yeah, I came back around about ten -- between 9:30 and
7 10:00.

8 Q. Okay. And obviously back at 5:15 or so it was light
9 out still then, right?

10 A. Yeah.

11 Q. When you got home it was dark?

12 A. It was dark.

13 Q. Okay. And let me ask you when you got home did you
14 notice the condition of the trailer across the street when
15 you got home?

16 A. No, I didn't.

17 Q. Okay. When did you notice that the trailer had -- had
18 burned?

19 A. The next morning.

20 Q. So basically you would have seen Mike Carter kind of
21 coming down Country Colony around 5:15?

22 A. Yes.

23 Q. Thereabouts?

24 A. Yes.

25 Q. All right. Let me ask you are you exact about that

1 time or is it about -- around that time?

2 A. It was around about that time.

3 **MR. SORENSON:** All right, Deborah. Thank you. That's
4 all the questions I'd have. Please answer any questions
5 that defense counsel has.

6 **THE COURT:** Cross-examination?

7 **MR. CULLER:** No, Your Honor.

8 **THE COURT:** Mr. Curry?

9 CROSS-EXAMINATION

10 BY MR. CURRY:

11 Q. Hi, Ms. Jenkins. I'm Eduardo Curry. How are you?

12 A. Fine.

13 Q. You say -- you talked about your son. Your son's
14 name's Kwon?

15 A. Ikwon.

16 Q. Ikwon, but they call him Kwon, don't they?

17 A. Yes.

18 Q. And as far as from your knowledge how old is Ikwon?

19 A. Ikwon is twenty. He'll be twenty-one the 24th of this
20 month.

21 Q. Back on that day he was about eighteen, nineteen?

22 A. Eighteen.

23 Q. How old?

24 A. Eighteen.

25 Q. Okay. All right. Now from that day, September 23rd,

1 2013, to the present, has the police ever contacted you or
2 your son about what occurred?

3 A. Well, they have contacted me, but I don't think they
4 contacted my son.

5 Q. All right. Okay. And are you aware that someone said
6 that they were with your son at the time this burning
7 occurred?

8 A. No.

9 Q. Okay. Would that surprise you?

10 A. Yeah, because when I left home that day he was home on
11 the couch asleep.

12 Q. Okay. All right. Did you see any other cars across
13 the street?

14 A. No, I didn't see no other cars across the street.

15 Q. All right. Have you seen a Crown Vic across the
16 street before?

17 A. Yes.

18 Q. All right. And the Crown Vic belongs to who?

19 A. I don't know who it belonged to.

20 Q. All right. Was it there that day when you looked
21 across?

22 A. No.

23 Q. All right. And you are testifying you didn't see
24 anyone else, did you?

25 A. No, I didn't see anyone else.

1 Q. And you live directly across from this trailer?

2 A. Yes.

3 Q. Would anything have been able to obscure your vision
4 between where you were and looking at that trailer?

5 A. No.

6 Q. How far would that trailer be if you were to use this
7 courtroom --

8 **MR. CURRY:** Your Honor, may I approach the witness?

9 **THE COURT:** You may.

10 BY MR. CURRY:

11 Q. How far would that be from where you are? Let's say
12 you're in your trailer coming out. Where would the other
13 trailer be?

14 A. It would be -- like if I walk out my door, it would
15 be like slanted across the street, but there's nothing
16 blocking my view that I couldn't see the trailer.

17 Q. No fence?

18 A. No fence.

19 Q. No trees?

20 A. No.

21 Q. No other cars?

22 A. No.

23 Q. So you would have known if there was a car across the
24 street, wouldn't you --

25 A. Yes.

1 Q. -- at 5:15?

2 A. Yes, because I was passing the house.

3 Q. All right.

4 **MR. CURRY:** Thank you.

5 **THE COURT:** Any redirect?

6 **MR. SORENSON:** Just a couple, please, Your Honor.

7 REDIRECT EXAMINATION

8 BY MR. SORENSON:

9 Q. And you testified, Deborah, that you paid attention to
10 where Mr. Carter went because initially you thought he was
11 going to your house; is that correct?

12 A. Yes.

13 Q. All right. Was there any reason for you to be paying
14 attention to what cars were at any of your neighbors'
15 houses otherwise?

16 A. No.

17 Q. And your son you said was asleep on your couch at, you
18 know, 5:15 when you left; is that correct?

19 A. Yes.

20 Q. Okay. So you -- do you have any idea where he may
21 have gone after you left?

22 A. No.

23 Q. Okay. He could have gone outside?

24 A. He could have gone outside.

25 Q. And the house across the street I think you said you

1 weren't sure whose it was, but there was a Crown Vic
2 that --

3 A. I have seen a Crown Vic over there before.

4 Q. Do you remember what color that Crown Vic was?

5 A. Black.

6 Q. Black?

7 A. Uh-huh.

8 Q. Do you remember it having anything unusual about it
9 tire-wise or rim-wise or anything?

10 A. It had some rims on it.

11 Q. Okay.

12 **MR. SORENSON:** Thank you, Deborah. That's all I have.

13 **THE COURT:** You may step down.

14 **MR. CURRY:** Your Honor? Just a couple of more
15 questions, Judge.

16 **THE COURT:** Only if it was brought up on the scope of
17 redirect.

18 **MR. CURRY:** Right.

19 . RE CROSS EXAMINATION

20 BY MR. CURRY:

21 Q. You said you saw it was -- that car was black?

22 A. Yes.

23 Q. All right. That day you didn't see a black Crown Vic
24 when you came out, did you?

25 A. No, I didn't.

1 Q. And you're sure about that?

2 A. Yes, I'm sure I didn't see it.

3 **MR. CURRY:** All right. Thank you.

4 **THE COURT:** You may step down, ma'am. Thank you.

5 (Witness excused.)

6 **THE COURT:** You may call your next witness.

7 **MR. SORENSON:** The State calls Alice Simpson.

8 **THE CLERK:** Place your left hand on the Bible and
9 raise your right hand.

10 ALICE SIMPSON,

11 having been duly sworn, testified as follows:

12 **THE CLERK:** Thank you, ma'am. You may have a seat.

13 And please state your name again for the record.

14 **THE WITNESS:** My name is Alice Simpson.

15 **THE COURT:** Your witness.

16 **MR. SORENSON:** Thank you, Your Honor.

17 DIRECT EXAMINATION

18 BY MR. SORENSON:

19 Q. Good afternoon, Ms. Simpson.

20 A. Uh-huh.

21 Q. If you would, please tell the jury where it is that
22 you live.

23 A. [REDACTED] Drive.

24 Q. Okay. And how long have you lived at [REDACTED]

25 [REDACTED] ?

1 A. About twenty-seven years.

2 Q. All right. And where is [REDACTED] located at in relation
3 to the trailer that burned down two years ago?

4 A. Next door.

5 Q. Okay. So if I'm facing -- let me show you State's
6 Exhibit Number 2. Do you recognize that?

7 A. Uh-huh.

8 Q. So if I'm facing that trailer, what side is your house
9 located on?

10 A. On the right.

11 Q. Your house is over this way where my hand is?

12 A. Uh-huh.

13 **MR. CULLER:** I'm sorry, what document is that?

14 **MR. SORENSON:** State's 2.

15 **THE COURT:** And, Ms. Simpson, if you could say yes or
16 no. The court reporter can't take down uh-huh.

17 **THE WITNESS:** Okay.

18 **THE COURT:** Thank you, ma'am.

19 BY MR. SORENSON:

20 Q. All right. Now I want to turn your attention, if I
21 could, Ms. Simpson, back to the afternoon of September 23rd
22 of 2013. Had you gone somewhere that afternoon?

23 A. I went to pick up my grandchildren.

24 Q. Okay. And did you ultimately come back to your house
25 on Country Colony?

1 A. Yes.

2 Q. Okay. Tell the jury about what time was it that you
3 got back to your home that evening.

4 A. Approximately 5:15, 5:30.

5 Q. Okay. And were you looking at your watch to see the
6 exact time or --

7 A. No, I usually go around about the same time.

8 Q. Okay. All right. And still daylight out obviously at
9 that time?

10 A. Yes.

11 Q. And let me ask you when you pulled up, did you pull
12 into your yard?

13 A. Yes.

14 Q. Okay. And tell the jury did you see anything kind of
15 unusual when you pulled up into your yard?

16 A. Yes.

17 Q. And tell the jury what that was.

18 A. As I turned into my drive, I noticed the vehicle
19 coming out at a fast speed.

20 Q. Okay. You say the vehicle, what vehicle is that that
21 you're talking about?

22 A. It was like a SUV.

23 Q. Okay. And where was it coming out of?

24 A. From the trailer.

25 Q. Okay. What trailer?

1 A. The one next to me.

2 Q. The one that burned?

3 A. Yes.

4 Q. Okay. And how was that vehicle driving?

5 A. At a fast speed.

6 Q. Okay. And let me ask you, that SUV, did you know who
7 that vehicle belonged to?

8 A. Yes.

9 Q. And who was it that it belonged to?

10 A. It was the landlord's because I'd seen him before.

11 Q. Okay. So was he your landlord?

12 A. No.

13 Q. Okay. But the landlord for the trailer next door?

14 A. Yes.

15 Q. Okay. And let me ask you, did you -- when you saw
16 that vehicle pulling out at a high rate of speed, did you
17 see who was driving?

18 A. No.

19 Q. Okay. What was it that caught your attention to it?

20 A. Because it was coming out at a fast pace and it looked
21 like I saw a rag of some type from the back of it hanging
22 out.

23 Q. Okay. You saw something hanging out?

24 A. Uh-huh.

25 Q. Okay. And what -- Ms. Simpson, after kind of seeing

1 it leave, what did you do at that time?

2 A. I just went in my house.

3 Q. Okay. Let me ask you this. Do you have any idea
4 whether there were any other vehicles next door at that
5 point in time?

6 A. I don't know.

7 Q. Did you pay any attention to that?

8 A. No.

9 Q. Now so this would have been, yet again, you said
10 somewhere at 5:15, 5:30, in that range?

11 A. Yes.

12 Q. Okay. Now did something happen later on that evening
13 after that?

14 A. Yes.

15 Q. Okay. And about what time did that happen?

16 A. Approximately 6:30, 7:00 someone rung my doorbell and
17 told me the house next door was on fire.

18 Q. Okay. Is that the same trailer that we were just
19 talking about?

20 A. Yes.

21 Q. And did you look outside?

22 A. Yes.

23 Q. And tell the jury what you saw when you looked
24 outside.

25 A. It was in full blaze.

1 Q. Now did the fire department end up showing up out
2 there?

3 A. Yes.

4 Q. Did they get there pretty quick or --

5 A. Yes.

6 Q. Let me ask you, Ms. Simpson, back in September of 2013
7 did you know who was living at that trailer next door?

8 A. I really don't know them. No, I don't.

9 Q. Okay. Any vehicles that you saw over there
10 frequently?

11 A. No.

12 Q. Let me ask you, do you remember ever seeing a dark
13 colored Ford Crown Victoria over there at times?

14 A. I've noticed the car that the -- the young man usually
15 drives. It was like a dark color Crown -- the type of car
16 that the guy which usually stayed there, his vehicle, but I
17 usually don't pay him much attention. I just go in and I
18 don't pay him much attention.

19 Q. Got you.

20 **MR. SORENSON:** All right. Thank you, Ms. Simpson.
21 Please answer any questions that the defense counsel has.

22 **THE COURT:** Cross-examination?

23 **MR. CULLER:** Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MR. CULLER:

1 Q. Ms. Simpson, so you live directly across the street
2 from -- I'm sorry, you live next door?

3 A. Next door.

4 Q. So you're this way?

5 A. Yes.

6 Q. So you're in, I believe, a house, aren't you?

7 A. I'm in a -- a doublewide.

8 Q. Right. Okay. And you said you were pulling into your
9 driveway --

10 A. Yes.

11 Q. -- at the time this vehicle was pulling out?

12 A. Yes.

13 Q. And when you say a fast pace, what is that? How fast
14 was that?

15 A. It was coming out -- it wasn't coming out the normal
16 speed. It was coming out like, you know, in a rush.

17 Q. Yes, ma'am.

18 A. Uh-huh.

19 Q. And I believe you had some opportunity to talk to
20 the sheriff's department about this and were you able to
21 identify a driver?

22 A. No.

23 Q. Were you ever shown a lineup of any kind?

24 A. No.

25 **MR. CULLER:** Thank you very much.

1 **THE COURT:** Mr. Curry?

2 CROSS-EXAMINATION

3 BY MR. CURRY:

4 Q. Ms. Simpson, I'm Eduardo Curry. Do you -- what time
5 was this according to your knowledge?

6 A. Which time? Are you talking about the time I came
7 home?

8 Q. Yes, ma'am.

9 A. It was between 5:15 and 5:30.

10 Q. Okay. And originally when you gave -- you gave two
11 statements; did you not?

12 A. Yes.

13 Q. One time you said the truck was gold and the next time
14 you said it was silver?

15 A. Yeah. Uh-huh. It was -- I said it was -- I think I
16 said it was gold at first and then I changed it to I think
17 it was like silver or gray.

18 Q. Okay. Now -- but in all the occasions when you saw
19 the truck, did you see Leroy Glover in the truck?

20 A. No.

21 Q. Did you see the Crown Vic allegedly across the street
22 in the yard?

23 A. No.

24 Q. Okay.

25 **MR. CURRY:** No further questions.

1 **THE COURT:** You may step down, ma'am. Thank you.

2 (Witness excused.)

3 **THE COURT:** You may call your next witness.

4 **MR. SORENSON:** The State calls William Ketcherside.

5 WILLIAM KETCHERSIDE,

6 having been duly sworn, testified as follows:

7 **THE CLERK:** Thank you. You may have a seat. State
8 your name again for the record, please.

9 **THE WITNESS:** William Ketcherside.

10 **THE CLERK:** Thank you.

11 **THE COURT:** Your witness.

12 **MR. SORENSON:** Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY MR. SORENSON:

15 Q. Investigator Ketcherside, will you tell the jury where
16 it is you're employed.

17 A. The Orangeburg County Sheriff's Office.

18 Q. And how long have you been with the sheriff's office?

19 A. Ten years.

20 Q. And, if you would, tell the jury what your current
21 duties are there.

22 A. Crime scene investigator.

23 Q. Okay. And how long have you been employed in that
24 capacity?

25 A. Approximately five years.

1 Q. All right. And just kind of briefly just tell the
2 jury as a crime scene investigator what are your kind of
3 day to day duties with the sheriff's office?

4 A. Basically we respond to scenes. Our goal is to
5 identify any victims, witnesses, suspects and so forth at
6 that scene by using fingerprint evidence, DNA evidence and
7 so forth.

8 Q. Okay. And in this case, did you have an opportunity
9 -- let's initially kind of talk about on the evening of
10 September 23rd of 2013. Did you have an occasion to
11 respond out to a vehicle fire in Santee?

12 A. Yes, sir.

13 Q. Okay. And tell the jury kind of what that scene was
14 like when you got out there that night as a crime scene
15 investigator.

16 A. Yes, sir. It was a vehicle -- burnt vehicle in the
17 woods. There was an access road that goes around a field
18 off of Antioch Road right at -- near the intersection of
19 Angelica and -- I can't recall -- Wactor.

20 Q. Wactor?

21 A. Wactor Road. I'm sorry. The vehicle had been -- it
22 looked like -- it appeared it had been driven through a
23 gate and it had burned. Also there was a -- some human
24 remains found inside of the vehicle.

25 Q. Okay. Now let me ask you, as part of your duties with

1 the sheriff's department, did you end up kind of processing
2 that scene?

3 A. No, sir, I did not.

4 Q. Okay. Tell the jury what -- well, let me ask you, was
5 that scene secured when you got out there?

6 A. Yes, it was.

7 Q. Okay. What decision was made at that point in time as
8 far as getting somebody out there to kind of process that
9 vehicle?

10 A. The decision was made to obtain a search warrant for
11 that property, as well as the vehicle, as well as also have
12 SLED respond.

13 Q. Okay. And, in fact, did SLED respond out there and
14 take over processing and collecting any evidence from that
15 vehicle?

16 A. Yes, sir.

17 Q. All right. I'm gonna fast-forward you a little bit.
18 Had you become aware that same evening at some point in
19 time about a kind of separate structural fire at a mobile
20 home here in Orangeburg on Country Colony Drive?

21 A. Yes, sir.

22 Q. Okay. And did you have an opportunity at some point
23 in time in regards to working as a crime scene investigator
24 to respond out to that trailer to see if -- to process it
25 and see if any items of evidentiary value could be found at

1 that trailer?

2 A. Yes, I did. That was on September the 25th, 2013.

3 Q. So it was a couple of days later -- two days later?

4 A. Yes, sir.

5 Q. All right. And let me show you -- and, William, let
6 me show you, first of all, State's Exhibit Number 2 that's
7 in evidence already. Is that a picture of the residence
8 that you responded out to?

9 A. Yes, sir, it is.

10 Q. Okay. Let me show you State's 19 through 23 and ask
11 you if you recognize those?

12 A. Yes, sir.

13 Q. And are those the photos that were taken out there
14 that day?

15 A. Yes, sir, they were.

16 **MR. SORENSON:** Your Honor, at this time we'd offer
17 State's 19 through 23 into evidence.

18 **MR. CULLER:** Without objection.

19 **MR. CURRY:** Without objection.

20 **THE COURT:** All right. They're in. Thank you.

21 (State's Exhibit Number 19 through 23, photographs,
22 were admitted into evidence.)

23 **MR. SORENSON:** Can I have him step down, Your Honor,
24 just briefly?

25 **THE COURT:** Certainly. You may step down,

1 Investigator.

2 (Whereupon, the witness steps down from the witness
3 stand.)

4 BY MR. SORENSON:

5 Q. All right. State's exhibit Number 2, where is that
6 photo taken at?

7 A. This photograph is taken from Country Colony Road at
8 the driveway.

9 Q. So if you're looking -- if you're out at the road
10 looking --

11 A. Yes, sir, looking at -- from the road you're looking
12 at the residence.

13 Q. State's Exhibit Number 19?

14 A. That is from the right-hand -- rear right-hand side.

15 Q. Okay. And explain or describe for the jury kind of
16 where was -- it was a single wide mobile home?

17 A. Yes, sir, it was single wide. It's got fire damage
18 from basically the back door all the way to the end.

19 Q. All right. Now did you have an opportunity,
20 Investigator Ketcherside, to kind of search around --
21 initially kind of start outside to see if there were any
22 items outside that had any relevance?

23 A. Yes, sir, I did.

24 Q. Were there any items that you located?

25 A. Yes, sir.

1 Q. Okay. What was that that you located?

2 A. The first thing we observed at the front of the
3 residence to the right of the steps was a broken gas can
4 spout.

5 Q. Let me show you State's Exhibit Number 20. Does that
6 kind of show where that item was located at?

7 A. Yes, sir.

8 Q. So this is looking -- that's the front steps that I
9 see to the left of that photograph?

10 A. Correct.

11 Q. All right. And point out where is that gas spout
12 found.

13 A. The gas spout was right here.

14 Q. That Marker Number 1?

15 A. Yes, sir. Right in front of the marker.

16 Q. State's Exhibit Number 21, does that kind of show an
17 up close of that gas spout?

18 A. Yes, sir.

19 Q. Was that -- describe for the jury what exactly -- what
20 is that? I mean --

21 A. It's -- it's basically the gas containers have a spout
22 on the end of them. This appeared to have been broken off
23 of the spout.

24 Q. And then State's Exhibit Number 22. What does State's
25 Exhibit 22 show?

1 A. That is a Kingsford lighter fluid can that's right
2 here in front of the marker and to the left of the front
3 steps.

4 Q. Again, on the other side of where that gas spout was
5 found?

6 A. Correct.

7 Q. I'm showing you State's Exhibit Number 23. Does that
8 show that?

9 A. Yes, sir.

10 Q. And is that -- that's underneath it looks like a
11 clothes hanger?

12 A. A clothes hanger, yes, sir.

13 Q. You can have a seat.

14 (Whereupon, the witness returns to the witness stand.)

15 Q. And were those -- those two items collected?

16 A. Yes, sir, they were.

17 Q. And let me ask you, were you able to process them to
18 see if you could get any fingerprints off of either of
19 those items?

20 A. Yes, sir.

21 Q. Okay. And were you able to get anything off of either
22 one?

23 A. No, sir.

24 Q. Now were you able to ever determine kind of a cause
25 or origin or anything from your investigation of where the

1 fire started or what caused the fire?

2 A. Yes, sir, we were.

3 Q. Okay. And what was that that you were able to
4 determine?

5 A. The area of origin that the fire was believed to have
6 started is at the rear of the residence towards that wall.
7 There were -- appeared to have been two chairs sitting
8 against that wall and it appeared to have started in that
9 area.

10 Q. And how about -- did you have an opportunity then to
11 search and kind of process that interior to see if there
12 was any evidentiary items that were found?

13 A. Yes, sir, we did.

14 Q. And how about inside? Were you able to find anything
15 that was collected that potentially could have related to
16 this incident?

17 A. Yes, sir. There was a .25 auto cartridge casing.
18 it appeared to have been discharged. There was no
19 projectile in it and the primer was separated from the
20 casing itself.

21 Q. Okay. And that .25 casing was collected and
22 ultimately sent out to the State Law Enforcement Division?

23 A. Correct.

24 Q. How about any other firearms found inside the
25 residence?

1 A. No firearms.

2 Q. Okay. Any other ballistic-type evidence that was
3 found inside?

4 A. There was one small caliber cartridge casing found,
5 but it was in a big clump of fire debris.

6 Q. Okay. What was the condition of that casing?

7 A. The walls of the casing appeared that they had
8 basically expanded and opened up.

9 Q. So it was heavily damaged?

10 A. Yes, sir.

11 Q. And that initial .25 casing that you said that was
12 found, that was in the living room area?

13 A. Yes, sir. In the living room towards the front wall.
14 There appeared to have been a couch sitting there at the
15 front wall by the front door. It was on the floor under
16 fire debris.

17 Q. Any other items found outside that --

18 A. Yes, sir.

19 Q. Okay. What else was found?

20 A. There were some areas that appeared to be blood that
21 were in question as well.

22 Q. Okay. And that was collected just to see what it
23 might be?

24 A. Yes, sir.

25 Q. Okay. And let me just ask you, are you aware from

1 kind of going over the case that none of that ended up
2 coming back and matching the victim in this case?

3 A. Correct.

4 Q. But you collected that just out of an abundance of
5 caution?

6 A. Yes, sir.

7 **MR. SORENSON:** Thank you, Investigator. That's all I
8 have.

9 **THE COURT:** Cross-examination?

10 **MR. CULLER:** Briefly, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. CULLER:

13 Q. Detective Ketcherside, where you found the vehicle was
14 a pretty obscure area; was it not?

15 A. It was off the highway, yes, sir.

16 Q. Down what you would describe as maybe a field road or
17 something?

18 A. It was a -- if I remember correctly, it was a cotton
19 field maybe and the road went around the field and behind
20 the cotton, however, you could see the wood line from the
21 roadway.

22 Q. Right. Right.

23 **MR. CULLER:** Thank you. I don't have anything
24 further.

25 **THE COURT:** Mr. Curry.

CROSS-EXAMINATION

BY MR. CURRY:

Q. Investigator Ketcherside, I'm Eduardo Curry. How are you, sir?

A. Good. How are you?

Q. I'm doing very well. Now you were showing the jury through Prosecutor Sorenson State's Exhibit 2, 19, 20, 21, 22, 23, correct?

A. Yes, sir.

Q. And those are like gas spouts and gas cans and you called one a Kings Force lighter fluid like you use for --

A. Kingsford lighter fluid.

Q. That's for like charcoal for -- when you're doing charcoal, you light lighter fluid, correct?

A. Correct.

Q. All right. And you found that at that Colony Drive; is that correct?

A. Yes, sir.

Q. And -- but let's talk about what you didn't testify to. You didn't say that any of that stuff there was connected to the fire inside, did you?

A. No, sir, I didn't.

Q. Right, right, right. And you didn't find any fingerprints of Leroy Glover's on any of that stuff outside, did you?

1 A. I didn't find any fingerprints at all.

2 Q. Okay. Did you find any of Leroy Glover?

3 A. No, sir.

4 Q. All right. Okay. Now was there any gun found for
5 that .25 caliber cartridge?

6 A. No, sir, not to my knowledge.

7 Q. All right. And there were no fingerprints on the
8 cartridge that led to Leroy Glover, was there?

9 A. No, sir, not to my knowledge.

10 Q. No. Right. And you didn't find any ownership papers
11 in all that fire debris, did you?

12 A. No, sir.

13 Q. Okay. Right. Okay. And your testimony was you
14 did blood swabs, but you didn't find any blood swabs that
15 allegedly matched Mr. Carter, did you?

16 A. No, sir.

17 Q. Okay. All right. So what evidence do you have that
18 Leroy Glover started this fire?

19 A. Well, other than the fact that -- when we conducted
20 the investigation on the fire, there was an arson detection
21 K-9 ran through the house which did not alert on any
22 ignitable fluids.

23 Q. Right.

24 A. We also looked at the electrical side of it. There
25 was no beading or arcing on any kind of the wire, so the

1 only other option was somehow the fire started.

2 Q. Right. But you don't have any evidence that Leroy
3 Glover started it, do you?

4 A. No, sir.

5 **MR. CURRY:** Thank you.

6 **THE COURT:** Any redirect?

7 **MR. SORENSON:** Just briefly.

8 REDIRECT EXAMINATION

9 BY MR. SORENSON:

10 Q. I mean, that wasn't your role in this, was it? There
11 were other investigators and people that do that; is that
12 correct?

13 A. Correct. Yes, sir.

14 **THE COURT:** You may step down, sir. Thank you.

15 **THE WITNESS:** Thank you.

16 (Witness excused.)

17 **THE COURT:** Ladies and gentlemen of the jury, it's
18 about 4:30. This might be a good breaking point for us
19 with the testimony and it might be plenty of time to get
20 home and do the things that you need to do this evening.
21 Again, please remember my previous instruction not to
22 discuss the case with anyone or allow anyone to discuss
23 the case with you or don't do any independent research on
24 any topics or issues or look at any potential news accounts
25 about the case.

1 If you would please be back in your jury room tomorrow
2 morning at 10:45. We have a couple of other matters that
3 we have to take outside of this case before you get back
4 and I hate for you to just sit and wait until we're ready
5 for you. So if you would please be back in your jury room
6 at 10:45 and we'll begin at the trial of this case. Have a
7 nice evening.

8 (Whereupon, the jury was excused for the evening at
9 4:26 PM.)

10 **THE COURT:** Anything further from the State or the
11 defense at this time?

12 **MR. SORENSON:** I guess we've got one little matter
13 we can probably take care of while we're here. I said
14 something to Mr. Culler, I hadn't said anything to
15 Mr. Curry about it. None of the lay witnesses that have
16 testified today have any prior records. I do have one
17 tomorrow that will, so if we could maybe take that up.
18 And I have one other one that I actually don't have a date
19 of birth on, so I'll get that in the morning and get with
20 everybody.

21 **THE COURT:** All right.

22 **MR. SORENSON:** But it's Mr. Williams that testified
23 in the pre-trial hearing yesterday.

24 **THE COURT:** Yes, sir.

25 **MR. SORENSON:** Looking at his criminal history,

1 and I'll be glad to pass this when I'm done kind of
2 double-checking this, but he has some old convictions.
3 From 1992, a shoplifting. It looks like two counts of
4 shoplifting from '92. Giving false information to the
5 police in a burglary third, and those are 1994 convictions.
6 A possession with intent to distribute crack cocaine is
7 also from 1994. And a shoplifting third, two counts, in
8 1997. He doesn't have anything since then. So it's our
9 position all of that stuff is well outside -- I mean,
10 we're talking about stuff that happened back when he was
11 -- I mean, he's my age, so, I mean, that's stuff that
12 happened in his early twenties.

13 **THE COURT:** So it's outside the ten-year window.
14 Counsel for the defense, do you have a position on the
15 matter?

16 **MR. CULLER:** I think it follows the rules. I think
17 the solicitor's right.

18 **THE COURT:** Mr. Curry?

19 **MR. CURRY:** I have no objection. I think the
20 solicitor's right.

21 **THE COURT:** All right. Thank you.

22 **MR. SORENSON:** We do have one other, Ms. Truewell,
23 I don't have her date of birth. I'll get that and run a
24 rap and get that to them and we can bring it up in the
25 morning.

1 **THE COURT:** All right. Thank you. So we'll be
2 adjourned until in the morning. We're starting at 10:45.

3 All right. Everyone have a nice evening.

4 **MR. CULLER:** Thank you, Your Honor.

5 (Whereupon, the proceedings were concluded for
6 September 15, 2015, at 4:29 PM.)

7 (The following proceedings were held September 16,
8 2016, beginning at 11:14 AM.)

9 (State's Exhibit Number 24 through 37 were marked for
10 identification.)

11 **BAILIFF:** All rise, please.

12 **THE COURT:** Thank you, everyone. You may have a seat.
13 Are the parties ready to proceed this morning?

14 **MR. SORENSON:** Yes, Your Honor.

15 **MR. CULLER:** Your Honor, I am, but I have one thing I
16 wanted to put on the record, if it please the Court?

17 **THE COURT:** Yes, sir.

18 **MR. CULLER:** We had a discussion -- and I appreciate
19 the Court's tolerance yesterday, about the defendants
20 being chained and my problem with the presumption of
21 innocence sort of being enough of a problem to try to
22 create, Mr. Jason Glover is still in chains this morning.
23 I've spoken to courtroom security and they tell me -- and
24 Mr. Sorenson has helped me as well, to try to get the
25 nonvisible material, but I would, again, move the chains

1 be removed before we start this morning. I understand
2 we've got them blocked, but I've just not had that
3 experience before, so.

4 **THE COURT:** And there must have been some
5 miscommunication yesterday, however, I have asked security
6 to go down to Dorchester and pick up the leg irons, they're
7 on their way now, and the chains are not visible at this
8 point, they're not visible to the jury at this point, so
9 for security reasons as indicated yesterday, your motion is
10 denied.

11 **MR. CULLER:** Thank you, Your Honor.

12 **MR. CURRY:** Judge, I would just join and I presume
13 you'll deny it as well?

14 **THE COURT:** Yes, sir. Thank you, Mr. Curry.

15 **MR. CURRY:** Thank you, Your Honor.

16 **THE COURT:** Let's have our jury, please.

17 **BAILIFF:** Yes, Your Honor.

18 (Court's Exhibit Number 2 was marked for
19 identification.)

20 (Whereupon, the jury enters the courtroom at
21 11:17 AM.)

22 (State's Exhibit Number 38 through 48 were marked for
23 identification.)

24 **THE COURT:** Welcome back, ladies and gentlemen of
25 the jury. Thank you for your patience this morning. And,

1 just for the record, I have appointed Ms. Wright as the
2 foreperson of the jury and she's seated in the appropriate
3 box. We're now ready to proceed with the trial of the
4 case. You may call your next witness, Solicitor.

5 **MR. SORENSON:** Thank you, Your Honor. May it please
6 the Court?

7 **THE COURT:** Yes, sir.

8 **MR. SORENSON:** The State calls Lieutenant Kukila
9 Stanley Wallace.

10 **THE CLERK:** Please place your left hand on the Bible
11 and raise your right hand.

12 KUKILA STANLEY WALLACE,
13 having been duly sworn, testified as follows:

14 **THE CLERK:** Thank you. You may have a seat. And
15 please state your name again for the record.

16 **THE WITNESS:** My name is Lieutenant Kukila, that's
17 spelled K-U-K-I-L-A, Wallace.

18 **THE CLERK:** Thank you.

19 **THE COURT:** Your witness.

20 **MR. SORENSON:** Thank you, Your Honor.

21 DIRECT EXAMINATION

22 BY MR. SORENSON:

23 Q. And, Lieutenant, I guess back when you issued a report
24 in this case your last name was Stanley at that time?

25 A. That's correct.

1 Q. Okay. If you would, tell us please where it is that
2 you're employed.

3 A. I'm employed with the South Carolina Law Enforcement
4 Division also known as SLED.

5 Q. And how long have you been employed with SLED?

6 A. I've been with SLED ten years.

7 Q. Okay. And what department are you currently employed
8 in?

9 A. I'm currently employed in the crime scene department.

10 Q. All right. And, if you would, tell the jury a little
11 bit about what your duties are in the crime scene
12 department at this time.

13 A. Okay. Currently I'm the supervisor of the unit. Our
14 responsibilities is to respond throughout the state to
15 assist local, federal and state agencies with the
16 processing of crime scenes.

17 Q. Okay. And you've been doing that for your whole ten
18 years at SLED?

19 A. No, I have not. I've been doing that for the last
20 five years. Prior to that I was with the drug analysis
21 department, also with SLED.

22 Q. Okay. And, Lieutenant, to kind of back you up now to
23 Monday, September 23rd of 2013, did you have an occasion
24 that evening to respond here to Orangeburg County to assist
25 with a crime scene?

1 A. Yes, I did.

2 Q. Okay. Can you tell the jury about what time it was
3 that you were notified about that?

4 A. I was notified at approximately 8:45 PM on
5 September 23, 2013.

6 Q. Okay. And where was it that you were asked to respond
7 to?

8 A. I was asked to respond to Orangeburg County. The
9 specific location is at the intersection of Antioch Road
10 and Wactor Drive.

11 Q. Okay. That's in Orangeburg County you said?

12 A. Orangeburg County, yes.

13 Q. Okay. And what town was that in though?

14 A. Santee.

15 Q. And what was the nature of the crime scene that you
16 were responding to to assist with?

17 A. The initial information that was provided upon making
18 contact was that the fire department originally responded
19 to a vehicle that had been reported to be burning. Upon
20 extinguishing the fire they observed a body in the back
21 seat of the vehicle.

22 Q. Okay. And so if you were notified about 8:45, about
23 what time did you actually make it down to Santee?

24 A. I arrived on-scene at approximately 10:00 PM that
25 night.

1 Q. Okay. And, if you would, kind of describe for the
2 jury kind of when you got to that area in Santee kind of
3 what -- the nature of the scene, was it secure, and things
4 of that nature.

5 A. Okay. Upon arrival, we made contact with the
6 Orangeburg County officials. They gave us a rundown of the
7 scene. Upon going to the scene, it was a wooded area. The
8 actual scene location was located in between -- was more-so
9 in the wooded area, but there was also a cotton field
10 around it, actually on the other side of where the vehicle
11 was located. The scene was secured with local agencies and
12 also the fire department.

13 Q. Okay. Were you aware had the local law enforcement
14 obtained a search warrant to allow you to begin processing
15 that vehicle?

16 A. Yes, they did. The search warrant was reviewed to
17 make sure that everything was properly documented and we
18 processed the scene.

19 Q. Okay. And, Lieutenant, showing you State's Exhibit
20 Number 9, have you had a chance to look at that diagram
21 before?

22 A. I have.

23 Q. Okay. Did that show kind of the area you responded to
24 that evening?

25 A. Yes.

1 Q. Could you kind of point out, kind of that area, for
2 the jury that you responded to?

3 A. So the area that we responded to would be -- we came
4 up Antioch and then there's like a cotton field here,
5 there's a real open road area here and so we travelled that
6 way about a tenth of a mile down and that's where the
7 vehicle was.

8 Q. Okay. Let me ask you, could that vehicle be seen from
9 out on Antioch Road?

10 A. No, it could not.

11 Q. And did you ultimately, Lieutenant, take some -- some
12 kind of photographs of that area before you actually made
13 it to the vehicle?

14 A. Yes, we did.

15 Q. Okay. I'm showing you -- I beg the Court's
16 indulgence.

17 **MR. CURRY:** Without objection.

18 **MR. CULLER:** The same, Your Honor. No objection.

19 **MR. SORENSON:** It's ultimately gonna be State's 38
20 through 48, Your Honor, without objection to my
21 understanding.

22 **THE COURT:** Thank you. In evidence.

23 (State's Exhibit Number 38 through 48, photographs,
24 were admitted into evidence.)

25 BY MR. SORENSON:

1 Q. And, Lieutenant Wallace, let me show you State's
2 Exhibit Number 38. What is that a photograph of?

3 A. This is a photograph of the beginning of the scene.

4 Q. And do you see there's kind of a light in the
5 distance? What is that light that's in the distance?

6 A. The light in the distance were the fire trucks that
7 were brought out to light up the area.

8 Q. So where is that lighted area is, is that ultimately
9 kind of in the general vicinity then of where the vehicle
10 was actually found?

11 A. That's correct.

12 Q. And this, yet again, is taken from what vantage point?

13 A. At the beginning of the road that I explained that we
14 travelled down.

15 Q. All right. And then State's Exhibit Number 39?

16 A. State's Exhibit Number 39 is the burnt vehicle in the
17 wooded area.

18 Q. Let me show you State's 40 also. That's just another
19 kind of the same --

20 A. That's a close-up of the vehicle.

21 Q. How about State's Exhibit 41?

22 A. State's Exhibit 41 is another close-up of the same
23 vehicle.

24 Q. Okay. And does that show anything kind of -- what's
25 that blue item that's kind of --

1 A. It also shows a gate that -- we're not sure if it was
2 up prior to the vehicle being placed back there, but it
3 appears as if the vehicle actually rolled over it at some
4 point.

5 Q. Either over or through that gate?

6 A. Over or through it, correct.

7 Q. Okay. And let me ask you what -- as you kind of came
8 upon that vehicle and began kind of taking some of these
9 photographs, could you describe -- kind of describe the
10 vehicle that you found out there in the woods?

11 A. So upon observing the scene, we observed a vehicle, a
12 Toyota. We're only able to identify it as being a Toyota
13 because the emblem was still intact on the back of the
14 vehicle as you can see in the picture.

15 Q. And this is State's 42. Let me ask you, was there a
16 license tag on the vehicle?

17 A. There was no license tag. The vehicle was extremely
18 burnt. The only thing that was identifiable on the vehicle
19 was that Toyota emblem.

20 Q. State's 43, is that the same vehicle?

21 A. That's correct, the front of the vehicle.

22 Q. Does that show the extensive damage to the vehicle?

23 A. Yes. Upon further observation, we observed a body in
24 the back of the vehicle, the back seat of the vehicle, with
25 the head pointing toward the rear driver's side door. The

1 body was also extremely burnt.

2 Q. Okay. All right. Did you find any other items kind
3 of -- let me ask you, did you at that point in time process
4 and search that vehicle out there in that wooded area?

5 A. No, we did not. Because of where the vehicle was
6 located, the space to do the proper processing was not
7 available to us, so what we did was documented the scene
8 with photographs. We did an additional search of any
9 evidence that may have been readily viewable to us. During
10 that search, we did observe a shotgun, which was in the
11 back cargo area of the vehicle. That was collected and
12 secured prior to the vehicle being removed from the scene.

13 Q. I'm showing you State's Exhibit Number 44. Is that a
14 picture of that shotgun after it was kind of removed from
15 that rear cargo area?

16 A. Correct.

17 Q. Any other items that were collected out there at the
18 scene from inside the vehicle?

19 A. Yes. Actually, no, not from inside of the vehicle.
20 We did do a further search to include the interior and the
21 exterior portions of the vehicle and outside of the vehicle
22 we did observe a Post-It note and a receipt that was
23 hanging on a tree on the south side of the vehicle. The
24 Post-It note was yellow in color and had some writing on
25 it.

1 Q. I'm showing you State's Exhibit 45. Does that show
2 that area?

3 A. Yes.

4 Q. And what side of the vehicle was that located on?

5 A. On the south side, so that would be the driver's side
6 of the vehicle.

7 Q. And is my finger pointing -- is that it?

8 A. Yes.

9 Q. Okay. State's 46, is that just kind of a close-up of
10 that document in the woods?

11 A. Correct.

12 Q. So it was just kind of outside the driver's side door
13 of the vehicle; is that correct?

14 A. Yes.

15 Q. Did you have an opportunity then to collect that --
16 that piece of paper?

17 A. Yes, we did. We collected the paper. We did an
18 additional documentation of it just to get a close-up of
19 what was written on the note. We collected that and took
20 it back to the lab and processed it for latent prints.

21 Q. And before I get to that, Lieutenant, let me show you
22 State's 47. Is that then a photograph of that piece of
23 paper?

24 A. Yes, it is.

25 Q. Okay. And at the very top -- what's at the very top

1 of that writing?

2 A. The very top says "lover", but there appears to be
3 another letter that was there that was burnt.

4 Q. Okay. Then does it have some numbers?

5 A. Numbers 93 and 97 next to that word.

6 Q. And obviously this has some other names and some
7 numbers also; is that correct?

8 A. Correct.

9 Q. You indicated that you took this piece of paper back
10 and attempted to see if it had any fingerprints on it?

11 A. Yes, I did.

12 Q. Okay. What were the results of that?

13 A. There was some ridge detail present, meaning I did see
14 some fingerprint there, but it wasn't enough for me to do
15 an examination.

16 Q. Now ultimately then, Lieutenant, out there at the
17 scene -- so was the vehicle ultimately removed from there?

18 A. Yes, the vehicle was removed by a local towing company
19 and it was transported to Orangeburg's impound lot pending
20 the results of autopsy.

21 Q. Okay. And how about -- that was my next question.
22 How about the body that was found in the back?

23 A. Yes, the body was removed by the coroner at that time
24 as well prior to the vehicle being removed.

25 Q. That would have been for purposes then of an autopsy

1 being conducted?

2 A. Correct.

3 Q. Now did you have an opportunity to then -- to at some
4 point in time at a later date to go back and kind of do a
5 little further search in, I guess, better conditions of
6 that vehicle?

7 A. Yes, I did. I received a call from one of the
8 investigators from Orangeburg County and they advised that
9 autopsy results indicated that the victim was shot, did
10 sustain a gunshot wound, so that caused us to go back out
11 to Orangeburg to their impound lot to do a further search
12 of the vehicle to see if there was anything of evidentiary
13 value to be collected.

14 Q. Okay. And had that vehicle been secured at the lot
15 during that time period?

16 A. Yes, it was.

17 Q. And let me ask you, were you able to in kind of
18 further processing that vehicle determine any other
19 identifying information about that SUV?

20 A. Yes, we did. We were able to get the hood open enough
21 to be able to get a visual of the VIN number.

22 Q. And did you take a photograph of that VIN number?

23 A. Yes, we did. We photographed it and we documented it
24 in writing.

25 Q. Okay. Let me show you State's Exhibit 48. Is that a

1 photograph of the VIN number?

2 A. Yes.

3 Q. And have you had a chance to kind of compare that to
4 State's Exhibit Number 10, the title to Mr. Carter's Toyota
5 Land Cruiser?

6 A. Yes, I have.

7 Q. Is that the same VIN number?

8 A. Yes, it is.

9 Q. All right. Now, Lieutenant Wallace, will you tell the
10 jury then how -- what further kind of searching of that
11 vehicle then did you do given the information now that
12 you've learned that Mr. Carter had suffered a gunshot
13 wound?

14 A. Because the vehicle was so severely burnt, we had to
15 do it section by section, so we did what we call a grid
16 search. We started with the cargo area, we used sifters,
17 shovels, small garden tools, to go through every part of
18 the vehicle. We did that from the cargo area to the back
19 seat area up and to the front passenger and driver area.

20 Q. Okay. And did you ultimately end up collecting some
21 items that appeared to be potentially evidence?

22 A. Yes.

23 Q. Okay. And tell the jury what -- if you would, I
24 guess, get you to kind of list what you collected and then
25 I'll kind of go through the stuff with you.

1 A. Okay. What was collected from the vehicle upon
2 further processing was two unknown objects from the cargo
3 area behind the rear driver's seat.

4 Q. Actually, let me take that back. I'm gonna change how
5 we do that. Let me show you State's Exhibit 24 and 25.

6 **MR. CULLER:** What is that?

7 **MR. SORENSON:** All the shell casings in the vehicle.
8 I beg the Court's indulgence one second, Your Honor.

9 **THE COURT:** Yes, sir.

10 **MR. CURRY:** No objection.

11 **MR. CULLER:** Your Honor, we don't have any objection.

12 **THE COURT:** Thank you.

13 **MR. CURRY:** No objection, Your Honor.

14 **THE COURT:** Thank you, sir.

15 BY MR. SORENSON:

16 Q. All right. So State's Exhibit 24 and 25 you indicated
17 were kind of unknown metal objects from the cargo area of
18 the vehicle; is that correct?

19 A. Yes.

20 **MR. SORENSON:** So we'd offer those two into evidence,
21 Your Honor.

22 **THE COURT:** Yes, sir. Without objection.

23 (State's Exhibit Number 24 and 25, shell casings, were
24 admitted into evidence.)

25 BY MR. SORENSON:

1 Q. All right. And did you also find some potential shell
2 casings inside the vehicle?

3 A. Yes, I did.

4 Q. I'm showing you State's Exhibit 26 through 29 and ask
5 you if you recognize those?

6 A. Yes, I do.

7 Q. Were those all found inside that vehicle?

8 A. Yes, they were. Those were four projectiles from the
9 center console area of the vehicle.

10 Q. Projectiles or cartridge casings?

11 A. Projectiles. Am I on the wrong one?

12 Q. Yeah, let me look. You've got the wrong one.

13 A. Cartridge cases. I'm sorry. Two cartridge cases from
14 the center console area and one cartridge case from the
15 front passenger side and one cartridge case from cargo area
16 behind rear driver's seat.

17 Q. Let me ask you, Lieutenant, on like State's Exhibit
18 Number 26, what you basically just read off, is that
19 documented on there where you collected each of these items
20 from?

21 A. Yes, it is.

22 **MR. SORENSON:** Your Honor, at this time, I think
23 without objection, State's 26 through 29.

24 **MR. CULLER:** That's correct, Your Honor.

25 **MR. CURRY:** Yes, Your Honor.

1 **THE COURT:** Thank you.

2 (State's Exhibit Number 26 through 29, cartridge
3 casings, were admitted into evidence.)

4 BY MR. SORENSON:

5 Q. All right. And I'm gonna -- did you find what
6 appeared to be some potential bullets or projectiles inside
7 the vehicle?

8 A. Yes.

9 Q. I'm showing you State's Exhibit 32 through 37.

10 A. I recognize these.

11 Q. Okay. And were those items all collected out of that
12 vehicle?

13 A. Yes, they were.

14 Q. Okay. And what -- again, where were they collected
15 from?

16 A. There were two projectiles collected from the backseat
17 area and then there were four projectiles collected from
18 the center console area.

19 Q. Okay. And where those each were collected are, yet
20 again, noted on the little boxes?

21 A. Yes, they are.

22 **MR. SORENSON:** Your Honor, at this time we'd offer
23 32 through 37 I believe without objection.

24 **MR. CULLER:** Without objection, Your Honor.

25 **MR. CURRY:** No objection.

1 **THE COURT:** They're in.

2 (State's Exhibit 32 through 37, projectiles, were
3 admitted into evidence.)

4 BY MR. SORENSON:

5 Q. And then, lastly, Lieutenant, did you find any
6 firearms inside that vehicle?

7 A. Yes, we did.

8 Q. Okay. And what was -- describe for the jury what the
9 condition of the -- besides the shotgun you've already
10 testified about, what was the condition of any other
11 weapons that were found inside there?

12 A. All severely burnt, dismantled. The -- they were in
13 pieces. There was one magazine from the rear driver's side
14 floorboard with the magazine spring and a gun part. It was
15 identified as a gun part on-scene because we weren't able
16 to readily identify what it was because of the nature of
17 it. And then there was one gun slide with the serial
18 number from the center console area collected.

19 Q. I'm showing you State's 30 and 31. Are those the two
20 items you just spoke about?

21 A. Yes.

22 **MR. SORENSON:** Your Honor, at this time we'd offer
23 30 and 31, I believe without objection.

24 **MR. CULLER:** Without objection.

25 **MR. CURRY:** Without objection.

1 **THE COURT:** Thank you. They're in.

2 (State's Exhibit Number 30 and 31, gun parts, were
3 admitted into evidence.)

4 BY MR. SORENSON:

5 Q. That's basically the condition of that -- the firearm
6 that was found in the vehicle?

7 A. That's correct.

8 Q. And where was -- where was this located at?

9 A. The slide was located in the center console area of
10 the vehicle, however, the magazine and the magazine spring
11 and gun part was located behind the -- on the rear driver's
12 side floorboard.

13 Q. And I guess the center console area, it wasn't still
14 intact, was it?

15 A. No, it was not. Everything was exposed.

16 Q. And, Lieutenant, ultimately all of those items that
17 we just put into evidence, State's 24 through 37, what was
18 done with all those items?

19 A. All of the items were collected and taken back to the
20 SLED forensic services laboratory. It was logged in as
21 evidence and transferred to the firearms department for
22 further examination.

23 Q. And then, lastly, Lieutenant, were you able to find
24 any other -- any paperwork or anything in the vehicle that
25 related to the victim in this case, Mr. Michael Carter?

1 A. Yes, there were some miscellaneous documents that
2 were found in the front area of the vehicle with the name
3 R. Michael Carter on them, all of which were photographed.

4 Q. Okay. And were those -- how were they not burned?
5 I mean --

6 A. I'm not sure. It just depends on the location of
7 where they were in the vehicle. I really can't explain
8 that. Maybe the fire was extinguished before those items
9 were burnt.

10 **MR. SORENSON:** I believe that's all I have,
11 Lieutenant. Please answer any questions from defense
12 counsel.

13 **MR. CULLER:** No questions for Lieutenant Wallace,
14 Your Honor.

15 **THE COURT:** Thank you. Mr. Curry?

16 **MR. CURRY:** Thank you very much, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. CURRY:

19 Q. Lieutenant Wallace, I'm Eduardo Curry, and I represent
20 Mr. Leroy Glover. Good morning.

21 A. Good morning.

22 Q. Based on your investigation, did you recover any
23 evidence that Leroy Glover drove this vehicle?

24 A. No, I did not.

25 Q. Did you recover any evidence to show that Leroy Glover

1 started the fire?

2 A. No, I did not.

3 Q. Did you uncover any evidence to show that Leroy Glover
4 killed Michael Carter?

5 A. No, I did not.

6 Q. From your investigation that evening, did you find any
7 weapon that killed Michael Carter in that car -- or that
8 truck?

9 A. I'm not the firearms examiner and I'm sure he'll be
10 here later on today to be able to determine whether or not
11 any evidence that was collected from the victim's body
12 correlates with anything that we found within the vehicle.

13 Q. So would your answer be no, you didn't find any?

14 A. I can't answer that question.

15 Q. Okay. Did you find any evidence from your
16 investigation to believe that Leroy Glover was there at
17 that truck?

18 A. No, I did not.

19 **MR. CURRY:** Your Honor, may I continue to approach the
20 witness?

21 **THE COURT:** Yes, sir.

22 BY MR. CURRY:

23 Q. Now, Lieutenant Wallace, you gave testimony about
24 cartridges and projectiles and all of that today for this
25 jury; did you not?

1 A. I did.

2 Q. Okay. Of all that evidence, I guess 24 to 37, did you
3 find any fingerprints of Leroy Glover?

4 A. No, I did not.

5 Q. You gave a -- you said a gun slide with the serial
6 number, correct?

7 A. Correct.

8 Q. Did you run the serial number to see whether or not
9 the serial number matched any alleged gun or gun that Leroy
10 Glover may have owned?

11 A. I personally did not do that as I was called there
12 to process the crime scene and to collect any evidence
13 related to the scene and submit that evidence to the
14 forensic services laboratory for examination.

15 Q. Upon subsequent examination, did you ever find you
16 out whether or not the serial number matched anything that
17 belonged to Leroy Glover? Subsequently.

18 A. I didn't do any subsequent examinations with the
19 exception of processing the note for latent prints.
20 Firearms examination is outside of my expertise.

21 Q. Okay. So you did process a sticky post note, right?

22 A. Yes, I did.

23 Q. All right. And you didn't find fingerprints of Leroy
24 Glover on there, did you?

25 A. No, I did not.

1 **MR. CURRY:** Thank you very much.

2 **THE COURT:** Any redirect?

3 **MR. SORENSON:** Just a couple brief things.

4 REDIRECT EXAMINATION

5 BY MR. SORENSON:

6 Q. As far as what Mr. Curry asked you about as far as
7 the serial number on the gun, the firearms analyst would
8 be able to testify about that, correct?

9 A. I can't tell you exactly what he would be able to
10 testify to in terms of the serial number. I know they do
11 firearms examination, but in reference to who would have
12 ran the serial numbers, I'm not sure.

13 Q. Okay. So that was out of -- out of what you were
14 tasked to do?

15 A. Exactly.

16 Q. So we can take that up with them, I guess?

17 A. Yes. Or the investigator.

18 Q. Okay. And let me ask you, Mr. Curry asked you about
19 finding any fingerprints on all these items here. I mean,
20 were any of these items conducive for trying to get
21 fingerprints off of even if you wanted to?

22 A. No, they were not. The condition of the evidence
23 would not have allowed me to do any further processing or
24 examination upon taking it to the lab.

25 Q. Just to make sure we understand, on the Post-It note

1 that you found in the woods, you didn't find -- you can't
2 put anybody's fingerprints on that; is that correct?

3 A. Correct.

4 Q. I mean, not only -- not either of the defendants or
5 the victim; is that correct?

6 A. That's correct.

7 **MR. SORENSON:** That's all I have. Thank you.

8 **THE COURT:** You may step down, Lieutenant. Thank you.

9 **THE WITNESS:** Thank you.

10 (Witness excused.)

11 **THE COURT:** You may call your next witness.

12 **MR. SORENSON:** The State calls Sergeant Hall Fischer.

13 JOHN HALL FISCHER,

14 having been duly sworn, testified as follows:

15 **THE CLERK:** Thank you. You may have a seat. And
16 please state your name again for the record.

17 **THE WITNESS:** Sergeant John H. Fischer, Orangeburg
18 Department of Public Safety.

19 **THE CLERK:** Thank you.

20 **THE COURT:** Your witness.

21 **MR. SORENSON:** Thank you, Your Honor.

22 DIRECT EXAMINATION

23 BY MR. SORENSON:

24 Q. Sergeant, you just indicated, but where are you
25 employed?

1 A. Sir?

2 Q. Where are you employed?

3 A. Orangeburg Department of Public Safety.

4 Q. Okay. And how long have you been employed with Public
5 Safety?

6 A. Thirteen years.

7 Q. Okay. And what are your current duties with them?

8 A. Road supervisor for Delta shift.

9 Q. Okay. And you're a sergeant? That's your current
10 rank?

11 A. That's correct.

12 Q. And, if you would, just describe for the jury what --
13 the Department of Public Safety, what are your duties there
14 with Public Safety? What does --

15 A. We provide law enforcement within the city limits of
16 Orangeburg. Also provide fire suppression and fire
17 services in the county of Orangeburg.

18 Q. Okay. So you're trained not only as a certified law
19 enforcement officer, but also in fire suppression?

20 A. That is correct.

21 Q. Okay. And you indicated, I guess, your jurisdiction
22 for those two different responsibilities are a little
23 different; is that correct?

24 A. Yes, sir. That's correct.

25 Q. Law enforcement, you have jurisdiction just within the

1 city limits of Orangeburg?

2 A. Yes, sir, within the city limits.

3 Q. Okay. For fire suppression though, you're --

4 A. It extends out to the county.

5 Q. Okay. And so I want to turn your attention, if I
6 could, Sergeant, back to the evening of September 23, 2013.
7 Did you have an opportunity that evening to respond kind of
8 under your fire suppression duties to a structure fire in
9 Orangeburg County?

10 A. Yes, sir.

11 Q. Okay. And where was that located at?

12 A. We responded to [REDACTED] Drive located
13 within the county of Orangeburg.

14 Q. Okay. Now is that within the city limits?

15 A. No, sir. It's in the county.

16 Q. And what time did that alarm go out for that fire?

17 A. That was approximately 7:09.

18 Q. And about what time then did y'all arrive on-scene?

19 A. The first unit arrived at 7:11 PM.

20 Q. PM. Okay. And, if you would, describe -- and you
21 were one of the -- obviously, I guess, you weren't the only
22 person that responded; is that correct?

23 A. That's correct.

24 Q. All right. But describe kind of what that scene was
25 when y'all -- when y'all got there?

1 A. Units arrived at [REDACTED]. Units after
2 arriving found three-quarters of the structure, which I do
3 believe was a single wide trailer, three-quarters involved
4 in fire.

5 Q. Okay. I'm showing you, Sergeant, State's 2 and 19.
6 Does that -- is that the single wide trailer that y'all
7 responded to?

8 A. Yes, it is.

9 Q. So it was -- when y'all got there, you know, over half
10 of it was fully -- fully involved?

11 A. Yes, sir.

12 Q. Okay. Then tell the jury then what y'all did to go
13 about putting that fire out.

14 A. Attack lines were deployed off the engines. The fire
15 was extinguished. There was a propane tank located in the
16 back of the residence. Fire suppression cooled the tank
17 off. Interior attack was conducted.

18 Q. Okay. Ultimately about how long would that fire --
19 would it have taken to put that mobile home out?

20 A. I'd say at least probably thirty-five to forty-five
21 minutes.

22 Q. All right. And ultimately did y'all have an
23 opportunity kind of -- after it was put out to do kind of
24 a brief kind of walkthrough or at least kind of a look over
25 of the scene?

1 A. Yes, sir.

2 Q. Okay. And any observations that were noted as a
3 result of y'all kind of doing those observations out there?

4 A. There was the odor of gasoline coming from around or
5 inside the residence.

6 Q. Now ultimately at some point of time when you were out
7 there, did one of the residents come and make contact with
8 public safety and provide some information?

9 A. Yes, sir. Engineer Wolfe collected that information.

10 Q. And from who was that? Who was that that came up?

11 A. Wesley Jamison.

12 Q. Okay. And did Mr. Jamison provide -- obviously his
13 address there, but did he also provide a phone number?

14 A. Yes, sir, he did.

15 Q. What was -- what was the phone number Mr. Jamison
16 provided?

17 A. [REDACTED].

18 Q. Okay. And ultimately, as you'd indicated earlier
19 since this structure was actually outside of the city
20 limits of Orangeburg, was any kind of follow-up
21 investigation then turned over to another agency?

22 A. Yes, sir.

23 Q. And who was that?

24 A. Orangeburg County Sheriff's Department.

25 **MR. SORENSON:** All right. Thank you, Sergeant.

1 That's all I have. Please answer any questions defense
2 counsel has.

3 CROSS-EXAMINATION

4 BY MR. CULLER:

5 Q. Sergeant Fischer --

6 A. Yes, Mr. Culler.

7 Q. -- did y'all make any determination about what caused
8 the fire?

9 A. The determination of what set the fire, no, sir.

10 Q. Okay. Just the odor of gas?

11 A. Yes, sir. Correct.

12 MR. CULLER: I don't have anything further, Your
13 Honor.

14 THE COURT: Mr. Curry?

15 MR. CURRY: Yes, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. CURRY:

18 Q. Sergeant, I'm Eduardo Curry. Good morning.

19 A. Good morning, Mr. Curry. How are you?

20 Q. I'm doing very well. Thank you for asking. Now you
21 said that you -- you had an alarm out at 7:09; is that
22 correct? From your records?

23 A. Approximately, yes, sir.

24 Q. Okay. Now to get an alarm out, would you agree with
25 me that somebody's got to call it in, right?

1 A. Yes, sir.

2 Q. Okay. Do you know what time the call was made?

3 A. No, sir, but approximately -- probably about four or
4 five minutes before that.

5 Q. Four or five minutes before. So if the alarm's out at
6 7:09, the call may be about 7:00? Would that be fair to
7 say nine minutes in between?

8 A. I don't think it would be nine, no.

9 Q. Maybe about four or five like you said, right?

10 A. Yes, sir.

11 Q. So about 7:05 you think the call would be made?

12 A. Yes, sir. I can't tell you exactly what time the call
13 came in. The only thing I can tell you is what time the
14 engines were out and that was 7:09.

15 Q. Okay. About your standard of procedure -- on your
16 standard procedure, how long would you wait for the alarm
17 out from a call just under your basic experience?

18 A. As soon as it's called in, every engine that's
19 responding will sign on and respond.

20 Q. And for you that would have been, based on your
21 numbers at least, four or five minutes and then the alarm
22 out, correct?

23 A. Maybe approximately, yes, sir.

24 Q. Okay. What time did you say you got there?

25 A. The incident report reflects 7:11. About four

1 minutes.

2 **MR. CURRY:** Okay. Thank you very much, sir.

3 **THE WITNESS:** Thank you.

4 **THE COURT:** You may step down, sir. Thank you.

5 **THE WITNESS:** Thank you, Your Honor.

6 (Witness excused.)

7 **THE COURT:** You may call your next witness.

8 **MR. SORENSON:** The State calls Wesley Jamison.

9 May Sergeant Hall be excused?

10 **THE COURT:** Any objection?

11 **MR. CULLER:** None, Your Honor.

12 **MR. CURRY:** None, Your Honor.

13 **THE COURT:** You may be excused. Thank you.

14 **THE CLERK:** Please place your left hand on the Bible
15 and raise your right hand.

16 WESLEY JAMISON,

17 having been duly sworn, testified as follows:

18 **THE CLERK:** Thank you. You may have a seat. And
19 please state your name again for the record.

20 **THE WITNESS:** State my name?

21 **THE CLERK:** Please.

22 **THE WITNESS:** Wesley Jamison.

23 DIRECT EXAMINATION

24 BY MR. SORENSON:

25 Q. Wes, I need to make sure you speak up nice and loud

1 for me, all right? Everybody in this courtroom needs to be
2 able to hear you, okay?

3 A. (Nods head.)

4 Q. You need to speak up, okay?

5 A. (Nods head.)

6 Q. Okay. You can't nod your head. It's got to be yes or
7 no, okay?

8 A. Yeah.

9 Q. All right. Wesley, where -- where do you currently
10 live?

11 A. St. Matthews.

12 Q. Okay. And where did you go to high school?

13 A. Calhoun County.

14 Q. All right. And will you tell the jury how old you
15 are?

16 A. Twenty-five.

17 Q. All right. And where do you work?

18 A. Heilig-Meyers.

19 Q. Where?

20 A. Heilig-Meyers.

21 Q. Okay. And how long have you worked there?

22 A. Five years.

23 Q. Okay. And so back in September of 2013 that's where
24 you were working?

25 A. Yes.

1 Q. Okay. And where were you living at back in September
2 of 2013?

3 A. Country Colony.

4 Q. Okay. And do you remember what the street address
5 was?

6 A. No.

7 Q. Okay. I'm showing you State's Exhibit Number 2. Is
8 that the trailer that you were living in?

9 A. Yeah.

10 Q. Okay. And who were you living there with in September
11 of 2013?

12 A. Me and Leroy.

13 Q. So in the blue shirt over there?

14 A. Yeah.

15 Q. All right. And how long -- how long had you been
16 living with Leroy Glover in that trailer?

17 A. A couple of months.

18 Q. Okay. And when you moved in -- was he already living
19 there when you moved in?

20 A. Yeah, he was living -- he was living there.

21 Q. Okay. And how long have you known Leroy?

22 A. Quite a while.

23 Q. Okay. And how did -- tell the jury how you knew Leroy
24 Glover.

25 A. Like working through the jobs. We both worked at the

1 same place.

2 Q. All right. How about his brother, Jason Glover? Do
3 you know Jason?

4 A. A little bit.

5 Q. A little bit?

6 A. Not as much as I know Leroy.

7 Q. Okay. Did Jason live with y'all at that trailer?

8 A. No.

9 Q. Okay. Did he hang out there a lot?

10 A. Not like that.

11 Q. Okay. How many times do you think you saw Jason
12 Glover with Leroy?

13 A. Not too many times.

14 **MR. CULLER:** Your Honor, could he speak up a little
15 bit?

16 **THE WITNESS:** Not too many times.

17 **MR. CULLER:** Thank you.

18 BY MR. SORENSON:

19 Q. Now back in September of 2013, did Leroy Glover have
20 a car?

21 A. Yes.

22 Q. Okay. And what kind of car was that that Leroy had?

23 A. A Crown Vic.

24 Q. Okay. Do you remember what color it was?

25 A. A dark color; purple, something like that, black.

1 Q. All right. Now, Wes, I want to turn your attention
2 back to September 23rd. Did you go to work that day?

3 A. Yeah.

4 Q. Okay. And what time did you go to work?

5 A. About three, 3:30.

6 Q. Okay. And where had you been prior to going to work
7 that afternoon?

8 A. Nowhere.

9 Q. Had you been home?

10 A. Yeah.

11 Q. Okay. And what had you been doing?

12 A. Sleep.

13 Q. Okay. Had you worked the day before?

14 A. Yes.

15 Q. And who was at the trailer when you got up and got
16 ready to go to work that afternoon?

17 A. Just them two.

18 **MR. WALTERS:** Your Honor, please --

19 **THE COURT:** You've got to speak up, please.

20 **MR. SORENSON:** You've got to -- I mean, everybody --
21 we all have got to be able to hear you, Wes.

22 **THE WITNESS:** Just those two.

23 BY MR. SORENSON:

24 Q. Those two being who?

25 A. Leroy and Jason.

1 Q. Okay. So when you got up, Leroy Glover and Jason
2 Glover were at the trailer?

3 A. Yeah.

4 Q. Okay. And do you know what they had been doing that
5 day?

6 A. No.

7 Q. Okay. And you said you got ready and left for work
8 between three and 3:30?

9 A. Yes.

10 Q. All right. Now did something end up happening when
11 you were at work that evening?

12 A. Someone called and told me the house was on fire.

13 Q. Okay. And do you remember who that was that called
14 you and told you that?

15 A. Yeah, it was a friend.

16 Q. Okay. And who was that?

17 A. It was my brother's baby momma.

18 **MR. WALTERS:** Your Honor --

19 Q. Speak up.

20 A. My brother's baby momma.

21 Q. Okay.

22 **MR. WALTERS:** We can't hear him.

23 **MR. SORENSON:** You need to keep your voice up, okay?

24 **THE COURT:** Mr. Jamison, you have to speak up so
25 everyone can hear you. If you need to move that microphone

1 closer to your face, you can do that.

2 BY MR. SORENSON:

3 Q. Let me ask you this. I mean, you lived with Leroy
4 Glover for several months; is that correct?

5 A. Yeah.

6 Q. Was he a pretty good friend of yours?

7 A. (Nods head.)

8 Q. He was a real close friend of yours back in September
9 of 2013; is that correct?

10 A. Yes.

11 Q. All right. So you said you got a call that evening
12 about your trailer being on fire?

13 A. Yes.

14 Q. And that was from your brother's baby's mother; is
15 that correct?

16 A. Yes.

17 Q. All right. And did you have a cell phone back then?

18 A. Yes.

19 Q. Okay. And [REDACTED], was that your cell phone that
20 you were using?

21 A. Yes.

22 Q. All right. What did you do when you got that call
23 about your trailer being on fire?

24 A. I left and went to the trailer.

25 Q. Okay. And did you try to get ahold of your roommate,

1 Leroy?

2 A. Yeah.

3 Q. How did you -- how did you try to get ahold of him?

4 A. I called him.

5 Q. Okay. So you had his cell phone number?

6 A. Yeah.

7 Q. Okay. How many times do you think you tried to call
8 him?

9 A. A couple of times.

10 Q. Okay. Did he answer the first time you called him?

11 A. No.

12 Q. Okay. Did you try texting him?

13 A. Yeah.

14 Q. Okay. At some point in time, did you finally speak to
15 him?

16 A. Yeah.

17 Q. Okay. And let me ask you, do you know where he was
18 when you spoke to him?

19 A. I don't know.

20 Q. You don't know. Do you know who he was with when you
21 spoke to him?

22 A. I don't know.

23 Q. All right. How did he act when you told him -- did
24 you tell him about the trailer being on fire?

25 A. I told him to come -- yeah, come to the trailer. It

1 was on fire.

2 Q. Okay. And how -- how was he acting or how did he
3 sound when you finally did speak to him on the phone?

4 A. Like he was surprised like, you know what I'm saying?
5 I'm coming.

6 Q. All right. And did you make it to the trailer?

7 A. Yeah.

8 Q. Okay. And tell the jury what was going on at the
9 trailer when you got there.

10 A. They almost put the fire out, they almost had. There
11 was like a lot of cars, so it was kind of cluttered, I
12 couldn't get to -- to the house like I wanted to, but I
13 got there and when I got there, they almost had the fire
14 out.

15 Q. Okay. Did you end up talking to the fire department
16 out there and giving them your information?

17 A. Yes.

18 Q. Okay. At some point in time did Leroy Glover show up
19 out there at the trailer that evening?

20 A. Yes.

21 Q. Okay. Do you know how he got there?

22 A. No.

23 Q. Okay. And did you see who -- do you know who he was
24 with?

25 A. No.

1 Q. Okay. Did you see Jason Glover at all out there that
2 evening after you got back after the fire?

3 A. I don't -- I don't think so.

4 Q. Okay. Did you end up losing most of your stuff in
5 that fire, Wesley?

6 A. Yeah.

7 Q. All right. And you testified earlier that you lived
8 with Leroy for a few months, is that correct, prior to the
9 fire?

10 A. Yes.

11 Q. All right. Did you know who your landlord was during
12 that time period?

13 A. I mean, I knew of him.

14 Q. Okay. Who dealt with paying y'all's rent each month,
15 the months that you lived there?

16 A. Leroy.

17 Q. Who?

18 A. Leroy.

19 Q. So you would give Leroy your half of the rent and then
20 he would pay -- pay the rent man?

21 A. Yes.

22 Q. All right.

23 **MR. SORENSON:** That's all I have. Please answer any
24 questions from defense counsel.

25 **THE COURT:** Mr. Culler?

1 **MR. CULLER:** Nothing from us, Your Honor.

2 **THE COURT:** Mr. Curry?

3 **MR. CURRY:** Yes.

4 CROSS-EXAMINATION

5 BY MR. CURRY:

6 Q. Good morning, Mr. Jamison. I'm Eduardo Curry,
7 representing Leroy Glover. You said when you spoke to
8 Leroy it was your impression that he acted surprised about
9 the house burning down, correct?

10 A. Yeah.

11 Q. Okay.

12 **MR. CURRY:** Thank you.

13 **THE COURT:** You may step down, sir. Thank you.

14 (Witness excused.)

15 **THE COURT:** You may call your next witness.

16 **MR. SORENSON:** Thank you, Your Honor. The State calls
17 David Williams.

18 DAVID WILLIAMS,

19 having been duly sworn, testified as follows:

20 **THE CLERK:** Thank you. You may have a seat. Please
21 state your name again for the record.

22 **THE WITNESS:** David Williams.

23 **THE CLERK:** Thank you.

24 **THE COURT:** Your witness.

25 **MR. SORENSON:** Thank you, Your Honor.

1 DIRECT EXAMINATION

2 BY MR. SORENSON:

3 Q. All right, David. You need to make sure you speak up
4 nice and loud for us, all right?

5 A. Yes, sir.

6 Q. All right. There you go. All right. Tell the jury
7 how old you are, David.

8 A. Forty-six.

9 Q. Okay. And you're from Orangeburg?

10 A. Yes, sir.

11 Q. All right. Where did you go to high school?

12 A. O.W.

13 Q. All right. And I'm gonna to ask you a few questions
14 about -- about what you saw back on the evening of
15 September 23rd of 2013, okay?

16 A. Yes, sir.

17 Q. All right. Let me ask you, do you remember -- do you
18 remember meeting with the sheriff's office a few days after
19 that and telling them about what you saw?

20 A. Yes, sir.

21 Q. All right. Late that afternoon of September 23rd of
22 2013, were you over on Country Colony Drive kind of hanging
23 out over there?

24 A. Yes, sir.

25 Q. Okay. Is that something you did frequently?

1 A. Yes, sir. I do it all the time. Yes, sir.

2 Q. Okay. And let me ask you, the Defendant over there,
3 Leroy Glover, did you know Mr. Glover back then?

4 A. No, I didn't know him then.

5 Q. Okay. Did you know kind of if you saw him who he was?

6 A. Yeah, I saw who he was. Yeah. I saw the guy's face,
7 yeah.

8 Q. Okay. And what -- did you know him by a nickname or
9 something back then?

10 A. No.

11 Q. Okay. At some point in time did you know a nickname
12 for him?

13 A. No.

14 Q. How about Smoke? Did you know who Smoke was?

15 **MR. WALTERS:** Objection, Your Honor.

16 **MR. CURRY:** Objection, Your Honor.

17 **MR. WALTERS:** He's leading the witness.

18 **THE COURT:** Sustained. You can please rephrase.

19 **MR. SORENSON:** Okay.

20 BY MR. SORENSON:

21 Q. All right. Let me ask you, do you remember giving a
22 statement to the sheriff's office?

23 A. Yeah.

24 Q. Okay. Do you remember telling them about a person
25 named Smoke?

1 **MR. WALTERS:** Objection, Your Honor. He's leading
2 the witness again.

3 **MR. SORENSON:** It's a yes or no question. How is that
4 leading?

5 **MR. WALTERS:** That's a yes or no question. A yes or
6 no question is not appropriate. He should solicit an
7 answer --

8 **THE COURT:** You can ask him whether or not he recalls.
9 That will take care of it.

10 **MR. SORENSON:** Okay.

11 BY MR. SORENSON:

12 Q. Do you recall telling the sheriff's office about
13 Smoke?

14 A. Yeah.

15 Q. Okay. I don't see how that's any different. All
16 right. Let me ask you -- all right. And back in September
17 of 2013, did you know -- well, let me kind of -- let me go
18 back. Do you recognize that trailer?

19 A. Yes, sir.

20 Q. Do you know that trailer, David?

21 A. Uh-huh.

22 Q. Back in September of 2013, who lived in that trailer?

23 A. Smoke.

24 Q. Okay. And who is Smoke?

25 A. He's there.

1 Q. Okay. Which -- which one?

2 A. That one.

3 Q. Blue shirt?

4 A. Yes, sir.

5 **MR. CULLER:** Don, what was that number? I'm sorry.

6 **MR. SORENSON:** That was 2, I believe.

7 **MR. CURRY:** What was it?

8 **MR. SORENSON:** Photo Number 2. I'm sorry.

9 BY MR. SORENSON:

10 Q. All right. Now tell the -- tell the -- tell the jury,
11 David, late that afternoon -- or that afternoon, did you
12 see any vehicles over at that trailer?

13 A. Yes, sir.

14 Q. Okay. And whose vehicle did you see over at that
15 trailer?

16 A. The rent man.

17 Q. Okay. And describe the rent man.

18 A. Kind of tall and light gray hair.

19 Q. Okay. A white male, black male?

20 A. White male.

21 Q. And what kind of vehicle was -- was the rent man's
22 vehicle that you saw over there?

23 A. A white truck. Like a small white truck.

24 Q. All right. And was it daylight out when you saw that?

25 A. Yes, sir.

1 Q. Okay. And tell the jury where were you at when you
2 saw that.

3 A. My friend next door, J.R.'s house.

4 Q. Your friend next door?

5 A. Yeah, J.R.

6 Q. Named J.R.?

7 A. Yeah.

8 Q. Okay. And were there any other vehicles at that time
9 that were over at that trailer in State's Number 2?

10 A. No, not really.

11 Q. Did you see other vehicles over there?

12 A. Unh-unh.

13 Q. All right. Now did you actually see the rent man?

14 A. Yes, sir.

15 Q. Okay. And where was the rent man when you saw him?

16 A. He parked in the front and he went into the house.

17 Q. Okay. And did you see anybody else outside at that
18 time?

19 A. No, sir.

20 Q. Okay. And you said you were at the neighbor's, right,
21 in the backyard -- in the yard?

22 A. Yes, sir.

23 Q. Okay. And then what happened then?

24 A. I heard something like pow. That's all I seen.
25 That's all.

1 Q. What did you think that pow was when you heard it?

2 A. I thought it was like a firecracker, you know what I
3 mean? Then I see the white truck pull out -- pull out
4 fast, like swoosh, right there.

5 Q. Okay. And did you see who was driving that white
6 truck then when it pulled out real fast?

7 A. Yes, sir.

8 Q. And who was driving it?

9 A. Him.

10 Q. That being that person right there?

11 A. Yes, sir.

12 Q. All right. Let me ask you, back at that time did you
13 know who that was?

14 A. No, sir.

15 Q. Okay. It wasn't Smoke, right, driving it?

16 A. No, sir.

17 Q. It wasn't the rent man driving it?

18 A. No, sir.

19 Q. Did you see anybody else in the vehicle?

20 A. No, sir.

21 Q. All right. After seeing that truck -- and you said it
22 left real fast?

23 A. Yes, sir.

24 Q. Okay. Did you see any other vehicles in the -- the
25 yard at that time?

1 A. No, sir.

2 Q. Okay. Did you ultimately see any other vehicles out
3 there that night?

4 A. Unh-unh. No, sir.

5 Q. Okay. You don't -- now you remember talking to the
6 sheriff's office a couple of days later, right?

7 A. Yes, sir.

8 Q. Okay. And do you remember telling them about seeing
9 a Crown Vic --

10 **MR. CURRY:** Objection, Your Honor.

11 **THE WITNESS:** Yes, sir.

12 **MR. CURRY:** Once again, it's leading, Judge. He's got
13 to ask him what he saw, what he heard, but he can't suggest
14 to him what he saw.

15 **THE COURT:** Do you recall whether or not. Rephrase
16 your question.

17 **MR. SORENSON:** Okay.

18 BY MR. SORENSON:

19 Q. Do you recall -- do you recall giving a statement to
20 Lieutenant Shumpert a few days later?

21 A. Yes, sir.

22 Q. Okay. And do you recall telling him about seeing a
23 dark Crown Vic --

24 A. Yes, sir.

25 Q. -- that had left --

1 A. Yes, sir.

2 Q. -- right after the -- the white truck --

3 A. Yes, sir.

4 Q. -- had come back and then had left again?

5 A. Yes, sir.

6 Q. All right. Tell this jury -- because that's not what
7 you just said. I mean, now which --

8 A. No, no, no, no, no.

9 Q. Okay. And I don't know if I've gotten you confused,
10 but let's back up here, okay? I asked you a question. You
11 said you saw the truck leave, right?

12 A. I saw the truck leave. Yeah, I saw the truck leave.

13 Q. Were there any other vehicles out there that you saw?

14 A. No, sir.

15 Q. Okay. So your testimony is now that you never saw a
16 Crown Vic out there that night?

17 A. No, sir.

18 Q. Okay.

19 A. I mean, it came -- it came back again. It came back.
20 It came back and pulled in the back yard and pulled back
21 out again and I don't know how long --

22 Q. Okay. All right. Let's back up here. Now you've got
23 me confused.

24 A. Me, too.

25 Q. You see the rent man's truck leave at a high rate of

1 speed; is that correct?

2 A. Yes, sir.

3 Q. Okay. What did you see next?

4 A. After I got down the street, then I see the blue Crown
5 Vic pull in the yard.

6 Q. Okay. So you saw at that time a blue Crown -- so you
7 did see another vehicle out there?

8 A. Yes, sir.

9 Q. Okay. That's why I asked you that and you said no.

10 A. Yes, sir.

11 Q. So you saw a blue Crown Vic and whose blue Crown Vic
12 was that?

13 A. Smoke's.

14 Q. And where did it pull up the yard?

15 A. In the backyard.

16 Q. Okay. And what -- what were you doing when you saw
17 that happen?

18 A. I was walking down the street and I just see the car
19 pull back out out of the backyard there and I see smoke and
20 the whole trailer was on fire.

21 Q. Okay. So you were walking down the street at that
22 point in time, right, and then you said you saw the car
23 pull back out?

24 A. Yes, sir.

25 Q. And whose -- what car was that?

1 A. The blue Ford. The Crown Vic.

2 Q. The Crown Vic?

3 A. Yes, sir.

4 Q. And you saw what after you saw the Crown Vic pull
5 away?

6 A. I saw smoke coming out of there like they was having a
7 cookout or something and I went around and the whole back
8 -- the whole house was on fire.

9 Q. Okay. And that's this trailer right here in State's
10 Exhibit Number 2?

11 A. Yes, sir.

12 Q. Okay. So when you saw the trailer on fire, what did
13 you do then?

14 A. I called -- I went next door and called 9-1-1.

15 Q. So you went next door?

16 A. Yes, sir.

17 Q. Did you know the people next door that you went and
18 told?

19 A. Not really. No, sir.

20 Q. Okay. Do you remember if it was a male, a female?

21 A. A female. A woman came do the door.

22 Q. A woman?

23 A. Yeah, came to the door.

24 Q. Was it daylight out when all of this was happening
25 still, David?

1 A. Yes, sir.

2 Q. And did the fire department come out there?

3 A. Yes, sir.

4 Q. Okay. How fast did they get there after you went and
5 knocked on the neighbor's door?

6 A. It didn't take no time. They was speeding, you know.

7 Q. All right. Now I'd asked you this earlier, do you
8 remember a few days later on September 26th coming in
9 and giving a statement to Lieutenant Shumpert with the
10 sheriff's office?

11 A. Yes, sir.

12 Q. Okay. And do you remember him showing you some
13 photographs that day?

14 A. Yes, sir.

15 **MR. SORENSON:** I beg the Court's indulgence one
16 second.

17 **THE COURT:** Yes, sir.

18 BY MR. SORENSON:

19 Q. I'm showing you, David, State's Exhibit Number 1. Do
20 you recognize that -- that document?

21 A. Yes, sir.

22 Q. Are those the photographs that Lieutenant Shumpert
23 showed you that day?

24 A. Yes, sir.

25 Q. Okay. Were you able to pick anybody out of State's

1 Exhibit Number 1?

2 A. Yes, sir.

3 Q. Okay. And what photograph did you pick out?

4 A. Number 5.

5 Q. Okay. And why did you pick out Number 5?

6 A. I saw him in the truck.

7 Q. Okay. So who is in State's Number 5? What was that
8 person doing?

9 A. Yes, sir.

10 Q. What was he supposedly doing?

11 A. Pulling out in the truck fast.

12 Q. The person that was driving the truck?

13 A. Yes, sir.

14 Q. Did you then fill out and -- have Lieutenant Shumpert
15 fill out and you signed this kind of attached affidavit
16 that indicated that that's why you were picking Photograph
17 Number 5?

18 A. Yes, sir.

19 Q. Did he tell you who to pick out of that lineup? Did
20 Lieutenant Shumpert tell you who to pick out?

21 A. Yes, sir.

22 Q. I mean, he told you what -- he pointed out what
23 picture and told you?

24 A. Yeah, he said who the -- who's the fella it was and I
25 pointed to Number 5.

1 Q. Okay. I mean, did he tell you to circle Number 5 or
2 did you circle Number 5?

3 A. I circled Number 5.

4 Q. All right.

5 **MR. SORENSON:** Your Honor, at this time we'd offer
6 State's Number 1 into evidence.

7 **MR. WALTERS:** No objection.

8 **THE COURT:** Any objection?

9 **MR. CURRY:** Without objection, Your Honor.

10 **THE COURT:** All right. It's in.

11 (State's Exhibit Number 1, a photo lineup, was
12 admitted into evidence.)

13 BY MR. SORENSON:

14 Q. And, David, do you see -- is that person that you saw
15 driving that truck real fast out of the yard that afternoon
16 that you identified in this lineup, is here in court?

17 A. Yes, sir.

18 Q. Would you point him out to the jury?

19 A. Right there.

20 Q. Sitting on the back row there -- or the second row
21 there?

22 A. Yes, sir.

23 **MR. SORENSON:** Let the record reflect he identified
24 Jason Glover.

25 **THE COURT:** Yes, sir.

24 Q. Yeah. And in different communicates the word get your
25 hustle on means different things. You can hustle playing

1 football, there even used to be a dance called the Hustle.

2 A. Uh-huh.

3 Q. And in your particular case, your nickname is Buddy
4 Row, right?

5 A. Uh-huh.

6 Q. And as far as your ability to get your hustle on, have
7 you ever done drugs before?

8 A. No.

9 Q. You never have?

10 A. I smoke weed sometimes, that's all.

11 Q. Right, right. And on this particular day, you made it
12 clear to the police that you were getting your hustle on;
13 is that right?

14 A. Yeah, that was -- I had to go to work, get my hustle
15 on. That's my hustle.

16 Q. Right. And I believe that when you talked to the
17 police you made it clear to them that you were getting your
18 hustle on and it was your statement that you gave to the
19 police that you saw the vehicle of the rent man coming into
20 this particular mobile home park; is that correct?

21 A. Yes, sir.

22 Q. All right. And would it surprise you to know that the
23 vehicle that you described is a white truck?

24 A. Yes, sir.

25 Q. Is that what you told the police?

1 A. Yes, sir.

2 Q. All right. And would it is surprise you to know that
3 Mr. Carter doesn't have a white truck -- he didn't drive a
4 white truck that day?

5 A. Uh-huh, he did.

6 Q. He did?

7 A. Yes, sir.

8 Q. You're sure about that?

9 A. I'm sure.

10 Q. Okay. I want to show you what the State has put in
11 as State's Exhibit -- and, Don, I don't want to mix your
12 documents up here, I think you've got them in an order, but
13 they put into evidence that this particular vehicle is
14 silver. Were you aware of that?

15 A. Unh-unh, it's white.

16 Q. Okay. It's white?

17 A. A white -- it think it's a white truck.

18 Q. All right. And I believe also you were present here
19 even when the family testified that they said it may even
20 be gray; is that correct?

21 A. Unh-unh. It's a white truck.

22 Q. You're sure it was a white truck?

23 A. Yes, sir.

24 Q. Okay. And that's your recollection?

25 A. Yes, sir. I seen it.

1 Q. All right. In addition to that, I believe you also
2 told the police in this particular case, and you knew the
3 times correctly, that the gunshot -- you heard it at 4:00?

4 A. No, that's when I seen -- I said it was about 4:00
5 when he pulled up there, you know, in the yard. When the
6 truck pulled out --

7 Q. Un-huh.

8 A. -- that was about four he pulled up in the yard.

9 Q. All right.

10 A. I don't know how long he was there.

11 Q. Were you aware of the fact that Mr. Carter was working
12 at AgSouth at 5:00, close to 5:00?

13 A. No, I didn't know.

14 Q. All right. So he was driving a white truck? That's
15 your testimony?

16 A. Yeah, a white man, yeah, in a white truck. The rent
17 man, yeah.

18 Q. All right. And in addition to that, you heard this
19 shot and the truck arrived, and it was around 4:00?

20 A. Uh-huh.

21 Q. That's right? And I believe that your testimony, and
22 this is the second time that you've gotten up here in last
23 couple of days; is that correct?

24 A. Yes, sir.

25 Q. All right. And I believe that you also testified in

1 that particular case that you were with an individual, and
2 that's what you told the police, named Kwon; is that right?

3 A. Not Kwon, I said J.R.

4 Q. Okay. I want to show you your statement then and I
5 want you to look at the last page, and this is what you
6 told the police. And I'll read it to you so I can make
7 sure --

8 **MR. WALTERS:** Your Honor, may I approach?

9 **THE COURT:** You may.

10 BY MR. WALTERS:

11 Q. All right. Who was outside when the truck pulled up
12 real fast? There was an individual named Kwon. And you
13 put your initials beside it; is that correct?

14 A. Kwon? I don't know no Kwon. I said I was outside and
15 seen a white truck pull up.

16 Q. All right. Do you want to look at this? Is that your
17 signature at the bottom?

18 A. Yeah. Yeah, that's my name. Yeah.

19 Q. All right. And I believe they had you initial each
20 and every sentence on this document; is that correct?

21 A. Yes, sir.

22 Q. And that's your initials right there?

23 A. Yes, sir.

24 Q. And certainly I don't want to be disrespectful of you.
25 You stated that you have some problems with reading and

1 writing, but that is your initials?

2 A. Yes, sir.

3 Q. Is that correct?

4 A. Yes, sir.

5 Q. And they went through this with you and I think the
6 officer that put together the lineup where you did the --
7 where you picked out someone, he's the one that also wrote
8 this document; is that right?

9 A. Yes, sir.

10 Q. All right. In fact, when he wrote this document could
11 you tell me if anyone witnessed the document?

12 A. No.

13 Q. All right. And can you tell me if he dated the
14 document?

15 A. He probably didn't. He probably didn't.

16 Q. Okay. Can you tell me if the officer even signed the
17 document?

18 A. I don't have any idea, sir.

19 Q. I don't think so either. Do you want to take a look
20 at it? And look at all three pages and I believe each page
21 has your signature on it, doesn't it?

22 A. Yes, sir.

23 Q. All right. And could you -- I want to -- I don't
24 want to embarrass anyone, I want to be as nice to you as
25 possible, but you would agree it says here I have read

1 each page of this statement -- and it says consisting of,
2 and it leaves it blank -- pages, each page of which bears
3 my signature and corrections. If any bear my initials,
4 and, I certify that the facts contained herein are true and
5 correct, and then you signed your name. Do you see that?
6 A. Yes, sir.
7 Q. All right. So everything you put here is supposed to
8 be the truth, the whole truth and nothing but the truth.
9 A. Yes, sir.
10 Q. All right. And you stated that you smoke a little
11 weed?
12 A. Yeah, that day. Yeah.
13 Q. And you were getting your hustle on and you signed
14 this document and said this is the truth; is that right?
15 A. Yes, sir.
16 Q. All right. Now in addition to that, they also ask you
17 in your statement when you were talking that day, they said
18 who was driving the car. Do you remember what you said?
19 A. Yes, sir.
20 Q. You said it was someone named Smoke?
21 A. (Nods head.)
22 Q. Is that right?
23 A. Yes, sir.
24 Q. All right. I want you to show me in the document
25 where you identified my client, Mr. Jason Glover.

1 A. I don't know. I don't know. I cannot read, sir.

2 Q. Okay. I understand. But you would agree with me that
3 you initialled each one of these lines?

4 A. Yeah, I did. Like I said, I went like that.

5 Q. Right. And where nowhere did you mention Jason
6 Glover --

7 A. I said --

8 Q. -- in this particular case driving a vehicle?

9 A. No, I didn't see his face, the truck. The truck.

10 Q. All right. Well, let's back up because I want to make
11 sure I'm clear. And I don't want to put words in your
12 mouth. I'm gonna be as respectful as I can to you. Number
13 one, you're saying that it was a white truck that was being
14 driven that day?

15 A. Yeah, a white pick-up truck.

16 Q. It was not a silver Land Cruiser?

17 A. (Shakes head.)

18 Q. It was not gray Land Cruiser?

19 A. No, a white truck, like I said. 'Cause I know what
20 kind of truck 'cause I seen it every day. A white pick-up,
21 yeah.

22 Q. All right. And in addition to that, you're saying
23 that you heard the shot around 4:00 after you got your
24 hustle on; is that right?

25 A. Yes, sir.

1 Q. All right. And I asked you were you aware of the fact
2 that Mr. Carter was working at 5:00?

3 A. Damn. I did see the car pull up in the yard, I went
4 behind the house, came out, I went down the street and the
5 house was on fire.

6 Q. All right. Then you also testified that you saw a
7 Crown Vic; is that correct?

8 A. Yeah. Yes, sir, a blue Ford, yeah, with rims on it.

9 Q. All right. And you -- you said it was blue?

10 A. Uh-huh.

11 Q. All right. But were you aware of the fact that
12 Mr. Glover drives a purple Crown Vic, not a blue Crown Vic?

13 A. I believe I did see a blue one. Damn.

14 Q. You're just not sure?

15 A. I'm not sure.

16 Q. But you would recognize a purple car when you see it?

17 A. Yes, sir.

18 Q. All right. And you know the distinction between
19 purple and blue?

20 A. Yes, sir. It could have been purple, yeah.

21 Q. All right. Now in addition to that, you also
22 testified just a day ago, all right, a couple of days ago,
23 you also testified that you were in the back and you ran
24 around when you saw this fire; is that correct?

25 A. No, when I saw the truck pull out, I was in the front.

1 Q. Right. But you also told the police you were with
2 Kwon. What's Kwon's real name?

3 A. I don't know no Kwon. I ain't know no Kwon.

4 Q. Is there an individual named Ikwon Frazier that lives
5 over there?

6 A. In that trailer house right across the street? Yeah.
7 There's like two trailers up in there. I never know that
8 person. I don't know that name.

9 Q. Okay. Well, why did you tell the police that you were
10 with someone named Kwon and he witnessed this with you?

11 A. I didn't know Kwon. I said J.R. I didn't say no
12 Kwon, I said J.R. Not Kwon.

13 Q. All right. You said J.R.?

14 A. Yes, sir.

15 Q. And could you show me in your statement where you
16 mentioned someone named J.R.?

17 A. He write it down. He was there with me.

18 Q. All right. But there's no one named J.R. in your
19 statement.

20 A. I didn't say J.R.

21 Q. All right. Now after this statement was put together
22 -- and you identified a person named Smoke, all right?

23 A. Uh-huh.

24 Q. And you never identified Mr. Glover; is that correct?
25 Mr. Jason Glover?

1 A. Unh-unh.

2 Q. And then you were required and you went to the police
3 department and how many days after this statement was given
4 did you do that?

5 A. I don't know, sir.

6 Q. That's right. Because they didn't date this document,
7 did they?

8 A. I don't know.

9 Q. Right. But your testimony was, and Attorney Sorenson
10 asked you, you said on the 26th you went down to the police
11 department; is that right?

12 A. He take me down there, yeah. He came and picked me
13 up.

14 Q. Okay. Officer Shumpert picked you up?

15 A. Yes, sir.

16 Q. The same officer that wrote this statement?

17 A. Uh-huh.

18 Q. The same officer that didn't sign this statement?

19 A. Uh-huh.

20 Q. The same officer that didn't date this statement?

21 A. Yeah.

22 **THE COURT:** Mr. Williams, you have to answer yes or
23 not. You can't say uh-huh or unh-unh.

24 **THE WITNESS:** Oh, yes, ma'am.

25 **BY MR. WALTERS:**

1 Q. And the same officer that did not witness this
2 statement?

3 A. Yes, sir.

4 Q. And the same officer that produced this statement that
5 you initialled that you disagree with; is that correct?

6 A. Yes, sir. Uh-huh.

7 Q. All right. And now you've stood in front of this jury
8 and you want to state that he put together this lineup for
9 you; is that correct?

10 A. Yes, sir.

11 Q. All right. Because you didn't put it together?

12 A. Unh-unh.

13 Q. All right. And so when he brought you in and he
14 conducted this lineup, you had to sit down and go through
15 the pictures; is that correct?

16 A. Yes, sir.

17 Q. All right. And as far as the individuals that you
18 named here, all right, is Kwon in this particular lineup?

19 A. (Shakes head.)

20 Q. You know who Kwon is?

21 A. No Kwon. I don't know no Kwon.

22 Q. All right. But --

23 A. He probably -- he probably know Kwon. I don't know
24 Kwon. I said what I saw, you know. I didn't see him.

25 Q. All right. But why did you state that you were with

1 Kwon in this statement?

2 A. I didn't say anything about Kwon.

3 Q. You didn't?

4 A. Unh-unh. I put everything in.

5 **MR. SORENSON:** He's already answered that. He said he
6 did not say that.

7 **MR. WALTERS:** Your Honor, I believe I'm asking about
8 the lineup and why Kwon -- Kwon was not present in the
9 lineup, he says he doesn't no, and I simply asked him is
10 that the person that you named in your statement.

11 **THE WITNESS:** I didn't say that. I seen the people
12 that the drive the truck. I didn't even know Kwon. He's
13 the one that drive the truck -- the white truck.

14 BY MR. WALTERS:

15 Q. Was it Kwon driving the white truck?

16 A. Not Kwon, no. The fella right there.

17 Q. Okay. All right. So you were with Kwon when this
18 happened; is that right?

19 A. No, sir.

20 Q. All right. But you can't explain to me why you stated
21 you were with him in the statement?

22 A. I can't in the statement, unh-unh.

23 Q. All right. Now was Kwon ever put in the lineup here?

24 A. No.

25 Q. Isn't it true that Kwon lives directly across the

1 street?

2 A. Yes, sir.

3 Q. All right. And Kwon -- you testified a couple of days
4 ago that when the fire occurred you were standing in the
5 back and you said you saw it and you ran around the mobile
6 home?

7 A. No, I said I was coming down the street.

8 Q. Okay.

9 A. The truck -- the truck pulled out. I went down the
10 street because my homeboy called me to work and when I came
11 back the house was on fire.

12 **MR. WALTERS:** I beg the Court's indulgence, Your
13 Honor.

14 (Discussion between Mr. Walters and Mr. Culler.)

15 BY MR. WALTERS:

16 Q. Now you say Kwon was not present when this occurred;
17 is that correct?

18 A. No.

19 Q. All right. And as far as your opportunity to see who
20 was driving the truck, how fast was the truck travelling?

21 A. Damn, he was like fast. Like he was racing like fast.
22 Just pulled out real fast.

23 Q. All right.

24 A. I don't know how many miles he was going.

25 Q. So if you looked at the truck, how many seconds did

1 you have to look at it to see who was driving?

2 A. About one second. Just so I could see the face.

3 Q. Okay. And as far as your degree of attention to what
4 was going on, it's your testimony you weren't getting your
5 hustle on that morning getting high with marijuana?

6 A. No, no, no, no.

7 Q. Okay. All right. And as far as the description that
8 you've given, you know it was a white truck?

9 A. Yes, sir.

10 Q. There's no doubt in your mind about that?

11 A. It was a white truck. I'm gonna stick with that,
12 yeah.

13 Q. Okay. All right. And in this particular case, you've
14 been honest and your statement is the truth, the whole
15 truth and nothing but the truth?

16 A. Yes, sir.

17 Q. All right. And the testimony you've given today you
18 believe is also truthful?

19 A. Yes, sir.

20 Q. Okay.

21 **MR. WALTERS:** Your Honor, I have no further questions.

22 **THE COURT:** Mr. Curry?

23 **MR. CURRY:** Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MR. CURRY:

1 Q. Mr. Williams, good afternoon.

2 A. Good afternoon, sir.

3 Q. I'm Eduardo Curry and I represent Leroy Glover. How
4 are you today?

5 A. All right.

6 Q. We've met before; have we not?

7 A. Yes, sir.

8 Q. Okay. I'm gonna ask you some questions and see if you
9 can tell me what your answers are, okay? Is that fair for
10 this jury?

11 A. Yes, sir.

12 Q. All right. Let's start with September 23, 2013. What
13 day was that?

14 A. The 23rd?

15 Q. What day?

16 A. The 23rd.

17 Q. What day? Monday, Tuesday, Wednesday, Thursday,
18 Friday, Saturday, Sunday? What day was it?

19 A. I can't remember days.

20 Q. So you don't know?

21 A. No, I don't know.

22 Q. Okay. Let me sort of ask you this then. You
23 testified you heard a pow. What time was it when you heard
24 that pow?

25 A. Around about like three.

1 Q. 3:00?

2 A. Uh-huh.

3 Q. Okay. You gave a statement to the sheriff's
4 department, to Lieutenant Shumpert; did you not?

5 A. I told him, yeah. I told Shumpert, yeah.

6 Q. Okay. All right. You said that in your testimony
7 that -- today that you didn't know Leroy Glover, did you?

8 A. Unh-unh.

9 Q. And you didn't know him as Smoke prior to this
10 incident, did you?

11 A. Unh-unh..

12 Q. Okay. Can you explain to this jury then how you gave
13 this statement and you say that Smoke was driving the Crown
14 Vic if you don't know Leroy Glover and you don't know him
15 to be Smoke?

16 A. No, I didn't say that about Smoke. I seen that man.
17 He drive -- drive the car. I did not say that. I didn't
18 say he drive the car.

19 Q. Okay.

20 A. He drive the truck.

21 Q. Who was driving the truck?

22 A. This fella there behind you. Him.

23 Q. Who, him? Jason?

24 A. Yeah.

25 Q. Okay.

1 A. I just see him. I'm not hiding nothing.

2 Q. All right. You've testified that you called 9-1-1?

3 A. Yeah, I did. I sure did, yes, sir.

4 Q. Okay. What time did you call 9-1-1?

5 A. When I see the fire start.

6 Q. And what time did you see the fire start?

7 A. Around about four.

8 Q. About 4:00?

9 A. Unh-unh.

10 Q. And you said the fire people came out quick, right?

11 A. Yeah, the fire -- the truck -- the house was burning
12 and the fire truck -- I hear the fire truck coming.

13 Q. So when you called the fire department at 4:00, you
14 heard the fire truck coming, what, at 4:05?

15 A. Yeah, around that time. About 4:00, yeah. I heard
16 the sirens coming fast, yeah.

17 Q. Okay. Are you sure that it was that time?

18 A. I believe so, yes, sir.

19 Q. Are you positive?

20 A. Yes, sir.

21 Q. Okay. Now you didn't tell Lieutenant Shumpert what
22 time you called the fire department, did you?

23 A. No, sir.

24 Q. But you're telling that today? You know that you're
25 sure? You're telling that to the jury?

- 1 A. Yes, sir.
- 2 Q. And that was 4:00?
- 3 A. Yes, sir.
- 4 Q. Okay. And they came shortly thereafter?
- 5 A. I hear it coming, yeah. Yeah, I heard the siren
- 6 coming.
- 7 Q. Sir?
- 8 A. I heard the siren coming down Country Colony.
- 9 Q. You heard the siren?
- 10 A. And the fire truck and ambulance everything.
- 11 Q. How much time went by before -- when you called the
- 12 fire department at four and when you heard the sirens?
- 13 A. I don't know.
- 14 Q. One minute? Two minutes? Five minutes?
- 15 A. I think about one minute or two minutes, yeah.
- 16 Q. Okay. Now today you're picking out Jason Glover out
- 17 of the photo lineup. That's what you're testifying to,
- 18 right?
- 19 A. Yeah, driving by in the truck, yes, sir.
- 20 Q. And are you sure that was Jason Glover?
- 21 A. Yes, sir.
- 22 Q. Okay. Did you see Leroy Glover coming out of that
- 23 house?
- 24 A. The rent man?
- 25 Q. No. When the rent man was there, did you see Leroy

1 Glover?

2 A. Unh-unh.

3 Q. That's a no?

4 A. Yes, sir.

5 Q. Okay. Did you see Leroy Glover talking to the rent
6 man?

7 A. No, they were in the house.

8 Q. Well, when were they in the house? What time was
9 that?

10 A. Around about three. All in the house. All in the
11 house.

12 Q. At 3:00 everybody was in the house?

13 A. Yeah, and I then heard a pow and that's it.

14 Q. And you heard that at 3:00?

15 A. Uh-huh. I heard everything.

16 Q. You heard a pow and you saw -- are you sure you saw
17 the rent man at 3:00?

18 A. Yeah.

19 Q. Are you sure you saw him in that trailer?

20 A. Yeah. He came and I was outside. I see him pull up
21 to the trailer. I saw him pull up in the yard and never
22 came back out.

23 Q. Could you be mistaken?

24 A. No, sir.

25 Q. 3:00?

- 1 A. Afternoon.
- 2 Q. At noon or 3:00?
- 3 A. Afternoon. 3:00 in the afternoon.
- 4 Q. 3:00 in the afternoon?
- 5 A. Yes, sir. I said that earlier.
- 6 Q. And you say you saw -- at 3:00 in the afternoon --
- 7 A. Uh-huh.
- 8 Q. -- you saw the rent man, right?
- 9 A. Pull up. Pull up in the yard.
- 10 Q. Pull up in the yard?
- 11 A. Uh-huh.
- 12 Q. Did you see Leroy Glover in the yard?
- 13 A. Everybody was in the house. I didn't see nobody in
- 14 the yard.
- 15 Q. You didn't see anybody the yard?
- 16 A. Nobody in the yard.
- 17 Q. All right. Did you see Jason Glover in the yard?
- 18 A. Nobody in the yard.
- 19 Q. Okay. Did you ever see Leroy Glover and Mr. Carter,
- 20 the rent man, together?
- 21 A. Ain't nobody in the yard. They was in the house.
- 22 Q. Are you sure?
- 23 A. Yeah, they was in the house.
- 24 Q. And you're positive that you never told Lieutenant
- 25 Shumpert to put Kwon in your statement?

1 A. Unh-unh.

2 Q. Never mentioned Kwon?

3 A. Unh-unh.

4 Q. All right. Did he read the statement to you?

5 A. He read it to me, yeah.

6 Q. He did, didn't he?

7 A. Uh-huh.

8 Q. When he got to Kwon, did you tell him it wasn't Kwon
9 but it was J.R.?

10 A. I didn't -- I say J.R. I told Mr. Shumpert J.R., yes,
11 sir.

12 Q. All right. Let's try it again.

13 A. I'm confused now.

14 Q. I want to help you though.

15 A. You ain't gonna help me trying to tell you anything.

16 Q. All right. I want to help you. You gave a statement
17 to Lieutenant Shumpert, correct?

18 A. Yes, sir.

19 Q. And he read it to you, correct?

20 A. Yes, sir.

21 Q. All right. And when he got to the issue about Kwon
22 being there, you did not correct Lieutenant Shumpert, did
23 you?

24 A. I didn't correct him, no.

25 Q. All right. And you left Kwon in there, didn't you?

1 A. Yes, sir.

2 Q. Yeah. And you didn't tell him to add J.R. to the
3 statement, did you?

4 A. I told him J.R.'s next door, yeah. I told him. I
5 mentioned that. I said J.R., yeah.

6 Q. Did you tell him to add J.R. to the statement?

7 A. I told him. He probably didn't.

8 Q. You say you told him to add it?

9 A. Yeah, and he probably didn't.

10 Q. What friend did you go and ask to use the telephone so
11 that you could call 9-1-1?

12 A. Right next door. Next to that trailer house that
13 burned down.

14 Q. Okay. So you didn't have a cell phone?

15 A. No, I just went over there.

16 Q. Okay. Would you be surprised if the call to the
17 firemen occurred at 7:00? Would that surprise you?

18 A. In the morning?

19 Q. 7:00 in the evening.

20 A. No, I said around three. I say around three.

21 Q. You did it at three. You didn't do it at seven, did
22 you?

23 A. I said 3:00.

24 Q. And you stand by that?

25 A. I stand by that.

1 Q. Would you be surprised to learn that the fire
2 department said that they got there at 7:11?

3 A. 7:11? I say it was 3:00 that I saw the lights.

4 Q. When you saw the fire department it was 3:00?

5 A. No, the fire came out I saw -- in my eyes I saw them.
6 I didn't know what time the fire truck come. I'm talking
7 about what I saw.

8 Q. What time did you call the fire truck?

9 A. I just called the fire truck.

10 Q. You don't know what time it was?

11 A. No, sir.

12 Q. You heard the shot at 3:00 though, didn't you?

13 A. Yeah, and I say 4:00 like that.

14 Q. What time did you see the smoke coming out like you
15 thought it was a barbecue?

16 A. About four.

17 Q. 4:00?

18 A. Uh-huh.

19 Q. And what time did you call the fire department when
20 you saw the smoke?

21 A. Oh, 4:00, at about the same time, yeah. Yeah, at the
22 same time I seen the fire.

23 Q. Are you sure you called the fire department?

24 A. Yeah, I called -- they called them. I didn't call
25 them. The people next door called them.

1 Q. Who would that be?

2 A. I didn't know the people. I just seen them the yard
3 all the time.

4 Q. So you didn't use the phone to call the fire
5 department?

6 A. No, sir.

7 Q. All right.

8 **MR. CURRY:** Your Honor, may I approach with his
9 statement?

10 **THE COURT:** You may.

11 BY MR. CURRY:

12 Q. Now I know you have problems reading and Lieutenant
13 Shumpert actually did this, but I want to read this to you
14 and see if we get some understanding, okay? It says right
15 here I went to my friend and asked can I use her phone.

16 A. No, I went to her house and asked her to call fire
17 truck.

18 Q. So you never used the phone?

19 A. No, sir. I didn't have a phone. That's why I went
20 next door to the trailer house right there.

21 Q. So when Lieutenant Shumpert read the statement to
22 you, did you correct it with him and say I did not use the
23 phone, they called the fire department?

24 A. Uh-huh.

25 Q. You told him to correct that?

1 A. Uh-huh.

2 Q. He didn't correct it?

3 A. He maybe didn't write it down. I don't know what he
4 do. I gave my statement.

5 **MR. CURRY:** Thank you, Mr. Williams.

6 **THE COURT:** Any redirect?

7 **MR. SORENSON:** Yes, ma'am.

8 REDIRECT EXAMINATION

9 BY MR. SORENSON:

10 Q. Just a few things, David. Did you have a watch on
11 back that day?

12 A. No, sir.

13 Q. Do you wear a watch?

14 A. No, sir.

15 Q. Mr. Curry just asked you about -- about the statement
16 that you gave Lieutenant Shumpert. Do you remember he just
17 read to you that line when he kind of went up there and was
18 kneeling next to you saying that I went to my friend and
19 asked can I use her phone?

20 A. Uh-huh.

21 Q. Do you remember him just reading that a couple of
22 minutes ago?

23 A. Yeah. Yes, sir.

24 Q. Okay.

25 **MR. SORENSON:** And, Your Honor, can I publish this?

1 Because that's -- I mean, the part that he picked out is --
2 I'm asking for permission to publish basically his entire
3 statement at this point in time.

4 **MR. CURRY:** Your Honor, I would -- I would object to
5 that. I asked him a particular question. He's limited by
6 what I ask in cross and with his direct I stayed within
7 that zone. Judge, he's testified. If he wants to publish
8 the statement --

9 **MR. SORENSON:** Is he objecting or not? He said I'm
10 objecting and then --

11 **MR. CURRY:** I ask that it marked as an exhibit, Judge,
12 and admitted into evidence.

13 **THE COURT:** Any objection to that?

14 **MR. CURRY:** But to publish it without --

15 **MR. SORENSON:** No, I want to correct the part that --

16 **THE COURT:** Hold on, gentlemen.

17 **MR. SORENSON:** Can we -- I have a matter, I guess. I
18 think we need to address this.

19 **THE COURT:** All right. Ladies and gentlemen, it's a
20 good time to take a morning break. We'll be right back
21 with you. Please don't discuss the case amongst yourselves
22 or allow anyone to discuss the case with you.

23 (Whereupon, the jury retires to the jury room at
24 12:34 PM.)

25 **MR. CULLER:** Mr. Glover, Jason Glover, wanted to go to

1 the restroom, but we -- I think Mr. Sorenson is gonna be
2 brief.

3 **THE COURT:** Okay. Mr. Sorenson?

4 **MR. SORENSON:** This is -- and, again, I didn't want
5 to kind of attempt to hash this all out with the jury
6 sitting -- sitting here. That's why I asked if we could
7 take this up outside their presence, Your Honor. My
8 problem with -- with Mr. Curry getting up there and, you
9 know, that last line of questioning dealing with that
10 portion he read out of the statement, it is not in context
11 with what he is alleging it was in. That part of the --
12 where he is reading is back earlier in the statement when
13 Mr. Williams -- or what is documented by Lieutenant
14 Shumpert said that -- and I'll read it to you. It said the
15 white truck pulled out the yard fast. I said dang, that
16 truck was moving fast. I saw a black guy driving the truck
17 with a white T-shirt. I went to my friend's house and
18 asked can I use her phone.

19 It's got nothing to do with the fire, which is what
20 he's implying that he called -- later on. Go down seven
21 or eight lines, if he bothered to look, is when he's
22 talking about having seen -- seen the fire. I went to the
23 backyard, saw the trailer on fire. I went next door and
24 tell the lady to call 9-1-1.

25 **THE WITNESS:** Yes, sir.

1 **MR. SORENSON:** That is exactly what he testified to,
2 which is not what he implied to that jury. And I'm not
3 asking, but, I mean --

4 **THE WITNESS:** Yes, sir. That's true.

5 **THE COURT:** Yes, sir. Mr. Curry?

6 **MR. CURRY:** Your Honor, I think the solicitor is
7 trying to do in the back door what he can't do in the
8 front. If he want to ask him -- ask him on redirect,
9 that's fine. They're the judges of the facts. Now this
10 statement is jumbled at best and we're trying to make heads
11 or tails about it. I asked him about it. Now whether or
12 not he wants to explain or whether or not he wants to come
13 back and redirect, that's within his purview. If he wants
14 to publish the statement, I only ask that it be marked and
15 entered as an exhibit, Your Honor.

16 **THE COURT:** Do you have an objection to it just coming
17 in as an exhibit? Once it comes in as an exhibit, then you
18 can publish it to the jury.

19 **MR. CURRY:** Right.

20 **MR. SORENSON:** Well, I think I'd like to just be able
21 to ask him -- I mean, just to correct that part. I mean,
22 I guess my problem is just the fact that he's -- you know,
23 we've got a witness that unfortunately is not -- doesn't
24 have the ability to sit and read it, so he's over there
25 and he's kind of just pointing at him and he's reading a

1 portion of it and it's -- I mean, Mr. Curry can read that
2 and tell that what he was representing to this jury is not
3 accurate.

4 **THE COURT:** I think that's fixes the problem though,
5 Solicitor, if it's marked as an exhibit and introduced as
6 an exhibit. That way there's no --

7 **MR. SORENSON:** I have no -- I have no objection to
8 that.

9 **THE COURT:** -- confusion.

10 **MR. CURRY:** Thank you, Your Honor.

11 **THE COURT:** All right. Mark as your next exhibit and
12 then you may publish it.

13 **MR. CURRY:** And, Judge, I will say this. I would
14 bristle as an officer of the court to have an implication
15 that in some way I'm trying to mislead a witness who's
16 given an statement. Now I will say this for my own
17 character, that's not what I do, and I want that on the
18 record. Now if he wants to say that hey, we're in trial,
19 I'm doing defense, he's doing prosecution, but to impugn
20 my character --

21 **THE COURT:** All right. Gentlemen -- gentleman, let's
22 behave, okay?

23 **MR. CURRY:** All right. Thank you.

24 **THE COURT:** He's not impugning your character. He's
25 basically questioning the tactic in which you questioned

1 the witness that may have been confusing to the witness.

2 I don't think that would be impugning your character.

3 **MR. CURRY:** Thank you, Your Honor. I just wanted to
4 make that clear.

5 **THE COURT:** All right. Just for timing purposes,
6 Solicitor, once we do this how long is the next witness?

7 **MR. SORENSON:** She's not real long. LaTosha Truewell.
8 My next witness is not too long. I can't imagine being any
9 longer than --

10 **THE COURT:** Does he need the restroom?

11 **MR. CULLER:** Yes.

12 **THE COURT:** Okay. If you gentlemen need the restroom,
13 why don't we go ahead and take a quick break?

14 **MR. CULLER:** Yes, Your Honor.

15 (Recess taken.)

16 **BAILIFF:** Remain seated. Come to order.

17 **THE COURT:** Thank you, everyone. You may have a seat.
18 Is everybody ready for the jury?

19 **MR. SORENSON:** Yes, Your Honor.

20 **MR. CULLER:** Yes, Your Honor.

21 **THE COURT:** Mr. Curry?

22 **MR. CURRY:** Yes, Your Honor.

23 **THE COURT:** All right. Let's have our jury, please.

24 (Whereupon, the jury returns to the courtroom at
25 12:49 PM.)

1 (State's Exhibit Number 49 was marked for
2 identification.)

3 **THE COURT:** That's State's Exhibit 49?

4 **MR. SORENSON:** State's 49.

5 **MR. CULLER:** 49? Without objection.

6 **MR. CURRY:** Without objection, Your Honor.

7 **THE COURT:** Thank you.

8 **THE COURT:** Welcome back, ladies and gentlemen of
9 the jury. We'll now proceed with -- continue with the
10 testimony of Mr. Williams. You may proceed, Solicitor.

11 **MR. SORENSON:** Thank you, Your Honor. May it please
12 the Court?

13 **THE COURT:** Yes, sir.

14 BY MR. SORENSON:

15 Q. Mr. Williams, State's Exhibit Number 49, you've been
16 shown a copy of that. Your signature is at the bottom of
17 these three pages; is that correct?

18 A. Yes, sir.

19 Q. All right. And that is notes that were taken by
20 Lieutenant Shumpert when you met with him --

21 A. Yes, sir.

22 Q. -- back in September of 2013; is that correct?

23 A. Yes, sir.

24 **MR. SORENSON:** And, Your Honor, at this time I think
25 we're offering without objection State's Number 49 into

1 evidence.

2 **THE COURT:** That's correct.

3 **MR. CURRY:** Without objection.

4 **MR. CULLER:** Correct.

5 **THE COURT:** Thank you. It's in.

6 (State's Exhibit Number 49, David Williams' statement,
7 was admitted into evidence.)

8 BY MR. SORENSON:

9 Q. Okay. And, David, you remember Mr. Curry asking you
10 and kind of right before we broke I was asking you if you
11 remembered him coming around and kind of reading off a line
12 to you?

13 A. Yes, sir.

14 Q. And basically had read the part where you indicated
15 I went to my friend's house and asked can I use her phone.
16 Do you remember him asking you about that part?

17 A. Yes, sir.

18 Q. Okay. And, in fact, that part deals back with -- and
19 I'm just gonna publish it here, all right?

20 A. Yes, sir.

21 **MR. WALTERS:** Objection, Your Honor. I believe he
22 has to ask the witness a question with regards to his
23 statement and the witness is required to respond as to
24 what he stated in his statement.

25 **THE COURT:** Once the exhibit is introduced as an

1 exhibit and is properly admitted, he can publish. You may
2 publish the entire document.

3 **MR. SORENSON:** Thank you.

4 BY MR. SORENSON:

5 Q. Okay. And so this is what -- it says I, David
6 Williams, am asking Lieutenant Shumpert to write this
7 statement in my behalf.

8 A. Yes, sir.

9 Q. All right. Around 11 or 12 PM I saw two people
10 standing in the yard. I then went and got a hustle, came
11 back at 3:00. The rent man came to the house around 4 PM.
12 I then heard a gunshot. The white truck pulled out the
13 yard fast. I said dang, that truck was moving fast. I
14 saw a black guy driving the truck with a white T-shirt. I
15 went to my friend and asked can I use her phone. I saw a
16 Crown Vic pull in the yard, he pulled back out the yard. I
17 then walked down the street. A lady passing asked -- she
18 asked was the trailer house fire, I said didn't know, I
19 said let me check, thought they was burning trash. I went
20 to the back -- or I to the back and saw the trailer on
21 fire, went next door and tell the lady to call 9-1-1.

22 A. Yes, sir.

23 Q. That's what you told this jury you did; is that
24 correct?

25 A. Yes, sir.

1 Q. All right. And then there's a bunch of questions and
2 answers. Question: Who you saw drive the truck to the
3 trailer? The rent man, gray hair with a beard. Question:
4 Who did you see leaving in the truck? Answer: A black
5 dude. He was driving fast. Question: Is this the same
6 guy you saw earlier standing in the yard? Answer: Yes.
7 What was he wearing? White T-shirt, jeans or something.
8 Question: What kind of car pulled up to the house? Crown
9 Vic, maroon with rims, dark. Question: Who was driving
10 the car? Answer: Smoke. Question: Is that the car -- is
11 that the car always at the house? Answer: Yes. Question:
12 Have you seen Smoke drive this car before? Answer: Yes, a
13 bunch of time. Question: So this is the same car you saw
14 go in the yard and come out of the yard before the fire?
15 Answer: Yes. Question: How many gunshots did you hear?
16 Answer: One. Question: Who was outside when the truck
17 pulled out of real fast? Answer: Kwon. Question: What
18 was the guy wearing when he was leaving in the rent man
19 truck? Answer: White T-shirt. Question: Did you see the
20 rent man in the truck when it went by? Answer: No.
21 A. Yes, sir.
22 Q. And that was the statement you signed?
23 A. Yes, sir.
24 **MR. SORENSON:** Thank you, David.
25 **THE WITNESS:** All right.

1 **THE COURT:** You may step down, sir. Thank you.

2 (Witness excused.)

3 **THE COURT:** We'll go ahead and break for lunch.

4 Ladies and gentlemen of the jury, it's about 1:00.

5 It's a good time to take our lunch recess. If you would
6 please be back in your jury room about 2:10. Hopefully
7 that will give you enough time to go grab something to eat
8 and get back into your jury room and then we'll resume with
9 the trial of the case. Again, please remember to not
10 discuss this case with anyone, anything about the case,
11 even amongst yourselves. Thank you.

12 Everybody needs to remain seated until the jury is out
13 of the courtroom.

14 (Whereupon, the jury was excused for lunch at
15 12:54 PM.)

16 **THE COURT:** All right. Now you may go.

17 And, Mr. Culler, I think you can check with security
18 to see if they have the irons when we come back after
19 lunch.

20 **MR. CULLER:** Thank you, Your Honor.

21 **MR. SORENSON:** What time did you say?

22 **THE COURT:** I said 2:10.

23 **MR. CURRY:** 2:10?

24 **THE COURT:** Yes, sir.

25 (Whereupon, a luncheon recess was taken.)

1 (State's Exhibit Number 50 was marked for
2 identification.)

3 **BAILIFF:** All rise, please.

4 **THE COURT:** Thank you, everyone. Please have a seat.
5 Are we ready for our jury?

6 **MR. SORENSON:** Yes, ma'am.

7 **MR. CULLER:** Yes, Your Honor.

8 **MR. CURRY:** Yes, Your Honor.

9 **THE COURT:** All right. Let's have our jury, please.

10 **BAILIFF:** Yes, Your Honor.

11 (Whereupon, the jury returns to the courtroom at
12 2:25 PM.)

13 **THE COURT:** Welcome back, ladies and gentlemen of the
14 jury. We're now ready to proceed with the trial of the
15 case. You may call your next witness.

16 **MR. SORENSON:** Thank you. The State calls Dr. Janice
17 Ross.

18 JANICE EDWARDS ROSS,
19 having been duly sworn, testified as follows:

20 **THE CLERK:** Thank you. You may have a seat. Please
21 state your name again for the record.

22 **THE WITNESS:** Janice Edwards Ross.

23 **THE CLERK:** Thank you.

24 **THE COURT:** Your witness.

25 **MR. SORENSON:** Thank you, Your Honor.

1 DIRECT EXAMINATION

2 BY MR. SORENSON:

3 Q. Good afternoon, Dr. Ross.

4 A. Good afternoon.

5 Q. Will you tell the jury where it is that you're
6 employed?

7 A. With Newberry Pathology Associates in Newberry, South
8 Carolina.

9 Q. Okay. And what do you do there?

10 A. I'm a forensic pathologist. We do autopsies for
11 coroners in the state of South Carolina.

12 Q. Okay. And is that your business that you own?

13 A. Yes.

14 Q. Okay. And how long -- well, I guess, first of all,
15 if you would give the jury a little bit about your
16 educational background, if you would, Dr. Ross.

17 A. Yes. I am a doctor. I went -- I got a bachelor's
18 degree from the University of South Carolina and my M.D.,
19 doctor of medicine, is from Upstate Medical Center in
20 Syracuse, New York, where I did further training in
21 pathology. Pathology is a discipline in medicine such as
22 surgery or pediatrics, but pathology we learn -- in
23 pathology we learn how to diagnose diseases from looking at
24 tissue and we learn how to do an autopsy to find a cause of
25 death. We also learn how to use laboratory medicine to

1 diagnose anemias and leukemias and those sorts of diseases.
2 A forensic pathologist further is trained to do a forensic
3 autopsy to find patterns of injury and document those for
4 the court of law where -- in a forensic autopsy and then
5 we look for injuries and we look for natural disease. We
6 look for -- and we do -- collect specimens for toxicology
7 and for documentation such as bullets and knife -- knife
8 blades.

9 Q. Okay. And -- and, Dr. Ross, how long have you been
10 employed with Newberry Pathology Associates?

11 A. Since May of 2000.

12 Q. Okay. And you've been doing -- in the last fifteen
13 years or so then continuously doing autopsies for various
14 coroners around the state?

15 A. Yes.

16 Q. And how many autopsies do you think you've performed
17 in your career?

18 A. Probably about eight thousand.

19 Q. And have you had an opportunity then on multiple
20 occasions to come back into court and testify about your
21 findings in some of those autopsies?

22 A. Yes.

23 Q. Okay. And about how many times do you think you've
24 been qualified as an expert in the courts, not only in
25 South Carolina, but around the county?

1 A. Just under two hundred.

2 MR. SORENSON: Your Honor, at this time we'd offer
3 Dr. Ross as an expert in the field of forensic pathology.

4 MR. CULLER: I'm well-familiar with Dr. Ross. I have
5 no problem with that.

6 THE COURT: Mr. Curry?

7 MR. CURRY: She's perfectly qualified. Without
8 objection.

9 THE COURT: Ladies and gentlemen, Dr. Ross will now
10 be qualified as an expert. Normally a person cannot give
11 opinion testimony. Normally when a person testifies, they
12 must testify as to what they either saw, heard or sensed
13 by smell or something of that nature; however, there is an
14 exception when someone is qualified because of education
15 or experience they're permitted to give their opinion in
16 certain areas if the Court qualifies them in that way.
17 Dr. Ross is qualified in the area of forensic pathology to
18 give an opinion or testimony in that area. That does not
19 mean that you must accept the opinion, but it is evidence
20 for you to use in any way that you see fit and give it the
21 weight and credibility that you believe is appropriate.

22 You may proceed.

23 MR. SORENSON: Thank you.

24 BY MR. SORENSON:

25 Q. And you kind of touched on this a little bit,

1 Dr. Ross, but what is it -- when you're performing an
2 autopsy, what is it that you're typically attempting to
3 ascertain or determine?

4 A. We want to determine the cause of death, what actually
5 caused the death, and the manner of death. Manner of death
6 includes natural death, homicide, suicide, accident, and
7 sometimes undetermined. The manner of death is how that
8 cause of death came about being.

9 Q. And specifically I want to turn you back to September
10 of 2013. Were you tasked to perform an autopsy on
11 sixty-one-year-old Richard Carter?

12 A. Yes.

13 Q. Okay. And, if you would, tell the jury when -- when
14 you performed that autopsy.

15 A. September 24, 2013.

16 Q. And had you gotten some -- a brief history kind of
17 from law enforcement prior to that?

18 A. Yes. At first it was just a John Doe, didn't know who
19 it was; a person -- a body found in a burned vehicle.

20 Q. Okay. And have you since -- since learned through
21 some DNA testing that they've been able to identify it as
22 Richard Carter in this case?

23 A. Yes.

24 Q. And, if you would, describe for the -- for the jury
25 the condition of Mr. Carter's body when it was presented to

1 you in Newberry.

2 A. Yes. The body was transported to us to the hospital
3 morgue in Newberry County Memorial Hospital in a body bag,
4 which we photographed, and then as we open up the body bag
5 we look for any remnants of clothing or external jewelry
6 or any belongings. We do photographs, front and back. In
7 this case, the body was pretty well charred. In fact,
8 some of the -- the arms, hands and legs were separately
9 submitted in pieces with that being charred. We then do
10 x-rays of the body to see if we can find any abnormal
11 bullets or other metal objects, for instance.

12 Q. Okay. And so you indicated Mr. Carter's body was
13 charred. Was it -- are burns kind of listed in degrees of
14 seriousness?

15 A. Yes.

16 Q. And what -- what -- how would have you characterized
17 the burn injuries to Richard Carter?

18 A. This was the highest possible, fourth degree. You
19 start with first degree, which is blistering, like a
20 sunburn you would see, and then different -- as it gets
21 deeper through the skin, you go to second degree and third
22 degree. Fourth degree is actually an injury enough of the
23 skin and soft tissue that you can actually see bone beyond.

24 Q. Okay. Then you indicated, Dr. Ross, that you
25 ultimately x-rayed Mr. Carter's body?

1 A. Yes.

2 Q. Okay. And were you able to locate anything as a
3 result of those x-rays?

4 A. Yes. There was a bullet on the right side of the head
5 just outside the skull.

6 Q. Okay. And did you collect that item?

7 A. Yes.

8 Q. I'm showing you State's Exhibit Number 50 and see if
9 you recognize that item.

10 A. Yes, this is the lead metal from -- it would be
11 Richard Carter from the autopsy.

12 Q. Okay. And that was submitted to law enforcement?

13 A. Yes.

14 Q. Okay.

15 **MR. SORENSON:** Your Honor, at this time I'd offer
16 State's 50 into evidence.

17 **THE COURT:** Any objection?

18 **MR. CULLER:** None.

19 **MR. CURRY:** No objection.

20 **THE COURT:** Okay. It's in.

21 **MR. SORENSON:** Thank you.

22 (State's Exhibit Number 50, a bullet fragment, was
23 admitted into evidence.)

24 BY MR. SORENSON:

25 Q. All right. And you indicated, Dr. Ross, that that was

1 found just outside the skull on the right side of the head?

2 A. Correct.

3 Q. Okay. And was there any damage to -- I mean,
4 consistent with an exit wound, I guess, where that was
5 located?

6 A. Yes. The head was involved with a lot of charring
7 and fracturing of the bone from a bullet wound. A bullet
8 will explode when it goes through the head and cause a lot
9 of fracturing. Plus the thermal injuring causes more
10 fracture. But we could see an entrance wound in the left
11 side of the head and an exit wound on the right side of
12 the head. You can tell the difference by what we call
13 beveling. The skull is thick and when a bullet goes
14 through it, the hole on the outside is round and as it goes
15 through it bevels so that the hole on the inside of the
16 bone is larger. It's what we call beveling. So we could
17 tell entrance wound on the left side of the head and exit
18 wound on the right side.

19 Q. Okay. And you indicated -- where was that entrance
20 wound located at?

21 A. It was kind of difficult to tell because of the
22 fracturing, but it was behind the left ear.

23 Q. Behind the left ear?

24 A. Uh-huh.

25 Q. All right. And any other -- any other sources of

1 injury that you were able to determine on Mr. Carter?

2 A. Not that we could determine, no.

3 Q. Okay. And was -- the condition of his body, did that
4 make attempting to determine some of that potentially
5 difficult?

6 A. Absolutely. We wouldn't be able to see, for instance,
7 bruises, cuts on the skin, injuries to the hands, for
8 instance.

9 Q. Okay. And you had indicated that some of his
10 extremities were actually -- had come in not -- not with
11 his body or together with his body; is that correct?

12 A. Well, in the body bag, but separate from the body.
13 Just that it was thermal injury again.

14 Q. Okay. And explain what does thermal injury mean? What
15 is --

16 A. There's so much intense heat that the -- there's
17 fracturing of the bone and when -- when you try to pick up
18 a person to put them in a body bag, it will fall apart.

19 Q. Okay. And, if you would, given kind of the location
20 or the -- thereabouts the location that you were able to
21 see to the entrance wound and given where the exit wound
22 and State's Exhibit Number 50 was located, explain to the
23 jury that bullet track. What would have happened to
24 Mr. Carter upon receiving that gunshot wound?

25 A. As it goes through the -- through the head, it

1 obviously lacerates the brain and the concussive effect
2 will cause immediate unconsciousness and then death within
3 a few minutes.

4 Q. And, Dr. Ross, the thermal injury that you saw and all
5 the, you know, fourth degree thermal injury, the charring
6 that you initially described, were you able to determine if
7 all of that occurred pre- or postmortem?

8 A. It appeared to be postmortem. If someone is in a
9 fire, we look for -- we look at the airway to see if
10 there's evidence that that person was still breathing. In
11 other words, did he breathe in smoke. We did not see any
12 soot in the airway and sometimes if you're in a closed
13 space like a car with flames, you don't always get soot in
14 your way airway, but you get at least heat injury from
15 breathing in hot flames, so neither one was there. No soot
16 or no evidence of heat injury.

17 Q. All right. And ultimately then, Dr. Ross, do you have
18 an opinion within a reasonable degree of medical certainty
19 as to the cause and manner of death for Richard Carter?

20 A. Yes.

21 Q. Okay. And, if you would, tell the jury what that is.

22 A. Laceration of the brain due to the gunshot wound of
23 the head.

24 **MR. SORENSON:** Thank you, Dr. Ross. Please answer any
25 questions the defense may have.

1 **MR. CULLER:** We have none for Dr. Ross, Your Honor.

2 **THE COURT:** Mr. Curry?

3 **MR. CURRY:** Yes, Your Honor. Excuse me. I was just
4 writing.

5 CROSS-EXAMINATION

6 BY MR. CURRY:

7 Q. Dr. Ross, good afternoon. I'm Eduardo Curry. How are
8 you?

9 A. Fine. How are you?

10 Q. Good. You're a forensic pathologist; is that correct?

11 A. Yes.

12 Q. Right. I want to ask you a question. You don't have
13 an opinion to a reasonable degree of forensic pathology
14 about who caused the death of Michael Carter, do you?

15 A. No, I do not.

16 Q. And you're not here to testify whether or not you have
17 any personal or firsthand knowledge as to whether or not
18 Leroy Glover killed Michael Carter, do you?

19 A. No, I do not.

20 Q. So what was the cause of Michael Carter's death?

21 A. The laceration of the brain because of the bullet
22 going through it, the gunshot wound to the head.

23 Q. And what was the manner?

24 A. Homicide.

25 Q. Okay. And you're not here to testify to a reasonable

1 degree of forensic pathology as to who committed that
2 homicide; is that correct?

3 A. That is correct.

4 Q. From a medical opinion, would you agree with me that
5 a gunshot wound to the head would create loss of blood?

6 A. Yes. Some, yes.

7 Q. All right. Have you in your investigation found
8 anyplace where that loss of blood would have occurred in
9 your professional investigation?

10 A. I'm not sure what you're asking. The laceration of
11 the brain would also lacerate blood vessels and blood would
12 escape that way.

13 Q. Sure. Has anyone presented to you any place where
14 there would be a loss of blood that's connected to Michael
15 Carter's death?

16 A. No, sir.

17 **MR. CURRY:** Your Honor, may I approach the witness?

18 **THE COURT:** You may.

19 BY MR. CURRY:

20 Q. I hand you what you have identified -- has been marked
21 and previously identified as State's Exhibit 50 and you
22 recognized that as you extracted that from either the
23 cerebral cortex or the skull of Michael Carter; is that
24 correct?

25 A. That's correct. It was right outside the skull.

1 Q. Okay. In your professional opinion, have you been
2 able to identify the type of projectile that that would be?

3 A. No, sir. It's a -- it's pretty well disfigured and
4 when I saw it it was covered a lot with soot, so I'll leave
5 that to the ballistics experts.

6 Q. All right. And so you wouldn't know if it was a .25,
7 a .38, .380, .45, any of that based on what you've seen
8 from your investigation; would that be correct?

9 A. That's correct.

10 Q. And what about the type of handgun? You wouldn't be
11 able to tell what that would be based on what you see in
12 State's Exhibit 50?

13 A. No, sir.

14 **MR. CURRY:** Thank you very much.

15 **THE COURT:** Any redirect?

16 **MR. SORENSON:** No, Your Honor.

17 **THE COURT:** You may step down, Doctor. Thank you.
18 (Witness excused.)

19 **THE COURT:** You may call your next witness.

20 **MR. SORENSON:** The State calls LaTosha Truewell.
21 May Dr. Ross be excused?

22 **MR. CULLER:** Without objection, Your Honor.

23 **MR. CURRY:** Without objection, Judge.

24 **THE COURT:** She's excused.

25 **MR. SORENSON:** Thank you, Dr. Ross.

1 **THE CLERK:** Please place your left hand on the Bible
2 and raise your right hand.

3 LATOSHA TRUEWELL,
4 having been duly sworn, testified as follows:

5 **THE CLERK:** Thank you. You may have a seat. And
6 please state your name again for the record.

7 **THE WITNESS:** LaTosha Truewell.

8 **THE CLERK:** Thank you.

9 **THE COURT:** Your witness.

10 **MR. SORENSON:** Thank you, Your Honor.

11 DIRECT EXAMINATION

12 BY MR. SORENSON:

13 Q. Good afternoon, LaTosha.

14 A. Hi.

15 Q. How are you today?

16 A. I'm good.

17 Q. Make sure you keep your voice up nice and loud for me,
18 all right?

19 A. Okay.

20 Q. Are you from Orangeburg?

21 A. Yes, sir.

22 Q. Okay. Let me ask you, do you know the Defendant,
23 Leroy Glover?

24 A. Yes, sir.

25 Q. And for how long have you known Mr. Glover?

1 A. About -- at the time probably about a year.

2 Q. Okay. So about -- at the time, so back in September
3 of 2013?

4 A. Yes, sir.

5 Q. Okay. So about three years now?

6 A. Uh-huh. Yeah.

7 Q. And tell the jury how you knew Mr. -- Mr. Leroy Glover
8 back in September of 2013?

9 A. We had a fling.

10 Q. Okay. And where had y'all met?

11 A. At work. Husqvarna.

12 Q. Husqvarna. Okay. And how long had you worked with
13 him?

14 A. I started in November of 2012 and I think we met in
15 like December of 2012.

16 Q. Okay. So for that eight or nine months you testified,
17 were you -- were you dating exclusively?

18 A. No.

19 Q. Okay. And let me ask you this, LaTosha. Back during
20 at that time period, did you have a cell phone?

21 A. Yes, sir.

22 Q. Okay. Do you remember what your cell phone number was
23 back then?

24 A. 496 -- I don't remember. I know it was 496. I've
25 always had 496.

1 Q. 4325, does that sound right?

2 A. Yes, sir.

3 Q. Okay. And that's an 803 number?

4 A. Uh-huh.

5 Q. Okay. And now back in September of 2013, did you know
6 where Leroy Glover was living back then?

7 A. Country Colony.

8 Q. Okay. And was that a house or a trailer?

9 A. Trailer.

10 Q. Okay. And did you know who he was living with?

11 A. At the time when I first met him, he was staying with
12 -- I'm not sure of his real name, but I know him as Dre and
13 that -- around that time his roommate was Wesley.

14 Q. Okay. All right. And do you know about how long
15 Wesley had been living with him in September of 2013?

16 A. Probably a couple of months.

17 Q. Okay. And describe Wesley and Leroy's relationship.

18 A. As far as I know, they were kind of close as brothers.

19 Q. Okay. And speaking of brothers, did you know his
20 brother Jason?

21 A. No, sir.

22 Q. Had you ever met Jason before?

23 A. No, sir.

24 Q. All right. And back during that time period, what
25 kind of car did Leroy have?

1 A. A like chameleon-painted Crown Vic with some
2 twenty-six-inch rims.

3 Q. Okay. And by chameleon-painted, describe what you
4 mean by that.

5 A. Like purple-ish, then it kind of changed colors;
6 blue-ish, green-ish, whatever.

7 Q. Okay. So if you looked at it from a different angle,
8 it might look a different color?

9 A. Yes, sir.

10 Q. All right. And I want to turn you back -- back to
11 that Sunday, September 22nd of 2013. Do you remember --
12 did you see Leroy that day?

13 A. That Sunday night?

14 Q. Uh-huh.

15 A. I spent the night with him.

16 Q. Spent the night. All right. And what were y'all
17 doing that Sunday?

18 A. Just talking.

19 Q. Okay. And where were y'all at?

20 A. His house.

21 Q. Okay. And who else was there?

22 A. Wesley.

23 Q. Okay. And did you have an occasion at any point in
24 time that Sunday to see any firearms inside the trailer on
25 Country Colony Drive?

1 A. Yeah, he had one.

2 Q. Okay. And describe for the jury what kind of gun it
3 was. And when you say he had one, who was he?

4 A. Leroy.

5 Q. Leroy?

6 A. (Nods head.)

7 Q. And tell the jury what kind of gun that was that you
8 saw that Sunday.

9 A. Like a black, brown-ish revolver.

10 Q. Okay. And did -- what were y'all doing with it?

11 A. He was just -- he brought it in the house. Got it out
12 the car and brought it in the house.

13 Q. Okay. Did he -- did he do anything with it inside the
14 house or out in the yard?

15 A. He fired it off in the yard, out the back door.

16 Q. Okay. And what, if anything, did he do after firing
17 it in the backyard?

18 A. The empty cartridges -- I mean, casings or whatever,
19 flushed them down the toilet.

20 Q. Okay. Did he make any comments about those -- those
21 empty cartridge casings?

22 A. He don't remember if he had on gloves when he put them
23 in, so he was gonna get rid of them, I guess.

24 Q. All right. And did he say anything about how long he
25 had had that gun?

1 A. No, sir.

2 Q. All right. And was he showing you and Wes or just you
3 or just Wes or just kind of --

4 A. Just kind of like got out the car and come through the
5 house with it.

6 Q. And you said that you ended up spending the night that
7 night, that Sunday night?

8 A. Yes, sir.

9 Q. Okay. And what did you do the next day then when
10 y'all -- when y'all got up?

11 A. I went home.

12 Q. Okay. And do you know at about what time it was when
13 you went home?

14 A. About ten, 10:30.

15 Q. Okay. And how did you get there?

16 A. He took me home.

17 Q. Okay. In his -- in the Crown Vic?

18 A. Yes, sir.

19 Q. And did you end up seeing him later on that day?

20 A. Uh-huh. He came back by my house to show me his
21 certification from OC Tech.

22 Q. Okay. And was he driving the Crown Vic when he came
23 back by?

24 A. No, sir.

25 Q. What was he driving?

1 A. A black Maxima.

2 Q. Okay. And do you remember -- or did he say whose car
3 that Maxima was?

4 A. I was always under the impression according to him it
5 was his sister's car.

6 Q. All right. Do you know about what time that was
7 or --

8 A. It was probably about twelve. It was around
9 lunchtime. About twelve, 12:30.

10 Q. And did you ultimately at some point in time learn
11 about his trailer burning down?

12 A. Yeah. That Wednesday he came to my house and asked me
13 to come go with him to the -- I guess it's the victim's
14 advocate over by Popeye's to give a statement saying that
15 he was with me that morning, yeah.

16 Q. Okay. All right. That he was with you that morning,
17 that Monday morning?

18 A. Uh-huh. Yes, sir.

19 Q. Okay. All right. And you ended up getting in touch
20 with law enforcement and giving them a statement?

21 A. Yeah, he took me and we rode down there together.

22 Q. Okay. And you told them about what you've testified
23 to this jury today; is that correct?

24 A. Pretty much. Yes, sir.

25 Q. Okay.

1 **MR. SORENSON:** Thank you, Ms. Truewell. That would be
2 all I have.

3 **THE COURT:** Cross-examination?

4 **MR. WALTERS:** We have no questions, Your Honor.

5 **THE COURT:** Mr. Curry?

6 CROSS-EXAMINATION

7 BY MR. CURRY:

8 Q. Ms. Truewell, I'm Eduardo Curry. I represent
9 Mr. Glover.

10 A. Hi.

11 Q. Do you know what type gun it was?

12 A. All I know is a revolver, sir.

13 Q. Okay. Did you help clean the house to see if there
14 were any shell casings from that revolver?

15 A. No, sir.

16 Q. Okay. You don't know anything about what happened on
17 Monday, the 23rd, other than Leroy taking you home?

18 A. That's it.

19 Q. And what time did he take you home?

20 A. About ten, 10:30 that morning.

21 Q. That morning?

22 A. Yes, sir.

23 Q. So he was with you that morning?

24 A. That morning, yes, sir.

25 Q. Okay. Nothing out of the ordinary?

1 A. No. We said good-bye and that was it.

2 Q. Do you know anything about Michael Carter, the rent
3 man?

4 A. Nothing but other than what I know from around town.
5 Like, you know, he was a landlord for people.

6 Q. Right. But you'd never met him at that place, had
7 you?

8 A. No, sir.

9 Q. And you never knew whether or not Leroy was at that
10 place that afternoon, do you?

11 A. No, sir.

12 Q. All right. And he did show you his certification that
13 he had gotten from OC Tech, right?

14 A. Yes, sir.

15 Q. And were you proud of him?

16 A. Yeah. Of course.

17 Q. Okay. What kind of work did he do?

18 A. At Husqvarna or what was he going to school for?

19 Q. Well, both. What did he do at Husqvarna?

20 A. At Husqvarna he was a team leader in the fender area
21 and he was going to school for welding.

22 Q. All right. And he got that certification; is that
23 correct?

24 A. Yes, sir. Yes, sir.

25 Q. And you don't know anything or don't have any

1 firsthand knowledge about anything else in this case?

2 A. No, sir.

3 MR. CURRY: Thank you.

4 THE WITNESS: You're welcome.

5 MR. SORENSON: That will be all I have.

6 THE COURT: You may step down, ma'am. Thank you.

7 THE WITNESS: You're welcome.

8 MR. SORENSON: May Ms. Truewell be excused?

9 MR. CULLER: Without objection, Your Honor.

10 THE COURT: Any objection, Mr. Curry?

11 MR. CURRY: No objection, Your Honor.

12 THE COURT: You're excused, ma'am. You may call your
13 next witness.

14 MR. SORENSON: The State calls Keisha Mack.

15 THE CLERK: Please come around. Place your left hand
16 on the Bible and raise your right hand.

17 KEISHA MACK,

18 having been duly sworn, testified as follows:

19 THE CLERK: Thank you. You may have a seat. And
20 please state your name again for the record.

21 THE WITNESS: Keisha Mack.

22 THE CLERK: Thank you.

23 THE COURT: Your witness.

24 MR. SORENSON: I beg the Court's indulgence one
25 second, Your Honor.

1 **THE COURT:** Yes, sir.

2 **MR. SORENSON:** Thank you, Your Honor. I'm sorry.

3 DIRECT EXAMINATION

4 BY MR. SORENSON:

5 Q. Good afternoon, Ms. Mack. How are you today?

6 A. Good. And you?

7 Q. I'm doing well. Tell the jury, if you would,
8 Ms. Mack, how do you know the Defendant, Leroy Glover?

9 A. We were dating.

10 Q. Okay. And when were you dating?

11 A. When we started?

12 Q. Uh-huh. Yes, ma'am. When did you first meet
13 Mr. Leroy Glover?

14 A. January 2013.

15 Q. January of 2013. And make sure you keep your voice
16 up nice and loud, okay? Let's kind of scoot your chair
17 up a little bit, if you wouldn't mind. So you met him in
18 January of 2013 you said?

19 A. Yes.

20 Q. Okay. And where did you meet him?

21 A. At Husqvarna.

22 Q. Okay. Were you working with him there?

23 A. Yes.

24 Q. Okay. And so from January of 2013 through at the
25 very least September of 2013, were the two of y'all dating

1 during that time period?

2 A. Yes.

3 Q. Okay. Where were you living back then?

4 A. Holly Hill.

5 Q. Okay. And were you -- and you were working at
6 Husqvarna during that time period?

7 A. Yes.

8 Q. Let me ask you, do you remember did you have a cell
9 phone back in September of 2013?

10 A. Yes.

11 Q. Okay. And do you remember that number?

12 A. Yes.

13 Q. Okay. And what is that number?

14 A. [REDACTED].

15 Q. Okay. And whose name was that cell phone in that you
16 were using in September of 2013?

17 A. Leroy's.

18 Q. Okay. All right. Now I want to turn your attention,
19 if I could, Keisha, to September 23rd, that Monday. Did
20 you work that day?

21 A. Yes.

22 Q. Okay. And tell the jury what hours did you work that
23 day.

24 A. From 6 AM to 2:30 PM.

25 Q. Okay. And did you see -- did you see Leroy Glover at

1 any point in time during that day when you were at work?

2 A. Yes.

3 Q. Okay. And tell -- explain to the jury how that came
4 about.

5 A. Around 9 AM he came and picked up my car to go wash
6 it.

7 Q. Okay. And what kind of car did you have?

8 A. A black Nissan Altima.

9 Q. Okay. So he came to pick it up to go wash it?

10 A. Yes.

11 Q. And what -- how did he get to your work?

12 A. In his car.

13 Q. And what kind of car did he have?

14 A. A Crown Victoria.

15 Q. Okay. Do you remember what color that was?

16 A. Purple.

17 Q. Okay. So he ended up getting your car to go wash it?

18 A. Yes.

19 Q. And what did he do with his car?

20 A. Leave it for me to drive.

21 Q. Okay. And what time did you end up getting off of
22 work that day?

23 A. 2:30.

24 Q. Okay. And had you kind of texted with him a little
25 bit during the day to find out about whether he had washed

1 your car and things of that nature?

2 A. Yes.

3 Q. Okay. So when you got off of work at 2:30, what did
4 you do?

5 A. I went to the bank, then I went to Leroy's house to
6 get my car.

7 Q. Okay. So you were still in his Crown Vic when you
8 went to the bank?

9 A. Yes.

10 Q. And where was he living back then?

11 A. Orangeburg.

12 Q. Okay. And do you remember the road he lived on or --

13 A. Country Colony.

14 Q. Okay. And I'm showing you State's Exhibit Number 2.
15 Is that the trailer that he lived at?

16 A. Yes.

17 Q. That was it?

18 A. (Nods head.)

19 Q. And so if you got off of work at 2:30 and went by the
20 bank, did you go right over to his house after that?

21 A. Yes.

22 Q. Okay. And tell the jury who was there when you got
23 there.

24 A. Jason and Leroy.

25 Q. Okay. And who is Jason?

- 1 A. His brother.
- 2 Q. Okay. His brother that's sitting right there?
- 3 A. Yes.
- 4 Q. Okay. And did you know Jason?
- 5 A. Yes.
- 6 Q. Okay. And did you know him well?
- 7 A. No.
- 8 Q. No? How often -- how many times do you think you had
- 9 met Jason in those nine months or so that you had been
- 10 dating Leroy during that time?
- 11 A. Probably about three times.
- 12 Q. Okay. And how about during that time did you know who
- 13 else was living at that trailer with Leroy?
- 14 A. Wesley.
- 15 Q. Okay. And was Wesley there when you got there that
- 16 afternoon?
- 17 A. He was leaving out the driveway.
- 18 Q. Did you know where he was going?
- 19 A. No.
- 20 Q. All right. And did you end up staying for a while at
- 21 the trailer?
- 22 A. Yes.
- 23 Q. Okay. And about what time do you think you left that
- 24 afternoon?
- 25 A. Around four.

1 Q. Okay. And where did you go when you left?

2 A. Home.

3 Q. All right. And home at that time was in Holly Hill?

4 A. Yes.

5 Q. All right. And about how far is it from Leroy's
6 trailer in Orangeburg to where you were living in Holly
7 Hill?

8 A. About twenty minutes.

9 Q. Okay. Now so you ended up leaving by yourself?

10 A. In my car by myself, yes.

11 Q. Okay. And so you were driving your car at that point
12 in time?

13 A. Yes.

14 Q. Okay. Now let me ask you this. At some point in time
15 when you were heading -- leaving Leroy's house and leaving
16 home, did you see Leroy again before you got home?

17 A. Yes.

18 Q. Okay. And tell the -- explain to the jury about that.

19 A. I seen him on 301.

20 Q. Okay. Is Highway 301 the road you would take
21 basically going from his house if you were gonna head
22 ultimately to Holly Hill?

23 A. Yes.

24 Q. Okay. And explain to the jury what you meant by you
25 saw him on 301.

1 A. I saw him in my rearview mirror.

2 Q. Okay. So he was -- and he was driving also?

3 A. Yes.

4 Q. In his car?

5 A. Yes.

6 Q. Okay. And about where was that, do you know, on
7 Highway 301?

8 A. Before you get to Love's gas station.

9 Q. Okay. The Love's gas station is right at the
10 Interstate?

11 A. Yes.

12 Q. Right at I-26?

13 A. Yes.

14 Q. Okay. And did you know where he was going?

15 A. No.

16 Q. Did you know what he was doing?

17 A. No.

18 Q. Did he say anything to you about -- before you left
19 about going anywhere?

20 A. No.

21 Q. Okay. All right. Did he keep following you on to
22 Holly Hill?

23 A. No.

24 Q. Okay. Did you see him anymore that kind of late
25 afternoon?

1 A. Later in the afternoon, yes.

2 Q. Well, I mean, did you see him anymore before you got
3 home, I guess, is what I'm saying?

4 A. No.

5 Q. All right. Now did you ultimately -- you let him know
6 when you got home?

7 A. Yes.

8 Q. Okay. And have you looked at your kind of phone
9 records and seen the text at 4:26 saying that I'm home?

10 A. Yes.

11 Q. Okay. And is that consistent with when you got home
12 that afternoon?

13 A. Yes.

14 Q. Let me ask you that. Did you talk to him or text him
15 anymore after you got home?

16 A. Yes.

17 Q. Okay. And tell the jury how that -- kind of how long
18 and how that went about.

19 A. About forty minutes or so.

20 Q. Okay. And that was texting or talking on the phone?

21 A. Texting.

22 Q. Okay. And you were where at when you were texting?

23 A. Home.

24 Q. Okay. And do you have any -- do you know where he
25 was?

1 A. Not exactly.

2 Q. Okay. I don't think -- in looking at it, he doesn't
3 ever say in the text, I mean, a specific place, does he,
4 that you recall?

5 A. No.

6 Q. Okay. All right. Now ultimately was there a time
7 when you texted him when he didn't text you right back?

8 A. Yes.

9 Q. Okay. And explain kind of how that went.

10 A. It was a little after five I texted him, but he didn't
11 text back until like an hour or so later.

12 Q. All right. Now -- so that would have been a little
13 after 6:00 or so?

14 A. Yes.

15 Q. Now did there come a time then later on after that
16 that you actually heard from him and talked to Mr. -- to
17 Leroy Glover?

18 A. Yes.

19 Q. Okay. And do you know about what time that was?

20 A. Around seven.

21 Q. Okay. And tell the jury where were you at when that
22 happened.

23 A. Home.

24 Q. Okay. And tell the jury did he call you or text you?

25 A. Called me.

1 Q. Okay. And tell the jury what -- what did he say when
2 he called you then a little after 7:00 that evening?

3 A. He called and told me his house was on fire.

4 Q. Okay. Did he say where he was?

5 A. He said he was in Santee.

6 Q. Okay. And did he ask you to do anything at that time,
7 Keisha?

8 A. Yes.

9 Q. And what was it that Leroy asked you to do at a little
10 after 7:00 that evening after telling you his trailer was
11 on fire?

12 A. To come pick him up.

13 Q. Okay. And did he -- he said he was in Santee?

14 A. Yes.

15 Q. Did he tell you where to pick him up at that time?

16 A. No, not until I got further down the road.

17 Q. So you got in your car at that point in time?

18 A. Yes.

19 Q. And drove, I guess -- how far is it from Holly Hill to
20 Santee?

21 A. About ten minutes.

22 Q. Okay. And so you ended up talking to him on the phone
23 again, I guess, before you actually met him?

24 A. Yes.

25 Q. All right. And did you ask him about -- because, I

1 guess, he wanted you to -- what did he want you to come do?

2 Come pick him up and do what?

3 A. Take him to his house.

4 Q. Okay. All the way back in Orangeburg?

5 A. Yes.

6 Q. Okay. Did you ask him why he -- I mean, did he have
7 his car with him?

8 A. Yeah, I asked him why.

9 Q. Okay. And what did he say about his car?

10 A. His rims were knocking.

11 Q. Okay. His rims were knocking?

12 A. Yes.

13 Q. Okay. And let me ask you this. You had testified a
14 little bit earlier that you had -- you had driven that car
15 that afternoon; is that correct?

16 A. Yes.

17 Q. Any problems with the car when you were driving it?

18 A. No.

19 Q. All right. So did you -- did you ultimately end up
20 picking him up that evening in Santee?

21 A. Yes.

22 Q. And where was that that you picked him up?

23 A. Food Lion.

24 Q. And his car was there?

25 A. Yes.

1 Q. Okay. Did y'all leave his car there?

2 A. Yes.

3 Q. And tell the jury where did y'all go then.

4 A. To his house in Orangeburg.

5 Q. Okay. And what was going on when you got to -- got to
6 the trailer in Orangeburg?

7 A. The firefighters were fighting the fire.

8 Q. Okay. Did -- did you see Wesley there?

9 A. Yes.

10 Q. Okay. How about Jason Glover, his brother? Did you
11 see Jason there?

12 A. No.

13 Q. Did Leroy ever say anything to you at that point in
14 time when you're -- when you're driving with him back about
15 his brother Jason, where he was or what he was doing?

16 A. No.

17 Q. At any point in time when you were out there -- how
18 long did y'all stay over there at the trailer on Country
19 Colony when you got back over there?

20 A. About thirty minutes.

21 Q. At any point in time did you see Leroy attempt to call
22 his landlord when you were there?

23 A. Yes.

24 Q. Okay. And why was that that he tried to call his
25 landlord?

1 A. The police officers asked him to call him.

2 Q. Okay. And did he end up spending the night with you
3 that night then, that Monday night?

4 A. Yes.

5 Q. And how about his car?

6 A. It was at my house.

7 Q. So y'all went from Orangeburg back to Santee to get
8 his car and then back to Holly Hill?

9 A. Yes.

10 Q. Okay. Now the next day, that next morning, did you
11 get up and go to work?

12 A. Yes.

13 Q. All right. And at some point in time after work did
14 you go -- end up going somewhere with Leroy?

15 A. Yes.

16 Q. And tell the jury where you went with Leroy that --
17 that afternoon.

18 A. To the police station.

19 Q. And that's over on Chestnut kind of by the Popeye's;
20 is that right?

21 A. Yes.

22 Q. And did you end up talking to the sheriff's office
23 that day and giving them a -- giving them a statement?

24 A. Yes.

25 Q. Okay. So that's the following day, so September 24th;

1 is that correct?

2 A. Yes.

3 Q. And who was with you when you went to the sheriff's
4 office that afternoon?

5 A. Leroy.

6 Q. All right. Let me ask you, when you -- when you
7 give them that statement that day, that Tuesday then,
8 September 24th, did you at any point in time tell them
9 anything about Jason Glover having been at the trailer
10 earlier that afternoon?

11 A. No.

12 Q. Did they ask you that question even that day?

13 A. No.

14 Q. All right. Let me ask you this. When you first --
15 when you first got to the sheriff's office, did they put
16 you in a room with Mr. Glover initially?

17 A. Yes.

18 Q. Okay. And tell the jury what, if anything, he was
19 doing while the two of y'all were sitting in the same room
20 at the table?

21 A. Texting me.

22 Q. Okay. So as close as the two of us are now?

23 A. Yes.

24 Q. Okay. And what was he texting you asking you to do?

25 A. Don't say anything because the camera was on.

1 Q. Okay. Do you remember him asking you to tell them
2 that he had been with you the day before?

3 A. Yes.

4 Q. And to your credit you give them a statement and you
5 don't say -- tell them that he had been with you that whole
6 day before; is that correct?

7 A. Yes.

8 Q. Do you recall the following day getting contacted by
9 the sheriff's office again?

10 A. Yes.

11 Q. Okay. And what was it that they wanted to know when
12 they kind of followed up with you the following day?

13 A. They wanted to know if Jason was at the house.

14 Q. Okay. And did you end up then, I guess, the following
15 day, September 26th, giving a second statement to the
16 sheriff's office?

17 A. Yes.

18 Q. Okay. And did you tell them about what you told this
19 jury about Jason being there basically when you left that
20 afternoon at 4:00 or so?

21 A. Yes.

22 Q. And State's Exhibit Number 18 -- and I'm not sure if I
23 showed you this before, but that's your number at the top
24 right there, right?

25 A. Yes.

1 Q. Okay. And I think we've gone over some of these text
2 messages in the past; is that correct?

3 A. Yes.

4 MR. SORENSON: I beg the Court's indulgence one
5 second, Your Honor.

6 BY MR. SORENSON:

7 Q. Let me ask you, the number [REDACTED], do you recognize
8 that number?

9 A. Yes.

10 Q. Okay. Is that your boyfriend now?

11 A. Yes.

12 Q. Okay. Is that somebody that you were kind of seeing
13 back then also?

14 A. Yes.

15 Q. Okay. And are there some texts from you to him that
16 night?

17 A. Yes.

18 Q. Just so we're clear, the person that we've been
19 talking about, Leroy Glover, that's the Defendant over
20 there; is that correct?

21 A. Yes.

22 Q. Did you talk to Jason at all after this? Did you
23 talk to him at all in the days after -- after that trailer
24 burned down?

25 A. When he was locked up?

1 Q. Well, not -- I mean, in the days right after he was --
2 I mean, like that Tuesday, did you talk to him at all?

3 A. No.

4 Q. And that Wednesday, the 25th, did you talk to him at
5 all?

6 A. No.

7 Q. The 26th at all?

8 A. No.

9 **MR. SORENSON:** That would be all I have, Your Honor.

10 **THE COURT:** Cross-examination?

11 **MR. WALTERS:** May it please the Court?

12 **THE COURT:** Yes, sir.

13 CROSS-EXAMINATION

14 BY MR. WALTERS:

15 Q. Ms. Mack, you're aware of the statement that you
16 provided to the police that was dated September 24th? Do
17 you want to see the statement again?

18 A. No.

19 Q. Do you remember it?

20 A. I remember it.

21 Q. Okay. In that statement, you never mention my
22 client's name, Jason Glover; is that correct?

23 A. Yes.

24 Q. In other words, you didn't see Jason Glover, you
25 weren't aware of where Jason Glover was, he wasn't present

1 during any of these events?

2 A. I seen him, but I didn't put it in the statement
3 because I thought it wasn't about, you know, nothing like
4 that. I thought it was just about the house fire.

5 Q. Yeah. But then you went back and police met with you;
6 is that correct?

7 A. Yes.

8 Q. All right. And that was -- they didn't date this
9 document again, but you gave another statement?

10 A. Yes.

11 Q. All right. I want you to take a look at that.

12 **MR. SORENSON:** What are you showing her?

13 **MR. WALTERS:** The second statement.

14 **MR. SORENSON:** What was the date at the top?

15 **MR. WALTERS:** 9-26-13.

16 BY MR. WALTERS:

17 Q. Would you take a look at that document, ma'am. You've
18 got your first statement there and you've also got your
19 second statement; is that correct?

20 A. Yes.

21 Q. All right. And each time when those statements were
22 taken, did you meet with Officer Shumpert?

23 A. Yes.

24 Q. Lieutenant Shumpert?

25 A. Yes.

1 Q. All right. I believe he's the gentleman back there
2 with the peach colored tie on sitting on the corner of the
3 pew -- the last pew against the wall; is that correct?

4 A. Yes.

5 Q. All right. Now in your first statement, there's no
6 mention of Jason Glover; is that correct?

7 A. Yes.

8 Q. All right. In the second statement, would you tell me
9 how many times you mention the name of Jason Glover?

10 A. About two times.

11 Q. All right. Why did you change your statement after
12 you met with Lieutenant Shumpert?

13 A. Because I didn't go into detail in the first
14 statement.

15 Q. All right. And you also received a text when you were
16 inside that room? Remember it was being filmed.

17 A. Yes.

18 Q. And you were told to keep your mouth shut; is that
19 correct?

20 A. Yes.

21 Q. You were given a number of other instructions by Leroy
22 Glover; is that correct?

23 A. Yes.

24 Q. All right. And as far as the details of your
25 statement that were not correct, I want to go through one

1 thing you just stated.

2 **MR. SORENSON:** Your Honor, I want to object to the
3 categorization of not correct because, I mean, I don't
4 think that's accurate the way he's characterizing as not
5 correct.

6 **MR. WALTERS:** I'll rephrase it, Your Honor.

7 **THE COURT:** Please rephrase.

8 BY MR. WALTERS:

9 Q. All right. The vehicle that you were driving --

10 **MR. CULLER:** I beg your pardon, Your Honor.

11 **THE COURT:** Yes, sir.

12 (Discussion between counsel.)

13 BY MR. WALTERS:

14 Q. As far as your statement is concerned with regards to
15 the vehicle, I believe Leroy told you that his vehicle was
16 knocking; is that correct?

17 A. Yes.

18 Q. All right. And describe the rims that he had on his
19 car.

20 A. I think they were 26's.

21 Q. All right. 26's. That means that the car was way up
22 off the ground; is that correct?

23 A. Yes.

24 Q. All right. And I believe that you said it was purple
25 or either blue and it changes colors; is that right?

1 A. Yes.

2 Q. All right. And this vehicle he claimed that he
3 couldn't drive it; is that right?

4 A. Yes.

5 Q. All right. But you drove it after you got off from
6 work, didn't you?

7 A. Yes.

8 Q. All right. Was there anything wrong with the vehicle?

9 A. No.

10 Q. All right. And the vehicle, when you drove it back to
11 -- when you picked him up, there was nothing wrong with the
12 vehicle; is that correct?

13 A. I don't know. I didn't get in it.

14 Q. Did you have any problems with the vehicle while
15 driving it?

16 A. No.

17 Q. Do you have any idea why Leroy wanted you to drive
18 that vehicle and he was going to drive your vehicle?

19 A. That morning?

20 Q. Yes.

21 A. He was gonna wash my car.

22 Q. Okay. And when he got the car back and he drove the
23 vehicle, the purple in color car, was there a knocking of
24 any of the rims?

25 A. No.

1 Q. All right. You also testified that in this particular
2 case that he informed you that his house had burned down;
3 is that correct?

4 A. Yes.

5 Q. Was he upset?

6 A. Yes.

7 Q. All right. Can you tell me this. If a house is
8 located in Orangeburg, why did he drive to Santee when he
9 found out that his house had burned down?

10 A. I don't know.

11 **MR. CURRY:** Objection.

12 **THE COURT:** Sustained.

13 BY MR. WALTERS:

14 Q. But you were required to meet him in Santee; is that
15 right?

16 A. Yes.

17 Q. What did you discuss with him -- his house is burning
18 in Orangeburg, you meet in Santee. The house is burning
19 down, what did you discuss with him when you met him at the
20 Food Lion?

21 A. I didn't discuss anything.

22 Q. Okay. So y'all didn't have a discussion about my
23 house is burning down, I think I've got a problem, I'm
24 gonna lose everything? You didn't have a discussion?

25 A. Yes, he did say that.

1 Q. What else did he say?

2 A. That's it.

3 Q. Other than that, you were pretty comfortable with
4 everything -- he was comfortable?

5 A. Yes.

6 Q. So he didn't seem like he was really upset about the
7 house burning down?

8 **MR. CURRY:** Objection. Asked and answered.

9 BY MR. WALTERS:

10 Q. What was your impression?

11 A. My impression?

12 Q. Your impression.

13 A. I didn't think anything of it. I told him he'll be
14 all right.

15 Q. Okay. So you were pretty calm about it, too, that his
16 house had burned down?

17 A. Yes.

18 Q. Okay. Now you also testified in the last nine months
19 you'd only seen my client, Jason Glover, three times; is
20 that correct?

21 A. Yes.

22 Q. Do you remember the three occasions when you saw him?

23 A. One time at Leroy's house and two times at his
24 mother's house.

25 Q. Okay. So as far as your testimony is concerned,

1 you've only seen Jason Glover one time at the home that
2 belonged to Mr. Carter that was burned down?

3 A. Yes.

4 Q. All right. And the other two times he was at his
5 mother's house?

6 A. Yes.

7 Q. And where's his mother's house located?

8 A. In Santee.

9 Q. Okay. So in Santee again; is that right?

10 A. Yes.

11 Q. All right. Now the phone that you had in this
12 particular case, why was it in the name of Leroy?

13 A. He put it in his name.

14 Q. Okay. And who was paying the bill every month?

15 A. We both were.

16 Q. Okay. Do you have any strange reason why -- can you
17 tell me why you were putting the phone in another man's
18 name that belongs to you?

19 A. No.

20 Q. Ma'am? Could you explain that to me? You're dating
21 a man and you agree to allow him to put your phone in his
22 name. Can you explain that?

23 A. We just agreed to it.

24 Q. Okay. All right. And when he texted you and told
25 you, you know, be quiet don't say these things, did you

1 agree at that time that you would also remain quiet and you
2 would hold things back?

3 A. Well, I didn't hold anything back.

4 Q. You've got two different statements. You just
5 admitted that you held things back and you wrote a second
6 statement; is that correct?

7 A. Yes.

8 Q. Why did you do that?

9 A. Because I didn't think Jason was relevant to the house
10 fire.

11 Q. That's exactly right. You didn't think Jason was
12 relevant to the house fire at all, did you?

13 A. No.

14 **MR. WALTERS:** I have no further questions, Your Honor.

15 **THE COURT:** Mr. Curry?

16 **MR. CURRY:** Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. CURRY:

19 Q. Ms. Mack, I'm Eduardo Curry. I represent Leroy
20 Glover. Good afternoon. How are you?

21 A. Good. And you?

22 Q. Okay. I know it's a stressful time and I've got
23 some questions to ask you to see if we can get some
24 understanding about your testimony. Is that okay?

25 A. Okay.

1 Q. Okay. Now you testified that after you got out -- you
2 actually went over to a place where Mr. Glover was living
3 over there at the trailer; is that correct?

4 A. Yes.

5 Q. Okay. And what time do you think that was?

6 A. Probably about -- since I got off at 2:30, so it had
7 to have been a little after 2:30.

8 Q. Okay. 2:45 would be close? Somewhere thereabouts?

9 A. Yes.

10 Q. Okay. When you got there at three -- and you said you
11 stayed there about an hour and a half in one of your
12 statements?

13 A. Yes.

14 Q. Did you ever see Michael Carter or the rent man come?

15 A. No.

16 Q. Okay. Did you ever hear any shots?

17 A. No.

18 Q. Okay. You said you stayed there until about 4:30; is
19 that correct?

20 A. It may have been around -- I left around 4:00.

21 Q. Around 4:00?

22 A. Yes.

23 Q. And up to 4:00 you never heard any shots or anything
24 coming on, correct?

25 A. No.

1 Q. Now who left with you?

2 A. Just me.

3 Q. Okay. In your car?

4 A. Yes.

5 Q. All right. But you gave some testimony that you had
6 also saw Leroy leave with you; is that correct?

7 A. I saw his car on 301.

8 Q. All right. And you saw Leroy in that car, correct?

9 A. Yes.

10 Q. What time was that?

11 A. It had to have been a little after four.

12 Q. Okay. Did you see Leroy with a weapon that day?

13 A. No.

14 Q. Now you said at 7:00 PM Leroy called you and said his
15 house was on fire; is that right?

16 A. Yes.

17 Q. And that was the first time you had learned that the
18 house was on fire?

19 A. Yes.

20 Q. And you went to go pick him up?

21 A. Yes.

22 Q. All right. I want to ask you, are you like car savvy;
23 like you know how to work on cars and know what's wrong
24 with cars?

25 A. No.

- 1 Q. Do you do any of the maintenance work on cars?
- 2 A. No.
- 3 Q. Do you do them on your Altima?
- 4 A. No.
- 5 Q. Okay. Do you do them on the Crown Vic?
- 6 A. No.
- 7 Q. You have a father and his name is James Mack, right?
- 8 A. Yes.
- 9 Q. Has James Mack ever rendered aid to Mr. Leroy with
- 10 regard to that Crown Vic?
- 11 A. Did he?
- 12 Q. In terms of helping him, giving him boosts and stuff
- 13 like that?
- 14 A. Yes.
- 15 Q. Okay. So you're not mechanically inclined to -- to
- 16 work on cars and rims and all that stuff, right?
- 17 A. No.
- 18 Q. You just drive them?
- 19 A. Yes.
- 20 Q. Okay. That's reasonable. Now you didn't get your car
- 21 back from Leroy until when?
- 22 A. Around three.
- 23 Q. Okay. When you went to --
- 24 A. Yes.
- 25 Q. -- actually pick it up, correct?

1 A. Yes.

2 Q. Okay. And up to that time you were driving the --

3 A. His car.

4 Q. Okay. You were driving the Crown Vic, is that fair to
5 say?

6 A. Yes.

7 Q. All right. I've got to ask you about these
8 statements, and I know they've asked you before, but you
9 gave a statement on 9-26-2013. Do you recall that
10 statement?

11 A. Yes.

12 Q. All right. And in that statement you said that me and
13 him left leaving Jason, his brother, at the house. That's
14 what you said in your statement, correct?

15 A. Yes.

16 Q. And that was the second statement; isn't that so?

17 A. Yes.

18 Q. Does it conform with you trying to be detailed for
19 Lieutenant Shumpert?

20 A. Yes.

21 Q. All right. And so you wanted to be upfront about what
22 happened; is that fair?

23 A. Yes.

24 Q. All right. Now you went further and said that when
25 you were on 301 you saw Leroy in your rearview mirror?

1 A. Yes.

2 Q. All right. So is it your testimony when you left
3 Leroy was behind you and y'all went different directions?

4 A. Well, not exactly. I left before him, but somehow he
5 caught up with me.

6 Q. Okay. But it was at that same time that you were
7 leaving that house on Colony and he caught up with you in
8 what car?

9 A. His Crown Vic.

10 Q. All right. And y'all were going different directions;
11 is that fair to say?

12 A. Yes.

13 Q. What time of day was that when you left?

14 A. Around four.

15 Q. Okay. And so somewhere between four and 4:30 you
16 see Leroy in the Crown Vic off of 301 going different
17 directions; is that fair to say?

18 A. Yes.

19 Q. All right. Was anybody in the car with him?

20 A. No.

21 Q. Are you sure Jason was at that house?

22 A. Yes.

23 Q. Why don't you point him out for me in this courtroom
24 for the jury?

25 A. Right there.

1 **MR. CURRY:** Let the record reflect that she identifies
2 Jason Glover.

3 BY MR. CURRY:

4 Q. Is that the guy in the gray shirt with the plaid?

5 A. Yes.

6 Q. Are you sure that he was there and you left him at the
7 house?

8 A. Yes.

9 Q. Now when you said Mr. Glover called the landlord, what
10 time would that have been based on your recollection?

11 A. It had to have been sometime after seven.

12 Q. That he called the landlord?

13 A. Yes.

14 Q. Now I've got to ask you, you were seeing somebody else
15 kind of undercover, right?

16 A. Yes.

17 Q. Okay. Did you know that Leroy was seeing somebody
18 else kind of undercover, too?

19 A. Yes.

20 Q. Okay. All right. Did you know he was driving your
21 car to see her?

22 A. Not -- not back then, but, you know, after everything
23 happened, yes.

24 Q. Okay. All right. But you're not testifying out of
25 vindictiveness, are you?

1 A. No.

2 Q. You're testifying truthfully and no one has coerced
3 you to make your statement; is that correct?

4 A. That's correct.

5 Q. And you're sure that you saw Leroy Glover leave in his
6 Crown Vic behind you?

7 A. Yes.

8 Q. And you're sure that you did not see the rent man
9 there from 2:45 to 4:30?

10 A. No.

11 Q. You wouldn't lie to this jury, would you?

12 A. No.

13 **MR. CURRY:** Thank you very much.

14 **THE WITNESS:** You're welcome.

15 **THE COURT:** Any redirect?

16 **MR. SORENSON:** Just real briefly, Your Honor.

17 **REDIRECT EXAMINATION**

18 **BY MR. SORENSON:**

19 Q. And, Ms. Mack, and you testified that you told law
20 enforcement this back then, that you saw him on 301 behind
21 you near Love's at the Interstate; is that correct?

22 A. Yes.

23 Q. You don't have any idea where he went after that; is
24 that correct?

25 A. No.

1 Q. You don't know if he went back home --

2 A. No.

3 Q. -- or where he went; is that correct?

4 A. Yes.

5 **MR. SORENSON:** Thank you.

6 **THE COURT:** You may step down, ma'am.

7 **MR. WALTERS:** Your Honor, is there grounds for
8 redirect on that?

9 **THE COURT:** There was nothing new brought out on that.
10 No. You may step down, ma'am.

11 (Witness excused.)

12 **THE COURT:** You may call your next witness.

13 **MR. SORENSON:** May we take -- can I approach?

14 **THE COURT:** Sure.

15 (Proceedings held at the bench; not reported.)

16 **THE COURT:** Ladies and gentlemen, we're gonna take a
17 brief five minute break to get reorganized for our next
18 witness. We will be right back with you. Again, please
19 do not discuss the case at all with anyone.

20 (Whereupon, the jury retires to the jury room at
21 3:22 PM.)

22 **THE COURT:** Y'all may step out.

23 **MR. CULLER:** Thank you, Your Honor.

24 (Recess taken.)

25 **BAILIFF:** Come to order, please.

1 **THE COURT:** Thank you, everyone. You may have a seat.
2 Are the parties ready?

3 **MR. SORENSON:** Yes, ma'am.

4 **MR. CULLER:** Yes, Your Honor.

5 **MR. CURRY:** Yes, Your Honor.

6 **THE COURT:** Let's have our jury, please.

7 (Whereupon, the jury returns to the courtroom at
8 3:40 PM.)

9 **THE COURT:** Solicitor, you may call your next witness.

10 **MR. SORENSON:** The State would call James Green.

11 JAMES GREEN,

12 having been duly sworn, testified as follows:

13 **THE CLERK:** Thank you. You may have a seat. Please
14 state your name again for the record.

15 **THE WITNESS:** James Green.

16 **THE COURT:** Your witness.

17 **MR. SORENSON:** Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MR. SORENSON:

20 Q. Agent Green, if you would please tell the jury where
21 it is that you're employed.

22 A. I'm employed by the South Carolina Law Enforcement
23 Division, commonly referred to as SLED.

24 Q. And how long have you been employed at SLED?

25 A. Since 2005.

1 Q. Okay. And do you have prior law enforcement
2 experience before SLED?

3 A. Yes, sir.

4 Q. And where -- tell the jury where that was.

5 A. I worked for the Mount Pleasant Police Department,
6 which is just north of Charleston, for three and a half
7 years before I started with SLED.

8 Q. Okay. And what department are you currently employed
9 in at SLED?

10 A. I'm employed by the firearms department in the
11 forensic services laboratory, and that's where I've been
12 since I started at SLED.

13 Q. Okay. And, if you would, just briefly kind of
14 describe for the jury what the firearms department -- what
15 y'all do in that department.

16 A. As a forensic firearms examiner, my main job is to
17 look at firearms or firearms pieces or ammunition or
18 ammunition components to see if those things recovered from
19 a crime scene or from homes match either other, are they of
20 common origin, was this bullet fired by this gun, was this
21 cartridge case fired by this gun or not.

22 Q. Okay. And how long have you been doing that at SLED?

23 A. Since 2005.

24 Q. Okay. And have you had an opportunity, Agent Green,
25 before to come testify about your findings?

1 A. Yes, sir.

2 Q. How many times have you been qualified as an expert in
3 the field of firearms analysis?

4 A. Forty-one. That's both State courts and Federal.

5 **MR. SORENSON:** Okay. Your Honor, at this time we'd
6 offer Agent Green as an expert in the field of firearms
7 analysis.

8 **MR. CULLER:** We have no objection.

9 **MR. CURRY:** Without objection.

10 **THE COURT:** He's so qualified.

11 BY MR. SORENSON:

12 Q. Agent Green, if you would, kind of briefly give the
13 jury just kind of a little bit of a background as far as
14 what you're able to do with regards to comparing bullets
15 and shell casings and things of that nature to a particular
16 firearm.

17 A. When a firearm is created or when it's manufactured,
18 the tools used to make the firearm leave individual marks
19 on the working surfaces of the firearms. So the breech
20 face, the firing pin, the extractor, the ejector, all of
21 the parts of the firearm that come in contact with the
22 cartridge, and that cartridge is a piece of unfired
23 ammunition, all of those will mark individually and that's
24 based on wear and tear of the manufacturing process, the
25 tools used in that process. Also when someone buys a

1 firearm, with each additional shot or cleaning they also
2 make them more individualized. Sometimes people take a
3 cleaning rod and jam it through the barrel too hard, it
4 hits the breech face and it leaves a ding. That's gonna be
5 there through use and abuse and not through manufacturing.
6 The best example I can give is if we all go to beach and
7 take a rake, the exact same rake, and we all rake a little
8 spot of sand, each one rakes their own spot, it's all gonna
9 look the same until you look at it microscopically and the
10 grains of sand are gonna fall differently with each person
11 based on the pressure and how far and how deep you rake.
12 It's the same way with designing firearms.

13 Q. Okay. And, if you could, tell the jury what's the
14 difference between a revolver and a semiautomatic handgun.

15 A. Both of them are considered handguns. A revolver
16 is a firearm with a cylinder with multiple chambers in
17 it. Remember the old cowboy westerns and you see the guy
18 cocking the hammer and pulling the trigger and the thing
19 rotating, that's a revolver. Cartridges sit inside
20 revolver in the cylinder. When you pull the trigger,
21 the hammer falls and strikes the primer, igniting the
22 cartridge, the bullet goes down the barrel. When you pull
23 the trigger again, it automatically rotates the cylinder
24 aligning the next cartridge to be fired. So everything
25 stays in the revolver until you manually open the cylinder

1 and take the cartridges out. A semiautomatic pistol has
2 one chamber that's part of the barrel and when you pull the
3 trigger, the slide will -- actually after the hammer falls,
4 the cartridge is discharged, the slide will come back
5 extracting and ejecting the cartridge case and loading
6 another one in there if there's one in the magazine. The
7 main difference is in a revolver the cartridge cases stay
8 in the cylinder and when you shoot a pistol if it's
9 operating properly they're extracted and ejected from it.

10 Q. Okay. With a pistol, a semiautomatic pistol, each
11 time I pull the trigger if it's operating properly it's
12 kicking a spent shell casing out somewhere; is that
13 correct?

14 A. Yes, sir.

15 Q. Okay. All right. I want to turn your attention, if
16 I could, Agent Green, to this case here. Did you have
17 several items that were sent out for your review in this
18 case?

19 A. Yes, sir.

20 Q. And, I guess, the best way is to just kind of go
21 through them through your report with you, okay?

22 A. Yes, sir.

23 Q. The first item, let me show you -- I think it's your
24 Item 1, but State's Exhibit Number 50 is the item that was
25 just testified about by Dr. Ross as being removed from the

1 autopsy. Was that sent out to you?

2 A. Yes, sir. State's Exhibit 50 was what I reported in
3 my report as SLED Item 1.

4 Q. Okay. And what, if anything, were you able to
5 determine with regards to that item, State's 50?

6 A. It was heavily damaged. In my description, I
7 literally called it one burned piece of lead. I can't
8 tell you what it is. It could be a part of a bullet, a
9 lead bullet, it could be part of a bullet core, it could
10 have some another source. It was just too damaged to get
11 any information off of it other than how much it weighed
12 and it was a piece of lead.

13 Q. Okay. And as far as weighing it, how much did it
14 weigh?

15 A. Let me consult my notes. It weighed 81 grains.

16 Q. Okay. And tell the jury what -- are you able to tell
17 anything based on the weight of it as to the size of it?
18 Assuming it is a bullet, what it could possibly be based on
19 that weight?

20 A. Well, you figure a .25 auto cartridge the bullet
21 weights are commonly around 50 grains. And a grain is just
22 a unit of measurement like pounds. Firearms manufacturers
23 and ammunitions manufacturers use grains. And when I say
24 grains, I'm not referring to grains of corn or anything.
25 It's just a weight. Hypothetically, if it were a bullet,

1 which I can't say it was or not, 81 grains would put it in
2 the low .380's, maybe a .32 caliber range. A .32 could fit
3 in revolvers or semiautomatic pistols.

4 Q. Okay. But it's clearly not a .25 caliber?

5 A. Correct. It's not a .25, it's not a .22. It's bigger
6 than those.

7 Q. Okay. And turn on -- I don't think we actually put
8 it in evidence, but there was testimony about a .25 caliber
9 cartridge casing being found at the -- inside the trailer.
10 That's, I think, your Item 7.

11 A. Yes, sir.

12 Q. Okay. So this could not have come from that .25
13 caliber casing found inside the burnt trailer; is that
14 correct?

15 A. That's correct.

16 Q. Okay. What could you tell about that .25 caliber
17 cartridge casing though that was submitted?

18 A. My report states that it bore some marks of value.
19 It had some kind of striations on it, but I can't tell
20 you what those are from. They could have been from being
21 loaded into a firearm or extracted from a firearm. I
22 can't tell you what it is, but -- it came with a primer
23 as well. I had a cartridge case and a primer, they were
24 separated, and the primer showed no indication of having
25 been fired.

1 Q. All right. And let me ask you, if you have a --
2 let's say a live bullet, I mean, the bullet is still in
3 the casing and it's subjected to extreme heat like in a
4 fire, what would happen to that bullet?

5 A. The term for that is cartridge cook off and what
6 will happen is when you fire a cartridge in a firearm, a
7 properly sized firearm, the cartridge itself is supported.
8 So when you pull the trigger, the cartridge case will
9 expand slightly, the breech face presses against the head
10 of the cartridge case and the bullet will go out the barrel
11 and the cartridge case will stay there in a revolver and in
12 a pistol it will get extracted and ejected. In cartridge
13 case cook off, there's nothing to support it, the cartridge
14 itself, so the bullet will just come popping out with a
15 little bit of force and the primer, which has nothing to
16 hold onto, will get expelled from the cartridge case and a
17 lot of times the cartridge case will rupture and open up
18 like a flower.

19 Q. Okay. Now let me ask you, just kind of moving on in
20 your report, did you receive a handful of items that were
21 submitted that were recovered by Agent Wallace -- or
22 Lieutenant Wallace from the vehicle, the burned vehicle?

23 A. Yes, sir.

24 Q. Okay. And, I guess, we'll kind of take these kind of
25 together. There are two items that, I think, were

1 submitted as being described as burned pieces of metal
2 from the cargo area; is that correct?

3 A. Yes, sir. SLED items 16 and 17.

4 Q. Bear with me one second. State's 24 and 25, let me
5 show you those two items. Were you able to determine
6 anything with regards to State's 24 and 25 as to what those
7 items might be?

8 A. State's Exhibit 24 and 25 are SLED items 16 and 17.
9 24 is Item 16 and 25 is Item 17. At first glance, they
10 look like ammunition components, but to be the size they
11 are if they were lead or a bullet they would be heavier
12 than they are and they're not consistent with any
13 ammunition components we've seen.

14 Q. Okay. So you ruled them out as having nothing to do
15 with any firearms basically?

16 A. Correct.

17 Q. Okay. And did you receive several .380 -- burned .380
18 caliber cartridge casings?

19 A. Yes, sir.

20 Q. Let me show you State's Exhibit 26 through 29 and ask
21 you if those -- and, I believe, also there's a fifth one;
22 is that correct? Or part of one at least, State's 37?

23 A. State's Exhibits 26, 27, 28, 29, yes, sir, these are
24 the cartridge cases I examined.

25 Q. Okay. And what were you able to tell with regards to

1 those four cartridge casings?

2 A. They were all consistent with being cartridge case
3 cook off, not being fired. I don't know if y'all can see
4 this or not, but it kind of looks like it opened up, like
5 I said, a flower, there's nothing to support it, and they
6 were just subjected to immense heat and ruptured.

7 Q. In other words, that's not consistent with that gun
8 being fired four times inside that vehicle, it's consistent
9 with four live round that have gone off based on the fire?

10 A. Yes, sir.

11 Q. All right. Let me show you State's Exhibit Number 37
12 and ask you about that item.

13 A. State's Exhibit 37 was SLED Item 27. This one was
14 really heavily damaged. I couldn't really give you a
15 caliber of it due to how much damage there is on it, but
16 it was consistent in size with what -- a .380 would be
17 about the same size this one is.

18 Q. Okay. So basically consistent then with you having
19 five spent .380 cartridge casings that have all cooked off
20 inside the vehicle; is that correct?

21 A. Yes, sir.

22 Q. And then -- and let me show you State's Exhibits 32
23 through 36. Did you also receive five items that appeared
24 to be projectiles?

25 A. Yes, sir. State's Exhibits 32, 34, 35, 36 and 33 are

1 the bullets that I examined in this case.

2 Q. Okay. And what were you able to tell about those five
3 bullets?

4 A. State's Exhibits 32 through 36 were all heavily burned
5 and a lot of fire debris were on them and I was able to
6 remove some of them and when I did I did not see any
7 evidence of them having been fired in a firearm. When
8 they're fired through a barrel of rifle, firearm or pistol,
9 in this case like a .380, there will be rifling marks on
10 them as they went down through the barrel. Sometimes
11 they're faint, sometimes they're very well marked, but
12 there are actually none on State's Exhibits 32 through 36.

13 Q. Is that then consistent with those five other
14 cartridge casings basically with those five live rounds
15 cooking off and basically finding those --

16 A. Yes, sir.

17 Q. Would you expect us just to find them loose in the
18 fire debris then?

19 A. Yes, sir.

20 Q. All right. And then you also had submitted State's
21 Exhibits 30 and 31.

22 A. All right. State's Exhibit 30 was the SLED Item 19.
23 It was a magazine body. You can see the spine is bent back
24 and peeled away from the magazine body. There's a spring
25 and some other pieces that have fallen apart due to the

1 heat, but they're consistent with being a magazine from a
2 Ruger.

3 Q. Okay. And how about 31 then?

4 A. And State's Exhibit 31 was SLED Item 20. A Ruger LCP
5 is a steel slide, steel barrel, polymer plastic frame
6 pistol. In this, all I have is bits and pieces of it where
7 the melted -- excuse me -- plastic frame was gone. There's
8 bits and pieces of it hanging in there, but basically it
9 melted away during the fire.

10 Q. Okay. And were you able to determine a serial number
11 off of that, what was submitted to you?

12 A. Yes, sir. The serial number was actually stamped on
13 the frame insert. It's a little metal piece that's stuck
14 into the frame and the serial number was 378-85470.

15 Q. I'm showing you State's Exhibit Number 11. Is that
16 the same serial number that's on that documentation in
17 State's Exhibit 11?

18 A. Yes, sir.

19 Q. And there's a picture up here. Would that have been
20 what that gun would have looked like, you know, in its --

21 A. Yes, sir.

22 Q. -- pristine condition prior to the fire?

23 A. Yes, sir.

24 Q. And this -- when you were talking earlier about the
25 differences between a revolver and a semiautomatic, what

1 is this?

2 A. That's a pistol. A semiautomatic pistol.

3 Q. When this one is fired, it's gonna kick out shell
4 casings?

5 A. Correct.

6 **MR. SORENSON:** I beg the Court's indulgence one
7 second.

8 **THE COURT:** Yes, sir.

9 BY MR. SORENSON:

10 Q. And the condition, I assume, of State's 30 and 31,
11 that would be what you would expect the condition of that
12 weapon to be after being subjected to a fire?

13 A. Yes, sir.

14 **MR. SORENSON:** Thank you, Agent Green. Please answer
15 any questions the defense may have.

16 **THE COURT:** Cross-examination?

17 **MR. CULLER:** Nothing, Your Honor.

18 **THE COURT:** Mr. Curry?

19 **MR. CURRY:** Yes, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. CURRY:

22 Q. Agent Green, good afternoon. I'm Eduardo Curry. How
23 are you?

24 A. I'm doing well. How are you?

25 Q. Good. I'm doing good. I've got some questions I want

1 to ask of you. Did you find any spent shell casings that
2 were in the house at Colony Drive?

3 A. Did I find any?

4 Q. Did anyone give you any spent shell casings?

5 A. Not that I'm aware of, no, sir.

6 Q. No? Okay. What about any spent shell casings from
7 Mr. Carter's vehicle? Did you find any of those?

8 A. I don't know where anything came from.

9 Q. Okay.

10 A. But the only thing I was given was what we talked
11 about. Everything was consistent with being cartridge cook
12 off.

13 Q. Cartridge cook off. Heat comes, makes it like a
14 flower --

15 A. Yes, sir.

16 Q. -- and a small pop, but nothing that would be ejected,
17 correct?

18 A. Correct.

19 Q. All right. The bullet that you -- that you looked at,
20 you've already testified that you couldn't tell whether or
21 not it was a bullet or whether or not it was just a piece
22 of metal or even the source that it came from; is that
23 correct?

24 A. Are we talking about this first -- yes, sir. That's
25 correct.

1 Q. And, of course, you don't have anything that connects
2 it with Leroy Glover, do you?

3 A. No, sir.

4 Q. All right. And all those cook off bullets, none of
5 that connects with Leroy Glover, does it?

6 A. No, sir.

7 Q. And you can't say -- even that piece of metal that you
8 got, you can't say it came from a .380 or a .32? Not a .25
9 and not a .22. That's your testimony, correct?

10 A. Yes, sir.

11 Q. Now you had State's 24 and 25.

12 **MR. CURRY:** Your Honor, may I approach?

13 **THE COURT:** You may.

14 BY MR. CURRY:

15 Q. I'm trying to get it together. Do you have 24 and 25
16 up there?

17 A. No, sir. This is 30 and 31.

18 Q. I'll find it.

19 A. Right there by your left hand.

20 Q. Left hand. 24 and 25, you said that those were cook
21 off bullets?

22 A. No, sir. These are pieces of metal. I don't know
23 what they are, but they're not bullets.

24 Q. They're not -- they're just pieces of metal?

25 A. Yes, sir. They could be aluminum, they could be

1 anything.

2 Q. No connection to Leroy Glover, are they?

3 A. No, sir.

4 Q. All right. And then you had 37. I'm trying to find
5 it. You're probably better at this than I am. Here's 37.
6 Those are cook off bullets?

7 A. Yes, sir. This is consistent with a cook off
8 cartridge case.

9 Q. All right. And is it connected to Leroy Glover?

10 A. No, sir.

11 Q. Okay. And then you had 32 through 36 and those were
12 some bullets that you got as 36, 35, 33, 32. Any of this
13 stuff right here -- and I'll hand it to you so you can
14 look at it. Any of this -- do you know if any of that is
15 connected to Leroy Glover?

16 A. No, sir.

17 Q. No. Okay. And then you had 30 through 31?

18 A. Right, which are these two.

19 Q. Right. And you said that was the magazine body and
20 then there was a slide with a serial number, right?

21 A. Yes, sir.

22 Q. Okay. Was any of that connected to Leroy Glover?

23 A. No, sir.

24 Q. What about the serial number? Was the serial number
25 connected to someone who owned the gun?

1 A. I don't know. We don't -- my department doesn't run
2 serial numbers.

3 Q. Okay. But as far as you know, none of it led to a
4 connection with Leroy Glover; is that correct?

5 A. I have not been told. No, sir.

6 Q. All right. I hand you what is State's Exhibit
7 Number 11 and you identified that as a -- what kind of gun
8 is that?

9 A. It's a Ruger LCP.

10 Q. All right. Okay. And do you know whether or not that
11 gun was fired?

12 A. This gun? Which --

13 Q. Is that the same gun?

14 A. The serial number on this envelope right here,
15 State's Exhibit 11, matches the serial number for State's
16 Exhibit 31.

17 Q. All right. And no one has presented you with any
18 evidence that Mr. Glover touched that gun or Mr. Glover
19 used that gun; is that correct?

20 A. That's correct.

21 Q. All right. I'm talking about Leroy Glover. Nobody
22 presented you any evidence --

23 A. No, sir.

24 Q. -- that Leroy Glover touched it or used it?

25 A. No, sir.

1 **MR. CURRY:** Thank you very much.

2 **THE COURT:** Any redirect?

3 **MR. SORENSON:** No, Your Honor.

4 **THE COURT:** You may step down, sir. Thank you.

5 (Witness excused.)

6 **MR. SORENSON:** May we approach?

7 **THE COURT:** Yes, sir.

8 (Proceedings held at the bench; not reported.)

9 **MR. SORENSON:** May Agent Green be excused?

10 **MR. CULLER:** No objection.

11 **MR. CURRY:** No objection.

12 **THE COURT:** Yes, sir. You may be excused.

13 Ladies and gentlemen of the jury, that will conclude
14 the testimony for today. I'm going to release you and ask
15 that you come back to your jury room at 9:20 in the morning
16 so hopefully once we get everybody here together, we'll
17 start right as soon as everybody gets here at 9:30. If
18 you would, again, please remember my instructions. Do not
19 discuss the case with anyone, including amongst yourselves,
20 or with anybody else and don't do any independent research
21 or look at any news media accounts or anything about the
22 case. Have a good night and we will see you in the
23 morning.

24 (Whereupon, the jury was excused for the evening at
25 4:03 PM.)

1 **THE COURT:** We'll be at ease until 9:20.

2 **MR. CULLER:** Thank you, Your Honor.

3 **MR. CURRY:** Thank you, Your Honor.

4 (Whereupon, the proceedings were concluded for
5 September 16, 2016, at 4:03 PM.)

6 (The following proceedings were held on September 17,
7 2015, beginning at 9:45 AM.)

8 (State's Exhibit Number 7A and 7B were marked for
9 identification.)

10 **BAILIFF:** All rise, please.

11 **THE COURT:** Thank you, everyone. You may have a seat.
12 Are the parties ready to proceed?

13 **MR. SORENSON:** Yes, Your Honor. Do we need to put on
14 what we talked about that we did off the record?

15 **THE COURT:** We might as well since the jury isn't out.

16 **MR. SORENSON:** Just real very briefly, Your Honor. I
17 had marked in the pretrial, the Denno hearing that we did
18 the other day, a couple of DVDs. The first one that got
19 marked is State's Exhibit Number 3, which is the DVD of
20 Leroy Glover's September 24, 2013, statement. I've had
21 Mr. Bell in my office kind of go back and kind of tinker
22 with it to make sure we have the appropriate part because
23 there was a portion in the original that had to be redacted
24 out of that because of some of the questioning that would
25 have been inadmissible, so we have a new State's Exhibit

1 Number 3. I don't think there's any objection or anything.

2 **MR. CURRY:** No objection.

3 **MR. CULLER:** None, Your Honor.

4 **THE COURT:** That one is in.

5 (State's Exhibit Number 3 was substituted.)

6 **MR. SORENSON:** All right. And then the other one was
7 marked as State's Exhibit 7 for ID, and that is Jason
8 Glover's video statement from December 2nd of 2013. I've
9 switched that out and we now have a 7A and a 7B. 7A is
10 the original that we got from the sheriff's office. It,
11 however, contains -- on 7A actually has the whole statement
12 of Leroy Glover and the whole statement of Jason Glover,
13 basically just one after another, they're not on separate
14 files, so it has the unredacted portion of Leroy Glover's.

15 7B contains -- has pulled off just Jason Glover's
16 statement. The problem in doing that is we were having
17 issues with the audio and video lining up, they're off by
18 a couple of seconds, so what I propose that we talked
19 about back in chambers is when I actually publish State's
20 Exhibit Number 7 to the jury I'm using the original one,
21 and I've got Mr. Bell that knows what he's supposed to be
22 playing, so we're just playing Jason's. And then we can
23 address, you know, with the jury if they want to at some
24 point in time rehear this either sending the redacted one
25 that's got the audio and video off a little bit back into

1 the jury room or we can bring them out and play -- play the
2 proper one.

3 **MR. CULLER:** And, Your Honor, we talked about this
4 in chambers. I think the preference probably as the Court
5 said is just to do it out here so we don't get some
6 confusion about is there something wrong with the disk
7 or what's going on.

8 **THE COURT:** Sure, and it doesn't it match up with what
9 they saw. I prefer to just bring them out.

10 **MR. SORENSON:** And I've got no objection. And the
11 same thing, I guess, with Leroy's then, if they were to ask
12 to play that, just we can bring them back out and play
13 that, I guess, also.

14 **MR. CULLER:** I don't have any objection to that, Your
15 Honor.

16 **THE COURT:** Mr. Curry?

17 **MR. CURRY:** Judge, I join with Attorney Culler in
18 terms of his position, but I don't have any objection with
19 bringing the jury out.

20 **THE COURT:** All right. Thank you, gentlemen. Are we
21 ready for the jury?

22 **MR. SORENSON:** Yes, ma'am.

23 **MR. CULLER:** Yes, Your Honor.

24 **MR. CURRY:** Yes, Your Honor.

25 **THE COURT:** All right. Let's bring in our jury,

1 please.

2 **BAILIFF:** Yes, Your Honor.

3 (Whereupon, the jury returns to the courtroom at
4 9:49 AM.)

5 **THE COURT:** Good morning, ladies and gentlemen of the
6 jury. Welcome back. I hope you had a nice evening. We
7 are now ready to proceed with the trial of the case. You
8 may call your next witness, Solicitor.

9 **MR. SORENSON:** Thank you. May it please the Court?

10 **THE COURT:** Yes, sir.

11 **MR. SORENSON:** The State calls Lieutenant James
12 Shumpert.

13 JAMES SHUMPERT,

14 having been duly sworn, testified as follows:

15 **THE CLERK:** Thank you. Please have a seat. Please
16 state your name again for the record.

17 **THE WITNESS:** My name is James Shumpert.

18 **THE COURT:** Your witness.

19 **MR. SORENSON:** Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY MR. SORENSON:

22 Q. Lieutenant Shumpert, if you would, please tell the
23 jury where it is that you're employed.

24 A. I work for the Orangeburg County Sheriff's Office.

25 Q. And how long have you worked for the sheriff's office?

1 A. Sixteen years.

2 Q. All right. And, if you would, tell the jury what's
3 your current job there.

4 A. My current duties? I'm supervisor of our criminal
5 investigations division.

6 Q. And back in September of 2013, were you employed as a
7 lieutenant supervisor at that time?

8 A. Yes, sir.

9 Q. And how long have you been a lieutenant in criminal
10 investigations?

11 A. I believe approximately four years.

12 Q. Now, Lieutenant Shumpert, tell the jury did you become
13 ultimately involved in the investigation involving Michael
14 Carter's murder back in September of 2013?

15 A. I did.

16 Q. Okay. And, if you would, tell the jury kind of how
17 you became involved.

18 A. We received -- the investigator received an incident
19 report of a burnt vehicle located off of Antioch Road in
20 Santee with a body in the vehicle and at that time we were
21 trying to investigate and figure out who was the body and
22 why was the vehicle burnt.

23 Q. Okay. And at some point in time kind of shortly
24 after that, was a missing person's report filed by Michael
25 Carter's wife, Wendy?

1 A. Yes. Ms. Carter came in later that evening or later
2 on that night or in the early morning of the 24th stating
3 that her husband was missing at the time.

4 Q. Okay. And did you become aware that he had a vehicle
5 that was similar to that vehicle that was found burned in
6 Santee?

7 A. Yes, sir.

8 Q. At some point in time that evening into the following
9 day, September 24th, did you also learn of the trailer fire
10 at [REDACTED] Drive here in Orangeburg?

11 A. Yes, sir.

12 Q. Did you learn at some point in time about the fact
13 that that property was actually also owned by Mr. Carter?

14 A. Yes, sir.

15 Q. Okay. Now I'll turn you now, if I could,
16 Lieutenant, to kind of that following day, that Tuesday,
17 September 24th, of 2013. Did you have an opportunity that
18 day to meet with the Defendant, Leroy Glover?

19 A. I did. Yes, sir.

20 Q. And where was that that that occurred?

21 A. That was at our office at 1032 Chestnut located behind
22 the Popeye's at the criminal investigations division.

23 Q. And, let me ask you, why was it that you wanted to
24 meet with Mr. Glover, Leroy Glover, that Tuesday afternoon?

25 A. We wanted to discuss why his vehicle -- not vehicle,

1 excuse me, why his trailer residence was on fire that also
2 belonged to the victim that we found the prior night in the
3 vehicle in Santee.

4 Q. All right. And were you aware of -- did Mr. Leroy
5 Glover have any contact to the Santee area near where that
6 SUV was found?

7 A. Yes. His mother lives off of Highway 6, called
8 Midtown, right around the corner from the incident location
9 where we found the vehicle at.

10 **MR. SORENSON:** I beg the Court's indulgence.

11 BY MR. SORENSON:

12 Q. Now so you met with Mr. Leroy Glover that Tuesday
13 afternoon, the 24th?

14 A. Yes, I did.

15 Q. Okay. And did he come into the criminal investigative
16 division? Did he come by himself?

17 A. No, he came with his girlfriend, Keisha Mack.

18 Q. Okay. And was he under arrest at that point in time?

19 A. No, he was not.

20 Q. Okay. And about what time did the two of them get
21 over to your office?

22 A. Approximately around 3:30-ish.

23 Q. Okay. And initially kind of when they got there, were
24 they questioned right away?

25 A. No, they were seated in a room. Him and her.

1 Q. So the two of them together?

2 A. Correct. Yes, sir.

3 Q. Let me ask you, that room that they were sitting in,
4 has that got video capabilities?

5 A. It does. Yes, sir.

6 Q. All right. And did you ultimately have an opportunity
7 then that afternoon of September 24th to question both
8 Leroy Glover and Keisha Mack?

9 A. I did.

10 Q. And was that questioning of the two of them, was that
11 done with the two of them together in the same room?

12 A. No, sir, it was not.

13 Q. All right. Now specifically as to the questioning of
14 Leroy Glover that afternoon, was that ultimately video'd?

15 A. It was. Yes, sir.

16 Q. Okay. And are you aware at what time it is that that
17 video starts?

18 A. I believe the video started around 3:36 PM.

19 Q. So they would have been there for a short period of
20 time prior to the video actually coming on?

21 A. Correct. Yes, sir.

22 **MR. SORENSON:** Your Honor, at this time we'd offer
23 State's Exhibit Number 3 into evidence, which is the video
24 of that September 24th statement.

25 **THE COURT:** I understand that's without objection?

1 **MR. CULLER:** It certainly is without objection.

2 **MR. CURRY:** Without objection.

3 **THE COURT:** Okay. It's in.

4 (State's Exhibit Number 3, a 9/24/13 video statement
5 of L. Glover, was admitted into evidence.)

6 **MR. SORENSON:** Permission at this point in time to
7 publish it?

8 **THE COURT:** Yes, sir.

9 BY MR. SORENSON:

10 Q. And, Lieutenant Shumpert, just so the jury knows, this
11 is about fifty-seven, fifty-eight minutes long; is that
12 correct?

13 A. Correct. Yes, sir.

14 **MR. SORENSON:** May Mr. Bell approach and kind of get
15 things situated?

16 **THE COURT:** Yes.

17 **MR. SORENSON:** I don't have any objection for them
18 sitting behind me so they can see also.

19 **THE COURT:** You mean the attorneys?

20 **MR. SORENSON:** The defense lawyers, yes, ma'am.

21 **MR. CULLER:** I've seen it about three times.

22 BY MR. SORENSON:

23 Q. And, Lieutenant, if you could, just kind of step down
24 for a second before we get it playing and kind of point
25 out, if you would, who those three people are that are on

1 the video there.

2 (Whereupon, the witness steps down from the witness
3 stand.)

4 A. All right. This is Leroy Glover here, this is Keisha
5 Mack and this is myself right there walking in the door.

6 Q. All right. And in a few seconds, are you gonna ask
7 one of those two individuals to leave?

8 A. Yes. I'm gonna ask Ms. Mack to step out.

9 Q. Okay. And at some point in time, does somebody else
10 come sit down in there throughout most of -- almost the
11 entire evening with you?

12 A. Yes, sir.

13 Q. And who is that?

14 A. Investigator Collins.

15 Q. Okay. Just so the jury knows who that is when they
16 come in.

17 **MR. SORENSON:** All right. At this point if we can
18 play it and you can just have a seat. We'll probably
19 have some questions for you probably after it plays.

20 (Whereupon, the witness returns to the witness stand.)

21 (Whereupon, the videotaped statement, Exhibit
22 Number 3, was played for the Court and jury from 9:57 AM
23 to 10:55 AM.)

24 BY MR. SORENSON:

25 Q. I've got a couple of questions to ask you, Detective

1 Shumpert, about what the jury's kind of just watched, all
2 right? I noticed multiple times throughout that interview
3 that you -- that you went out of the room during that and
4 then went and came back and forth; is that correct?

5 A. Yes, sir.

6 Q. All right. What were you doing those times that you
7 were leaving the room?

8 A. When I walked out of the room -- every time he would
9 tell me something, I would go out to corroborate with
10 Ms. Mack to see if their stories would mesh up, but it
11 didn't.

12 Q. And did she ever corroborate that story at any point
13 in time that Mr. Glover, Leroy Glover, was giving you that
14 he was with her basically that entire evening up until the
15 time that he found out his trailer was on fire?

16 A. No, she did not.

17 Q. And when you come in there kind of toward the end
18 there and indicate to him that -- that you knew that she
19 had picked him up in Santee at the Food Lion and that he
20 had called her, in fact, to get her there --

21 A. Yes, sir.

22 Q. -- where had you gotten that information from to
23 confront Mr. Leroy with that?

24 A. Ms. Mack.

25 Q. And did Ms. Mack that day, did she ultimately end up

1 giving y'all a written statement that day?

2 A. She did.

3 Q. September 24th?

4 A. Yes, sir.

5 Q. Let me ask you this. In that initial statement, in
6 talking to her on September 24th, did the name Jason Glover
7 ever come up that day?

8 A. No, sir. It did not.

9 Q. All right. Now the video end ups -- it gets cut
10 off there, but shortly after that does Mr. Leroy Glover
11 ultimately end up giving or providing a handwritten
12 statement about September 23rd?

13 A. He does.

14 Q. Okay. I'm showing you State's Exhibit Number 4 and
15 ask you if you recognize that item?

16 A. Yes, sir. This is the statement that Mr. Glover
17 wrote.

18 Q. And when is that dated and the time on that statement?

19 A. November {sic} 24, 2013, at 4:48 PM.

20 Q. So a little over an hour after that had begun?

21 A. Yes, sir.

22 Q. I think that started at 3:36; is that correct?

23 A. Yes, sir.

24 **MR. SORENSON:** Your Honor, at this time we'd offer
25 State's 4 into evidence.

1 **THE COURT:** Any objection?

2 **MR. CULLER:** No objection, Your Honor.

3 **MR. CURRY:** No objection.

4 **THE COURT:** All right, sir. It's in.

5 (State's Exhibit Number 4, a 9/24/13 statement of
6 J. Glover, was admitted into evidence.)

7 **MR. SORENSON:** May I have Lieutenant Shumpert publish
8 this for the jury?

9 **THE COURT:** Yes, sir.

10 BY MR. SORENSON:

11 Q. If you could just kind of read that for the jury, if
12 you would, Lieutenant.

13 A. Yes, sir. At the top portion of the Orangeburg County
14 Sheriff's Office affidavit -- defendant affidavit, he
15 filled out the top portion which state's the date, the
16 place, which is 1032 Chestnut, Orangeburg, South Carolina,
17 the defendant's name, which is Leroy Glover, his age,
18 twenty-five, date of birth, [REDACTED], and he put his phone
19 number there. He used two addresses here as the lawful
20 address. He used [REDACTED], Santee, South
21 Carolina and then he also put [REDACTED]
22 Orangeburg, South Carolina, and he wrote the following
23 statement.

24 It states I, parentheses, Leroy Glover, woke up about
25 11:30. I went to AYP to get my girlfriend's car to wash

1 it and I left my car there. I then went to OC Tech to get
2 my certificate for basic welding. I also went to get
3 something to eat also. I then got my girlfriend's car
4 washed at the Jawdropper car wash. It was almost time for
5 her to get off, so I went to my house. When she got on the
6 road -- I believe -- road, I went behind her and I went
7 on 176 to chill with my friends. When I was down there, I
8 got a call saying my house was on fire, so I called my
9 girlfriend and told her to meet me at Food Lion in Santee
10 so we could drive her car. When I got there, police and
11 firemen was everywhere.

12 And then after he finished the statement, I went
13 through a series of questions and answers. I would write
14 the question out and then I would let him write the
15 question to it. The first question I asked him was: Who
16 were you chilling with on 176? And his answer was: 40,
17 Bullet Head and B.J. The second question was: How long
18 did you -- I can't make it -- how long did you stay with
19 your friends chilling? He put about three hours. Also the
20 question was: When did you get the call that your house
21 was on fire? Answer: 8:52 PM. Question: Who was there
22 -- the person who notified you about the fire? Answer:
23 Wesley. Question: Is he -- is there anything else you
24 would like to add to this statement? Answer: No.

25 I'd to clarify one thing. Investigator Garrison

1 wrote the questions out and he provided the answers to the
2 questions. I didn't write the questions out. She did.

3 Q. So that's a statement then that he gave and that kind
4 of -- kind of followed, I guess, kind of the last statement
5 he gives at the very end of that video?

6 A. Yes, sir.

7 Q. Now after that written statement was provided at
8 4:48 that afternoon, was he allowed to leave at that time?

9 A. Yes, sir, he was.

10 Q. And over the next couple of days, did you follow up
11 and ultimately have an opportunity to kind of further talk
12 to and question Keisha Mack?

13 A. I did. Yes, sir.

14 Q. Okay. And tell the jury why it was that you kind of
15 followed up and were interested in questioning her some
16 more after that day?

17 A. Well, during the first interview as you noticed on
18 the video, I kept walking in and out, so I was just briefly
19 questioning her, I didn't get into any more in-depth
20 questioning of Ms. Mack, so we decided to go back and
21 question her more to find out who was at the residence,
22 what else that she may have seen at the residence for that
23 brief short period of time that she was at the residence.

24 Q. Okay. And did you ultimately get a second written
25 statement from her then? You talked to her, I guess,

1 somewhat on the phone on the following day, the 25th?

2 A. On the 25th, yes, sir.

3 Q. And then on the 26th did you have the opportunity
4 actually get another statement from her?

5 A. Yes, sir.

6 Q. Okay. Did she ultimately end up providing the name
7 of somebody else that was -- that was at the residence on
8 Country Colony the afternoon of September 23rd when she --
9 when she had left the residence to go home?

10 A. Yes, sir. She did.

11 Q. And whose name was that that came up?

12 A. She -- well, what she did say is Wesley was leaving,
13 but also the defendant's -- Mr. Leroy Glover's brother,
14 Jason Glover, was at the house when she was there for that
15 short period of time.

16 Q. And let me ask you, as a result of that did you
17 then have an opportunity kind of later on that day on
18 September 26th to then actually get the defendant, Jason
19 Glover, to come in and give you a statement?

20 A. Yes, sir. I did.

21 Q. Okay. And where did that occur?

22 A. At 1032 Chestnut, the CID building behind Popeyes.

23 Q. Let me ask you this. Was that -- was that interview
24 videotaped?

25 A. No, it was not.

1 Q. Did he come in freely and voluntarily talk to you that
2 afternoon?

3 A. He did.

4 Q. Okay. And we saw on the video with Leroy Glover when
5 you initially went over kind of an advice of rights form
6 with Leroy; is that correct?

7 A. Yes, sir.

8 Q. Did you have occasion to go over one of the same forms
9 with Jason Glover then on September 26th of 2013?

10 A. Yes, sir. I did.

11 Q. Okay. I'm showing you State's Exhibit Number 5. Do
12 you recognize that document?

13 A. Yes, sir.

14 Q. Is that the form that you went over with Jason Glover
15 on September 26th?

16 A. Yes, sir. It is.

17 Q. All right.

18 **MR. SORENSON:** Your Honor, at this time we'd offer
19 State's 5 into evidence.

20 **THE COURT:** Any objection?

21 **MR. CULLER:** None, Your Honor.

22 **MR. CURRY:** Without objection.

23 **THE COURT:** It's in.

24 (State's Exhibit Number 5, a 9/26/13 advisement of
25 rights form for J. Glover, was admitted into evidence.)

1 BY MR. SORENSON:

2 Q. If you would, just tell the jury kind of what that
3 form is, Lieutenant.

4 A. Yes, sir. Once again, this is an Orangeburg County
5 Sheriff's Office Miranda form, advisement of rights, that
6 you go through with each person that may be suspected in a
7 crime. The first thing we do is put the place here, which
8 is 1023 Chestnut, where the interview took place, the date
9 and the time, which is 9-26-2013 at 5:21 PM. This portion
10 here is really the advisement of the rights, which I read
11 to the Defendant at first, and it starts as such: These
12 are your rights. Please read carefully. Before we ask you
13 any questions, you must understand your rights. Please
14 initial beside each sentence. The series of questions are
15 numbered one through five. I went through the first one
16 with him. I said you have the right to remain silent.
17 Anything you say can be used against you in court. He
18 initialled off to the left. Then Number 2 says you have
19 the right to talk to a lawyer for advice before we ask you
20 any questions and have him with you during questioning. He
21 initialled. Number three, if you cannot afford a lawyer,
22 one will be appointed for you before any questioning if you
23 wish, which he initialled also. Number four, if you decide
24 to answer questions without a lawyer present, you will
25 still have the right to stop answering at any time. And,

1 finally, number five, you also have the right to stop
2 answering questions at any time until you talk to a lawyer,
3 which he initialled each and every sentence. And right
4 here it says I understand my rights, which we get the
5 defendant to sign and put his signature here, which he
6 signed Jason Glover.

7 Then I went down to the next portion, which is the
8 waiver of rights, and it states I have read the statement
9 of my rights and I understand what my rights are. I am
10 willing to make a statement and answer questions. I do not
11 want a lawyer at this time. I understand and know what I
12 am doing. No promises or threats have been made to me and
13 no pressure or coercion of any kind has been used against
14 me, and we got him to sign his name right here and it was
15 witnessed by Investigator Collins.

16 Q. Okay. And did you have an opportunity then to -- so
17 he indicated he did wish to talk to you or was willing to
18 talk to you?

19 A. Yes.

20 Q. Okay. And did you have an opportunity then to
21 briefly question him about kind of what he had done back
22 on September -- that Monday, September 23rd?

23 A. I did. Yes, sir.

24 Q. Okay. And did he indicate to you who he had been with
25 that day?

1 A. Yes, sir.

2 Q. Okay. Let me ask you this. Did he end up giving a
3 written statement that day to you?

4 A. No, he did not.

5 Q. Who did he indicate -- who did Jason Glover indicate
6 to you he had been with that day, that Monday, September
7 23rd?

8 A. He said he was with his brother, Leroy Glover.

9 Q. Okay. And did he say about from what time they were
10 together?

11 A. I think it was approximately around eleven, 11:15 that
12 evening -- I mean, that morning.

13 Q. Okay. And did he indicate to you what they had done
14 that day?

15 A. Basically, in summation what he was saying, they were
16 riding around looking for girls, they went to the car wash
17 and ultimately they ended up back at the residence.

18 Q. Okay. And the residence being whose residence?

19 A. Leroy's residence.

20 Q. The trailer on Country Colony?

21 A. The trailer on Country Colony. Yes, sir.

22 Q. Okay. Did he indicate who was there when they got
23 back to that residence that afternoon?

24 A. I think it was put that Mr. Wesley was leaving to go
25 to work. He had to leave to go to work.

1 Q. Okay. Did he indicate whether anybody else was there
2 for a period of time that afternoon?

3 A. Ms. Mack, she had pulled up, had gotten off work and
4 had brung Leroy's car back to the residence and she
5 ultimately got her car back.

6 Q. Okay. And did he indicate whether she had left or
7 not?

8 A. Yes. He said she left -- I don't know how long, but
9 he did say she did leave.

10 Q. Okay. And did Jason Glover indicate to you then what
11 he and his brother did after Ms. Mack had left?

12 A. No, I believe he stated that Leroy had left as well
13 shortly after Ms. Mack left.

14 Q. Okay. Did -- at some point in time did he indicate
15 anything about them going and hanging out on Highway 176?

16 A. Yes. In that interview, he stated that -- I believe
17 he stated his brother dropped him off on 176 and that Leroy
18 had gotten a call about his house being on fire and I
19 believe the question was did you go back with him and he
20 said no. He used the terminology of I posted up on 176.

21 Q. Okay. And did you ultimately during the course of
22 talking to Jason Glover that afternoon also get his cell
23 phone number from him?

24 A. I did.

25 Q. And what was that number?

1 A. May I refer back to my notes?

2 Q. Yes, sir.

3 A. The number Jason gave me was 80 -- well, [REDACTED]

4 Q. Okay. Were you under the impression it was an 803
5 number as far as you knew?

6 A. Correct. Yes, sir.

7 Q. And you indicated he did not give a -- give a written
8 statement, right, that day?

9 A. No, he did not.

10 Q. Otherwise, though was he -- I mean, did you threaten
11 him or make him any promises to get him to talk to you that
12 afternoon?

13 A. No, I did not.

14 Q. And ultimately was he allowed to leave then when --
15 when you finished with him that afternoon?

16 A. Yes, sir. He did leave.

17 Q. Okay. Let me ask you kind of during the course of
18 kind of -- kind of going through this investigation leading
19 into that -- that night then of September 26th of 2013,
20 was there anybody witness-wise that you were still kind of
21 looking for at that point in time?

22 A. Yes, sir. We had information that there was an
23 individual that knocked on the door and told them, you
24 know, they needed to get out of the house, that the house
25 was on fire, and I went looking for the individual.

1 Q. And knocked on whose door?

2 A. The next door neighbor. I forgot the lady's name,
3 but --

4 Q. Okay. So there was information that somebody had
5 come and knocked on the neighbor's door and brought to her
6 attention the house fire?

7 A. Yes, sir. That the trailer was on fire.

8 Q. And did you have kind of a description of that person
9 that you were looking for?

10 A. Yes, sir. They said he usually be in the neighborhood
11 raking yards; a tall, lanky kind of fellow, and had the
12 nickname of Buddy Row.

13 Q. Okay. And did you have an opportunity to ultimately
14 locate that person?

15 A. I did.

16 Q. And when was that that you did that?

17 A. That was on the night of the -- I believe the 26th
18 and I located him and brung him back to the office, which
19 turned out to be David Williams, and it was approximately
20 around 8:30 when we got back to the office, I believe.

21 Q. So would that have been before or after you met with
22 and took a statement from Ms. Mack that day?

23 A. That would be after the fact.

24 Q. How about before or after you took that oral statement
25 from Jason Glover?

1 A. After.

2 Q. Did you have the opportunity then to talk to David
3 Williams?

4 A. I did.

5 Q. Okay. And, I mean, obviously the jury's had a chance
6 to see Mr. Williams yesterday, but tell the jury, I mean,
7 was he able to give you a written statement?

8 A. No, he stated at the time that he wasn't able to read
9 or write, that I would have to write the statement for him,
10 and we sat down and went over what he saw and I ultimately
11 ended up writing the statement for him.

12 Q. And the statement that the jury heard yesterday,
13 State's Number 49, whose handwriting is that then on
14 State's 49?

15 A. That's my handwriting.

16 Q. Okay. And the words though, who told you what was
17 written down in the document?

18 A. That was David Williams' thoughts.

19 Q. Did you go over that with him when you were done?

20 A. I did. Yes, sir.

21 Q. Let me ask you then, in the course of -- obviously
22 the jury got to hear that yesterday, but did he tell you
23 that night that he had seen the rent man's truck basically
24 speed out of -- out of that trailer's driveway?

25 A. He did. Yes, sir.

1 Q. And did he indicate whether the rent man was driving
2 it when it was driving out?

3 A. No, he said the rent man was not driving it.

4 Q. Let me ask you, did he indicate to you whether it was
5 Leroy Glover, Smoke?

6 A. No, he didn't. No, sir.

7 Q. So Smoke wasn't driving it, correct?

8 A. No, sir, he was not.

9 Q. Kind of a result of getting that statement from him
10 and that information, what did you then do with him further
11 that night?

12 A. After having the information, really the information
13 that I had from him and the description that he gave, I --
14 I put together a photo lineup, what we call a photo lineup,
15 of six different individuals and I showed that photo lineup
16 to him.

17 Q. Okay. And who did -- who was kind of the target
18 person that you put in that photo lineup that you put
19 together?

20 A. The target person was Jason Glover.

21 Q. Okay. And tell the jury why was it that you put
22 Jason Glover in a lineup to show to -- to David Williams.

23 A. The reason why Jason was placed in that photo lineup
24 basically was due to the interview of Ms. Mack because
25 early on we didn't know anything about Jason Glover. Well,

1 after talking to Ms. Mack she told us that Jason was in the
2 yard earlier that day, so -- and then talking to David and
3 getting a description of the person who he saw driving --
4 that had driven the vehicle, I decided to put Mr. Jason
5 Glover in the photo lineup and that's how he ended up in
6 the photo lineup.

7 Q. And State's Exhibit Number 1, that's the lineup that
8 you showed to Mr. Williams?

9 A. Yes, sir, it is.

10 Q. And he ended up picking somebody out of that lineup?

11 A. He did.

12 Q. And that's number five that's circled?

13 A. Number five circled and dated and initialled by
14 Mr. Williams.

15 Q. And who is that -- who is photograph number five?

16 A. Jason Glover.

17 Q. Now did you at any point in time tell him who to pick
18 out of that lineup?

19 A. No, I did not.

20 Q. And did you tell him that he had to pick somebody out
21 of that lineup?

22 A. No, I did not.

23 Q. And the attached kind of affidavit, who kind of -- who
24 filled that out?

25 A. I did.

1 Q. Okay. And does that basically kind of indicate why he
2 was picking -- why he told you he was picking photograph
3 number five out?

4 A. Yes, sir.

5 Q. And whose signature then is that on that affidavit?

6 A. David Williams.

7 Q. And what's the date and time then that that was filled
8 out?

9 A. September 26th at 9:05 PM.

10 Q. How many times did you meet with David Williams back
11 in September of 2013?

12 A. That was the only time I met with David.

13 Q. Okay. Have you talked with him about this case since
14 September of 2013?

15 A. No, I have not.

16 Q. So that lineup and the written statement, these were
17 both done that same night?

18 A. Correct.

19 Q. Let me ask you the following day, September 27th of
20 2013, that Friday, were Jason Glover and Leroy Glover both
21 arrested for Michael Carter's death that day?

22 A. Yes, sir, they were.

23 Q. All right. Now let me ask you, a couple of months
24 later, Lieutenant Shumpert, were you ultimately contacted
25 by the defendant, Jason Glover?

1 A. Yes, sir, I was.

2 Q. Okay. And did he indicate to you at that point in
3 time -- or was it indicated to you that he wished to talk
4 to you further?

5 A. Yes, sir, he did.

6 Q. Okay. And he was in jail at that time; is that
7 correct?

8 A. Yes, sir. He was.

9 Q. Okay. Did you have an opportunity to get him brought
10 over -- back over to your office on Chestnut and to -- to
11 talk to him?

12 A. Yes, sir. I did.

13 Q. Okay. And ultimately did you end up getting initially
14 kind of an oral statement from him and then a subsequent
15 kind of written statement also that same day?

16 A. Yes, sir. We did.

17 Q. Okay. And was that video'd?

18 A. It was.

19 **MR. SORENSON:** Your Honor, at this time we would offer
20 State's Exhibit Number 7 into evidence.

21 **MR. CULLER:** Without objection.

22 **MR. CURRY:** Without objection.

23 **THE COURT:** All right. It's in.

24 **MR. SORENSON:** May we approach real quick?

25 **THE COURT:** Yes, sir.

1 (Proceedings held at the bench; not reported.)

2 **THE COURT:** Ladies and gentlemen of the jury, the next
3 video is not quite as long as the other one, but it will
4 take us a little while. I wanted to check with you to see
5 if you're comfortable or if you need to take a brief break.
6 Yes? Okay. We'll take about a fifteen minute break. You
7 all let us know when you're ready.

8 (Whereupon, the jury retires to the jury room at
9 11:16 AM.)

10 **THE COURT:** We'll be at ease for a few minutes.

11 (Recess taken.)

12 (State's Exhibit Number 7, a 12/2/13 video statement
13 of J. Glover, was admitted into evidence.)

14 **BAILIFF:** All rise, please. Court is now in session.

15 **THE COURT:** Thank you, everyone. You may have a seat.
16 Are the parties ready for the jury?

17 **MR. SORENSON:** Yes, Your Honor.

18 **MR. CULLER:** Yes, Your Honor.

19 **MR. CURRY:** Yes, Your Honor.

20 **THE COURT:** May we have our jury, please?

21 (Whereupon, the jury returns to the courtroom at
22 11:41 AM.)

23 **THE COURT:** Solicitor, you may proceed.

24 **MR. SORENSON:** Thank you.

25 BY MR. SORENSON:

1 Q. Lieutenant Shumpert, first of all, before we start
2 with this video, who is this that's now sitting in this
3 interview room?

4 A. May I step down?

5 **THE COURT:** Please.

6 (Whereupon, the witness steps down from the witness
7 stand.)

8 A. That's Jason Glover.

9 Q. Okay. And that's the interview then that was
10 conducted that we just spoke about before the break on
11 December 2nd of 2013?

12 A. Yes, sir.

13 Q. Okay.

14 **MR. SORENSON:** Your Honor, at this time if we could
15 publish the video.

16 **THE COURT:** Yes, sir.

17 (Whereupon, State's Exhibit Number 7, the DVD of the
18 video statement of Jason Glover, was played for the Court
19 and jury from 11:43 AM to 12:04 PM.)

20 BY MR. SORENSON:

21 Q. Lieutenant Shumpert, now at this point in time you've
22 handed Mr. Jason Glover some paper and a pen and what are
23 you -- what did you just ask him to do then?

24 A. To write a statement and provide what he told me and
25 put it on paper.

1 Q. Okay. And ultimately is the next -- I think it's
2 probably close to forty-five minutes to -- plus of this
3 video. Is that just him sitting in there writing that
4 statement out?

5 A. Correct. Yes, sir.

6 Q. And I think looking back at it you come in a couple
7 of times to check on him, bring him in soda, things of that
8 nature?

9 A. Yes, sir.

10 Q. But otherwise he's just left in there to ultimately
11 write that statement?

12 A. Yes, sir.

13 Q. Okay. I'm showing you Exhibit Number 6. Is that
14 ultimately the statement that Mr. Jason Glover wrote on
15 December 2nd while sitting in that interview room?

16 A. Yes, sir.

17 **MR. SORENSON:** Your Honor, at this time we'd offer
18 State's 6 into evidence.

19 **MR. CULLER:** Without objection, Your Honor.

20 **MR. CURRY:** Without objection.

21 **THE COURT:** Okay. It's in.

22 **MR. SORENSON:** Thank you.

23 (State's Exhibit Number 6, a 12/2/13 statement of
24 J. Glover, is admitted into evidence.)

25 **BY MR. SORENSON:**

1 Q. And now, Lieutenant, you ultimately -- this is a
2 two-page -- two-page statement where he is writing out --
3 that's all his handwriting; is that correct?

4 A. Correct. Yes, sir.

5 Q. And then up on the top of Page 3 his handwriting?

6 A. Yes, sir.

7 Q. And then ultimately do you come back in and kind of do
8 a short little question and answer with him at the end of
9 Page 3 here?

10 A. Yes, sir.

11 Q. Okay. And do you further kind of talk with him just a
12 little bit on the video after -- after that also?

13 A. I believe I did, yes, sir.

14 **MR. SORENSON:** And what I'd -- if I could at this
15 time, Your Honor, I'd like Lieutenant Shumpert just to
16 publish just initially the -- I guess the whole statement
17 at this time.

18 **THE COURT:** All right, sir.

19 **THE WITNESS:** Okay.

20 BY MR. SORENSON:

21 Q. And you don't have to -- I mean, that top part, I
22 guess, he filled that out with the rights form. They saw
23 him doing that, right?

24 A. Right. Correct.

25 Q. So I guess right now just publish the statement that

1 he wrote when you left -- when you left him in the room.

2 A. Yes, sir. He started his statement off by writing on

3 the day of Monday, September 23rd, sometime that afternoon,

4 I was at my brother Leroy's house. My brother and his

5 girlfriend had left and I was at the house alone waiting

6 on my homegirl Stacy to come pick me up. It was taking a

7 while, so I started making a grilled cheese and smoking a

8 blunt. About five minutes later I realized that a Jeep was

9 out in the yard. A white man got out and was placing a

10 note on the door. At that time I opened the door. He must

11 have mistaken me for my brother because he kept -- he came

12 walking straight in the house. While in the kitchen he

13 said something rude out his mouth about me smoking in the

14 house. I cursed him out and we went back and forth for a

15 while. Then I punched him. I went -- he went stumbling

16 back and fell on a chair. Then he went going for his

17 pocket. He pulled out a gun and we started -- we start

18 fighting over the gun. Then the gun went off and shot me

19 in the finger. At that time he dropped the gun from his

20 hand and I picked it up. He tried to dunk and run, but the

21 gun went off. He got hit in the head and died. At that --

22 at the point I panicked and got some blankets and tried to

23 wrap him up and stop the blood. I got his truck and pulled

24 it to the back and put his body in the backseat. I went

25 back inside and cleaned up the blood in the kitchen with

1 some bleach, then I drove his truck to Santee. I was
2 driving to Santee. I tossed his gun out the window on
3 Four Holes Road. When I got in Santee, I took him on
4 Antioch Road, drive the truck in the woods and caught it
5 on fire. Then I ran from the scene and went to my
6 homeboy's house.

7 Then I went through a series of questions and answers.
8 I provided the questions and he wrote the following
9 answers. The first question: Describe the man you shot.
10 He put -- Answer: A white older man. Question: Did you
11 know his name -- do you know who he was coming to the
12 house? Answer: No. Question: Describe the gun. Answer:
13 It was a revolver. Question: Did you tell anybody what
14 happened? Answer: No. Question: How many times did you
15 shoot? Answer: One. Question: Why you told me -- why
16 are you telling me this today? Answer: I felt bad that
17 my brother is locked up for something he had nothing to do
18 with. Question: You contacted me and you understood that
19 you could have spoken to -- to your lawyer after rights,
20 but you still opted to speak to me without your lawyer?
21 Answer: Yes. And then he signed the last -- under the
22 answer his name and I wrote end of statement.

23 Q. Okay.

24 A. That's it.

25 Q. And as I indicated, that question and answer obviously

1 was done back in the room with him; is that correct?

2 A. Yes, sir.

3 MR. SORENSON: Okay. And if we could -- if we could
4 kind of fast-forward to the 2 hour 15 minutes and 40
5 something?

6 (Whereupon, the State's Exhibit 7 was re-started for
7 the Court and jury.)

8 BY MR. SORENSON:

9 Q. All right, Lieutenant Shumpert. I just have a couple
10 of more questions for you.

11 Okay. So you're familiar -- obviously you work here
12 in Orangeburg; is that correct?

13 A. Yes, sir.

14 Q. You're familiar with places around here in Orangeburg?

15 A. Yes, sir.

16 Q. Tell the jury about how far -- they heard testimony
17 earlier that Mr. Carter worked at AgSouth over on -- kind
18 of on the bypass at Joe Jeffords Highway; is that correct?

19 A. Yes, sir.

20 Q. How far is it from AgSouth to the trailer at [REDACTED]

21 [REDACTED] Drive?

22 A. Approximately three miles. Close to three miles.

23 Q. Okay. And if -- approximately about how long would it
24 take for you to go from [REDACTED] Drive out to
25 the Interstate where the Love's gas station is at I-26?

1 A. Approximately about five, six, seven minutes.

2 Q. Okay. About how far about is that?

3 A. About almost close to six miles.

4 Q. Okay. And you'd come out and basically head this way
5 on 301; is that correct?

6 A. Yes, sir.

7 Q. All right. And how about -- how about if you were
8 going from Country Colony Drive here in Orangeburg, about
9 how far -- or how long would it take you to get to Santee
10 from right here in Orangeburg?

11 A. Approximately about twenty-five minutes.

12 Q. Let me ask you, if you were going from Orangeburg to
13 Santee, what road would you take?

14 A. 301.

15 Q. Okay. You would take pretty much 301 all the way?

16 A. Yeah, until you get to Bass Drive.

17 Q. How about if I was going from Orangeburg to Holly
18 Hill?

19 A. I would take 301 and then I would come to 176 because
20 176 has a traffic light right there and make a right there
21 at that gas station. I think it's Old State Road.

22 Q. So needless to say, that's also about the same
23 distance or so thereabouts?

24 A. I believe that Holly Hill may be just little bit -- a
25 tad further.

1 Q. And, lastly, on State's Exhibit Number 9, because the
2 jury had heard earlier about the fact that the victim's
3 vehicle was found over in this wooded area over here, are
4 you familiar with that?

5 A. Yes, sir. Correct.

6 Q. Okay. Does this map also show them where that [REDACTED]
7 [REDACTED] is where Leroy and Jason Glover's mother and
8 family live?

9 A. Yes, sir.

10 Q. If you can point that out to the jury, if you would.

11 A. All right. This will be Antioch, the location. You
12 take Antioch all the way down and make a right and you
13 would end in Midtown Circle right there. That's the
14 address that he gave.

15 MR. SORENSON: I believe that's all I have, Your
16 Honor. Thank you.

17 THE COURT: Cross-examination?

18 MR. CULLER: Thank you, Your Honor. May I have
19 something marked, Your Honor?

20 THE COURT: Yes, sir.

21 MR. CULLER: If you'd mark Defense 1, please.

22 (Defendant's Exhibit Number 1 was marked for
23 identification.)

24 MR. CULLER: And the Solicitor has seen this, Your
25 Honor.

1 **MR. SORENSON:** Which one is it? I have no objection.

2 **MR. CULLER:** I'll show it to Mr. Curry. Have you seen
3 that?

4 | **MR. CURRY:** (Nods head.)

5 | **MR. CULLER:** May I approach, Your Honor, the witness?

6 | **THE COURT:** Yes, you may.

7 | CROSS-EXAMINATION

8 BY MR. CULLER:

9 Q. Detective Shumpert, I'll hand you a document and tell
10 me if you've seen that document.

11 A. Earlier today and the other day, but I never read the
12 context until today.

13 Q. And what was your role in this case?

14 A. I was the assistant investigator. Assisting the
15 lead investigator, but I was the supervisor for criminal
16 investigations.

17 Q. And did you review all of the documents in the case?

18 A. Not every document, no, sir.

19 Q. Do you know if that document is contained in those
20 documents?

21 A. Like I say, I think I saw the solicitor with it like
22 last week or so, I think last week, so I don't know if it's
23 in there or not.

24 **MR. CULLER:** I have a matter I need to take up, Your
25 Honor.

1 **THE COURT:** Ladies and gentlemen of the jury, we're
2 gonna take a brief recess. If you will go to your jury
3 room, we'll be right back with you.

4 (Whereupon, the jury retires to the jury room at
5 12:30 PM.)

6 **THE COURT:** Mr. Culler?

7 **MR. CULLER:** Your Honor, my concern is if the
8 assistant to this case has never seen that document,
9 then I'm wondering if anybody at the sheriff's department
10 has seen that document and, if not, it puts us in the
11 unenviable position of trying to put something into
12 evidence that we can't put in. It was produced from the
13 solicitor's office. This is the document we discussed
14 earlier in chambers. I got it Friday from the solicitor
15 along with some other documents, but if the solicitor
16 hadn't produced that to the sheriff's department what
17 we've done, Your Honor, and the Court will recall, that I
18 hired an expert, a handwriting expert, who compared the
19 document marked Defendant's 1, which purports to be a
20 confession written to the solicitor written by Jason
21 Glover. What we also have, Your Honor, is two notes that
22 Mr. Glover -- Jason Glover is gonna testify he received in
23 the detention center from his brother Leroy. What we did,
24 Your Honor, is we had our writing expert compare the two
25 documents written by Leroy to the Document Number 1 and

1 Mr. Dawson is going to say, and has said in his report, the
2 person that wrote those two documents is the same person
3 that wrote that document. My problem is, Your Honor, if
4 it was not part of the Rule 5 that the sheriff got, I can't
5 use it and that's an issue for me and I don't know how to
6 cure that.

7 **THE COURT:** Solicitor?

8 **MR. CULLER:** But it is -- and I don't mean to cut the
9 Court off, but it is a rather critical piece of evidence
10 given that the argument made in opening was that Mr. Jason
11 Glover gave essentially a false confession, which is I
12 would submit ridiculous if you look at the facts, and that
13 would be tremendously corroborated by demonstrating that
14 the letter sent by Mr. Leroy Glover to Jason Glover was
15 written by the same person, so that would mean that
16 Mr. Leroy wrote that, but I can't get it in and I don't
17 know how to fix that, Your Honor.

18 **THE COURT:** Solicitor?

19 **MR. SORENSON:** I guess, just to clear things up -- I
20 mean, I'm 99 percent sure that was never provided from me
21 to the sheriff's office. I mean, I don't think I would
22 have probably done that at any point in time in the past,
23 so as far as that issue. Now as Lieutenant Shumpert
24 indicated, I think I did show that to him at some point
25 in time in the last couple of weeks, so he has seen that

1 probably in my office in my file as we were preparing. I
2 mean, obviously I don't want to put myself as a potential
3 witness, so that's why I'm concerned a little bit here. I
4 mean, I don't have any problem, but obviously I don't know
5 what Mr. Curry's position would be on it, but you know,
6 some stipulation that that document was received because,
7 as I said, what's marked actually up in the file up there
8 is the original with the envelope that -- that has been
9 stamped, and I don't know who stamped it in my office, but
10 somebody would have stamped that that was received in my
11 office and it would have eventually made it to my mailbox.

12 But I don't have any problem entering into a
13 stipulation that that document was received -- was received
14 in the solicitor's office through the United States Postal
15 Service on January 7th of 2014 because that's got to be
16 somebody in our office stamping that received on the
17 envelope. I don't know if that cures what Mr. Culler's
18 problem is, but, yet again, I don't know if anybody else
19 has an objection to that either.

20 **MR. CULLER:** I mean, that would be fine with me,
21 Your Honor. I just -- obviously I need to have the ability
22 to use that document because from our viewpoint it's a
23 critical piece of evidence, so I'm fine with that.

24 **THE COURT:** Mr. Curry?

25 **MR. CURRY:** Your Honor, obviously I object to it and

1 I think part of the problem has to be that when I -- when
2 I look -- may I approach?

3 **THE COURT:** Yes, sir.

4 **MR. CURRY:** Judge, when I look at the actual original
5 document that's actually signed, it doesn't appear that it
6 -- there's not a name that says Leroy Glover on it, so the
7 question has to be how do they prove that Leroy Glover is
8 -- and I haven't seen the other documents that they say
9 are allegedly from Leroy to Jason Glover in order to see
10 whether or not there's some signature saying Jason Glover
11 or hi, Jason; love, Leroy or whatever that deal is.

12 And so I think what defense counsel -- the problem is
13 that they can't authenticate the document and, of course,
14 the sheriff's department hasn't seen it and, of course,
15 you've got -- the solicitor said it was just sent to our
16 office, but they don't have who the -- the person who would
17 be the author of the document. They've got to prove that
18 in order to get it in and I think that's his problem. If
19 it's his problem, it's his problem, but I don't think just
20 receiving it by the solicitor's office and saying oh, that
21 means he got it from Leroy. They would have to go and
22 show that he's the author and if he's saying they've got
23 some kites or some notes, I'd like to see the notes when we
24 take a break and see if there's something signed Leroy or
25 something along the lines because I haven't seen them,

1 Judge, to be frank with you.

2 **MR. CULLER:** Your Honor, it's well-argued by
3 Mr. Curry, but Mr. Jason Glover is gonna take the stand
4 and testify that he got these letters from his brother
5 which are very much related to this case in terms of facts
6 and that we submitted those documents along with that
7 document. And maybe I can't say Leroy absolutely a hundred
8 percent wrote it, but I would submit to the Court we can
9 certainly have our expert say the person wrote these
10 letters to Jason wrote that letter.

11 **THE COURT:** And certainly I think that creates a
12 question of fact for the jury to determine. In regards to
13 the stipulation by the solicitor, I think that cures your
14 problem as far as being able to enter it into evidence.

15 **MR. CULLER:** I don't disagree, Your Honor.

16 **THE COURT:** So anything else?

17 **MR. CURRY:** Just note my objection, Judge.

18 **THE COURT:** Yes, sir. Are y'all ready to proceed with
19 the jury?

20 **MR. CULLER:** Yes, Your Honor.

21 **THE COURT:** All right. Let's have our jury back.

22 **MR. CULLER:** Your Honor?

23 **THE COURT:** Hold on one second.

24 **MR. CULLER:** May we approach?

25 (Proceedings held at the bench; not reported.)

1 **THE COURT:** It's been brought to my attention the
2 cross-examination might be a little lengthy. It's about
3 forty after twelve, so it might be a good opportunity for
4 us to take our lunch break. So let's bring our jury back
5 in so I can instruct them again not to discuss the case
6 before they go to lunch.

7 (Whereupon, the jury returns to the courtroom at
8 12:39 PM.)

9 **THE COURT:** Welcome back, ladies and gentlemen of the
10 jury. It is about 12:40 and it's been -- before we start
11 the cross-examination, we thought it be would a good time
12 period to break for lunch. So if you would be back in
13 your jury room at -- right at 1:45. If you can make it
14 back in an hour, go grab something and come back in one
15 hour, then we'll resume with the cross-examination of
16 Lieutenant Shumpert. Again, please remember my instruction
17 to not discuss the case amongst yourselves or with anyone
18 else and have a nice lunch.

19 (Whereupon, the jury is excused for lunch at
20 12:40 PM.)

21 **THE COURT:** All right. We'll be at recess until 1:45.

22 **MR. CULLER:** Thank you.

23 (Whereupon, a luncheon recess was taken.)

24 (Defendant's Exhibit Number 2 and 3 were marked for
25 identification.)

1 **BAILIFF:** All rise, please.

2 **THE COURT:** Thank you, everyone. You may have a seat.
3 Are the parties ready to proceed?

4 **MR. SORENSON:** Yes, Your Honor.

5 **MR. CULLER:** Yes, Your Honor.

6 **MR. CURRY:** Yes, Your Honor.

7 **THE COURT:** Let's have our jury, please.

8 **BAILIFF:** Yes, Your Honor.

9 (Whereupon, the jury returns to the courtroom at
10 1:54 PM.)

11 **THE COURT:** Welcome back, ladies and gentlemen of the
12 jury. We're now ready to proceed through the trial of this
13 case. Mr. Culler?

14 **MR. CULLER:** May it please the Court, Your Honor?

15 **THE COURT:** Yes, sir.

16 CONTINUED CROSS-EXAMINATION

17 BY MR. CULLER:

18 Q. Detective Shumpert, the statement that we just viewed,
19 I think it was State's 7, the statement -- purported
20 confession of Jason Glover --

21 A. Come again? You're talking about --

22 Q. The second video.

23 A. Yes. Yes, sir.

24 Q. There were a lot of times where you had to sort of
25 correct him about the facts in that. He was not really on

1 par with what you believed to be the facts of the case; is
2 that a fair statement?

3 A. Yes, sir.

4 Q. And some of the things he was wrong about or that he
5 told you was that he shot Mike Carter with his own gun,
6 which turned out to be not the case.

7 A. Correct. Yes, sir.

8 Q. He also told you at some point that, he, Jason, had
9 been shot in the finger, but there was never any medical
10 treatment required.

11 A. Correct. Yes, sir.

12 Q. He said multiple times to you my brother's doing good,
13 get my brother out of this.

14 A. Yes, sir.

15 Q. And at some point he even wanted to take the blame for
16 the burning of the trailer down when he said he left the
17 hotplate on. Do you recall that?

18 A. Yes, sir.

19 Q. But that wasn't factually what you found to be the
20 case after the investigation. A hotplate didn't cause the
21 fire.

22 A. Correct. Yes, sir.

23 Q. There was testimony, I believe, earlier that there was
24 a gas odor about the house.

25 A. Correct. Yes, sir.

1 Q. I think that was from Mr. -- Sergeant Fisher.

2 A. Yes, sir.

3 Q. And there had been no reason for Mike Carter to go to
4 that mobile home other than the calls from Leroy Glover.

5 A. Correct. Yes, sir.

6 Q. Now with regard to LaTosha Truewell, what's very
7 important -- well, strike that. I'll come back in a
8 moment. Your belief is at least on the tape that Jason is
9 covering for Leroy?

10 A. Yes, sir.

11 Q. And you said that?

12 A. Yes, sir.

13 Q. And it didn't appear that you really believed that to
14 be a true confession; is that a fair statement?

15 A. Correct. Yes, sir.

16 Q. You said things like I understand what you're doing,
17 that's a lot to carry. You almost seem to get a little
18 emotional about it.

19 A. Yes, sir.

20 Q. And you deal with these cases all the time, but it's
21 sometimes very difficult; is it not?

22 A. Correct. Yes, sir.

23 Q. And I believe, and correct me if I'm wrong, Detective,
24 that in that confession Jason told you that he threw the
25 gun out on a road somewhere. I can't think of -- was it

1 Four Holes Road?

2 A. I think I asked him did you throw it out on Four
3 Holes. He said he threw it out the window into a river.
4 I believe that's what he said.

5 Q. Right. I think -- that was my point. It seemed to
6 me, and I could be wrong, that initially he said he'd
7 thrown it on the road and then later he says he threw it
8 in the river.

9 A. Correct.

10 Q. Again, those really don't make a whole lot of sense.
11 Do you have any evidence that would demonstrate that Jason
12 Glover knew Mike Carter?

13 A. No, sir.

14 Q. That he'd ever met him or ever seen him?

15 A. No, sir.

16 Q. And certainly there's not any rental agreement with
17 Mr. Carter between Jason and Mr. Carter?

18 A. No, sir.

19 Q. Now you testified that there were two witnesses. One,
20 Mr. David Williams, his statement's been marked as State's
21 49, and I'm not sure if Ms. Mack's in evidence or not.

22 **MR. SORENSON:** It's not.

23 Q. But neither one of those statements was witnessed, nor
24 notarized; is that correct?

25 A. I don't know about the notarized. Somebody's

1 statement was notarized, but I don't know which one.

2 Q. Sure. Well, let me show you what's been marked as
3 State's 49 and that's the statement of David Williams.

4 A. Correct. Yes, sir.

5 Q. Okay. And that's not witnessed or notarized, is it?

6 A. No, sir.

7 Q. Okay. And I think I've got Keisha Mack's statement
8 somewhere.

9 **MR. CULLER:** Your Honor, may I?

10 **THE COURT:** You may.

11 BY MR. CULLER:

12 Q. And in that statement, it looks like the first one was
13 notarized and witnessed, but then she came back and gave a
14 supplemental statement two days later that wasn't notarized
15 and witnessed; is that accurate?

16 A. Correct. Yes, sir.

17 Q. All right. Thank you.

18 **MR. CULLER:** And I was referring to the statement of
19 Keisha Mack which has not been marked, nor is it in
20 evidence, Your Honor. I'm sorry.

21 BY MR. CULLER:

22 Q. Well, those two witnesses really are your key
23 witnesses, are they not, against Jason Glover other than
24 himself?

25 A. Yes, sir.

1 Q. Okay. And Mr. Williams had some difficulty it seemed
2 when he was testifying the other day. Did you have the
3 same difficulty in talking to him?

4 A. Pretty much, yes, sir.

5 Q. Okay. And you said you came upon him because someone
6 had knocked on a neighbor's door and reported that there
7 was a fire?

8 A. Correct. The next door neighbor to the trailer I
9 believe that was to the right, like I said, I forgot the
10 young lady's name, but she said that an individual knocked
11 on the door and told them to get out of the house and call
12 the police because the next door trailer was on fire.

13 Q. Okay. All right. And did she describe this person?
14 And you went through that.

15 A. Yeah, a tall, lanky guy.

16 Q. And they finally found him?

17 A. Right. Correct.

18 Q. And is it your testimony today in front of this jury
19 that you believe David Williams?

20 A. Correct. Yes, sir.

21 Q. And you heard David Williams testify that he saw the
22 fire at three, four, five. He really seemed to agree with
23 whatever was asked of him.

24 A. Well, I agree with him from what he visually saw, but
25 as far as when he was giving the times I knew that he

1 probably was off because, like I said, he stated at the
2 time -- he didn't have a watch or anything at that time
3 and but what he visually saw I did believe him, yes, sir.

4 Q. He did seem to struggle though when he testified; did
5 he not?

6 A. Correct. Yes, sir.

7 Q. And he really is the witness that I believe you've got
8 that puts Jason as driving the white truck as Mr. Williams
9 called it?

10 A. Yes, sir.

11 Q. And you would agree with me white is not silver? It
12 is in Mr. Williams' world, but in our world those are
13 different colors?

14 A. Correct. Yes, sir.

15 Q. All right. Mr. Williams seems to think it was a white
16 truck?

17 A. Correct. Yes, sir.

18 Q. And he stuck with that pretty -- he was pretty certain
19 about it, wasn't he?

20 A. Yes, sir.

21 Q. Okay. Do you remember he also testified he heard a
22 shot at 3:00?

23 A. I think he testified he said he heard a popping sound
24 that he thought was a firecracker.

25 Q. Right. But he described it, I think, as it sounded

1 like that, but we're to infer it was a gunshot; are we not?

2 A. Correct. Yes, sir.

3 Q. I mean, there weren't any firecrackers out there, were
4 there?

5 A. No, none that I know of. Correct.

6 Q. All right. So Mr. Williams indicated when he was
7 testifying that he was some distance away and the vehicle
8 was moving fast. What's the distance in there? It's a
9 pretty good distance, is it not, between the backyard where
10 he said he was with Kwon and where this car came out?

11 A. The house that I understand that Mr. Williams to be
12 at, what I was under the understanding was, he was next
13 door to that house.

14 Q. In the backyard?

15 A. Right. But it's not that far of a distance.

16 Q. Right. And he was able to, he testified, run around?

17 A. No, I think he said walked around. He was coming
18 around the house and saw the car leaving real, real fast.
19 Correct.

20 Q. All right. And he made that remarkably remarkable
21 identification where he picked Jason out of a lineup?

22 A. Correct. Yes, sir.

23 Q. And the reason Jason was in the lineup is because
24 Ms. Mack had given a revised statement?

25 A. She named all the people that was in the yard, so.

1 Q. Is that what you mean -- the second statement?

2 A. In the second statement, correct.

3 Q. All right. But the first statement -- I think you
4 testified earlier you had to bring her back and do a more
5 thorough investigation, but this is a fairly prominent
6 family. I mean, we've had the sheriff in here all day and
7 his number one and two in command. This is big deal case
8 to y'all; is it not?

9 A. Every case is big deal.

10 Q. I understand that.

11 A. I don't -- I can't answer for what the sheriff and the
12 one and two being here, but I treat every case the same,
13 especially in this type of case.

14 Q. I appreciate that. But you would agree with me, would
15 you not, that it's not every case that Sheriff Ravenell
16 shows up for with Kenny Kinsey?

17 A. I can't speak on behalf of the sheriff. I mean --

18 Q. I'm not asking you to speak on his behalf.

19 A. Okay.

20 Q. I'm asking you, and we've done this for about
21 twenty years with each other --

22 A. Yes.

23 Q. -- there's a limited number of times a sheriff shows
24 up in a courtroom?

25 A. Once again, I'm not gonna answer that because, I mean,

1 depending on what type of case, I may show up to see what's
2 going on, but I'm not gonna sit here to speak for the
3 sheriff or Kenny Kinsey or Major Williams. I'm not gonna
4 speak for why they come or when they come or how many times
5 they come.

6 Q. Right.

7 A. I can't answer that.

8 Q. I understand. And it's not every case that the media
9 comes down here either, is it?

10 A. I don't have no control over the media.

11 Q. I didn't say you did, but it's not every case that is
12 high profile and covered like this, is it?

13 A. I wouldn't know how to answer that.

14 Q. Okay. You wouldn't know how to answer that?

15 A. No, sir.

16 Q. Okay.

17 A. I mean, I don't know when the media show up for what
18 case and what case they don't show up for.

19 Q. Well, so this was a big case and you have Keisha Mack
20 and she's a witness and you take a half page statement from
21 her and for some reason you don't go further than that that
22 day with her to fill it out?

23 A. Well, once again, I explained earlier, when I first
24 was initially speaking with Mr. Leroy Glover I found his
25 statement to be inconsistent, so I had to get up and walk

1 out, come speak to Ms. Mack and, like I say again, at that
2 time we didn't ask her well, who else was the yard. We was
3 more concerned about their whereabouts during the fire. We
4 weren't concerned about -- or we didn't ask who was in the
5 yard. So then --

6 Q. Why not?

7 A. Because it didn't come up. We was questioning
8 Mr. Leroy about the fire.

9 Q. But there was the murder, too, right?

10 A. Yes, sir, it was.

11 Q. So it wasn't just the fire you were investigating, it
12 was the murder you were investigating?

13 A. Yes, sir.

14 Q. And you didn't ask her who was in the yard?

15 A. No, we did not.

16 Q. And so then you released both Leroy Glover and Keisha
17 Mack that day, correct?

18 A. Correct. Well, they left.

19 Q. Sir?

20 A. We didn't release them. They never were in custody.

21 Q. Well, I beg your pardon. I stand corrected.

22 Nonetheless, you have no idea whether they communicated
23 when they walked out of that building or not?

24 A. No, sir.

25 Q. You have no idea what Leroy Glover may have encouraged

1 Ms. Mack to say?

2 A. No, sir.

3 Q. But her statement, her second statement, the revised
4 statement, is the one where she mentions Jason Glover twice
5 and then she has the remarkable ability to see in the
6 rearview mirror and remembers that Leroy was following her.

7 Do you recall that?

8 A. Correct.

9 Q. That's in the second statement?

10 A. Yes, sir.

11 Q. Never mentioned in the first statement?

12 A. I would have to look.

13 Q. I can give it to you to look at.

14 A. Yeah, let me look that over again before I answer it.

15 Q. (Handing.)

16 A. Thank you.

17 Q. Sure.

18 A. She says in the statement he left behind me, in the
19 first statement.

20 Q. Sir?

21 A. She says in the first statement he left behind me.

22 Q. Right. He left behind her?

23 A. Right.

24 Q. Okay. And --

25 **MR. CULLER:** I beg the Court's indulgence, Your Honor.

1 Q. And let me ask you this. And you're right and I
2 have drawn an arrow next to the sentence in the second
3 statement. Would you read that?

4 A. I seen Leroy in my rearview mirror, but I turned on
5 176 and don't know where he went.

6 Q. Okay. So in the first statement she says he left
7 behind her, but doesn't say that he followed her anywhere,
8 but in the second statement she sees him in the rearview
9 mirror; is that right?

10 A. Correct. Yes, sir.

11 Q. All right. Now with regard to the gun, no gun was
12 ever found, correct? By which I mean that you could
13 determine was the weapon that was used.

14 A. Correct. Yes, sir.

15 Q. Okay. And the statement that Jason gave, it took him
16 a while, but he wrote, what, a page and a half that's been
17 admitted? His written statement.

18 A. Yeah, he did write a statement.

19 Q. It was relatively short for forty-five minutes?

20 A. Correct.

21 Q. Yeah. Okay. And Leroy's statement was much longer?

22 A. I'd have to look at both of them to compare them. I
23 don't know whose is longer.

24 Q. Well, certainly his statement took a lot longer, the
25 one that was videotaped?

1 A. Yes, sir.

2 Q. Okay. And in the course of that, you would agree with
3 me that multiple times you really seemed frustrated during
4 that and said you've been lying to me all day, you've been
5 lying to me for an hour?

6 A. Yes, sir.

7 Q. And continued to really peel the onion away and have
8 different layers that you revealed as you went with
9 Mr. Leroy Glover?

10 A. Correct. Yes, sir.

11 Q. And you felt going in, did you not, that you had some
12 pretty good evidence and you were just trying to see how he
13 was gonna react and get him to say some things?

14 A. What do you mean I had evidence?

15 Q. Well, let me rephrase. You had done some
16 investigating and you certainly knew that the home that
17 burned belonged to Leroy Glover?

18 A. Yes, sir.

19 Q. And you certainly knew that the car that was burned
20 belonged to Leroy Glover's landlord?

21 A. Correct. Yes, sir.

22 Q. So during the course of your interview, I believe one
23 of the things that was puzzling with Mr. Leroy Glover was
24 that he drove the car from Orangeburg to the Food Lion as
25 you said and then didn't want to drive it back. And what

1 was his reason for that, that he didn't want to drive his
2 car back; do you remember?

3 A. Something -- well, what was puzzling to me is he told
4 me that he was on 176, which is Old State Road, and I asked
5 him well, why did you drive to Santee to meet Ms. Mack
6 instead of just coming to Orangeburg where the house was on
7 fire, which is the difference between making a left or a
8 right, and he gave me the excuse that he didn't want to
9 drive his vehicle so he left it at the Food Lion because
10 the wheels was knocking or something to that effect.

11 Q. Yeah. Did that make any sense to you?

12 A. No, sir, it didn't make no sense to me.

13 Q. And at some point you also -- did you have a chance to
14 determine whether there was, in fact, any drug deal that he
15 was involved in? Because he references that when you sort
16 of nail him.

17 A. Yes, sir. And we never found any evidence of any drug
18 deal.

19 Q. Okay. All right. Okay. Give me just a second.

20 A. Yes, sir.

21 Q. Thank you.

22 **MR. CULLER:** I don't have anything else. Thank you,
23 Detective Shumpert.

24 **THE COURT:** Mr. Curry?

25 **MR. CURRY:** Thank you very much, Your Honor.

1 CROSS-EXAMINATION

2 BY MR. CURRY:

3 Q. Good afternoon, Detective. I'm Eduardo Curry. I'm
4 representing Leroy Glover. How are you today?

5 A. I'm fine, sir.

6 Q. You and I met before; is that correct?

7 A. Yes, sir.

8 Q. On several occasions; would that be fair to say?

9 A. Yes, sir.

10 Q. Okay. And, in fact, you've been sitting here all day
11 yesterday, the day before, ever since this started right
12 back there on that last row; have you not?

13 A. Except for Monday. Yes, sir.

14 Q. Okay. And, in fact, you heard witnesses as they've
15 come through, every last one of them, you've heard them
16 talk and give their answers for direct for the prosecution
17 and for cross-examination; would that be fair to say?

18 A. Yes, sir.

19 Q. Okay. So let's see if we can give this jury some
20 understanding, so I'm gonna start with some questions and,
21 let's see, you're under oath, correct?

22 A. Yes, sir, I am.

23 Q. Okay. You're a sixteen-year veteran police officer,
24 correct?

25 A. Yes, sir.

1 Q. Law enforcement?

2 A. Correct.

3 Q. You're the supervisor or a supervisor in the
4 Orangeburg Sheriff's Department?

5 A. Yes, sir.

6 Q. Okay. You're a supervisor for criminal investigations
7 in Orangeburg Sheriff's Department?

8 A. Yes, sir.

9 Q. Okay. And you are at least one of the lead
10 investigators in the files and statements of defendants and
11 witnesses in this particular case; would that be fair to
12 say?

13 A. Not the lead investigator, but --

14 Q. But one of the --

15 A. -- assisting.

16 Q. -- assisting ones?

17 A. Correct. Yes, sir.

18 Q. Okay. Now I want to go through your testimony before
19 I ask you some questions. As of the 24th of September,
20 2013, did you know whose the vehicle was that was burned on
21 the 24th?

22 A. Yes, sir.

23 Q. You did?

24 A. Correct.

25 Q. And whose vehicle was that as of the 24th of 2013?