

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Darlington County

Honorable Roger E. Henderson, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

TONY DEQUAN MANAGO, JR.,

APPELLANT.

APPELLATE CASE NO. 2019-000580

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RECORD ON APPEAL

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**RECEIVED**  
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# INDEX

|                                               |     |
|-----------------------------------------------|-----|
| INDEX .....                                   | i   |
| TRIAL TRANSCRIPT DATED MARCH 25-27, 2019..... | 1   |
| VOIR DIRE .....                               | 7   |
| JURY SELECTION.....                           | 16  |
| MOTION FOR A CONTINUANCE .....                | 28  |
| COURT’S RULING .....                          | 28  |
| MOTION TO BE RELIEVED AS COUNSEL.....         | 30  |
| COURT’S RULING .....                          | 31  |
| OPENING STATEMENT BY MR. BELL .....           | 48  |
| TESTIMONY                                     |     |
| RICHIE STEVENS.....                           | 51  |
| KIM HEAD.....                                 | 59  |
| NEAL FLOWERS .....                            | 86  |
| JAMES TALON III .....                         | 100 |
| MICHELLE EICHENMILLER.....                    | 111 |
| JANICE ROSS.....                              | 117 |
| HALIQUE DAVENPORT.....                        | 128 |
| GEORGE KELLY .....                            | 149 |
| RUSS HARRELL .....                            | 153 |
| CATHERINE LEISY.....                          | 158 |
| MOTION FOR A DIRECTED VERDICT.....            | 169 |

|                                                               |     |
|---------------------------------------------------------------|-----|
| COURT’S RULING .....                                          | 170 |
| MOTION FOR A NEW TRIAL .....                                  | 170 |
| COURT’S RULING .....                                          | 171 |
| CLOSING ARGUMENT BY MR. REDMOND.....                          | 176 |
| CLOSING ARGUMENT BY MS. LITTLE.....                           | 186 |
| JURY CHARGE .....                                             | 190 |
| RENEWED MOTION FOR A DIRECTED VERDICT .....                   | 204 |
| COURT’S RULING .....                                          | 204 |
| RENEWED MOTION FOR A NEW TRIAL .....                          | 204 |
| COURT’S RULING .....                                          | 204 |
| VERDICT .....                                                 | 210 |
| SENTENCING .....                                              | 214 |
| COURT’S EXHIBIT NO. 1 (TRANSCRIPT DATED MARCH 11, 2019) ..... | 228 |
| INDICTMENTS .....                                             | 238 |
| SENTENCE SHEETS .....                                         | 242 |
| CERTIFICATE OF COUNSEL .....                                  | 244 |

State of South Carolina ) In the Court of General Sessions  
County of Darlington ) Fourth Judicial Circuit  
2016-GS-16-00093; 0091

STATE OF SOUTH CAROLINA, )  
Plaintiff, )  
vs. )  
TONY DAQUAN MANAGO, )  
Defendant. )  
\_\_\_\_\_ )

Transcript of Record

Chesterfield, South Carolina  
March 25 - 27, 2019

B E F O R E:

The Honorable Roger E. Henderson

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

Mr. Kernard Redmond, Esquire  
Mr. Monty Bell, Esquire  
Attorney for the Plaintiff

Ms. Tonya Copeland-Little, Esquire  
Attorney for the Defendant

LISA S. CARTER  
CIRCUIT COURT REPORTER

## I N D E X

WITNESSES:PAGE

Jury Voir Dire..... 7

Jury Selection..... 16

Judge's Instructions..... 41

Opening Statement by Mr. Bell..... 48

Richie Stevens:

Direct Examination by Mr. Bell..... 51

Cross-Examination by Ms. Little..... 56

Redirect Examination by Mr. Bell..... 57

Kim Head:\_\_\_\_\_

\_\_\_\_\_ Direct Examination by Mr. Redmond..... 59

Cross-Examination by Ms. Little..... 81

Redirect Examination by Mr. Redmond..... 84

Neal Flowers:

Direct Examination by Mr. Redmond..... 86

James Tallon, III:

Direct Examination by Mr. Redmond..... 100

Michelle Eichenmiller:

Direct Examination by Mr. Bell..... 111

Janice Ross:

Direct Examination by Mr. Bell..... 116

|    |                                          |     |
|----|------------------------------------------|-----|
| 1  | Halique Davenport:                       |     |
| 2  | Direct Examination by Mr. Redmond.....   | 128 |
| 3  | Cross-Examination by Ms. Little.....     | 147 |
| 4  | Redirect Examination by Mr. Redmond..... | 148 |
| 5  | George Kelly:                            |     |
| 6  | Direct Examination by Mr. Bell.....      | 149 |
| 7  | Russ Harrell:                            |     |
| 8  | Direct Examination by Mr. Redmond.....   | 153 |
| 9  | Catherine Leisy:                         |     |
| 10 | Direct Examination by Mr. Redmond.....   | 158 |
| 11 | Closing arguments by Mr. Redmond.....    | 176 |
| 12 | Closing arguments by Ms. Little.....     | 186 |
| 13 | Judge's Charge to the Jury .....         | 190 |
| 14 | Verdict.....                             | 210 |
| 15 | Sentencing.....                          | 214 |

16

17

18

19

20

21

22

23

24

25

EXHIBITS

|    | <u>NO.</u> | <u>DESCRIPTION</u> | <u>EV.</u> |
|----|------------|--------------------|------------|
| 1  |            |                    |            |
| 2  |            |                    |            |
| 3  |            |                    |            |
| 4  | P-1        | Photo              | 37         |
| 5  | P-2        | Photo              | 37         |
| 6  | P-3        | Photo              | 37         |
| 7  | P-4        | Photo              | 37         |
| 8  | P-5        | Photo              | 37         |
| 9  | P-6        | Photo              | 37         |
| 10 | P-7        | Photo              | 37         |
| 11 | P-8        | Photo              | 37         |
| 12 | P-9        | Photo              | 37         |
| 13 | P-10       | Photo              | 37         |
| 14 | P-11       | Photo              | 37         |
| 15 | P-12       | Photo              | 37         |
| 16 | P-13       | Photo              | 37         |
| 17 | P-14       | Photo              | 37         |
| 18 | P-15       | Photo              | 37         |
| 19 | P-16       | Photo              | 37         |
| 20 | P-17       | Photo              | 37         |
| 21 | P-18       | Photo              | 37         |
| 22 | P-19       | Photo              | 37         |
| 23 | P-20       | Photo              | 37         |
| 24 | P-21       | Photo              | 37         |
| 25 | P-22       | Photo              | 37         |

|    |      |                                 |     |
|----|------|---------------------------------|-----|
| 1  | P-23 | Photo                           | 37  |
| 2  | P-24 | Photo                           | 37  |
| 3  | P-25 | Photo                           | 37  |
| 4  | P-26 | Photo                           | 37  |
| 5  | P-27 | Photo                           | 37  |
| 6  | P-28 | Photo                           | 37  |
| 7  | P-29 | Photo                           | 37  |
| 8  | P-30 | Photo                           | 37  |
| 9  | P-31 | Line-up - ID Only- Not Admitted |     |
| 10 | P-32 | Line-up                         | 146 |
| 11 | P-33 | Photo                           | 37  |
| 12 | P-34 | Photo                           | 37  |
| 13 | P-35 | Photo                           | 37  |
| 14 | P-36 | Shell Casings and Bullets       | 38  |
| 15 | P-37 | Photo                           | 38  |
| 16 | P-38 | Photo                           | 38  |
| 17 | P-39 | Photo                           | 38  |
| 18 | P-40 | Photo                           | 38  |
| 19 | P-41 | Photo                           | 38  |
| 20 | P-42 | Photo                           | 38  |
| 21 | P-43 | Photo                           | 38  |
| 22 | P-44 | Photo                           | 38  |
| 23 | P-45 | Photo                           | 38  |
| 24 | P-46 | Photo                           | 38  |
| 25 | P-47 | Photo                           | 38  |

|    |      |                                   |     |
|----|------|-----------------------------------|-----|
| 1  | P-48 | Swab from Tavis                   | 38  |
| 2  | P-49 | Bullets from Autopsy              | 38  |
| 3  | P-50 | Autopsy Report                    | 38  |
| 4  | P-51 | Photo                             | 38  |
| 5  | P-52 | Photo                             | 38  |
| 6  | P-53 | Photo                             | 38  |
| 7  | P-54 | Photo                             | 38  |
| 8  | P-55 | Photo                             | 38  |
| 9  | P-56 | Photo                             | 38  |
| 10 | P-57 | Photo                             | 38  |
| 11 | P-58 | Firearm Report                    | 38  |
| 12 | P-59 | Band Aid                          | 38  |
| 13 | P-60 | Buccal Swab                       | 38  |
| 14 | P-61 | DNA Report                        | 38  |
| 15 |      |                                   |     |
| 16 | D-1  | Evaluation Report of Tony Manago  | 215 |
| 17 |      |                                   |     |
| 18 | C-1  | Copy of Transcript of Tony Manago | 26  |
| 19 | C-2  | Question from Jury                | 205 |
| 20 |      |                                   |     |
| 21 |      |                                   |     |
| 22 |      |                                   |     |
| 23 |      |                                   |     |
| 24 |      |                                   |     |
| 25 |      |                                   |     |

1        Monday, March 25, 2019

2                (Whereas, this matter was scheduled for a trial, the  
3        defendant refused to appear. However, his attorney was  
4        present and the trial began at 9:30 a.m.)

5                THE COURT:        Are you ready for me, Scott?

6                THE CLERK:        Yes, sir.

7        VOIR DIRE:

8                THE COURT:        All right. Ladies and gentlemen, we are  
9        about to begin the trial of the case of the State of South  
10        Carolina versus Tony Manago, is that the way you pronounce  
11        it, solicitor?

12                MR. REDMOND:        That is correct, Your Honor.

13                THE COURT:        Tony Manago. Before we can select a jury  
14        there are several questions that I need to ask all of you and  
15        you've been sworn earlier, correct - they were sworn earlier?

16                THE CLERK:        Yes, sir.

17                THE COURT:        You were sworn earlier that oath still  
18        applies. So you are expected to answer these questions  
19        truthfully. Now, Mr. Manago has actually been charged with  
20        murder and with the possession of a weapon during the  
21        commission of a violent crime. All right. I want to call  
22        out the names of some of the State's potential witnesses. If  
23        any of these individuals are present I would like for them  
24        stand so the jury can look you over. If not, hopefully  
25        you'll remember by name if you know these folks: Janice

1 Ross, a medical doctor; Toby R. "Richie" Stephens, formally  
2 with the Darlington County Sheriff's Office; Neal Flowers,  
3 who was a former Darlington County Sheriff's Office Deputy,  
4 is he with the highway patrol now? I'm having trouble reading  
5 your writing?

6 MR. REDMOND: Hartsville PD, I'm sorry, Hartsville PD.

7 THE COURT: Hartsville PD, okay. He is with the  
8 Hartsville PD now, Neal Flowers; April Tyner, formally with  
9 the Darlington County Sheriff's Office; Mark Luce, formally  
10 with the Darlington County Sheriff's Office; Gary Billiott,  
11 I hope I am pronouncing it right.

12 MR. REDMOND: That's correct. Yes, sir.

13 THE COURT: Gary Billiott, with the Darlington County  
14 Sheriff's office; Russ Harrell, with the Darlington County  
15 Sheriff's Office; Catherine Leisy, with the State Law  
16 Enforcement Division or sled; James Tallon, III, with the  
17 State Law Enforcement; Michelle Eichenmiller, Law Enforcement  
18 Division; Kim Head; Brandi Wingfield; Patricia Ray, with the  
19 Darlington County Sheriff's Office; Kahseem Davenport;  
20 Halique Davenport; Laquan Hicks.

21 MR. REDMOND: And, Your Honor, I think there was one  
22 more I noticed that you skipped inadvertently, that would be  
23 George Kelly, he's formally - a former employee with the  
24 Darlington County Detention Center.

25 THE COURT: I'm sorry, I did. That's George Kelly,

1           formally with the Darlington - formally with the Darlington  
2           County Detention Center. I apologize for that, solicitor.  
3           Any member of the victim's family that was not called out?

4           MR. REDMOND:    Yes, we do have Ms. Mary Cooper. She's  
5           not on the witness list but she is present today.

6           THE COURT:       And her name is what?

7           MR. REDMOND:    Mary Cooper.

8           THE COURT:       And what relation was she to ---

9           MR. REDMOND:    She was the mother of the victim,  
10          Dominique Cooper.

11          THE COURT:       All right. Would you stay please, ma'am,  
12          and let the jury face you?

13          (Whereupon, the Ms. Cooper complies)

14          THE COURT:       This is the mother of the victim in this  
15          case. Thank you, ma'am.

16          THE CLERK:       You got one up here.

17          POTENTIAL JUROR #63:    I think my number is 63.

18          THE COURT:       Yes ---

19          POTENTIAL JUROR #63:    Carolyn Gray.

20          THE CLERK:       Carolyn Gray, 63.

21          POTENTIAL JUROR #63:    She was one of the employees at  
22          QVC.

23          THE COURT:       I'm sorry, ma'am I can't hear you.

24          POTENTIAL JUROR #63:    She use to work at QVC.

25          THE CLERK:       She use to work ---

1 POTENTIAL JUROR #63: She was a co-worker.

2 THE COURT: Okay. And I'll ask you a question in the  
3 minute that you can response to that with regards to that,  
4 okay?

5 POTENTIAL JUROR #63: All right.

6 THE COURT: All right. Now, the attorneys that will  
7 be trying this case I'm going to ask that they stand, face  
8 you and identify themselves. Solicitor?

9 MR. REDMOND: Thank you, Your Honor. My name is  
10 Kernard Redmond. I'm originally from Hartsville right down  
11 the road. I'm Deputy solicitor and as the judge indicated  
12 earlier we covered four counties in the Fourth Circuit that  
13 being Darlington, of course, Chesterfield, Marlboro and  
14 Dillon. We work for, Solicitor Will Rogers and I'll yield  
15 to Mr. Bell.

16 MR. BELL: And, yes, my name is Monty Bell. I'm  
17 from Hartsville, South Carolina. I'm also an assistant  
18 solicitor with the Fourth Circuit Solicitor's Office.

19 THE COURT: Ms. Little?

20 MS. LITTLE: Good morning. My name is Tonya-Copeland  
21 Little and I'm the attorney for the defendant, Tony Manago  
22 and I have a private practice in Hartsville.

23 THE COURT: Now, the defendant himself has chosen not  
24 to come out at this point in time. As I mentioned to you  
25 earlier, though, his name is Tony Manago. Has any member of

1 the jury panel ever been related by blood or marriage to  
2 either Tony Manago or the victim's mother or the victim  
3 himself who is Dominique Cooper, if so, please stand? At  
4 this time you have ever related by blood or marriage either  
5 to Mr. Manago or Mr. Cooper or Mr. Cooper's mother who stood  
6 up?

7 (Whereupon, no one is standing)

8 THE COURT: Okay. Has anyone ever had a close,  
9 personal, business, or social relationship with Tony Manago  
10 or Dominique Cooper or the mother of Dominique Cooper - let  
11 me get your last name again?

12 MS. COOPER: Mary Cooper.

13 THE COURT: Mary Cooper. Or Mary Cooper? Now, the  
14 lady that stood a while ago said she worked with her, is that  
15 correct?

16 POTENTIAL JUROR #63: Yes, sir. She use to work with  
17 me, sir.

18 THE COURT: Is that the only relationship you've had  
19 with her?

20 POTENTIAL JUROR #63: Yes, sir.

21 THE COURT: Would the fact that you had worked with  
22 her in the past, would that keep you from being able to be  
23 fair and impartial to both the State and the defendant in the  
24 trial of this case?

25 POTENTIAL JUROR #63: No, sir. No.

1 THE COURT: You could not be fair?

2 POTENTIAL JUROR #63: It won't hinder me from being  
3 fair.

4 THE COURT: Come up ---

5 THE CLERK: It wont' hinder her from being fair. She  
6 answered the question in kind of reverse, but she said she  
7 can be fair.

8 THE COURT: You can be fair?

9 POTENTIAL JUROR #63: Yes.

10 THE COURT: Okay. So you're not going to be bias  
11 toward one side or the other?

12 POTENTIAL JUROR #63: No, sir.

13 THE COURT: Okay. Thank you, ma'am. Now, with  
14 regards to the witnesses name that I called out earlier, has  
15 any member of the jury panel ever been related by blood or  
16 marriage to any of those individuals who I called out or have  
17 you ever had any type of social, business, or personal  
18 relationship with any of the potential witnesses, if so,  
19 please stand? Yes, ma'am.

20 POTENTIAL JUROR #17: Neal Flowers, April Tyner, Russ  
21 Harrell, Monty Bell.

22 THE COURT: Okay. So you know several people?

23 POTENTIAL JUROR #17: Yes, sir.

24 THE COURT: All right. In what capacity did you know  
25 these people?

1           POTENTIAL JUROR #17:       Monty representing my daughter  
2       in a case and Neal goes to church with me. And then April  
3       and Russ I've known them all their life.

4           THE COURT:       Okay. Would any of those factors, ma'am,  
5       keep you from being able to be fair and impartial to both the  
6       State and the defendant in the trial of this case? Do you  
7       think you would be bias and lean toward one side or the other  
8       because of your relationship with?

9           POTENTIAL JUROR #17:       I might have -- well, just on  
10       the fact that I respect Mr. Bell very much for the work he  
11       did for us. I would be scared I might be a little bit bias.

12          THE COURT:       Well, if you have any inkling of being  
13       bias I'm going to excuse you from the trial of this case.

14          POTENTIAL JUROR #17:       Okay.

15          THE COURT:       Just this case.

16          THE CLERK:       What's your name for the record, ma'am.

17          POTENTIAL JUROR #17:       Lisa Biggs, 17.

18          COURT REPORTER:       Seventeen?

19          THE COURT:       What number?

20          THE CLERK:       Seventeen.

21          THE COURT:       Seventeen, okay.

22          THE CLERK:       You can just have a seat. You're not  
23       going to be in this particular case.

24          THE COURT:       All right. Is there anybody else as I  
25       mentioned or asked a few moments ago, have any type of

1 relationship or have ever been related to any of the  
2 witnesses whose names I called out earlier, if so, please  
3 stand?

4 (Whereupon, no one is standing)

5 THE COURT: Okay. We have one response to the  
6 question before I ask it, we just had it. But - now, we know  
7 who the attorneys are in this case, Ms. Little, Mr. Redmond,  
8 and Mr. Bell, has any member of the jury panel ever been  
9 represented by any of these attorneys or any law firms in  
10 which they may have worked? We've already heard from the  
11 one lady, is there anybody else has been represented by Mr.  
12 Redmond, Ms. Little or Mr. Bell or any law firms that they  
13 may have worked for, if so, please stand?

14 (Whereupon, no one is standing)

15 THE COURT: All right. Going another step with  
16 regards to the attorneys, has anyone who is a member of the  
17 jury panel ever been related by blood or marriage to any of  
18 the attorneys involved in this case or had a personal,  
19 business, or social relationship with any of these attorneys,  
20 if so, please stand?

21 (Whereupon, no one is standing)

22 THE COURT: Okay. Has any member of the jury panel  
23 formed or expressed an opinion about any issue or matter  
24 involved in this case, if so, please stand?

25 (Whereupon, no one is standing)

1 THE COURT: Is any member of the jury panel aware of  
2 any bias or prejudice towards either the State or the  
3 defendant in this case, if so, please stand?

4 (Whereupon, no one is standing)

5 THE COURT: Is there any member of the jury panel  
6 that was a member of the grand jury which issued the  
7 indictments in this case, if so, please stand?

8 (Whereupon, no one is standing)

9 THE COURT: Is there any member of the jury panel who  
10 is a member of or a contributor to any group which has as its  
11 primary concern the promotion of law enforcement or victims  
12 rights. These groups would include but - could include  
13 others, but would include groups such as MADD, SADD, or CAVC,  
14 which stands for Citizens Against Violent Crime. That's  
15 Mothers Against Drunk Drivers, Students Against Drunk  
16 Drivers, South Carolina Sheriff's Association, any of these  
17 organization, if anybody contributes to these organizations  
18 or is a member please stand?

19 (Whereupon, no one is standing)

20 THE COURT: Okay. Is alcohol a factor in this case  
21 at all?

22 MR. REDMOND: I don't think so.

23 THE COURT: All right. Has any member of the jury  
24 panel been approached by anyone on behalf of the State or the  
25 victim or the defendant in this case, if so, please stand?

1 (Whereupon, no one is standing)

2 THE COURT: Okay. Does any member of the jury panel  
3 know of any reason whatsoever why he or she should not serve  
4 as a juror in this case with particular emphasis being placed  
5 on your ability to be fair and impartial to both the State  
6 and the defendant, if so, please stand?

7 (Whereupon, no one is standing)

8 THE COURT: Okay. Anything from the State, any  
9 additional questions?

10 MR. REDMOND: Nothing further from the State, Your  
11 Honor.

12 THE COURT: Any additional questions from the  
13 defendant in this case?

14 MS. LITTLE: No, sir.

15 THE COURT: Okay. All right. Sounds like we have a  
16 group to choose from, Mr. Clerk.

17 THE CLERK: Okay. Two alternate, judge?

18 THE COURT: Two alternates, yes, sir. And the  
19 strikes will be five and ten.

20 **JURY SELECTION:**

21 THE CLERK: At this time if your name is called I'd  
22 ask you to bring anything you brought with you, your  
23 pocketbook, umbrella or whatever you have with you, bring it  
24 forward. If you'll come forward and stand at this rail over  
25 here and face back this way. Juror number 30, Patricia

1 Campbell.

2 (Whereupon, a white female comes forward)

3 THE CLERK: What saith the State?

4 MR. REDMOND: Please present Ms. Campbell.

5 THE CLERK: What saith the Defense?

6 MS. LITTLE: Please seat Ms. Campbell.

7 THE CLERK: Please have a seat in this jury box over  
8 here for me, Ms. Campbell. Juror number 64, Robert Gregg.

9 (Whereupon, a black male comes forward)

10 THE CLERK: What saith the State?

11 MR. REDMOND: Please seat Mr. Gregg.

12 THE CLERK: What saith the Defense?

13 MS. LITTLE: Please seat Mr. Gregg.

14 THE CLERK: Please have a seat for me in the jury  
15 box, Mr. Gregg. Juror number 53, Evan Freeman.

16 (Whereupon, a white male comes forward)

17 THE CLERK: What saith the State?

18 MR. REDMOND: Please present Mr. Freeman.

19 THE CLERK: What saith the Defense?

20 MS. LITTLE: Please seat Mr. Freeman.

21 THE CLERK: Please have a seat in the jury box for  
22 me, Mr. Freeman. Juror number 79, Andrea Hudson.

23 (Whereupon, a black male comes forward)

24 THE CLERK: What saith the State?

25 MR. REDMOND: Please present Mr. Hudson.

1 THE CLERK: What saith the Defense?

2 MS. LITTLE: Please seat Mr. Hudson.

3 THE CLERK: Please have a seat in the jury box, Mr.  
4 Hudson. Juror number 133, James Perkinson.

5 (Whereupon, a white male comes forward)

6 THE CLERK: What saith the State?

7 MR. REDMOND: Please present Mr. Perkinson.

8 THE CLERK: What saith the Defense?

9 MS. LITTLE: Please excuse Mr. Perkinson.

10 THE CLERK: You've been excused from this particular  
11 case, Mr. Perkinson. If you'll just have a seat back out in  
12 the audience for me please. Thank you. Juror number 4,  
13 Jeremy Avant.

14 (Whereupon, a white male comes forward)

15 THE CLERK: What saith the State?

16 MR. REDMOND: Please present Mr. Avant.

17 THE CLERK: What saith the Defense?

18 MS. LITTLE: Just one moment. Please seat Mr. Avant.

19 THE CLERK: Please have a seat in the jury box, Mr.  
20 Avant. Juror number 171, Kimberly Warr.

21 (Whereupon, a white female comes forward)

22 THE CLERK: What saith the State?

23 MR. REDMOND: Please present Ms. Warr.

24 THE CLERK: What saith the Defense?

25 MS. LITTLE: Please excuse Ms. Warr.

1 THE CLERK: You're excused in this particular case,  
2 Ms. Warr. If you'll just have a seat back out in the  
3 audience for me please. Juror number 27, James Brown.

4 (Whereupon, a white male comes forward)

5 THE CLERK: What saith the State?

6 MR. REDMOND: Please present Mr. Brown.

7 THE CLERK: What saith the Defense?

8 MS. LITTLE: Please excuse Mr. Brown.

9 THE CLERK: You're excused in this particular case,  
10 Mr. Brown. If you'll have a seat back out in the audience  
11 for me please. Juror number 46, Susan Davis.

12 (Whereupon, a white female comes forward)

13 THE CLERK: What saith the State?

14 MR. REDMOND: Please present Ms. Davis.

15 THE CLERK: What saith the Defense?

16 MS. LITTLE: Please excuse Ms. Davis.

17 THE CLERK: You're excused in this particular case,  
18 Ms. Davis. Thank you. Juror number 18, Jacqueline Blackmon.

19 (Whereupon, a white female comes forward)

20 THE CLERK: What saith the State?

21 MR. REDMOND: Please present Ms. Blackmon.

22 THE CLERK: What saith the Defense?

23 MS. LITTLE: Please excuse Ms. Blackmon.

24 THE CLERK: You're excused in this particular case  
25 Ms. Blackmon. Juror number 164, Glenn Streett.

1 (Whereupon, a white male comes forward)

2 THE CLERK: What saith the State?

3 MR. REDMOND: I beg the Court's indulgence. Please  
4 present Mr. Streett.

5 THE CLERK: What saith the Defense?

6 MS. LITTLE: Please excuse Mr. Streett.

7 THE CLERK: You're excused in this particular case,  
8 Mr. Streett. Juror number 12, I mean, I'm sorry, juror 11,  
9 Kevin Bazen.

10 (Whereupon, a white male comes forward)

11 THE CLERK: What saith the State?

12 MR. REDMOND: Please present Mr. Bazen.

13 THE CLERK: What saith the Defense?

14 MS. LITTLE: Please seat Mr. Bazen.

15 THE CLERK: Please have a seat in the jury box for  
16 me, Mr. Bazen. Juror number 179, April Winburn.

17 (Whereupon, a white female comes forward)

18 THE CLERK: What saith the State?

19 MR. REDMOND: Please present Ms. Winburn.

20 THE CLERK: What saith the Defense?

21 MS. LITTLE: Please seat Ms. Winburn.

22 THE CLERK: Please have a seat in the jury box for  
23 me, Ms. Winburn. Juror number 109, Evon Mack.

24 (Whereupon, a black female comes forward)

25 THE CLERK: What saith the State?

1 MR. REDMOND: Please present Ms. Mack.

2 THE CLERK: What saith the Defense?

3 MS. LITTLE: Please seat Ms. Mack.

4 THE CLERK: Please have a seat in the jury box for  
5 me, Ms. Mack. Juror number 131, Crystal Parker.

6 (Whereupon, a white female comes forward)

7 THE CLERK: What saith the State?

8 MR. REDMOND: Please present Ms. Parker.

9 THE CLERK: What saith the Defense?

10 MS. LITTLE: Please seat Ms. Parker.

11 THE CLERK: Please have a seat in the jury box for  
12 me, Ms. Parker. Juror number 73, Chad Hicks.

13 (Whereupon, a white male comes forward)

14 THE CLERK: What saith the State?

15 MR. REDMOND: Please present Mr. Hicks.

16 THE CLERK: What saith the Defense?

17 MS. LITTLE: Please excuse Mr. Hicks.

18 THE CLERK: You're excused in this particular case,  
19 Mr. Hicks. Thank you. Juror number 101, Cameron Lane.

20 (Whereupon, a white male comes forward)

21 THE CLERK: What saith the State?

22 MR. REDMOND: Please seat Mr. Lane.

23 THE CLERK: What saith the Defense?

24 MS. LITTLE: Please seat Mr. Lane.

25 THE CLERK: Please have a seat in the jury box for

1 me, Mr. Lane. Juror number 107, Vicky Lyles-Kennedy.

2 (Whereupon, a white female comes forward)

3 THE CLERK: What saith the State?

4 MR. REDMOND: Please present Ms. Lyles-Kennedy.

5 THE CLERK: What saith the Defense?

6 MS. LITTLE: Please excuse Ms. Kennedy.

7 THE CLERK: Okay. You're excused in this particular  
8 case, Mr. Kennedy. Thank you. Juror number 59, Elizabeth  
9 Gilbert.

10 (Whereupon, a white female comes forward)

11 THE CLERK: What saith the State?

12 MR. REDMOND: Please present Ms. Gilbert.

13 THE CLERK: What saith the Defense?

14 MS. LITTLE: Please seat Ms. Gilbert.

15 THE CLERK: Please have a seat in the jury box for  
16 me, Ms. Gilbert. Juror number 90, Christopher Johnson.

17 (Whereupon, a white male comes forward)

18 THE CLERK: What saith the State?

19 MR. REDMOND: Please present Mr. Johnson.

20 THE CLERK: What saith the Defense?

21 MS. LITTLE: Please excuse Mr. Johnson.

22 THE CLERK: You've been excused in this particular  
23 case, Mr. Johnson. Thank you.

24 MR. REDMOND: Mr. Clerk, I've got counted nine and zero  
25 strikes.

1 THE CLERK: That's correct?

2 THE COURT: That's my count. You've got one strike  
3 left, Ms. Little.

4 THE CLERK: Juror number 139, Temekia Richardson.  
5 (Whereupon, a black female comes forward)

6 THE CLERK: What saith the State?

7 MR. REDMOND: Please present Ms. Richardson.

8 THE CLERK: What saith the Defense?

9 MS. LITTLE: Please seat Ms. Richardson.

10 THE CLERK: Please have a seat in the jury box for  
11 me, Ms. Richardson. Two alternates, strikes one and two for  
12 alternate. Juror number 55, Scott Gardner.

13 (Whereupon, a white male comes forward)

14 THE CLERK: What saith the State?

15 MR. REDMOND: Please present Mr. Gardner.

16 THE CLERK: What saith the Defense?

17 MS. LITTLE: Please excuse Mr. Gardner.

18 THE CLERK: You're excused in this particular case,  
19 Mr. Gardner. Thank you. Juror number 52, William Fontana.

20 (Whereupon, a white male comes forward)

21 MR. REDMOND: Please present, Mr. ---

22 THE CLERK: What saith the State?

23 MR. REDMOND: I'm sorry. Please present Mr. Fontana.

24 THE CLERK: What saith the Defense?

25 MS. LITTLE: Please seat Mr. Fontana.

1 THE CLERK: Please have a seat in the first chair  
2 outside of the jury box for me please, Mr. Fontana. Juror  
3 number 99, Donald King.

4 (Whereupon, a white male comes forward)

5 THE CLERK: What saith the State?

6 MR. REDMOND: Please - please present Mr. King.

7 THE CLERK: What saith the Defense?

8 MS. LITTLE: Please excuse Mr. King.

9 THE CLERK: You've been excuse from this case, Mr.  
10 King. Thank you. Juror number 94, Melissa Jordan.

11 (Whereupon, a white female comes forward)

12 THE CLERK: What saith the State?

13 MR. REDMOND: Please present Ms. Jordan.

14 THE CLERK: What saith the Defense?

15 MS. LITTLE: Please excuse Ms. Jordan.

16 THE CLERK: You've been excused from this particular  
17 case, Ms. Jordan. Juror number 2, James Andrews.

18 (Whereupon, a white male comes forward)

19 THE CLERK: What saith the State?

20 MR. REDMOND: Please present Mr. Andrews.

21 THE CLERK: Is there any show for cause from the  
22 Defense?

23 MS. LITTLE: None.

24 THE CLERK: All right. If you'll have a seat in the  
25 second chair outside of the jury box for me, Mr. Andrews.

1 THE COURT: Counsel, will y'all approach the bench?  
2 (Whereupon, a bench conference is held off the record)

3 THE COURT: All right. Mr. Redmond and Mr. Bell,  
4 does the State have any concerns about this jury?

5 MR. REDMOND: The State does not have any objection to  
6 the selection of the jury.

7 THE COURT: Defense?

8 MS. LITTLE: No, Your Honor.

9 THE COURT: Okay. All right. Ladies and gentlemen  
10 of this jury, we're going to go ahead and select another  
11 jury. I need to put you back out in the pool in case you get  
12 lucky enough to get called for that one as well. But we need  
13 to make sure your back out there. So I'm going to ask that  
14 you step back out into the audience.

15 THE CLERK: This panel will be known as jury panel  
16 number one. So any directions that are given to you will be  
17 addressed as jury panel number one.

18 (Whereupon, the selected jury is placed back out into the  
19 audience for a second jury selection)

20 (Whereupon, motions to be heard after the selection of the  
21 second jury)

22 MR. REDMOND: Your Honor, I am going to go ahead and  
23 hand you what ---

24 THE COURT: Sure.

25 MR. REDMOND: --- I marked as Court's Exhibit Number 1

1       ---

2           THE COURT:       All right, sir.

3           MR. REDMOND:     --- submitted by the State. That's the  
4 transcript of the hearing we had on the 11<sup>th</sup> of March  
5 regarding Mr. Manago.

6       (Whereupon, the Transcript of Dated March 11, 2019 has been  
7 marked and entered into evidence as Court's Exhibit No. 1)

8       (Whereupon the Court took a moment to read transcript)

9           THE COURT:       Is he here or is he out at the detention  
10 center?

11          MR. REDMOND:     He's out at the detention center, Your  
12 Honor. It was in the transcript, he actually indicated he  
13 did not want to even be transferred from SCDC. But, of  
14 course out of abundance of caution, we figured we needed to  
15 at least transport him to Darlington. And in the transcript  
16 it references the memorializing of Judge Burch's order into  
17 a formal order that has been done. The order is waiting for  
18 me to pick up at his chambers and then I'll bring it and file  
19 in the morning prior to us commencing with the trial. So  
20 there is an order - and Ms. Little had a chance, I forwarded  
21 it to them when I forwarded it to Judge Burch for his  
22 signature. And I got word this morning that it is signed and  
23 waiting for me to pick up this afternoon.

24          THE COURT:       Okay. So I take it he's, at this point  
25 in time, still refusing even to come over here?

1 MR. REDMOND: And, Your Honor, just again out of  
2 abundance of caution, we have -- well, as I say deputy,  
3 Markel Poke - Markel Poke with the detention center, he's  
4 actually the transport officer that encountered Mr. Manago  
5 and interacted with Mr. Manago this morning and I would yield  
6 to him at the appropriate time to advise the court on his  
7 interaction with Mr. Manago this morning.

8 THE COURT: Okay. Go ahead that'd be fine. Go ahead  
9 and tell me now.

10 MR. POKE: Prior to chaining him up, I asked him was  
11 he going to court and he just shook his head, no. So I said,  
12 okay, and that's when I informed my Captain McFadden and just  
13 came to court with the person we did have.

14 MR. REDMOND: And, Your Honor, he was, as the  
15 transcript indicate, the defendant was advised and  
16 specifically I was told to make sure the staff knew not to  
17 try to force him into coming if he decided he didn't come.  
18 It would be deemed that he waived his right to be present.  
19 We would submit that what deputy, officer, excuse me, Poke as  
20 indicated does satisfy the State's requirement to be able to  
21 go forth and try this case and we would contend that the  
22 defendant has waived his right to be present.

23 THE COURT: Ms. Little?

24 MS. LITTLE: Thank you, sir. Your Honor - Thank you,  
25 Your Honor. And I certainly understand and was present when

1 Judge Burch made his ruling, but for the record and to  
2 protect my client, at this time I would indeed again move for  
3 a continuance of this trial based on the fact that my client  
4 not only refuse to come to court this morning, he refused to  
5 come out of his cell last night when I went to visit him at  
6 the detention center. I was required to speak to him through  
7 the door. Although, last night he did indicate that he was  
8 planning to come to court and, obviously, he has changed his  
9 mind because he's not here this morning. And just, Your  
10 Honor, as a former trial lawyer yourself, I'm sure you  
11 understand the difficulties one would face trying a case of  
12 this magnitude without having the cooperation of the  
13 defendant. So I would just, for the record, request a  
14 continuance in this matter.

15 THE COURT: All right. Any response to that?

16 MR. REDMOND: No, sir, Your Honor.

17 THE COURT: All right. Well, I'm going to  
18 respectfully deny your motion for a continuance, Ms. Little.  
19 It's clear to me from reading the transcript that Judge Burch  
20 covered things with him thoroughly. He has the right to  
21 refuse to come if he so desires and he's, obviously,  
22 according to Office Poke, you know, exercised that right  
23 again today. Who knows, he may change his mind tomorrow  
24 morning when we call it for trial, he may come. But he's  
25 been given every opportunity to be here. He's had his rights

1 explained to him fully so we're going forward. He was  
2 notified that he be tried in his absence by Judge Burch. And  
3 if he doesn't show up tomorrow that's exactly what we're  
4 going to do.

5 MR. REDMOND: And, Your Honor, just out of abundance of  
6 caution and whoever encounters him, this is for Officer  
7 Poke's benefit, but just again to protect the record  
8 depending on the outcome of the case, if, before the  
9 beginning of each proceeding, if they can at least ask him if  
10 he wants to come and, if not, if somebody can come up here to  
11 advise the court as to whether or not the defendant is still  
12 choosing to waive his presence.

13 THE COURT: Yeah, and I would like for that. Whether  
14 it's you or somebody else to try to bring him every day and  
15 then come over here so we can question you at the beginning  
16 of the trial each day.

17 MR. POKE: Yes, sir.

18 THE COURT: Okay.

19 MR. REDMOND: Thank you, Your Honor.

20 THE COURT: Thank you, sir.

21 MS. LITTLE: And, Your Honor, the second matter I have  
22 is not a written motion, although, as an officer of the court  
23 I can tell you I did give my client notice back when we had  
24 that hearing that if he continued to refuse to see me or  
25 except my phone calls or visit with me then I was gonna ask

1 the judge to let me off of his case. Your Honor, so at this  
2 time, I'm making a motion to be relieved based on my client's  
3 lack of a cooperation.

4 MR. REDMOND: Your Honor, given the sensitive nature  
5 and I can tell the court I've talked to Ms. Copeland-Little  
6 at length regarding the case and I'm aware of the difficulty  
7 she's encountered. I think this will probably, probably  
8 would be a situation where I would be best abstaining from  
9 taking a position and just leaving that strictly in the rim  
10 of the court. I do understand the challenge she's faced as  
11 an officer the court, as a fellow attorney, I understand the  
12 challenges she's faced. So, again, rather than me taking a  
13 position I'll just leave that to the court.

14 THE COURT: Well, Ms. Little I realize how difficult  
15 this gentleman has made things for you. As you've pointed  
16 out I was a trial lawyer and encountered situations like  
17 this, not too often. Thank goodness this doesn't happen too  
18 often to us. But the fact that, you know, you were appointed  
19 there's nobody anymore familiar with the case than you are.  
20 I hate it for you that you've got an uncooperative client but  
21 this matter has been set for trial. Judge Burch made it  
22 clear to Mr. Manago he listed three or four dates this being  
23 the first of those dates. The State's ready, the Court's  
24 ready, I realize that you may not be one hundred percent  
25 ready because of the lack of cooperation but, you know, this

1 gentleman that's making it difficult by wanting to be tried  
2 in his absence but I'm not going to relieve the chair  
3 completely empty over there. I'm gonna require you to sit  
4 there and try to defend him as best you can without his  
5 cooperation or appearance if he, in fact, decides not to come  
6 tomorrow.

7 MS. LITTLE: All right. Thank you, Your Honor.

8 THE COURT: Thank you.

9 MR. REDMOND: Thank you, Your Honor.

10 (Whereupon, court is adjured for the first day at 1:30 p.m.)  
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1        Tuesday, March 26, 2019

2            (Whereas, this matter was scheduled for a trial, the  
3        defendant refused to appear.    However, his attorney was  
4        present and the trial began at 10:18 a.m.)

5            THE COURT:        All right.    Mr. Redmond and Ms. Little,  
6        we first need to deal with the juror who indicated to us  
7        yesterday that he would be bias toward law enforcement.    I  
8        need to bring him in and go over that with him and we're  
9        going to relieve him.    And, obviously, he will be replaced  
10       with an alternate.    And we also have another juror who has a  
11       child that's sick and is not able to be here so we're going  
12       to have to utilize our second alternate.    So we'll end up  
13       going with twelve and hope nobody else gets sick or has any  
14       problems so.    Let's bring in Mr. Avant.    Jeremy Mr. Avant.  
15       (Whereupon, the bailiff retrieves Mr. Avant from the jury  
16       room)

17           THE COURT:        All right.    Mr. Avant, you advised the  
18       court yesterday when we were beginning to draw a second jury  
19       that you would be bias toward law enforcement ---

20           MR. AVANT:        Yes, sir.

21           THE COURT:        --- during the trial of the case that you  
22       thought, basically, what they said would be true no matter  
23       what.    And because of that you were not allowed to be drawn  
24       or served on the second jury.    For that same reason we're not  
25       going to allow you to serve on this jury.    And I'm finding

1       for cause myself. The court's finding cause to relieve you  
2       as a juror today and we will replace you with an alternate.  
3       Now, we still have the jury panel out standing and they'll be  
4       calling in again tonight.

5           THE CLERK:       Yes, sir.

6           THE COURT:       So we'll be certain let any other cases  
7       that come to trial know your position, you know, when we  
8       start to draw a jury. But in this case, the court finds  
9       cause to excuse you from service so you can be relieved for  
10      the day. Call back in tonight.

11          THE CLERK:       Call back tonight after six.

12          MR. AVANT:       Okay.

13      (Whereupon, this juror was excused from this case)

14          THE COURT:       Counsel, are you ready for me to bring  
15      the jury in. I've got to replace that other - well, not  
16      replace them but substitute an alternate for somebody who is  
17      sick.

18          MR. REDMOND:     There may be a few matters we need to put  
19      on the record regarding the defendant's status and some  
20      stipulations.

21          THE COURT:       Okay. All right. Let's go ahead and  
22      deal with those now.

23          MR. REDMOND:     Okay. First as it relates to the  
24      defendant's status it's my understanding - well, he actually  
25      was brought into the courthouse this morning and was

1        understanding he still here. He had indicated last night  
2        that he would come which he did. At this point, he has  
3        declined to enter into a plea agreement after, I think, good  
4        faith negotiations. And so -- but my understanding is that,  
5        and I'll yield to Ms. Copeland-Little, that he has declined  
6        to appear in the courtroom. The court, I have passed up what  
7        has been filed in this case, an order signed by Judge Burch  
8        pursuant to the hearing we had on March 11<sup>th</sup> regarding the  
9        defendant admonitions and advisement as to his rights  
10       concerning his appearance in court under the Sixth Amendment  
11       and that the trial would proceed if he declined to be  
12       present. So I'll yield to Ms. Copeland-Little at this time.

13                THE COURT:        Ms. Little?

14                MS. LITTLE:        Thank you, Your Honor. May it please,  
15       the Court? That's correct, Your Honor, my client is present  
16       here at the courthouse today but he declines to participate  
17       in the trial. He does not wish to sit at the defense table  
18       and participate in any manner. I would continue throughout  
19       the trial as we have breaks to question my client and see if  
20       he has decided he wants to participate. We do have clothes  
21       for him here if he decides at any point that he wants to  
22       participate, you know, I'll certainly let the court know.  
23       We'll check with him periodically.

24                THE COURT:        Okay. Thank you, Ms. Little. And I do  
25       have the certified copy of Judge Burch's order in which he

1 indicates that Mr. Manago has been advised of his rights and  
2 was advised that he should participate. But he acknowledges  
3 in this order that if he fails to appear that he would be  
4 deemed to have waived his right to appear for the trial.  
5 Even though he's been transported here, his refusal to come  
6 into the courtroom is the same as if he had refused to be  
7 transported. So I find, too, as Judge Burch did that he's  
8 waived his right to appear. If he decides at some point in  
9 time he wants to appear, obviously, we'll bring him into the  
10 courtroom. But at this time I deemed him to have waived his  
11 right to appear and we'll go forward and try him in his  
12 absence.

13 MR. REDMOND: Thank you, Your Honor. And the other  
14 matter is and if the court will indulge we're in the  
15 process of getting everything set up, not for our first  
16 witness, but starting with our second witness, we're going to  
17 need to utilize the technology here in the courtroom. Your  
18 Honor, Ms. Copeland-Little and I, and she can correct me if  
19 I'm wrong, but we had a chance to go through what the State  
20 intended to prepare with the exception of the exhibits that  
21 are, actually - not exhibits - the items that were actually  
22 tested and reports were generated, but she's had, had the  
23 chance to review those reports. So at this time, Your Honor  
24 the State's 1 through 30 are pictures that Darlington County  
25 Sheriff's Office took at the scene, those - and these, what

1 I'm stating Your Honor and what I understand to be  
2 admissible, admitted into evidence without defense's  
3 objection. And so, therefore, I would so move these items as  
4 I call out into evidence. But Exhibits 1 through 30 are  
5 pictures from the scene. Exhibit 31, now, that's not  
6 admitted -- let me back up, Exhibits 31 and 32 at this point  
7 are for ID only. We're not moving those into evidence. So  
8 I did miss speak previously. Thirty-three through 35 are  
9 Google Earth pictures of the scene, the location that this  
10 occurred, we, obviously, move those into evidence at this  
11 time. Thirty-six and 37 are a container from sled that was  
12 actually tested by the firearm analyst, we would move those  
13 into evidence at this time. Thirty-six is a package  
14 containing shell casings and bullets from the scene.  
15 Exhibits 37 through 47 are pictures of the Ford Taurus that  
16 was processed by sled crime scene. Exhibit 48 is - are the  
17 swabs that were actually or not all of the swabs, but two of  
18 the pertinent swabs, that were taken from the scene. Items  
19 18 through 22 I believe it was on sled's listing. But items  
20 20 and 21 are the ones that are essential to this case, we  
21 move those into evidence. Exhibit 49, bullets from the  
22 autopsy that were actually retrieved by Dr. Ross during the  
23 course of the autopsy of Mr. Cooper. Exhibit 50 is the  
24 actually autopsy report. Exhibits 51 through 57 are pictures  
25 of the bullet from the autopsy as she, as Dr. Ross extracted

1 the bullets, she did photograph them. Now, that's Exhibits  
2 51 through 57. Fifty-eight is the firearm's report from  
3 sled. Fifty-nine is a Band-Aid that was taken from the  
4 defendant at the detention center when he was arrested.  
5 Sixty is a buccal swab from the defendant that was done  
6 pursuant to a Schmerber order. And finally 61 is the DNA  
7 report. So with the exception of Exhibits 31 and 32, all  
8 other exhibits at this time the State would move into  
9 evidence.

10 THE COURT: Ms. Little?

11 MS. LITTLE: Your Honor, I certainly had a chance to  
12 review all of those and no objection.

13 THE COURT: All right, then, Exhibits 1 through 30  
14 and then Exhibits 33 through 61 are admitted into evidence  
15 with consent.

16 MR. REDMOND: Thank you, Your Honor.

17 (Whereupon, the Photos has been marked and entered into  
18 evidence as State's Exhibits Numbers 1 through 30)

19 (Whereupon, the Line-up has been marked and entered for  
20 Identification Only as State's Exhibit No. 31)

21 (Whereupon, the Line-up has been marked and entered for  
22 Identification Only as State's Exhibit No. 32)

23 (Whereupon, the Photos has been marked and entered into  
24 evidence as State's Exhibits Numbers 33 through 35)

25 (Whereupon, the Shell Casings and Bullets has been

1 marked and entered into evidence as State's Exhibit No. 36)

2 (Whereupon, the Photos has been marked and entered into  
3 evidence as State's Exhibits Numbers 37 through 47)

4 (Whereupon, the Swabs from Taurus has been marked and  
5 entered into evidence as State's Exhibit No. 48)

6 (Whereupon, the Bullets from Autopsy has been marked and  
7 entered into evidence as State's Exhibit No. 49)

8 (Whereupon, the Autopsy Report has been marked and  
9 entered into evidence as State's Exhibit No. 50)

10 (Whereupon, the Photos has been marked and entered into  
11 evidence as State's Exhibits Numbers 51 through 57)

12 (Whereupon, the Firearm Report has been marked and  
13 entered into evidence as State's Exhibit No. 58)

14 (Whereupon, the Band-Aid has been marked and entered  
15 into evidence as State's Exhibit No. 59)

16 (Whereupon, the Buccal Swab has been marked and entered  
17 into evidence as State's Exhibit No. 60)

18 (Whereupon, the DNA Report has been marked and entered  
19 into evidence as State's Exhibit No. 61)

20 MR. REDMOND: And with that, Your Honor, I think ---

21 THE COURT: Hang on just a minute.

22 (Whereupon, the court reporter has an issue with  
23 computer)

24 THE COURT: All right. Mr. Redmond, she's okay now.

25 MR. REDMOND: Oh, okay, I'm sorry. I think with that

1 Your Honor, the only thing I would ask is that once - our  
2 first witness we won't need it - the second witness we won't  
3 need to take a long break but we will need to just make sure  
4 everything is in working order. We hadn't had the chance to  
5 do that up to this point. But if we can just make sure  
6 everything is in working order because starting with the  
7 second witness we will be utilizing the television and  
8 computer to get up together.

9 THE COURT: I mean, will you need for the jury to go  
10 ahead and take a break at that time?

11 MR. REDMOND: Just a brief break. I mean, it won't  
12 take us more than five minutes I think just to make sure it's  
13 operational.

14 THE COURT: Okay. All right.

15 MR. REDMOND: With that, Your Honor, I think the State  
16 is ready to proceed with the jury.

17 THE COURT: Is the defendant ready?

18 MS. LITTLE: Ready.

19 THE COURT: All right. Will you call the jury in  
20 please?

21 MR. BAILIFF: Yes, sir.

22 (Whereupon, the jury enters the courtroom at 10:28 am)

23 THE CLERK: If you'll remain standing this first time  
24 for me.

25 (Whereupon, the jurors complies)

1           THE CLERK:       I ask that you raise your right hand and  
2       take the oath of the juror. You shall well and truly try,  
3       and true deliverance make, between the State of South  
4       Carolina, and the defendant shall have in charge, and a true  
5       verdict give, according to the law and evidence so help you  
6       God, if you accept the oath please indicate by stating, I  
7       will?

8       (Whereupon, the all the jurors indicates, I will)

9           THE CLERK:       Everyone who took the oath can have a  
10      seat.

11      (Whereupon, all the jurors sat down)

12          THE COURT:       All right. Ladies and gentlemen, first  
13      order of business, Mr. William D. Fontana, you are now a  
14      juror and no longer an alternate.

15          MR. FONTANA:     Yes, sir.

16          THE COURT:       The court found cause to relieve Mr.  
17      Avant. And so you're now serving as a juror. And also Mr.  
18      James F. Andrews, you are no longer an alternate. You are  
19      now a juror. Ms. Richardson, Temekia N. Richardson had some  
20      problems with a sick child today and she had to be excused so  
21      we're down to twelve. So I hope you all remain healthy for  
22      the next couple of days and can all continue to serve  
23      throughout this trial because we have no other alternates  
24      left at this point in time.

25          Now, I want to, first thing, apologize to you this

1 morning for inconveniencing you for an hour, but we've been  
2 working out here. We had to take up another matter with  
3 another case for a while and then we've had some issues that  
4 actually will help speed of this trial that we dealt with as  
5 well. And, unfortunately, in any jury trial there's gonna be  
6 inconveniences to the jury and we try not to inconvenience  
7 you any more than we have to. But at times we have to take  
8 breaks and do things we have to send you back to the jury  
9 room and I'll cover that in a little more detail in a few  
10 minutes.

11 But you play a crucial role as I explained to you  
12 earlier. Our judicial system, the system of justice would  
13 not operate without people willing to serve as jurors such as  
14 you have been willing to do this week and the court  
15 appreciates it, Darlington County appreciates it and the  
16 State of South Carolina appreciates it. So I want you to  
17 understand that and know that. Now, we have called -- do we  
18 have the indictments?

19 THE CLERK: Yes, sir.

20 **JUDGE'S INSTRUCTION:**

21 THE COURT: We're about to begin the case, the trial  
22 of the case of Tony Dequan Manago, Jr. who has been charged  
23 and indicted for murder and also for possession of a weapon  
24 during the commission of a violent crime.

25 What I'm about to say to you at this point in time is an

1 introduction to the trial of this case. What I'm telling you  
2 is not a charge on the law. I will instruct you with regards  
3 to what law applies to this case at the conclusion of the  
4 trial at such time you as retire to consider your verdict.  
5 This is merely an explanation of a procedure we'll follow in  
6 this trial so you may better understand what is happening.

7 As I said the defendant is charged with murder and  
8 possession of a weapon during the commission of a violent  
9 crime. The elements of those crimes will be explained to you  
10 later on. The indictments that I have here are simply the  
11 charges by which the case is brought into court and they are  
12 not in any sense evidence of any of the allegations that they  
13 contain. The defendant has pled not guilty to these  
14 indictments.

15 The State, therefore, as the burden of proving each of  
16 the elements of the indictments beyond a reasonable doubt.  
17 And it will be your duties, ladies and gentlemen, to decide  
18 whether the State has met that burden. Your purpose as  
19 jurors is to find and determine the facts. You are the sole  
20 judges of the facts. If at any time I make any comment  
21 regarding the facts you must disregard it. You are to  
22 determine the facts from the testimony you hear and the other  
23 evidence introduced in court. It is up to you to determine  
24 the emphasis which you feel may properly be drawn from the  
25 evidence. It is especially important that you perform your

1 duty of determining the facts diligently and conscientiously  
2 because ordinary there is no way to correct an erroneous  
3 determination of the facts by a jury.

4 On the other hand and with equal emphasis, the same law  
5 that makes you the judges of the facts makes me the judge of  
6 the law. The law is given by the court is the only law that  
7 you may consider. You must accept and follow it even though  
8 you may disagree with it. I cannot tell you what the facts  
9 are and you cannot disagree with me about what the law is or  
10 what the law should be. Your job is to take the law as I  
11 give it to you and apply to the facts as you find them from  
12 the testimony of the witnesses and any other evidence that is  
13 introduced. After doing that you will render your verdict.  
14 Until I advise you to begin your deliberations you must not  
15 discuss this case with anyone. Including your fellow jurors,  
16 friends, family members, and anyone involved in this case.  
17 This includes discussions face-to-face and those by  
18 telephone, email, text, blogs or any other method of  
19 communication. You may not use a computer, cell phone, or  
20 other electronic device with communication capabilities at  
21 any time while in the courtroom or during deliberations.  
22 During your breaks or meals or overnight if it's necessary  
23 you may use these devices. However, you may not at any time  
24 use these devices to get or send information about the case  
25 And this includes information talking about a party, a

1 witness, an attorney, a court officer, news accounts about  
2 the case, research on any topics raised, any topics you may  
3 think would be helpful in deciding the case or any testimony  
4 presented by any witness during the trial. If there were to  
5 be any publicity, you are not to read, listen to, or watch  
6 any news reports about this case. This includes anything  
7 that may be in the newspaper or on the Internet, radio, or  
8 television. You must not consider anything you may have read  
9 or heard about the case outside of the courtroom whether  
10 before or during the trial. After the case is submitted to  
11 you, you must discuss it only in the jury room with your  
12 fellow jurors. The attorneys and parties in this case have  
13 been advised that they're not to talk to you at all. I think  
14 I covered this with you yesterday. But again I want to  
15 inform you and advise you that if you see somebody that's  
16 involved in the case, an attorney or court official and they  
17 don't speak to you and don't say hello, they're not being  
18 unfriendly, they're just following my instructions not to  
19 talk to you because we don't want anything to give an  
20 appearance of impropriety with regards to this trial.

21 It is important that you keep an open mind and not  
22 decide any issue in the case until all of the evidence has  
23 been presented and the parties have made their closing  
24 arguments and I have instructed you on the law in this case.

25 It is your solemn responsibility to determine the guilt

1 or innocence of the defendant and your verdict must be based  
2 solely on the evidence as it is presented to you in this  
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 called  
6 an opening statement in which the solicitor will explain to  
7 you the issues in this case or, at least, what the solicitor  
8 thinks the issues are in this case. The attorney for the  
9 defendant, may also make an opening statement. Although, she  
10 is not required to do so. What the attorneys tell you during  
11 their opening statement is not evidence in this case. It is  
12 only their contention as to what the issues are. The  
13 evidence in this case will be presented to you by the  
14 testimony of sworn witnesses from this witness stand and by  
15 exhibits that may be introduced into evidence during the  
16 course of the trial. From time to time during the trial you  
17 may hear one of the lawyers say something like, "Your Honor  
18 I believe we have a question of law or a matter of law we  
19 need to discuss with you" or "Your Honor, may we approach the  
20 bench" or sometimes myself I might say, you know, it's  
21 necessary for me to discuss something with the attorneys and  
22 then I would ask you to be excused from the courtroom and go  
23 to your jury room so we can discuss these matters of law.  
24 And the reason we do this is that since you're the judges of  
25 the facts, sometimes when we're discussing matters of law

1 issues about the facts come up and if I were to make a  
2 comment about the facts and discussing matters with the  
3 attorneys, I would not want you to be influenced in any way  
4 whatsoever because as I explained to you earlier, you're the  
5 judges of the facts, not me. I'm only the judge of the law  
6 so I would not want you to be influenced in any way and  
7 that's why we ask you to go back and forth to the jury room.  
8 Sometimes it becomes inconvenient. Sometimes I'll send you  
9 out and you'll stay back and then you'll come back out here  
10 and within five minutes we have to send you back again.  
11 Again I asked that you bear with us and be patient if that  
12 happens. Maybe it won't happen often in this trial but on  
13 occasion it does.

14 Now, in determining what the true facts are in this case  
15 you must decide whether or not the testimony of the witnesses  
16 is believable. It would be my responsibility to rule as a  
17 matter of law as to whether certain testimony is admissible.  
18 But once the testimony has been admitted by me whether or not  
19 you believe it, it is solely for you to determine. In  
20 deciding whether to believe the witness you have the right to  
21 consider the interest of any witness, the bias of any  
22 witness, the prejudice of any witness, the opportunity for  
23 the witness to have seen the matters and things about which  
24 the witness may testify, and the way the witness actually  
25 acts on the witness stand. You have a right to consider

1 anything that is in the record that will help you evaluate  
2 the testimony of the witnesses. That means it is your duty  
3 to pay close attention to these witnesses, to observe the  
4 witnesses, to listen to the witnesses, and to pay close  
5 attention to the attorneys and to the court. Don't let your  
6 thoughts wander but give strict attention to the testimony in  
7 this case so that at the end of all of the testimony and  
8 after the arguments of counsel and the charge on the law by  
9 the court, you will then be in a position to determine what  
10 the true facts are and to apply the law to those facts.

11 Now, you may have noticed that Ms. Little who represents  
12 the defendant sitting at the table by herself. The defendant  
13 has chosen not to be present during the course of this trial.  
14 I instruct you now that, that is not to be held against him  
15 in any way whatsoever. He has the right to either be here or  
16 the right not to be here. He has chosen not to be present  
17 during the trial of this case. But, again, as I said that's  
18 not to be prejudicial toward him in any way and you're not to  
19 consider that. You are only to consider as I've already  
20 instructed you the facts that are brought forth by the  
21 solicitor in this case and any defense that Ms. Little may  
22 put forth.

23 Now, I'm going to ask Mr. Bazen to serve as the foreman  
24 of this jury. For here on out when you come out if you'll  
25 take this first seat on the bottom row that will be your seat

1 as the foreperson. As foreperson you will be the spokesman  
2 for the jury. You will also preside over things in the jury  
3 room. And if there issues that need to be brought to the  
4 court's attention or raised to me by you or by the jury you'd  
5 be the one to do that on behalf of the jury. And, of course,  
6 at the conclusion of the trial, I will give you specific  
7 instructions on how you render and return a verdict.

8 Now, in order to preserve everyone's rights I'm going to  
9 ask the attorneys if they have any exceptions to what have  
10 just said before we begin the trial. Anything from the  
11 State, any exception to my comments?

12 MR. BELL: No, Your Honor.

13 THE COURT: Any exceptions from the defendant?

14 MS. LITTLE: No, sir.

15 THE COURT: Okay. All right. We will now begin the  
16 trial of this case. The State may make its opening  
17 statement.

18 MR. BELL: May it please, the Court, Your Honor?

19 THE COURT: Yes, sir.

20 **OPENING STATEMENT- MR. BELL:**

21 Ladies and gentlemen of the jury, my name, again, is  
22 Monty Bell and I'm an assistant solicitor with the  
23 solicitor's office along with Kernard Redmond who's also the  
24 deputy solicitor and we represent the State in this case.

25 Now, this is an opening argument and this is going to be

1 a short opening argument, but I want you to know that, that's  
2 not because this isn't important. This is very important.

3 On July 13, 2015, Dominique Cooper, 23 years old, was  
4 shot and killed. And we're here today because Tony Manago is  
5 charged with murder and possession of a weapon during the  
6 commission of a violent crime. Myself along with Mr. Redmond  
7 we represent the State and the burden of proof is on us to  
8 prove beyond a reasonable doubt that Mr. Manago, Tony Manago  
9 is guilty and we plan to do that. We look forward to doing  
10 that.

11 On July 13, 2015 you're going to hear the name, and the  
12 evidence will show, that Laquan Hicks had issues with  
13 Dominique Cooper and Dominique Cooper allegedly had some  
14 property of his. So Laquan Hicks went to go get his property  
15 back. Dominique Cooper was at a friends house, Brandi  
16 Wingfield. So Laquan Hicks then goes to this home to  
17 confront Dominique Cooper about his property. But with  
18 Laquan Hicks there was Halique Davenport, Kahseem Davenport,  
19 Marquise Hawkins and the reason why we're here today with  
20 Laquan Hicks was Tony Manago. It started with a simple  
21 conversation between Laquan Hicks and Dominique Cooper but  
22 out of nowhere Tony Manago lost his cool, shot and killed  
23 Dominique Cooper. Shooting him four times, bleed out. He  
24 bled to death.

25 Again, we have to prove, the State does, prove the guilt

1 beyond a reasonable doubt and this judge will give you the  
2 law. But the State contends that proof beyond a reasonable  
3 doubt is the proof that leaves you firmly convinced and we  
4 plan to do that. This is an important case. It's an old  
5 case. And we look forward to proving that case to you. You  
6 will hear testimony from witnesses and other evidence. And  
7 we're confident that it will leave you firmly convinced of  
8 Tony Manago's guilt.

9 At the conclusion of this case, we will come back and  
10 we'll ask that you render a verdict, the only verdict that we  
11 feel that's proper in this case, a verdict of guilty.

12 Thank you.

13 THE COURT: Ms. Little?

14 MS. LITTLE: Defense waives opening, Your Honor.

15 THE COURT: Okay. All right. All right, solicitor,  
16 you may call your first witness.

17 MR. BELL: Yes, Your Honor, the State calls Richie  
18 Stevens to the stand.

19 THE CLERK: Raise your right hand. You swear the  
20 testimony you're about to give this court is the truth, the  
21 whole truth, and nothing but the truth so help you God?

22 MR. STEVENS: I do.

23 THE CLERK: Have a seat.

24 RICHIE STEVENS, first being  
25 duly sworn, testified as follows:

R. Stevens- Direct Examination by Mr. Bell

51

Direct Examination by Mr. Bell:

Q. Mr. Stevens, could you state your full name for the record?

A. Toby Richard Stevens.

Q. Could you give - could you give me your work history?

A. I began working at the Darlington County Sheriff's Office in patrol in 2009 and started investigation in 2012.

Q. And where was your place of employment on July 13, 2015?

A. Darlington County Sheriff's Office.

Q. And what was your role that you served with Darlington County Sheriff's Department on July 13, 2015?

A. I was the on-call investigator.

Q. And were you on-call when the call came out in reference to Dominique Cooper?

A. I was.

Q. And did you respond to that call?

A. Yes, sir, I did.

Q. And tell me what you did when you responded to that call?

A. When I arrived on the scene I spoke with Sergeant, Lieutenant Romeo which is the patrol Sergeant who had secured the scene. Once on the scene he advised me of the victim was Dominique Cooper and that he had been shot and had been transported to McLeod Hospital along with a deputy to escort the ambulance to the hospital. After that he kind of advised

1 me that Kim Head and Brandi Wingfield was still on the scene.  
2 Brandi was a homeowner and Kim was, Coop's, Dominique's  
3 girlfriend.

4 Q. Okay. All right. Let me stop you there. So where  
5 exactly did you respond to?

6 A. 3200 Santee River Circle Drive which is in Darlington  
7 County. It has a Florence address but it's in Darlington  
8 County.

9 Q. And going back to what you just said, what you just  
10 testified to, there was some witnesses that were available?

11 A. That's correct.

12 Q. And what were the name of those witnesses again?

13 A. Kim Head and Brandi Wingfield.

14 Q. Without telling me what they told you, did they provide  
15 you information on a suspect of a shooter?

16 A. They did.

17 Q. Did they provide you information regarding a vehicle  
18 that was driven?

19 A. Yes, sir, they did.

20 Q. And what did you do next after receiving that  
21 information?

22 A. I spoke with Kim and I spoke with Brandi on the scene.

23 Q. And after you gather that information, what did you do  
24 with it?

25 A. Afterwards we went to the sheriff's office, they agreed

R. Stevens- Direct Examination by Mr. Bell

53

1 to go to the sheriff's office and give a statement and once  
2 at the sheriff's office interviewed them, they gave their  
3 statement.

4 Q. Were any warrants sought after they gave a statement?

5 A. They were.

6 Q. And who did you seek warrants against?

7 A. Kahseem Davenport, it was the two Davenport brothers, it  
8 was Kahseem Davenport and Halique Davenport along with Laquan  
9 Hicks and Marquise Hawkins and Tony Manago.

10 Q. Now, take me back to when you got, originally got the  
11 warrants, who did you seek after first for arrest?

12 A. Halique Davenport and Kahseem Davenport.

13 Q. Is there a reason why you sought them out first?

14 A. Yes. They were identified by both suspects and they  
15 were also, lived down the street along with -- it was -- the  
16 argument -- there was an argument earlier in the night and  
17 they were involved in the argument as well.

18 Q. So in regards to the warrant against Halique Davenport  
19 and Kahseem Davenport, did you serve those warrants?

20 A. We did.

21 Q. And where did you serve those warrants?

22 A. Alpine Drive at their residence. I don't remember the  
23 numerical address.

24 Q. When you - when you went to serve those warrants ---

25 MR. BELL: Could you speak a little louder for the

1 court reporter?

2 A. Yes, sir.

3 Q. Now, when you went to serve those warrants, did you  
4 serve a search warrant as well?

5 A. We did. Did a search warrant on the home and a search  
6 warrant on the vehicle that was described.

7 Q. Was that the same vehicle that was described by Kim ---

8 A. It was.

9 Q. --- and Brandi?

10 A. Yes.

11 Q. What did you do with the vehicle next?

12 A. The vehicle was towed to the sheriff's office and sled  
13 was called to process the vehicle.

14 Q. And what was done after that?

15 A. After ---

16 Q. Let me stop you there. There was a search warrant  
17 conducted on the home of Kahseem and Halique Davenport,  
18 correct?

19 A. That's correct.

20 Q. All right. Was anything found ---

21 A. There was ---

22 Q. --- during that search warrant?

23 A. Inside the home a firearm was located along with  
24 ammunition and also narcotics, illegal narcotics.

25 Q. And what did you do after that, was there any

R. Stevens- Cross-Examination by Ms. Little

55

1 interviews?

2 A. There was. There was interviews with Kahseem Davenport  
3 along with Halique Davenport.

4 MR. BELL: Your Honor, May I approach the witness?

5 THE COURT: Yes, sir.

6 Q. Mr. Stevens, I'm showing you what's marked as State's  
7 Exhibits 31 and 32 for identification purposes only, are you  
8 familiar with those two documents?

9 A. I am.

10 Q. Could you describe to the jury what those two documents  
11 are?

12 A. These are photo lineups - photo lineups of two of the  
13 suspects.

14 Q. Are those, those photo lineups are photo lineups that  
15 you prepared?

16 A. I did.

17 Q. Without telling me who they identified, did Halique and  
18 Kahseem give you any information that was valuable after the  
19 lineup?

20 A. They did.

21 Q. Now, they still had warrants out for Laquan Hicks and  
22 Tony Manago as well as Marquise Hawkins, correct?

23 A. That's correct.

24 Q. Tell me what happened with them?

25 A. Laquan Hicks turn himself in at the sheriff's office.

1 He voluntarily turn himself in at the sheriff's office. Tony  
2 Manago and Marquise Hawkins the warrants were obtained and we  
3 were located - located them in Florence County.

4 Q. And were they -- were you present when they were  
5 arrested?

6 A. I was.

7 Q. And they were arrested together, correct?

8 A. That's correct. They were both in the same home.

9 MR. BELL: I beg the Court's indulgence.

10 THE COURT: Yes, sir.

11 Q. Mr. Stevens, when you were on the scene isn't correct  
12 that you had nothing to do with the actual collection of the  
13 evidence?

14 A. That's correct.

15 Q. That was at 3200 Santee Drive?

16 A. That's correct.

17 Q. Your sole purpose was investigative purposes?

18 A. Yes, sir.

19 MR. BELL: No further questions, Your Honor. Please  
20 answer any questions the defense may have for you.

21 A. Yes, sir.

22 THE COURT: Ms. Little?

23 MS. LITTLE: Thank you.

24 Cross-Examination by Ms. Little:

25 Q. Investigator Stevens, just to clarify, you mentioned as

R. Stevens- Redirect Examination by Mr. Bell

57

1 the result of your search warrant that you had discovered  
2 firearm, ammunition and drugs at the Davenport home, is that  
3 correct?

4 A. That's correct.

5 Q. And did you identify what type of firearm, ammo, drugs  
6 or did you just find them and then somebody else to over?

7 A. No, we identified - we identified the firearm and the  
8 ammunition.

9 Q. Okay. And can you tell us what type of firearm was  
10 located?

11 A. I do not remember the brand of the firearm. I think it  
12 was a .40 caliber. It was a .40 caliber. I don't remember  
13 the brand of the firearm.

14 Q. Was it a pistol?

15 A. That's correct.

16 Q. And what type of drugs were located?

17 A. I think it was crack cocaine. I'm not positive.

18 Q. So you're not the person who actually took these items  
19 into evidence, is that correct?

20 A. That's correct.

21 Q. Okay.

22 MS. LITTLE: No further questions.

23 THE COURT: Anything else, Mr. Bell?

24 Redirect Examination by Mr. Bell:

25 Q. And just to clarify Mr. Stevens, that was a .40 caliber

1 ammunition that was found at the Davenport's, correct?

2 A. That's correct.

3 MR. BELL: No further questions, Your Honor.

4 THE COURT: Ms. Little, anything else?

5 MS. LITTLE: No, Your Honor.

6 THE COURT: All right. Thank you, sir, you may step  
7 down.

8 MR. REDMOND: Your Honor, our next witness is Kim Head  
9 and that's the one we'll need just a second to get everything  
10 rigged up for the - for some exhibits that I want to show  
11 her. I'll have her step down and show it. Can we take just  
12 a quick, quick break for us to just set up a computer and the  
13 television so we can show that to the jury?

14 THE COURT: All right, ladies and gentlemen, I'm  
15 going to ask that you retire to your jury room just for a  
16 short while they get things set up and we'll call you back in  
17 just as soon as possible. Please do not discuss the case.

18 (Whereupon, the jury exits the courtroom at 10:56 am)

19 (Whereupon, the solicitor takes a few minutes to set up  
20 courtroom)

21 THE CLERK: Are you ready, Kernard?

22 MR. REDMOND: We're ready.

23 THE COURT: Ready? Okay. Bring the jury back in.

24 (Whereupon, the jury enters at 11:05 am)

25 MR. REDMOND: May it please, the Court, Your Honor?

K. Head- Direct Examination by Mr. Redmond

59

1 THE COURT: Yes, sir.

2 MR. REDMOND: The State would next call Kim Head to the  
3 stand.

4 THE CLERK: Come forward and take the oath of the  
5 witness please, ma'am. Place left on the Bible and raise  
6 your right. You swear the testimony you're about to give  
7 this court is the truth, the whole truth, and nothing but the  
8 truth so help you God?

9 MS. HEAD: I do.

10 KIM HEAD, first being  
11 duly sworn, testified as follows:

12 Direct Examination by Mr. Redmond:

13 Q. Ms. Head, if you can move up just as close as you can to  
14 the microphone.

15 THE COURT: Please speak loudly and clearly and don't  
16 answer questions with a uh, uh or huh, huh, answer with a yes  
17 or no response please.

18 Q. Could you state your name for the record?

19 A. Kim Head.

20 THE COURT: Do you have chewing gum?

21 A. I do.

22 THE COURT: Please spit it out in that tissue.

23 Q. And you're nervous right now.

24 A. Mmm, hmm.

25 Q. Understandably.

1 A. Yeah.

2 Q. Were you there on 13<sup>th</sup> of July of 2015 when this incident  
3 occurred?

4 A. Yes.

5 THE COURT: Speak up a little bit louder.

6 Q. And we'll get into that in a little while, but let's  
7 talk about, let's get some background information from you.  
8 How did you know Dominique Cooper?

9 A. He was my boyfriend.

10 Q. And were y'all together that night?

11 A. Yes.

12 Q. And let's talk a little bit about family, tell us a  
13 little bit about your family. Do you have any children,  
14 grandchildren?

15 A. Yes, I do.

16 THE COURT: Ma'am, you've got to speak a little bit  
17 louder please. Speak into that microphone. Speak loudly,  
18 don't whisper.

19 Q. Yes. Answer my question again?

20 A. Yes, I do. I have three kids, two grandkids.

21 Q. Okay. And I need you to try to speak as loud as you can  
22 because if I can hear you clearly that means the ladies and  
23 gentlemen of the jury can hear you clearly, okay? All right.  
24 Now, are you employed?

25 A. Yes, I am.

K. Head- Direct Examination by Mr. Redmond

61

1 Q. And where are you employed?

2 A. At Golden Corral.

3 Q. And were you employed at Golden Corral, I believe in  
4 Florence, were you employed back at the time of this  
5 incident?

6 A. Yes, sir.

7 Q. How long have you been at Golden Corral?

8 A. About eighteen years.

9 Q. Now, let's talk about each of the people that we've  
10 heard that were there that night. First starting with who  
11 was there with you. Who is there -- what house were y'all at  
12 that night?

13 A. At Brandi's house.

14 Q. Okay. And who was at the house -- who was, not at the  
15 house when Tony Manago and Laquan Hicks and everybody else  
16 came up, but before they came up, who was at the house?

17 A. Me, Brandi, Dominique, my son and two of their friends.

18 Q. Now, let's talk about each of the individual people that  
19 ended up coming into the house. Did you know Halique  
20 Davenport?

21 A. Yes, I did.

22 Q. Okay. Did you know, I guess they call him, Boss, I  
23 believe is his name?

24 A. Mmm, hmm, yes.

25 Q. Did you know Kahseem Davenport?

1 A. Yes.

2 Q. And his nickname, I believe, is -- was his ---

3 A. Ace.

4 Q. Ace?

5 A. Mmm, hmm.

6 Q. Did you know Laquan Hicks?

7 A. Yes.

8 Q. Did you know Marquise Hawkins?

9 A. No.

10 Q. Okay. Now, let's go back to Laquan Hicks, how did you  
11 know Laquan Hicks?

12 A. He is the father of my granddaughter.

13 Q. Okay. He's the father of your granddaughter. And how  
14 old was your granddaughter at the time this incident  
15 occurred?

16 A. One.

17 Q. And finally, Tony Manago, did you know the defendant?

18 A. Yes.

19 Q. Okay. And how did you know -- how did you know him?

20 A. It's just everybody stayed in the same neighborhood.

21 Q. Okay. About how long at the time of this incident, the  
22 best that you can recall, how long had you known the  
23 defendant, Tony Manago?

24 A. From the time of that incident or from now?

25 Q. From the time of the incident about how long had you

K. Head- Direct Examination by Mr. Redmond

63

1 known him?

2 A. About five years.

3 Q. Okay. Now, so you've known him for a while?

4 A. Yeah.

5 Q. I believe you told me -- had he been to your house  
6 before?

7 A. Yes.

8 Q. Okay. Let's go to 15<sup>th</sup> of July, but let's start a little  
9 earlier in the day. In opening we heard an allusion to there  
10 being some disagreement between Laquan Hicks and Dominique  
11 Cooper and I believe some time people refer to him as, Coop  
12 -- do people refer to him as Coop?

13 A. Yes.

14 Q. And so if I say that, pardon, but earlier that day had  
15 there been a point in time when Laquan Hicks and Halique  
16 Davenport came to your residence, not Brandi's residence, but  
17 the residence you had?

18 A. Yes.

19 Q. Okay. And just to make sure we give the jury a picture  
20 about where you stay, what area of Darlington County is that  
21 we're talking about?

22 A. It's off of McIver Road.

23 Q. Off of McIver Road on the Darlington County side?

24 A. Yes.

25 Q. Okay. So you're at the house, who was at the house at

1 the time that Halique Davenport and Laquan Hicks came to your  
2 house?

3 A. My two daughters, my son, his girlfriend and my grandson  
4 and my granddaughter.

5 Q. Okay. Was Coop there at that time?

6 A. Yes, and me.

7 Q. Okay. And so about what time to the best, I know it's  
8 been a while but best that you can estimate about what time  
9 was it that they came to the house?

10 A. I'd say about 10, 10:30 maybe.

11 Q. And so without getting into much detail of what was said  
12 so I'm going to ask you this carefully to avoid any hearsay,  
13 but while they were there, did they engage in any physical  
14 altercation?

15 A. No, they did not.

16 Q. Did they engage in a verbal disagreement?

17 A. Yes.

18 Q. Did they argue, basically?

19 A. Somewhat, yes.

20 Q. Okay. And could you tell us what it was about?

21 A. Just they were, they were friends, he was just asking a  
22 question, they just had a disagreement. I wasn't in the room  
23 so I don't know exactly what was said ---

24 Q. That's fine. That's fine. Now, we also had allusions  
25 about some stuff being taken that, I guess, between the two

K. Head- Direct Examination by Mr. Redmond

65

1 of them, between Laquan Hicks and Coop, what can you tell us  
2 about that?

3 A. They just, from what I know, they took each other stuff.

4 Q. Okay. And you know what stuff it was what was ---

5 A. I wasn't present when the stuff was taken on either side  
6 so I don't know.

7 Q. Okay. When the stuff was taken, did you know of  
8 anything that will -- well, let me ask you this, did you end  
9 up at Brandi Wingfield's house later that night?

10 A. Yes.

11 Q. Okay. Was some of the stuff that Laquan Hicks accused  
12 Coop of taken, was some of that stuff at Brandi's house?

13 A. Yes.

14 Q. Okay. And what stuff was that? To the best that you  
15 can recall.

16 A. I don't know. It was just boxes. I don't know.

17 Q. Okay. And that's fair. That's fine. So either way  
18 they were, basically, back and forth taking each other stuff.  
19 Now, when Laquan and Coop had the discussion earlier with  
20 Boss there, were there any shots fired, any threats made,  
21 anything at that time ---

22 A. No.

23 Q. --- that you recall?

24 A. No.

25 Q. So then what did you do after that, after they leave,

1 tell us what happened?

2 A. We just went to Brandi's house.

3 Q. Now, is that something that y'all normally did ---

4 A. Yes.

5 Q. --- go to Brandi's house?

6 A. Mmm, hmm.

7 Q. And about how far was Brandi from where you were, where  
8 you stay?

9 A. Like two or three streets over.

10 Q. Okay. And why would you go to Brandi's house?

11 A. It's just to hang out spot for us.

12 Q. Okay. And when you got to Brandi's house, how long had  
13 you been at Brandi's house before things started taking a  
14 tragic turn?

15 A. Maybe thirty, forty-five minutes.

16 Q. Okay. And so thirty, forty-five minutes was - was there  
17 any reason for you to think that something might, something  
18 tragic was about to occur?

19 A. No.

20 Q. Okay. So let's go to the point when things changed. To  
21 the best that you can recall, do you remember about what time  
22 it was that the, that you got a knock at the door or the  
23 knock at Brandi's door?

24 A. I'm not real sure of the time.

25 Q. Was it after midnight?

K. Head- Direct Examination by Mr. Redmond

67

1 A. It was after midnight because after midnight it turned  
2 my birthday so it was July 13<sup>th</sup>.

3 Q. And let me stop you there because - and I didn't realize  
4 this until we talk the other day - but the 13<sup>th</sup> of July, can  
5 you repeat what you just said?

6 A. My birthday.

7 Q. Okay. So, in essence, your boyfriend died on your  
8 birthday?

9 A. Yes.

10 Q. Now, when you -- when the knock occurs at the door, tell  
11 the ladies and gentlemen of the jury, what transpired from  
12 that point forward? And if you need to take a moment to  
13 compose yourself -- do you need any water? Do you need us to  
14 bring you ---

15 (Whereupon, the witness takes a moment)

16 A. We couldn't answer the front door because the way the  
17 living room was set up the couch was on it, so went out the  
18 side door. And it was Boss and Cuz in the front.

19 Q. Okay. Now, let's be clear, Boss is Laquan ---

20 A. Yes.

21 Q. I mean, Boss is Halique Davenport?

22 A. Boss is -- yes.

23 Q. And Cuz is ---

24 A. Cuz is Laquan.

25 Q. Okay.

1 A. So I started talking to him to tell him, you know,  
2 what's going on then I saw the shadows of the other people  
3 going around the side of the house. So I just stopped  
4 talking, went back to the side of the house to let everybody  
5 know, you know, something's not right. So they come from  
6 out, me and Coop come outside the house.

7 Q. Okay.

8 A. Him and Quan started talking ---

9 Q. And let me be clear, so at that point y'all, Coop is  
10 outside the house, the victim, and you're outside ---

11 A. Yeah, on the porch.

12 Q. And Laquan Hicks and the defendant, I mean, excuse me,  
13 and the victim, Mr. Cooper, were talking?

14 A. Yes.

15 Q. Okay. And we'll get into where everybody was when we  
16 show the pictures, but go ahead and continue.

17 A. And then Ace, Tony and, I guess, Max, Marquise, whatever  
18 his name is, come around the house.

19 Q. And now, let me ask you this, when you went - when you  
20 saw Ace and Boss, did they have any kind of mask or try to  
21 conceal their identity?

22 A. No.

23 Q. Okay. When you said Ace came from around the house on  
24 the other side, was his face covered?

25 A. No.

K. Head- Direct Examination by Mr. Redmond

69

1 Q. Who was the only face that was covered?

2 A. Tony.

3 Q. Okay. But you were still able to identify -- were you  
4 still able to identify him?

5 A. Yes. His whole face wasn't covered ---

6 Q. Okay.

7 A. --- just here down.

8 Q. And we'll get to that. I skipped ahead a little bit but  
9 let's go back because the shooting has not taken place. So  
10 who came around the corner, to the best of your recollection  
11 to be clear, around from the back of the house?

12 A. Around from the back Tony, Ace, and Max.

13 Q. Okay. So then what took place? They come around from  
14 the back of the house, tell us what took place next?

15 A. When I see Tony and I saw that he had that on him, I  
16 knew that this wasn't good. So I just told him to leave, not  
17 to do this. He had a gun in his hand. Coop pushed me out  
18 the way and as soon as he did he just started shoot'in.

19 THE COURT: I'm sorry, say that again?

20 A. As soon as Coop pushed me out the way Tony started  
21 shoot'in.

22 Q. Okay. So were you hit?

23 A. No, I was not.

24 Q. And why do you feel you weren't hit? Why do you feel  
25 you were not hit by any of the bullets he was firing?

1 A. I don't know.

2 Q. I think you mentioned Coop had pushed, explain ---

3 A. Yeah, he pushed me out the way.

4 Q. Okay. Where were y'all standing? Again, we'll show  
5 this in the pictures but just kind of ---

6 A. Just on a small porch.

7 Q. Okay. Both of y'all are on the porch?

8 A. Mmm, hmm. He was in front of the doorway.

9 Q. Okay. And so, then, tell us again what happened again?

10 A. He just pushed me out the way and Tony started shoot'in.

11 Q. About where - where was Tony at in relation to where you  
12 were standing?

13 A. At the bottom step but not on it.

14 Q. Okay. So within five feet?

15 A. Yeah.

16 Q. Okay. So were you able to get a good look even with the  
17 mask on?

18 A. Oh, yeah. I was feeling the heat from the bullets. I  
19 was closed to everything, I saw, yeah.

20 Q. Okay. So the shooting occurs, then, from that point  
21 take us, take us on to what took place that you observed?

22 A. I guess, out of bullets, the gun -- the shoot'in stopped  
23 and he just walked out the yard.

24 Q. Tony did?

25 A. Yes. I didn't see anybody else I guess they've already

K. Head- Direct Examination by Mr. Redmond

71

1 left. My focus when I saw Tony was him. So I'm not sure  
2 when everybody else left. But I know when he stopped  
3 shoot' in all I saw was him.

4 Q. Okay. In other words, by the time the shooting stopped  
5 everybody else had gone ---

6 A. Yeah, they already ran.

7 Q. Okay.

8 A. I guess.

9 Q. And that's important. So, again pick up where we left  
10 off and I apologize for interrupting you just to make sure  
11 everything is clear that we have a clear picture of what took  
12 place. So the shooting stopped and you see him -- did you  
13 see where the defendant walked off to?

14 A. No.

15 Q. Okay.

16 A. He just walked out the yard.

17 Q. Okay. So then what -- what took place after that? Where  
18 was your attention turn to?

19 A. To call 911.

20 Q. Okay. And what was taking place there in the house --  
21 well, let me ask you this, was Mr. Cooper inside the house --

22 --

23 A. Mmm, hmm.

24 Q. --- or was he outside of the house?

25 A. Inside..

1 Q. Okay. Tell us about that?

2 A. Just sit'in there trying to talk to him, wait'in for the  
3 ambulance to come.

4 Q. Okay. And at that point in time, I mean, just to be  
5 clear, had Mr. Cooper been shot?

6 A. Yes.

7 Q. And what were your observations of him, what was taking  
8 place during that time y'all were waiting for assistance?

9 A. Just trying to stay alive.

10 Q. Okay. And when law enforcement arrived, EMS arrived, I  
11 guess, assistance arrived, was he still conscious at that  
12 point to the best that you can recall?

13 A. I guess so.

14 Q. Okay. But, of course, substantively he passed away?

15 A. Yeah.

16 Q. You talked with some officers at the scene ---

17 A. Mmm, hmm.

18 Q. --- law enforcement officers -- at that time, did you  
19 tell them what you just testified to?

20 A. Yes.

21 Q. And maybe not every single detail because I'm asking you  
22 more questions, obviously, but did you tell them who was  
23 present that you saw and recognized?

24 A. Yes.

25 Q. Did you tell them that there was a mask person that did

1 the shooting?

2 A. Yes.

3 Q. And did you tell them that you knew who that mask person  
4 was?

5 A. Yes.

6 Q. And, again, clarity for the jury, how were you able to  
7 identify the defendant despite him being masked?

8 A. Because I've known him for a long time. Been to my  
9 house. Stay the night at my house. Ate at my house. I've  
10 known for a long time.

11 Q. And what parts of his face could you see? Was his whole  
12 face masked?

13 A. No, just like here down.

14 Q. Okay.

15 A. I know his eyes. I know all that.

16 Q. And what kind of - what kind of, I guess, clothing did  
17 he attempt, did he use to attempt to mask himself?

18 A. A bandanna.

19 Q. Okay. Do you remember, best that you can, do you  
20 remember what color it was?

21 A. A dark color.

22 Q. Okay.

23 A. Maybe blue or black. I'm not sure.

24 Q. Okay. And so -- okay, so, any doubt in your mind then  
25 or as you sit here now that Tony Manago is the person that

1 shot and killed Dominic Cooper?

2 A. Yes, he was.

3 Q. Now, you then went to the sheriff's office as well and  
4 you gave an interview at the sheriff's office I believe  
5 Richie Stevens the officer that was there with April Tyner,  
6 I believe, too, when you gave the interview, do you recall  
7 that?

8 A. I don't know who it was but I did give an interview. I  
9 don't remember who it was.

10 Q. And -- now, you were not asked this in the interview, I  
11 think I ask you this when we talked previously, but - and I  
12 think I asked you whether or not they had been any prior  
13 difficulties between the defendant, Tony Manago, and Dominic  
14 Cooper?

15 A. Mmm, hmm.

16 Q. And you mentioned an incident at your residence, let's  
17 talk about that, that was a few years previously. Tell us  
18 about that? The incident, I believe there was an incident  
19 between Mr. Manago and Dominic Cooper at your house, at your  
20 house a few years before ---

21 A. It wasn't at my house.

22 Q. Okay. I'm sorry.

23 A. It was somebody else's.

24 Q. Okay. And so tell us about that?

25 A. Um, Tony and two other guys try to jump my son and Coop

K. Head- Direct Examination by Mr. Redmond

75

1 approached them years ago, years ago. And they had a little  
2 altercation, no fight'in or anything but .....

3 Q. Okay. Now, you said -- and after that point in time,  
4 they were not warm toward each other, in other words, did  
5 they speak? Did they interact socially or did they just kind  
6 of if they saw each other go about their business?

7 A. Yeah.

8 Q. Okay.

9 A. It wasn't like actual problems but it wasn't friendly  
10 either.

11 Q. Now, in the early part of 2015, you mentioned you work  
12 at the Golden Corral ---

13 A. Mmm, hmm.

14 Q. --- in Florence. In the early part of 2015, did you  
15 have an encounter with the defendant, Tony Manago, at your  
16 place of employment?

17 A. Mmm, hmm.

18 THE COURT: Ma'am, you've got say yes or no ---

19 A. Yes. I'm sorry.

20 THE COURT: --- because of the record she's taking  
21 down please..

22 Q. And did the defendant make accusations ---

23 MS. LITTLE: Object to the leading.

24 MR. REDMOND: That's a yes or no question and it  
25 doesn't suggest an answer.

1 THE COURT: I'll overrule the objection.

2 MR. REDMOND: Thank you.

3 THE COURT: Go ahead and ask the question.

4 Q. Did the defendant make any accusations against Coop at  
5 the time you encountered him in early 2015?

6 A. Yes, he did.

7 Q. Okay. And what were -- what, without getting into too  
8 much because again we've got to maintain ---

9 A. Yes.

10 Q. --- the integrity of the trial, but did it relate to an  
11 incident in Florence?

12 A. Yes, it did.

13 Q. Okay. And what did he, in essence, accuse Mr. Cooper,  
14 the victim, of having done?

15 A. Snitching on him.

16 Q. Okay.

17 A. Him and my nephew.

18 Q. Okay. And did he -- did he seem happy about that or was  
19 he irritated about that?

20 A. He was irritated about it.

21 Q. Okay. Now, let's go back, how did you end up  
22 encountering him at the Golden Corral that day?

23 A. His cousin worked there and he dropped him off at work

24 ---

25 Q. Okay.

K. Head- Direct Examination by Mr. Redmond

77

1 A. --- and he saw me.

2 Q. He, who, saw you?

3 A. Tony.

4 Q. Okay. And then when he saw you, what happened?

5 A. He just started speaking to me.

6 Q. Okay. Did you have any idea -- did you know anything  
7 about what he was talking about?

8 A. No, I did not.

9 Q. Okay. And did, in fact, you tell the victim, Mr.  
10 Cooper, about this encounter you had with him?

11 A. Yes, I did.

12 Q. But to be clear, did Mr. Manago, specifically to use  
13 your term, accuse Mr. Cooper of snitching?

14 A. Yes, he did.

15 Q. Okay.

16 MR. REDMOND: Now, if I could with the Court's  
17 indulgence, ask her to step down.

18 THE COURT: You can step down.

19 MR. REDMOND: I'm gonna have you step down.

20 Q. Now, I know you're nervous and your soft-spoken but I  
21 need you to speak as loud as you can and what I'm gonna have  
22 you do is stand right about here. Right about here. And  
23 since your back is turn to the court reporter, once the  
24 becomes on, then just speak as loudly as you can. This won't  
25 take too long. Okay. Now, and it might be upside down, but

1 do you - do you recognize this particular picture?

2 A. Yes, I do.

3 Q. And what is this a picture of?

4 A. That's Brandi's house.

5 Q. Okay. And which one is Brandi's house?

6 (Whereupon, the witness is pointing to the scene)

7 A. It would be that one.

8 Q. Okay.

9 THE COURT: You're gonna have to speak up.

10 A. It's right here.

11 THE COURT: You don't have a microphone. So speak up  
12 loudly and clearly when you answer these questions.

13 A. This house right here.

14 Q. Okay. The one at the bottom middle?

15 A. Yes.

16 Q. And is there a white car right there next to it?

17 A. Yeah, right beside it.

18 Q. And is that, would that be the type of car that Brandi  
19 drove?

20 A. Yes, it was, right there.

21 Q. Okay. Now ---

22 THE COURT: Ms. Head, it's not your fault, but you've  
23 got your back to the court reporter so please speak up really  
24 loud when you answer these questions.

25 A. Okay.

K. Head- Direct Examination by Mr. Redmond

79

1 Q. And is this the same location from a different angle?

2 A. Yes, it is.

3 Q. Okay. All right. All right, is this -- what is this  
4 black-and-white, what is that a picture of?

5 A. This is Brandi's house..

6 Q. Okay. Now, you've testified as to what happened but I  
7 want you, using this picture and again speak as loudly as you  
8 can come as a matter fact I'm gonna step back here to make  
9 sure that you speak as loudly as you can so I can hear you,  
10 but tell us where you were when you first exited the house,  
11 when you came out the house after the door knock?

12 A. I came out this door right here.

13 Q. Okay. And when you first saw Laquan Hicks and Halique  
14 Davenport, where were they located?

15 A. Over here.

16 Q. Okay.

17 A. He knocked on the front door so I walked around.

18 Q. Okay. And then -- so you encountered them in the front?

19 A. Mmm, hmm.

20 Q. And is that the point that you noticed that some people  
21 had gone around the back?

22 A. Yeah. I saw a shadow over here.

23 Q. Okay.

24 A. So I knew there were people come around the back. So I  
25 just stop talk'in to them and I came back around this way.

1 Q. Okay. And at that point, when you came back around,  
2 then tell us what, what took place again, once you came back  
3 around to the front after you see the people that was walking  
4 around?

5 A. I go inside and I let them know what's going on that,  
6 you know, something's not right. Then we come back to the  
7 door and everybody's kinda coming around.

8 Q. When you say we come to the door, you and Coop?

9 A. Yes.

10 Q. Okay. Now, at that point in time when Coop and Laquan  
11 were talking, where was Laquan and where was Coop?

12 A. Coop was standing here on the step and I say Quan was  
13 over here.

14 Q. Okay. And was Halique somewhere in the area ---

15 A. Yeah.

16 Q. --- of Laquan?

17 A. Right beside him. Behind, right about here.

18 Q. So to be clear the people that you saw come around the  
19 back they came, in essence, opposite -- did they come from  
20 the opposite direction of where Laquan ---

21 A. Yes.

22 Q. --- and Halique were? And using that, show us where the  
23 three people came around?

24 A. They came around this way.

25 Q. Okay. And was Tony Manago one of the people that came

K. Head- Direct Examination by Mr. Redmond

81

1 around?

2 A. Yes, he was.

3 Q. Okay. So where was he standing and where were you and  
4 Coop standing at the time Tony Manago started shooting?

5 A. He was at, standing at the bottom step. Coop was kind  
6 of in the doorway and I was standing on the step just doing  
7 this, asking him to leave.

8 Q. Okay. And at the time before the shots were fired, do  
9 you remember whether you said anything?

10 A. I just was telling them don't do this.

11 Q. Okay. And again so just to be clear, I am going to step  
12 forward, the defendant, you said, was at the bottom of the  
13 steps about right here and you were at the top, you and  
14 Cooper were at the top of the step?

15 A. Yes.

16 Q. Again, would you say, I know that's not the scale, but  
17 within five feet?

18 A. Yes.

19 Q. Okay. You can take a seat. Thank you.

20 MR. REDMOND: I beg the Court's indulgence. That'd be  
21 all the questions that I have. Please answer any questions  
22 that Ms. Copeland-Little may have. Thank you.

23 A. Okay.

24 THE COURT: Ms. Little?

25 MS. LITTLE: Thank you, Your Honor.

**Cross-Examination by Ms. Little:**

Q. Everybody is having trouble talking today. I think I have allergies. Ms. Head, had you, you had said that you saw some shadows coming around and did you - do you know what order the people came around when you said that three people came around from the other side, do you know if they were all walking together, was it single file, or how did that come about?

A. I would say it was in a line.

Q. Okay. Do you know who was walking first?

A. Ace.

Q. Okay. And Ace is, real name?

A. Kahseem, I think.

Q. Kahseem Davenport?

A. Yes.

Q. Okay. All right. And you said Ace didn't have anything over his face?

A. No, he did not.

Q. All right. And, then, you had mentioned the defendant, Tony Manago, and then you said another person that you really didn't know.

A. Mmm, hmm.

Q. But do you know his name?

A. Yes, I'm sorry. Say it again?

Q. Do you name of that other person that you said you

K. Head- Cross-Examination by Ms. Little

83

1 didn't really know him well?

2 A. Marquise.

3 Q. Marquise. And did you have any covering over his face?

4 A. No, he didn't.

5 Q. When you said that Tony came up to the step, was he  
6 arguing with Cooper or were they talking?

7 A. Um, no. He didn't say anything.

8 Q. You don't remember him saying anything to Cooper or  
9 Cooper say anything to him?

10 A. No, I did not.

11 Q. Okay. And before that when Quan had, kind of, I think  
12 you said they were kind of discussing or ---

13 A. Mmm, hmm.

14 Q. --- arguing a little bit with Coop, your boyfriend, did  
15 Laquan have a weapon on him at the time?

16 A. I didn't see him with any weapon.

17 Q. Okay. So, you did not see, I'mma say, anybody outside  
18 of your house with a weapon other than what you testified to  
19 earlier, you said Tony had a gun?

20 A. Yes.

21 Q. And were you able to see the gun or describe it in any  
22 way or you just knew it was a gun?

23 A. I just know it was a gun.

24 Q. And did Cooper, your boyfriend, I'm sorry, Coop, did he  
25 normally carry a gun?

1 A. No, he did not.

2 Q. Okay. And do you know if he had a gun in the house  
3 there that was available to him?

4 A. No, he did not.

5 Q. All right. And do you know if there were any weapons or  
6 ammunition laying around the house that you know of?

7 A. Not that I know of.

8 Q. All right. Other than what you said about possibly some  
9 words years ago that Manago had, had with Coop, did - they  
10 had, kind of, seem to have gotten things -- they spoke --  
11 they weren't friends ---

12 A. Mmm, hmm.

13 Q. --- but did they speak when they saw each other?

14 A. I really wasn't around too much when they saw each  
15 other. They didn't have real issues. They didn't argue or  
16 anything like that but ....

17 Q. So that night when this happened the only person you  
18 knew that was arguing was Laquan and Cooper, is that right?

19 A. Yes.

20 Q. I'm sorry, I keep calling him Coop. Okay. So to be  
21 clear, the only two people that seem to have a beef with each  
22 other that you knew of that night was Laquan Hicks and  
23 Dominique Cooper?

24 A. Yes.

25 MS. LITTLE: All right. No further questions.

K. Head- Redirect Examination by Mr. Redmond

85

1 THE COURT: Mr. Redmond?

2 MR. REDMOND: Just briefly.

3 Redirect Examination by Mr. Redmond:

4 Q. And I didn't ask you about the guns. Again, just to  
5 clarify, was anybody else there -- did you see any other gun  
6 there?

7 A. No, I did not.

8 Q. Okay. And the only person who had a gun, was who?

9 A. Tony.

10 Q. Okay. And are you absolutely certain about that?

11 A. Positive.

12 Q. And let's go to the house, you were asked about any --  
13 whether or not there were any if any ammunition in the house,  
14 was that your house that this occurred?

15 A. No, it was not my house.

16 Q. Whose house was it?

17 A. Brandi's house.

18 Q. And you had only been there for about how long?

19 A. Thirty, forty-five minutes.

20 MR. REDMOND: That'd be all the questions I have.

21 Thank you.

22 THE COURT: Anything else, Ms. Little?

23 MS. LITTLE: No. No, Your Honor.

24 THE COURT: All right. You can step down.

25 MR. REDMOND: The State would next call Neal Flowers.

1 THE CLERK: Place your left on the Bible and raise  
2 your right. You swear the testimony you're about to give  
3 this court is the truth, the whole truth, and nothing but the  
4 truth so help you God?

5 MR. FLOWERS: I do.

6 THE COURT: Mr. Flowers, please speak loudly and  
7 clearly. As I instruct the others don't nod your head to  
8 answer, don't say uh, uh or huh, huh, say yes or no when you  
9 answer these questions.

10 MR. FLOWERS: Yes, sir.

11 MR. REDMOND: May it please, the Court, Your Honor?

12 THE COURT: Yes, sir.

13 NEAL FLOWERS, first being  
14 duly sworn, testified as follows:

15 Direct Examination by Mr. Redmond:

16 Q. Officer Flowers, by whom are you employed at this time?

17 A. At this time at the Hartsville Police Department

18 Q. And by whom are you employed back in July of 2015?

19 A. Darlington County Sheriff's Office.

20 Q. And in what capacity were you employed with the  
21 sheriff's office?

22 A. I was working in crime scene and evidence.

23 Q. And did you, in fact, respond to the -- well, let me ask  
24 you this, at this time, again, you are working with  
25 Hartsville Police Department, at this time back in 2015, did

N. Flowers- Direct Examination by Mr. Redmond

87

1 you respond at a location of 3200, I believe it is, Santee  
2 Drive in Darlington County?

3 A. I did.

4 Q. Okay. And could you tell us what you do -- well, let me  
5 ask you this, were you one of the initial officers or were  
6 you requested?

7 A. I was requested.

8 Q. Tell us the protocol, how does that work?

9 A. We were -- where there's only two of us in crime scene  
10 at the time so we rotated weeks. We were on call so if  
11 anything happened after hours we would get called out an  
12 investigator.

13 Q. Okay. And were you the person that was on call this  
14 particular day?

15 A. I was.

16 Q. And did you -- did you respond?

17 A. I did.

18 Q. Okay. And so after the crime scene unit was requested,  
19 you responded. Do you recall about what time you got there?

20 A. It was roughly 3, 3:30 when I got on the scene because  
21 I had come from Hartsville so....

22 Q. Okay. And so at the time you got to the scene, was  
23 there anything amiss, in other words, based on the protocol  
24 for securing the scene until evidence is gathered, did all of  
25 that seem to be in place?

1 A. It did. It was already taped off with crime scene tape  
2 and I believe the victim had already been transported to the  
3 hospital so.....

4 Q. Okay. Now, when you arrived, did you immediately start  
5 collecting evidence or is there something else that needed to  
6 take place before you formally began to, I guess,  
7 identifying, collecting evidence?

8 A. We had to wait for a search warrant to get secured.

9 Q. And I believe it was about 5:30, I think, because to get  
10 a search warrant, just so the jury can understand, do you  
11 make your own search warrants? How do you go about getting  
12 a search warrant?

13 A. We actually type of the search warrant and then we have  
14 to take it to a judge for a judge to approve it and sign it.  
15 Then once it signed by the judge we're able to execute the  
16 search warrant.

17 Q. And, of course, we're talking, you were there at 3:30 in  
18 the morning, the search warrant doesn't get back until 5:30  
19 in the morning so chances are - are you waking up a judge to  
20 get this search warrant?

21 A. Yes.

22 Q. Okay. So, of course, it took a couple of hours to get  
23 the search warrant back to you. But during that time was  
24 anything on the scene disturbed and were you able to maintain  
25 control of the crime scene?

N. Flowers- Direct Examination by Mr. Redmond

89

1 A. Nothing was disturbed at the time.

2 Q. Okay. So we get to 5:30, you get the search warrant,  
3 tell us what -- let me ask, in the interim, did you at least  
4 observe anything or did, you know, what did you in the  
5 interim until the search warrant got there?

6 A. Welcome at the time as soon as I got on the scene I  
7 think Investigator Stevens had to leave to go do some  
8 interviews. Another investigator was still on the scene.  
9 They kinda walked me around, showing me, you know, kind of  
10 giving me a gist of what they, you know, were told happened.  
11 And I just kind of walked around the area, just kind of get  
12 a feel of, you know, where I needed to start once the search  
13 warrant were secured so....

14 Q. Okay. And so once you got the search warrant, then,  
15 tell us what you did? What took place?

16 A. I first started taking pictures. I started on the  
17 outside of the residence just taking pictures of all four  
18 corners. If I may refer to my report.

19 Q. Oh, absolutely!

20 A. Once I took pictures of the house on the outside I went  
21 around to the side door where it had a small porch, this is  
22 where the incident supposedly took place. There is a vehicle  
23 not too far from the porch approximately three or four feet  
24 away from that. There was - I observed small shell casings  
25 around the vehicle. There was one shell casing on the ground

1 next to the rear passenger side tire. This was marked as  
2 marker one. There were two shell casings on the ground  
3 directly behind the vehicle between the vehicle and the  
4 neighbors wooden fence. These were marked as marker two.  
5 And the shell casings were approximately two feet apart so  
6 the mark was placed in between. There were four more shell  
7 casings on the ground in the edge of the backyard just behind  
8 the side door deck where the deck came out of the house. I  
9 marked these as marker three, marker four, marker five and  
10 marker six. And after looking around the yard thoroughly I  
11 didn't find anything else. So at that time we kind of moved  
12 into the house. Once I marked and photographed everything  
13 outside we began at the side door where the shooting took  
14 place. As I walked up the side steps I observed a large pool  
15 of blood just inside the door where the victim had fallen  
16 after he had been shot. Inside the large pool of blood were  
17 two fire bullets. Both bullets were slightly deformed and  
18 appeared to have hit something. There were several  
19 footprints of blood coming from the pool of blood into the  
20 kitchen. One was a shoe print and another was a barefoot  
21 print. There was also a piece, several pieces of drywall  
22 standing up in the kitchen that had blood on it. All of this  
23 was photographed. Just off the kitchen was a small dining  
24 room area but there did not appear to be anything of  
25 evidentiary value in that area.

1 Q. Okay. And just to be clear, when you, I guess -- take  
2 us through when you concluded, I guess, everything that you  
3 have collected at that time?

4 A. Okay. Well, at this time I hadn't collected anything I  
5 was still photographing.

6 Q. And I say collecting or photographs.

7 A. Okay. Once the kitchen had nothing to evidentiary  
8 value, I moved into a living room which was the next room off  
9 of the dining room area. I did find that there was a large  
10 sectional sofa and some clothes in the area. There was a  
11 coffee table in front of the sofa that had some ammunition on  
12 it. There were to lose rounds on one end of the table.  
13 There was also a black exhibit case with numerous 12 gauge  
14 shells, .380 rounds and 9 mm rounds inside of it. Just next  
15 to this was a plastic bag with more .380 rounds. After  
16 searching the rest of the living room nothing else was found.  
17 We then went on to the rest of the house which led down a  
18 hallway. There's several bedrooms but nothing of evidentiary  
19 value was found in any of those rooms so....

20 Q. And so once you finished your search, did you, after you  
21 documented, I guess, mark it and photograph, did you collect  
22 it?

23 A. Yes. Once everything is marked and photographed I began  
24 collecting the evidence.

25 Q. And at this point, I'll show you what's already in

1 evidence as State's 36, if I may approach the witness, Your  
2 Honor?

3 THE COURT: Yes, sir.

4 Q. This is State's 36. It's still sealed. But, if you  
5 would take a look at that and like I said it's already in  
6 evidence, but does that reflect the items of evidence, the  
7 shell casings and the two, I think it was, fired bullets that  
8 you referred to?

9 A. It does.

10 Q. Okay. And -- thank you. So those are the items that  
11 you actually collected. And, then, moving further, so you  
12 leave the house, did you go to the sheriff's office to log in  
13 what you collected?

14 A. Yes, I did.

15 Q. Okay. And tell us about that?

16 A. Once at the sheriff's office the next step was to just  
17 to actually log in each piece of evidence into the computer  
18 and then place it in a particular bin which is, basically, up  
19 to our decision. This was pretty much an all day ordeal  
20 from, you know, the morning all the way into the evening.

21 Q. And at the time you are logging, did you discover at  
22 that time, of course, testing came later, but at that time  
23 you indicate the shells you were able to identify the caliber  
24 shell casings that you had recovered and so could you tell us  
25 what those findings were?

N. Flowers- Direct Examination by Mr. Redmond

93

1 A. Yes, sir.

2 Q. Based on your experience as a law enforcement officer,  
3 obviously.

4 A. Yeah. While logging all of the items I found that all  
5 the empty shell casings collected were .45 caliber rounds.  
6 All the rounds were manufactured by Winchester except for one  
7 round which was manufactured by Tula Ammo.

8 Q. So at this point is it clear that the shell casings, the  
9 gun that was being used -- let me ask you this, did you ever  
10 recover - did you ever have the gun logged into evidence?  
11 Was the gun ever recovered, the murder weapon, was it ever  
12 recovered?

13 A. Not to my knowledge.

14 Q. Okay. But you don't have the gun, you at least have the  
15 shell casings?

16 A. Yes.

17 Q. And I believe it was, was it seven shell casings, I  
18 think that were recovered and two fired bullets, if my math  
19 is correct?

20 A. Let me see, yes.

21 Q. Okay. And those were what was collected at the scene?  
22 And again you logged it in, I guess, you logged it in and at  
23 that point, once it's logged in, does it just at the  
24 sheriff's office or is that the protocol for it to be sent to  
25 sled for further testing?

1 A. Well, sled was already down processing the vehicle. So  
2 while they were there Agent Tallon from sled actually came  
3 over to the evidence to actually go ahead and take some of  
4 the items back to sled for testing.

5 Q. Okay. So you - you handed it off to Agent Tallon. And  
6 let me ask you this, during the course of your, I guess, the  
7 course of your involvement in this, did you either observe or  
8 were aware of the fact that sled had been called in to  
9 process the Ford Taurus that was being searched for evidence?

10 A. Yes, I was aware.

11 Q. Okay. And is that why Agent Tallon was here?

12 A. Yes.

13 Q. Okay.

14 MR. REDMOND: I beg the Court's indulgence. That'd be  
15 all the questions that I have. Please answer any questions  
16 that Ms. Copeland-Little has.

17 MS. LITTLE: No questions.

18 THE COURT: Okay. You can step down, sir. Thank  
19 you.

20 MR. REDMOND: The State's next witness would be James  
21 Tallon, III from State Law Enforcement Division. Oh, I'm  
22 sorry, I actually meant to go through the pictures, Your  
23 Honor. If I could briefly recall him if there's no -- I  
24 forgot to go through the pictures with him of the crime  
25 scene.

N. Flowers- Direct Examination by Mr. Redmond

95

1 MS. LITTLE: If they are in evidence I don't ---

2 MR. REDMOND: If there's no objection and since they're  
3 in evidence ---

4 THE COURT: Any objection to him being recalled?

5 MS. LITTLE: No objection.

6 THE COURT: You can come back.

7 MR. REDMOND: I apologize for that, judge.

8 Continued Direct Examination by Mr. Redmond:

9 Q. Neal, if you can just stand right here. This won't take  
10 long. But I wanted to show the jury. Let you walk us  
11 through that. And while we are waiting, like I, you know,  
12 told the other witness since your back is to the court  
13 reporter if you can speak as loudly as you can. I don't  
14 think that would be a problem for you but ---

15 A. Okay.

16 Q. --- speak as loudly as you can. Starting right there,  
17 what does that reflect?

18 A. This is a picture of front of the house where the  
19 incident took place.

20 Q. Okay.

21 A. This is the side of the house where the side porch where  
22 the actual shooting occurred.

23 Q. Okay.

24 A. This is a picture of the pool of blood that was just  
25 inside the door into like a laundry room area of the house.

1 Q. And I hadn't made it clear, by the time you got there,  
2 had the victim already been transported?

3 A. Yeah. He had been transported to the hospital.

4 Q. Okay.

5 A. This is the side steps and this had droppings of blood  
6 going down the steps.

7 Q. Okay.

8 A. That's just another picture of the droppings of blood.

9 MR. REDMOND: Can everybody see okay?

10 (Whereupon, the jury indicates, yes)

11 Q. Okay, go ahead.

12 A. This is marker one showing, you know, shell casings, the  
13 first shell casing. These aren't in any particular order as  
14 it's the order I chose.

15 Q. Okay.

16 A. This is a close up of the shell casing one.

17 Q. I believe this is marker number two which is in between  
18 the back of the vehicle and the neighbor's fence where the  
19 two shell casings were found.

20 Q. Okay.

21 A. This is a close up of the shell casings. I know it's  
22 going to be hard to see. I don't think I could get a real  
23 close up, close up of them because they were so far apart.

24 Q. Okay.

25 A. There's a close up of one of them. I try to get them

N. Flowers- Direct Examination by Mr. Redmond

97

1 together but it was too far apart. There's a picture of the  
2 next one.

3 Q. Okay.

4 A. At marker two.

5 THE COURT: Speak up a little bit please.

6 A. That's just a close up of the marker two ---

7 Q. Okay.

8 A. --- the second one. These are the rest of the markers  
9 where the rest of the shell casings were found. This is just  
10 to the rear of that vehicle just off of that deck.

11 Q. Okay.

12 A. These are just close ups of the rounds.

13 Q. Okay.

14 A. That's just another close up. Same here in the general  
15 area and then the close up probably following it. There's a  
16 round right here. Another empty casing. This is a close up  
17 of that empty casing.

18 Q. Okay.

19 A. And the same here just in the general area. They were  
20 all in the same general area.

21 Q. And that one?

22 A. And that's just a close up of the last one. This is a  
23 picture of the rear of the vehicle how we found it just to  
24 give you a general idea of where everything was at.

25 Q. Okay.

1 A. Same with the backyard, would be the general idea.

2 Q. Okay.

3 A. This is a closer image of the pool of blood just inside  
4 the door where the shooting took place.

5 Q. And is there something right smack in the middle there?

6 A. Yeah. There is a deformed round right here indicating  
7 that it hit something.

8 Q. Okay.

9 A. This is a picture of the coffee table where some of the  
10 ammunition was found inside the living room area.

11 Q. Okay.

12 A. And that's just a picture of some of the rounds that  
13 were recovered.

14 Q. Okay.

15 A. That's the black bag with the ammunition that was  
16 inside.

17 Q. Okay.

18 A. And that's just a picture of, I believe this is, um, I  
19 can't really tell. I'm not sure what that is.

20 Q. Okay. But -- now, was ---

21 A. This was inside the living room at the sectional.

22 Q. All right. Is it something that you would look at and,  
23 obviously, think it might be important?

24 A. Yes.

25 Q. Okay. But in your investigation or in your involvement

N. Flowers- Direct Examination by Mr. Redmond

99

1 in the investigation, were there any other items or weapons  
2 or anything that were retrieved?

3 A. None. None after, you know, ammunition.

4 Q. Okay. And that's just a closer picture of that  
5 particular item -- but let me be clear, was that any kind of  
6 weapon in that picture right there?

7 A. Not to my knowledge.

8 Q. Okay. All right. And that's it? Okay.

9 MR. REDMOND: Thank you. Please answer any questions  
10 that Ms. Copeland-Little may ask you. Thank you.

11 MS. LITTLE: I don't have any other questions of this  
12 witness.

13 MR. REDMOND: Okay.

14 THE COURT: Thank you, sir.

15 MR. REDMOND: The State would next call James Tallon,  
16 III from the State Law Enforcement Division.

17 THE CLERK: Place your left hand on the Bible and  
18 raise your right. You swear the testimony you're about to  
19 give this court is the truth, the whole truth, and nothing  
20 but the truth so help you God?

21 MR. TALLON: I do.

22 THE CLERK: Thank you. Have a seat.

23 THE COURT: Mr. Tallon, please speak loudly and  
24 clearly when you answer these questions. Answer with yes or  
25 no response, not a uh, uh or huh, huh.

1 MR. TALLON: Yes, sir.

2 MR. REDMOND: May it please, the Court, Your Honor?

3 THE COURT: Yes, sir.

4 JAMES TALLON, III, first being  
5 duly sworn, testified as follows:

6 Direct Examination by Mr. Redmond:

7 Q. Agent Tallon, by whom are you employed, sir?

8 A. I'm employed with the State of South Carolina Law  
9 Enforcement Division also commonly referred to as sled.

10 Q. And how long have you been so employed?

11 A. I have been employed with sled for five years.

12 Q. And how long, excuse me, how about before that, could  
13 you give us your background before your employment with sled?

14 A. I was employed with the City of Sumter Police Department  
15 for five years prior to that.

16 Q. Okay. And what do you do in the five years you been  
17 with sled, what is your - what are your duties and what  
18 capacity do you serve sled?

19 A. My main duty is in crime scene. We respond throughout  
20 the entire State of South Carolina 24/7 for any calls for  
21 service where an agency requests that we come and help  
22 investigate a crime scene.

23 Q. Okay. And were you requested in this case?

24 A. Yes sir, I was.

25 Q. All right. But before we get into that, let's just and

J. Tallon- Direct Examination by Mr. Redmond

101

1 I guess briefly, just to give an idea with the jury what it  
2 is that you do, when you're called out to a scene depending,  
3 obviously, on what type of case it is but what is that you're  
4 tasked with doing?

5 A. Basically, when we get called out to a crime scene we're  
6 there to look for evidence. Try to determine, put the puzzle  
7 pieces together to determine what may have happened.

8 Q. Okay. And in this case, did you respond to, I guess,  
9 inventory, I say inventory but actually processed a Ford  
10 Taurus vehicle?

11 A. May refer to my notes, Your Honor?

12 THE COURT: Yes, sir.

13 A. It was a Ford Taurus, yes, sir.

14 Q. Okay. And tell us -- in this case were you dispatched  
15 to Darlington County on 13<sup>th</sup> of July, 2015?

16 A. Correct.

17 Q. And could you tell us about how that process works? Once  
18 you're dispatched then what do you do in order, I guess, to  
19 respond?

20 A. So, basically, once we get the call for service we get  
21 a little bit of background as to what we're going to be doing  
22 so that we make sure we have the proper equipment to process  
23 the crime scene or in this case the vehicle. We will get or  
24 we work as a team so it was me and my partner and we got into  
25 our vehicle and came to Darlington, I believe it was, County

1 Sheriff's office and at which time we process the vehicle.

2 Q. Okay. And you got there, I guess, was at late afternoon  
3 of the 13<sup>th</sup> when you arrived in Darlington County?

4 A. We arrived at 6:30 PM.

5 Q. Well, I guess late afternoon, early evening. And at  
6 that time once you got to the scene, tell us what took place?  
7 Once you get to the scene, are you briefed by anybody?

8 A. Yes, sir. Sergeant Flowers was also on scene and a  
9 Deputy Tyler or Tyner, sorry, where they gave us kind of a  
10 brief description as to what transpired. I'm not sure how  
11 far behind we were. This was in relation to a crime scene  
12 that they had actually worked the crime scene and we were  
13 working the vehicle.

14 Q. Okay. And so when you're briefed, after your briefing  
15 does that give you an idea of what kind of evidence you might  
16 be looking for?

17 A. Correct. It gives us an idea of what we're going to be  
18 searching for.

19 Q. And in this particular case, could you tell us what you  
20 did to process the vehicle?

21 A. So, basically, when we arrived after we got our little  
22 briefing the vehicle was in a closed up bay with crime scene  
23 tape around it and a 'do not touch' sign on it. And then we  
24 take photographs of everything that we do. So we photograph  
25 the entire vehicle and then we started processing it. First,

1 we did the exterior of the vehicle. We worked from the  
2 outside in where we collected DNA swabs of all the door  
3 handles. And then we collected DNA swabs from the interior  
4 door handles as where, as well. And then we will fingerprint  
5 the vehicle after that.

6 Q. And this is the exterior of the vehicle?

7 A. That was -- that's the exterior of the vehicle, a little  
8 bit of the interior as well, which fingerprint or not  
9 fingerprints, excuse me, DNA swab of all the interior door  
10 handles and any other evidence that we'd find that we may  
11 want a DNA swab like suspected blood, things like that.

12 Q. And speaking of that, and I guess to get directly to the  
13 point, did you swab anything inside the vehicle that you  
14 suspected to be blood?

15 A. Yes, sir, I did. There were two spots on the interior  
16 of the vehicle. One of which was the interior front  
17 passenger side door area right around the handle and on the  
18 side. And then there was the suspected blood from the  
19 dashboard as well in front of the front passenger.

20 Q. And let me, if I may approach the witness, what's  
21 already in evidence is State's 48, I'm going to ask you to  
22 take a look at that and see if you can identify that. It's  
23 already in evidence. But if you'd take a look at it and see  
24 if you could indicate to the jury whether or not those  
25 represent the swabs that you just testified to?

1 A. Yes, sir. Those are sealed with my initials on the date  
2 of 7-21-15 and items that I swabbed from the vehicle.

3 Q. Thank you. And as I said those already in evidence.  
4 And so once they're swabbed, I guess, this gets into the  
5 protocol of sled, what you do when you swab that from the  
6 vehicle -- well, let me, you're still at the scene, did you  
7 complete your processing of the vehicle?

8 A. Yes, sir, we completed it but prior to returning the  
9 evidence to sled.

10 Q. Okay. And then tell us about that. So once you  
11 completed that process then tell us what you did?

12 A. So upon arrival back to sled what we'll do is take the  
13 evidence that we've collected and we put it in our computer  
14 system. We log it all in so everything gets an identifier in  
15 which you can see here there's a lab number assigned to it.  
16 And in this case there's a container assigned to this as well  
17 which is Container D, Delta. So if you look this up in the  
18 computer under that lab number and this container it will  
19 tell you everything that is in here. Then we will assign it  
20 to a, an area in the lab whether be trace DNA, fingerprints,  
21 or latent prints. In this case you can see I wrote DNA on  
22 here so that's where it went after it left me.

23 Q. So in other words once it leaves you when it gets to  
24 sled it's going there for the purpose of DNA testing?

25 A. Correct. They do all of the testing ---

J. Tallon- Direct Examination by Mr. Redmond

105

1 Q. Okay.

2 A. --- and their magic.

3 Q. And then did you take some exhibits that you yourself  
4 didn't collect but that you were given by Sergeant Flowers to  
5 take back to sled for firearms testing?

6 A. That is correct. There were several items of evidence  
7 that they had collected. I believe it was at the initial  
8 scene and that was transferred to me from Sergeant Flowers  
9 via paper chain of custody where I signed for it. And then  
10 I took all of that evidence as well to sled, logged it in,  
11 and sent it where it needed to be.

12 Q. And, let's see, I beg the court's indulgence. If I  
13 could have you - let me turn the tv on if I can find remote,  
14 and just like I've told the other witnesses I'm gonna ask you  
15 to step down. We're gonna go through the pictures that have  
16 already been in evidence. If you can step down and, excuse  
17 me, if you could step down but you have your back to the  
18 court reporter so speak as loudly and clearly as you can. So  
19 if you step ---

20 A. Step down where you're ---

21 Q. With the court's permission, of course, I apologize.

22 THE COURT: Yes, sir.

23 Q. All right. And could you tell us what this is?

24 A. This is a picture of the bay when we first got on the  
25 scene. My truck was actually parked behind this photo. And

1 then you can see the 'do not touch' sign that I spoke about  
2 earlier and the crime scene tape around the vehicle and this  
3 is the vehicle that we processed.

4 Q. Okay. I apologize, we've got an old computer that is  
5 slow. All right. Next picture?

6 A. This is the same vehicle. You can see that there's my  
7 truck there and then this is the backside of the vehicle.

8 Q. Okay.

9 A. This is the front passenger side door which is opened.

10 Q. Go ahead, yeah, the next one?

11 A. This is showing what we at the time were suspecting  
12 maybe blood just these areas here along the door. Also the  
13 same passenger front door showing these areas of suspected  
14 blood and showing the door handle itself.

15 (Whereupon, the solicitor is showing pictures to witness)

16 A. Once again the same just a closer image of the blood.

17 Q. Same?

18 A. The same door.

19 Q. Okay. Now, what's that kinda of a picture, can you  
20 tell us?

21 A. This is actually a photograph of the interior of the  
22 vehicle. If you're sitting in the passenger front, front  
23 passenger side of the vehicle there was an arm rest. Most  
24 vehicles these days have a compartment inside of that. This  
25 didn't have that. It was, you lifted it up and the

J. Tallon- Direct Examination by Mr. Redmond

107

1 compartment was underneath it. And this was underneath  
2 showing various items down there. But, specifically, we were  
3 taking a photo of the cartridge or the actual round that was  
4 there.

5 Q. And just to be clear that's an unfired round?

6 A. That's an unfired around.

7 Q. And according to your records what caliber was that?  
8 And I apologize if you could refer to your notes.

9 A. Yeah, I need to refer to my notes.

10 Q. I actually meant to ask you that before you stepped down  
11 so that's my fault, not yours.

12 A. There were two in there. One was a Hornady .40 caliber  
13 Smith and Wesson cartridge. And the other was a Blazer .40  
14 caliber Smith & Wesson cartridge.

15 Q. Okay. So both of them were .40 caliber's? They were  
16 of .40 caliber's, not .45's?

17 A. Correct.

18 Q. Okay. That's important. So next picture please. And  
19 I think that was a picture I put in there by mistake, but was  
20 there anything -- as far as the search could you tell us ---

21 A. We didn't find anything of evidentiary value in the  
22 trunk. There were some miscellaneous items.

23 Q. However, this?

24 A. This is the front passenger side of the vehicle as well  
25 on the dashboard where we believe there was suspected blood.

1 Q. And did you take a swab of that?

2 A. Yes, sir, there was a swab taken of that as well.

3 Q. And to be clear the other pictures from the door panel  
4 were the swabs taken from there as well?

5 A. That is correct.

6 Q. Okay.

7 A. That was in the door that's right here.

8 Q. Okay. So those would be the swabs that are reflected in  
9 Exhibit 30, 48 that I showed you?

10 A. The one I just saw ---

11 Q. Yes. Yes.

12 A. I'm sorry, I don't remember the numbers, but, yes, sir.

13 Q. Okay. Thank you. You can have a seat.

14 MR. REDMOND: I beg the Court's indulgence.

15 THE COURT: Yes, sir.

16 MR. REDMOND: That'd the other questions I have at this  
17 time. Please answer any questions Ms. Copeland-Little might  
18 have.

19 MS. LITTLE: No questions.

20 THE COURT: Okay. You can step down, sir.

21 MR. REDMOND: Your Honor, May we approach?

22 THE COURT: Yes, sir.

23 (Whereupon, a bench conference was held off the record)

24 THE COURT: All right. Ladies and gentlemen, we're  
25 going to break for lunch at this point in time. The State

J. Tallon- Direct Examination by Mr. Redmond

109

1 has a witness that's coming from out of town that will be  
2 here at 1:30. They have one witness from sled that I know  
3 that they need to call right after lunch. But this is a good  
4 time to go ahead and break. I'm going to ask that you try to  
5 be back in the jury room by, say 1:25 and then we'll try to  
6 start back promptly at 1:30. That'll give you about an hour  
7 and a half to go to lunch. You should be able to do that  
8 here in Darlington, hopefully. Let me caution you again as  
9 I've, as I will every time you get ready to leave, do not  
10 start, do not start discussing the case at this point in  
11 time. There's a lot more evidence that's got to be  
12 introduced. It would not be fair to either side until you  
13 hear everything before you start deliberating and I will  
14 instruct you on that later in the trial as well. Have a good  
15 lunch. Everybody remain seated while the jury goes out.

16 (Whereupon, the jury exits 12:09 pm)

17 THE COURT: All right. We're going to break for  
18 lunch at this point in time. Let's have everybody back  
19 let's, say 1:25 and then we'll get ready to start.

20 MR. REDMOND: That will be fine. Thank you, Your  
21 Honor.

22 (Whereupon, the court broke for lunch at 12:10 pm )

23 (Whereupon, the court is back on the record at 1:34 pm)

24 THE COURT: Is the State ready for the jury to come  
25 back in.

1 MR. BELL: Yes, Your Honor.

2 MS. LITTLE: Your Honor, before the jury comes in I  
3 would just like to note something for the record. Your Honor  
4 during our lunch break I spoke with the defendant again and  
5 ask him.---

6 THE COURT: Hang on. Let them get quiet. All right.  
7 Go ahead.

8 MS. LITTLE: He is still here in the courthouse but  
9 he's in the holding room. I asked him again if he would come  
10 out and participate in his trial and he declined. I asked  
11 him again if he wished to enter a guilty plea, he again  
12 declined. And I instructed him at any time while this trial  
13 is going on if he knocks on that door the bailiff or someone  
14 will come get me and I will come and get him if he's decides  
15 he wants to participate.

16 THE COURT: Okay. All right. Thank you, Ms.  
17 Copeland-Little for that update.

18 MS. LITTLE: Thank you.

19 THE COURT: Okay. Bring the jury in.

20 (Whereupon, the jury enters the courtroom at 1:37 pm)

21 THE COURT: All right, solicitor, you may call your  
22 next witness.

23 MR. BELL: Next, Your Honor, the State would call  
24 Michelle Eichenmiller to the stand.

25 THE CLERK: Come around this way and take the oath of

M. Eichenmiller- Direct Examination by Mr. Bell

111

1 a witness for me please. Place your left hand on the Bible  
2 and raise your right hand. You swear the testimony you're  
3 about to give this court is the truth, the whole truth, and  
4 nothing but the truth so help you God?

5 MS. EICHENMILLER: Yes, ma'am.

6 THE COURT: All right, Ms. Eichenmiller, please speak  
7 loudly and clearly when you respond and answer questions with  
8 yes or no response, not a uh, uh or huh, huh or a nod of the  
9 head.

10 MS. EICHENMILLER: Yes, sir.

11 THE COURT: Thank you.

12 MICHELLE EICHEMNILLER, first  
13 being duly sworn, testified as follows:

14 **Direct Examination by Mr. Bell:**

15 Q. Ms. Eichenmiller, could you state your full name for the  
16 record?

17 A. Michelle Eichenmiller.

18 Q. And what is your current occupation?

19 A. I'm a forensic firearms examiner. I work at the South  
20 Carolina Law enforcement Division in the forensic lab.

21 Q. Is it safe to say firearms is your specialization?

22 A. Firearms identification, yes.

23 Q. How many years of education are required for that?

24 A. I have a Bachelors Degree in Biology. I also have a  
25 Masters of Science and Forensic Science. But in order to be

1 a firearm examiner I had to complete an in-house training  
2 program. There's no school you can go to. So once you're  
3 hired somewhere, when I was hired at sled. It's a three to  
4 five year program where I learn with a court qualified  
5 examiners. I do a lot of reading and practical exercises on  
6 my own. At the end of the three years I'll do a  
7 comprehensive final and once I pass that then they let me  
8 work cases on my own.

9 Q. Do you have any other additional certifications or  
10 degrees?

11 A. No.

12 Q. How do you examine firearms?

13 A. When a firearm is submitted to sled I will take pictures  
14 over all of what it looks like. I'll document what ever  
15 make, model, serial number. I do the same for any fired  
16 evidence that I received. And then I examine it underneath  
17 my comparison microscope.

18 Q. And what are you typically looking for when you use that  
19 equipment?

20 A. I'm looking for microscopic marks that are made by the  
21 firearm on any of the fired evidence that I've received.

22 MR. BELL: Your Honor, at this time I would like to  
23 move that Michelle Eichenmiller be qualified as an expert in  
24 firearms and ammunition analysis?

25 MS. LITTLE: Your Honor, may I just ask one additional

M. Eichenmiller- Direct Examination by Mr. Bell

113

1 question, ---

2 THE COURT: Yes, ma'am.

3 MS. LITTLE: --- question of this witness? Ma'am,  
4 have you ever testified as an expert before in forensic  
5 firearms identification?

6 A. I have.

7 MS. LITTLE: And can you just tell me approximately  
8 how many times?

9 A. Around eighty times.

10 MS. LITTLE: No objection - no objection to her  
11 qualifications as an expert.

12 THE COURT: Tell me again exactly how you describe  
13 your specialty?

14 A. Forensic firearm identification.

15 THE COURT: Forensic firearm identification. All  
16 right, I find Ms. Eichenmiller to be qualified as an expert  
17 in firearm, forensic firearm identification.

18 Q. Ms. Eichenmiller, did you have an opportunity to analyze  
19 any items in regards to the case involving Dominic Cooper?

20 A. I did.

21 MR. BELL: Your Honor, May I approach?

22 THE COURT: Yes, sir.

23 Q. Ms. Eichenmiller, I'm handing you Exhibit 58, it's  
24 already been admitted into evidence. Can you describe to the  
25 jury what I just handed you?

1 A. It looks to be a copy of the report I issued in this  
2 case.

3 Q. I'm handing you, Ms. Eichenmiller, State's Exhibit 49,  
4 it's already been admitted into evidence and it has been  
5 opened, do you recognize that item?

6 A. Whenever I receive evidence in a case I'll mark by case  
7 number, the item number, and my initials on it. When I'm  
8 finished I'll seal it with the date and my initials. So this  
9 is the evidence I examined in this case.

10 Q. And what is, what is that item?

11 A. These are three fired bullets.

12 Q. Are those the bullets from the autopsy?

13 A. Yes.

14 Q. And lastly I'm handing you State's Exhibit 36, for the  
15 jury, could you identify those items?

16 A. This is the rest of the evidence that I received in this  
17 case. There are fired cartridge casings in this bag as well  
18 as two additional fired bullets.

19 Q. So going back to your report, Ms. Eichenmiller, could  
20 you please discuss your findings starting with what you  
21 analyzed?

22 A. Yes. I examine three fired bullets from autopsy as well  
23 as the two additional bullets that I received in that  
24 package. After looking at them under the comparison  
25 microscope I determined that two of the bullets, it's my item

J. Ross- Direct Examination by Mr. Bell

115

1       5 and my Item 37, which is one from autopsy and one from this  
2       packet, were fired by the same firearm. The other bullets I  
3       couldn't determine if they were fired by the same firearm.  
4       They were damaged and they didn't mark as well as the ones I  
5       could identify. Similarities were noted in general  
6       characteristics but there weren't enough individual  
7       characteristics for me to say for sure it was the same  
8       firearm.

9       Q. Now, so just to be clear you said Items 5 and 7, you  
10      said one bullet from autopsy and one bullet that was fired  
11      from the scene they did show a match?

12     A. Yes.

13     Q. And you also analyze some casings, correct?

14     A. Yes.

15     Q. Seven, to be exact?

16     A. Yes, seven fired cartridge casings.

17     Q. And what was your findings in regards to those casings?

18     A. Close fired cartridge cases were all .45 auto caliber  
19     and they were all fired by the same firearm.

20     Q. And in regards to the fired bullets, could you tell what  
21     calibers those were?

22     A. Those were .45 caliber as well.

23     Q. Now, Ms. Eichenmiller, was there any way for you to tell  
24     if the bullets and the casings came from the same gun?

25     A. Without a firearm there's no way to tell. There's no

1 testing that you can do to see if the bullets and the  
2 cartridge casings came from the same firearm.

3 Q. And you didn't have a chance to analyze any gun, did  
4 you?

5 A. I didn't receive a gun in this case.

6 MR. BELL: I beg the Court's indulgence.

7 THE COURT: Yes, sir.

8 MR. BELL: No further questions. Please answer any  
9 questions defense counsel may have for you.

10 MS. LITTLE: I have no questions for this witness.

11 THE COURT: All right, thank you, Ms. Eichenmiller.  
12 You may step down. Do you wish to be excused?

13 MS. EICHENMILLER: Yes.

14 THE COURT: Any objection for ---

15 MR. REDMOND: No objection from the State.

16 MS. LITTLE: No objection.

17 THE COURT: You may be excused.

18 MR. BELL: Your Honor, at this time the State calls  
19 Dr. Janice Ross.

20 THE CLERK: Do you swear the testimony you're about  
21 to give this court is the truth, the whole truth, and nothing  
22 but the truth so help you God?

23 DR. ROSS: I do.

24 THE CLERK: Thank you. Have a seat.

25 JANICE ROSS, first being

J. Ross- Direct Examination by Mr. Bell

117

1       duly sworn, testified as follows:

2       Direct Examination by Mr. Bell:

3       Q.   Dr. Ross, can you please state your full name for the  
4       record?

5       A.   Janice Edwards Ross.

6       Q.   And what is your occupation?

7       A.   I'm a forensic pathologist.

8       Q.   What is a forensic pathologist?

9       A.   First of all, a pathologist is a doctor. I've been  
10       through four years of college and four years of medical  
11       school, received MD. And then did further training in the  
12       field of pathology which is opposed to something like surgery  
13       or pediatrics. We learn how to identify diseases by looking  
14       through tissue in the microscope and through using blood  
15       work. We also learn how to do an autopsy to find a cause of  
16       death. I did further training in a medical examiner's  
17       office. In forensic pathology the word forensic means legal.  
18       So we use the pathology knowledge to identify cause and  
19       manner of death, to document patterns of injury and identify  
20       patterns of injury, also to collect specimens pertinent to  
21       the court of law.

22       Q.   How many times have you been qualified as an expert in  
23       court?

24       A.   In South Carolina over two hundred times.

25       Q.   Outside of South Carolina, how many times have you been

1 qualified?

2 A. Probably just a dozen.

3 MR. BELL: Your Honor, at this time I moved that Dr.  
4 Ross be qualified as an expert in forensic pathology?

5 MS. LITTLE: Your Honor, without objection. I'm very  
6 familiar with Dr. Ross and her expertise.

7 THE COURT: All right. I find Dr. Ross to be  
8 qualified as an expert in the area of forensic pathology.  
9 I've qualified her twice before in about the last month.

10 Q. So Ms. Janice Ross, could you please tell the jury what  
11 exactly is an autopsy, would you explain to them?

12 A. We just do autopsies for the coroners. The coroners do  
13 the scene work. They call us and request and authorize an  
14 autopsy. I'm now in Charleston but at this time I was in  
15 Newberry, South Carolina. And the patient was brought to us  
16 in a body bag to the morgue at Newberry County Memorial  
17 Hospital. So the autopsy includes identifying the body  
18 through the coroner looking and taking photographs externally  
19 of the clothed body and then the unclothed body before we  
20 proceed internally and look at each organ. In this case  
21 there were, obvious, gunshot wounds so we also did radiology  
22 x-rays to see if we had any other further bullets present.

23 Q. Did you generate a report on your findings?

24 A. Yes.

25 MR. BELL: May I approach, Your Honor?

J. Ross- Direct Examination by Mr. Bell

119

1 THE COURT: Yes, sir.

2 Q. Dr. Ross, I'm handing you what's already been admitted  
3 into evidence State's Exhibit 50, do you recognize that item?

4 A. Yes. This is the autopsy report on Dominique Cooper  
5 from the autopsy.

6 Q. Also, Dr. Ross, now I'm handing you what's been marked  
7 as State's Exhibit 49, do you recognize that item?

8 A. Yes. These are bullets and bullet fragments I retrieved  
9 from autopsy of Dominique Cooper. We put them in these  
10 little plastic bags, seal them, and I sign, initial the  
11 labels.

12 Q. Now, let me direct your attention to your report, based  
13 on your report, how many times was Dominique Cooper shot?

14 A. He was shot four times and one of - one of them was just  
15 a graze wound. In other words, it just went across the top  
16 of the skin. And the other three entered the body.

17 Q. Where exactly were the entry points on each gunshot  
18 wound?

19 A. Okay. We numbered them from top to bottom. It doesn't  
20 mean that's the order they came in. One went in the lower  
21 left back and went from the back towards the front. It  
22 stopped at the level of the vertebral column, the backbone,  
23 and hit part of that backbone which could cause a concussion  
24 of the spinal cord at that point. You can have a concussion  
25 of the spinal cord just like you have a concussion of the

1 brain. And if that happened then you have immediate  
2 paralysis from that level down. One, the second bullet went  
3 into the right thigh and came out, in the back, and came out  
4 front of the thigh. And the third one went into the back of  
5 the left calf of that left leg. It went upward somewhat and  
6 that bullet was found in the, still in the leg. So we  
7 retrieved two bullets and a fragment. And one bullet went  
8 through and through.

9 Q. In regards to the first gunshot wound that you spoke of  
10 in the lower back, paralysis, if Mr. Cooper suffered  
11 paralysis, would it be safe to say that would've caused him  
12 to fall down?

13 A. Yes, it would.

14 Q. What, ultimately, did you find was the cause of death  
15 for Mr. Cooper?

16 A. He hemorrhaged. There are a lot of blood vessels  
17 especially in that thigh area. Major vessel called femoral  
18 artery and the branches were lacerated and blood was also  
19 escaped from the left leg with the wound.

20 Q. And by hemorrhaging is that another way, is it another  
21 way of saying that is bleeding out?

22 A. Yes. The terminology, the term is ex-sanguis. Ex  
23 means, out of. Sanguis refers to blood. So ex-sanguis is to  
24 bleed out due to the gunshot wounds of the legs.

25 Q. And tell -- when looking at Mr. Cooper's body, were you

1       able to tell where the entry points of the gun shots wounds  
2       were?

3       A.    They were all in the back of the body and going from  
4       back to front.

5       Q.    So he was shot in the rear?

6       A.    Correct. Except the graze wound went basically left to  
7       right over the front of the shoulder. But the other three  
8       went into the back, in the back of the body.

9           MR. REDMOND:    I beg the Court's indulgence.

10       Q.    As an expert, Dr. Ross, what does that tell you, the  
11       entry wounds in the back, tell you about Mr. Cooper's  
12       position when he was being shot?

13       A.    By just tell -- the bullets go straight so it tells me  
14       the gun shooting him was in back of him.

15           MR. BELL:       No further questions from the State.  
16       Please answer any questions the defense may have.

17           THE COURT:       Okay. Ms. Little?

18           MS. LITTLE:     No questions, Your Honor.

19           THE COURT:     Any objection to Dr. Ross been excused?

20           MR. REDMOND:    None, Your Honor.

21           MR. BELL:       No, Your Honor.

22           MS. LITTLE:     No objection.

23           THE COURT:     Thank you. You're excused. Thank you,  
24       ma'am.

25           MR. REDMOND:    Your Honor, at this point and I'm going

1 to have to fall on the sword on this one, based on, I think  
2 we've gone through several witnesses today and I quite  
3 frankly missed time how long I think we thought we would draw  
4 out. So my other witnesses are actually lined up to come in  
5 the morning. So I'm in an unusual position of having to ask  
6 the court to reconvene in the morning because we do have,  
7 just a few additional witnesses. But we do have some  
8 additional witnesses in the morning. And that's squarely my  
9 fault. I totally missed time how long I thought we would  
10 proceed today. But at this point that would be the  
11 conclusion of the State's witnesses for today and then we'll  
12 would be ready to conclude tomorrow.

13 THE COURT: Okay. Do you have a feel for how many  
14 witnesses you'll have tomorrow.

15 MR. REDMOND: Yes, sir. I begged the Court's  
16 indulgence. I actually have that here. Probably four  
17 witnesses, Your Honor.

18 THE COURT: Okay. All right, ladies and gentlemen,  
19 this is a little unusual but not unheard of that the State  
20 missed calculated. There's not been a lot of cross  
21 examination so the witnesses have gone fairly quickly. It  
22 would appear that we'll be a to conclude this trial tomorrow.

23 MR. REDMOND: Yes, sir.

24 THE COURT: You agree, Ms. Little?

25 MS. LITTLE: Yes, Your Honor.

1           THE COURT:       Okay. So hopefully you'll only have one  
2 more day of work, at least, on this case. But with no other  
3 witnesses being available at this point in time we will have  
4 to adjourn for the evening. It's going to be an early  
5 afternoon for you. And I would again caution you not to  
6 discuss the case with anybody. When you get home don't talk  
7 about it to your spouse or to your girlfriend, boyfriend,  
8 whoever. If your friend -- just don't even talk about it  
9 going in and out of the building amongst each other. As I've  
10 explained earlier we wait until all of the evidence is in and  
11 the law has been provided to you by me before you begin your  
12 deliberations.

13           All right, have a good nice afternoon. Oh, I'm sorry.  
14 You're gonna need to be back at 9:30 in the morning. We'll  
15 start back at 9:30.

16           (Whereupon, the jury exits the courtroom at 1:57 pm)

17           THE COURT:       Okay. Anything -- let me make sure  
18 they're all -- anything for the record this afternoon before  
19 we ---

20           MR. REDMOND:     Nothing from the State, Your Honor.

21           MS. LITTLE:     No.

22           THE COURT:       Okay. All right.

23           MS. LITTLE:     You don't want to talk to the defendant  
24 now about his right to testify, you want to wait until they  
25 ---

1           THE COURT:       I can if you want me to. We've got  
2 plenty of time. I mean, normally I do it after the State  
3 rest but we can ---

4           MS. LITTLE:     I mean, we can wait. That's just a  
5 suggestion.

6           THE COURT:       Well, um ---

7           MS. LITTLE:     And he may change his mind between now  
8 and then so it may be just better to wait, Your Honor.

9           THE COURT:       Okay. We'll just wait till after the  
10 State rest and I'll discussed it with him. We might have to  
11 drag him in here but we'll bring him in here so I can  
12 question him.

13          MS. LITTLE:     Well, he may decline to be transported  
14 tomorrow, I don't know. So - but at any rate I will speak to  
15 him again before he leaves and to remind him of his right to  
16 be here.

17          THE COURT:       All right. Okay.

18          (Whereupon, court is adjured for the second day at 1:57 p.m.)  
19  
20  
21  
22  
23  
24  
25

1        Wednesday, March 27, 2019

2                (Whereas, this matter was scheduled for a trial, the  
3 defendant refused to appear. However, his attorney was  
4 present and the trial began at 9:39 a.m.)

5        MR. REDMOND: Judge, there's a matter were going to  
6 need to put on the record. It's my understanding that the  
7 defendant has declined to be transported today. So we have  
8 Officer Poke, again, to I guess put that on the record. So  
9 if I could ask Officer Poke come around?

10        THE COURT:        Yes, sir.

11        (Whereupon, the officer complies)

12        THE COURT:        Yes, sir?

13        OFFICE POKE:       Yes, sir. Prior to getting him chained  
14 up to bring him down here he refused. I asked him, are you  
15 sure? He said, yes.

16        THE COURT:        I guess you've not communicated with him,  
17 have you, Ms. Little today?

18        MS. LITTLE:        No, not since late yesterday after we  
19 finished. I spoke with him for quite some time about coming  
20 today and the importance of him being here.

21        THE COURT:        Did he give you any indication yesterday  
22 that he wasn't coming?

23        MS. LITTLE:        No, Your Honor. Well, he said he was  
24 thinking about it.

25        THE COURT:        Okay. All right. Well, he was given

1 plenty of notice by Judge Burch in that order about being  
2 here or not being here so he's declined. So it's clearly  
3 he's waived his right to appear. We'll go forward without  
4 him as he was instructed we would. Thank you.

5 MS. LITTLE: Your Honor, for the record I would just  
6 respectfully request that the court allow me to go, try to go  
7 and convince him to come to court today?

8 THE COURT: I mean, what would you do, call him?

9 MS. LITTLE: No. I would go ---

10 THE COURT: I'm not going to delay the trial for you  
11 to go out there. He's been very uncooperative all along.  
12 I'm not gonna accommodate him, quite frankly, in that manner  
13 so.....

14 MS. LITTLE: Thank you, Your Honor.

15 THE COURT: He's just trying to inconvenience us. Is  
16 everybody ready for the jury?

17 MR. REDMOND: The State's ready, Your Honor.

18 THE COURT: Is the defendant ready, Ms. Little?

19 MS. LITTLE: Yes, sir.

20 THE COURT: Okay. Bring the jury in.

21 (Whereupon, the jury enters the courtroom at 9:39 a.m.)

22 THE COURT: Good morning, ladies and gentlemen.

23 (Whereupon, the jury answers with a good morning)

24 THE COURT: I hope you had a pleasant evening last  
25 night and ready to start back to work today. Is the State

H. Davenport- Direct Examination by Mr. Redmond

127

1 ready?

2 MR. REDMOND: The State's ready to proceed, Your Honor.

3 THE COURT: Is the defendant ready?

4 MS. LITTLE: Yes, Your Honor.

5 THE COURT: All right, you may call your next  
6 witness.

7 MR. REDMOND: The State would call Halique Davenport.

8 THE CLERK: Come around and take the oath of a  
9 witness please, sir. Place your left hand on the Bible and  
10 raise your right hand. You swear the testimony you're about  
11 to give this court is the truth, the whole truth, and nothing  
12 but the truth so help you God?

13 MR. DAVENPORT: Yes, ma'am.

14 THE COURT: All right, Mr. Davenport, I want you to  
15 speak loudly and clearly into that microphone. I want you to  
16 answer questions with yes or no response, not a uh, uh, or a  
17 huh, huh. It's got to be a yes or no.

18 MR. DAVENPORT: Okay.

19 THE COURT: Speak up. You've got to speak louder  
20 than that.

21 MR. DAVENPORT: Okay.

22 THE COURT: All right, that's good. Just like that.

23 MR. REDMOND: Just like that. You might need to lean  
24 into the microphone so that we can all hear you. Basically,  
25 if I can hear you that means the ladies and gentlemen of the

1 jury can hear you.

2 HALIQUE DAVENPORT, first being  
3 duly sworn, testified as follows:

4 **Direct Examination by Mr. Redmond:**

5 Q. Mr. Davenport, how old are you at this time?

6 A. Twenty-six.

7 Q. Okay. And where do you -- where do you reside? What  
8 county do you live in?

9 A. Florence.

10 Q. Florence County. And back in 2015, did you reside in  
11 the neighborhood near Santee Circle, Santee River Drive,  
12 excuse me?

13 A. Yes.

14 Q. Okay. I'll just ask you -- let me start by just asking  
15 you this, are you employed at this particular time?

16 A. Yes.

17 Q. Okay. Where are you employed? Where do you work?

18 A. At the truck stop.

19 Q. Okay. And which - what truck stop do you work at?

20 A. Truck stop on TV Road.

21 Q. I'm sorry.

22 A. Homeland Security.

23 Q. Okay. And where's that located?

24 A. Off of TV Road.

25 Q. Okay. Now, back in 2015, even to this day, but back in

H. Davenport- Direct Examination by Mr. Redmond

129

1 2015, did you know Ms. Kim Head?

2 A. Yes.

3 Q. Did you know Dominique Cooper?

4 A. Yes.

5 Q. And did they live near you?

6 A. Yes.

7 Q. About how far did they live from you?

8 A. A couple of miles, about a mile.

9 Q. Okay. So, basically, the same general area?

10 A. Yes.

11 Q. Okay. How about Kahseem Davenport, that's an obvious  
12 question, but do you know him?

13 A. Yes.

14 Q. And how are you related -- are you related to him?

15 A. Yes.

16 Q. And how are you related to him?

17 A. Brother.

18 Q. Older or younger?

19 A. Younger.

20 Q. How about Marquise Hawkins, did you know him?

21 A. Yes.

22 Q. All right. And finally, well, not finally, did you know  
23 Laquan Hicks?

24 A. Yes.

25 Q. And finally, did you know the defendant, Tony Manago?

1 A. Yes.

2 Q. Okay. And how long, to the best that you can recall, do  
3 you recall how long you knew Tony prior to July, 2015?

4 A. A couple of years.

5 Q. Okay. Now, in July of 2015, did you drive a grey Taurus  
6 automobile?

7 A. Yes.

8 Q. Okay. And is that the same automobile that was actually  
9 searched after you were arrested on these charges?

10 A. Yes.

11 Q. Let's go to July of 2013 (sic) and I've already stated,  
12 were you charged in relation to what took place on the 13<sup>th</sup>  
13 of July at 3200 Santee River Drive?

14 A. Yes.

15 Q. At that particular time, let's go a little bit further  
16 back in the day, did you, at some point that day, did you and  
17 Laquan Hicks go to the residence of Kim Head?

18 A. Yes.

19 Q. And at that time did y'all see and talk with Dominique  
20 Cooper at that location, at that residence?

21 A. Yes.

22 Q. Okay. And without getting into what was said because  
23 that's hearsay, did there -- did you subsequently -- well,  
24 let me ask you this, was there a physical altercation there  
25 at that time?

H. Davenport- Direct Examination by Mr. Redmond

131

1 A. No.

2 Q. Okay. Were there some words exchanged between Laquan  
3 and Mr. Dominique Cooper?

4 A. Yes.

5 Q. Okay. Now, after that, did you all leave the residence  
6 of Kim Head?

7 A. Yes.

8 Q. In other words, did you and Laquan leave?

9 A. Yes.

10 Q. Where did y'all go?

11 A. Back home.

12 Q. Okay. And when you say home, back to whose home?

13 A. Back to my house.

14 Q. Okay. And just to be clear for the record, were you  
15 residing with your mother at the time?

16 A. Yes.

17 Q. Without giving the exact address, but what street was  
18 that?

19 A. Alpine, I want to say.

20 Q. Alpine Drive?

21 A. Yes.

22 Q. Okay. Is that a Florence address?

23 THE COURT: Speak up.

24 A. Say what?

25 Q. Alpine Drive is that a Florence address?

1 A. No, Darlington.

2 Q. Okay. But is it in Florence County?

3 A. Yes.

4 Q. Okay. And I need you to speak -- keep your voice up.

5 THE COURT: Keep your voice up.

6 Q. So you left and went back to your house on Alpine Drive  
7 and after that, did you -- well, before we get to you going  
8 out 3200 Santee Drive, who was present at the house, at your  
9 mom's house, on Alpine Drive? Who was present when you and  
10 Laquan got back there?

11 A. Everybody.

12 Q. Okay. When you say everybody, I need you to tell me  
13 who?

14 A. Me, Hawkins ---

15 Q. Is that Marquise Hawkins?

16 A. Yes, Marquise Hawkins, Kahseem Davenport, Laquan Hicks,  
17 and Tony Manago.

18 Q. Okay. And now was Tony, Laquan, Marquise -- were Tony,  
19 Laquan, Marquise and Kahseem, were they at the house with you  
20 and Kim when you and Laquan went?

21 A. No.

22 Q. Okay. They were at the house when y'all got back?

23 A. Yes.

24 Q. So y'all get back to the house. Tell me what happened  
25 once y'all got back to your house on Alpine Drive?

H. Davenport- Direct Examination by Mr. Redmond

133

1 A. We went to the house. Laquan Hicks got a call saying  
2 come pick up the stuff.

3 Q. Okay. I'm gonna need you to speak up.

4 A. Laquan Hicks, had got a call ---

5 Q. There you go. That's perfect.

6 THE COURT: That's good.

7 Q. All right, say that again.

8 A. Laquan Hicks had got a call telling him to come pick up  
9 the stuff ---

10 Q. Now, let me ---

11 A. --- his clothes.

12 Q. Okay. And when you say got a call telling him to come  
13 pick up as clothes, one of the issues involved was some items  
14 that have been taken from Laquan Hicks?

15 A. Yes.

16 Q. Okay. And so after getting that call then what  
17 happened?

18 A. Then we drove over there.

19 Q. Okay. Y'all drove over where?

20 A. To where Kim was at.

21 Q. Okay. And was that at Brandi Wingfield's house on  
22 Santee River Drive?

23 A. Yes.

24 Q. And who drove?

25 A. Me.

1 Q. All right. And what were you driving?

2 A. A Taurus.

3 Q. Okay. And when y'all got there what did you do -- did  
4 everybody get out the car?

5 A. Yes.

6 Q. And what did you do, did you get out the car?

7 A. Yes, I stood by the car.

8 Q. All right. And what did you -- what did you do once you  
9 got there?

10 A. Stood by the car. Stood around the car.

11 Q. Now, did you see Laquan and Kim talking at any point?

12 A. Yes.

13 Q. And where did you see them talking?

14 A. Around the front on the side.

15 Q. Okay. And at any point did you see -- let me ask you  
16 this, when everybody got out of the car, can you say where  
17 everybody else went other than Laquan?

18 A. No.

19 Q. Okay. And so did you actually ever lay eyes on  
20 Dominique Cooper that night?

21 A. No.

22 Q. Did you hear any discussions that may have been taken  
23 place, without saying what they were, did you hear any talk  
24 between Laquan, Dominique Cooper and/or Kim Head?

25 A. Yes.

H. Davenport- Direct Examination by Mr. Redmond

135

1 Q. Okay. Now, you hear this talking, what was the next  
2 thing that you observed? What was the next thing that  
3 happened based on your observation?

4 A. Shoot'in.

5 Q. I'm sorry.

6 THE COURT: I'm sorry, I didn't hear what you said.

7 A. Shoot'in.

8 Q. Shooting. All right, tell me about that. So what was  
9 taking place immediately before the shooting and then tell us  
10 what happened?

11 A. It was the shoot'in start happening and everybody  
12 started running to the car. Everybody jumped in the back.  
13 Everybody jumped in my car.

14 Q. Okay.

15 A. Everybody was just running.

16 Q. Now, let me back up for a minute because I need to  
17 clarify and it's my fault, not yours, who actually rode in  
18 the Taurus to Santee River Drive to Brandi Wingfield's?

19 A. Me, Marquise, Laquan, Kahseem.

20 Q. Was Tony Manago in the car with y'all at that time?

21 A. No.

22 Q. Okay. Do you know where Tony was or ---

23 A. No.

24 Q. --- you know where he was?

25 A. No.

1 Q. Okay. But was he at the house when y'all got the call  
2 about going over to Brandi Wingfield's house?

3 A. Yes.

4 Q. Okay. So he was there when the call came in, was he  
5 there when y'all left to go to Brandi Wingfield's house?

6 A. Yes.

7 Q. Okay. And so then -- so y'all are in your car, you go  
8 to Brandi Wingfield's, at that point did you know where Tony  
9 Manago was?

10 A. No.

11 Q. Okay. So then -- now, let's go back to the scene and  
12 the shooting. So the shooting starts, you said everybody ran  
13 to the car. Tell me who everybody is?

14 A. Me, Marquise Hawkins and Laquan Hicks, Kahseem  
15 Davenport, and, then, Tony Manago.

16 Q. Oh, who came to the car last?

17 A. Tony Manago.

18 Q. All right. And tell me about that, when Tony comes to  
19 car -- well, let me go back, the shooting starts, did you see  
20 who was shooting?

21 A. No.

22 Q. Did you ever see anybody -- did you see Tony with a mask  
23 on when you saw him? When you saw him, did he have a mask  
24 on at that point in time?

25 A. No.

H. Davenport- Direct Examination by Mr. Redmond

137

1 Q. But did you see him when the shooting started?

2 A. No.

3 Q. So you can't testify whether he had a mask on at the  
4 time of the shooting?

5 A. Nah, I can't.

6 THE COURT: Speak up.

7 A. Nah, I can't.

8 Q. Okay. And did you ever see him with a gun, a .45, in  
9 particular? Did you ever see a gun that night?

10 A. No.

11 Q. Okay. But you heard shooting?

12 A. Yeah.

13 Q. But when Tony got to the car, what about Tony caught  
14 your attention?

15 A. He was just breathing heavy and he was bleeding.

16 Q. He was bleeding from where?

17 A. His hand.

18 Q. His ---

19 A. His hand.

20 Q. Okay. Could you tell which hand was bleeding?

21 A. No.

22 Q. Okay. Had his hand been bleeding the last time you saw  
23 him before you left your house?

24 A. No.

25 Q. Okay. So after the shooting -- so to be clear, was Tony

1 Manago at the scene the time the shooting started?

2 A. Yes.

3 Q. Okay. And so he comes to the car, so tell me where did  
4 he -- where did he get into the car at?

5 A. In the passenger seat.

6 Q. Okay. And so at that point, did you know what had  
7 happened or who was doing the shooting?

8 A. No.

9 Q. Did you know who was shooting?

10 A. No.

11 Q. Okay. Did you know that Tony was shooting at that  
12 point?

13 A. No.

14 Q. But do you know that Tony was, in fact, there?

15 A. Yeah.

16 Q. And did Tony get into your car with a bloody hand?

17 A. Yes.

18 Q. Okay. And so tell us what happened from there. So Tony  
19 gets in the car, y'all all are in the car, what happened  
20 next?

21 A. I was driving. I asked what happened and nobody said  
22 noth'in. So he said to drop him off somewhere - drop him off  
23 somewhere.

24 Q. And do you recall, best that you can recall, where you  
25 dropped him off that?

H. Davenport- Direct Examination by Mr. Redmond

139

1 A. Florence. Somewhere in Florence.

2 Q. Now, to be clear is that off of McIver Road?

3 A. Yes.

4 Q. And so -- and so would it be fair to say that you aren't  
5 that far from downtown Florence? In other words, from where  
6 you live you're not far from Florence, from the City of  
7 Florence?

8 A. Yeah.

9 Q. Okay. Now, when you dropped him off, do you recall, I  
10 think I asked you, but do you recall exactly where you  
11 dropped him off?

12 A. No.

13 Q. Okay. What was being discussed before he got off, was  
14 anything -- what was being said, I mean, this shooting that  
15 just happened, everybody is obviously amped up, Tony is  
16 bleeding, what was being said in that car at the time where  
17 everybody was in that amped up state of mind?

18 A. We ask what happened.

19 Q. Okay. Did any ---

20 THE COURT: I'm sorry. I didn't hear what you said.

21 A. We ask what happened.

22 Q. Okay. Did anybody ever say for sure what happened?

23 A. No.

24 Q. Okay. So at that point, did you know what happened?

25 A. No.

1 Q. Did you know that Dominique Cooper had been shot?

2 A. No.

3 Q. Okay. So after you dropped Tony off, what did you do?

4 A. Went back home.

5 Q. Okay. So to be clear, so you dropped Tony off in  
6 Florence after the shooting and then you go back to your  
7 residence and, basically, in the same neighborhood as the  
8 shooting took place?

9 A. Yes.

10 Q. Okay. And why would you do that?

11 A. I didn't know.

12 Q. Okay.

13 A. I didn't know exactly what happened.

14 Q. Okay.

15 A. I ain't know he was gett'in -- I ain't know ---

16 Q. Okay. So did you shoot anybody?

17 A. No.

18 Q. Did you know anybody was gonna get shot?

19 A. No.

20 Q. Did you have any intention of anybody getting shot?

21 A. No.

22 Q. What was your intention on been out there?

23 A. Just going to get the clothes and go back home.

24 Q. Okay. So, of course, you end up being charged. Tell me  
25 about that. Did the police come to your house, I guess, the

H. Davenport- Direct Examination by Mr. Redmond

141

1 next morning?

2 A. Yes.

3 Q. And I say the next morning, to be clear, the shooting  
4 and everything took place after midnight? It was after  
5 midnight when this happened?

6 A. Yes.

7 Q. And so you go back home after dropping Tony off and then  
8 the next morning, tell us what happened?

9 A. The next morning we get picked up by the police.

10 Q. Okay. And I say the next morning, but the better way to  
11 say it, later that same ---

12 A. Mmm, hmm.

13 Q. So later the same morning you're picked up by the  
14 police, okay. Were you interviewed by the police?

15 A. Yes.

16 Q. Were you shown a line up at some point by the police?

17 A. Yes.

18 Q. Okay. And we'll get into the line up in just a second.  
19 So you -- when you did your interview, were you truthful with  
20 them in the interview? Did you tell them the whole truth?

21 A. No.

22 Q. Okay. Was it true that you did not shoot anybody?

23 A. Yeah, that's true.

24 Q. All right. Was it true that you didn't know anybody was  
25 gonna get shot?

1 A. That's true.

2 Q. Did you -- now, were you truthful about the fact that  
3 you had no intentions of being involved in anybody getting  
4 shot?

5 A. That's true.

6 Q. But did you -- were you truthful about everybody who was  
7 there, who was there in the car?

8 A. No.

9 Q. Were you truthful about - about, I guess, the names, did  
10 you name everybody at first who was actually in the car and  
11 who was out there?

12 A. No.

13 Q. And why was that? Why didn't you tell the truth about  
14 it at that time?

15 A. I didn't want to accuse nobody of nothing that I wasn't  
16 familiar with at the time.

17 Q. Okay. And -- but let me be clear on this, are you  
18 telling this jury, ladies and gentlemen, these twelve men and  
19 women, are you telling us the truth about one, was Tony  
20 Manago at the scene at that time?

21 A. Yes.

22 Q. Was Tony Manago bleeding when he got to your car?

23 A. Yes.

24 Q. Did Tony along with the other ones, were they - did they  
25 all get into the car afterwards?

H. Davenport- Direct Examination by Mr. Redmond

143

1 A. Yes.

2 Q. Did you know again, and you've answered this, but did  
3 you know that Coop was gonna get shot?

4 A. No.

5 Q. All right. Now, have you been promised anything ---

6 A. Nah.

7 Q. --- in exchange -- do you have any idea what's gonna  
8 happen to your charges?

9 A. No.

10 Q. Okay. So are you telling us the truth today?

11 A. Yeah.

12 Q. Okay. And, in fact, while you were incarcerated on  
13 these charges were you in the jail on these charges, at least  
14 for a period of time, with Tony Manago?

15 A. Yes, sir.

16 Q. And did, were there any exchanges between the two of  
17 y'all as it relates to these charges?

18 A. Yes, sir.

19 Q. And let me ask you this, how did you feel about being in  
20 jail even though you didn't know what was about to go down  
21 and you didn't even see everything that had happened?

22 A. Upset.

23 Q. Okay.

24 A. Mad.

25 Q. Okay. And who were you mad at?

1 A. Manago.

2 Q. Say again?

3 A. Manago. I was upset.

4 Q. Okay. And tell me about any discussions y'all had about  
5 the fact that you were charged into something that, according  
6 to your testimony, you had nothing to do with?

7 A. I ask him what happened. What was it about.

8 Q. And what was -- did he ever tell you anything?

9 A. No.

10 Q. Okay. What would he say when you asked him that, when  
11 you asked him that?

12 A. He had just look and he said he would write at the  
13 solicitor and tell them we ain't had nothing to do with it.

14 Q. Okay.

15 A. Tell the truth saying we ain't had nothing to do with  
16 it.

17 Q. Okay. But you don't know whether he ever did that?

18 A. No.

19 Q. But he told you that he was gonna do that?

20 A. Yeah.

21 Q. And I have you been promised anything in exchange for  
22 your testimony today?

23 A. No.

24 Q. And, again, you did see Kim Head out there that night  
25 talking with Laquan? Kim was out there at the time this

H. Davenport- Direct Examination by Mr. Redmond

145

1 happened?

2 A. Yeah.

3 Q. Okay. I meant to ask this, acknowledging, but just to  
4 be clear, was Tony Manago out there as well?

5 A. Yes.

6 MR. REDMOND: I beg the Court's indulgence.

7 THE COURT: All right.

8 MR. REDMOND: That would be all the questions -- oh, no  
9 it's not.

10 Q. I forgot to show you the line up. I apologize because  
11 we're having a little technical difficulty. I wanted to put  
12 this on the screen. But let me show you what's been marked  
13 as State's Exhibit 2, 32, excuse me, for ID at this point,  
14 let me show you that. Do you recognize that document?

15 A. Yes.

16 Q. And could you tell us what that document is?

17 A. That was the statement when they asked me about the line  
18 up.

19 Q. Okay. And let's talk about the line up. So is that a  
20 line up?

21 A. Yes.

22 Q. And was that a line up -- does that line up include Tony  
23 Manage?

24 A. Yes.

25 Q. Did you identify Tony Manago as being there?

1 A. Yes.

2 Q. And what did you say, just read what you said? What did  
3 you say at the time of that lineup -- well, first before he  
4 publishes that ---

5 MR. REDMOND: I'd move that State's Exhibit 32, since  
6 we had Richie Stevens testify to having prepared it and we  
7 now have the witness who actually identified, made the line  
8 up, we'd move it into evidence at this time.

9 THE COURT: You need to see ---

10 MS. LITTLE: May I look at it, Your Honor?

11 THE COURT: Yeah. Please let her look at it.

12 MR. REDMOND: Oh, I'm sorry.

13 MR. REDMOND: I'd move that into evidence at this time  
14 Your Honor, State's 32.

15 THE COURT: Any objection.

16 MS. LITTLE: No objection.

17 THE COURT: All right, that's 32?

18 MR. REDMOND: Yes, sir.

19 THE COURT: All right, State's Exhibit 32 is admitted  
20 into evidence.

21 (Whereupon, the Line up has been marked and entered into  
22 evidence as State's Exhibit 32)

23 Q. All right. Now, tell us -- publish -- read what you  
24 wrote at that time?

25 A. "When we came back his hand was bleeding but I don't

H. Davenport- Cross-Examination by Ms. Little

147

1 know if he did anything and I dropped him off in Florence."

2 Q. Okay. And is that what you testified to today?

3 A. Yes.

4 Q. Okay.

5 MR. REDMOND: Your Honor, permission to published to  
6 the jury.

7 THE COURT: Yes, sir.

8 MR. REDMOND: And with that, that'd be all the  
9 questions I have at this time.

10 THE COURT: Ms. Cope-Little?

11 MS. LITTLE: Thank you, Your Honor.

12 **Cross-Examination by Ms. Little:**

13 Q. Good morning, Mr. Davenport.

14 A. Good morning.

15 Q. Is it okay if I call you Halique?

16 A. Yes, ma'am.

17 Q. Is that how you pronounce your name?

18 A. Yes, ma'am.

19 Q. Halique, I just want to clarify a few things that you  
20 just testified to. You testified that you never saw a mask  
21 that night, is that correct?

22 A. Yes, ma'am.

23 Q. You never saw a gun that night?

24 A. Yes, ma'am.

25 Q. You never saw anybody get shot?

1 A. Yes, ma'am.

2 Q. You didn't know who did the shooting?

3 A. Yes, ma'am.

4 Q. You didn't know anybody got shot?

5 A. Yes, ma'am.

6 MS. LITTLE: That's all I have of this witness, Your  
7 Honor.

8 THE COURT: Anything else, Mr. Redmond?

9 MR. REDMOND: Just real quick on the follow up.

10 **Redirect Examination by Mr. Redmond:**

11 Q. Based on one of the questions that was asked and just to  
12 clarify, you may not have seen it but, again, did you have  
13 any discussion with Tony Manago while you were at the  
14 detention center?

15 A. Yes.

16 Q. And at that time, what did he indicate that he was gonna  
17 do?

18 A. Write and tell the solicitor.

19 Q. Tell us what?

20 A. That we didn't have anything to do with it.

21 Q. Okay. And when you say, we didn't have anything to do  
22 with it, who didn't have anything to do with that?

23 A. He just had said we all didn't have anything to do with  
24 it.

25 Q. Okay. And -- but at that time when you were talking

G. Kelly- Direct Examination by Mr. Bell

149

1 with him and while he was at the jail and whatnot, you were  
2 mad at who?

3 A. Manago.

4 Q. Okay. And why was that? Why were you mad him?

5 A. Because they had say he had did something.

6 Q. Okay.

7 MR. REDMOND: That'd be all the questions I have, Your  
8 Honor.

9 THE COURT: Ms. Little?

10 MS. LITTLE: No, Your Honor.

11 THE COURT: All right. You can step down. Thank  
12 you.

13 MR. BELL: Your Honor, at this time the State would  
14 call George Kelly to the stand.

15 THE COURT: Okay.

16 THE CLERK: Come take the oath of the witness please,  
17 sir. Place left on the Bible. You swear the testimony  
18 you're about to give this court is the truth, the whole  
19 truth, and nothing but the truth so help you God?

20 MR. KELLY: Yes.

21  
22 GEORGE KELLY, first being  
23 duly sworn, testified as follows:

24 Direct Examination by Mr. Bell:

25 Q. All right, Mr. Kelly, could you state your full name for  
the record?

1 A. George Harmon Kelly, II.

2 Q. All right, Mr. Kelly, where were you employed on the day  
3 of June 13, 2015?

4 A. Darlington County Sheriff's Office in the detention  
5 center.

6 Q. And what was your job duties in the detention center?

7 A. I was a shift supervisor.

8 Q. And what was some of your duties as a shift supervisor?

9 A. Oversee the activities of the inmates, my staff, and run  
10 booking.

11 Q. All right. To bring it forward to why we're here today,  
12 what interaction did you have with Tony Manago that's  
13 pertinent to your testimony today?

14 A. When the deputies brought him in he had what appeared to  
15 be a cut on his hand. He had a Band-Aid on it that was  
16 falling off. I asked him if he needed a new one because  
17 there was no nurses on shift at the time. So I gave him a  
18 new Band-Aid and he applied it to himself.

19 Q. Do you remember what hand that was?

20 A. I believe it was the right hand.

21 Q. And what did you do with the old Band-Aid?

22 A. I had stuck it on top of the counter at the moment  
23 because the trash is behind the counter and I was actually  
24 trying to search him in at the time.

25 Q. And was there anything else on the counter ---

G. Kelly- Direct Examination by Mr. Bell

151

1 A. Nothing ---

2 Q. --- that you laid it on top of?

3 A. Nothing at all.

4 Q. And then what did you do with the Band-Aid after that?

5 A. After I passed off Mr. Manago to my corporal and  
6 finished the booking, the deputy asked me to put it into a  
7 sealed envelope for evidence.

8 MR. BELL: Your Honor, May I approach the witness?

9 THE COURT: Yes, sir.

10 Q. Mr. Kelly, what I'm showing you State's Exhibit 59 it's  
11 already been admitted into evidence, Mr. Kelly, do you  
12 recognize what I just handed you?

13 A. Yes. It's an evidence packet with a Band-Aid in it and  
14 my initials right here with my call sign and it looks like  
15 the date.

16 Q. And did you initial that?

17 A. Yes, sir.

18 Q. So that's the Band-Aid that you retrieved from Mr.  
19 Manago?

20 A. Yes.

21 Q. Mr. Kelly, do you have experience in firearms?

22 A. Yes.

23 Q. Could you tell the ladies and gentlemen of the jury  
24 about your experience with firearms?

25 A. I served in the military. I worked in the prison system.

1 and county jails and now a patrol deputy.

2 Q. For how long have you been experienced in firearms?

3 A. Probably, altogether, about ten to twelve years.

4 Q. Could you describe to the jury the injury, the type of  
5 injury, the cut, that was on Mr. Manago's hand?

6 A. It looked like what's called a slide bite.

7 MS. LITTLE: Objection, Your Honor. He's not a  
8 doctor. He hasn't been qualified as an expert in anything.

9 MR. BELL: Your Honor, I'll rephrase the question.

10 THE COURT: All right, sir. I'll sustain the  
11 objection.

12 Q. Answer me this, can a person that miss handles a firearm  
13 be ---

14 MS. LITTLE: Objection. Calls for a conclusion. He's  
15 not an expert.

16 THE COURT: I'll sustain the objection.

17 Q. From your experience with firearms, have you ever seen  
18 an injury similar to that?

19 A. Yes.

20 MR. BELL: I beg the Court's indulgence. No further  
21 questions. Please answer any questions that the defense  
22 counsel may have for you.

23 THE COURT: Ms. Little?

24 MS. LITTLE: No questions.

25 THE COURT: All right, you can step down. Thank you,

R. Harrell- Direct Examination by Mr. Redmond

153

1 sir.

2 MR. REDMOND: The State would next call Russ Harrell.

3 THE CLERK: Place left on the Bible. You swear the  
4 testimony you're about to give this court is the truth, the  
5 whole truth, and nothing but the truth so help you God?

6 MR. HARRELL: I do.

7 THE COURT: Counsel, is there any objection to the  
8 last witness, Mr. Kelly, being excused?

9 MR. REDMOND: No objection, Your Honor.

10 MS. LITTLE: No.

11 THE COURT: All right, you may be excused.

12 RUSS HARRELL, first being  
13 duly sworn, testified as follows:

14 **Direct Examination by Mr. Redmond:**

15 Q. Deputy Harrell, how are you doing this morning?

16 A. Fine, sir.

17 Q. Yeah, I think you'll be loud enough. As I know you I  
18 figured you would be but I'm just kidding. Russ, can you  
19 tell us but whom you are employed at this time?

20 A. Darlington County Sheriff's Office.

21 Q. And in what capacity are you employed with the sheriff's  
22 office?

23 A. I'm currently a school resource officer.

24 Q. And I believe that's in Society Hill?

25 A. That's correct.

1 Q. And back in 2015 were you employed with the sheriff's  
2 office?

3 A. I was.

4 Q. And in what capacity were you employed with them at that  
5 time?

6 A. I was also still the school resource officer -- no,  
7 correction, I was on patrol at that time.

8 Q. Okay.

9 A. In 2015.

10 Q. And were you asked -- were you involved in the  
11 investigation in this case other than what we're about to  
12 testify to?

13 A. Yes.

14 Q. Well, no, I'm saying, were you involved in the  
15 investigation other than this?

16 A. Yes, I assisted with Flowers at the scene.

17 Q. That's right. That's right. And, of course, you were  
18 familiar with the process that y'all use in collecting  
19 evidence and processing evidence and having it sent off to be  
20 tested?

21 A. Yes, I was crime scene officer.

22 Q. Okay. As a matter of fact, did you also operate as an  
23 evidence custodian as well?

24 A. I done that as well.

25 Q. Exactly. I remember. So you are familiar with about

1 how going about handling evidence?

2 A. Yes, sir.

3 Q. And in this particular case, were you asked to come in  
4 and do what we call a buccal swab ---

5 A. That's correct.

6 Q. --- of the defendant?

7 A. That's correct.

8 Q. And could you tell the jury based on your experience  
9 what is a buccal swab? What does that mean?

10 A. It is, basically, a long Q-tips a sterile which is taken  
11 orally from the cheeks of a person and you take, usually take  
12 two, so you'll have two good samples in case one doesn't  
13 take. Take one cheek then change and take one from the other  
14 side. And then you'll secure it and tape it up and drop it  
15 into evidence.

16 Q. And in this particular case, did you take a buccal swab  
17 from one, Tony Manago, the defendant?

18 A. I did.

19 Q. And do you actually recall when you actually did his  
20 buccal swab?

21 A. I do.

22 Q. Okay. And I believe, did you have a court order to be  
23 able to get that buccal swab from him?

24 A. Yes, sir, I did.

25 Q. And at the time tell us about that about, you know, the

1 process you used in getting the buccal swab from the  
2 defendant?

3 A. Yes, at the time that would've been August, I would've  
4 been out of school. I was -- the order was given and  
5 Investigator Billiott was supposed to go get it from him but  
6 he refused Investigator Billiott. So me, as the new person  
7 and having the ability to do the same work, I went down there  
8 to again try to obtain it from him.

9 Q. And were you able to obtain it from him?

10 A. With some convincing, yes.

11 Q. Okay. And so let me show you what's been marked, well,  
12 it's in evidence as State's Exhibit 60, do you recognize that  
13 particular item of evidence?

14 A. I do.

15 Q. And could you tell the ladies and gentlemen of the jury  
16 what is State's Exhibit 60?

17 A. This is a buccal swab collected from Tony Daquan Manago,  
18 Jr., and it was collected on August 9, 2017 at 5:15 in the  
19 afternoon.

20 Q. Okay. And once you collected that -- and were you able  
21 to collect it pursuant to the process that you stated  
22 earlier?

23 A. I did.

24 Q. And when you -- so once you got it, got the swab from  
25 Mr. Manago, what did you do at that point, what's the

1 protocol?

2 A. The protocol would be to as you can see, you'll take the  
3 packet, securing the package. Always take it back -- we use  
4 capped swabs that slide up and down, the stick, so you can  
5 put it in a cap so there's no air or anything or contaminants  
6 to get into it. I usually stick it back into the paper so  
7 that way it can dry and stuff so that puts an extra layer  
8 protection. And then I - it will be sealed back with tape,  
9 your initial, date and then drop it into the evidence room  
10 after you fill out one of the evidence forms so it can be  
11 recorded.

12 Q. Okay. And, of course, that would happen in this case?

13 A. Correct.

14 Q. All right, in at that point is it sent, is the protocol  
15 to have it sent to sled for DNA testing?

16 A. In a case such as this, I normally would send it off to  
17 sled so they can be entered into - so they can entered into  
18 if there's nothing to compare it to ---

19 Q. To compare it?

20 A. Right.

21 Q. Now, however, if they did have something to compare it  
22 to already then it would be sent, of course, the sled lab  
23 would do the necessary analysis on that?

24 A. That's correct.

25 Q. Okay.

1 MR. REDMOND: That'd be all the questions I have in  
2 this matter. Please answer any questions that Ms. Copeland-  
3 Little may have.

4 MS. LITTLE: No cross examination.

5 THE COURT: All right, you can step down, sir. Thank  
6 you.

7 MR. HARRELL: Thank you, Your Honor.

8 MR. REDMOND: And the State call's Catherine Leisy from  
9 the State Law Enforcement Division. And Your Honor I'm going  
10 to ask you if officer, Deputy Harrell to be excused.

11 THE COURT: Any objection?

12 MS. LITTLE: No objection.

13 THE COURT: He May be excuse, sir.

14 THE CLERK: Place your left on the Bible. You swear  
15 the testimony you're about to give this court is the truth,  
16 the whole truth, and nothing but the truth so help you God?

17 MS. LEISY: I do.

18 THE CLERK: Thank you.

19 CATHERINE LEISY, first being  
20 duly sworn, testified as follows:

21 Direct Examination by Mr. Redmond:

22 Q. Okay. Could you state your full name for the record?

23 A. Catherine Leisy.

24 Q. And who do you work for?

25 A. I worked for the South Carolina Law Enforcement Division

C. Leisy- Direct Examination by Mr. Redmond

159

1 more commonly referred to as sled.

2 Q. And what's your job title and your responsibilities at  
3 sled?

4 A. I'm a forensic scientist assigned to the DNA casework  
5 department. My responsibilities include processing forensic  
6 cases, generating reports based on the results and  
7 conclusions drawn in those cases and testifying to those  
8 reports as necessary. I also assist in the training of  
9 lesser experienced analyst and I have several quality control  
10 duties within the laboratory.

11 Q. Okay. And is sled accredited for DNA testing?

12 A. Yes, it is.

13 Q. Okay. And what is your educational background?

14 A. I have a Bachelor of Science Degree in genetic  
15 engineering from Cedar Crest College in Allentown,  
16 Pennsylvania.

17 Q. Okay. And how long have you worked at sled?

18 A. Just short of thirteen years.

19 Q. And what other professional experience do you have in  
20 the field of DNA identification testing?

21 A. Prior to my time at sled I spent approximately four  
22 years as a forensic DNA analysis at a private testing  
23 facility that at the time was known in Orchid Cellmark where  
24 in the same types of testing analyses that I perform at sled.

25 Q. Okay. And what courses did you take or seminars that

1 you attended that assist you in your duties at sled?

2 A. As far as course work in college I took classes on  
3 biology, genetics, what we call recombinant DNA. And as part  
4 of my work at sled I am required to participate in continuing  
5 education which consist of conferences or seminars to keep us  
6 up-to-date on current techniques and forensic DNA testing.

7 Q. Okay. And have you testified as an expert in DNA  
8 identification testing in the past?

9 A. I have.

10 Q. And about how many times?

11 A. On more than fifty occasions.

12 MR. REDMOND: Your Honor, at this time I would move  
13 that Ms. Leisy be qualified as an expert in the field of DNA  
14 identification testing or a DNA identification.

15 THE COURT: No objections.

16 THE COURT: All right, I find this witness to be an  
17 expert in the field of DNA identification.

18 MR. REDMOND: Thank you, Your Honor, May it please, the  
19 Court?

20 A. Ms. Leisy, what is DNA?

21 Q. DNA stands for deoxyribonucleic acid. It is the genetic  
22 material found in all of our body cells with the exception of  
23 our red blood cells. And DNA is packaged into structures  
24 called chromosomes which contain our genes. And genes are  
25 simply strands of DNA that cope for our physical

C. Leisy- Direct Examination by Mr. Redmond

161

1 characteristics such as our height or eye color. We inherit  
2 one copy of DNA from our mother and one from our father. So,  
3 therefore, we have two copies of every gene. Now,  
4 approximately 99.9 percent of an individual's DNA is  
5 identical to that of everyone else's and it's the variation  
6 in that that remaining .1 percent that we test to try and  
7 tell different people apart.

8 Q. Okay. Now, for any given person is the DNA information  
9 in one body fluid or tissue is it gonna be the same DNA  
10 information as another tissue or bodily fluid? In other  
11 words, blood and saliva, is the DNA in the blood gonna be the  
12 same as the saliva?

13 A. Yes, it is.

14 Q. Okay. Is there any dispute in the scientific community  
15 regarding the principles you've just discussed?

16 A. No, there are not.

17 Q. All right, and generally, what are you trying to  
18 determine through DNA identity testing for a criminal case?

19 A. Basically, what we're trying to do is develop a DNA  
20 profile from an unidentifiable biological material that's  
21 been left at a crime scene or on an item of evidence. And  
22 then compare that profile to the profile of a known  
23 individual to try and determine whether or not that  
24 individual contributed that material.

25 Q. Now, are you simply comparing the DNA of a known and the

1 DNA of an unknown to determine if they might be from the same  
2 source?

3 A. That's correct.

4 Q. Okay. And what is known as PCR, STR testing is that  
5 performed at your lab? I guess it's PCR, STR testing and  
6 what is it? What is that?

7 A. That is the type of testing that we perform. PCR stands  
8 for polymerase chain reaction. It's a technique that allows  
9 us to make copies of the specific location in DNA that we're  
10 interested in testing. Those location are known as STR's or  
11 short tandem repeats. And those just locations in our DNA  
12 where a short core unit of DNA repeats a certain number of  
13 times. And the number of times, you know, repeats at a given  
14 location varies from person to person and that's how we tell  
15 different people apart.

16 Q. And what are the steps - what's steps are involved in  
17 the PCR/STR testing?

18 A. The first step in processing is extraction where we're  
19 essentially just from moving DNA from the item that's been  
20 submitted for testing. We perform a quantitation test that  
21 gives us an estimate as to how much DNA has been extracted.  
22 We then perform the actual PCR step which is also referred to  
23 implication. So this is the step that we're making copies of  
24 the STR locations that we're interested in testing. Once  
25 we've completed making copies of those locations, overall

C. Leisy- Direct Examination by Mr. Redmond

163

1 that collection of information is what is referred to as an  
2 individual's profile. This profile is what we can compare  
3 between a piece of evidence and a known individual to try to  
4 determine if they have may have come from the same source.

5 Q. Okay. And what safeguards and controls used at sled to  
6 ensure the integrity of the samples and the reliability of  
7 the procedure for testing?

8 A. Every case that's submitted is given a unique sled lab  
9 number and every item within that case is given a unique item  
10 number. So that identification is clear on each sample and  
11 that results are specific to that particular item. Only one  
12 item will be worked at a time and we are frequently cleaning  
13 services and changing gloves, doing anything we have to do to  
14 prevent any carry over of DNA sample into another as we're  
15 working on it, as well as to prevent introduction of our own  
16 DNA onto a same place we're processing.

17 Q. Okay. Now, let's get to this case, did you receive any  
18 evidence in this case?

19 A. Yes, I did.

20 Q. And how and when did you receive that evidence?

21 A. I took custody of several items of evidence on December  
22 14, 2016. They were transferred to me by a forensic  
23 technician in our evidence control department. There were  
24 other items that I took custody of, I believe, on October 21,  
25 2017 also transferred to me by one of our login technicians.

1 Q. Okay. Let me show to you state's exhibit -- well, I'll  
2 just bring them both up at the same time, State's 59 and  
3 State's 60, if I may approach the witness, Your Honor?

4 THE COURT: Yes, sir.

5 Q. Yes, and do you recognize those two exhibits?

6 A. Yes, I do.

7 Q. And are those the exhibits you're referring to?

8 A. These are two of the items, yes, sir.

9 Q. Okay. And what do the items -- what are those items?

10 A. The first is sled Item Number 49 which was described as  
11 buccal swabs from Tony Manago, Jr. And sled Item 50 which  
12 was identified as a Band-Aid from Tony Manago right hand.

13 Q. Okay. And did you perform STR testing on those items?

14 A. Yes, I did.

15 Q. Okay. And let me show you what's in evidence as State's  
16 61, again, permission to approach the witness, Your Honor?

17 THE COURT: Yes, sir.

18 Q. Is that an accurate copy of a report issued in this case  
19 once you had the chance to test those items?

20 A. It appears to be, yes, sir.

21 Q. Okay. And could you tell us what were the results that  
22 you obtained for each of the items that you tested?

23 A. In terms of sled Item Number 50 the Band-Aid from Tony  
24 Manago's right hand the DNA profile developed matches the DNA  
25 profile of Tony Manago, Jr. And the probability of randomly

C. Leisy- Direct Examination by Mr. Redmond

165

1 selecting an unrelated individual having a DNA profile  
2 matching this item is approximately one and one hundred and  
3 seventy octillion.

4 Q. Okay.

5 MR. REDMOND: I beg the Court's indulgence.

6 Q. Let me show you what's been marked as State's 48, and  
7 that is already in evidence. Do you recognize those?

8 A. Yes, sir.

9 Q. And what are those?

10 A. These are swabs that were submitted under this case  
11 number. Most of them were swabs collected from inside the  
12 car.

13 Q. Okay. Now, let me go back to the Band-Aid, again, you  
14 tested the Band-Aid and your results concluded that the Band-  
15 Aid had the DNA of whom again?

16 A. I concluded that the DNA profile develop from the Band-  
17 Aid matches the DNA profile of Tony Manago, Jr.

18 Q. Okay. And now on State's 48, did you perform the PCR,  
19 STR testing on that as well for DNA identification?

20 A. Yes, I did.

21 Q. And what were your results on the swabs taken from the  
22 vehicle?

23 A. On two sets of the swabs, sled Item Number 20 which was  
24 identified as swabs from the interior front passenger door  
25 and sled Items, sled Item 21, excuse me, swab from the

1 interior front passenger side dashboard. The DNA profile  
2 developed matches the DNA profile of Tony Manago, Jr., and  
3 the probability of randomly selecting an unrelated individual  
4 having a DNA profile matching these items is approximately  
5 one and fifty-five quintillion.

6 Q. Now, did you do any kind of statistics on the analysis  
7 related to the DNA results in this case?

8 A. Yes, sir.

9 Q. Okay. Could you explain that and what you did in this  
10 case?

11 A. Once we have what we refer to as a match, so a single  
12 source profile that is perfectly consistent with the DNA  
13 profile of a known individual. We perform a statistic that  
14 it gives us a general idea of how common or rare that  
15 particular profile is in the population. So what we're  
16 saying is that you randomly selected an unrelated individual  
17 and ran their profile, the probability that they would have  
18 this exact profile would be approximately one in fifty-five  
19 quintillion. It's just a measure of how common or rare that  
20 profile would be in the population.

21 Q. Okay. And in this particular case that analysis, again,  
22 after doing that analysis and the testing, who did the, who  
23 did it match? What DNA identity matched did you get in this  
24 case? I think I said that right.

25 A. From the two sets of swabs that I mentioned, the swab

C. Leisy- Direct Examination by Mr. Redmond

167

1 from the interior front passenger side door and interior  
2 passenger side dashboard, the DNA profile developed matches  
3 the DNA profile of Tony Manago, Jr.

4 Q. Okay. That's the swabs from inside the vehicle?

5 A. As described, yes, sir.

6 Q. Okay. So the swabs matched Tony Manago based on your  
7 analysis and the Band-Aid matched Tony Manago based on your  
8 analysis?

9 A. Those three items did match the profile of Tony Manago,  
10 yes, sir.

11 Q. Okay. Now, did the control used in testing show that  
12 the test were performed properly to ensure accuracy?

13 A. They did.

14 Q. And so in this case once you have, I guess, finished  
15 your analysis, made sure that all of the protocols were  
16 followed is that when you're report is issued?

17 A. That's correct. After testing all that implication  
18 that's created during testing as well as my report, are peer-  
19 reviewed by another court qualified analyst. Aand then  
20 there's also an administrative review just to check for  
21 completeness and to make sure all protocols were followed.

22 Q. And did all of that apply in this case?

23 A. It did.

24 Q. And, hence, you are in court testifying to the results  
25 that you got?

1 A. Yes, sir.

2 MR. REDMOND: That'd be all the questions I have.  
3 Please answer any questions that Ms. Copeland-Little may  
4 have.

5 MS. LEISY: Yes, sir.

6 THE COURT: Ms. Little?

7 MS. LITTLE: No questions, Your Honor.

8 THE COURT: Okay. Thank you, ma'am. You may step  
9 down. Do you wish to be excused?

10 MS. LEISY: Please.

11 THE COURT: Any objection to this witness being  
12 excused?

13 MR. REDMOND: None, Your Honor.

14 MS. LITTLE: None.

15 MS. LEISY: Thank you.

16 MR. REDMOND: And, Your Honor, with that witness if I  
17 could request a brief recess I think we could -- I just want  
18 to administratively check, make sure we've gotten all items  
19 that's in evidence. And then -- but I think that would be  
20 State's last witness. But if we just have a brief break just  
21 to make sure we've got everything in evidence and then we can  
22 go ahead and proceed.

23 THE COURT: All right, ladies and gentlemen, I'm  
24 going to ask that you retire to the jury room for just a  
25 brief period of time as we go through some administrative

1 matters. Again please do not discuss the case at this point  
2 in time.

3 (Whereupon, the jury exits the courtroom at 10:26 a.m.)

4 (Whereupon, the court took a break to make sure all items  
5 were in evidence)

6 THE COURT: All right.

7 MR. REDMOND: May it please, the Court, Your Honor?

8 THE COURT: Yes, sir.

9 MR. REDMOND: That would be the conclusion after having  
10 checked and made sure that we've gotten all of our exhibits  
11 in evidence that we intended to get into evidence. The State  
12 would respectfully rest at this time. Of course, I will do  
13 so again in front of the jury. But, officially, we rest our  
14 case. That'll end our presentation and I'll yield any  
15 motions that the defense may have.

16 THE COURT: Yes, ma'am, Ms. Little?

17 MOTION:

18 MS. LITTLE: Thank you, Your Honor, pursuant to the  
19 South Carolina Rules of Criminal Procedure, Rule 19, at this  
20 time, move for a directed verdict in defendant's favor based  
21 on the failure of competent evidence tending to prove the  
22 charges in the indictments.

23 THE COURT: Is there any response?

24 MR. REDMOND: Your Honor, I would just say, of course,  
25 the standard being that it's in the like most favorable to

1 the State. And that being the case, we've got competent  
2 evidence from an eyewitness who actually identified the  
3 defendant. We've got other, a corroborating witness and  
4 evidence that including DNA which helps establish from the  
5 State's standpoint the defendant presence on the scene which  
6 ties in, of course, to the identification. Of course, we  
7 also had a co-defendant's testimony that also further  
8 corroborates placing the defendant at the scene. So I think  
9 the State has more than met its burden, especially at this  
10 point as it relates to the directed verdict motion. So we  
11 would respectfully ask that, that motion be denied.

12 THE COURT: Okay. All right, taking the evidence  
13 and the like most favorable to the State, it's clear to me  
14 that there is sufficient evidence to submit this to the jury  
15 for determination by them. So I respectfully deny your  
16 motion for directed verdict, Ms. Little.

17 MS. LITTLE: All right. And, Your Honor, also I would  
18 like to make another motion. Your Honor, I would move for a  
19 new trial just based on my client's lack of cooperation and  
20 downright hostility toward defense counsel, his refusal to  
21 provide me with any potential defense, and his refusal to  
22 attend the trial, and his refusal to provide me with any  
23 potential witnesses in his favor.

24 THE COURT: Okay. You don't have to respond unless  
25 you want to.

1 MR. REDMOND: I think it'd be better if I not respond  
2 to that.

3 THE COURT: All right, Ms. Little, I am going to  
4 respectfully deny your motion for a new trial because Mr.  
5 Manago has been adequately advised by Judge Burch and his  
6 right to be here and encouraged him to appear. He made the  
7 decision voluntary not to be here. I realize he may not be  
8 cooperating with you in providing you with any information  
9 but there again that's his choice. But I certainly don't  
10 find that to be a sufficient grounds declared a new trial.  
11 So I respectfully deny your motion.

12 MS. LITTLE: Thank you, Your Honor.

13 MR. REDMOND: Thank you, Your Honor. And as it, I  
14 guess, just from a housekeeping matter when the jury comes  
15 out I don't know with the, I guess, as far as the way I  
16 understand it since the defense is has not put up any  
17 evidence, I guess, from abating standpoint and I'm still  
18 wrapping my head around that with abating but from that  
19 standpoint I'd ask just as it relates to the closing's how  
20 the court wanted to go about doing that based on the defense  
21 request. And also if the court wanted to do a charge  
22 conference just, I guess, just for administrative because  
23 we're ready to proceed.

24 THE COURT: Yeah, I was going to say I would give --  
25 are you going to put up any defense?

1 MS. LITTLE: No, sir.

2 THE COURT: Okay. I mean, let you get your thoughts  
3 together with regards to your closing arguments and let me  
4 get with Jody to make sure we've got what I want to do as far  
5 as the charge. If you have any request for charge, if you'll  
6 go ahead and submit those to me in the next, you know,  
7 several minutes and that way we'll just bring the jury back  
8 out and finish everything.

9 MR. REDMOND: That'll be fine, judge.

10 THE COURT: In other words, will extend their short  
11 break until little bit longer.

12 MR. REDMOND: That'll be fine.

13 THE COURT: But I know you need a few minutes to get  
14 your thoughts together and I need to get the charge together  
15 so. Let just stand at ease. Let me get my charge together  
16 and any request of charge?

17 MS. LITTLE: I would request the court issue a charge  
18 voluntary manslaughter.

19 MR. REDMOND: In light of the Cook case and there was  
20 a case that just came down because the heat of passion is, I  
21 don't know if we have that here. Especially as it relates to  
22 Mr. Manago and based on the testimony. And we've had a case  
23 in this circuit, State v. Cook, I think it came down in  
24 December of '16, that actually the judge, long story short,  
25 had given a voluntary manslaughter instruction that's what

1 the jury convicted on. The court, the State Supreme Court  
2 said there was not evidence heat of passion. But rather than  
3 send it for a new trial, and I don't disagree with the  
4 finding because that was, in essence, a not guilty on the  
5 murder jeopardy attached, and that gentleman walked free.  
6 And so I don't think that this case calls for a voluntary  
7 manslaughter instruction. As a prosecutor sometimes we would  
8 like to have that safety net but based on the Cook case and  
9 I think there's been a couple of cases that have come down  
10 since then, I just don't see where this case calls for that.  
11 And my concern would be if the jury convicted on that, that  
12 could cause a bunch of trouble down the road. So I would  
13 have to oppose any other instructions. I don't think the  
14 evidence that we proved, have presented lends itself to that.

15 THE COURT: I agree with you, Mr. Redmond. I don't  
16 know that there is any testimony or evidence that would  
17 justify a charge of involuntary manslaughter. So I'm going to  
18 deny your request in regards to that, Ms. Little. Any other  
19 request for charge?

20 MS. LITTLE: No, Your Honor.

21 THE COURT: Anything from the State?

22 MR. REDMOND: No, sir, not that I -- nothing other than  
23 the standard.

24 MS. LITTLE: And, Your Honor, ---

25 THE COURT: And I'll let you see my charge before we,

1           you know, bring the jury back in.

2           MS. LITTLE:     And, obviously, his failure to testify  
3           and not be present, not to be discussed in the jury room or  
4           held against him in any way.

5           THE COURT:     That will be part of my standard charge,  
6           right, his failure to testify. Okay. We'll stand down for  
7           a brief period. Let me get my stuff together and then I'll  
8           present it to you and let you review it. And then you can  
9           get your thoughts together with regards to closing.

10          MS. LITTLE:     Thank you, Your Honor.

11          (Whereupon, the court proceeds back on record at 11:04 a.m.)

12          THE COURT:     The State ready for the jury to come back  
13          in?

14          MR. REDMOND:    The State's ready, Your Honor.

15          THE COURT:     The defendant?

16          MS. LITTLE:     Yes, sir.

17          THE COURT:     All right, bring them in.

18          (Whereupon, the jury enters the courtroom at 11:05 a.m.)

19          THE COURT:     Mr. Redmond?

20          MR. REDMOND:    May it please, the Court, Your Honor. At  
21          this time after reviewing all the evidence that the State has  
22          submitted, we have put everything in evidence, so we would  
23          respectfully rest our case at this time.

24          THE COURT:     Okay. All right. Ms. Little, are you  
25          ready to put forth your defense?

1 MS. LITTLE: Defense rest, Your Honor.

2 THE COURT: Okay. All right, ladies and gentlemen,  
3 the attorneys have completed the presentation of their  
4 respective cases. We're to the point in the trial where the  
5 attorneys will make either closing arguments. I want to  
6 remind you just as I did at the beginning of the trial when  
7 I told you their opening statements were not to be considered  
8 as evidence. Their closing arguments are not evidence  
9 either. It's just their opportunity to present to you why  
10 they feel like there should be a he guilty or not guilty  
11 verdict. But it's not to be considered as evidence as  
12 previously indicated. Once they have completed their  
13 arguments to you that I will charge you on the law at that  
14 point in time.

15 All right, with that being said I don't want any up and  
16 down in the courtroom while the attorneys are arguing or  
17 while I do my charge. I don't want anybody coming in the  
18 courtroom. So I want these doors - I want the door, the back  
19 man, nobody to come in. And this back door man, so nobody is  
20 going to come in. If anybody's out in the hallway who wants  
21 to come in they better come in now. So if somebody will  
22 check. Make sure everybody wants to be in then. If anybody  
23 is in the courtroom and feels like they can't sit where they  
24 are for the next probably forty-five minutes, it could be an  
25 hour, you better leave now. Because I'm not going let you

1 get up and disturb this court. I don't want the jury  
2 distracted.

3 (Whereupon, the courtroom is secured for no disturbance)

4 THE COURT: All right, Ms. Little?

5 MS. LITTLE: Your Honor, I'll to the final opening.

6 THE COURT: All right. Okay. All right, she's  
7 waived opening, then, Mr. Redmond, I will ---

8 MR. REDMOND: May it please, the Court, Your Honor.

9 THE COURT: Yes, sir.

10 MR. REDMOND: Ms. Copeland-Little?

11 MS. LITTLE: Yes, sir.

12 **CLOSING ARGUMENTS BY MR. REDMOND:**

13 Ladies and gentlemen, again my name is Kernard Redmond.  
14 I'm the deputy solicitor here for our circuit and I'm gonna  
15 be brief. But my brevity is not an indication that this is  
16 not an important case. Every case is not long and drawn out  
17 like we see on TV. Some of them - some cases are  
18 streamlined. This was not an overly complicated case. But  
19 that in no way impacts the importance of this case. Before  
20 I get into the evidence that you've seen and heard, let me  
21 thank you for your willingness to serve. It would be remiss  
22 of me not to do that because I know that it is, it  
23 constitutes an inconvenience but we've heard some people say,  
24 and I totally agree, that other than serving in the military  
25 in the times of war, your service as jurors is the most

1 important service that the citizen could render. So for that  
2 I would like to extend my sincerest appreciation.

3 On the 17<sup>th</sup> -- on 13<sup>th</sup> of July, 2015, the date in  
4 question here, Kim Head's birthday, Dominique Cooper was  
5 killed senseless. We can, I think, agree to that. He was  
6 killed, basically, because of whatever disagreement he had  
7 with Laquan Hicks that constituted a group of them going to  
8 where he was and they show of force to try to get whatever  
9 stuff was an issue. And we have a situation where a  
10 gentlemen, the defendant, Tony Manago, went and road, and at  
11 that time, took advantage of an opportunity to shoot and  
12 killed Dominique Cooper. That's really what had took place  
13 here. Before we get into why we know that and why the State  
14 has established that, let me first talk about the elements of  
15 the case.

16 Murder, murder is the taking of a life of another with  
17 malice aforethought. And the court, his honor, will explain  
18 that to you in his instructions. But, basically, what that  
19 comes down to is that at the time he was being shot, at the  
20 time Dominique Cooper was being shot, in order to prove  
21 murder you prove malice aforethought. Well, how do you prove  
22 malice? Well, you heard testimony from Kim Head about the  
23 fact that just a few months before this the victim Mr. Cooper  
24 was accused by the defendant of snitching which is not a very  
25 positive thing to be attached with, especially, with what was

1 taking place during the time. So we've got the snitching.  
2 But what other things constitute malice? Well, he was shot  
3 four times. I would say that, that equals malice. He was  
4 shot, and there were more shots that had been fired, because  
5 he was actually hit four times. He was hit as he left. As  
6 he was trying to retreat as you heard from Dr. Ross. That  
7 would be evidence of malice. And, of course, the fact that  
8 you use a gun to shoot someone, I think you can refer as  
9 being evidence of malice. So the definition of murder and  
10 His Honor will explain that to you at the appropriate time in  
11 his instructions, the definition of malice, in this regard,  
12 I think it's clear-cut, just based upon the way that Mr.  
13 Cooper was killed, was gunned down as he tried to run away  
14 from the situation.

15 He's also charged with possession of a weapon during the  
16 commission of a violent crime. Well, that's pretty usual  
17 there was a gun used. Even though we did recover the weapon  
18 and, quite frankly, it's not unusual that the weapon not be  
19 recovered. But we still have plenty enough evidence to be  
20 able to tell you, the jury, that we have met our burden of  
21 proof.

22 What is our burden of proof? Beyond a reasonable doubt.  
23 We all have heard that at nausea. It's pretty much a term of  
24 art in the American Lexicon. But the definition and, of  
25 course, you'll hear this from Judge Henderson, is that doubt

1 which causes a reasonable person to hesitate to act. That's  
2 reasonable doubt.

3 To further give you an idea of what that means,  
4 everything in life is not certain. You can't say without all  
5 doubt. It's beyond a reasonable doubt. That's why it  
6 doesn't say beyond all doubt. It's beyond any reasonable  
7 doubt based on the evidence that you've heard. I'd like to  
8 say it means that you're firmly convinced. In other words,  
9 the evidence presented leaves you firmly convinced of the  
10 defendant's guilt. That Tony Manago is, in fact, the  
11 perpetrator of the murder of Dominique Cooper. So that would  
12 be reasonable doubt. And again take the definition as His  
13 Honor explains it to you, not how I explain it to you. But  
14 that is my interpretation I'll admit. I'm, at least, allowed  
15 to give you that.

16 But let's talk about the case itself, the evidence in  
17 the case. What is it that we heard? And I'm gonna start by  
18 talking about some of the witnesses that may have not been  
19 there but they were collecting evidence because that's a very  
20 important part of this case. Because we've heard from people  
21 who were there but we've also heard scientific evidence.  
22 Well, that's what we call corroboration. In other words,  
23 we're not just relying on what we're being told there's also  
24 a corroboration through the scientific evidence and I'll get  
25 into that in a little while. But let's talk about the people

1 that were involved in the collection of evidence.

2 First we heard from Neal Flowers. He actually was at  
3 the scene with the sheriff's office, collected the shells and  
4 the two fired bullets from that time. He collected them,  
5 they went on for further testing.

6 James Tallon you heard from, from sled. He had a very  
7 important role in this case because he was the one that  
8 discovered the blood, swabbed the blood. That blood is a  
9 very key piece of corroboration in this case and, of course,  
10 I'll explain that in the little while.

11 And then you also heard, excuse me, from George Kelly  
12 who collected the Band-Aid from the defendant's right hand.  
13 Well, that corroborates the fact that his hand was, in fact,  
14 bleeding which explains, of course, the blood that we found  
15 in the car of Halique Davenport. So, of course, that was a  
16 piece of evidence that was important. George Kelly was the  
17 one that collected that.

18 And then we have the buccal swab that Russ Harrell, Russ  
19 may still be here, but Russ Harrell collected. Of course,  
20 that was important because that contain DNA that was compared  
21 to sled by Catherine Leisy and determined that, yes, that was  
22 Tony Manago's DNA both on that Band-Aid and, arguably more  
23 importantly, in Halique Davenport's car. That corroborates  
24 both what Kim Head told you and it corroborates what Halique  
25 Davenport told you. So let's talk about Kim and Halique for

1        little while.

2            Kim, as I said, it was her birthday when this took  
3 place. When her boyfriend was gunned down literally right  
4 there near the door of Brandi Wingfield's house. Kim told  
5 you emphatically that she is positive that it was Tony  
6 Manago. But that isn't the first time she said was here with  
7 you today. She said it as soon as the officers got to the  
8 scene. She was able to tell them everybody that was there.  
9 Which, of course, you heard for Mr. Stevens that's why they  
10 were able to go out and get the Davenport's because she told  
11 them who was out there at that time including the defendant.  
12 And she said, yeah, he was masked but how could she be sure?  
13 Well, this is not a random eyewitness situation. He may have  
14 tried to mask himself up but he was not successful,  
15 obviously. Kim told you that when he came around the corner  
16 he was the one that pointed the gun. He was the one that  
17 pulled the trigger. He had been to her house before. She  
18 had known him for several years before that. He had been to  
19 the house before. So she knew him. So when she saw him she  
20 knew exactly who it was that pulled the trigger. And guess  
21 what? Halique Davenport corroborates that. Because Halique  
22 tells you that Tony was one of the people that was there.  
23 And, okay, if you don't want to just believe them, look at  
24 the DNA. The DNA evidence places Tony Manago in Halique  
25 Davenport's car. It corroborates Halique's, and that's why

1 say, the scientific evidence corroborates what we've heard  
2 from the witnesses. That is very important here in this  
3 particular case. In any case, but, especially for your  
4 purposes as it relates to this case.

5 Kim also told you that she was close enough, it's not  
6 like he was across the yard firing, and you saw the picture  
7 of the Google Earth from the house. She was at the top of  
8 the steps. He was at the bottom of the steps when he started  
9 firing. So she had a good look at him as he began to fire in  
10 the direction of Dominique Cooper. And, but, for the action  
11 of Mr. Cooper, I think you can deduce that it's fortunate  
12 that Ms. Head, herself, was not struck with one of those  
13 bullets and that we're not here on two counts of murder. So  
14 I would say that even as his last act Mr. Cooper, actually as  
15 his life was being taken, he saved Ms. Head's life.

16 So let's talk about Halique for a little while, Halique  
17 Davenport because he's the other person that was out there  
18 that you heard from. It was his car. He gave you the  
19 background of what took place that day leading up to this  
20 incident. He's charged. He's a co-defendant. So, okay, well  
21 let's see, you know, you'll hear about credibility of  
22 witnesses. But not just relying on what Halique by himself,  
23 but this is where Halique and Kim corroborate each other.  
24 Then you put the science with it and, of course, then that  
25 further corroborates everything. Halique Davenport puts Tony

1       there. Says, yeah, Tony Manago was one of the people that  
2       was there. He didn't see what was happening. And that's  
3       fine, he didn't see it, but our purposes, the importance for  
4       Halique Davenport was that he definitively places Tony Manago  
5       there. Why is that important? It, then, corroborates what  
6       Kim said. Tony was there. So, yes, Tony was the one that  
7       she saw because she outlined everybody else that was there  
8       and Halique told you everybody, that Kim said was there,  
9       Halique Davenport said the same thing. Said the exact same  
10      number of people. The same people that were there, the same  
11      number of people that were there that Kim does. They  
12      corroborated each other. We aren't asking you to rely on one  
13      or the other. We put it all together. That's what the  
14      nature of making a case is. That's what was done in the  
15      investigation of this case. And that's why it is so  
16      important that we did have the testing that was able to, from  
17      sled, that was able to substantiate what we've laid out in  
18      our case.

19           And, again, when you get to Ms. Leisy the reason that's  
20      important, the Band-Aid, let's talk about that. I think it  
21      was George Kelly through Monty Bell - and let me think Monty  
22      Bell for working with me on this case. I think he did an  
23      outstanding job in not just helping me with this case but  
24      also presenting the witnesses that he had. But he was able  
25      to get through Mr. Kelly that look, you know, he can't

1 definitively say what it is, but it is in the record where he  
2 does say the fact that, you know, the cuts that he saw, yeah,  
3 he's seen cuts like that related to the use of a firearm. So  
4 that's important. Again that goes more toward corroboration.  
5 So that's why that Band-Aid is important. And again the  
6 Band-Aid also - the other thing that's important to that is  
7 it would show with the blood still there it was a fairly  
8 fresh wound. That was a fresh wound. So that further  
9 corroborates that how the blood got to Halique Davenport's  
10 car. Tony Manago's blood got in Halique Davenport's car.  
11 And how did they leave the scene? In Halique Davenport's  
12 car. So, again, that corroborates what Kim said. So, again,  
13 we're not asking you to rely on one witness individually,  
14 it's putting it all together and once you see that then I  
15 submit to you, ladies and gentlemen, it is clear that, in  
16 fact, the defendant Tony Manago is guilty of this particular  
17 crime.

18 As I said this is not a long drawn out case and I'm not  
19 gonna be, this will probably go down as one of my shorter  
20 closing arguments. If some people in this courtroom that  
21 would probably be very surprised that I'm about to sit down  
22 in the next five minutes. But brevity, again, has - it has  
23 nothing to do with importance because we've got the victim's  
24 family here. We've got Ms. Head here. It doesn't matter how  
25 long the case last. It doesn't matter how long the

1       deliberation last. It does not change the importance of what  
2       we are here about and I would ask you to keep that in mind as  
3       you go back to deliberate. Because a life was lost here. A  
4       life was lost in a tragic unnecessary circumstances. Should  
5       Halique Davenport and those guys gone out to the house that  
6       night? Heck no! Absolutely not! But even beyond that,  
7       should Tony Manago, was there any reason for him to come out  
8       behind the side of the house and just randomly open fire on  
9       somebody that just a few months earlier he had accused of  
10      snitching? So if you look at it, well, why would he do that?  
11      Kim told you why he would do that it. At her job accosted  
12      her about the fact that his, that he accused Dominique of  
13      snitching about something in Florence. They didn't know what  
14      he was talking about. But, obviously, it was on Tony  
15      Manago's mind. And he had the opportunity at that moment  
16      when those guys went to the house about the stuff - and Kim  
17      told you there was a dispute about this clothes or this  
18      stuff. But, Tony Manago, it wasn't his stuff. It wasn't  
19      Tony Manago's stuff. Tony actually wasn't even there earlier  
20      in the day. Tony had just come in later. Tony Manago had an  
21      opportunity to exact whatever revenge, whatever reason he had  
22      for wanting to kill Dominique Cooper when he had his  
23      opportunity, and at that point he took advantage of that  
24      opportunity and now we've got a mother, we've got them family  
25      that is without Dominique Cooper. We've got Kim that's

1 without her boyfriend. And for that, ladies and gentlemen,  
2 I think screams of the need of justice. And that's why I  
3 would submit to you with everything you've heard, everything  
4 you've heard, the State has presented the evidence necessary  
5 to leave you firmly convinced that the defendant, Tony  
6 Manago, it is, in fact, guilty of the murder of Dominique  
7 Cooper while he possessed a firearm.

8 I thank you for your attention. I thank you for  
9 attention during the trial. And I look forward to your  
10 verdict. Thank you.

11 THE COURT: Ms. Little?

12 MS. LITTLE: Thank you, Your Honor. May it please,  
13 the Court? Solicitor?

14 **CLOSING ARGUMENT BY MS. LITTLE:**

15 Good morning, again, ladies and gentlemen. I also want  
16 to thank you for being here today. I want to call your  
17 attention to a couple of things as the judge said he's in  
18 charge of the law. He's gonna tell you what the law is. If  
19 I say something that doesn't match what he says, of course,  
20 you listen to him because he's the judge and he's the judge  
21 of the law in this case.

22 But I want to talk to you about the burden of proof that  
23 the solicitor has here. It's a very, very, high burden  
24 beyond a reasonable doubt. And when you think about that I  
25 want you to think about all the people that were there that

1 night. I'm going to name some of them out to you that we've  
2 heard testimony that Laquan Hicks was there, Kahseem  
3 Davenport was there, Marquise Hawkins was there, Brandi  
4 Wingfield was there, it happened at her house. Well, the  
5 State, who has the burden of proof, has all the resources to  
6 bring those witnesses to you to let you know what really  
7 happened that night. They have law enforcement at their  
8 disposal. Where are these other witnesses? I know you've  
9 have questions about what happened that night. The whole  
10 argument doesn't ever really make sense. What was the  
11 argument really about? We never heard that. Why did four  
12 people go into a car to supposedly go get some clothes? That  
13 makes no sense.

14 Now, I think that's very important. Out of all the  
15 witnesses that they could have called they call two  
16 witnesses. One of them, Halique Davenport, he didn't see  
17 anything. He didn't see anybody get shot. Didn't know who  
18 was shot. Didn't see a mask. Didn't see a gun. He says  
19 that my client Tony Manago got in the car with him after  
20 everything was over. He never saw a gun. He never saw a  
21 mask. I mean, a .45 is a pretty big gun. Where is the gun?  
22 Where was the mask? And when I was getting ready for this  
23 case I was thinking about this, we don't know because, as you  
24 know my client, the defense, has no burden whatsoever. He's  
25 not required to testify. He's not required to be here. He's

1 not required to present evidence. The State has the burden  
2 of proof. They have to answer all of your questions. They  
3 have to convince you firmly and leave you without these  
4 questions. You know, where's the mask and the gun? Do we --  
5 we don't even know if law enforcement went and search Tony  
6 Manago's house. We don't know that from the evidence that  
7 they've presented. You know, they could have told you, oh,  
8 we didn't search. We did search. We didn't find. We know  
9 they searched the area that night. We know there was no mask  
10 found. There was no gun found. He we know they searched the  
11 car. There was no mask found. There was no gun found. The  
12 only person out of all of the people that were there that  
13 testified that there was a mask and a gun was Ms. Head. It  
14 was late. It was after midnight. It was dark. They were  
15 five people milling around outside. One of them, Laquan  
16 Hicks, had the beef with Mr. Cooper. Nobody has brought any  
17 evidence and then I'm going to take exception because y'all  
18 listened to the testimony, I believe, I thought I heard Ms.  
19 Head say that a couple of years ago Tony had mentioned that  
20 he thought Cooper was a snitch. But, at any rate, you heard  
21 the evidence you can decide whether that has any relevance or  
22 not.

23 But I want to leave you with the questions, these  
24 following questions and I believe that these all add up to  
25 reasonable doubt. Where's Laquan Hicks? He was the one that

1 had the beef. The fight was all about him. Where is he  
2 today? Why wasn't he brought here to testify? Where is  
3 Kasheem Davenport? Why didn't they bring him to testify?  
4 Where's Marquise Hawkins? He was there. He rode over there  
5 in the car. And where's Brandi Wingfield? This all happened  
6 at her house. Why have they not brought these people forward  
7 to give, explain to you what really happened that night?

8 Again, it's not my client's duty to prove anything. He  
9 sits here, even right now, until this case is over and until  
10 you deliberate, he is innocent. They have the burden to  
11 prove beyond a reasonable doubt that my client committed  
12 murder and that it was a premeditated murder. I just --  
13 wouldn't you like to know the answer to some of these  
14 questions to know what really happened that night?

15 MR. REDMOND: Your Honor, I hate to object and I never  
16 do, but when she said premeditated murder that's not the  
17 standard and I think it behooves me to, at least, have that  
18 clarified. She referred to as premeditated. That's not the  
19 standard.

20 THE COURT: All right, he's correct. Disregard the  
21 statement that it's premeditated.

22 MS. LITTLE: All right, it's very important that you  
23 think about when you go back there a young man's life is in  
24 your hands. I want to express my sorrow and sympathy for  
25 these people that lost their loved one. But you have a duty

1 no matter how bad you feel that something terrible happened  
2 you've got to look at all of the evidence and I'm leaving you  
3 with these questions and I want you to ask yourself, did the  
4 prosecutor answer my questions? Or do I have some doubt? Do  
5 I really know what happened that night? Where are all these  
6 other people? Why weren't they brought forward?

7 I believe after you really look and think about this and  
8 ask these questions and you may have other questions that I  
9 haven't even brought up, I believe that you will find Mr.  
10 Manago not guilty. Thank you.

11 **JUDGE'S CHARGE TO THE JURY:**

12 Ladies and gentlemen, I want to, as everyone else says,  
13 thank you for your patience this week. You've been asked to  
14 go back to that jury room and sit sometimes longer than you  
15 probably wish you were back there. I appreciate the  
16 attention that you have given to the attorneys and to the  
17 testimony that's been presented in this case.

18 We have reached the point in the trial now where I will  
19 charge you on the law which you will apply to the facts that  
20 you have had presented to you from this witness stand and  
21 from the exhibits which have been introduced into evidence.

22 The indictments in this case charge the defendant with  
23 murder and possession of a weapon during a violent crime. I  
24 want to remind you that the fact that the defendant was  
25 arrested, charged and indicted in this case is not evidence.

1 in this case and cannot be considered by you as evidence of  
2 guilt in this case, nor does it create any presumption or  
3 inference of guilt. These documents are simply the formal  
4 written instruments which contain the charges made against  
5 the defendant. They are formal documents by which this case  
6 is brought into this court.

7 Now, there are two indictments in this case charging the  
8 defendant with two separate offenses which I have previously  
9 mentioned. The first indictment is 2016-GS-16-0093, the  
10 murder indictment. And then indictment 2016-GS-16-0091, is  
11 the indictment for possession of a weapon during the  
12 commission of a violent crime. Each one of these indictments  
13 charges a separate and distinct offense. You must decide  
14 each indictment separately on the evidence and the law  
15 applicable to it uninfluenced by your decisions to any other  
16 indictment. The defendant may be convicted or acquitted on  
17 any or all of the offenses charged. You will be asked to  
18 write a separate verdict of guilty or not guilty for each  
19 indictment.

20 Now, the defendant has pled not guilty to these  
21 indictments. And that plea puts the burden on the State of  
22 South Carolina to prove the defendant guilty. A person  
23 charged with committing a criminal offense in South Carolina  
24 is never required to approve his innocence.

25 I charge you that it is an important rule of the law

1       that the defendant in a criminal trial no matter what the  
2       seriousness of the charge may be will always be presumed to  
3       innocent of the crime for which the indictment or indictments  
4       that were issued unless guilt has been proven by evidence  
5       satisfying you with that guilt beyond a reasonable doubt.

6       This presumption of innocence does not end when you  
7       begin your deliberations, but it accompanies the defendant  
8       throughout the trial until you reach a verdict of guilty  
9       based on evidence satisfying you with that guilt beyond a  
10      reasonable doubt.

11      The presumption of innocence is like a robe of  
12      righteousness placed about the shoulders of the defendant  
13      which remains with the defendant until it has been stripped  
14      from the defendant by evidence satisfying you of the  
15      defendant's guilt beyond a reasonable doubt. The presumption  
16      of innocence is not mere legal theory. It is not just a  
17      legal phrase that we fill out. It is a substantial right to  
18      which every defendant is entitled unless you, the jury, are  
19      satisfied from the evidence of the defendant's guilt beyond  
20      a reasonable doubt.

21      What is reasonable doubt in the law? A reasonable doubt  
22      is the kind of doubt that would cause a reasonable person to  
23      hesitate to act. The State has the burden of proving the  
24      defendant guilty beyond a reasonable doubt. Some of you may  
25      have served as jurors in civil cases where you were told that

1       it's only necessary to prove that a fact is more likely true  
2       than not true. Such as by the greater weight of the  
3       preponderance of the evidence. In those cases the scales  
4       just have to be tipped slightly in order to prove the case.  
5       But in a criminal case the State's proof must be much more  
6       powerful than that. It must be beyond a reasonable doubt.

7               Proof beyond a reasonable doubt is proof that leaves you  
8       firmly convinced of the defendant's guilt. Now, there are a  
9       very few things in this world that we know with the absolute  
10      certainty, and in criminal cases the law does not require  
11      proof that overcomes every possible doubt. If based on your  
12      consideration of the evidence you are firmly convinced that  
13      the defendant is guilty of the crime charged, you must find  
14      the defendant guilty. If on the other hand, you think  
15      there's a real possibility that the defendant is not guilty,  
16      you must give the defendant the benefit of the doubt and find  
17      him not guilty.

18             I remind you that during this trial you and I have had  
19      certain duties to perform. As the trial judge it is my  
20      responsibility to preside of the trial of the case. And I  
21      also have the duty to rule on the admissibility of the  
22      evidence offered during the trial. You are to consider only  
23      the competent evidence before you. If there was any  
24      testimony order stricken from the record in this case during  
25      the trial, you must disregard that testimony. You are to

1 consider only the testimony which has been presented from  
2 this witness stand and any exhibits which have been made a  
3 part of the record in this case and any stipulations that may  
4 have been made by counsel.

5 I have the additional duty to charge you the law which  
6 applies to this case. As presiding judge I am the sole judge  
7 of the law of this case. As I told you earlier it is your  
8 duty as jurors to accept and apply the law as I now state it  
9 to you. If you already have any ideas to what the law is or  
10 what the law ought to be and it does not agree with what I  
11 now tell you the law is you must abandon this idea because  
12 you are sworn to accept the law and apply the law exactly as  
13 I stated to you.

14 In every case tried in this court before a jury the jury  
15 becomes the sole and exclusive judge of the facts in the  
16 case. A trial judge cannot intimate, state, comment on, or  
17 make any statement to a trial jury about the facts in a case.  
18 Since you, the jury, are the sole judges of the facts in this  
19 case you are not to infer from what I have said during the  
20 progress of this trial in ruling upon the admissibility of  
21 evidence or otherwise anything that I say now during the  
22 course of this instruction to you that I have any opinion  
23 about the facts in this case. The law does not allow me to  
24 have opinion about the facts in this case. This is a matter  
25 solely for you to the jury to determine. As jurors it is

1 your duty to determine the effect, value, weight, and truth  
2 of the evidence presented during this trial.

3 Now, there are two types of evidence which are generally  
4 presented during a trial. Direct evidence and circumstantial  
5 evidence.

6 Direct evidence is the testimony of a person who claims  
7 to have actual knowledge of a fact. Such as an eyewitness.  
8 It is evidence which immediately establishes the main fact to  
9 be proven.

10 Circumstantial evidence is proof of a chain of facts and  
11 circumstances indicating the existence of the fact. It is  
12 evidence which immediately establishes collateral facts from  
13 which the main fact may be inferred. Circumstantial evidence  
14 is based on inference and not on personal knowledge or  
15 observation.

16 Now, even as a judge and a lawyer I've always found that  
17 instruction to be a little bit of confusion and I feel like  
18 sometimes it confuses jurors. So I want to give an example  
19 of what I determine or an example of circumstantial evidence.  
20 If we took half of the jury and went outside and y'all looked  
21 up in the sky and y'all saw a jet plane coming across leaving  
22 one of those vapor trails that jet's leave that's direct  
23 evidence. You're looking at it. You see that jet. You  
24 see that plane. We come back inside and I take the other  
25 half of the jury outside you look up at the sky all you see

1 is a vapor trail. You don't see that jet plane. But you  
2 know because jet planes leave that vapor trail that a jet  
3 plane has flown across the sky. The first six saw it. The  
4 second six didn't see it but they saw something which is  
5 circumstantial which shows that there has been a plane.  
6 That's a simple explanation I've come up with to try to  
7 explain what circumstantial evidence is.

8 Now, the law makes absolutely no distinction between the  
9 weight, or value to be given to either direct or  
10 circumstantial evidence, nor is a greater degree of certainty  
11 required of circumstantial evidence than that of direct  
12 evidence. You should weigh all of the evidence in the case.  
13 After weighing all of the evidence if you are not convinced  
14 of the guilt of the defendant beyond a reasonable doubt you  
15 must find the defendant not guilty.

16 Necessarily as jurors you must determine the credibility  
17 of witnesses who have testified in this case. Credibility  
18 simply means believability. It becomes your duty as jurors  
19 to analyze and to evaluate the evidence and determine which  
20 evidence convinces you of its truth.

21 In determining the believability of witnesses who have  
22 testified in this case you may believe one witness over  
23 several witnesses or several witnesses over one witness. You  
24 may believe a part of the testimony of a witness and reject  
25 the remaining part of the testimony of that same witness.

1 You may believe the testimony of a witness and its entirety  
2 or reject the testimony of a witness and its entirety. You  
3 may consider whether any witness has exhibited to you any  
4 interest, bias, prejudice, or other motive in this case. You  
5 may also consider the appearance and manner of a witness  
6 while that person was on the witness stand.

7 Now, our rules of evidence ordinary do not permit  
8 witnesses to testify to opinions or conclusions. An  
9 exception to this rule exist for witnesses we call expert  
10 witnesses. And we had a couple of those in this trial. We  
11 had the forensic pathologist and we had the people from sled  
12 that were qualified as experts. And a witness who by  
13 education and experience has become the expert in some art or  
14 science or profession or calling may state an opinion as to  
15 relevant and material matter in which the witness claims to  
16 be an expert. And they may also state the reasons for the  
17 opinion.

18 You should consider any expert opinion received into  
19 evidence in this case like any other evidence. Give it the  
20 weight you think it deserves. If you decide that the opinion  
21 of an expert witness is not based on sufficient education and  
22 experience or if you conclude that the reasons given in  
23 support of the opinion are not sound or that the opinion was  
24 outweighed by other evidence, you may disregard the opinion  
25 entirely.

1           An expert witness's testimony is to be given no greater  
2 weight than that of other witnesses simply because the  
3 witness is an expert. Further, you are not required to  
4 accept an expert's opinion even though it is not  
5 contradictory.

6           Under the laws of this state a defendant may be tried  
7 even if the defendant does not attend the trial. The fact  
8 that the defendant is not present may not be considered  
9 against the defendant in any manner whatsoever.

10          I instruct you and emphasized that the fact that the  
11 defendant did not testify is not a factor to be considered by  
12 you in any way in your deliberations and in your  
13 consideration on the question of the guilt or the innocence  
14 of the defendant. It must not be considered by you in any  
15 manner whatsoever. A defendant has the constitutional right  
16 to remain silent. And the assertion of this right must not  
17 be considered by you in your deliberations. I repeat under  
18 your oath you're to draw no conclusion whatsoever from the  
19 fact that defendant in this case did not testify. The fact  
20 that this defendant did not testify should not even be  
21 discussed in the jury room. The burden of proof as I have  
22 stated to you is on the State. The defendant is not required  
23 to prove his innocence. The burden of proof remains on the  
24 State to prove guilt beyond a reasonable doubt.

25          Now, when a person inflicts a fatal injury on another

1 person and that other person dies at a later time or at the  
2 time of the actual incident, you must be convinced beyond a  
3 reasonable doubt that the infliction of the first injury was  
4 a proximate cause of the victim's death.

5 Proximate cause is the direct cause. It is the  
6 immediate cause. It is the efficient cause. It is that cause  
7 without which the death of the victim would not have  
8 resulted. There must be a chain of causation from the time  
9 of the injury inflicted by the defendant until the time of  
10 the victim's death. A proximate cause is not necessarily  
11 means that it had to have occurred immediately prior to  
12 death.

13 There may be more than one proximate cause. The acts of  
14 two or more persons may combine together to be a proximate  
15 cause of the death of a person. The defendant's act may be  
16 regarded as a proximate cause if it is a contributing cause  
17 of the death of the victim. The fact that other causes also  
18 contribute to the death of the victim does not relieve the  
19 defendant from responsibility. The defendant's act need not  
20 be the sole cause of the death but must be a proximate cause  
21 contributed to the death of the victim.

22 Now, there's been evidence presented that witnesses or  
23 a witness made prior statements which are not consistent with  
24 the witness's testimony here in this courtroom. You may use  
25 this evidence to decide whether to believe the witness. You

1 may also use evidence of earlier contradictory statements to  
2 determine the truth of those statements. It is up to you to  
3 decide whether to believe the earlier statement or the  
4 testimony given at trial.

5 If a witness has shown to have knowingly testified  
6 untruthfully concerning any material matter you may consider  
7 this in determining whether to trust the witness's testimony  
8 as to other matters. You may reject all testimony of that  
9 witness or give all or part of the testimony the weight you  
10 think it deserves.

11 The defendant is charged with murder. The State must  
12 prove beyond a reasonable doubt that the defendant killed  
13 another person with malice aforethought.

14 Malice is hatred, ill will, or hostility towards another  
15 person. It is the intentional doing of a wrongful act  
16 without just cause or excuse and with an intent to inflict an  
17 injury or under the circumstances that the law will infer an  
18 evil intent.

19 Malice aforethought does not require that malice exist  
20 for any particular time before the act is committed. But  
21 malice must exist in the mind of the defendant just before  
22 and at the time of the act when it is committed. Therefore,  
23 there must be a combination of the previous evil intent and  
24 the act.

25 Malice aforethought may be expressed or inferred. These

1 terms express and infer does not mean different kinds of  
2 malice but merely the manner in which malice may be shown to  
3 exist. That is either by direct evidence or by inference  
4 from the facts and circumstances which are proven.

5 Express malice is shown when a person speaks words which  
6 express hatred or ill will for another or when the person  
7 prepared beforehand to do the act which was later  
8 accomplished. For example, lying and waiting for a person or  
9 any other acts in preparation going to show that the deed was  
10 within the defendant mind would be expressed malice.

11 Malice may be inferred from conduct showing a total  
12 disregard for human life. Infer malice may also arise when  
13 the deed is done with a deadly weapon. A deadly weapon is  
14 any article, instrument or substance which is likely to cause  
15 the death or great bodily harm. Whether an instrument has  
16 been used as a deadly weapon depends on the facts and  
17 circumstances in each case.

18 The following are examples of instruments which may be  
19 deadly weapons: a pistol, shotgun, a rifle, a dirk, a dagger,  
20 a knife a slingshot, metal knuckles, a razor, gasoline, a  
21 firebomb, or a Molotov cocktail and lighter fluid. A gun may  
22 be a deadly weapon even if it is not operating.

23 The defendant is also charged with possession of a  
24 weapon during the commission of a valid crime. The State  
25 must prove beyond a reasonable doubt that the defendant was

1 in possession of a firearm or visibly displayed what appeared  
2 to be a firearm during the commission of a violent crime.

3 A firearm means any machine gun, automatic rifle,  
4 revolver, pistol, or any weapon which will or is designed to  
5 or maybe readily converted to expel a projectile.

6 In order to find the defendant guilty of possession of  
7 a weapon during the commission of a violent crime you must  
8 first find the defendant guilty of either committing a  
9 violent crime or attempting to commit a violent crime and  
10 murder is a violent crime.

11 Now, ladies and gentlemen is there are four possible  
12 verdicts which you may find in this case. Guilty as to  
13 murder, not guilty as to murder. Guilty as to possession of  
14 a weapon during the violent crimes or not guilty as to the  
15 possession of a weapon during a violent crime. There is no  
16 significance whatsoever in the order which I have just stated  
17 these possible verdicts. It's simply that one must be stated  
18 first.

19 Ladies and gentlemen, your verdict must be unanimous.  
20 Mr. Foreman, when the jury agrees on the verdict you will  
21 check the two appropriate boxes on the verdict form which  
22 you'll have in the jury room with you which I'll show you in  
23 a minutes. You will sign your name at the bottom as foreman  
24 of this jury. At that time, you'll knock on the door, notify  
25 the bailiff that you have reached a verdict and then that

1 will be brought to my attention and we will have you back in  
2 the courtroom shortly after that.

3 Now, I want to show you the verdict form again. It has  
4 a guilty, not guilty box for murder. Guilty or not guilty  
5 box for possession of a weapon during a violent crime. If  
6 you find the defendant not guilty of murder he, obviously,  
7 could not be found guilty with possession of a weapon during  
8 a violent crime and you'd have to find him not guilty of that  
9 charge as well. I think it's pretty much self-explanatory  
10 and you'll understand when you have it in the jury room with  
11 you.

12 Now, I'm going to ask you to retire to your jury room  
13 but I instruct you at this point in time don't start your  
14 deliberations yet. I have to go over some issues with the  
15 attorneys and make sure there's no exception to what I've  
16 just told you and, excuse me, we have to get all of the  
17 exhibits together and bring those into the jury room for you  
18 to have during your deliberations. Once we have the bailiffs  
19 bring you the exhibits, the bailiff will say you can begin  
20 your deliberations and you can start at that point in time.

21 All right, I'm going to ask you to go ahead and retire  
22 to the jury room. And we'll have these materials to you  
23 very, very shortly.

24 (Whereupon, the jury exits the courtroom at 11:50 a.m.)

25 THE COURT: All right, any exceptions to the charge

1 from the State?

2 MR. BELL: No, Your Honor.

3 THE COURT: From the defendant?

4 MS. LITTLE: Your Honor, I would just take exception  
5 to the fact that the court refused to instruct the jury on  
6 involuntary manslaughter, I'm sorry, voluntary manslaughter.

7 THE COURT: Okay. All right, your exception is  
8 noted. As I previously ruled I am not convinced that there  
9 was sufficient evidence to charge the jury on voluntary  
10 manslaughter but your exception to my charge is noted.  
11 Anything else?

12 MS. LITTLE: Your Honor, I would just, at this time  
13 before everything goes back to the jury, just renew my  
14 previous motion for a directed verdict and for a new trial  
15 based on lack of evidence and also based on my clients  
16 failure to cooperate.

17 THE COURT: All right, as I previously ruled I am  
18 satisfied that there is sufficient evidence in this case,  
19 taken all the evidence in light most favorable to the State  
20 that this should be submitted to the jury. With regards to  
21 your motion for a new trial because of your clients failure  
22 to cooperate with you, I again denied that motion as well.  
23 That's a choice he made voluntarily. All right. Y'all make  
24 sure we've got all of the exhibits.

25 THE COURT: The State has already reviewed those.

1 MS. LITTLE: I've already looked at them.

2 THE CLERK: Y'all both in agreement these go back?

3 MS. LITTLE: Yep.

4 THE COURT: All right. We'll stand at ease while the  
5 jury deliberates.

6 (Whereupon, deliberations begin at 11:53 a.m.)

7 (Whereupon, a question by the jury was presented)

8 THE CLERK: We've got one that wants to go smoke. He  
9 said he's stressing out and he hadn't smoked all morning.  
10 Do you want me to tell them to stop and let ---

11 THE COURT: Somebody will have to go with him.

12 THE CLERK: Bobby will go with him. Keep him  
13 isolated.

14 THE COURT: The rest of them they will have to  
15 suspend until ....

16 (Whereupon, the jury continues deliberates when juror  
17 returns)

18 (Whereupon, the judge is informed that he has received a  
19 question for the jury at 1:59 p.m.)

20 THE COURT: We have a question from the jury. I have  
21 had it marked as Court's Exhibit Number 2.

22 (Whereupon, the Question by the Jury has been marked and  
23 entered into evidence as Court's Exhibit No. 2)

24 THE COURT: The question is, "Did Kim, the witness,  
25 see the person pull the trigger?" Dated 3/27/19 and signed

1 by Mr. Bazen, the foreman. Obviously, I can't comment on  
2 this because I feel like it would be a comment on the facts.  
3 I'll tell them I can answer that question specifically. I can  
4 offer an opportunity to hear the testimony of Kim, the  
5 witness, again and just that portion that was deal with, you  
6 know, the actual shooting itself. Any objection to that  
7 approach?

8 MR. REDMOND: None from the State, Your Honor.

9 MS. LITTLE: No, Your Honor, just that, you know, as  
10 long as it stops as soon as she describes the shooting.

11 THE COURT: Okay. All right, bring the jury in.  
12 (Whereupon, the jury enters the courtroom at 2:01 p.m.)

13 THE COURT: All right, ladies and gentlemen, I have  
14 your question and I've had it marked as Court's Exhibit  
15 Number 2. The question is, "did Kim, the witness, see the  
16 person pull the trigger?" As I explained earlier I can't  
17 comment on the facts. If I were to try to answer this  
18 question it would be a comment on the facts which would not  
19 be proper. What I can offer to you, ladies and gentlemen, is  
20 a chance to hear Kim's testimony, that portion that deals  
21 with the actual shooting itself, not her entire testimony.  
22 But, if the jury would like to hear that portion of the  
23 testimony, again, I can certainly have the court reporter  
24 play that back to you. What ---

25 MR. FOREMAN: We would like hear that.

1 THE COURT: Okay. Certainly. And wat took us so  
2 long, in anticipation of that response, we went ahead and got  
3 that portion of the tape lined up. All right, while this  
4 tape is playing I don't want anybody to say anything. I want  
5 you to remain quiet. The court reporter may have to do some  
6 switching of tapes. I don't want any conversation, any  
7 statements made during that time. When the court reporter  
8 tells me that somebody can speak again, that's when we'll -  
9 somebody will be allowed to speak. Madam, court reporter,  
10 if you play that back please.

11 (Whereupon, the portion of the testimony of Kim Head was to  
12 the jury)

13 (Whereupon, after the testimony was play for the jury the  
14 court had a bench conference off the record)

15 THE COURT: All right, ladies and gentlemen is that,  
16 Mr. Foreman, is that enough that you need to hear or do you  
17 need to hear more?

18 MR. FOREMAN: Yes, sir. That was enough.

19 THE COURT: That was sufficient?

20 MR. FOREMAN: Can we clear up who Ace, she referred to  
21 as Ace, can we clear up the name who the Ace is?

22 THE COURT: Hang on she needs to get on the record.

23 MR. FOREMAN: Oh, I'm sorry,

24 THE COURT: Counsel, approach the bench.

25 (Whereupon, a bench conference was held off the record)

1 THE COURT: All right. We're back on the record.  
2 Regards to the jury's question as to who Ace is, counsel, I  
3 believe that you have indicated to me that you would  
4 stipulate that Ace is Kahseem Davenport, is that correct, Mr.  
5 Redmond?

6 MR. REDMOND: Yes, sir, Your Honor.

7 THE COURT: Is that correct, Ms. Little?

8 MS. LITTLE: Yes, Your Honor.

9 THE COURT: Kahseem Davenport was Ace.

10 MR. FOREMAN: Thank you.

11 THE COURT: Okay. Anything else?

12 MR. FOREMAN: I don't think so.

13 THE COURT: I'll send you back -- hopefully, you'll  
14 have some food very shortly.

15 MR. BAILIFF: It's in there.

16 THE COURT: Okay. I'll send you back in to resume  
17 your deliberations.

18 MR. FOREMAN: Thank you.

19 (Whereupon, the jury exits the courtroom at 2:11 p.m.)

20 THE COURT: All right, counsel, any concerns or  
21 exceptions as the way we handle that?

22 MR. REDMOND: Not at all, Your Honor, from the State.

23 MS. LITTLE: Your Honor, my concern is that the tape  
24 continued to play after she describe what happened. She  
25 stated she saw the gun in his hand. She stated he started

1 shooting. And then the testimony continued to play to allow  
2 the prosecutor to ask her again - and tell her again. I feel  
3 like it should've stopped after she said what happened the  
4 first time.

5 THE COURT: Okay. Well, I think it was just a  
6 continuation of the explanation she had given a response to  
7 Mr. Redmond's question so I don't think there's any harm in  
8 that when it was played.

9 MR. REDMOND: Thank you, Your Honor.

10 THE COURT: But I'll note your concern for the  
11 record.

12 MS. LITTLE: Thank you, Your Honor.

13 (Whereupon, the jury continues it's deliberations)

14 (Whereupon, the court receives information that the jury has  
15 a verdict at 3:02 p.m.)

16 THE CLERK: All right, before you receive the  
17 verdict, obviously, there's two sides to this. It could be a  
18 guilty or a not guilty. For any reason you feel you cannot  
19 restrain yourself from an outburst for either way we would  
20 ask that you leave out the courtroom or the judge can hold  
21 you in contempt of court for any outburst or any emotion you  
22 make.

23 THE COURT: Does anybody have any questions about  
24 that? If there is any outburst I will hold you in contempt  
25 of court as the clerk has just informed you. All right, are

1           you ready for the jury, State?

2           MR. REDMOND:     The State's ready, Your Honor.

3           THE COURT:       The defendant ready?

4           MS. LITTLE:     Yes, Your Honor.

5           THE COURT:       All right, bring them in.

6           (Whereupon, the jury enters the courtroom at 3:03 p.m.)

7           VERDICT:

8           THE COURT:       All right, Mr. Foreman, have you reached  
9           a verdict?

10          MR. FOREMAN:    Yes, sir, we have.

11          THE COURT:       Okay. Would you hand up the verdict to  
12          the clerk please?

13          (Whereupon, the foreman complies)

14          THE COURT:       All right, Mr. Suggs, which you published  
15          the verdict please, sir?

16          THE CLERK:       Yes, sir, Your Honor. It's the State of  
17          South Carolina versus Tony Daquan Manago, the verdict as to  
18          murder, the jury unanimously finds the defendant guilty. As  
19          to the possession of a weapon during a violent crime the jury  
20          finds the defendant guilty. Signed by Kevin Bazen. March  
21          27, 2019. For murder, if this is your verdict would you so  
22          signify by raising your right hand?

23          (Whereupon, all jurors raises their right hands)

24          THE CLERK:       All twelve jurors have risen their right  
25          hand. As to the possession of a weapon during a violent

1 crime, if this is your verdict would you raise your right  
2 hand?

3 (Whereupon, all jurors raises their right hands)

4 THE CLERK: All twelve jurors signify by raising  
5 their right hands.

6 THE COURT: Thank you, Mr. Suggs.

7 THE CLERK: Yes, sir.

8 THE COURT: All right, anything further from the  
9 State?

10 MR. REDMOND: Nothing further from the State, Your  
11 Honor.

12 THE COURT: Anything from the defendant?

13 MS. LITTLE: No, Your Honor.

14 THE COURT: All right, ladies and gentlemen, I want  
15 to thank you again for your service with regards to this  
16 matter. Again, the State of South Carolina, Darlington  
17 County, we appreciate you responding to your summons and be  
18 willing to come forth and serve. As I told you earlier our  
19 system would not work if you were not here to stand your  
20 judgment of one of your peers. It's not an easy job. But  
21 it's one that is necessary to make our system work. Do any  
22 of you have any questions, procedural questions or anything  
23 that you would like of ask of the court?

24 (Whereupon, no juror replied)

25 THE COURT: You would just like to go home except for

1 those of you that are hold over for our next trial. Okay.  
2 Again, I appreciate everything that you've done. Sorry for  
3 the inconveniences but that's a necessary evil with regards  
4 to our system works. I appreciate your patience. Mr. Suggs  
5 may have some more information for you.

6 (Whereupon, the clerk explained to the jury what is needed  
7 next)

8 THE COURT: When Mr. Suggs finishes those of you that  
9 are only second jury ---

10 THE CLERK: We'll just take -- we'll leave them in  
11 the jury room and bring the others around.

12 THE COURT: Okay. Now, those that are on the next  
13 jury will be taken to the grand jury. If any of you that sat  
14 on this jury wish to stick around for the sentencing you have  
15 the right to do so.

16 I want to tell you one other thing, if you want to talk  
17 to anybody about your verdict in this case you can do so. If  
18 you don't want to talk to anybody, you don't have to talk to  
19 anybody. If you were to start talking to somebody and you  
20 decide, well, I don't want to talk to you anymore and they  
21 keep pressuring you or either somebody comes up to you and  
22 pressures you and you tell them you don't want to talk, if  
23 someone harasses you or anything you let the clerk of court  
24 know, you let the Darlington County Sheriff's know and I will  
25 deal with those individuals harshly. But you have the right

1 to talk to them. You have the right not to talk to them.  
2 That's purely up to you. Okay. Thank you.

3 (Whereupon, the jury exits the courtroom at 3:07 p.m.)

4 THE COURT: Nicole, do you have the sentencing  
5 sheet?

6 MR. REDMOND: And, Your Honor, Ms. - has already gone  
7 down - but since the defendant is not here if we could, I  
8 guess, proceed ---

9 MS. LITTLE: He's here.

10 THE COURT: He's here.

11 MR. REDMOND: Oh, he is here?

12 THE COURT: I had him brought over. I'm going to  
13 make him come in here for the sentencing.

14 MR. REDMOND: Oh, okay, I'm sorry. The sentencing  
15 sheet's we're getting them. I apologize.

16 THE COURT: That's fine. No, that's fine. I wanted  
17 him brought over. He may not have wanted to participate in  
18 the trial but I'm going to make him participate in the  
19 sentencing.

20 MR. REDMOND: Yes, sir.

21 THE COURT: And I had him -- I've got him with,  
22 supposedly, a mask ---

23 MR. REDMOND: Safeguard.

24 THE COURT: --- since we've got the problem with the  
25 sentence he's currently serving.

1 MR. REDMOND: Thank you, Your Honor.

2 (Whereupon, a bench conference was held off the record)

3 THE COURT: I'm going to have Mr. Manago brought in  
4 now.

5 MS. LITTLE: Yes, sir.

6 **SENTENCING:**

7 THE COURT: All right. Mr. Manago, I don't know if  
8 you have been informed yet but I'm going to inform you that  
9 the jury has found you guilty of murder and of possession of  
10 a weapon during the commission of a violent crime. The jury  
11 having spoken and reached those verdicts we now have reached  
12 the sentencing phase of this matter and I would be glad to  
13 hear from the defendant's lawyer, Ms. Little, at this point  
14 in time on behalf of Mr. Manago concerning sentencing and  
15 then I'll hear from the State.

16 MR. REDMOND: Thank you, Your Honor.

17 MS. LITTLE: Thank you, Your Honor. May it please,  
18 the Court? Your Honor, my client Tony is 24 years old. His  
19 family is from Florence County near the Darlington County  
20 line. Your Honor, he has good family support. You may have  
21 noticed that his mother and other family members have been  
22 here throughout the trial. His father is a hard-working man.  
23 He was able to get off work at sometimes when we had court  
24 and sometimes he was not. He was not able to be here but I  
25 can tell you that again Tony comes from a good family. A

1 hard-working family. And they love their son very much.

2 Your Honor, in what I hope would be mitigation I would  
3 like to hand up to the court a copy of the clinical findings  
4 of a competency to stand trial evaluation which was held on  
5 3/9/18 and I would like to enter that as Defense's Exhibit  
6 Number 1 in this matter.

7 (Whereupon, Ms. Little hands report to the judge)

8 MS. LITTLE: And shall I continue, Your Honor?

9 THE COURT: Yes, ma'am, go ahead. I'll have this  
10 marked.

11 MR. REDMOND: I think it would be of the court's ---

12 THE COURT: If you're offering this as an exhibit I'm  
13 gonna have it.

14 MS. LITTLE: Yes, sir.

15 THE COURT: Defendant's Number 1.

16 (Whereupon, Tony Manago's Evaluation Report Dated 3/9/18 has  
17 been marked and entered into evidence as Defendant's Exhibit  
18 No. 1)

19 THE COURT: Go ahead.

20 MS. LITTLE: Your Honor, for the record I have given  
21 that to the solicitor and he stated that he had no objection

22 ---

23 MR. REDMOND: I don't have any objection.

24 MS. LITTLE: --- handing that up and it is part of the  
25 record at some point. But, Your Honor, I would just like to

1 call your attention to Page 3, in mitigation, to state to the  
2 court that it was found that Tony had other specified  
3 personality disorder with anti-social features. He presents  
4 irritable, immature, insolent, has significant behavioral  
5 interpersonal problems since late adolescence. He lacks  
6 appropriate coping skills and has poor emotional regulation  
7 along with below average intellectual abilities.

8 Your Honor, he also meets the general criteria for  
9 personality disorder because he has deficit effectivity  
10 impulse control and cognition and accordingly at times fails  
11 to conform to social norms, is irritably aggressive and  
12 irresponsible.

13 Your Honor, I bring these to the court's attention so  
14 that while my client was found competent to stand trial he  
15 does suffer from this disorder which I believe may have  
16 contributed to some of his criminal activity in the past.

17 Your Honor, he stands before you today facing quite, up  
18 to what he knows is, life in prison without the possibility  
19 of parole. I'm going to ask the court to take into account  
20 this mental disorder that he has and consider it as a  
21 mitigating factor Your Honor and I'll defer to the solicitor  
22 shortly on his prior record.

23 But I will tell Your Honor he has now been in jail,  
24 incarcerated, without stop and without being released since  
25 July 16, 2015 which I calculate to be 1351 days. Your Honor,

1 I would ask on his behalf that you consider giving him credit  
2 for all that time. I would ask that any sentence you give  
3 him run concurrent with the 13 years sentence he's currently  
4 serving at the Department of Corrections.

5 THE COURT: Okay. Thank you, Ms. Little. Solicitor?

6 MR. REDMOND: And, Your Honor, before I speak I would  
7 actually like to give the opportunity, to the family, to  
8 speak -- that's gonna change because in looking over the  
9 report they are some things I want to address as it relates  
10 to the State's position on that. So I'll yield to anybody  
11 who wants to speak. The only thing I'll ask when you do come  
12 and speak please state your name for the record.

13 MS. BURGESS: Yes, sir, my name is Bernice Burgess.  
14 I'm from Lexington, South Carolina - my name is Bernice  
15 Burgess. I'm from Lexington, South Carolina. Dominique  
16 Cooper was my grandson. He was my oldest grandson. He would  
17 come visit me every holiday, call me. There would never be  
18 a moment that I wouldn't be looking for him. I can go to my  
19 door and I can look out and I can see him pulling up in my  
20 yard but now I miss that. I can't see him anymore. His  
21 family can see him, but my family can see Dominique.  
22 Dominique is no longer with us. And I'm asking you judge if  
23 it's in your mercy to do -- all this gun fighting it needs to  
24 stop. He had a chance, he could've thought about what he  
25 did. He took my grandson away from me and it took part of me

1 with him. Dominique's father died from gunshot wounds too.  
2 And it seem like that just tore my family apart. And if it's  
3 in your will I pray and I pray that is in your will just  
4 don't - he don't need to be on the street. He might get  
5 another gun and go out there and kill somebody else's child.  
6 It could be your child and your child and your child if you  
7 have a child or whatever, anybody. The gunshots have got to  
8 stop because it ain't doing nothing but hurting and killing  
9 family members and stuff. I can't see my grand baby no more.  
10 I can go to the grave but I can't see them. I can go over  
11 there and I can talk to him, he can't talk back to me. And  
12 I say Lord - the Lord just help me to get through this. Lord  
13 have mercy Jesus. Your Honor, I'm asking you put him away.  
14 Don't put him back amongst society. Just like I say he might  
15 do this again and we don't want that. We love our children.  
16 And we don't want to see them die of gunshot. They ain't  
17 giving God a chance to take them. They take them with their  
18 own hands. And I'm asking you for our family because we  
19 can't get Dominique back anymore. Thank you, Your Honor.

20 THE COURT: Thank you, Ms. Burgess. Anyone else  
21 wishes to speak? I'll be glad to hear from anyone.

22 MR. REDMOND: This is Ms. Mary Cooper, the mother of  
23 Dominique Cooper.

24 MS. COOPER: My name is Mary Cooper. Dominique  
25 Cooper's, mom. He was 23 years old with two children at the

1       time, three and four. They didn't think about his children.  
2       They didn't think about us at all, you know. My grandkids at  
3       the time, blame themselves that they father died. They said  
4       if they had kept him in the house he would've been still  
5       here. My thinking is if he was home, would those young men  
6       have come to our home? I don't know. It could have been  
7       anyone of us. Had they come to my house, which was two  
8       streets from where my son got killed, would they have  
9       continued to shoot us? They just don't have any remorse.  
10      There was no sorry. There was no ask for forgiveness, that  
11      I didn't mean to do it. My son is gone. I can't hold my son  
12      anymore. My life has been torn upside down. I haven't even  
13      cooked since my son passed. It was just me and him and his  
14      girls. I can't even really watch them as much as I used to  
15      because he's gone. They have taken my heart and just  
16      shattered it, you know. I know God don't make no mistakes.  
17      I know my son is resting but he didn't have to be there not  
18      at that early age. And I just asked the court to just do the  
19      right thing by my son. That's all I ask.

20               THE COURT:       Thank you, ma'am.

21               MR. BELL:       Oh, yes, Your Honor, I had a chance also  
22      to know Mr. Cooper. When I was actually in private practice  
23      I was able to meet Mr. Cooper and when Kinard asked me to  
24      help with this case and when I saw Ms. Mary Cooper that's  
25      when it all came back together. Mr. Cooper was a very well

1       mannered, well mannered athlete at Darlington High School.  
2       So this case was very, very personal to me. And Mr. Manago,  
3       he got his trial, and his peers came back with the guilty  
4       verdict, Your Honor. And been a lifelong resident of  
5       Darlington County we've got to send a message, Your Honor,  
6       and I'll ask that you do that.

7               THE COURT:       Thank you, Mr. Bell.

8               MR. REDMOND:    May it please, the Court? Your Honor, I  
9       just want to address just from a contact standpoint briefly  
10      because I don't think I can add anything or be any more  
11      eloquent than those who have spoken before me. The only  
12      thing I would add and I'll just say it, I think this  
13      defendant deserves to get -- the appropriate sentence in this  
14      case would be a life sentence and I'll explain why. Some of  
15      it points to what has been marked as Defense 1 and, quite  
16      frankly, it's already in the record. I would have alluded to  
17      it regardless. So I want to make the record clear on that.  
18      I was going to get in to the aspect of this anyway. But  
19      anti-social, the fact that he has been diagnosed as being  
20      anti-social and one of the things that stands out to me with  
21      that diagnosis is - well, two things the lack of remorse and  
22      the lack of empathy. Basically, to kill without feeling or  
23      caring about the consequences. And I think if ever a  
24      defendant met that definition, if I've ever been exposed to  
25      anybody that qualifies under that definition, it would be

1 this defendant. I think because of that and because of the  
2 - because of everything that's in the record, I don't need to  
3 go through everything, but I think this defendant based on  
4 what happened, based on the way it happened and as I think I  
5 stated and during the course of the trial, he was not even  
6 one of the primary parties involved in what was taking place.  
7 But again at the bottom of my heart feel that he took that as  
8 an opportunity to exact whatever random street justice he  
9 thought that he needed to. And I agree with everything  
10 that's been said especially with what Mr. Bell said and also  
11 as a native of Darlington County and just as a citizen in  
12 society with this gun violence, Your Honor, I think a message  
13 does have to be sent. I think there's enough about this  
14 defendant -- and I forgot to mention his prior record, back  
15 in 2012 he did have a conviction, and he was convicted under  
16 the youthful offender act for burglary, III out of Florence  
17 County. And also in Georgia, it looks like, just a few  
18 months before this in January, 2015, he was convicted, found  
19 guilty of possessing a controlled substance, a schedule II  
20 controlled substance in Georgia, Douglas County, Georgia, I  
21 believe that is. And so that is his criminal history. But  
22 even beyond that just the nature of what took place the whole  
23 way this process has gone through the course of this trial,  
24 obviously, invoked his right not to be present at the trial.  
25 But it's those things that I would ask the court to look at

1 as it relates to what is an appropriate sentence for this  
2 defendant. And outside of him not being present in court I  
3 think just, again, look at this the anti-social disorder, the  
4 irritable, the personality disorder with deficit impulse  
5 control, irritable and aggressive, that all fits here and, I  
6 forget which one said it, but that's just a dangerous mix for  
7 him to ever get close to society again and because the law  
8 allows a sentence to be a life sentence I think this  
9 defendant deserves it. Thank you, Your Honor.

10 THE COURT: Okay. Was he put on notice that you  
11 would be seeking a sentence of life without the possibility  
12 of parole?

13 MR. REDMOND: He didn't qualified the life without  
14 parole so it would just be life.

15 THE COURT: I think that was mentioned earlier.  
16 That's why I ---

17 MR. REDMOND: We did not give a ---

18 THE COURT: --- wanted to clarify that.

19 MR. REDMOND: No, sir. And his criminal history would  
20 not allow us to have noted him that. So we would just be  
21 asking for life.

22 THE COURT: Right. And the sentence that he is  
23 currently serving as for what? I just want this on the  
24 record.

25 MR. REDMOND: Yes, and I failed to mention that. The

1 defendant is currently incarcerated on three counts of  
2 throwing bodily fluids. How I forgot to mention that, I  
3 apologize. He was convicted last year. I think he pled  
4 guilty here after the jury was drawn for throwing bodily  
5 fluids three counts for his behavior out at the jail. And so  
6 again I guess to even make my point further, that just shows  
7 this defendant disregard, I mean, even for authority. Some  
8 I mean, these are correction officers that he's throwing  
9 bodily fluids on. And so to that end, Your Honor, whatever  
10 the sentence the court imposes, as I understand the law since  
11 he is now in SCDC on those charges, I don't think that he's  
12 automatically entitled to credit for the time. I'm quite  
13 frankly not in the mood to give this defendant anything that  
14 he doesn't deserve. And I don't think he deserves credit for  
15 that time because he's currently in SCDC. And as I've been  
16 informed, not necessarily given them an easy go of it either,  
17 so I don't think he should get credit for the time that he  
18 was sentenced on that 'til now. Anything, obviously, he was  
19 in on before he was sentenced that's a different story. But  
20 I would asked the court to take that into consideration as  
21 well.

22 THE COURT: Thank you, Mr. Redmond. Mr. Manago, do  
23 you wish to say anything?

24 (Whereupon, the defendant shakes his head, no)

25 THE COURT: Okay. Let the record reflect he nodded

1 his head as if to indicate, no. Ms. Little, anything else  
2 from you?

3 MS. LITTLE: Your Honor, I neglected to ask his mother  
4 if she wanted to speak. Ms. Manago, would you like to speak  
5 to the court?

6 (Whereupon, counselor alluded to the audience and his mother  
7 indicated, no)

8 MS. LITTLE: No, Your Honor, nothing further.

9 THE COURT: After reviewing the Defendant's Exhibit  
10 Number 1, I realized it was offered in mitigation by Ms.  
11 Little on behalf of Mr. Manago. I have grave concern as the  
12 State has pointed out. He has been diagnosed with  
13 personality disorder with anti-social features. The terms  
14 they use for his conduct or his behavior being irritable,  
15 insolent, has trouble with impulse control, irresponsible.  
16 He's aggressive. Fails to conform to social norms. We've  
17 had far too many people diagnosed with these types of  
18 problems in this country that have gone out and killed people  
19 kind of a situation here. He knew these people but we've  
20 seen this same diagnosis for those people who were going out  
21 in this country killing people they don't know and that  
22 causes me grave concerns. They may be problems that he's  
23 been diagnosed with but that's not good for society. I can't  
24 continue to allow people to wonder our streets of these types  
25 of problems. As the lady pointed out, had her son had been

1 at some other home or her own home, what would have happened  
2 there? Who else may have been shot? Based on the testimony  
3 in the trial the only reason Ms. Head was not was because the  
4 victim pushed her out of the way. He just started firing.  
5 We know there were multiple gunshots, four of which hit the  
6 defendant. And again his record, the burglary the charge  
7 down in Georgia, three counts of throwing bodily fluids at  
8 correction officers, I mean, you know, that shows what type  
9 of individual this is and how he behaves. The jury has  
10 spoken. They had found him guilty of murder and of  
11 possession of a weapon during the commission of a violent  
12 crime.

13 Taking everything into consideration with regards to the  
14 murder charge it's the sentence of this court that Tony  
15 Daquan Manago, Jr., be committed to the State Department of  
16 Corrections for the remainder of his life.

17 With regards to the weapons charge, the possession of a  
18 weapon during the commission of a violent crime, the sentence  
19 of the court is he be committed to the State Department  
20 Corrections for a term of five years that sentence will run  
21 concurrent with the life sentence. Obviously, the life  
22 sentence will run consecutive to any sentence that he is  
23 currently serving for throwing bodily fluids on individuals,  
24 those three counts. That's the sentence of the court. May  
25 God have mercy on your soul.

1 MR. REDMOND: Thank you, Your Honor.

2 MR. BELL: Thank you, Your Honor.

3 (Conclusion of the trial on March 27, 2017 at 3:44 p.m.)

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CERTIFICATE

I, the undersigned Lisa S. Carter, Official Court Reporter for the Fourth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete excerpt of transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Fourth Circuit Court for Darlington County, South Carolina, on the 25<sup>th</sup> - 27<sup>th</sup> day of March, 2019.

I do further certify that I am neither of kin, counsel, nor interest in any party hereto.

Lisa S. Carter

Lisa Carter

Circuit Court Reporter

July 12, 2019

State of South Carolina)  
 the )  
 County of Darlington )

In General Sessions Court of  
 The Fourth Judicial Circuit  
 2016-GS-16-0091; 0092; 0093

THE STATE,

Plaintiff,

vs.

TONY DEQUAN MANAGO, JR.,

Defendant.

Transcript of Record

Marlboro, South Carolina  
 March 11, 2019

B E F O R E:

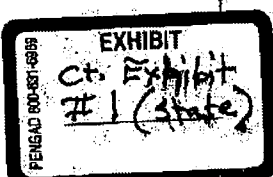
The Honorable Paul M. Burch

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

Mr. Kernard Redmond, Esquire  
 Attorney for Plaintiff

Ms. Tonya Copeland-Little, Esquire  
 Attorney for Defendant

Lisa Carter  
 Circuit Court Reporter



## I N D E X

WITNESSESPAGE

(NO WITNESSES INTRODUCED DURING HEARING)

(NO EXHIBITS INTRODUCED DURING HEARING)

1           MR. REDMOND:   May it please the court, Your Honor?  
2       Before you at this time is Tony Manago. This is the  
3       Darlington County matter, 2016-GS-16-93, for murder; 91 is  
4       for possession of a weapon during the commission of a  
5       violent crime; and, 92 is for criminal conspiracy. This  
6       case is scheduled for trial in Darlington starting two  
7       weeks from today on the 25<sup>th</sup> of March. I had talked with  
8       come up with Mrs. Copeland-Little regarding offers that we  
9       had made in the case to try to see if we could resolve it  
10      by a plea. And at this time I think I'll yield to her as  
11      it relates to, I guess, some issues that she wanted to  
12      raise and then I might have some issues of my own to  
13      address at the appropriate time. But I'll yield to Mrs.  
14      Copeland-Little.

15           THE COURT:   Counsel?

16           MS. LITTLE:   Thank you, Your Honor. Your Honor, in  
17      my conversations with Tony, brief that they have been, he  
18      has not been able to make a decision about what he wants to  
19      do, whether or not he wants to take that plea or not. And  
20      so what I was just hoping is that we could have the  
21      solicitor explain what the plea offer is, then let my  
22      client tell the court whether or not he wants to take it,  
23      and, otherwise just request that the court ask the  
24      defendant to please see me when I come to see him at the  
25      prison because I'm the only person who's trying to help him

1 right now and he won't take my calls or see me when I go  
2 out there.

3 THE COURT: All right.

4 MR. REDMOND: If please the court, Your Honor? The  
5 defendant is currently incarcerated 15 years ---

6 MS. LITTLE: Thirteen.

7 MR. REDMOND: Thirteen years, I'm sorry, 13 years on,  
8 I think, it's three counts of throwing bodily fluids. That  
9 was the case that he, I think we may have pulled a jury,  
10 may have started the trial, I can't remember, but he ended  
11 up pleading to it over in Darlington last year. And the  
12 offer at that time was, even as it relates to this charge,  
13 was that if he would plea to 20 years on voluntary  
14 manslaughter and run the throwing bodily fluids,  
15 concurrent. That offer still stands. But we hadn't -- and  
16 I hadn't withdrawn it indifference to Mrs. Copeland-Little  
17 because I know some of the difficult that she, to some of  
18 the difficulty that she had, had. But just to explain from  
19 the State's standpoint what that means, is that basically  
20 the sentence he's serving now would be subsumed under the  
21 voluntary manslaughter. He'd still get the credit for the  
22 time that he served. The State doesn't have any problem  
23 with him getting credit for the time that he's been  
24 incarcerated. I've explained that fact to the victim's  
25 family. The victim's mom was not able to be here today for

1 the hearing but I've talked with her at length about where  
2 things stand and what it is that has been placed on the  
3 table for the defendant. So, in essence, he would be  
4 serving the 20 years and the sentence that he is serving  
5 now would, in essence, be concurrent with that 20 years on  
6 manslaughter if he decides to take that. If not then we  
7 will, the State is prepared to proceed to trial the week of  
8 the 25th in Darlington.

9 MS. LITTLE: And, solicitor just to clarify, it's my  
10 understanding that it was, the offer was, a cap of 20 years  
11 ---

12 MR. REDMOND: Yeah, a cap of 20 ---

13 MS. LITTLE: So that is what I've been explaining,  
14 I've been talking to my client as a cap 20 ---

15 MR. REDMOND: That's -- That's correct.

16 MS. LITTLE: --- and he understands that it may very  
17 well be 20.

18 MR. REDMOND: Mmm, hmm. That's right.

19 MS. LITTLE: But that the court would allow me to  
20 ask for less and the court would make the final decision.

21 MR. REDMOND: That's correct, Your Honor.

22 THE COURT: Well, Mr. Manago, you got any questions  
23 for your counsel or for the solicitor about this offer?

24 MR. MANAGO: Nah.

25 THE COURT: Are you interested in entertaining it

1 or you still need time to think about it?

2 MR. MANAGO I straight.

3 MS. LITTLE: Are you saying, no, you don't want to  
4 take the plea or what are you saying?

5 MR. MANAGO Nah, I won't take it.

6 MS. LITTLE: Okay.

7 MR. REDMOND: And with that, judge, then that moves  
8 us to the next issue or a set of issues and that is, as it  
9 relates to the defendant, I guess some protocol during the  
10 course of the trial, I don't remember if Your Honor has  
11 been involved in any of the hearings, but there have been  
12 numerous times when the defendant has actually indicated  
13 that he did not want to be transported. And I remember one  
14 situation where the jail in Darlington, in essence, had to  
15 be ordered because he refused to go and they didn't want  
16 to, you know, obviously, put themselves at risk trying to  
17 get him to court. I can anticipate that being an issue.  
18 And I think, Your Honor, at this point since we are here so  
19 that we don't have a train wreck in Darlington, if we could  
20 at least address some of the protocol that may be necessary  
21 based on the previous actions of this defendant.

22 THE COURT: Okay. Mr. Manago, with that said, let  
23 me speak with you now and y'all correct me if I'm wrong  
24 because everything is fluid with these terms, but I'm  
25 indicating that the next term is March 25<sup>th</sup>, the next term

1 is April 22<sup>nd</sup> ---

2 MR. REDMOND: 22<sup>nd</sup>, yes, sir.

3 THE COURT: Then the next term is May 13<sup>th</sup> which  
4 will be a combined General Sessions and a Common Pleas  
5 term. And then there will be another term June 17<sup>th</sup> that  
6 may be a two week term split up, hopefully, be for jury  
7 trials, maybe the first week ---

8 MR. REDMOND: And then I think pleas the second ---

9 THE COURT: Pleas the second ---

10 MR. REDMOND: The jury is only coming in that first  
11 week, the week of the 17th.

12 THE COURT: But we could arrange to expand that  
13 somewhat into that second week. But anyway Mr. Manago,  
14 March 25<sup>th</sup>, April 22<sup>nd</sup>, May 13<sup>th</sup>, and June 17<sup>th</sup>, I need to  
15 inform you now that if you refuse to come and you have a  
16 right now, don't read me wrong on this, you would have a  
17 right not to attend your trial. That would be your choice.  
18 Certainly, I think everyone would encourage you to take  
19 part in your trial. But if you were to refuse to be  
20 transported and attend this trial, the court's informing  
21 you now that you could be tried in your absence. So keep  
22 that in mind. Now, as it stands now that next term I don't  
23 believe I'm there so....

24 MR. REDMOND: Your Honor, just out of abundance of  
25 caution if based on what the court said, and I'd let Ms.

1 Copeland-Little review it, but I guess I'm saying  
2 something, in essence, something memorializing the fact  
3 that the defendant has been advised that should he give any  
4 of the SCDC staff or the Darlington County Detention Center  
5 staff trouble with being transported that, that is, in  
6 essence, him waiving his presence at the trial.

7 MR. MANAGO I might not show up to my next, um,  
8 court date.

9 THE COURT: I couldn't hear.

10 MR. MANAGO I might not show up to my next court  
11 date.

12 THE COURT: Well, that would be your, that'd be  
13 your decision which you need to think about that. And you  
14 probably need to speak with Ms. Little about that. But we  
15 can do that two ways, solicitor. We can get a transcript  
16 of this hearing which would be available to the next judge  
17 that may be over there or you could memorialize it and put  
18 it in an order form and run it by Ms. Little and then I'll  
19 sign off on it.

20 MR. REDMOND: I think I'll do both out of abundance  
21 of caution. This is a murder case so I'll, in essence, do  
22 both. So I'll get with Madam Court Reporter on that regard  
23 and then I'll memorialize something. That way, given his  
24 constitutional issue we've got all the bases covered.

25 THE COURT: Okay. Mr. Manago, you've got any

1 questions about that?

2 MR. MANAGO Nah, I'm straight.

3 THE COURT: All right. He's telling the court now  
4 that he does not want to attend that trial but certainly  
5 he's got time to think about that and speak with counsel.  
6 I would encourage you to speak with counsel if you will.  
7 But that's, that's your decision and yours alone. Anything  
8 else?

9 MR. REDMOND: Nothing further from the State, Your  
10 Honor.

11 MS. LITTLE: Nothing further, Your Honor.

12 THE COURT: All right.

13 MR. REDMOND: Thank you.

14 THE COURT: Sounds like y'all need to get it teed  
15 up and ready to trial.

16 MR. REDMOND: Yes, sir, Thank you, Your Honor.

17 THE COURT: Thank you very much.

18 (CONCLUSION OF THE HEARING ON MARCH 11, 2019)

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CERTIFICATE

I, the undersigned Lisa S. Carter, Official Court Reporter for the Fourth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete excerpt of transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Fourth Circuit Court for Marlboro County, South Carolina, on the 11th day of March, 2019.

I do further certify that I am neither of kin, counsel, nor interest in any party hereto.

Lisa S. Carter

Lisa S. Carter

Circuit Court Reporter

March 22, 2019

## WITNESSES

R Stevens

Darlington County Sheriff

Law Enforcement Case #: 201507-0320



B63

## WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I  
hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and  
plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER  
2015A1610400487

ARRESTED ON: 2015-07-16

## ACTION OF GRAND JURY

  
Grand Jury Foreperson

Date JAN 19 2016

## VERDICT

Petit Jury Foreperson

Date

## DOCKET NUMBER:

2016-CS-16-0093

The State of South Carolina

County of Darlington

## COURT OF GENERAL SESSIONS

Term:  
January 2016

THE STATE

vs.

Tony Dequan Manago Jr

## INDICTMENT FOR

Murder / Murder

§16-03-0010; 16-03-0020

CDR Code: 0116

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA )  
COUNTY OF DARLINGTON )

INDICTMENT FOR

Murder / Murder

§16-03-0010; 16-03-0020

At a Court of General Sessions, convened on January 19, 2016, the Grand Jurors of Darlington County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Tony Dequan Manago Jr did in Darlington County, on or about July 13, 2015, along with co-defendants, willfully, feloniously, and intentionally kill the victim, Domonique Cooper, with malice aforethought, either express or implied, by means of shooting the victim, and the victim did die as a proximate result thereof on or about July 13, 2015 in Darlington County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
WILLIAM B. ROGERS, JR.  
SOLICITOR

## WITNESSES

R Stevens

Darlington County Sheriff

Law Enforcement Case #: 201507-0320



## WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER  
2015A1610400503

ARRESTED ON: 2015-07-22

## ACTION OF GRAND JURY

  
Grand Jury Foreperson

Date: JAN 19 2016

## VERDICT

Petit Jury Foreperson

Date:

DOCKET NUMBER:  
2016-GS-16-0091

The State of South Carolina

County of Darlington

## COURT OF GENERAL SESSIONS

Term:  
January 2016

THE STATE

vs.

Tony Dequan Manago Jr

## INDICTMENT FOR

Weapons / Poss. weapon during violent crime, if  
not also sentenced to life without parole or  
death

§16-23-0490

CDR Code: 0549

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA )

INDICTMENT FOR

COUNTY OF DARLINGTON )

) Weapons / Poss. weapon during violent crime, if not  
also sentenced to life without parole or death

§16-23-0490

At a Court of General Sessions, convened on January 19, 2016, the Grand Jurors of  
Darlington County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION  
OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That Tony Dequan Manago Jr did in Darlington County, on or about July 13, 2015, along with  
co-defendants, possess a firearm, or visibly display what appeared to be a firearm, or visibly  
displayed a knife, during the commission or attempted commission of a violent crime, to wit:  
Murder, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
WILLIAM B. ROGERS, JR.  
SOLICITOR

## STATE OF SOUTH CAROLINA

COUNTY OF Darlington  
STATE VS.

Tony Dequan Manago Jr

AKA: \_\_\_\_\_

Race: B Sex: M Age: 24

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL#: \_\_\_\_\_ SID#: \_\_\_\_\_

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment crimes now the Defendant who was

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC whether 1st or CSC whether 2nd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature]  
Solicitor066593  
SC Bar#

Defendant

[Signature] 74928  
Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed 7 years

and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment

of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2016-GS-16-0093☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

☐ Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: \$ \_\_\_\_\_

§ 14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ \_\_\_\_\_

§ 56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_

§ 56-1-286 (DUI Breath Test) \$25 \$ \_\_\_\_\_

Proviso (Public Def/Probation) \$500 \$ \_\_\_\_\_

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$ \_\_\_\_\_

§ 50-21-184 (BUI Breath Test Fee) \$50 \$ \_\_\_\_\_

§ 56-5-2992(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_

3% to County (if paid in installments) \$ 3.75TOTAL: \$ 128.75Clerk of Court/ Deputy Clerk Nicole FreemanCourt Reporter: USA CARTER

SCC-A217 (04/2013)

## IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016-GS-16-0091A/W#: 2015A1610400503Date of Offense: 7/13/2015S.C. Code §: 16-23-0490CDR Code #: 0549

## SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

PTUP \_\_\_\_\_

\_\_\_\_\_ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

☐ Appointed PD or appointed other counsel,  
Proviso requires \$500 be paid to Clerk  
during probation and shall be collected before  
any other fees.Presiding Judge [Signature]Judge Code: 2954Sentence Date: 3-27-19

## STATE OF SOUTH CAROLINA

COUNTY OF  
STATE

Darlington

VS.

Tony Dequan Manago Jr

AKA:

Race:

Black

Sex: M

Age:

24

DOR:

SS#:

Address:

City, State, Zip:

DL#:

SID#:

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Murder / Murder

## IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016-GS-16-0093

A/W#: 2015A1610400487

Date of Offense: 7/13/2015

S.C. Code §: 16-03-0010; 16-03-0020

CDR Code #: 0116

## SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Prosecution to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTORNEY

Solicitor

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of Life days/months/years or ☐ under the Youthful Offender Act not to exceed 7 yearsand/or to pay a fine of \$           ; provided that upon the service of            days/months/years and/or paymentof \$           ; plus costs and assessments as applicable\*; the balance is suspended with probation for           

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$            plus 28% fee: \$                      days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPSAttend Voc. Rehab. or Job Corp.           

Recipient:

May serve W/E beginning           Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly  
payments of \$            beginning           \$            paid to Public Defender FundOther:           

\*Fine:

§ 14-1-206 (Assessments 107.5 %)

\$

§ 14-1-21 (A)(1) (Conv. Surcharge)

\$100

\$

§ 14-1-21 (A)(2) (DUI Surcharge)

\$100

\$

§ 56-5-2905 (DUI Assessment)

\$12

\$

§ 56-1-285 (DUI Breath Test)

\$25

\$

Proviso (Public Def Probation)

\$500

\$

§ 14-1-212 (Law Enforce. Funding)

\$25

\$

§ 14-1-213 (Drug Court Surcharge)

\$150

\$

§ 50-21-114 (BUI Breath Test Fee)

\$50

\$

§ 56-5-29-27 (Vehicle Assessment)

\$40/mo

\$

3% to County (if paid in installments)

\$ 3.76

TOTAL

\$ 128.76

Clerk of Court/ Deputy Clerk

Niwile Freeman

Court Reporter:

Lisa Carter

SCCA/217 (04/2018)

Presiding Judge

Judge Code:

Sentence Date:

2754

3-27-19

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David Alexander", is written over a horizontal line.

David Alexander  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S.C. 29211-1589

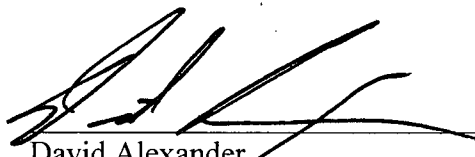
ATTORNEY FOR APPELLANT

This 24th day of January, 2020.

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

  
David Alexander  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 24th day of January, 2020.

**RECEIVED**  
JAN 24 2020  
SC Court of Appeals