

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Charleston County

Honorable Roger M. Young, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DASHAUN LIVAUGHN SIMMONS,

APPELLANT

APPELLATE CASE NO 2018-001128

RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA ) GENERAL SESSIONS  
 )  
 2 COUNTY OF CHARLESTON ) CASE NO. 14-GS-10-00763,  
 ) 00765 and 00767  
 3  
 4 STATE OF SOUTH )  
 4 CAROLINA, )  
 ) Transcript of Record  
 5 Plaintiff, )  
 )  
 6 vs. )  
 ) Date: November 10, 2014  
 7 DENZEL MARQUISE ) 11:59 a.m. - 6:40 p.m.  
 7 HEYWARD, )  
 8  
 )  
 9 Defendant.

\* \* \* \* \*

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B E F O R E:

The Honorable ROGER M. YOUNG

\* \* \* \* \*

Denise J. Lauder, RPR  
Ninth Judicial Circuit  
General Sessions

1 (Jury panel out, 2:00 p.m.)

2 THE COURT: How about if we meet back  
3 in about 45 minutes, and we'll start the motions  
4 that we need to do? Does that work? Quarter to  
5 three or --

6 MR. APOSTOLOU: Works for me.

7 THE COURT: Is that enough time? Do  
8 you think it will take longer than that? I told  
9 them to be back at 3:30.

10 MS. SHEALY: There will be three or  
11 four people testifying.

12 THE COURT: Well, let's aim for 2:45,  
13 and we'll get started and go until we're done and  
14 then we'll start the trial. Okay?

15 MS. SHEALY: Okay.

16 (A luncheon recess transpired.)

17 THE COURT: All right.

18 MR. APOSTOLOU: Judge, can we take up a  
19 procedural matter first?

20 THE COURT: What's that?

21 MR. APOSTOLOU: Can we wait on my  
22 client, Judge?

23 THE COURT: Yes.

24 Ready?

25 MR. APOSTOLOU: Judge, this incident

1 occurred on May 16, 2012. On May 17th, officers  
2 from the Charleston County Sheriff's Department  
3 traveled up to Cross, South Carolina, which is in  
4 the Myrtle Beach area where the Defendants -- or  
5 the victims live in that area. They went up and  
6 they interviewed the Defendant, Jujuan Hemingway  
7 -- the surviving victim I should say. They went up  
8 and interviewed him for a three-hour interview. He  
9 gave two statements in that interview.

10 The next day they went up on the 17th,  
11 May 17th; they took a photo lineup; they showed it  
12 to Mr. Hemingway. Mr. Hemingway was unable to  
13 identify my client, Mr. Heyward, in that lineup.  
14 They went back the next day on May 19th and they  
15 took a different picture, a different photo lineup  
16 with them of Mr. Heyward. They showed it to Mr.  
17 Hemingway, and at that point he identifies  
18 Mr. Heyward as the person that was out there  
19 roadside on the night of May 16th.

20 My understanding -- this case has been  
21 on the trial docket once before, Judge, in February  
22 of 2014. The working understanding that I had up  
23 until Friday of this week was that the pictures  
24 were different. He couldn't identify him on the  
25 17th in that photo lineup. It was a different

1 picture on the -- the 18th was the first lineup.  
2 The 19th was the second. The understanding I had  
3 was he couldn't identify them because the pictures  
4 were different.

5 In the May 19th picture, his jaws were  
6 bigger and he looked different, and that's the  
7 working understanding I had up until Friday  
8 afternoon at 5:30 when we got the State's  
9 prosecutorial brief and found out in a footnote  
10 that he could have identified him on the May 17th  
11 photo lineup, but chose not to.

12 That is new information that I have  
13 never heard before in the case. It's new  
14 information Mr. McCoy had never heard in the case.  
15 I want to know where that information comes from.  
16 I have subsequently spoken to Ms. Shealy about it  
17 and my understanding is that that's always been the  
18 case, in the case.

19 THE COURT: Who told you different?

20 MR. APOSTOLOU: What's that?

21 THE COURT: Who told you different?

22 MR. APOSTOLOU: Well, no one. We had a  
23 pretrial conference right before the February 2012  
24 -- or 2014 trial date. At that time we asked about  
25 the discrepancy, and the State told us that it was

1 improper. Please don't do that. Please don't go  
2 on the internet and try to find out the case. I  
3 don't know if there were any newspaper articles  
4 written about the case ever, but we do have some  
5 court records online now. Again, it's not proper  
6 for you to go and start doing your own  
7 investigation. You know, it sounds a little bit  
8 goofy to warn you about that, but people get  
9 invested once they get on a jury. They don't  
10 necessarily want to be here, but once they get on  
11 it they really get into it.

12                 So, please remember, everything that  
13 you need to make a decision on this case we will  
14 present to you in this courtroom. All right. So  
15 go home, enjoy your evening, and please be in the  
16 jury room about 8:50 if you could so that we can  
17 get started right at 9:00 on Wednesday morning.  
18 Please enjoy your holiday tomorrow and thank you  
19 for your patience today.

20                 (Jury out, 6:09 p.m.)

21                 THE COURT: All right. I know we  
22 talked about some of your motions. I thought we  
23 had agreed that most of them would be handled as  
24 they came up just before trial, but what else do  
25 you need to be heard today.

1                   MR. APOSTOLOU: Well, Judge, one of the  
2 witnesses that is actually a co-Defendant is  
3 Mr. Heyward's -- the mother of his child. It  
4 appears that she is going to be testifying for the  
5 State. There have been allegations by her in her  
6 statement about physical abuse from Mr. Heyward.  
7 He was at one time charged with a criminal domestic  
8 violence charge with her as a victim; that case was  
9 dismissed. He's never been convicted of any type  
10 of domestic violence type of situation. In fact,  
11 he doesn't have a conviction on his adult record at  
12 all.

13                   THE COURT: This is his wife, former  
14 wife, or just the mother of his children?

15                   MR. APOSTOLOU: Mother of his child.

16                   THE COURT: Okay.

17                   MR. APOSTOLOU: And we don't want to  
18 have Quasantrina get up on the stand and make these  
19 unfounded allegations about physical abuse from  
20 him. That paints him in an ugly light. We have a  
21 large number of ladies on the jury. We don't want  
22 them thinking, well, he's a bad guy regardless of  
23 that, and we are hoping to exclude her testimony.  
24 It's not relevant at all as to whether he committed  
25 the crimes that he's accused of. It's certainly

1 not a part of any elements of the crime. She's not  
2 the victim of the crime. She's just a cooperating  
3 co-Defendant.

4 THE COURT: What's the State -- were  
5 you planning on trying to offer any of that?

6 MS. SHEALY: I am, Your Honor. Let me  
7 tell you this -- kind of the incident -- well,  
8 first, let me start with this. She is the person  
9 who drove them to the scene that evening. She is  
10 also the person who two days later turned herself  
11 in before their names had ever been mentioned,  
12 turns herself in before her name or their names are  
13 ever mentioned and tells the police what happened.

14 As with a lot of females in crime,  
15 there's some complication to her relationship with  
16 Mr. Heyward. She has continued to go see him at  
17 the jail and her name appears on the visitor's logs  
18 when she takes her child to go see him. She  
19 exhibits behavior that I think the jury is entitled  
20 to understand, that there was a physical component  
21 to this that frightened her and that she very much  
22 was sort of under the spell of Denzel Heyward.

23 THE COURT: A physical component to  
24 this. What does that mean?

25 MS. SHEALY: To her behavior. To her

1 -- for example, continuing to go see him at the  
2 jail.

3 THE COURT: What does that have to do  
4 with abuse that took place before this?

5 MS. SHEALY: You can tell from his jail  
6 recordings that we're going to offer as well, he is  
7 a master manipulator of her. When she acts bad, he  
8 acts bad physically towards her. Then he tries to  
9 woo her back and her conduct then conforms. There  
10 have been incidents, including the one that  
11 evening, where he's smacking her and pulling her  
12 hair before they go out to Cynthia Avenue.

13 I think, without describing the nature  
14 of their relationship, that the jury is going to be  
15 kind of in a vacuum not understanding why someone  
16 who has given the information against him would  
17 still feel compelled to go see him at the jail.

18 THE COURT: What is it specifically  
19 that you want to introduce and under what Rule of  
20 Evidence do you think you can get it in?

21 MS. SHEALY: Well, I think the question  
22 would be, under what Rule would it be disallowed  
23 because I think it's relevant.

24 THE COURT: For what?

25 MS. SHEALY: I'm sorry?

1 THE COURT: For what?

2 MS. SHEALY: Because, Judge, for  
3 example, let's start with the most connected to the  
4 crime that very evening. He holds --

5 THE COURT: Let me stop you. I would  
6 -- I was assuming -- I thought Mr. Apostolou said  
7 the prior arrest that got tossed out --

8 MS. SHEALY: I'm not interested in  
9 going into the arrest.

10 THE COURT: Okay. You're just talking  
11 about things that happened that night?

12 MS. SHEALY: Well, no, not just that  
13 night.

14 THE COURT: What are we talking about  
15 then? Educate me.

16 MS. SHEALY: I was getting ready to  
17 list them. There is one that evening when he pulls  
18 her hair and smacks her, and Dashaun Simmons is  
19 present when that happens. Denzel does it towards  
20 her. This is before they go to Cynthia Avenue. It  
21 would certainly give reason why she would drive two  
22 guys, who picked up an AK47 earlier in the day,  
23 where they tell her to drive.

24 In addition to that, there was prior  
25 behavior. She went -- they were down in municipal

1 court, Judge. He hits her and it's videotaped  
2 while they're down at municipal court.

3 THE COURT: For what.

4 MS. SHEALY: For -- I think they were  
5 getting money back on a bond. These three  
6 people --

7 THE COURT: A different case.

8 MS. SHEALY: Completely different case.

9 THE COURT: And how long ago did that  
10 take place?

11 MS. SHEALY: One month before this.

12 THE COURT: That's kind of a stretch.

13 MS. SHEALY: Judge, they need to  
14 understand the relationship. The jury needs to  
15 understand their relationship. When they were  
16 arrested, Judge, on an unrelated drug charge,  
17 Denzel Heyward was in the back of the car like a  
18 madman screaming at her when she's telling the  
19 police stuff.

20 THE COURT: Do you have that on video?

21 MS. SHEALY: Yes.

22 THE COURT: Okay. You can play that.

23 MS. SHEALY: Okay.

24 THE COURT: As far as something that  
25 happened earlier in that evening, if it's your

1 theory that that's part of the corpus delicti of  
2 the crime, well, then that might come in for that.

3 MS. SHEALY: Okay. Let me --

4 THE COURT: -- that happened a month or  
5 so ahead of time.

6 MS. SHEALY: Okay. The one I was just  
7 referencing, just to make sure you're clear, that  
8 was a month before, the one that's on audio, when  
9 he's yelling at her about not talking to the  
10 police.

11 MR. MCCOY : That's a separate  
12 incident, Judge, too; totally different incident.  
13 I don't have that video.

14 MS. SHEALY: It's in discovery.

15 THE COURT: A different incident and  
16 you want to have that shown for the purpose in this  
17 case of --

18 MS. SHEALY: Describing their  
19 relationship so the jury can understand why she  
20 would drive him, knowing -- okay. Let me -- you  
21 need to have a few more facts about this case.  
22 Earlier in the evening -- earlier in the day in  
23 question, Quasantrina drives these two guys to a  
24 safe house to pick up an AK47. The jury is going  
25 to wonder why in the world would she do that for

1 them.

2 Later, after he hits her and pulls her  
3 ponytail, or hairpiece, or whatever, he has her  
4 drive them to Cynthia Avenue to do a lick.

5 THE COURT: What does that mean?

6 MS. SHEALY: To rob someone. And the  
7 jury needs to understand why she would have taken  
8 them over there. It takes her two days to turn  
9 herself in and go tell the police because Denzel  
10 Heyward is hiding out with her. So I feel like the  
11 jury needs to understand why it is that she is  
12 submissive to Denzel Heyward.

13 It would be unfair to the State for  
14 that not to come in because the jury may assume,  
15 well, she's just as calculated as they are.

16 THE COURT: Well, I have to weigh that  
17 against the -- your trying to say he's a really bad  
18 guy and, therefore, he's convicted -- he should be  
19 convicted of this, look at all these other things  
20 that he did. And that's exactly what character  
21 evidence is usually not allowed to do.

22 MS. SHEALY: I understand, but, Your  
23 Honor, I don't think that saying -- this is a sad  
24 statement on our society, but I don't think telling  
25 this jury that he smacked her around is going to

1 make them leap to murder. I just don't believe  
2 that's going to make them leap to murder.

3 THE COURT: It may or may not, but we  
4 have the Rules of Evidence. And 404B says,  
5 evidence of other crimes, wrongs, or acts is not  
6 admissible to prove the character of a person in  
7 order to show action and conformity therewith,  
8 which is what you would be showing -- offering it  
9 for.

10 To get around that it says, it may  
11 however be admissible to show motive, identity, the  
12 existence of a common scheme or plan, the absence  
13 of a mistake or accident, or intent. So, in order  
14 to get it in, you have to get it in under one of  
15 those exceptions. It's -- I'm not sure how you get  
16 it in for one of those exceptions based on why  
17 you're telling me you want to offer it.

18 MS. SHEALY: I think that what I would  
19 counter that with is, Judge, I'm not trying to  
20 enter it to establish this man's bad character.

21 THE COURT: That's exactly what it  
22 sounds like to me.

23 MS. SHEALY: No. What I'm trying to  
24 offer it for is the character of their  
25 relationship.

1 THE COURT: That's kind of a hair that  
2 I don't know you can split.

3 MS. SHEALY: I'm sorry, what did you  
4 say?

5 THE COURT: I don't know if that's a  
6 hair that you can split.

7 MS. SHEALY: Well, but think of it this  
8 way, Judge. Think of the difficult position the  
9 State's in, in not being able to present that. It  
10 would -- it would color Ms. Rivers' testimony  
11 inappropriately if I could not inquire as to the  
12 nature of her relationship with Denzel Heyward. If  
13 they do not understand that when she does not  
14 conform to what he wants, he smacks her, then  
15 they're going to be -- they could be very well  
16 misguided in evaluating her testimony. It is the  
17 nature of their relationship that is relevant.

18 THE COURT: I'm still having difficulty  
19 seeing how that gets in under a 404B exception. On  
20 the other hand, just thinking out loud here, that  
21 while you might not be able to get that in during  
22 your direct, I suspect that that door might very  
23 well be opened to put that kind of thing in after  
24 cross examination, unless there's a -- you know, I  
25 don't know what the defense is going to cross

1 examine her on, but, you know, if there's -- if  
2 there's --

3 MS. SHEALY: May I give one other  
4 example of the fact?

5 THE COURT: Okay.

6 MS. SHEALY: She's sitting in the car  
7 while they were doing their deed. And they  
8 summoned her to get out of the car, to pick up the  
9 keys off the ground, and --

10 THE COURT: The night of the murder?

11 MS. SHEALY: The night of this murder  
12 -- and try to open that trunk. That's another  
13 example of --

14 THE COURT: Maybe we're not on the same  
15 page. The things that happened the night of the  
16 murder are different than things that happened a  
17 month before. Okay.

18 MS. SHEALY: I understand.

19 THE COURT: All those things, oh, this  
20 happened in municipal court and he was yelling at  
21 her on video about another incident, that's --  
22 that's got nothing to do with the night of the  
23 case, of this incidence. So those things that you  
24 just gave me an example of, if it happened that  
25 night, that's a different breed of cat entirely.

1 Stuff that happened a month before is very, very  
2 troublesome to me.

3 MS. SHEALY: I understand. Okay. So  
4 let me tell you my dilemma. For example, if I were  
5 allowed, as you have indicated, to go into the  
6 hair-pulling and the slapping earlier in the  
7 evening that night, it so pales in comparison to  
8 the history of the relationship, because earlier in  
9 the day, prior to the pulling of the hair and the  
10 slapping, she had been told to go drive to the  
11 house to get the AK47.

12 THE COURT: How is that not still part  
13 of the corpus delicti is this crime? That's the  
14 crime weapon.

15 MS. SHEALY: No. I intend to go into  
16 those facts, but what I'm telling you I'm left with  
17 is an emptiness as to how frequently he behaved  
18 this way toward her. If I'm allowed to address the  
19 physical violence that evening, this jury believes  
20 just on one night he's done this and she's already  
21 gone with him to get a gun and minimize that one  
22 episode where --

23 THE COURT: How do you minimize that  
24 somebody got -- was ordered to go get an AK47 and  
25 then she's apparently going to say that she saw

1 this thing happen? How do you minimize that?

2 MS. SHEALY: That's not minimized,  
3 Judge. What I'm trying to tell you is, I'm afraid  
4 that if they don't understand the nature of the  
5 volatile relationship between Denzel Heyward and  
6 Quasantrina, that when they are asked to evaluate  
7 her credibility, they will not have the opportunity  
8 to understand what type of hold he had over her,  
9 and how he made her do stuff, and how when she  
10 misbehaved in his eyes previously, she got physical  
11 violence inflicted upon her.

12 Let me offer one other thing. Judge,  
13 the episode that occurred one month prior to this  
14 event, the three of them were in a vehicle and it  
15 was stopped for some type of traffic violation.  
16 Ultimately, they find drugs in the car and a  
17 weapon. One way to address that evening I had  
18 thought about was not to mention the gun, not to  
19 mention the drugs, but to elicit from her how he is  
20 yelling at her when she starts talking to the  
21 police and telling her to shut up, Quasantrina, as  
22 she is trying to be cooperative to the police.

23 THE COURT: I understand that you are  
24 trying to get me to change the Rule of Evidence  
25 because you think it's compelling in this instance,

1 but I'm stuck with them. All right? And you're  
2 stuck with them. And you want me to say -- Judge,  
3 because it's really important to understand the  
4 credibility of this lady, you need to understand  
5 that we can just look the other way on 404B  
6 evidence against him because he's a really bad guy.  
7 All right. And we need the jury to know he's a  
8 really bad guy, so we want to have that stuff that  
9 404B normally keeps out, come in in this case.

10 That's -- the whole problem with trials  
11 and then why we have a 404B, we don't normally do  
12 it. So you've gotta come up with something better  
13 than that.

14 MS. SHEALY: Okay.

15 THE COURT: Now, I'm telling you while  
16 I am going to leave here today with a pretty good  
17 idea that I'm not going to let you do it on your  
18 direct examination of her, that does not mean that  
19 that door won't get opened in some way to come back  
20 in, because they're going to try to attack her  
21 credibility and show biased, and I don't know where  
22 we're going to go with that. So that door is not  
23 completely shut because there are some instances in  
24 which you get to rehabilitate a witness if there's  
25 a suggestion that their credibility is less than

1 truthful.

2           So the door is not completely shut on  
3 you, but I want you to know that on direct, at  
4 least, what you're telling me about these incidents  
5 that happened, anything other than the night of the  
6 murder, aren't coming in, but I've got about 36  
7 hours to think about it and I probably will  
8 tomorrow. I'll look at the Rules and if I can come  
9 up with something more or you come up with  
10 something more, we'll revisit it --

11           MS. SHEALY: Yes, sir.

12           THE COURT: -- before she testifies,  
13 but right now I'm kind of stuck on that -- 404B  
14 says you can't do that for exactly the reason you  
15 want to.

16           MS. SHEALY: Thank you, Your Honor.

17           THE COURT: All right. What else do  
18 you have?

19           MR. APOSTOLOU: Well, Judge, sort of  
20 tag-teaming on that Mr. Heyward has pending  
21 charges.

22           THE COURT: Well, pending charges we  
23 don't usually even allow to be mentioned.

24           MR. APOSTOLOU: I agree. I thought I  
25 would mention it. The other issue was --

1 THE COURT: Did you intend to try to --

2 MS. SHEALY: I'm sorry, I apologize, I  
3 was talking to my law clerk.

4 THE COURT: He was saying he has some  
5 other pending charges. You weren't trying to offer  
6 that, were you?

7 MS. SHEALY: No.

8 THE COURT: Do you have some prior  
9 convictions?

10 MS. SHEALY: I mean, that one is  
11 interwoven in my argument here, but, no, I'm not  
12 intending to go into his pending charges, other  
13 than as it related to what I just discussed.

14 THE COURT: Okay. Well, that means you  
15 won't be doing that. Okay.

16 MR. APOSTOLOU: Judge, some of the  
17 items that were taken out of Quasantrina's car  
18 after she -- with the State was some information on  
19 bail and the detention center, paperwork that  
20 relate to their prior charges. I would want that  
21 excluded from being presented into the evidence,  
22 because he has pending charges.

23 MS. SHEALY: The only thing -- I think  
24 that we can work that out. I'm not interested in  
25 injecting his bond information or whatever, but I

1 would like -- and we'll have to take a look at the  
2 physical evidence we have. I would like to  
3 establish that she had paperwork that applied to  
4 her and to Denzel in the car. We don't have to  
5 mention the subject matter.

6 THE COURT: What would be the purpose  
7 of offering it?

8 MS. SHEALY: To show that they are  
9 close enough and that his paperwork is also in the  
10 vehicle in question with the crime. Paperwork  
11 involving him --

12 THE COURT: You want to mention  
13 paperwork, but you don't want it to come into  
14 evidence.

15 MS. SHEALY: I mean, I would, but he  
16 does not and I understand why.

17 THE COURT: Okay. Well, I'm trying to  
18 figure out why you would mention the paperwork if  
19 it's not coming into evidence.

20 MS. SHEALY: I'm trying to be  
21 accommodating.

22 THE COURT: And I'm trying to be a  
23 trial judge --

24 MS. SHEALY: Okay.

25 THE COURT: -- to make sure that we are

1 hopefully going to finish this on time. So I don't  
2 usually let people talk about evidence if it's not  
3 going to get before the jury. If you've got that  
4 evidence and it's not coming in --

5 MS. SHEALY: For example --

6 THE COURT: -- then what's the purpose  
7 of letting you mention it?

8 MS. SHEALY: For example, I could ask  
9 the evidence technician, did you also find  
10 paperwork with Quasantrina Rivers' name on it and  
11 Denzel Heyward's name on it? So that puts his  
12 paperwork in her vehicle without going into the  
13 actual nature of the document.

14 THE COURT: For the purpose of  
15 showing --

16 MS. SHEALY: This is the vehicle in  
17 question that night, and to show that their  
18 relationship is close enough that his paperwork is  
19 in her vehicle.

20 THE COURT: Is that sufficient as long  
21 as we don't say what kind of paperwork it was?

22 MR. APOSTOLOU: Judge, they have a  
23 child together. I think we've established the  
24 relationship is pretty close.

25 MS. SHEALY: I would like -- I think

1 it's appropriate when the car is being used that  
2 night to show that when she brings the car in two  
3 days later his paperwork is in the car.

4 THE COURT: I don't think they're going  
5 to come up with this woman is a stranger defense it  
6 doesn't sound like.

7 MS. SHEALY: I would like to put it in.  
8 It was in the vehicle, it's relevant to their  
9 relationship just the fact that his paperwork is in  
10 her car.

11 THE COURT: As long as you don't say  
12 what that paperwork was or try to introduce that  
13 paperwork.

14 MS. SHEALY: Yes, sir.

15 THE COURT: Okay. What else you got?

16 MR. APOSTOLOU: Judge, in the State's  
17 pretrial brief, they mentioned a hostile witness.  
18 That means somebody that they've talked to is not  
19 telling them what they want to hear. I want to  
20 inquire as to whether there's any exculpatory  
21 information that this hostile witness has given in  
22 a statement. If they've changed their statement  
23 and it benefits my client in the least, I would  
24 like to --

25 THE COURT: Well, presumably they

1 supposedly would have already told you that. Do  
2 you have --

3 MS. SHEALY: No, I have a witness who  
4 has not changed his story, but does not want to  
5 testify.

6 THE COURT: I understand that. His  
7 question is, did they have anything that's  
8 potentially exculpatory towards his client that  
9 this person who is hostile has told you? You're  
10 under the obligation, they've served you with  
11 Brady --

12 MS. SHEALY: Right.

13 THE COURT: -- you've already disclosed  
14 exculpatory information, regardless of the  
15 hostility of the witness.

16 MS. SHEALY: Correct. No. Now the  
17 same witness has given a statement to Mr. Simmons'  
18 prior lawyer that is exculpatory, but they're in  
19 possession of that statement. It's my  
20 understanding that Mr. Apostolou's had  
21 investigators talk to that same witness. I don't  
22 know what he said to them.

23 MR. APOSTOLOU: It's a written  
24 statement. You have the written statement from his  
25 interview with my investigator.

1 MS. SHEALY: Okay. I have a written  
2 statement?

3 MR. APOSTOLOU: Uh-huh.

4 MS. SHEALY: Okay. Well, then maybe I  
5 was getting it confused. Maybe it wasn't Mr.  
6 Simmons.

7 MR. APOSTOLOU: He gave two statements.

8 MR. MCCOY: He gave one to each of us.

9 MR. APOSTOLOU: I assume you're talking  
10 about Lorenzo Mehciz.

11 MS. SHEALY: Yeah. Yeah, Lorenzo  
12 Mehciz. I don't know what he's going to do, Judge.  
13 We may have to -- we're going to have to pause  
14 before I call him to the stand, because I'm not  
15 sure what he's going to do on the stand. He may  
16 assert his Fifth Amendment privilege.

17 THE COURT: To answer his question, you  
18 don't have anything, other than what you say Mr.  
19 McCoy has I guess in his possession, which  
20 presumably -- sounds like Mr. Apostolou already  
21 has? You don't have anything else?

22 MS. SHEALY: No.

23 THE COURT: Is that your only hostile  
24 witness?

25 MS. SHEALY: As of right now, and I

1 hope it's my only one.

2 THE COURT: Okay. All right. What  
3 else?

4 MR. APOSTOLOU: Judge, Mr. Heyward is  
5 22 years old. There is a juvenile conviction that  
6 he has. The State has not discussed that they will  
7 try to introduce that juvenile conviction. I think  
8 the analysis of that is a lot like a lot of the  
9 things we've looked at; one, juvenile records are  
10 generally sealed and, two, even if you do find it  
11 relevant at all, it still needs to go through the  
12 404B analysis and substantially outweigh the  
13 prejudicial value that it has.

14 It is an armed robbery charge --

15 THE COURT: It comes in under 609,  
16 prior conviction.

17 MR. APOSTOLOU: Right. Right.

18 THE COURT: What are we talking about?

19 MS. SHEALY: The only way that I would  
20 be getting that in --

21 THE COURT: Is if he testifies.

22 MS. SHEALY: -- if he were to testify.

23 And I certainly think the juvenile conviction comes  
24 in.

25 THE COURT: What is it for?

1 MS. SHEALY: Armed robbery.

2 THE COURT: Oh, okay. Well, that's  
3 what he's charged with. How long ago did it take  
4 place?

5 MR. APOSTOLOU: 2007, Judge.

6 THE COURT: We would have to do a 403  
7 analysis; is there great substantial possibility  
8 that the jury would say, well, he was convicted of  
9 armed robbery before, so it's likely that he did it  
10 again here?

11 MS. SHEALY: Are you asking me that?

12 THE COURT: Yeah. You're the one that  
13 wants to offer it, right?

14 MS. SHEALY: Yes. Well, I'll tell you  
15 how I have sometimes handled this in the past,  
16 would be to elicit from him if he has a prior  
17 felony conviction. Okay. Seems unfair for the  
18 jury not to know that this is as serious as the one  
19 in question. If he were to testify, at least we  
20 would ask that we be able to inquire as to whether  
21 or not he has a prior felony -- two felony  
22 convictions when he was a juvenile.

23 THE COURT: You say two?

24 MS. SHEALY: Two.

25 THE COURT: What was the other one.

1 MS. SHEALY: They're both armed  
2 robbery.

3 THE COURT: All right. And it was also  
4 -- when did it take place?

5 MS. SHEALY: They were both 2007.

6 MR. APOSTOLOU: I think it's two  
7 charges, one incident.

8 THE COURT: All right. Well, are you  
9 alright then with asking if he's been convicted of  
10 two felonies before?

11 MR. APOSTOLOU: Well, I'd like it a lot  
12 better than, have you ever been convicted of an  
13 armed robbery before, but I would still argue,  
14 Judge, it's a juvenile record, seven years in the  
15 past. He's 22 years old. That means he was 15  
16 when that incident occurred, and I don't think it  
17 does have any probative value here. I think it has  
18 a lot of prejudicial value and I don't think it  
19 bears any relevance.

20 THE COURT: Well, the probative value  
21 would be what?

22 MS. SHEALY: To his credibility. Two  
23 armed robberies as a juvenile is nothing to --

24 THE COURT: How old was he in 2007?

25 MR. APOSTOLOU: 15.

1 THE COURT: I'll give that one some  
2 thought and see if he -- if he testifies, I'll make  
3 a final decision on that one. That's kind of  
4 young, but at the same time might get with just  
5 allowing a felony convictions to be asked about.

6 What else you got?

7 MR. APOSTOLOU: Well, I think that's  
8 it, other than to sequester the witnesses and  
9 family members and that type of thing, instruct  
10 them not to inform upcoming witnesses what's going  
11 -- what has occurred in the proceedings.

12 THE COURT: All right. Well, I will  
13 leave you-all to let those folks know that are in  
14 the courtroom, that they are not to discuss  
15 testimony with those that are out, and let those  
16 folks that are out know they're not to discuss  
17 testimony with the people in the courtroom.

18 MS. SHEALY: I was just going to say,  
19 it might be helpful if that admonition came from  
20 you.

21 THE COURT: Well --

22 MS. SHEALY: I understand as to the  
23 ones who haven't testified, we'll handle that  
24 responsibility.

25 THE COURT: All right. Those of you

1 who are in the courtroom, and I'll say it today but  
2 it might be a different group of people that show  
3 up, we sequester witnesses so that they can't hear  
4 what is being said so that they can then listen and  
5 make sure that their testimony lines up with what  
6 other people testified. So we make them sit out in  
7 the hallway. And they can come in and watch the  
8 trial after they've testified, but not before.

9           It defeats the purpose if you go out  
10 and tell them what is being said. So those of you  
11 that are in the courtroom, I am telling you, you  
12 are prohibited from discussing testimony that  
13 you've heard in the courtroom while they're sitting  
14 outside testifying. All right. Anybody have any  
15 questions about that?

16           (No response)

17           THE COURT: Okay. Instruct those folks  
18 that are sequestered out there not to talk to  
19 people.

20           MS. SHEALY: We will, Your Honor.

21           THE COURT: Do you have anything else,  
22 Mr. Apostolou?

23           MR. APOSTOLOU: I do not, Judge.

24           THE COURT: Do you have anything, Mr.  
25 McCoy?

1 MR. MCCOY: No, sir.

2 THE COURT: Okay. Anything further  
3 from the State?

4 MS. SHEALY: No, sir.

5 THE COURT: Okay. Well, we'll start up  
6 9:00, get up here a little bit early. Could I see  
7 the lawyers back in chambers before we break?

8 (These proceedings were concluded at  
9 6:40 p.m.)

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STATE OF SOUTH CAROLINA ) COURT OF GENERAL SESSIONS  
 ) NINTH JUDICIAL CIRCUIT  
 COUNTY OF CHARLESTON ) CASE NO.: 2014-GS-10-00763

STATE OF SOUTH CAROLINA )  
 )  
 )  
 VS. )  
 )  
 )  
 DENZEL MARQUISE HEYWARD, )  
 DASHAUN LIVAUGHN SIMMONS, )  
 )  
 DEFENDANT. )

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**JURY TRIAL**

held before the Honorable Roger M. Young  
 Mia Perron, Circuit Court Reporter, 9th Judicial Circuit  
 in the Charleston County Courthouse  
 Charleston, South Carolina  
 on Wednesday, November 12, 2014, Commencing at 9:04 a.m.

---

**SUSAN "MIA" PERRON, CVR-CM-M**  
*Circuit Court Reporter - 9th Judicial Circuit*  
 Post Office Box 31865  
 Charleston, South Carolina 29417-1865  
 1-706-231-6028

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State vs. Heyward & Simmons  
Pretrial Matters  
November 12, 2014

PROCEEDINGS

1  
2 MR. APOSTOLOU: Judge, we've got one quick  
3 pretrial issue to deal with.

4 THE COURT: What is that?

5 Are you ready, Madam Court Reporter?

6 THE COURT REPORTER: Yes, sir.

7 THE COURT: All right. What?

8 MR. APOSTOLOU: It is involving the ability --  
9 we had discussed earlier in the trial Quasantrina's  
10 testimony. Quasantrina is charged with accessory  
11 after the fact. I think the Court has said that we  
12 could cross her on the specific penalties of the  
13 charge that she has pending.

14 THE COURT: Right.

15 MR. APOSTOLOU: I would like to cross her on  
16 what the penalties are for murder, the charge she is  
17 avoiding by cooperating with the State.

18 Additionally, we expect some testimony today --  
19 or at least to have Lorenzo called as a witness. When  
20 Lorenzo is interviewed by the police, they talked to  
21 him about the fact that he is an accessory before the  
22 fact of murder and that he's facing thirty to life at  
23 that time.

24 If Lorenzo testifies, I want to get into the  
25 motivation behind his statement. He changes his

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1 statement after having a discussion with detectives  
2 that state that he's facing a thirty to life penalty,  
3 and I would like to get that information before the  
4 jury because it's specific. Saying you are facing a  
5 lot of time is not anywhere the same import as you're  
6 facing thirty to life. And that's the motivation he  
7 had, and I would like to get that before the jury.

8 THE COURT: All right.

9 MS. SHEALY: I don't think that's allowable,  
10 Your Honor. I think they can question the witness as  
11 to what penalty they are facing but not to any  
12 potential penalty they would have been facing --

13 THE COURT: Well, was she not there?

14 MS. SHEALY: -- I mean, they did not -- excuse  
15 me?

16 THE COURT: Could she have been prosecuted under  
17 hand of one, hand of all?

18 MS. SHEALY: I mean, could she have been?

19 THE COURT: Yeah. I mean, was she ever  
20 considered?

21 MS. SHEALY: Not that I know of. They arrested  
22 -- I never considered charging her with murder, armed  
23 robbery, attempted murder.

24 And the detective is here. Did not charge her  
25 with that.

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1 MR. MCCOY: I still think she could. I mean --

2 MR. APOSTOLOU: She -- her testimony in her  
3 fourth statement now is that she saw the gun before  
4 they went there. She knows that Denzel put it in the  
5 trunk. She drove them over to the house. She got out  
6 during this incident and helped load a suitcase from  
7 the car and put it into her car and drove them away  
8 from the scene.

9 Easily she could have been, and not only, should  
10 have been charged with murder, just as much as anybody  
11 else in this situation. If hand of one, the hand of  
12 all applies to anyone, certainly it applies to her.  
13 She's avoided those penalties because she's a  
14 cooperating witness and I think that obviously she  
15 should be crossed on what she's avoided. I mean,  
16 that's the whole motivation behind her -- an out-of-  
17 court statement.

18 THE COURT: Mr. McCoy, do you want to be heard?

19 MR. MCCOY: Judge, I would just agree with what  
20 Mr. Apostolou is saying. Just the fact of the matter  
21 that she is present. And, again, her fourth statement  
22 that's a year and a half later that says, I was with  
23 these guys when they picked up this weapon to begin  
24 with, I knew what they were going to be doing, I drove  
25 with him to the scene, I actually drove him to the

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1 scene and actually drove him away from the scene and  
2 didn't call the police for several days later. I  
3 mean, I think there's no doubt in my --

4 Your first question, Judge, was could she have  
5 been charged under hand of one, hand of all.  
6 Absolutely she could have been charged. And I think  
7 that is the argument that we would use and I think the  
8 jury needs to understand basically the fact that she  
9 had been indicted with lesser charges than the guys  
10 that are sitting here and that's a little bit of an  
11 issue as to what she could potentially be facing.

12 MS. SHEALY: Your Honor, if I may respond.

13 She is operating under a proffer. They  
14 certainly are entitled to go over the proffer  
15 agreement with her. What I believe they want to do is  
16 inject in the jury's mind what the penalty for murder  
17 is, what the penalty for armed robbery is.

18 The jury is going to be wise to the fact that if  
19 they ask her could you have been charged with murder,  
20 could you have been charged with those, they're going  
21 to understand those are more serious crimes than the  
22 one that she's charged with. But to inject --

23 THE COURT: Well, I think that's the whole  
24 purpose of letting them know that -- what her  
25 potential bias is in prejudicing -- or in testifying,

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1 and that is to save her own skin from something that  
2 could have been a lot worse --

3 MS. SHEALY: I think that's accurate. But I  
4 just don't think the number of years that those crimes  
5 carry is appropriate. They can certainly ask --

6 THE COURT: Well, that's allowed. I mean, if --  
7 everything that she was indicted for, there is no  
8 question that the potential penalties for that could  
9 come in. I mean, that's --

10 MS. SHEALY: No. I understand that, but I --

11 THE COURT: -- but the things that she could  
12 have faced and it sounds like she didn't get charged  
13 because she made a proffer and she could have easily  
14 been charged with them, I think that's -- I think  
15 that's fair ground for them to go to.

16 MS. SHEALY: Well, I think that, also, Judge,  
17 could open the door as to her relationship with Denzel  
18 and why she was viewed in a different capacity than  
19 the others who got --

20 THE COURT: Well, are you here getting back to  
21 your prior bad acts argument? I don't see them  
22 related at all, and I'm not revisiting that at this  
23 point. I don't see any connection between what she  
24 could have been charged with, which is what we are  
25 arguing with, and chance for bias, and what I told you

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1 I would allow, and that is you can go into other prior  
2 bad acts that day, they're a part of the corpus  
3 delicti of the crime. But stuff that happened weeks  
4 and months ahead of time, no, we're not going there,  
5 not revisiting that one.

6 Anything else?

7 So you can bring up the potential charges when  
8 you're cross-examining her.

9 MR. APOSTOLOU: And as to Lorenzo, Judge?  
10 That's the specific threat that they gave him when  
11 they pulled him. They go to -- travel to South  
12 Carolina State and they pull him out, they say,  
13 Lorenzo, you're facing accessory before the fact of  
14 murder, accessory before the fact of murder is the  
15 same thing as murder, you're facing thirty to life,  
16 you sure you don't want to change this statement.

17 He says, no, I don't, leaves, and then they  
18 bring him back in again and then he writes, what, I  
19 guess now a third statement?

20 So, I mean, that's the specific threat that they  
21 told him. That's the specific motivation that he had  
22 to change his story, and I think that should be before  
23 the jury, as well.

24 THE COURT: Do you join in with that argument?

25 MR. MCCOY: Judge, I'll just follow along the

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1 same prejudice and bias that was facing Quasantrina  
2 Rivers, the same prejudice and bias that was faced  
3 with Lorenzo when he was pulled out of school, Your  
4 Honor, with those threats.

5 THE COURT: Do you want to be heard?

6 MS. SHEALY: Yes, sir.

7 The other thing that I think is pivotal here is  
8 let's -- if the officer said you could be charged with  
9 this and you could be charged with that and did not  
10 indicate to that person what the penalties were, then  
11 -- why would he then be able to ask her what the  
12 penalties are now? Or Lorenzo?

13 THE COURT: Well, that's just what the law is,  
14 as far as I'm concerned.

15 I mean, I don't think they have to specifically  
16 tell somebody what the penalty range is for something  
17 in order to trigger -- the law is clear allowing the  
18 evidence of what that penalty is to be brought out on  
19 cross-examination. I don't think they have to  
20 specifically say that, because they never say that.

21 MS. SHEALY: Well, but, Your Honor, I would  
22 disagree in this way. You usually see this coming up  
23 with people who are charged with the same offenses,  
24 and they would be well-aware of what those penalties  
25 face because they --

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1 THE COURT: Sometimes they are. It's been my  
2 experience sometimes they're just as dumb as a rock  
3 and they don't know.

4 MS. SHEALY: But it would only be relevant if  
5 they know. Why do you get to mention the penalty if  
6 they don't know the penalty?

7 THE COURT: That may be their answer. But it's  
8 cross-examination and I think they're entitled to go  
9 into it. So that's my ruling.

10 Anything else?

11 MR. APOSTOLOU: No, Judge.

12 MR. MCCOY: Nothing from us, Judge.

13 MS. SHEALY: Nothing for --

14 THE COURT: All right. Is everybody ready,  
15 then?

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Opening Statement  
By Ms. Shealy  
November 12, 2014

1           And at first there was some real small talk, but  
2           then everything changed. Denzel, Fat, assaulted  
3           Kadeen Chambers and got him out of the car. Fat had  
4           on a red shirt. Then Dashaun Simmons, who was known  
5           as Reef, comes up with a white tee-shirt on and what  
6           looks like an AK-47. They put Kadeen Chambers and  
7           Jujuain Hemingway on the pavement. Now, this isn't an  
8           area where a lot of bad stuff happens. Cynthia Drive  
9           is a quiet area over on Johns Island.

10           And the assault continued. Fat stomped Jujuain  
11           Hemingway in his head. Stomped him, knocking his  
12           teeth backwards in his mouth, losing a tooth. Dashaun  
13           Simmons, emboldened with the AK-47, points it to both  
14           brothers: give us the money, give us the money,  
15           where's the money. And as they became greatly -- more  
16           greatly frustrated, they took it out on the brothers  
17           on the ground.

18           Then they decided, well, we need to go into the  
19           trunk of the car. And seated in the vehicle that they  
20           arrived in was a female, Quasantrina Rivers. Her  
21           vehicle was facing in the opposite direction, but she  
22           could see things in the rear-view mirror. They  
23           summons her, Trina, get the keys off the ground and  
24           try to get in the trunk. And she couldn't.

25           Jujuain Hemingway, who was on the ground, was

Opening Statement  
By Ms. Shealy  
November 12, 2014

1 told to get up and open the trunk, and he did so. And  
2 who was right beside him? Fat, not looking like he  
3 looks today. They put Jujuain back on the ground  
4 after they get a suitcase out of the trunk. And Reef  
5 Simmons shoots at them on the ground and misses them.

6 Kadeen Chambers starts struggling for the gun,  
7 hoping that neither one of them will get hurt. And  
8 what does Dashaun Simmons do? Shoots him once in the  
9 leg, shoots him once in the shoulder. And Kadeen  
10 says, grow up, and hits. Jujuain Hemingway gets up  
11 and literally runs for his life. Quasantrina, Fat,  
12 Reef, they get in the car and they tear out of there,  
13 almost hitting Jujuain, who was running.

14 911 blows up. Neighbors are calling. When  
15 Jujuain runs through a yard hoping to get somewhere  
16 safe, he crawled through a fence, he goes over a  
17 ditch, and he gets on a roadway that runs behind  
18 Cynthia Avenue where they're building new homes. He  
19 finds a Port-A-Potty. He gets in there and he calls  
20 911.

21 The officers arrive at the scene. What Jujuain  
22 did not know at this time was that Kadeen Chambers, he  
23 was able to get up off that pavement, bleeding, and  
24 get back into his vehicle and try to drive. He didn't  
25 make it far. His vehicle ran into a truck that was

Opening Statement  
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1 parked on the side of the road. When the officers  
2 came, the windows were foggy, the car was running.  
3 They didn't know what they were going to find in that  
4 car. They pulled their gun, they approached, and they  
5 saw Kadeen Chambers desperately trying to breathe.  
6 They had to break a window to get in the vehicle.

7 Other officers, knowing about the 911 call, went  
8 to the other street behind Cynthia Drive and  
9 approached Jujuan Hemingway. He was scared to death.  
10 He didn't even know where he was. He thought he was  
11 in Charleston. He was in Charleston County, but he  
12 thought he was in Charleston. And he told the officer  
13 who approached the Port-A-Potty one guy had a red  
14 shirt on, one guy had a white shirt on.

15 You will hear in this case about Jujuan being  
16 interviewed later the next morning -- or the next day.  
17 This happened around 11:30 on May 16th. He went to  
18 the hospital, he went home to a house full of people,  
19 and then he had an interview with the police officers.

20 You will hear from Quasantrina Rivers. You'll  
21 hear about that, the preparation for that night.  
22 You'll hear about their getting that rifle. You'll  
23 hear about them hiding afterwards. The details will  
24 reveal themselves to you. Those two guys armed  
25 themselves that evening and killed a man and tried to

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1 kill another one, and rob.

2 Now, Judge Young has told you that at the end of  
3 the case, he is going to charge you or instruct you as  
4 to what the law is. There is a very important  
5 principle of law in this case that applies. It is  
6 called the hand of one is the hand of all. If a crime  
7 is committed by two or more people who are acting  
8 together in committing a crime, the act of one is the  
9 act of all. A person who joins with another to  
10 accomplish an illegal purpose is criminally  
11 responsible for everything done by the other person  
12 which occurs as a natural consequence of the acts done  
13 in carrying out the common plan and purpose.

14 For example, two people can be guilty of killing  
15 another person when only one of the two had the gun,  
16 there was only one bullet, and only one of the two  
17 fired a shot that caused the death. If two or more  
18 people are together, acting together, assisting each  
19 other in committing the offense, the act of one is the  
20 act of all or the hand of one is the hand of all.

21 The police had a huge break in this case. As  
22 Kadeen Chambers was struggling to breathe, one of the  
23 officers said who did this to you, who shot you. Fat,  
24 is all he could get out. No other details. No other  
25 information about who else was there.

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1 But Quasantrina Rivers, after hiding out with  
 2 Fat and Dashaun for a couple of days, snuck off to see  
 3 her mother and told her mother what happened. Her  
 4 mother's name is Sidearis Singleton, and thank God for  
 5 her because she told her daughter, you're going to do  
 6 the right thing, you're going to turn yourself in and  
 7 go tell the police what happened. And she did that.  
 8 She gave them the name of Fat, who she has a child  
 9 with, of Dashaun Simmons.

10 As this case has continued with the  
 11 investigation and preparation for trial, she has given  
 12 greater and greater details about what happened. And  
 13 she will be here for you to evaluate. But please  
 14 don't lose track of the fact that she came in on her  
 15 own and told the police what happened.

16 Ladies and gentlemen, we want you to give Denzel  
 17 Heyward a fair trial and we want you to give Dashaun  
 18 Simmons a fair trial. And at the close of the  
 19 evidence, we want you to return guilty verdicts on all  
 20 counts. Thank you.

21 THE COURT: Mr. Apostolou?

22 - - -  
 23 - - -  
 24 - - -  
 25 - - -

FORM C-100 - LASER REPORTERS PAPER & MFG. CO. 800-628-6313

Opening Statement  
By Mr. Apostolou  
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OPENING STATEMENT

1  
2 MR. APOSTOLOU: No. That's not what the  
3 evidence is going to present to you today because  
4 that's not what happened on the roadway that night.  
5 You are going to see the evidence in this case and  
6 you're going to make a determination about what  
7 happened out there.

8 The State has set the bar pretty high. They  
9 told you a lot of things. I want you to remember that  
10 at the close of this trial. I want you to hold them  
11 to it. I want them to present that evidence to you  
12 and to convince you beyond a reasonable doubt that  
13 their theory of the case is what happened out there.

14 Everything that Ms. Shealy just told you is  
15 their theory of the case, the State's version of what  
16 happened, what they think happened out there. It's  
17 not evidence. The judge told you that. The evidence  
18 is going to come from the -- but what she told you was  
19 their theory, what they think happened in the case.

20 Well, we've got a different theory of the case.  
21 She told you what she forecasts what the evidence is  
22 going to be. Well, I've been involved in the case for  
23 two and a half years and I think the evidence is going  
24 to present a different story. But ultimately, the  
25 decision is going to be yours and you're going to make

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1 that decision.

2 I think what you're going to see today is that  
3 the evidence is supposed to determine the  
4 investigation. But, unfortunately, sometimes the  
5 investigation determines the evidence. Well, what do  
6 I mean by that? Evidence is like bread crumbs. We  
7 know the little kids' story. We follow the bread  
8 crumbs and lead -- wherever the path goes, you follow  
9 it to wherever it leads to. That's the way a criminal  
10 investigation is supposed to work: to follow those  
11 bread crumbs to where they go.

12 Unfortunately, sometimes when you already decide  
13 where you're going to go, you ignore other bread  
14 crumbs that lead the other way. Should I go that way,  
15 no, we're going this way, let's just go ahead and go  
16 through there. That's what you're going to see today.  
17 That's what you're going to see today. And that's  
18 what my role is.

19 My name is Alex Apostolou. I represent Denzel  
20 Heyward. I do not represent Mr. Simmons. Mr. Simmons  
21 has an excellent attorney that's going to represent  
22 his case. If you listen to anything that I tell you  
23 this morning, it's this: two separate trials. Just  
24 because they're sitting in here, just because it's  
25 happening at the same time, it's two separate trials.

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1 You can find one guilty and one innocent, you can find  
2 both guilty, or you can find both innocent. But it's  
3 two separate trials. Please keep that in mind and  
4 judge each of them based off of what their  
5 involvement.

6 The evidence is going to suggest to you that  
7 Denzel Heyward is not the shooter in this case. I  
8 think everybody is going to agree to that. So could  
9 Denzel be guilty of murder? Well, the State talked to  
10 you about a legal theory called the hand of one, the  
11 hand of all. And we're going to hear a lot about it  
12 at the end of the trial. But I will tell you it is a  
13 powerful doctrine, but it is not an all-powerful  
14 doctrine. I don't think it's as powerful as the State  
15 would believe in this case.

16 There are some elements to it. And that's  
17 really what criminal law is about, it's about  
18 elements. And at the end of the day we're going to  
19 talk about murder, we're going to talk about armed  
20 robbery. And these are -- these are legal doctrines  
21 and they have elements, and we're going to have to  
22 check them off. And we'll talk about the exact law.  
23 And, of course, anything that I tell you that  
24 conflicts with what the judge tells you, go with the  
25 judge on what the law is. But these are elements, and

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1 you just check them off. And they don't get to check  
2 off most of them. They have to check off every single  
3 element in every single charge for you to convict them  
4 of that charge. Every single one of them.

5 The hand of one, the hand of all. What do we  
6 know about it? All right. They have to be in a  
7 criminal conspiracy, they have to be acting in  
8 concert, and there has to be a natural consequence to  
9 it. All right? And that's really all I'm going to  
10 say about it right now because we're going to come  
11 back and we're going to talk about it a lot at the  
12 end. But those are the things you need to look for.  
13 Are these guys in a conspiracy, involved in it? Are  
14 they in a common plan and scheme going forward? And  
15 is the result the natural and logical consequence of  
16 those actions? So we'll talk about that a lot more as  
17 we go forward.

18 Let's talk about the State's theory of the  
19 case, what Ms. Shealy told you, their version of it.  
20 Ms. Shealy wasn't out there. The judge told you. The  
21 lawyers weren't there. I wasn't out there. Detective  
22 Owen wasn't out there, at least when this incident  
23 happened. And where are they getting their version of  
24 the facts from? They're getting them from Jujain  
25 Hemingway. Jujain Hemingway is the brother that was

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1 -- that's here. And he's going to testify today.  
2 Testified in pretrial motions yesterday. That's where  
3 they're getting their theory of the case.

4 Denzel Heyward, Dashaun Simmons, don't have any  
5 burden before you today. They don't have to testify.  
6 They don't have to do anything. The State is basing  
7 their entire theory of the case on what Jujua  
8 Hemingway has to say.

9 Well, what do we know about Jujua Hemingway's  
10 actions in this case? Never been to Charleston  
11 before. Didn't know where he was. When the police  
12 first talked to him, he gives them a fake name and he  
13 gives them a fake date of birth. This is a victim of  
14 the crime. Gives them a fake name, gives them a fake  
15 date of birth. Think about that for a second.

16 The police go up and they investigate him, they  
17 talk to him, he tells them what happened, he writes a  
18 statement. The police look at it and say, no, that's  
19 not right, that's not right, you're going to have to  
20 write a second statement. So what we're working for,  
21 what their theory of the case is, what she told you,  
22 is based off of their second story of the case. Is  
23 that, in itself, a reasonable doubt in this case?  
24 That's ultimately a question for y'all to talk about.

25 Now, the State also talked about Quasantrina

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1 Rivers. You may note it's a very important detail  
2 about this case. Dashaun Simmons is here. Denzel  
3 Heyward is here. Quasantrina Rivers, she may be here  
4 in the witness booth but she's not sitting at these  
5 tables. She's not facing the crime today. She's not  
6 asking you to decide whether she's guilty or innocent  
7 of anything. That goes to her motivation to what she  
8 talks about.

9 And I want you to consider that with all of the  
10 witnesses that you see today. What's their  
11 motivation? What's their bias? What's in it for  
12 them? Why do they want you to believe what happened?  
13 Because of the facts? because that's what happened out  
14 there? or because they have some sort of bias to want  
15 you to believe that?

16 A lot of the things that I'm going to talk  
17 about, the judge has already talked about. This is a  
18 criminal case. The burden of proof is the highest  
19 that we have. It's not preponderance of the evidence.  
20 It's because we're talking about liberty here, and as  
21 Americans there's nothing we value more than liberty.  
22 And this is the highest burden of proof, beyond a  
23 reasonable doubt. It's not up to a reasonable doubt,  
24 it's beyond.

25 At the end of the case we're going to come to

Opening Statement  
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1 you and we're going to talk about the different  
2 theories that are developed from the witness booth.  
3 And we're going to ask you -- ultimately, we might ask  
4 you to believe our case more than their case. But  
5 that's not the burden of proof. At the end of the  
6 day, is our case possible. And if our -- if you feel  
7 like our case is possible, then I would suggest to you  
8 that they haven't met their burden of beyond a  
9 reasonable doubt. And that's what their burden is,  
10 beyond a reasonable doubt.

11 I talked about the elements. We're going to go  
12 through them all the time at the end of the case for  
13 each case and you're going to have to check off each  
14 one of them. Murder has got elements. These crimes  
15 have elements. We're going to talk about it. Did  
16 they prove this to you? Did they prove that to you?

17 Keep an open mind. The State has the burden of  
18 proof. We don't have a burden. We don't have  
19 anything. The State is going to be the one that  
20 presents the evidence to you first. They're going to  
21 put up the evidence and they're going to show it to  
22 you. Just because they go first doesn't mean it's  
23 more value than what we -- if we present a case. We  
24 don't have to present a case but if we do -- and the  
25 different theories that we're going to develop.

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By Mr. Apostolou  
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1           They have the burden of proof. They have to  
2 prove to you beyond a reasonable doubt that there's --  
3 at the end of the trial, you know, oh, my God, I  
4 really wish we could see one more element, or I wanted  
5 to hear from one more witness, or one -- what did that  
6 person -- why didn't they put that person on. That's  
7 on them, that's not on us. We don't have to prove  
8 anything here today.

9           I look forward to presenting the case to you.  
10 Ultimately, there's going to be twelve of you. I know  
11 there's sixteen of you now, but ultimately there's  
12 going to be twelve of you and you're going to have to  
13 decide this case beyond a reasonable doubt and your  
14 opinions are going to have to be unanimous -- not  
15 eleven to one or ten to two -- every single one of you  
16 on every single element of every single crime that  
17 they ask you to bring against these guys.

18           That is not what the evidence is going to be.  
19 You've heard what their theory is, and you've heard  
20 what it's based off of. At the end of the day, you're  
21 going to look at the credibility of those people and  
22 you're going to look at what we're able to develop  
23 from our cross-examination in our case and you're not  
24 going to be able to bring back a guilty verdict on  
25 these charges against Denzel Heyward.

Opening Statement  
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1 My client is Denzel Heyward and at the end of  
2 the day, with the evidence that we're going to  
3 develop, you are not going to find him guilty and  
4 you're to come back with not guilty. And that's what  
5 we ask you to do. Thank you.

6 THE COURT: All right. Mr. McCoy?

7 MR. MCCOY: Thank you, Judge. Ms. Turner is  
8 going to be doing the opening. Thank you, Judge.

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FORM C-100 - LASER REPORTERS PAPER & MFG. CO. 800-626-6313

Opening Statement  
By Ms. Turner  
November 12, 2014

OPENING STATEMENT

1  
2 MS. TURNER: Good morning, ladies and gentlemen.  
3 My name is Sara Turner. Together with Peter McCoy, I  
4 have the privilege of representing Dashaun Simmons  
5 today -- two times this week and we'll be able to  
6 speak to you directly about this case.

7 In this case, as you've already heard, we have  
8 two co-defendants and these two co-defendants are on  
9 trial together today. However, I'm only representing  
10 Dashaun Simmons, and that's mostly where my  
11 conversation is going to be.

12 In trials, as you've already heard, someone has  
13 to go first. In this case the solicitor is alleging  
14 my client has done something wrong, therefore, she has  
15 the burden of proving her case beyond a reasonable  
16 doubt. The State is going to put up witnesses to  
17 testify this week. We may follow up with some  
18 additional questions for their witnesses, either to  
19 flesh out an answer or to bring to light whether one  
20 of their witnesses is biased or even being untruthful.

21 Now, you just heard the indictments in the  
22 solicitor's opening remarks about this case. The  
23 solicitor has said nothing more to you than what she  
24 expects the evidence to prove. Her statements are not  
25 evidence.

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1           While it's undisputed that Kadeen Chambers died  
2           on the early morning of May 17th, 2012, you're not  
3           here to confirm that today. You are here to determine  
4           what happened. You've heard the solicitor allege that  
5           my client, along with Denzel Heyward, who's at that  
6           table over there, and Denzel Heyward's girlfriend,  
7           Quasantrina Rivers, were together on the night this  
8           incident occurred. You've also heard her allege that  
9           he committed the acts as stated on the indictments.  
10          Like I said already, these are allegations and I  
11          caution you to keep an open mind and listen to all the  
12          evidence in this case before you draw any conclusions.

13           It's extremely important, as a juror, to listen  
14          to and test all the credibility of the witnesses this  
15          week. You may wonder, how am I supposed to know who's  
16          credible and what evidence is credible in a criminal  
17          case you're expecting to hear this week. I can tell  
18          you that you are qualified. You have the life  
19          experiences. You've developed the common sense to  
20          reach those conclusions.

21           I will stress to you, as our case is being  
22          presented this week, that you listen to the witnesses  
23          as they testify and you look at the physical evidence  
24          as it's been produced. After the witnesses testify,  
25          ask yourself if they were credible, ask yourself if

Opening Statement  
By Ms. Turner  
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1 their stories ever changed during the course of this  
2 case. After you look at the physical evidence in this  
3 case, ask yourself whether it lines up. Ask yourself  
4 whether that's credible.

5 As I've stated previously, the solicitor has the  
6 burden of proof in this case. She must prove every  
7 element of each crime beyond a reasonable doubt.  
8 You've heard her opening statement and you've heard  
9 the indictments. Remember the things that she  
10 promised you and the facts that she's alleged, but  
11 don't take those as the truth unless she can prove it  
12 to you. Don't let her tell you what the facts of this  
13 case are. Make her prove it to you beyond a  
14 reasonable doubt. That is her job and that's her  
15 standard.

16 At the end of this week, we'll come back before  
17 you to discuss all the evidence that's presented and  
18 what the evidence means. We'll break it down. We'll  
19 go further into detail about everything that's come  
20 before you this week. Until then, listen to the  
21 witnesses and look at the evidence as it comes in  
22 because at the end of this week, you will have the  
23 burden of making the ultimate decision. Thank you.

24 THE COURT: Madam Solicitor, call your first  
25 witness.

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1 MS. SHEALY: Michael Scott Lawson.

2 Your Honor, while he's approaching the bench,  
3 with no objection I'm going to introduce photographs 1  
4 through 100 and 104 through 117.

5 THE COURT: Okay.

6 MS. SHEALY: And in addition to that, we have a  
7 911 recording that is Exhibit Number 121 that will be  
8 introduced.

9 THE COURT: All right. Thank you.

10 MS. SHEALY: No objection from us, Judge.

11 MR. APOSTOLOU: Without objection.

12 [Whereupon, State's Exhibit Numbers 1 through  
13 100 are admitted into evidence by the Court]

14 [Whereupon, State's Exhibit Number 104 through  
15 117 are admitted into evidence by the Court]

16 [Whereupon, State's Exhibit Number 121 is  
17 admitted into evidence by the Court]

18 [Whereupon, Mr. Lawson comes forward]

19 THE CLERK OF COURT: Sir, what you're going to  
20 do is place your left hand here.

21 MR. LAWSON: I don't swear --

22 THE CLERK OF COURT: Okay. Then all you have to  
23 do is attest.

24 MR. LAWSON: -- the testimony will be true.

25 [Whereupon, Mr. Lawson is duly sworn by the

Opening Statement  
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clerk of court as follows: sir, do you swear or affirm that the testimony you give the Court and the jury in the trial of this case will be the truth, the whole truth, and nothing but the truth, so help you God]

THE WITNESS: Yes, sir.

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

[Whereupon, Mr. Lawson takes the witness stand]

THE CLERK OF COURT: Sir, if you would please first state your first and last name. Spell your last loudly, clearly, and into the microphone.

THE WITNESS: Michael Lawson. L-A-W-S-O-N.

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Michael Scott Lawson  
Direct Examination by Ms. Shealy  
November 12, 2014

MICHAEL SCOTT LAWSON,

Having Been First Duly Sworn,  
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. SHEALY:

Q. Mr. Lawson, if you would please tell the jury,  
where did you live in May of 2012?

A. [REDACTED] Cynthia Avenue.

Q. And focusing on your attention --

MS. SHEALY: You might need to talk a little bit  
louder or scoot up a little bit for me.

Q. [Ms. Shealy] Focusing your attention back to  
the evening hours of May 16th, could you tell the jury  
whether or not something drew your attention that evening?

A. Yeah. I heard a gunshot around 11:30 p.m.

Q. Around 11:30?

A. Yes, ma'am.

Q. And what did you do as a result of hearing that  
gunshot?

A. I wasn't sure exactly what it was at the time so  
I went out back, around my house, and I heard some  
arguing. Didn't see anything. Came back in, called 911  
and while I was on the phone with 911, that's when I heard  
the other shots.

Q. And describe to the jury your familiarity with

MIA PERRON, CVR-CM-M

-63-

Michael Scott Lawson  
Direct Examination by Ms. Shealy  
November 12, 2014

1 guns. Are you a gun owner?

2 A. I am.

3 Q. And is that something that's I guess a hobby of  
4 yours or --

5 A. It's --

6 Q. -- an interest?

7 A. It's an interest. It's a hobby. I hunt. And  
8 also for protection.

9 Q. And hearing the sounds that you heard, could you  
10 tell anything about the possible caliber?

11 A. High caliber. That's all I can say. It wasn't  
12 a .22.

13 Q. It was a high caliber, not a .22?

14 A. Right.

15 Q. When you first called 911, were you transferred  
16 to another dispatcher?

17 A. I was.

18 MS. SHEALY: Your Honor, at this time we would  
19 offer State's Exhibit 121. If we could play that one.

20 THE COURT: All right. You may publish.

21 [Whereupon, State's Exhibit Number 121 is played  
22 for the jury]

23 [Whereupon, State's Exhibit Number 121 is not  
24 transcribed by the court reporter]

25 Q. [Ms. Shealy] Mr. Lawson, while you were

Michael Scott Lawson  
Direct Examination by Ms. Shealy  
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1 speaking with the dispatcher, he kind of kept interrupting  
2 you a little bit. Is that fair to say?

3 A. Yes.

4 Q. When you were on the 911 being recorded, is that  
5 when you heard the second set of shots?

6 A. Yes, ma'am.

7 Q. While you were on the phone with them?

8 A. Yes, ma'am.

9 Q. And you had mentioned also on the phone that you  
10 have a permit to carry a weapon?

11 A. I do now, yeah.

12 At the time, I had applied for it. I was  
13 waiting on it.

14 Q. Okay. When you were indicating that there was  
15 an African-American family, where were you indicating they  
16 lived?

17 A. Where the shots came from. I mean, not inside  
18 their house but out in front of their house or between my  
19 house and theirs. There was a small wooded section  
20 between our properties and that's where everything seemed  
21 to -- all the noise came from.

22 Q. And when you indicated on the recording that you  
23 heard yelling, could you hear at all what was being said?

24 A. No. I couldn't make out anything specific.

25 Q. And could you tell whether or not it was male or

Michael Scott Lawson  
Direct Examination by Ms. Shealy  
November 12, 2014

1 female voices?

2 A. Male.

3 Q. The vehicle that you indicated was taking off  
4 while you were on the phone with the 911 dispatcher, could  
5 you tell anything about the color of the car?

6 A. I could not, no.

7 The blinds I was looking through were bamboo  
8 blinds and with the front porch light on and the inside  
9 light on, all I could see was a blur of taillights going  
10 by.

11 Q. And could you tell whether it was light or dark?  
12 You couldn't tell that?

13 A. I -- it -- no.

14 Q. Did you give a statement to the police that  
15 evening or later in the morning of the next day?

16 A. It would have been the next day.

17 Q. And that was a two-page statement?

18 A. Yes, ma'am.

19 MS. SHEALY: Okay. Beg the Court's indulgence  
20 just one moment.

21 Your Honor, could I have the witness step down,  
22 please?

23 THE COURT: Yes.

24 MS. SHEALY: And, Your Honor, without objection,  
25 I have a diagram that I'm going to admit. I believe

Michael Scott Lawson  
Direct Examination by Ms. Shealy  
November 12, 2014

1 that would be 122 -- if I could show you -- without  
2 objection.

3 MR. MCCOY: No objection here, Judge.

4 MR. APOSTOLOU: Without objection, Judge.

5 [Whereupon, State's Exhibit Number 122 is  
6 admitted into evidence by the Court]

7 MS. SHEALY: Come on. If you'll just come --  
8 you stand on this side so the court reporter can hear  
9 what you're saying.

10 Q. [Ms. Shealy] Have you had a chance to look at  
11 this yet?

12 A. I have.

13 MS. SHEALY: Just make sure you speak loudly  
14 enough for her.

15 THE WITNESS: Okay.

16 Q. [Ms. Shealy] Could you point to where Cynthia  
17 Drive is?

18 A. [Witness indicates]

19 MR. APOSTOLOU: Judge, may we reposition?

20 THE COURT: Sure.

21 Q. [Ms. Shealy] Would you do that again, please?

22 A. Sure. It's this road right here.

23 Q. And this Thorpe Constantine Avenue, is that a  
24 newer neighborhood or an older neighborhood?

25 A. That's a new neighborhood.

Michael Scott Lawson  
Direct Examination by Ms. Shealy  
November 12, 2014

1 Q. At the time that this incident occurred, do you  
2 recall whether or not there were homes under construction  
3 here?

4 A. There were.

5 Q. And can you see where your house is on this  
6 diagram?

7 A. [Witness indicates]

8 Q. And can you see where -- the house where you  
9 heard the loud noises coming from?

10 A. I heard everything coming from right out here.  
11 It wasn't necessarily over here at this house, but it was  
12 right out front but off to the side between our yards.

13 MS. SHEALY: You can go ahead and take a seat.  
14 Thank you.

15 Mr. Lawson, I believe that's all the questions I  
16 have for you. Please answer any that the defense may  
17 have.

18 THE WITNESS: Sure.

19 MS. SHEALY: Thank you.

20 THE WITNESS: Thank you.

21 THE COURT: Mr. Apostolou? Who's going to do --  
22 are you going first?

23 MR. APOSTOLOU: I guess so.

24 [Whereupon, Mr. Apostolou and Mr. McCoy confer]

25 MR. APOSTOLOU: Judge, I think Mr. McCoy wanted

Michael Scott Lawson  
Direct Examination by Ms. Shealy  
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to go first.

MS. TURNER: Good morning.

THE WITNESS: Good morning.

MS. TURNER: I have a few additional questions  
for you mostly related to the time period.

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Michael Scott Lawson  
Cross-Examination by Ms. Turner  
November 12, 2014

CROSS-EXAMINATION

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BY MS. TURNER:

Q. How did you know what time it was when you heard the first loud noise?

A. From my cell phone when I called the police.

Q. From your cell phone?

A. Uh-huh.

Q. And then about how long would you say it was until you called 911?

A. A couple of minutes.

Q. Just a couple of minutes?

A. Yes.

Q. And so approximately what time would you say it was?

A. 11:30.

Q. 11:30?

A. Uh-huh.

Q. And the approximate time of the first noise that you heard?

A. 11:28.

Q. And where were you in your home when you heard the first noise?

A. My living room.

Q. Your living room.

And where were you in your home when you heard

Michael Scott Lawson  
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the second noise?

A. Standing in the living room.

Q. Okay. And what were you doing, exactly, when you heard --

A. Watching TV.

Q. And did you hear anything outside after the first noise went off?

A. When I went outside to investigate?

Q. Yes.

A. Yeah. I heard screaming, yelling, an argument of some sort. Just not specific on what I -- what was being said.

Q. So you don't remember any specifics?

A. No, ma'am.

MS. TURNER: No further questions.

MR. APOSTOLOU: Just briefly, Mr. Lawson.

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Michael Scott Lawson  
Cross-Examination by Mr. Apostolou  
November 12, 2014

CROSS-EXAMINATION

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BY MR. APOSTOLOU:

Q. So how far would you say he was when -- you know where this incident occurred on the roadway now --

A. Yes.

Q. -- after the fact?

How far would you say you were, just distance wise?

A. Fifty feet.

Q. And you said you were watching TV?

A. Yes, sir.

Q. And the arguing that you heard was loud enough that you could overhear it from all of that other --

A. I was outside when I heard the arguing. After the first gunshot, I walked outside.

Q. And that's when you heard --

A. Yes.

Q. -- the loud argument?

MR. APOSTOLOU: Okay. That's all I have.

MS. SHEALY: Just briefly, Your Honor.

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Michael Scott Lawson  
Redirect Examination by Ms. Shealy  
November 12, 2014

REDIRECT EXAMINATION

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BY MS. SHEALY:

Q. Mr. Lawson, when you gave your statement the next day -- well, would it help you to see a copy of your statement?

A. Sure.

Q. When you indicated what time you heard the first gunshot, do you recall what you indicated back on May 17th, 2012?

A. Yeah. It says 11:25 is what I said.

Q. At around 11:25?

A. Right.

MS. SHEALY: I have no further questions.

THE COURT: Any recross?

MR. APOSTOLOU: No, sir.

MR. MCCOY: No.

THE COURT: All right. You may step down.

MS. SHEALY: Your Honor, we would ask that he be excused.

THE COURT: You are free to go. Thank you.

Let's take a ten-minute break before we call the next witness.

All right. Folks, I'm getting ready to send you back to the jury room so you can take a little break. We started, you know, early this morning.

Michael Scott Lawson  
Redirect Examination by Ms. Shealy  
November 12, 2014

1 I want to talk to you about a couple of things,  
2 one that I forgot to ask when we started the trial  
3 this morning. There was a brief, not very long,  
4 newspaper article about this case in the paper this  
5 morning. Did anybody happen to see that?

6 [Whereupon, juror indicates]

7 THE COURT: Did you read that?

8 JUROR: I did not read it. I did not --

9 THE COURT: Good. I forgot to mention that.

10 And I want to instruct you that there may be  
11 newspaper coverage or even TV station coverage. I  
12 haven't had any request for cameras from the TV  
13 stations yet, but sometimes they come. And that's  
14 fine. They're allowed to. But remember I told you  
15 make your decision based on what you hear in this  
16 courtroom and not by outside influences. So it's very  
17 important that whenever we break, either during the  
18 day or throughout the day, that you not read anything  
19 on the media.

20 I told you about not putting anything on the  
21 media yourselves, but, you know, people now days, you  
22 can have your newspaper in your hand. So please don't  
23 try to find out anything about the case from different  
24 news outlets, and things like that, while we are going  
25 throughout the trial.

Michael Scott Lawson  
Redirect Examination by Ms. Shealy  
November 12, 2014

1           If there is something and you happen to read the  
2 newspaper or you're walking through a room and you  
3 hear TV, or anything like that, talk about it please  
4 just go in another room. Disregard reading the  
5 newspaper. You can read all about whatever you want  
6 to after it's over with. But, again, it's important  
7 that you make your decision based on what you hear,  
8 not how it's filtered through other people's images,  
9 because they're not getting the whole thing.

10           And, besides, another thing that's important is  
11 is that we're asking you that you don't make up your  
12 mind until you've heard all of the evidence. All  
13 right? And so when I send you now -- I'm going to  
14 tell you every time we take a break -- please don't  
15 discuss the case, please don't deliberate amongst each  
16 other. You can talk about anything you want except  
17 the case. Because, again, it's not proper because you  
18 haven't heard all of the evidence and you don't  
19 deliberate until you've heard all the evidence. You  
20 keep an open mind until you've heard all of the  
21 evidence throughout the trial.

22           So go ahead and go back to the restroom and  
23 we'll see you back in about fifteen minutes. All  
24 right? Thank you.

25           [Whereupon, the jury exits the courtroom at

Michael Scott Lawson  
Redirect Examination by Ms. Shealy  
November 12, 2014

1 10:20 a.m.]

2 [Whereupon, a recess is taken from 10:21 a.m. to  
3 10:37 a.m.]

4 THE COURT: Tell me -- you need to -- you're  
5 having a problem with your witness?

6 MS. SHEALY: I was just advised this morning  
7 that he intends to assert his fifth amendment  
8 privilege, and I just -- the reason we wanted to give  
9 you a head's up was I think you had mentioned  
10 something about appointing a lawyer.

11 THE COURT: Well, I asked if he had one  
12 appointed on Monday.

13 MS. SHEALY: He does not.

14 THE COURT: Okay. Well --

15 MS. SHEALY: So I -- the only thing I was trying  
16 to alert you to is if you wanted to have someone  
17 appointed, just to kind of mention --

18 THE COURT: Well, I mean, so at this point you  
19 plan to call him and he plans to assert his fifth --

20 MS. SHEALY: That's what I understand.

21 THE COURT: Well, let's -- is he here? Where is  
22 he at?

23 MR. MCCOY: Judge, one thing I would ask: that,  
24 obviously, the first time he does go on the stand and  
25 he asserts his right that it's done in-camera and it's

Michael Scott Lawson  
Redirect Examination by Ms. Shealy  
November 12, 2014

1 done without the presence of the jury.

2 THE COURT: I intend to. That's the purpose in  
3 bringing him in right now.

4 MR. MCCOY: Okay. Okay.

5 THE COURT: What is his name?

6 MR. MCCOY: Lorenzo --

7 MS. SHEALY: Lorenzo Mehciz.

8 THE BAILIFF: Your Honor.

9 THE COURT: Come up here.

10 [Whereupon, Mr. Mehciz comes forward]

11 THE CLERK OF COURT: Sir, if you could please  
12 place your left hand here. Raise your right.

13 [Whereupon, Mr. Mehciz is duly sworn by the  
14 clerk of court as follows: do you swear or affirm the  
15 testimony you will give the Court touching now on the  
16 matter before the Court will be the truth, the whole  
17 truth, and nothing but the truth, so help you God]

18 THE WITNESS: Yes.

19 THE CLERK OF COURT: You may be seated.

20 [Whereupon, Mr. Mehciz takes the witness stand]

21 THE CLERK OF COURT: Sir, once seated, if you  
22 would please state your first and last name. Spell  
23 your last loudly and clearly into the microphone.

24 THE WITNESS: Lorenzo Mehciz. Mehciz,  
25 M-E-H-C-I-Z.

Lorenzo Mehciz  
Colloquy  
November 12, 2014

LORENZO MEHCIZ,

Having Been First Duly Sworn,  
was Examined and Testified as Follows:

THE COURT: All right. Now, you wanted to ask  
him --

What is his role in this?

MS. SHEALY: The incident taking place outside  
of his house. He had a conversation with Mr. Heyward  
earlier in the evening. Mr. Heyward indicated he was  
going to do a lick. Mr. Heyward --

THE COURT: A lick being?

MS. SHEALY: An armed robbery.

Trina, Quasantrina Rivers, and Dashaun Simmons  
and Denzel Heyward came to his house. He walked back  
inside, believing they were going to leave. The  
incident occurred while he was inside, is what he had  
indicated he would testify to when he said he would  
testify. That when he got out, Denzel Heyward again  
called him to say what have you heard, what have you  
heard.

And those phone conversations continued on  
Quasantrina's phone after -- he would not know this,  
but Mr. Heyward had gotten rid of one phone and  
switched to another. And throughout the rest of the  
evening, he would be contacted by Mr. Heyward as to

Lorenzo Mehciz  
Colloquy  
November 12, 2014

1 what was going on, what were people saying.

2 He later was encouraged to back out of that  
3 statement. He was interviewed by Mr. McCoy -- it  
4 wasn't Mr. McCoy at this time, it was the PD's  
5 investigator -- and said that what he had indicated  
6 previously was in error, that he just gleaned all that  
7 from the newspaper.

8 He was interviewed by Mr. Apostolou's  
9 investigator and said that he didn't -- I would have  
10 to look at it for sure, but I believe he said that he  
11 did not --

12 MR. APOSTOLOU: He said Denzel never told him  
13 that.

14 MS. SHEALY: Denzel never told him that.

15 MR. APOSTOLOU: Never said anything about doing  
16 a lick at all.

17 MS. SHEALY: We have interviewed him since those  
18 two statements. He has told us that he has been a  
19 good friend of Mr. Heyward for a long time, that this  
20 is very awkward for him, that he doesn't want to come  
21 in here and testify against him but that the truth is  
22 that Denzel Heyward said he was getting ready to do a  
23 lick with some guys coming down from Georgetown.

24 THE COURT: Where would his potential  
25 culpability come in? You said he wants to assert the

Lorenzo Mehciz  
Colloquy  
November 12, 2014

1 fifth.

2 MS. SHEALY: I think we would have to -- I mean,  
3 I don't know what -- I don't know that that's for me  
4 to assess.

5 THE COURT: I guess I'm trying to understand --

6 MS. SHEALY: All I know --

7 THE COURT: -- if he's not represented,  
8 whatever, he would potentially be exposed to criminal  
9 liability.

10 MS. SHEALY: I don't know. I think that's why  
11 we probably need to go through a litany of questions.

12 MR. MCCOY: Judge, if I could add one more piece  
13 to this puzzle, as well.

14 Just looking at the phone records, based upon  
15 the phone records there are twenty-plus phone calls  
16 that happened between Fat's cell phone and Trina's  
17 cell phone the day of this armed robbery or alleged  
18 armed robbery and murder. And then according to the  
19 phone records, as well, minutes after this happens,  
20 the first phone call that's made from Trina's cell  
21 phone is to him.

22 So obviously there's correlation of scheduling  
23 that's going on ahead of time and there's a  
24 correlation of scheduling that's going on after the  
25 fact, as well. So, I mean, I think that he sets

Lorenzo Mehciz  
Colloquy  
November 12, 2014

1 himself up for -- again, potentially, you know, being  
2 an accessory after and before the fact.

3 MS. SHEALY: Your Honor, may I inject this?  
4 Sorry to interrupt you.

5 I don't know that this colloquy needs to occur  
6 in the presence of this witness.

7 THE COURT: Well, I guess I'm just trying to get  
8 a little understanding.

9 MR. APOSTOLOU: Could I add a little --

10 THE COURT: He was -- what was the public  
11 defender's office role in this?

12 MS. SHEALY: Martha Kent Runey used to represent  
13 Mr. Simmons, and then Peter took over the case.

14 MR. APOSTOLOU: When this case was first set for  
15 trial in February of this year, Martha Kent --

16 Judge, this is the witness that we talked about  
17 in pretrial motions where Detective Owen went in and  
18 told him that he was facing thirty to life as an  
19 accessory before the fact of murder.

20 THE COURT: Well, appointing him a public  
21 defender at this point, we couldn't do that since they  
22 represented Mr. Simmons earlier.

23 MS. SHEALY: Except that they do create pretty  
24 good Chinese laws [phonetic] with that, and I think we  
25 could inquire of Mr. Pennington.

Lorenzo Mehciz  
Colloquy  
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1 THE COURT: Well, let's get -- how about go call  
2 Ashley and ask him to come over. We'll step him down  
3 for right now --

4 MS. SHEALY: I have some other witnesses --

5 THE COURT: -- put another witness up. And then  
6 ask Mr. Pennington to -- talk with him and see whether  
7 Mr. Pennington is comfortable with representing him.  
8 If not, we'll get somebody else.

9 [Whereupon, Mr. Mehciz exits the witness stand]

10 THE COURT: Who else can you call right now?

11 MS. SHEALY: For purposes of that matter?

12 THE COURT: For the next witness. Who's your  
13 next witness?

14 MS. SHEALY: Oh. Cynthia LaRoche is the next  
15 witness.

16 THE COURT: All right. Well, let's call her.  
17 Oh. Let's bring the jury back in. Is she ready?

18 MS. SHEALY: She is.

19 THE COURT: Okay. Bring the jury in.

20 [Whereupon, the jury enters the courtroom at  
21 10:45 a.m.]

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

24 THE COURT: Folks, welcome back. We'll resume  
25 now with the State calling the next witness.

Lorenzo Mehciz  
Colloquy  
November 12, 2014

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MS. SHEALY: Cynthia LaRoche.

[Whereupon, Ms. LaRoche comes forward]

THE CLERK OF COURT: If you would please place  
your left hand here, raise your right.

[Whereupon, Ms. LaRoche is duly sworn by the  
clerk of court as follows: do you swear or affirm the  
testimony you will give the Court and the jury in the  
trial of this case will be the truth, the whole truth,  
and nothing but the truth, so help you God]

THE WITNESS: Yes.

THE CLERK OF COURT: You may be seated.

[Whereupon, Ms. LaRoche takes the witness stand]

THE CLERK OF COURT: Ma'am, once seated, if you  
could please state your first and last name. Spell  
your last loudly, clearly, into the microphone,  
please.

THE WITNESS: Cynthia LaRoche. L-A-R-O-C-H-E.

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FORM C-100 - LASER REPORTERS PAPER & MFG. CO. 800-828-6313

Cynthia LaRoche  
Direct Examination by Ms. Shealy  
November 12, 2014

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CYNTHIA LAROCHE,

Having Been First Duly Sworn,  
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. SHEALY:

Q. Ms. LaRoche, would you tell the jury what you do for a living? I see that you're in a scrub suit.

A. A respiratory therapist.

Q. And in May of 2012, where did you live?

A. [REDACTED] Thorpe Constantine Avenue in Johns Island.

Q. And had you lived there for very long?

A. No. Just had moved in in December of '11.

Q. And before moving in there, did you look into that area as to safety issues?

A. I thought Johns Island was a very safe place to move to.

Q. And you said you moved in there when?

A. December of '11.

Q. Okay. Constantine Thorpe: do you know where that is in relationship to Cynthia Avenue?

A. We're one street over. There's two sets of houses between us.

MS. SHEALY: Your Honor, I would ask that she step down for a second.

THE COURT: Certainly. You can step down.

Cynthia LaRoche  
Direct Examination by Ms. Shealy  
November 12, 2014

1 MS. SHEALY: If I could get you to stand over  
2 here, please.

3 Q. [Ms. Shealy] I'm showing you State's Exhibit  
4 122. Could you point to where you live?

5 A. [Witness indicates]

6 Q. And then show us Cynthia, just to get our  
7 bearings.

8 A. This should be Cynthia right here.

9 MS. SHEALY: You're going to have to speak up  
10 just a little bit for us.

11 A. This is Cynthia Avenue.

12 Q. [Ms. Shealy] Okay. And this -- you said this  
13 is Thorpe --

14 A. This is Constantine --

15 Q. And at the time that this event occurred, were  
16 there homes that were still under construction?

17 A. Well, all these were empty. There was one under  
18 construction right here, because there's a Port-A-Potty  
19 out in the front.

20 MS. SHEALY: And you can go ahead and take your  
21 seat back.

22 [Whereupon, the witness retakes the witness  
23 stand]

24 Q. [Ms. Shealy] Who lived at home with you on May  
25 16th of 2012?

Cynthia LaRoche  
Direct Examination by Ms. Shealy  
November 12, 2014

1 A. My son and my daughter.

2 Q. And how old was your son?

3 A. Twenty-five.

4 Q. And how old was your daughter at the time?

5 A. Eighteen.

6 Q. And did something draw your attention that  
7 evening?

8 A. I was in my bedroom reading. It was a little  
9 after 11:00. And I had a CD on, also. And I heard a loud  
10 noise and I thought our air conditioner, whatever it's  
11 called, outside had blown --

12 Q. Transformer?

13 A. I guess so. Condenser, whatever it's called. I  
14 thought it had blown up, it was so loud. And I got up and  
15 I walked to the front of the house and my son said he  
16 thought it was a gunshot, should we call 911. And I said,  
17 no, somebody's probably shooting a possum or something,  
18 because we were out -- I thought we were out in the  
19 country.

20 Q. What happened next?

21 A. About -- while I was talking to my son, probably  
22 five minutes passed and we heard two consecutive gunshots.  
23 That's when I knew they were gunshots. And I went to my  
24 daughter's room because it sounded like it had come  
25 through the wall of the house.

Cynthia LaRoche  
Direct Examination by Ms. Shealy  
November 12, 2014

1 Q. It sounded like it had come through the wall of  
2 your house?

3 A. Of my house. And I went to make sure she was  
4 all right.

5 And my son had gone upstairs. And he's not  
6 allowed to smoke in my house, but he had upped his bedroom  
7 window and that's when he heard someone run through the  
8 back yard. And, anyway, we saw somebody get in the Port-  
9 A-Potty across the street from our house. And then police  
10 were just everywhere after that.

11 Q. I'm sorry. What did you say again about the  
12 Port-A-Potty? You heard --

13 A. My son had gone upstairs. And he's not supposed  
14 to smoke in my house, but he had upped the window,  
15 thinking I wouldn't notice, and that's when he heard  
16 somebody run through the back yard.

17 And my daughter and I were still in her room and  
18 we kind of looked out the window and saw somebody run into  
19 a Port-A-Potty across the street. And we -- by this time,  
20 we assumed someone had gotten shot and we thought that was  
21 the person who did the shooting that had gotten in the  
22 Port-A-Potty.

23 Q. Because that's -- you heard the shot --

24 A. We heard --

25 Q. -- and then you saw --

Cynthia LaRoche  
Direct Examination by Ms. Shealy  
November 12, 2014

1 A. Yeah.

2 After the first initial loud bang, which I  
3 thought was the air conditioner blowing up, then like five  
4 minutes later we heard two consecutive gunshots and they  
5 were -- my son said the first one was a gunshot but I  
6 couldn't tell from the back of the house. But when I was  
7 in the front of the house and heard the next two, I knew  
8 they were gunshots.

9 Q. And you thought they had actually hit your  
10 house?

11 A. I thought it had come through the wall of the  
12 house, yeah.

13 Q. I'm showing you what's been marked as State's  
14 Exhibit Number 36. It's going to appear right behind you.  
15 Is that the Port-A-Potty that you were indicating?

16 A. It's a Port-A-Potty. I don't know if it's --

17 Q. Can you tell --

18 A. -- the one.

19 Q. -- from that picture?

20 A. I mean, it was a Port-A-Potty.

21 Q. Okay. Did the police come to talk to you?

22 A. They were all over the yard. And out of  
23 curiosity we opened the door to make sure that everything  
24 was safe and then they asked us what happened.

25 Q. And is that when you gave a statement to the

Cynthia LaRoche  
Direct Examination by Ms. Shealy  
November 12, 2014

1 police?

2 A. Yes.

3 Q. And was that statement given on May 17th of  
4 2012?

5 A. I'm assuming. I don't remember the dates of the  
6 incident.

7 Q. I'll show you this and see if this refreshes  
8 your memory.

9 A. I'll have to take a look.

10 [Whereupon, the witness reviews documents]

11 A. Yes.

12 Q. [Ms. Shealy] Okay. Very good.

13 MS. SHEALY: Thank you very much. Answer any  
14 questions that the defense may have.

15 MR. APOSTOLOU: Ms. LaRoche -- oh. Sorry.

16 MS. SHEALY: Sorry.

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Cynthia LaRoche  
Cross-Examination by Mr. Apostolou  
November 12, 2014

CROSS-EXAMINATION

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BY MR. APOSTOLOU:

Q. Ms. LaRoche, do you know where Hobson Avenue is in that same little area?

A. [Indicates negatively]

Q. You don't? Okay.

A. [No response]

MR. APOSTOLOU: No questions.

MS. SHEALY: Your Honor, we would ask that she be -- oh. I'm sorry.

MS. TURNER: Just a few questions.

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Cynthia LaRoche  
Cross-Examination by Ms. Turner  
November 12, 2014

CROSS-EXAMINATION

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BY MS. TURNER:

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Q. The Port-A-Potty in the construction area, was that the front -- if you're looking out the front of your house, is that the front of your home or in the back?

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A. It was -- the bedrooms go down that side of my house and there was an empty lot next to us. So we could see across the street where the Port-A-Potty was from the window.

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Q. Did you ever call 911?

11

A. I did not call 911. After -- my son said it was a gunshot, should we call 911. And like I said, I thought we lived in the country and I didn't think there was any crime on Johns Island. I thought somebody had shot an animal. And then when we heard the next two shots, by then everything just happened so quick and police were there with -- right away, so I didn't. I call every time I hear a noise now.

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Q. And you stated your son saw someone --

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A. He didn't see anybody. He heard someone run through the back yard, because the window was up and it wasn't supposed to be. But that's why he heard it, because the --

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And, you know, at the time, we didn't have a fenced-in yard or anything. So they just -- I don't know.

25

Cynthia LaRoche  
Cross-Examination by Ms. Turner  
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1 where they came from. There was no fence across the  
2 street from us, either. Now all those houses have a fence  
3 that run down the back line separating the neighborhoods.

4 MS. TURNER: No further questions. Thank you.

5 THE WITNESS: Okay.

6 MS. SHEALY: I just have one follow-up question.  
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REDIRECT EXAMINATION

1  
2 BY MS. SHEALY:

3 Q. Showing you State's Exhibit Number 50. Is  
4 that -- does that refresh your memory? Is that the Port-  
5 A-Potty?

6 A. Yeah. That's the house. Kind of catty-corner  
7 from our house.

8 Q. Could you indicate to the jury -- if you're  
9 looking at that photograph, where is Cynthia Avenue?

10 A. It's behind it, behind those trees.

11 Q. On the other side of the --

12 A. Uh-huh.

13 Q. -- the back of the house?

14 A. And the only reason I know that is because when  
15 we were looking for houses, that's my name so I knew that  
16 was the name of that street. But, anyway --

17 MS. SHEALY: Very good. Thank you very much.

18 THE WITNESS: Okay. Is that it?

19 MS. SHEALY: Your Honor, may she be excused?

20 THE COURT: Did y'all have any follow-up you  
21 wanted to ask on recross?

22 MR. APOSTOLOU: No, Your Honor.

23 MR. MCCOY: No, sir.

24 MR. APOSTOLOU: And no objection to being  
25 excused.

Cynthia LaRoche  
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1 THE COURT: You can step down. Thank you.  
2 You're free to go.

3 [Whereupon, Ms. LaRoche is excused and exits the  
4 witness stand]

5 MS. SHEALY: Matt Colburn.

6 [Whereupon, Mr. Colburn comes forward]

7 THE CLERK OF COURT: Left hand here, raise your  
8 right.

9 [Whereupon, Mr. Colburn is duly sworn by the  
10 clerk of court as follows: do you swear or affirm the  
11 testimony you will give the Court and the jury in the  
12 trial of this case will be the truth, the whole truth,  
13 and nothing but the truth, so help you God]

14 THE WITNESS: Yes, sir.

15 THE CLERK OF COURT: You may be seated.

16 [Whereupon, Mr. Colburn takes the witness stand]

17 THE CLERK OF COURT: Once seated, if you could  
18 please state your first and last name. Spell your  
19 last loudly, clearly into the microphone, please.

20 THE WITNESS: Deputy Matthew Colburn. C-O-L-  
21 B-U-R-N.

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Matthew Colburn  
Direct Examination by Ms. Shealy  
November 12, 2014

1 MATT COLBURN,

2 Having Been First Duly Sworn,

3 was Examined and Testified as Follows:

4 DIRECT EXAMINATION

5 BY MS. SHEALY:

6 Q. Deputy Colburn, how long have you worked for the  
7 Charleston County Sheriff's Office?

8 A. I've been with the sheriff's office  
9 approximately nine years, going on seven years with the  
10 law side.

11 Q. With the what?

12 A. The law side.

13 Q. The law side?

14 A. Yes, ma'am.

15 Q. And are you currently a deputy for the sheriff's  
16 office?

17 A. Yes, ma'am.

18 Q. And back in May of 2012, were you a deputy with  
19 the sheriff's office?

20 A. Yes, ma'am.

21 Q. Focusing your attention, then, on the late-night  
22 hours of May 16th, 2012, could you tell the jury whether  
23 or not you got a call to report to Cynthia Drive?

24 A. I did, ma'am. Yes, ma'am.

25 Q. And what were you advised before you headed over

Matthew Colburn  
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1 there?

2 A. The only information that we were provided was  
3 that it was a shots-fired call.

4 Q. Is that area of Johns Island an area that you  
5 were patrolling frequently?

6 A. Not frequently.

7 I mean, we go through, check the neighborhoods  
8 out. It wasn't a high-crime area, no, ma'am.

9 Q. But what I meant was is that kind of an area  
10 that you were patrolling? That jurisdiction?

11 A. Yes, ma'am. Johns Island.

12 Q. And when you were saying that was not a high-  
13 crime area, had you had to go to Cynthia Drive very often  
14 at all?

15 A. No, ma'am.

16 Q. Do you remember where you were coming from when  
17 you headed there?

18 A. The corner of Maybank and Main at the old Piggly  
19 Wiggly shopping center.

20 Q. And when you got there, did you travel with  
21 someone else, or did another deputy arrive at the same  
22 time that you did?

23 A. Yes, ma'am. Deputy Muirhead arrived with me.

24 Q. Tell us, if you would, first, how did the scene  
25 appear? What were your first observations?

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1           A.     We first turned onto Cynthia Avenue, we observed  
2 a dark-in-color sedan had collided with a white pickup  
3 truck at the corner of Cynthia and Staffwood but still on  
4 Cynthia. Got out of the vehicle, because we weren't sure  
5 what was going on. Wasn't sure if it was the collision  
6 that people heard or that --

7           Q.     Let me interrupt you just for a second. Showing  
8 you State's Exhibit 24 --

9           MS. SHEALY: I was going to show it behind you.  
10 Just a second.

11          Q.     [Ms. Shealy] Does that photograph accurately  
12 depict the position of those vehicles when you arrived?

13          A.     Yes, ma'am.

14          Q.     And then showing you State's Exhibit 25. Could  
15 you describe for the jury, if you would -- it's kind of  
16 hard to tell from that photo -- is there an impact between  
17 the two vehicles?

18          A.     There is. Yes, ma'am.

19          Q.     Showing you State's Exhibit 28. Does that show  
20 you the impact?

21          A.     Yes, ma'am.

22          Q.     When you and Deputy Muirhead got out of your  
23 vehicle, what did y'all do?

24          A.     We approached the vehicle in a tactical manner.  
25 We had our weapons drawn because we weren't sure what was

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1 going on responding to a shots-fired call. Approached the  
2 vehicle. We couldn't see inside the car, but we could  
3 tell that the vehicle was running. At points, the gas  
4 would rev up, the engine would rev, the tires would spin.

5 A closer look inside the vehicle, we observed an  
6 unidentified black male was in the driver's seat. At that  
7 point, Deputy Muirhead broke out the rear passenger window  
8 so we could gain a better vantage point to see what was  
9 going on inside the vehicle.

10 Q. Let me slow you down just a little bit.

11 When you approached the vehicle, you said that  
12 y'all had your guns drawn?

13 A. Correct.

14 Q. And was there anything about the condition of  
15 the windows that made it difficult to look inside the  
16 vehicle?

17 A. Yes, ma'am.

18 All the windows on the vehicle were fogged over  
19 to make it to where you couldn't see inside the vehicle.

20 Q. And do you recall whether or not the back of the  
21 vehicle, the trunk, was open or closed?

22 A. The trunk was open when we arrived on scene.  
23 Yes, ma'am.

24 Q. And when you indicated that you could hear the  
25 car running, what were you saying about the gas?

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1           A.     You could hear the engine rev. At points, the  
2           tires would spin, creating a squealing noise and a little  
3           bit of smoke.

4           Q.     And at that point you indicated that Deputy  
5           Muirhead had made the decision to break the back window?

6           A.     Correct.

7           Q.     And what was the reason again that he thought he  
8           needed to do that?

9           A.     So we could gain a better vantage point inside  
10          the vehicle and see what was going on inside.

11          Q.     At that point did y'all have some level of  
12          comfort that you would not be assaulted if you broke the  
13          window?

14          A.     No, ma'am.

15          Q.     So showing you State's Exhibit 27. Is that a  
16          photograph depicting the window having been broken?

17          A.     Yes, ma'am.

18          Q.     And in that photograph, do you see the window  
19          parts, the glass, broken out?

20          A.     Right by the rear tire.

21          Q.     Now, prior to doing that, had y'all tried the  
22          handles to get in the vehicle?

23          A.     Yes, ma'am.

24                   Both the passenger-side doors were locked. We  
25          didn't go around to the driver's side.

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1 Q. And when you -- when the window got broken, the  
2 image of the gentleman in the driver's seat, what did his  
3 behavior look like?

4 A. He was leaning back and forth in his vehicle.  
5 Once the window was busted out, you could -- there was  
6 blood throughout the vehicle. You could see that he was  
7 bleeding profusely from himself. He had on a white tee-  
8 shirt that was covered, stained, red with blood. So we  
9 knew he was in need of help.

10 Q. Okay. Showing you State's Exhibit 29. Is that  
11 the blood that you're talking about?

12 A. Yes, ma'am.

13 Q. And 30 and 31 and 32.

14 A. [No response]

15 Q. And the shirt that you indicated that he had  
16 on -- showing you State's Exhibit 87. Was that the  
17 tee-shirt he had on?

18 A. It looks to be correct, yes, ma'am.

19 Q. Once you gained entry, what did you and Deputy  
20 Muirhead do?

21 A. Once we broke out the window and we observed  
22 that there was a victim inside the vehicle, Deputy  
23 Muirhead reached around, he unlocked the passenger-side  
24 door -- because it was still locked -- to get inside the  
25 vehicle so we could at least turn the car off so he wasn't

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1 hitting the gas anymore. So he reached in, turned the car  
2 off. We called for medical assistance to get there and  
3 provide medical treatment for the victim.

4 Q. Let me ask you a couple of questions before  
5 then. Had either you or Deputy Muirhead asked the  
6 gentleman to put the vehicle in park?

7 A. I do not recall about that, ma'am.

8 Q. And could you describe what the posture of the  
9 man in the driver's seat was like?

10 A. Yes, ma'am.

11 He was leaning back and forth gasping for air.  
12 He was actually asking for oxygen; you know, for myself or  
13 Deputy Muirhead to provide him with oxygen.

14 Q. Did you have any conversation with him at that  
15 point or ask him any questions?

16 A. I asked him -- you know, trying to keep him to  
17 stay with us. You know, stay with us, we've got EMS  
18 coming for you. I asked him what his name was. He  
19 responded Kadeen. And that was pretty much the questions,  
20 just telling him to stay with us, we've got help coming,  
21 buddy.

22 Q. Okay. Did EMS, in fact, arrive?

23 A. Yes, ma'am.

24 Q. And do you recall how he was taken out of the  
25 vehicle?

Matthew Colburn  
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1           A.     Actually, fire arrived on scene first. They  
2 started working on getting him outside of the vehicle.  
3 They took him from the driver's side through the  
4 passenger's side, strapped him to a backboard, bringing  
5 him out headfirst.

6           Q.     So showing you State's Exhibit 29 again. The  
7 blood that's on the passenger seat, is that the direction  
8 in which the fire department took him out of the vehicle  
9 from --

10          A.     Yes, ma'am. From the driver's --

11          Q.     -- from the driver's seat over that --

12          A.     Yes, ma'am.

13          Q.     -- passenger seat?

14                   Once fire department and EMS got there, did you  
15 ask Kadeen anything?

16          A.     When they were bringing him out, I asked him one  
17 last question before he was loaded up. And I just asked  
18 him, hey, buddy, who shot you.

19          Q.     And what did he indicate?

20          A.     It was hard to understand him, but from what I  
21 got was either Fat or Fet, just the way that he was  
22 breathing. The way that he pronounced it, it was hard to  
23 understand. But it was clearly either Fat or Fet.

24          Q.     And was he able to give you any other details?

25          A.     No, ma'am.

Matthew Colburn  
Direct Examination by Ms. Shealy  
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1 Q. What did you do with the information that you  
2 had gotten regarding his saying Fat or Fet?

3 A. I relayed all the information to our supervisor,  
4 Senior Sargent Brian Williams, who responded to the scene  
5 as well, and he in turn relayed that to our detectives.

6 Q. And what is the purpose of that relaying of  
7 information?

8 A. This way it gives our detectives a starting  
9 point so they can go back and see if there's anybody with  
10 the nickname or moniker Fat or Fet that might be in our  
11 database or the other database.

12 Q. You're familiar with a CAD report?

13 A. Yes, ma'am.

14 Q. What does a CAD report reflect?

15 A. It's a computerated [phonetic] dispatch.

16 Everything that our dispatch center does, it  
17 gets logged on to this report.

18 Q. When you say your dispatch center, you mean the  
19 people who are answering 911 calls?

20 A. Yes, ma'am. Answering and dispatching calls.

21 Q. Are you familiar with the CAD report in this  
22 case?

23 A. Yes, ma'am.

24 Q. Could you tell us what time the first phone call  
25 came in?

Matthew Colburn  
Direct Examination by Ms. Shealy  
November 12, 2014

1 A. The first reported phone call that we have was  
2 at 2335 hours.

3 Q. And had there been some transferring from one  
4 dispatch location to another that you were familiar with?

5 A. From what I seen, at 2340 the City of Charleston  
6 dispatch transferred a call over to the Charleston County  
7 Sheriff's Office dispatch.

8 Q. So that would take some time between that  
9 transferring?

10 A. I couldn't tell you how long.

11 Q. I mean, they do it pretty quickly but --

12 A. Yes, ma'am.

13 Q. And so you indicated that the first 911 call,  
14 then, came in at what time again?

15 A. 2335. 11:35 p.m.

16 MS. SHEALY: Beg the Court's indulgence just a  
17 moment.

18 [Whereupon, Ms. Shealy and Ms. Turner confer]

19 Q. [Ms. Shealy] Do you have the CAD report with  
20 you?

21 A. I do not, ma'am.

22 Q. I'm going to hand you the CAD report. I'm going  
23 to show you a copy of the CAD report, just to make sure I  
24 understand.

25 A. Yes, ma'am.

Matthew Colburn  
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1 Q. If you will look at the first couple of entries  
2 from that evening and if you can, can you explain to us  
3 what those are?

4 A. Which entries are you looking for, ma'am?

5 Q. The first two that are listed with times  
6 reflected by them.

7 [Whereupon, the witness reviews documents]

8 Q. [Ms. Shealy] And if you don't know, that's  
9 fine.

10 A. The first entry is when the first call came in  
11 at 2334 hours --

12 Q. And what time --

13 A. -- and seventeen seconds.

14 Q. -- again was that?

15 A. 2334.

16 Q. So the first 911 call came in at that time?

17 A. It appears so, yes, ma'am.

18 MS. SHEALY: Please answer any questions that  
19 the defense may have. Thank you.

20 MR. MCCOY: Deputy Colburn, how are you doing  
21 today?

22 THE WITNESS: Good, sir. Yourself?

23 MR. MCCOY: I appreciate you being here and I  
24 appreciate you taking the opportunity to answer a  
25 couple of questions that I have for you.

Matthew Colburn  
Cross-Examination by Mr. McCoy  
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CROSS-EXAMINATION

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BY MR. MCCOY:

Q. First of all, as standard practice for any officer who's arriving on the scene, you complete and do an actual police report?

A. In this case I did a police supplement -- incident supplement report.

Q. Do you remember when you did that?

A. Shortly after I cleared the scene.

Q. Would you have done it that night, then?

A. Yes, sir. Absolutely.

Q. Okay. Did you testify earlier that it was you and Muirhead who arrived together?

A. Correct.

Q. At that time when you've got a couple of officers that are on the scene, do y'all go ahead and start to establish what's called a crime scene?

A. At that point, no, sir.

Q. Is there ever a point in time where you register yourself as part of a crime log or a crime-scene log?

A. Yes, sir.

Q. And you're listed as the first officer who arrived?

A. Either myself or Deputy Muirhead would be first.

Q. And, obviously, you arrived on scene. And it

Matthew Colburn  
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1 looks like there's a little bit of weather outside, as  
2 well?

3 A. Correct.

4 Q. When you first got there, was it starting to  
5 rain?

6 A. No, sir, it had not started to rain yet.

7 Q. And then while you're observing the car, I guess  
8 it started to rain?

9 A. Shortly after everything. I'm probably  
10 guesstimating two hours into the scene.

11 Q. And once you see this car, can you tell the jury  
12 what type of car it is?

13 A. From my recollection, it was a dark-in-color  
14 Mercedes.

15 Q. Do you remember what year that was?

16 A. 2003.

17 Q. And is it also true you did an accident report  
18 for this, as well?

19 A. Correct.

20 Q. Another question that I have for you in terms of  
21 being familiar with the CAD on this particular case --  
22 you've already explained to the jury what a CAD is and  
23 what a CAD does and how you read it and understand it.  
24 Can you look at a CAD and tell actually how many 911 calls  
25 did come through on this case?

Matthew Colburn  
Cross-Examination by Mr. McCoy  
November 12, 2014

1 A. Me, personally, I cannot.

2 Q. And if I were to show the CAD to you, would you  
3 be able to tell?

4 A. Potentially.

5 Q. Potentially?

6 All right. I may do that. Do you still have it  
7 up there with you?

8 A. Yes, sir.

9 MR. MCCOY: May I approach the witness, Judge?

10 THE COURT: Yes.

11 MR. MCCOY: Thank you.

12 Q. [Mr. McCoy] And I know this one is probably a  
13 little bit more lengthy, I guess, than some of the others.  
14 I mean, is there a way for you to look at this and go  
15 through this and tell actually how many 911 calls came  
16 through?

17 A. I possibly could.

18 Q. Could you take a look at that and do that for  
19 me?

20 [Whereupon, the witness reviews documents]

21 A. From what I can gather, it looks to be at least  
22 three phone calls.

23 Q. [Mr. McCoy] Looking at three --

24 A. Yes, sir.

25 Q. -- from your understanding of the case?

Matthew Colburn  
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A. Yes, sir.

Q. Thank you for that.

And, also, in the first line of questioning that I kind of gave you, you indicated that you did a police report and you finished that after you basically left the scene. Do you remember in your police report where you labeled or said or remember that the trunk of the car was open?

A. No, sir. There's not in my incident supplement.

MR. MCCOY: I don't have any other questions, Judge. Thank you.

THE COURT: Mr. Apostolou?

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Matthew Colburn  
Cross-Examination by Mr. Apostolou  
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CROSS-EXAMINATION

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BY MR. APOSTOLOU:

Q. Officer Colburn, when you came across the Mercedes, you guys were already responding to shots fired?

A. Correct.

Q. Did you know that the Mercedes was involved in that incident or --

A. Not at all.

Q. At that time you certainly didn't?

A. No, sir.

Q. All right. And you had an opportunity to speak briefly with Mr. Chambers?

A. Correct.

Q. And I believe your testimony was in response to your query as to who shot him, he said Fat or Fet?

A. Correct.

Q. Never said anything about an armed robbery or anything like that?

A. No, sir.

Q. And once they tell you this, I mean, that's kind of important information; right?

A. Yes, sir.

Q. And so you put that up to -- in the chain, I believe you testified with Ms. Shealy?

A. Correct.

Matthew Colburn  
Cross-Examination by Mr. Apostolou  
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1 Q. And so that information is disseminated to all  
2 the other officers out there?

3 A. I couldn't tell you who all gets it.

4 Like I said, I advised my supervisor who would,  
5 in turn, provide it with our detectives.

6 Q. But he's going to provide it to most of the  
7 officers involved in the case?

8 A. I could not say who all he would provide it to.

9 Q. Fair deal. Fair deal.

10 But it's safe to say that Fat or Fet was a  
11 suspect in this case from the earliest moments of the  
12 case?

13 A. From what I ask who shot him, yes, sir.

14 MR. APOSTOLOU: That's all I've got.

15 THE COURT: Redirect?

16 MS. SHEALY: Briefly, Your Honor.

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Matthew Colburn  
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REDIRECT EXAMINATION

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BY MS. SHEALY:

Q. Looking at -- you have the CAD report still with you?

A. Yes, ma'am.

Q. Looking at the first couple of 911 calls, could you take a look at the description given and tell the jury at what time the victim/suspect called in?

A. It was a transfer from the City of Charleston Police Department at 2340.

Q. Look back at 2335:02.

A. Yes, ma'am.

Q. And does it describe the caller being on the scene and is the victim or the suspect? The first party?

[Whereupon, the witness reviews documents]

A. That caller says it was a first party and he hears gunshots.

Q. [Ms. Shealy] Okay. And so just to summarize what you're indicating, the first 911 call came in at 2334:17?

A. Correct.

Q. And some of those phone calls were being dispatched to another dispatch location and then transferred; is that correct?

A. There was a call that went into the City of

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1 Charleston, yes, ma'am. That was transferred over.

2 Q. And from your reading of the CAD report on that  
3 first page, you see at least three identified 911 calls?

4 A. Two on the first page.

5 Q. Look at 2335:39. Does it indicate the caller's  
6 name?

7 A. Goodall [phonetic]

8 Q. And that is a separate entry than the two that  
9 we just discussed?

10 A. Yes, ma'am.

11 Q. So that would actually be three?

12 A. Yes, ma'am.

13 Q. And that would have begun, then, at 2334 and the  
14 Goodall one at 3335 -- I'm sorry -- 2335. All within a  
15 minute?

16 A. Yes, ma'am.

17 MS. SHEALY: Okay. Thank you very much.

18 THE COURT: Recross?

19 MR. MCCOY: No, sir.

20 MR. APOSTOLOU: No, Your Honor.

21 THE COURT: You may step down.

22 [Whereupon, Mr. Colburn is excused and exits the  
23 witness stand]

24 THE COURT: Folks, I need to send you back out  
25 for just about five minutes while we take up a legal

Matthew Colburn  
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1 matter. We'll have you back in about five minutes.  
2 Don't begin deliberations or discuss the case. See  
3 you back very shortly.

4 MS. SHEALY: And, Your Honor, may he be excused?

5 THE COURT: Yes.

6 [Whereupon, the jury exits the courtroom at  
7 11:17 a.m.]

8 THE COURT: Lori, can you come up here? The  
9 lawyers can come up, too.

10 THE COURT REPORTER: Do you want this on the  
11 record?

12 THE COURT: Yes, make a record. Yeah.

13 I don't know how much you know about this, but  
14 we --

15 MS. PROCTOR: I know nothing.

16 THE COURT: Nothing.

17 All right. We've got a witness here. His name  
18 is Lorenzo --

19 How do you pronounce that?

20 MS. SHEALY: Mehciz.

21 THE COURT: Mehciz. He's out there.

22 Apparently, Peter's client was represented by Martha  
23 Kent at one time. But it's been a while. So this guy  
24 right here today is somebody that the State wants to  
25 call, has called, and he wants to assert the fifth.

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1 Ms. PROCTOR: Okay.

2 THE COURT: He doesn't have a lawyer. I think  
3 Jennifer's position is, well, he wants to assert the  
4 fifth. She doesn't -- she didn't charge him with  
5 anything.

6 According to the defense, he was told by a  
7 detective, if you don't cooperate we're going to  
8 charge you with accessory before and after the fact of  
9 murder. And there's some evidence about phone calls,  
10 that there were a lot of phone calls made.

11 So he may very well be able to assert the fifth,  
12 but I would like, if you're comfortable, when you go  
13 out to talk with him and you don't think you have a  
14 conflict --

15 MS. PROCTOR: Okay.

16 THE COURT: -- or you don't know anything about  
17 it.

18 See if he has a legitimate basis for asserting  
19 the fifth, because I don't want to -- if he doesn't  
20 want to cooperate, that's one thing, but if he has a  
21 basis for it, that's another thing.

22 MS. PROCTOR: Okay.

23 THE COURT: So can you have your -- whoever,  
24 show him --

25 MS. SHEALY: Uh-huh.

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1 THE COURT: -- introduce Lori to him.

2 MS. SHEALY: Okay.

3 THE COURT: He's out there.

4 MS. PROCTOR: Okay.

5 THE COURT: Okay?

6 MS. PROCTOR: Uh-huh.

7 THE COURT: Thank you.

8 All right. Have you got another witness?

9 MS. SHEALY: I do. Thomas Buckhannon.

10 THE COURT: Bring the jury back in.

11 [Whereupon, the jury enters the courtroom at  
12 11:21 a.m.]

13 THE BAILIFF: All jurors are present, Your  
14 Honor.

15 THE COURT: All right. Thank you. The State,  
16 call your next witness.

17 MS. SHEALY: Thomas Buckhannon

18 [Whereupon, Mr. Buckhannon comes forward]

19 THE CLERK OF COURT: Sir, if you would please  
20 place your left hand here, raise your right.

21 [Whereupon, Mr. Buckhannon is duly sworn by the  
22 clerk of court as follows: do you swear or affirm the  
23 testimony you will give the Court and the jury in the  
24 trial of this case will be the truth, the whole truth,  
25 and nothing but the truth, so help you God]

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THE WITNESS: Yes.

THE CLERK OF COURT: You may be seated.

[Whereupon, Mr. Buckhannon takes the witness stand]

THE CLERK OF COURT: Sir, once seated, if you could please state your first and last name. Spell your last loudly, clearly into the microphone, please.

THE WITNESS: Thomas Buckhannon. Last name B-U-C-K-H-A-N-N-O-N.

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FORM C-100 - LASER REPORTERS PAPER & MFG. CO. 800-626-6313

Thomas Buckhannon  
Direct Examination by Ms. Shealy  
November 12, 2014

1                   THOMAS BUCKHANNON,  
2                   Having Been First Duly Sworn,  
3                   was Examined and Testified as Follows:

4                   DIRECT EXAMINATION

5 BY MS. SHEALY:

6           Q. Deputy Buckhannon, tell the jury, please, where  
7 you're currently employed.

8           A. Charleston County Sheriff's Office.

9           Q. And were you employed there in May of 2012?

10          A. Yes, I was.

11          Q. And in what capacity are you currently employed  
12 there?

13          A. As a K-9 deputy.

14          Q. And what was your role in May of 2012?

15          A. I was assigned to the patrol division.

16          Q. The patrol division?

17          A. Yes.

18          Q. What are the duties for someone on the patrol  
19 division?

20          A. Respond to calls for service, alarms, any kind  
21 of crimes in progress, we take reports, start initial  
22 investigations, patrol for businesses, do residence  
23 checks.

24          Q. And if you could focus your attention for us,  
25 then, to May 16th of 2012. Did you receive a call to go

Thomas Buckhannon  
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1 out to the Cynthia Drive area?

2 A. Yes.

3 Q. What were you advised before you went out there?

4 A. We were dispatched for a report of shots fired  
5 in the area.

6 Q. When you arrived, did you first go onto Cynthia?

7 A. I went to Cynthia Drive where Deputy Muirhead  
8 was.

9 Q. And did you see the Mercedes that had wrecked  
10 into a truck?

11 A. I saw a vehicle that had wrecked into a truck,  
12 yes.

13 Q. Showing you, then, just to refresh your memory,  
14 State's Exhibit 45 -- I'm sorry -- 25. Is that a  
15 depiction of what you saw when you arrived at the scene?

16 A. Yes.

17 Q. And did you get there before or after EMS got  
18 there?

19 A. I was there before EMS had arrived.

20 Q. What did you do after arriving on Cynthia Drive?  
21 Were you asked to do something different?

22 A. Deputy Muirhead had gave me information that a  
23 male -- black male subject was seen running from the scene  
24 behind a house. He directed me, along with some City  
25 officers that were there assisting, to go look for this

Thomas Buckhannon  
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1 black male.

2 Q. And do you recall what the name of the street  
3 was that you went on?

4 A. I do not.

5 Q. Was it the street that was behind Cynthia Drive?

6 A. Yes. It's a street -- there's a bunch of houses  
7 under construction there.

8 Q. And how did you go from Cynthia Drive to that  
9 street?

10 A. You go --

11 Q. Did you walk it or drive it?

12 A. -- Stafford Drive? You went by car.

13 Just drove over there and went into the  
14 neighborhood that was under construction and made the  
15 first left.

16 Q. When you were back on Cynthia, was the man  
17 inside the vehicle still there?

18 A. He was.

19 I didn't actually approach the vehicle. I could  
20 see him at a distance. He was kind of slumped to the  
21 right.

22 Q. When you went over to the area where there was  
23 construction work being done, what did you do?

24 A. The way Deputy Muirhead had positioned his  
25 vehicle, there's a -- his spotlight illuminated the scene

Thomas Buckhannon  
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1 and you could actually see the glare from the spotlight  
2 through the trees. Because it was an area that was under  
3 construction there was no trees or anything obstructing,  
4 so you could see where it was. It was almost like  
5 directing -- kind of directing us to where we should start  
6 looking, because it was where the suspect was -- or,  
7 excuse me -- the black male was seen running.

8 Q. And when you were on -- the name of that road is  
9 Constantine Thorpe? Does that sound familiar?

10 A. It does.

11 Q. So when you were on Constantine Thorpe, did you  
12 go towards something? Did something draw your attention?

13 A. There was a bunch of houses under construction,  
14 and Port-A-Potties that were lined up around the street,  
15 and that's just where the spotlight was shining through so  
16 it seemed appropriate that if the male was seen running  
17 from that location, that's where he would run through.

18 So I exited my vehicle and started looking  
19 around the construction sites. You could see fresh  
20 footprints in the mud -- it was really muddy --  
21 threatening towards some houses under construction. And  
22 then from there, it went back towards the Port-A-Potty.

23 Q. And when you -- did you then approach the Port-  
24 A-Potty?

25 A. We did.

Thomas Buckhannon  
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1 Q. And you were saying there were some City  
2 officers, as well?

3 A. Yes.

4 Q. When you approached the Port-A-Potty, did you  
5 have your guns drawn?

6 A. We did.

7 Q. And at that point, did you know whether it was  
8 going to be a suspect or a victim inside the Port-A-Potty?

9 A. No.

10 Q. What did you do once you drew your gun and were  
11 at the Port-A-Potty? What do you ask the person inside to  
12 do?

13 A. We called the subject out, gave him verbal  
14 commands to come out with his hands up. He came out. He  
15 was very compliant. He had looked like he had been beat  
16 up. He was crying and stuttering and --

17 Q. Well, how would you describe his demeanor?

18 A. Extremely scared.

19 Q. And do you recall what he had on?

20 A. He had a black shirt on and dark-color pants.

21 Q. And could you tell the jury whether there was  
22 any obvious blood on him?

23 A. There appeared to be quite a bit of blood,  
24 especially on his pants.

25 Q. Could you tell from where on his body the blood

Thomas Buckhannon  
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1 was coming?

2 A. He had some abrasions to his face. It looked  
3 like he had been in a bar fight, almost. And he had some  
4 small cuts to his wrist.

5 Q. Did you ask him his name?

6 A. I did.

7 Q. And did he give you his real name?

8 A. Not right away. He gave us a false name and  
9 date of birth.

10 Q. And how did you realize that was not accurate?

11 A. Well, we ran him through our radio dispatcher  
12 and it just didn't add up. Nothing came back with that  
13 proper name and date of birth.

14 So I again said, look, what's your real name,  
15 what's your real date of birth, and he came clean after  
16 that. He told us his name was Jujuain Hemingway.

17 Q. And did all of that take place while you were  
18 still at the Port-A-Potty?

19 A. Yes.

20 Q. When y'all commanded that he exit the Port-A-  
21 Potty with his hands up, did he do so?

22 A. He was -- he was compliant.

23 Q. And after you got Jujuain Hemingway out of the  
24 Port-A-Potty, did you advise any supervisor?

25 A. I called Sargent B.K. Williams on the radio to

Thomas Buckhannon  
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1 advise him that we had somebody that was of interest that  
2 we found hiding in the Port-A-Potty.

3 Q. While you were out at that scene, did you ask  
4 him any details of what had happened?

5 A. He kept saying that -- he kept asking if his  
6 brother was dead. And he really didn't give a whole lot  
7 of details.

8 He was extremely upset and it was really hard to  
9 understand what he was saying because he was stuttering  
10 and he was crying and it's -- he just looked like  
11 everything had gone out of his mind. He was just looking  
12 all around trying to figure out what was going on.

13 Q. When you say that it was difficult to understand  
14 him, were you aware that he had had an injury to his mouth  
15 or not?

16 A. It appeared that he had had facial trauma, so he  
17 could have had a bloody mouth, but -- especially the  
18 sides of his face had blood on them, so really didn't  
19 know.

20 So at that time, we did call for EMS to respond  
21 over to where we were at that Port-A-Potty.

22 Q. Now, ultimately, you write a report, a  
23 supplemental report in this case; is that correct?

24 A. Ma'am?

25 Q. You wrote a supplemental report --

Thomas Buckhannon  
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1 A. Right.

2 Q. -- in this case?

3 Would it help you to refresh your memory?

4 A. Yes. Please.

5 Q. And would you please tell the jury whether or  
6 not Mr. Hemingway gave you any other details about how  
7 many people may have been involved or what their  
8 appearance was like?

9 A. The only thing he had told me at the time was  
10 there was two black males, one of them was wearing a red  
11 shirt, one of them was wearing a white shirt. But he  
12 wasn't able to give any other physical description or  
13 names or anything.

14 Q. And when he came out of the Port-A-Potty, would  
15 you describe for the jury whether it is important when  
16 there's a shooting that you focus in on the hands?

17 A. The reason we focus on the hands is because if  
18 somebody fires a weapon, they can have gunshot residue on  
19 their fingers or their hands. So try to make sure -- we  
20 try not to wash the hands or -- and possibly even bag the  
21 hands with paper bags so we don't try to jeopardize any  
22 kind of evidence that might be there.

23 Q. Now, while you were in the area of the Port-A-  
24 Potty, did you search the Port-A-Potty?

25 A. No, I did not.

Thomas Buckhannon  
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1 Q. And crime scene would have come later to do so?

2 A. Yes.

3 Q. Did you ask Mr. Heyward to remove anything from  
4 his pockets while y'all were at the scene?

5 A. No.

6 Q. Did you pat him down to make sure he had no  
7 weapon?

8 A. We did. We patted him down to make sure he  
9 didn't have any weapons on him.

10 Q. You called EMS?

11 A. Huh?

12 Q. Did you call EMS?

13 A. Yes, EMS was called.

14 Q. And are you aware of whether or not he went to a  
15 hospital that evening?

16 A. He did. He was transported to the Medical  
17 University Children's Hospital.

18 Q. And the Children's Hospital because he was  
19 seventeen?

20 A. Right. He was still a juvenile at the time.

21 Q. Did you, in fact, go to the hospital?

22 A. I did. I followed behind the ambulance.

23 Q. And when you got to the hospital, did any  
24 officer stay with him?

25 A. I did. I stayed with him until a detective

Thomas Buckhannon  
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1 arrived.

2 Q. Did he want to travel to the hospital in a  
3 police car?

4 A. No. He was pretty adamant about not wanting to  
5 get in the back of the police car.

6 And we kind of knew -- that gut feeling that  
7 knew that he was the victim, so we treated him with as  
8 much respect as we could and talked him into getting an  
9 ambulance and get transported.

10 Q. When you were at the hospital with him, then,  
11 how long did you stay with him?

12 A. I would say between thirty or forty-five  
13 minutes. Until Detective Perkins arrived.

14 Q. And Detective Perkins, that's James Perkins?

15 A. Yes.

16 Q. And he's with the Charleston County Sheriff's  
17 Office?

18 A. He is. He's in the detective division.

19 Q. When you were at the hospital prior to Detective  
20 Perkins coming, could you tell the jury whether you gave  
21 any instruction to the EMS drivers and personnel and to  
22 the hospital personnel regarding Jujuan Hemingway's  
23 hands?

24 A. I did. When EMS was on scene, I told them try  
25 not to mess with the hands, to let me know if they had to

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1 do anything such as start an IV or something where they  
2 might have to wipe some alcohol or anything on his hands.

3 And then, of course, when we got to the  
4 hospital, I informed the doctors and the nurses of the  
5 situation, that there was a shooting, that at the time we  
6 didn't know what his involvement was and that we wanted to  
7 try to preserve the evidence, to try not to wash his hands  
8 or wipe anything on them.

9 However, we did understand that if they had to  
10 start an IV or something, that we would document it.

11 Q. And was an IV started?

12 A. I don't remember.

13 Q. When Detective Perkins arrived, were you present  
14 while he did swabbing of the hands?

15 A. He did -- I was present when he did the gunshot  
16 residue kit.

17 Q. And that's when someone swabs the back and  
18 the -- the back of the hand, the palm of the hand, and the  
19 fingers --

20 A. Right.

21 Q. -- for the purposes of having that analyzed?

22 A. Yes.

23 Q. And then Detective Perkins did that in this  
24 case?

25 A. He did, yes.

Thomas Buckhannon  
Direct Examination by Ms. Shealy  
November 12, 2014

1 Q. And you watched that process?

2 A. I did.

3 Q. Now, do you recall whether or not there were any  
4 items taken off of Mr. Hemingway at the hospital?

5 A. Items out of his pockets. I placed them in an  
6 evidence bag.

7 Q. Do you recall what those items were?

8 A. No, I don't.

9 Q. And who would you have given that evidence bag  
10 to?

11 A. To the evidence technicians.

12 Q. Were there bullets?

13 A. Huh?

14 Q. Were there bullets?

15 A. No. I don't remember --

16 Q. Was there a large amount of cash?

17 A. I can't remember.

18 Q. You didn't note the contents in your report, did  
19 you?

20 A. No, I did not.

21 Q. Had it been something that you perceived as  
22 evidentiary, would you have noted it in your supplemental  
23 report?

24 A. Certainly.

25 Q. When Mr. Hemingway was at the Children's

Thomas Buckhannon  
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Hospital, was he laying on a gurney?

A. He was -- he was laying on a hospital bed.

Q. What, if anything, was he asking while he was there?

A. He kept asking about his brother, wanted to know if he was dead or not.

Q. And while you were there, did you learn whether or not Mr. Chambers had died?

A. I hadn't while I was there.

Q. So were you present with Mr. Heyward when he learned that?

A. No.

MS. SHEALY: Beg the Court's indulgence just a moment.

I have no further questions. Please answer any that the defense may have.

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Thomas Buckhannon  
Cross-Examination by Mr. Apostolou  
November 12, 2014

CROSS-EXAMINATION

1  
2 BY MR. APOSTOLOU:

3 Q. Deputy Buckhannon, there's been allegations of  
4 armed robbery in this case. Did you know that at the  
5 time?

6 A. No.

7 Q. You didn't happen to know that information at  
8 all?

9 A. I didn't know anything about it.

10 Q. Did you know that somebody had been shot?

11 A. Yes.

12 Q. And when Mr. Hemingway was at MUSC, you emptied  
13 the contents of his pockets?

14 A. Yes.

15 Q. And I believe Ms. -- in response to Ms. Shealy's  
16 question, you testified that had it been something of  
17 evidentiary value you would have --

18 A. It would have been noted.

19 Q. It would have been noted.

20 Isn't everything inside his pockets of  
21 evidentiary value when somebody's been shot?

22 A. Yes.

23 Q. But it's not documented anywhere in this case  
24 what the contents of his pockets were?

25 A. I placed them directly into the evidence bags

Thomas Buckhannon  
Cross-Examination by Mr. Apostolou  
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1 and let the forensic guys deal with that.

2 Q. So the contents of Mr. Hemingway's pockets are  
3 in evidence --

4 A. Yes.

5 Q. -- with the Charleston County Sheriff's  
6 Department?

7 A. I placed them into evidence bags.

8 Q. When you first get out there on the scene and  
9 you see Mr. Hemingway, you found him in the Port-A-Potty?

10 A. Yes.

11 Q. And I believe you described him as having  
12 abrasions on his face from cuts on --

13 A. Right.

14 Q. -- his hands and wrists area?

15 A. Right.

16 Q. And you said it looked like he had been in a bar  
17 fight; is that correct?

18 A. Correct.

19 Q. And when you first pulled him out, he gave you a  
20 false name?

21 A. Yes, he did.

22 Q. And did you just say, hey, you know, what's your  
23 name?

24 A. I said -- when we Mirandized him, I asked him  
25 what his name was.

Thomas Buckhannon  
Cross-Examination by Mr. Apostolou  
November 12, 2014

- 1 Q. Okay. So you Mirandized him first?
- 2 A. Yes.
- 3 Q. And what name did he give you?
- 4 A. I can't remember.
- 5 Q. You don't remember?
- 6 A. No.
- 7 Q. That's not something you would put in your
- 8 police report?
- 9 A. No.
- 10 Q. But he gave you a fake name and a fake date of
- 11 birth?
- 12 A. That's correct.
- 13 Q. And you took that information and you ran it
- 14 into the computer?
- 15 A. I called the dispatcher and had -- and ran the
- 16 name and date of birth.
- 17 Q. And you said, all right, here's his name. And
- 18 the dispatcher comes back and says?
- 19 A. She said there's no match, there's nothing on
- 20 file for that.
- 21 Q. And so then you go back to Mr. Hemingway?
- 22 A. I go back and said, look, what's your real name,
- 23 where are you from, what's your date of birth, and he told
- 24 me he was from Horry County and he gave his right name and
- 25 date of birth.

Thomas Buckhannon  
Cross-Examination by Mr. Apostolou  
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- 1 Q. Did he indicate he knew where he was?
- 2 A. He said he had no clue where he was.
- 3 Q. Did he indicate why he was there?
- 4 A. No.
- 5 Q. Did you ask him?
- 6 A. I did.
- 7 Q. You did?
- 8 A. He kept asking if his brother was dead. That
- 9 was his only question back to me.
- 10 Q. But your questions to him, did you ask him why
- 11 are you here?
- 12 A. I did, yes.
- 13 Q. And he never responded?
- 14 A. No.
- 15 Q. Did you ask him what happened?
- 16 A. No.
- 17 Q. You did not?
- 18 A. No.
- 19 Q. You described his demeanor. Would you say he
- 20 was cooperative with you?
- 21 A. Mr. Hemingway?
- 22 Q. Yes.
- 23 A. Yeah. He was compliant.
- 24 Q. He was compliant. Was he cooperative?
- 25 A. A little bit.

Thomas Buckhannon  
Cross-Examination by Mr. Apostolou  
November 12, 2014

1 Q. A little bit? And a little bit not, too?

2 A. A little bit when he gave -- when he figured out  
3 we were -- when he gave his right name and date of birth,  
4 he became cooperative.

5 Q. When you were on the scene, you're hooked up  
6 with a microphone to everybody -- all the other police  
7 officers?

8 A. Do what?

9 Q. Y'all have a radio?

10 A. Yeah.

11 Q. And y'all are all linked together, basically?

12 A. Yes.

13 Q. And so there's been evidence already in this  
14 testimony that the name of Fat was developed as a suspect  
15 in this case. Did you know that when you were roadside?

16 A. No, I didn't.

17 Q. Did you learn it at any point while you were in  
18 Mr. Heyward's presence?

19 A. No.

20 Q. You went to MUSC with him?

21 A. Yes.

22 Q. Did anybody question him at MUSC?

23 A. Detective Perkins began his questioning.

24 Q. Okay. And did you hear any of that questioning?

25 A. No, other than getting his name and where he was

Thomas Buckhannon  
Cross-Examination by Mr. Apostolou  
November 12, 2014

1 from. And then I left.

2 Q. And he was truthful on that information with the  
3 detective?

4 A. Yeah. To the best of my knowledge he was.

5 Q. What about what EMS and the hospital -- did they  
6 question him about what happened out there or anything to  
7 that effect?

8 A. No.

9 I told them it was still under investigation, so  
10 they were more or less concerned with his injuries than  
11 they were with what happened.

12 Q. And the same thing at MUSC?

13 A. Right.

14 Q. And so Detective Perkins comes on scene and he  
15 starts to interview him?

16 A. Right.

17 Q. Right? And that's -- and you didn't hear  
18 anything and left?

19 A. No. I left.

20 Q. And let's just go back briefly to the contents  
21 of his pockets. You would have put that in an evidence  
22 bag?

23 A. I place -- yes, everything from his pockets was  
24 placed into an evidence bag.

25 Q. And then what do you do with that?

Thomas Buckhannon  
Cross-Examination by Mr. Apostolou  
November 12, 2014

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A. Take them back to the scene, give them to the forensics person.

Q. Do you remember specifically who that was?

A. Do what?

Q. Do you remember specifically who that was on this evening?

A. No.

MR. APOSTOLOU: Court's indulgence.

I have no further questions, Judge.

MR. MCCOY: Very briefly, Judge.

Officer Buckhannon, thank you for being here and thank you for your testimony.

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FORM C-100 - LASER REPORTERS PAPER & MFG. CO. 800-626-6313

Thomas Buckhannon  
Cross-Examination by Mr. McCoy  
November 12, 2014

## CROSS-EXAMINATION

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BY MR. MCCOY:

Q. You mentioned a little bit earlier -- at the beginning of Ms. Shealy's testimony, you talked about your initial observations of Mr. Hemingway once he came out of the Port-A-Potty; is that correct?

A. Yeah.

Q. And you mentioned -- in your direct testimony, you talked about him having some facial trauma, you talked about him having some cuts on his wrist.

A. Right.

Q. Can you describe the facial trauma to me?

A. Like abrasions, almost like maybe road rash.

Q. Road rash.

Or, I mean, does it look like cuts or are they open wounds?

A. Yeah. They was bleeding pretty badly. But it was pretty dark out there, as well.

Q. Is it on the top of his head, side of his head?  
I mean --

A. All around. Facial area.

Q. All around? Facial area?

I mean, it's not directed at a particular place?  
It could be the front, could be on the side --

A. Correct.

Thomas Buckhannon  
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1 Q. -- a little bit everywhere?

2 A. It was a lot of blood so I didn't really know  
3 where it was coming from, and I'm not a doctor so I didn't  
4 start to treat him.

5 Q. I understand. I've got you.

6 You also mentioned a little bit about him having  
7 some lacerations on his wrists, too. What drew your  
8 attention to that?

9 A. My what?

10 Q. What drew your attention to that?

11 A. Well, you know, checked him out all over to make  
12 sure he didn't have any weapons on him, make sure he  
13 wasn't injured more seriously than what we thought he  
14 might be. Just looking at everything about him.

15 Q. Can you describe those lacerations that were on  
16 his wrists?

17 A. It's almost like -- like, again, road rash, like  
18 he fell on the road or fell on a hard surface and cut the  
19 wrist. Not --

20 Q. Was it several cuts, or was it one cut, or was  
21 it on the outside or the inside of the wrist?

22 A. They were on the insides, all over the wrists,  
23 like he had skidded across the ground.

24 Q. So it was all over his wrists?

25 A. Right.

Thomas Buckhannon  
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1 Q. And they were -- and he was cut. Was he  
2 bleeding pretty badly from his wrists?

3 A. He was -- no. There was more blood. He was  
4 bleeding badly from the face.

5 Q. So when you say it was all over his wrists,  
6 we're talking about on the outsides --

7 A. Right.

8 Q. -- and on the -- and on the insides?

9 A. Right.

10 Q. Were there any cuts or lacerations that went up  
11 his arm or were they centered around the wrist area?

12 A. More or less around the lower-arm area of the  
13 wrist.

14 Q. Lower arm. So middle to forearm, maybe --

15 A. Right.

16 Q. -- going down --

17 A. Yeah.

18 Q. -- to the wrists? Is that fair to say?

19 A. Yeah..

20 MR. MCCOY: If you can give me one moment,  
21 Judge.

22 [Whereupon, Mr. McCoy and Ms. Turner confer]

23 MR. MCCOY: And just a final question, Officer.

24 Q. [Mr. McCoy] When you were with Hemingway at  
25 MUSC and y'all were having that conversation back and

Thomas Buckhannon  
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1     forth and you were trying to kind of have -- kind of pull  
2     a little bit of information about him but he kept asking  
3     about his brother, kept asking about his brother, did he  
4     say anything to you about being arm robbed that night?

5             A.     No.

6             MR. MCCOY: Thank you, Judge.

7             THE COURT: Redirect?

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Thomas Buckhannon  
Redirect Examination by Ms. Shealy  
November 12, 2014

## REDIRECT EXAMINATION

BY MS. SHEALY:

Q. Deputy Buckhannon, what appeared to be the most important thing to Jujuan Hemingway that night?

A. Whether or not his brother was dead or not.

Q. And you described his injuries to Mr. McCoy as looking like someone had skidded over pavement?

A. Right.

Q. Road rash?

A. Right.

Q. Now, when -- educate the jury about this. When there is an investigation like this, are different officers given different assignments?

A. Yes.

Q. And even amongst the detectives, one detective might be asked to do GSR collection, another detective asked to interview, et cetera; is that correct?

A. Correct.

Q. And y'all learn of those assignments how?

A. How do we learn of them?

Q. I mean, does someone direct you to go do something?

A. Generally a supervisor will say, you do this, I want you to do this, somebody else do this.

Q. And at the time, you've indicated you were a

Thomas Buckhannon  
Redirect Examination by Ms. Shealy  
November 12, 2014

1 deputy and not a detective?

2 A. Right.

3 Q. Is that correct?

4 A. Just a patrol deputy.

5 Q. And you were told to go locate the person who  
6 had fled the scene?

7 A. Correct.

8 Q. Now, Detective Perkins you've told us came in to  
9 do the GSR collection kit --

10 A. Correct.

11 Q. -- is that correct?

12 Were you present to know whether or not

13 Detective Perkins interviewed Mr. Heyward?

14 A. No. I left shortly after he was done doing the  
15 GSR kit.

16 Q. And do you have any familiarity with whether or  
17 not when someone has just been injured and their brother  
18 has been shot, that that's the best time to ask them a  
19 bunch of questions?

20 A. It's a very traumatic, emotional time.

21 MS. SHEALY: Okay. I have no further questions,  
22 Thank you.

23 THE COURT: Recross?

24 MR. APOSTOLOU: No, Judge. No questions.

25 MR. MCCOY: No, sir.

Thomas Buckhannon  
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1 THE COURT: You may step down.

2 MS. SHEALY: And may he be excused, Judge?

3 THE COURT: You are free to go. Thank you.

4 [Whereupon, Mr. Buckhannon exits the witness  
5 stand]

6 MS. SHEALY: The State calls Ms. Verna Lockhart-  
7 Carter.

8 [Whereupon, Ms. Lockhart-Carter comes forward]

9 THE CLERK OF COURT: Ma'am, if you would please  
10 place your left hand here. Raise your right.

11 [Whereupon, Ms. Lockhart-Carter is duly sworn by  
12 the clerk of court as follows: do you swear or affirm  
13 the testimony you will give the Court and the jury in  
14 the trial of this case will be the truth, the whole  
15 truth, and nothing but the truth, so help you God]

16 THE WITNESS: Yes.

17 THE CLERK OF COURT: You may be seated. Ma'am,  
18 once seated, if you could please state your first and  
19 last name and then spell your last loudly and clearly  
20 into the microphone, please.

21 [Whereupon, Ms. Lockhart-Carter takes the  
22 witness stand]

23 THE WITNESS: Verna Carter. C-A-R-T-E-R.

24 MS. SAVAS: Hi.

25 THE WITNESS: Hi.

Verna Lockhart-Carter  
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VERNA LOCKHART-CARTER,

Having Been First Duly Sworn,  
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. SAVAS:

Q. Do you also go by Ms. Verna Lockhart-Carter, as well?

A. Yes.

Q. Okay. And can you please tell us where you live?

A. [REDACTED] Cynthia Drive.

Q. And what do you do for a living?

A. I'm a bus driver.

Q. And back in May, 2012, where were you living?

A. [REDACTED] Cynthia Drive.

Q. So the same address?

A. Correct.

Q. And do you have children?

A. Yes.

Q. How many children do you have?

A. Four.

Q. And can you please name your children for us?

A. Vernel L [REDACTED], Verna L [REDACTED], Christopher Ha [REDACTED], and Lorenzo Mehcziz.

Q. And how old is Lorenzo?

Verna Lockhart-Carter  
Direct Examination by Ms. Shealy  
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1 A. Twenty-one.

2 Q. And how old was he then back in 2012? Does that  
3 make him --

4 A. 2012? Nineteen.

5 Q. Nineteen? Okay.

6 And I'm going to show you something. If you'll  
7 let me know if you identify that person.

8 A. Yes.

9 Q. You do? Okay.

10 MS. SAVAS: Your Honor, the State would like to  
11 introduce a photo, State's Exhibit Number 123.

12 MR. MCCOY: Judge, may I approach momentarily?

13 [Whereupon, an off-the-record bench conference  
14 is held]

15 Q. [Ms. Savas] Ms. Lockhart, can you please tell  
16 us who this photo is of?

17 A. My son, Lorenzo Mehciz.

18 Q. Thank you.

19 MS. SAVAS: The State would like to admit this  
20 into evidence as State's Exhibit Number 123.

21 THE COURT: Over defense's objection, it's  
22 admitted.

23 MS. SAVAS: Thank you, Your Honor.

24 [Whereupon, State's Exhibit Number 123 is  
25 admitted into evidence by the Court]

Verna Lockhart-Carter  
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1 Q. [Ms. Savas] And Ms. Mehciz [phonetic], if I  
2 show you what's marked as State's Exhibit Number 1, can  
3 you please tell us what this is a photo of?

4 A. My house.

5 Q. That's your house?

6 A. Correct.

7 Q. And what was that address again?

8 A. [REDACTED] Cynthia Drive.

9 Q. Thank you.

10 And do you know the cell-phone number of your  
11 son Lorenzo?

12 A. Yes, I do.

13 Q. What is that phone number?

14 A. 843-297-06 [REDACTED]

15 Q. And is that the same phone number he had back in  
16 May, 2012?

17 A. Yes.

18 Q. And let's go back to that incident. Back on May  
19 16th, 2012, do you recall what you were doing that day  
20 later into the evening?

21 A. Working.

22 Q. Working.

23 And about what time did you come home that  
24 evening?

25 A. I know it was already dark but I can't give a

Verna Lockhart-Carter  
Direct Examination by Ms. Shealy  
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1 specific time. It was after 6:00, I know that.

2 Q. After six o'clock? What time do you usually get  
3 off work?

4 A. At 6:00.

5 Q. At 6:00?

6 A. Correct.

7 Q. How long does it usually take you to get home?

8 A. About thirty minutes.

9 Q. Okay. About thirty minutes. So it was after  
10 6:00.

11 And when you came home that evening, was anyone  
12 else at your home?

13 A. The first time, no.

14 Q. Did you leave and come back?

15 A. Yes. I work two jobs, so yes.

16 Q. And when you came back the second time, was  
17 anyone at your home?

18 A. Yes. My son was outside.

19 Q. Your son --

20 A. Yeah.

21 Q. -- Lorenzo?

22 A. Correct.

23 Q. And what was he doing outside?

24 A. He was talking to somebody outside.

25 Q. Do you know who that person was?

Verna Lockhart-Carter  
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November 12, 2014

1           A.    When I pulled up in the yard and I got out of  
2 the car and I said, hey, Lorenzo, and he said, hey, mom,  
3 and I say, who that is you're talking to and he said, Fat.  
4 And so --

5           MR. APOSTOLOU: Your Honor, I'm going to object  
6 to anything that Lorenzo -- I mean, that her son tells  
7 her. That's hearsay.

8           THE COURT: You can't state what somebody else  
9 told you.

10          MS. SAVAS: Your Honor, the State would state  
11 that it's under 803(1) [phonetic]. It's an exception  
12 for present sense impression.

13          This is actually at the time of the incident  
14 occurring. He is describing to her the details at  
15 that time during the incident. As a present sense  
16 impression, it's an exception to hearsay.

17          [Whereupon, a bench conference is held as  
18 follows].

19          THE COURT: What is it that you want to ask her?

20          MS. SAVAS: Just if she can identify who that  
21 was -- who he was speaking to.

22          MR. APOSTOLOU: She didn't see the person.

23          MS. SAVAS: He tells her -- she did see the  
24 person. She said that she had saw them when they came  
25 up -- when she came into the driveway and asked to

Verna Lockhart-Carter  
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1 identify them. And she just stated that she  
2 [phonetic] said that, oh, this is Fat, and she begins  
3 talking about her conversation that she had with Fat.  
4 And Lorenzo had told her, also, who was in the car  
5 with him. We were going to get into that in a minute.

6 But we believe it also falls under a present  
7 sense impression. It's actually as events are  
8 occurring. He's talking to her during the incident,  
9 which is an exception.

10 THE COURT: Present sense impression is just him  
11 telling her --

12 MS. SAVAS: Her --

13 THE COURT: -- something?

14 MS. SAVAS: -- who the people are as this is  
15 going on. Because this actually occurs right when  
16 Lorenzo and Denzel Heyward were having the  
17 conversation about hitting a lick, so this is actually  
18 at the immediate time that the incident begins.

19 THE COURT: I'm going to have to send the jury  
20 out to hear what you're saying.

21 MS. SAVAS: Yes, Your Honor.

22 [Whereupon, bench conference concludes]

23 THE COURT: I need to send y'all out for a few  
24 minutes while we take up a matter of law.

25 [Whereupon, the jury exits the courtroom at

Verna Lockhart-Carter  
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1 11:53]

2 THE COURT: Set the background for what it is  
3 you want to ask her, now.

4 MS. SAVAS: Yes, Your Honor.

5 What we're going to ask her is some basic  
6 questions when she came into the house, who was there  
7 at the time. Her son was there. Who he was speaking  
8 with, exactly. Her son tells her that it's Fat. As  
9 well as was there anyone else present at their house  
10 at the time. Her son Lorenzo tells her the names of  
11 Reef and Trina. And we wanted to get that information  
12 out of her placing him at the scene. This is the  
13 exact moment in time when Lorenzo and Denzel begin to  
14 talk and he informs him of hitting a lick and puts  
15 them at the scene. And right after this is when she  
16 begins to hear the gunshots occur.

17 This is all very simultaneous. When she arrives  
18 home, it's later in that evening when the events start  
19 to unfold. So we believe that it is an exception to  
20 hearsay under the present sense impression, Your  
21 Honor, because he is explaining and describing the  
22 events as they are actually unfolding, to her,  
23 describing who was there.

24 THE COURT: Let me hear what she's got to say.  
25 Go ahead. Ask her.

Verna Lockhart-Carter  
Proffered Testimony by Ms. Savas  
November 12, 2014

PROFFERED TESTIMONY

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BY MS. SAVAS:

Q. And did Lorenzo tell you who was there --

THE COURT: Wait a minute. Stop. Go back.

MS. SAVAS: Yes.

THE COURT: When did this conversation take place?

Q. [Ms. Savas] Ms. Lockhart --

A. Yes?

Q. -- when you spoke with your son, when did this conversation take place?

A. When I pulled up and I got out of the car.

Q. And were there other people present at that time?

A. It was just him and another guy at the time.

Q. And this is when you came home from work that evening?

A. Yes.

Q. And you said that you had been there at six o'clock; correct?

A. Yes.

Q. You left and then you came back?

A. Correct.

Q. How long were you gone for?

A. Three hours.

Verna Lockhart-Carter  
Proffered Testimony by Ms. Savas  
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1 Q. About three hours --

2 A. Correct.

3 Q. -- so it's about nine o'clock?

4 A. Correct.

5 THE COURT: So this took place how long after  
6 this incident took place? This shooting.

7 MR. APOSTOLOU: It took place before, Judge.

8 MR. MCCOY: Before, Judge.

9 MR. APOSTOLOU: Two and a half hours.

10 MS. SAVAS: It took place before, Your Honor.

11 And if I may?

12 Q. [Ms. Savas] Ms. Lockhart-Carter, were they  
13 still at your house? After you spoke with your son in the  
14 driveway, were you still at the house?

15 A. Yes.

16 Q. Were they still at the house at that time?

17 A. Correct.

18 Q. And later on, you -- did you hear any other  
19 noises outside?

20 A. No.

21 I went in the house. Later on, Lorenzo -- about  
22 five or ten minutes, Lorenzo came in behind me.

23 Q. And do you know exactly which time you came home  
24 that evening the second time? Are you sure that it was  
25 around 8:00, nine o'clock? Do you think that maybe it

Verna Lockhart-Carter  
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November 12, 2014

1 could have been later?

2 A. No. It couldn't have been later.

3 Q. And when Lorenzo came back inside, what happened  
4 after that?

5 A. He came inside and I heard the shower run. He  
6 was getting ready to go in the shower.

7 Q. And what happened next?

8 A. And I went in my bed -- I went in my room and I  
9 got in my bed.

10 Q. And did you hear anything outside later?

11 A. Later on I heard a boom. And the first thing  
12 came to my mind, I was like -- the transformers go out in  
13 our neighborhood. I said, oh, a transformer getting ready  
14 to blow. Because it was a rainy night.

15 So I laid back down in the bed. Then I heard  
16 boom, boom. And I went outside again and I was like,  
17 okay, we're getting ready to lose power. And when I went  
18 outside, it was no lights -- you know, there were lights  
19 going outside. Everybody house had they porch lights on.

20 So I looked to my left of my house and there was  
21 a car down the street and I said, oh, somebody giving a  
22 jump. And I came back in my house and closed my door,  
23 went back in my bed.

24 Q. And about how long from when you arrived home  
25 the second time in the driveway, and had the conversation

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1 with Lorenzo, until that time from the shots? How much  
2 time do you think had passed?

3 A. Can't exactly -- maybe -- I can't recall  
4 exactly.

5 Q. A few hours, do you think? Or maybe was it  
6 thirty minutes, ten minutes?

7 A. It was longer than thirty minutes. Like I can  
8 tell it could have been thirty -- more than thirty  
9 minutes, because I already had laid down.

10 Q. Okay.

11 A. Yes.

12 Q. But it was still that same night?

13 A. Same night.

14 Q. And you hadn't left or Lorenzo hadn't left the  
15 house, that you're aware of, between that time?

16 A. No.

17 THE COURT: So he hadn't left the house. What  
18 is it that you want her -- what are you trying to  
19 elicit from her?

20 MS. SAVAS: I'm just trying to show that this  
21 all happened within the same sequence of events, Your  
22 Honor, from the time she came home. They were still  
23 at the house at the time. They had --

24 THE COURT: They being who?

25 MS. SAVAS: I'm sorry. The defendants, Your

Verna Lockhart-Carter  
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1 Honor. Denzel Heyward and the other male that she had  
2 seen out there with him.

3 THE COURT: Well, she can say who was at her  
4 house.

5 MS. SAVAS: Right.

6 And what I have not asked her, Your Honor --  
7 you're correct -- is I was going to ask her at the  
8 time in the driveway speaking with Lorenzo, did he  
9 tell you who else was there.

10 MR. APOSTOLOU: Exactly. She didn't see who was  
11 at the house. She doesn't know. She got it from  
12 Lorenzo. So if Lorenzo wants to testify about it --  
13 I'm sorry.

14 THE COURT: There are two separate conversations  
15 you're trying to get in here, or just one? I'm a  
16 little bit --

17 MS. SAVAS: I'm sorry, Your Honor. Just one  
18 conversation.

19 THE COURT: And this is after the shooting took  
20 place?

21 MS. SAVAS: This is prior to the shooting.

22 She came home and found Lorenzo in the driveway  
23 and he was with Fat, the defendant, and another male  
24 who was the other codefendant here, Mr. Dashaun --

25 THE COURT: Well, she can say that --

Verna Lockhart-Carter  
Proffered Testimony by Ms. Savas.  
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1 MS. SAVAS: -- and Quasantrina was there.

2 THE COURT: -- who she saw.

3 MS. SAVAS: She only used the names, Your Honor,  
4 of the two -- of the other codefendant and the female,  
5 from Lorenzo telling her that.

6 THE COURT: Okay.

7 MS. SAVAS: So I was wanting to ask her that.  
8 But I did not ask her that just yet because I thought  
9 that you wanted to check the timing on everything.

10 THE COURT: So she -- you want her to say she  
11 saw her son and a couple other guys but she didn't  
12 recognize them?

13 MS. SAVAS: She only -- when she spoke with us,  
14 she had said that she recognized Fat, because he told  
15 her it was Fat, but she also recognized him because  
16 they were friends. And then she, you know, said who  
17 else was in the car and he comes out and says Reef and  
18 Quasantrina, which places the codefendant -- Dashaun,  
19 and Quasantrina are with him at the scene at that  
20 time.

21 Those are the only two statements that I wanted  
22 to pull out of her of what Lorenzo had told her.

23 THE COURT: And this was all prior to the --

24 MS. SAVAS: This was just before the incident,  
25 when they had come to his house.

Verna Lockhart-Carter  
Proffered Testimony by Ms. Savas  
November 12, 2014

1 THE COURT: You say just before.

2 MR. APOSTOLOU: Two hours.

3 MR. MCCOY: Two hours, two and a half hours,  
4 before.

5 THE COURT: Well, it's --

6 MS. SAVAS: And the comment isn't quite -- I  
7 understand the confusion. The time isn't quite lined  
8 up perfectly. She said that she came home at 8:00 and  
9 then about thirty minutes later she heard a gunshot  
10 but we've heard through the CAD report that the  
11 gunshots were around 11:30, a different time. I  
12 understand their concern with the timing.

13 However, they were still within the same event,  
14 as far as them all being there that night when they  
15 came home. It was just a sequence of events, Your  
16 Honor. They had met with him and told him what was  
17 going on immediately in the driveway, which I was not  
18 going to elicit from her what they told her.

19 THE COURT: Do you want to be heard, either of  
20 you?

21 MR. APOSTOLOU: I would like to be heard, Judge.

22 MR. MCCOY: I'll let Alex go first.

23 MR. APOSTOLOU: Ms. Lockhart-Carter's testimony  
24 is that of a neighbor like we have heard before: I  
25 was at my home, I heard shots. I don't have any

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1 problem with that.

2 But she -- the only way she found out anything  
3 about who was out there was Lorenzo told her. If she  
4 could testify to what she saw and she says, I saw Fat,  
5 I don't have a problem with that. But that's not what  
6 her testimony is. Her testimony has been that she  
7 talked to her son Lorenzo and Lorenzo said -- Lorenzo  
8 is the person that we've already addressed. And if he  
9 wants to get on the stand and then tell what he saw.  
10 But to try to backdoor what he saw through this and  
11 through a present sense impression, incorrect, Your  
12 Honor.

13 THE COURT: Do you want to say --

14 MR. MCCOY: That's the --

15 THE COURT: Do you want to add anything?

16 MR. MCCOY: That's the problem with having two  
17 lawyers arguing the same point. I don't want to be  
18 redundant and say what Mr. Apostolou has already said.

19 THE COURT: But just for the purposes of the  
20 record --

21 MR. MCCOY: I do object.

22 THE COURT: -- in case there's --

23 MR. MCCOY: Well, I --

24 THE COURT: -- inconsistent verdicts, you want  
25 to be on the record and I'm giving you the

Verna Lockhart-Carter  
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1 opportunity.

2 MR. MCCOY: Well, I appreciate it, Judge, and  
3 again, I --

4 THE COURT: You can just say --

5 MR. MCCOY: -- do object --

6 THE COURT: -- I join in his argument, if you  
7 want.

8 MR. MCCOY: Well, I appreciate that.

9 But I think it's classic hearsay, Judge. I  
10 mean, you can't have somebody come in here and testify  
11 as to what somebody else told them based on the fact  
12 that there's a -- to me, there's a perceived issue  
13 with their other witnesses they're trying to get this  
14 information through. I think it's a backdoor way to  
15 get the information in, Judge, and I would object.

16 MR. APOSTOLOU: And a presence sense impression,  
17 Judge, is how do you perceive something immediately in  
18 that time period? She's still testifying to what  
19 Lorenzo told her.

20 THE COURT: Well, it sounds to me like she could  
21 -- if she can -- what I'm hearing you say she's going  
22 to say is, I looked out and I saw my son and he was  
23 with a couple of people. And if he recognized -- if  
24 she recognized one of them, she can identify them. If  
25 she can't, she just -- they're unidentified. But then

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1 for him to later on come back in the house and she  
2 say, who was that out there with you, that's hearsay  
3 and I don't believe it falls under the present sense  
4 of impression exception of him describing an event.

5 You're asking that -- for an identification to  
6 take place, is the purpose, and not an actual  
7 description of somebody who was there and observing  
8 what was going on with a spontaneous statement, in  
9 essence.

10 I won't allow her to say what Lorenzo said was  
11 out there with her. But to the extent that she can  
12 say there were people out there, whether or not she  
13 can identify them on her own, is another matter. If  
14 she can -- she can testify her son was out there and  
15 that she saw people in the car with them and if she  
16 can identify one of them, or more than one of them,  
17 she can identify them. But she can't -- I won't allow  
18 you to -- her then testify that later on Lorenzo came  
19 in and she asked, who was in the car with you.

20 MS. SAVAS: Yes, Your Honor. I understand that.  
21 And I apologize for the confusion. And this is my  
22 fault.

23 But while she was still outside with Lorenzo,  
24 she asked who else was there and that is when he said  
25 Reef and Trina. It was not after he came back inside.

Verna Lockhart-Carter  
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1 It was while she was still outside talking with  
2 Lorenzo and, in fact, was out there. Just to clarify.

3 So it wasn't after. He didn't come back in the  
4 house afterwards, so it was while they were outside  
5 and she pulled in the driveway she asked those  
6 questions.

7 THE COURT: All right. Well, again, I don't  
8 think that is what the purpose of the --

9 MS. SAVAS: Yes, Your Honor.

10 THE COURT: -- of the present sense impression  
11 rule covers.

12 MS. SAVAS: Yes, Your Honor. Thank you.

13 THE COURT: All right.

14 MR. MCCOY: And, Judge, briefly, as a  
15 precaution, too, I would also ask that we -- there be  
16 an objection or a standing objection to any other  
17 statements that Lorenzo would have made to her based  
18 on what Lorenzo had perceived was going on out there  
19 in that driveway. Or any other statements, for that  
20 matter.

21 I just -- there's been some question that  
22 there's going to be some testimony about there was  
23 somebody out there to hit a lick and that is coming  
24 from Lorenzo, and I don't want that to come in through  
25 hearsay, as well.

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1 THE COURT: Were you going to try to get  
2 anything else in through her about Lorenzo?

3 MS. SAVAS: No, Your Honor.

4 THE COURT: All right. Do you still need to put  
5 her on the stand, then?

6 MS. SAVAS: Yes, Your Honor.

7 THE COURT: Okay. Is there anything else?

8 MR. MCCOY: No, sir.

9 MS. SAVAS: Not from the State.

10 THE COURT: Let's bring the jury back in, then.

11 [Whereupon, the jury enters the courtroom at  
12 12:06 p.m.]

13 THE BAILIFF: All jurors are seated, Your Honor.

14 THE COURT: All right. You may resume.

15 MS. SAVAS: All right, Ms. Carter. Let's start  
16 back where we left off at.

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Verna Lockhart-Carter  
Continued Direct Examination by Ms. Savas  
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CONTINUED DIRECT EXAMINATION

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BY MS. SAVAS:

Q. When you came home the second time that evening,  
was anyone else home?

A. Yes.

Q. And who was there?

A. Lorenzo was outside.

Q. Lorenzo was outside. Was he alone?

A. No.

Q. And when you came into the driveway, were you  
able to see who he was with?

A. I asked Lorenzo who that was.

Q. Okay. And how many people were there with him  
at that time?

A. It was only him and another guy standing  
outside.

Q. Did you see anyone else around?

A. No.

Q. Do you remember the last time that we spoke to  
you? We came to your house.

A. Yes.

Q. Do you remember indicating that you -- when you  
came home, you were able to see who that person was and  
you identified him?

A. To identify him?

Verna Lockhart-Carter  
Continued Direct Examination by Ms. Savas  
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1 Q. The man that Lorenzo was speaking to.

2 A. No. I asked Lorenzo who that was over there  
3 with him.

4 Q. Do you remember telling us that you went over  
5 there and said --

6 MR. MCCOY: Objection to leading, Your Honor.

7 THE COURT: Sustained.

8 Q. [Ms. Savas] Did you ever say anything to anyone  
9 that was outside --

10 A. Hi.

11 Q. -- in the driveway? Hi? Was that the only  
12 thing you said?

13 A. That's it.

14 Q. Did you call him by any names?

15 A. Lorenzo told me that that was Fat --

16 MR. MCCOY: Objection, Your Honor.

17 Q. [Ms. Savas] Without --

18 THE COURT: Wait a minute.

19 Ma'am, you can only tell us -- if you could  
20 identify somebody on your own that you had seen  
21 before, you can identify them. But you cannot tell us  
22 what somebody else told you who it was.

23 And I would have the jury disregard her last  
24 statement about Lorenzo telling her who anybody else  
25 was.

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Continued Direct Examination by Ms. Savas  
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1           If you knew somebody ahead of time, and you knew  
2           who they were, you can say that. But you can't tell  
3           us who Lorenzo said they were.

4           THE WITNESS: Yes, sir.

5           THE COURT: Okay?

6           THE WITNESS: Okay. Can I say something?

7           A. That's the only thing I can tell you --

8           THE COURT: Okay. Well, then, that's all you  
9           can --

10          Q. [Ms. Savas] That's fine.

11          A. -- because that's the only way I can identify.

12          THE COURT: That's all you can say, then.

13          MS. SAVAS: That's fine. You're doing fine.

14          Q. [Ms. Savas] And did it appear that they knew  
15          each other, your son and this other man, then?

16          A. Yes.

17          Q. And you had no other conversation with anyone  
18          outside of that --

19          MR. MCCOY: Objection to leading again, Your  
20          Honor.

21          THE COURT: Well, it's not suggesting an answer  
22          at this point.

23          Go ahead.

24          Q. [Ms. Savas] Did you have any other remarks  
25          besides saying only hi to anyone there at that time?

Verna Lockhart-Carter  
Continued Direct Examination by Ms. Savas  
November 12, 2014

- 1 A. That's it.
- 2 Q. So after you spoke, you said hello or you said  
3 hi, what did you do next?
- 4 A. Went in my house.
- 5 Q. And what do you do when you go inside?
- 6 A. Went in my room.
- 7 Q. And then?
- 8 A. Got ready for bed.
- 9 Q. You got ready for bed.  
10 Okay. And where is your bedroom at in your  
11 house?
- 12 A. Down the hall to the left, second door on the  
13 left.
- 14 Q. And is that towards the front or the rear-end of  
15 the house?
- 16 A. That's the front of the -- the front of that  
17 house.
- 18 Q. The front of the house.  
19 Okay. And did you just go right to sleep when  
20 you --
- 21 A. No.  
22 I can't go right to sleep. I just went in, in  
23 the bedroom, got comfortable.
- 24 Q. You got comfortable?
- 25 A. Correct.

Verna Lockhart-Carter  
Continued Direct Examination by Ms. Savas  
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1 Q. And how long was it until you fell asleep?

2 A. I actually didn't get a chance to really fall  
3 asleep.

4 Q. Why is that?

5 A. Because I heard a boom and I was like, okay, the  
6 transformer was blowing.

7 Q. And why did you think the transformer blew?

8 A. Because in the neighborhood, when it's rainy  
9 out, our transformers blow around there.

10 Q. Right. And was it raining at that day?

11 A. It was a rainy day, yes.

12 Q. It was a rainy day.

13 Okay. And what did you do when you heard that  
14 noise?

15 A. Well, I sat up and that's when I said, oh, the  
16 transformer's getting ready to blow. And then a few  
17 minutes after that, I heard boom, boom. I got out of my  
18 bed, went to the door.

19 Q. And did you look out the door?

20 A. Yes, I looked out the door and I looked to the  
21 left of my house to look at everybody house, because  
22 everybody has they porch light on in the neighborhood.  
23 And I said, well must not have been a transformer. And I  
24 saw a car down the street with the tail lights on and I  
25 said, oh, they giving a jump down there. And I went back

Verna Lockhart-Carter  
Continued Direct Examination by Ms. Savas  
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1 in my house.

2 Q. And was that pretty far out or was it really  
3 close to your house?

4 A. A door -- a house down.

5 Q. And but it was -- could you see clearly what was  
6 going on down there, or you just assumed?

7 A. I just saw the taillights and the headlights  
8 facing -- the two cars facing one another.

9 Q. And then came back inside?

10 A. Came back inside.

11 Q. And where was Lorenzo at this point?

12 A. Sitting in the living room.

13 Q. And when you heard the first boom, what was your  
14 reaction? Did you --

15 A. I just said, oh, a transformer must be getting  
16 -- a transformer must have blown.

17 Q. Did you ask Lorenzo anything about that?

18 A. No, because I was in my room at that time when  
19 the transformer -- when I thought that it was a  
20 transformer.

21 Q. And when you heard the first boom, what was  
22 Lorenzo doing?

23 A. He was in the living room.

24 Q. Back when we met last, do you remember saying  
25 something about him coming inside and going in the shower?

Verna Lockhart-Carter  
Continued Direct Examination by Ms. Savas  
November 12, 2014

1 A. Yes.

2 He came in right after I came in from work.

3 When I came inside the door, he came in behind me and he  
4 went in the shower.

5 Q. And was he in the shower when you heard the  
6 boom? The first boom.

7 A. The first boom.

8 Q. And so he wasn't in the living room yet at that  
9 point? He was in the shower?

10 A. Correct.

11 Q. And so in your statement when you spoke to us,  
12 you had said that he was in the shower when you heard the  
13 first boom. And did you ask him what happened --

14 MR. MCCOY: Objection to testifying, Your Honor.

15 THE COURT: Please rephrase your question.

16 MS. SAVAS: Beg the Court's indulgence, Your  
17 Honor.

18 [Whereupon, Ms. Savas and Ms. Shealy confer]

19 MS. SAVAS: Your Honor, may I approach?

20 THE COURT: Yes.

21 [Whereupon, an off-the-record bench conference  
22 is held]

23 MR. APOSTOLOU: Judge, I would object.

24 THE COURT: I understand. Noted for the record.

25 MR. MCCOY: Noted on Simmons, as well, Judge.

Verna Lockhart-Carter  
Continued Direct Examination by Ms. Savas  
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1 THE COURT: All right. The witness has been  
2 declared a hostile witness. The State will be allowed  
3 to ask leading questions.

4 Q. [Ms. Savas] Ms. Carter, when we met at your  
5 house, do you remember telling us that you could identify  
6 that Fat was in your driveway when you pulled in that  
7 night?

8 A. Only by what was told to me.

9 Q. Do you remember telling us that you actually had  
10 a conversation with Fat and he said, hey, mom, what's up  
11 and you said, hey, Fat?

12 A. Yes.

13 Q. So you did have a conversation with Fat where  
14 you said, hi, Fat, while he was in your driveway that  
15 night?

16 A. That's it: hi.

17 Q. But you did call him Fat?

18 A. Yes.

19 Q. And you've known Fat for quite a while; correct?

20 A. By him and my son being friends, yes.

21 Q. How long were they friends for?

22 A. Since school.

23 Q. Since high school?

24 A. [No response]

25 Q. And do you -- do you remember when you spoke

Verna Lockhart-Carter  
Continued Direct Examination by Ms. Savas  
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1 with us and you said when you heard the first boom Lorenzo  
2 was in the shower and you walked in the shower and said,  
3 hey, did you hear that?

4 A. I asked Lorenzo did he hear that, correct.

5 Q. While he was in the shower --

6 A. While he was in the shower.

7 Q. -- and you heard the first boom?

8 Okay. And do you remember saying that after the  
9 other two loud booms and you went outside to check and see  
10 what was going on, officers later came to your house;  
11 correct?

12 A. Correct.

13 Q. And when those officers came to your house, they  
14 had asked what you knew, correct, about what was going on?  
15 Did they tell you that -- they told you that there was a  
16 shooting?

17 A. Correct.

18 Q. And did you -- do you remember telling us that  
19 you said to Lorenzo, give me your phone, I want to call  
20 Fat?

21 A. Correct.

22 Q. And you told us that you called him immediately  
23 because he was there just prior to that incident --

24 A. Correct.

25 Q. -- and you believed that he had something to do

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Continued Direct Examination by Ms. Savas  
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1 with it? He was involved in some fashion?

2 MR. MCCOY: Objection, Your Honor. She's not  
3 even asking a question.

4 THE COURT: Let her answer the question before  
5 you break off to another one.

6 A. Ma'am?

7 THE COURT: Go ahead and repeat your first  
8 question.

9 Q. [Ms. Savas] Do you recall that you asked to  
10 call -- you asked Lorenzo to call Fat because you thought  
11 that he was involved?

12 A. Correct.

13 Q. And how long did Lorenzo and Fat know each  
14 other?

15 A. Since school.

16 Q. Since when? I'm sorry.

17 A. School.

18 Q. Since school? How many years do you think,  
19 about? A few years? A long while? They were close  
20 friends?

21 A. [Indicates affirmatively]

22 Q. And do you remember telling us that Fat had  
23 actually given Lorenzo some food and money while they were  
24 at school together? They went to college together; right?

25 A. That's from what he told me.

Verna Lockhart-Carter  
Continued Direct Examination by Ms. Savas  
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- 1 Q. Right.
- 2 And Lorenzo and Fat had played on the same
- 3 basketball team growing up?
- 4 A. They played ball together.
- 5 Q. They played ball?
- 6 A. But I don't know if they been on --
- 7 Q. Okay.
- 8 A. Okay.
- 9 Q. Uh-huh. And --
- 10 MS. SAVAS: One moment, please.
- 11 [Whereupon, Ms. Savas and Ms. Shealy confer]
- 12 Q. [Ms. Savas] Do you remember us speaking with
- 13 you about meeting your son Lorenzo? Correct?
- 14 A. Correct.
- 15 Q. And we told you that Lorenzo had failed to show
- 16 up for one of our meetings with him; correct?
- 17 A. Correct.
- 18 Q. And you told us that Lorenzo and Fat went to
- 19 S.C. State together; correct?
- 20 A. If he went to -- I don't know what school Fat
- 21 went to. I know Lorenzo went to State.
- 22 Q. And you remember telling us, though, that they
- 23 went to school together --
- 24 A. Yes. High school.
- 25 Q. -- to college?

Verna Lockhart-Carter  
Continued Direct Examination by Ms. Savas  
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1 A. High school.

2 Q. And do you remember getting a phone call from  
3 our office that we were at Denmark Tech, where your son  
4 attended, and he failed to meet us and you called him to  
5 tell him -- to see where he was to show up; correct?

6 A. Correct.

7 MR. APOSTOLOU: Judge, I'm going to object.  
8 She's telling her what we told you. Even under the  
9 circumstances here, that's inappropriate.

10 THE COURT: You can lead. If you have prior  
11 inconsistent statements, there's a way of impeaching  
12 but don't just impeach her before you ask her the  
13 question. Ask her a question. If she gives you an  
14 answer that she gave some other time, then you can  
15 impeach her. But --

16 MS. SAVAS: Okay, Your Honor.

17 THE COURT: All right?

18 MS. SAVAS: Thank you.

19 Q. [Ms. Savas] And, Ms. Carter, you did -- just to  
20 clarify: you did tell us that you did see Fat in the  
21 driveway that night; correct?

22 A. From what I was told, yes.

23 Q. You did tell us that you had a conversation with  
24 him; correct?

25 A. Saying hi.

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Continued Direct Examination by Ms. Savas  
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1 Q. And you called him by his name, Fat; correct?

2 A. Hi, Fat --

3 Q. Okay. And you --

4 A. -- and went in the house.

5 Q. Thank you.

6 And you did call -- you did call him immediately  
7 after you heard that there was a shooting; correct?

8 A. Correct.

9 MS. SAVAS: Thank you. I don't have any further  
10 questions. If you would answer the questions from the  
11 defense attorneys.

12 THE WITNESS: Okay.

13 MS. SAVAS: Thank you.

14 THE COURT: Mr. Apostolou?

15 MR. APOSTOLOU: Thank you, Your Honor.

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Verna Lockhart-Carter  
Cross-Examination by Mr. Apostolou  
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CROSS-EXAMINATION

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BY MR. APOSTOLOU:

Q. Ms. Carter --

A. Yes, sir.

Q. -- this case is about the incidents that happened on the street.

A. Correct.

Q. You don't have any insights into what happened on that street, do you?

A. No, sir.

Q. Not at all?

A. No, sir.

Q. Okay. You know Fat; right?

A. Correct.

Q. Fat lived right around the corner from this house, didn't he?

A. Yes.

Q. I mean, he lived on Hobson Avenue, which is right around the corner?

A. Correct.

MR. APOSTOLOU: Okay. Nothing further.

THE COURT: Mr. McCoy?

MR. MCCOY: We don't have anything, Judge.

Thank you.

THE COURT: Redirect based on Mr. Apostolou?

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1 Any questions? Any redirect?

2 MS. SAVAS: No, Your Honor.

3 THE COURT: Okay. You can step down.

4 MS. SHEALY: Your Honor, we would ask that she  
5 remain under subpoena.

6 THE COURT: Ma'am, you need to go back out and  
7 you're not free to leave just yet.

8 THE WITNESS: Yes, sir.

9 [Whereupon, the ms. Lockhart-Carter exits the  
10 witness stand]

11 THE COURT: Now, folks, they indicate to me that  
12 your lunch is here so I'm going to go ahead and send  
13 you back to the jury room so you can enjoy your lunch  
14 and stretch your legs, that sort of thing, if you need  
15 to. You can eat your lunch there or you can take it  
16 outside. It's still a nice day. However you want to  
17 do that.

18 You can eat with each other, you can eat alone  
19 but if you do eat with any member of the jury panel,  
20 please don't discuss the case. Don't talk about  
21 witness demeanor, or anything at all about the case.  
22 You can talk about whatever else you want to.

23 If anybody does approach you to talk to you  
24 about the case, please report that back to me.

25 If you would be back in the jury room at 1:15

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1 and we will -- I hope you enjoy your lunch that we got  
2 you. All right? See you shortly.

3 [Whereupon, the jury exits the courtroom at  
4 12:27 p.m.]

5 MS. SHEALY: Your Honor, may we approach for a  
6 moment?

7 THE COURT: Sure.

8 MR. APOSTOLOU: Before we do, Judge, could I  
9 just go on the record as to us objecting to the State  
10 being able to lead that witness? I did it in an  
11 in-camera situation. I just wanted to make sure the  
12 court reporter got it.

13 THE COURT: Just make sure for the record that  
14 Mr. Apostolou and Mr. McCoy both objected to me  
15 declaring the witness hostile and allowing leading  
16 questions.

17 MR. APOSTOLOU: Thank you.

18 THE COURT: All right.

19 [Whereupon, an off-the-record bench conference  
20 is held in reference to scheduling]

21 THE COURT: Let's meet back here at 1:15. And  
22 if you can find out from Lori --

23 MS. SHEALY: Okay.

24 THE COURT: -- ask her to be here at 1:15, if  
25 you see her, and we'll figure out where we're going.

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1 from there with that witness.

2 MS. SHEALY: Thank you.

3 THE COURT: All right. 1:15. Thank you.

4 [Whereupon, a recess is held from 12:28 p.m. to  
5 1:14 p.m.]

6 MR. DAVIS: Judge, just for scheduling,  
7 Ms. Proctor and the witness are in the hallway.  
8 Mr. Pennington was just walking up. She indicated  
9 they would need a little bit more time. They're just  
10 out in the hallway.

11 THE COURT: You've got somebody else you were  
12 planning on calling first; right?

13 MS. SHEALY: I do, but they're not quite here.  
14 But they were -- about twenty minutes ago, they were  
15 downtown. I expect them any second.

16 And, Your Honor, Quasantrina is one of the --  
17 Quasantrina Rivers is one of the witnesses I intend to  
18 put up.

19 THE COURT: I'm sorry. What?

20 MS. SHEALY: Well, actually, Peter is not here.  
21 I'll wait until he gets here.

22 [Off the record momentarily]

23 THE COURT: We have got everybody in now, so --

24 MS. SHEALY: What I'm doing here -- Judge, I've  
25 spoken to both Mr. Apostolou and Mr. McCoy. We're

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1 going to go ahead and try to -- we're going to go  
2 ahead and call Ila Simmons, formerly of SLED -- a  
3 handwriting, a brief stipulation that I would like to  
4 read into the record and I'll substitute with a typed  
5 one later, if that's okay. Just that we're taking it  
6 out of order.

7 THE COURT: All right.

8 MS. SHEALY: Okay.

9 THE COURT: Here's Ashley. You want to -- y'all  
10 want to come up here a second?

11 [Whereupon, a bench conference is held as  
12 follows]

13 THE COURT: All right. Just for the record,  
14 Ashley Pennington, the public defender, is here  
15 because of Ms. Proctor's --

16 MR. PENNINGTON: Correct.

17 THE COURT: -- discussion earlier. So what did  
18 y'all decide?

19 MR. PENNINGTON: What I understand is is that  
20 Mr. Lorenzo Mehciz, which is pronounced -- or spelled  
21 M-E-H-C-I-Z -- has requested representation by our  
22 office and that his intent is to assert the fifth  
23 amendment privilege to remain silent for fear of self-  
24 incrimination, should he testify under oath today in  
25 this proceeding about matters that he has previously

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1           been interviewed by law enforcement about and that  
2           would be relevant to the matters in this case.

3           THE COURT: Now, in our earlier discussions, it  
4           basically kind of falls along these lines. I know  
5           you're acting on very short notice as an accommodation  
6           to the Court, which is appreciated, but I think the  
7           State's position is: we never threatened -- we never  
8           charged him, we never threatened to indict him, and  
9           he's just not testifying because he doesn't -- because  
10          he knows the defendants and doesn't want to.

11          MR. PENNINGTON: Okay.

12          THE COURT: In other words, his fifth amendment  
13          might be a rouse. The defendants --

14          MR. PENNINGTON: Okay.

15          THE COURT: The defendants' lawyers, on the  
16          other hand, state that he was threatened, by one of  
17          the investigating officers, that he would be charged  
18          with accessory before and after the fact, possibly,  
19          and so that his threat of -- or his fear of self-  
20          incrimination is, in fact, real.

21          Have you had any chance to make an assessment of  
22          whether or not his fifth amendment assertion would be  
23          legitimate or that it would just be an attempt to not  
24          testify because he doesn't want to?

25          MR. PENNINGTON: As best as I can -- I've had

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1 what has been a five-minute conversation with him, and  
2 Ms. Proctor has talked to him. I went over sort of  
3 that analysis of determining what the motivation was  
4 and I've discerned that there is an actual possibility  
5 that should he testify that there could be a chance of  
6 statements that would be inconsistent with statements  
7 that he's previously given to law enforcement. And as  
8 I understand the law in this state, making false  
9 statements to law enforcement is a crime and,  
10 therefore, it would provide an adequate basis for him  
11 to make an assertion of his fifth amendment privilege  
12 to remain silent.

13 THE COURT: All right.

14 MR. PENNINGTON: I did not get into any of the  
15 other issues about threats of being prosecuted for  
16 accessory before or after. But I didn't sense that  
17 that was the motivator.

18 THE COURT: Do y'all have any intention of  
19 wishing to pursue this or immunize him? Or what's  
20 your thoughts at this point?

21 MS. SHEALY: I can talk to Ms. Wilson. I don't  
22 think we're inclined to immunize him, but I could  
23 certainly speak to her briefly.

24 THE COURT: Okay. Well, we'll -- thank you for  
25 that.

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1 MR. PENNINGTON: Yes, sir.

2 THE COURT: We'll --

3 MR. PENNINGTON: We'll stand by.

4 THE COURT: -- stand by and see what else we  
5 need -- might need you for.

6 MR. PENNINGTON: Yes, sir.

7 THE COURT: You're around this afternoon?

8 MR. PENNINGTON: Yes, sir. I was at the jail  
9 doing a contact visit -- that's why I didn't have my  
10 phone -- but Ms. Proctor stepped into the breach.

11 THE COURT: Okay. Thank you.

12 MR. PENNINGTON: Yes, sir.

13 THE COURT: Thank you.

14 [Whereupon, bench conference concludes]

15 MS. SHEALY: Judge, in regard to this  
16 stipulation, I will type it. But so that we can call  
17 Ila Simmons out of order, and I'll just read it. Is  
18 that okay? Do you want us to --

19 THE COURT: And then he will be --

20 MS. SHEALY: She.

21 THE COURT: -- Ila Simmons, she will be opining  
22 that there was no gunshot residue?

23 MS. SHEALY: There's some on the back of his  
24 hands, and she'll explain that.

25 THE COURT: So y'all aren't objecting to

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1 foundation or anything like that?

2 MR. APOSTOLOU: No, Judge.

3 MR. MCCOY: No, sir.

4 [Whereupon, State's Exhibit Number 124 is marked  
5 by the court reporter]

6 THE COURT: All right. Is she here?

7 MS. SHEALY: I just -- who? Ila Simmons?

8 THE COURT: The witness.

9 MS. SHEALY: Yes.

10 THE COURT: Yes.

11 MS. SHEALY: I'm sorry.

12 THE COURT: And we're ready to go?

13 MR. APOSTOLOU: Yes, Judge.

14 MS. SHEALY: Actually, two witnesses.

15 [Off the record momentarily]

16 THE COURT: Let me see y'all back up a second.

17 [Whereupon, a bench conference is held as  
18 follows]

19 THE COURT: I've never had a trial question like  
20 this, but the jury asked if I would please define a  
21 hostile witness.

22 MR. APOSTOLOU: That's crazy. In trial?

23 THE COURT: Basically, I guess I could just tell  
24 them that we normally don't allow you to ask leading  
25 questions but if a person is not a cooperating

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1 witness, under some circumstances then we allow and  
2 declare them to be hostile and therefore you can ask  
3 leading questions. Does that work for everybody?

4 MS. SHEALY: That's fine.

5 MR. APOSTOLOU: I don't know if I like the word  
6 cooperating.

7 THE COURT: I think --

8 MR. APOSTOLOU: Cooperating word scares me.

9 THE COURT: Yeah. Basically --

10 MR. APOSTOLOU: A witness --

11 THE COURT: How about this? If a -- when a  
12 party calls a witness, they're allowed to ask them  
13 questions like who, what, where, why, when, not  
14 leading questions or questions which suggest the  
15 answer. However, at some point if the person does not  
16 answer the questions as they are asked, the law says  
17 you can have them declared to be hostile, which  
18 basically simply means you can then ask leading  
19 questions.

20 MR. APOSTOLOU: However, to remind you of my  
21 earlier instructions, the question is not evidence,  
22 the answer is.

23 THE COURT: Fair enough. Okay. Does that work  
24 for everybody?

25 MR. APOSTOLOU: Okay.

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1 MR. MCCOY: It works for me.

2 MS. SHEALY: Yes.

3 [Whereupon, bench conference concludes]

4 THE COURT: All right. Bring the jury back in.

5 [Whereupon, the jury enters the courtroom at  
6 1:35 p.m.]

7 THE BAILIFF: All jurors are present, Your  
8 Honor.

9 THE COURT: Folks, welcome back. We're getting  
10 ready to start back with our next witness.

11 Y'all sent a question that basically asked me to  
12 please define what a hostile witness is. And that's a  
13 good question. We tend to take for granted that y'all  
14 know what we're talking about.

15 Basically, when a party calls a witness, the  
16 party that called them asks questions in the form of  
17 who, what, where, when, why, that sort of thing. The  
18 answers don't -- the questions don't suggest the  
19 answer so you typically see something along like, tell  
20 us who you saw, tell us what you heard, tell us what  
21 you felt, that sort of thing.

22 The side that didn't call them on cross-  
23 examination gets to ask what we call leading  
24 questions, and that basically is a question that the  
25 question is more of a leading question, is what we

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1 call it, so that for instance they say, well, isn't it  
2 true that on such-and-such a date you saw this or you  
3 saw that. It wasn't their witness, so they get to ask  
4 questions in a different way than the party that  
5 called the questions -- asked them.

6 However, the law says sometimes the party that  
7 calls the witness, after they ask a few questions it  
8 becomes apparent that they're not answering the  
9 questions in the form that they were asked and so we  
10 are allowed to call them a hostile witness. In other  
11 words, we then just allow them to ask leading  
12 questions. That's really the only difference.

13 It's one of those form over substance sort of  
14 things that the law has dealt with. I don't want you  
15 to take anything from the fact that the witness was  
16 declared hostile. It doesn't, you know, impugn their  
17 testimony in any way. And, most importantly, remember  
18 when I told you earlier that the questions are not  
19 evidence, it's the answers to the questions.

20 So the question really relates to do they get to  
21 ask leading questions or not. Okay? Hope that helps.

22 So now the State will call their next witness.

23 MS. SHEALY: Your Honor, at this time I would  
24 ask to read a stipulation into the record.

25 THE COURT: Certainly.

Stipulation Read Into The Record  
November 12, 2014

STIPULATION

1  
2 MS. SHEALY: This is State's Exhibit 124.

3 The State and the defense agree that Detective  
4 James Perkins swabbed Kadeen Chambers's hands and  
5 Jujuain Hemingway's hands while they were at the  
6 hospital, pursuant to the South Carolina Law  
7 Enforcement Division's protocol, and the swabs were  
8 maintained at the Charleston County Sheriff's Office  
9 evidence compound and later sent to be analyzed by Ila  
10 Simmons of the South Carolina Law Enforcement  
11 Division. The chain of custody was maintained.

12 Thank you, Your Honor.

13 THE COURT: Thank you.

14 MS. SALAS: The State calls Ms. Ila Simmons.

15 [Whereupon, Ms. Simmons comes forward]

16 THE CLERK OF COURT: Ma'am, if you would please  
17 place your left hand here. Raise your right.

18 [Whereupon, Ms. Simmons is duly sworn by the  
19 clerk of court as follows: do you swear or affirm the  
20 testimony you will give the Court and the jury in the  
21 trial of this case will be the truth, the whole truth,  
22 and nothing but the truth, so help you God]

23 THE WITNESS: I do.

24 THE CLERK OF COURT: You may be seated. Ma'am,  
25 once seated, if you could please state your first and

Stipulation Read Into The Record  
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1 last name. Spell your last loudly and clearly into  
2 the microphone, please, ma'am.

3 [Whereupon, Ms. Simmons takes the witness stand]

4 THE WITNESS: My name is Ila Simmons. My last  
5 name is S-I-M-M-O-N-S.

6 MS. SAVAS: Thank you.

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ILA SIMMONS,

Having Been First Duly Sworn,  
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. SAVAS:

Q. What is your occupation?

A. I was employed, I am now retired, at the South Carolina Law Enforcement Division's forensics laboratory in the trace evidence department.

Q. And how long were you employed by SLED?

A. Fourteen years.

Q. And how long have you had a position as a forensics scientist?

A. For those fourteen years.

Q. And is this the same position that you held back in June, 2012?

A. Yes, ma'am.

Q. And what are your typical job duties as a forensic scientist?

A. We analyze gunshot residue, gun-powder residues, we perform comparisons on glass, fibers, paints, as well as arson and post-blast-scene investigation.

Q. And do you have any specialized training or education as a forensic scientist?

A. Yes, ma'am.

MIA PERRON, CVR-CM-M

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1 I received a Bachelor's of Science degree in  
2 chemistry. After completing that, I came to work at  
3 SLED where my first three years were spent working  
4 with a SLED-certified, court-qualified, trace-evidence  
5 examiner. I had to take written and practical  
6 examinations during that time and make one-hundred  
7 percent efficiency on each examination to go on to the  
8 next discipline.

9 I was a member of the Southern Association of  
10 Forensic Science, as well as being a member of the  
11 FBI's GSR symposium. The gunshot residue symposium is  
12 where the FBI invites GSR analysts from around the  
13 world to come and set up the standards and practices  
14 that all analysts will be using.

15 Q. And have you ever testified in court before?

16 A. Yes, ma'am. Over 300 times in federal, state,  
17 and general sessions and civil courts in South Carolina.

18 Q. And have you ever been qualified as an expert in  
19 court before?

20 A. Yes, ma'am. I believe all of those times.

21 MS. SAVAS: Your Honor, the State moves that Ila  
22 Simmons be declared an expert in the field of gunshot  
23 residue.

24 MR. MCCOY: No objection, Judge.

25 MR. APOSTOLOU: No objection.

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1 THE COURT: Folks, normally when we have  
2 somebody come in and testify, they come in and tell us  
3 what they heard, they saw, they touched, they felt,  
4 they smelled. We don't let them come in and give  
5 their opinion about the evidence, they just give us --  
6 tell us what it is they saw.

7 The law says, though, that sometimes when  
8 somebody, because of training or experience or  
9 education background in a particular field rises to  
10 the level of expertise in that field, we let them come  
11 into court and testify. They're declared an expert  
12 within a certain field, and then they're allowed to  
13 give you their testimony in the form of an opinion and  
14 give you the basis for their opinion.

15 This witness has now been qualified as an expert  
16 in the field of forensic gunshot residue and analysis  
17 and will be allowed to give you her opinion about the  
18 evidence and the basis for her opinion.

19 The fact that somebody is qualified as an expert  
20 in a case does not mean that you are required to  
21 blindly just accept their opinion. You decide how  
22 much weight to give the witness' testimony, based on  
23 all of the evidence you hear, as well as their  
24 testimony about their background and education and so  
25 forth, and then you decide how much weight to give the

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1 witness' testimony based on all of the evidence that  
2 you hear throughout the trial. Okay?

3 You may resume.

4 MS. SAVAS: Thank you, Your Honor.

5 Q. [Ms. Savas] And did you examine a GSR kit  
6 involved in this case specifically?

7 A. Yes, ma'am.

8 Q. And can you please explain what a GSR kit is?

9 A. Well, gunshot residue is a mixture of  
10 microscopic chemicals that come out of a gun when it's  
11 discharged. It can get on anything in close proximity to  
12 the gun, including the hands of the person who discharged  
13 the gun.

14 Gunshot residue is made up primarily of lead,  
15 barium, and antimony. And a GSR kit is a standardized kit  
16 that's put together by numerous scientific companies and  
17 it's composed of two different components.

18 The first component is a double-sided sticky  
19 tape that is held by a handle so that the tape is  
20 dabbed across the hands of the person from whom the  
21 kit is being collected. The person collecting the kit  
22 never touches the double-sided tape; therefore,  
23 there's no chance that anything that's on their hands  
24 will get on the double-sided tape.

25 The second portion is cotton swabs that have a

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1 few drops of dilute acid placed on them. These are also  
2 swabbed over the hands of the person from whom the kit is  
3 being collected, so that a sample is collected from the  
4 right palm, another sample from the back of the right  
5 hand, a sample from the left palm, and a sample from the  
6 back of the left hand.

7 Q. And what do you do when you receive a GSR kit?

8 A. It comes into our central log-in area. It's  
9 given an identification number, an item number, and then  
10 it is placed into a secure, locked area until we go down  
11 and we retrieve it. And we are the only analysts, just  
12 the analysts in the trace department, which are six people  
13 now, that have access to this area.

14 We pick up this -- we pick up any evidence that  
15 we have. We take it back to our laboratory in a clean  
16 room and we verify that it is sealed, it has not been  
17 tampered with in any way, and then we begin our analysis  
18 on it.

19 Q. And did you follow those procedures in this  
20 case?

21 A. Yes, ma'am.

22 Q. And can you just explain to the jury the process  
23 of how you actually analyze the kits?

24 A. Uh-huh.

25 We begin by analyzing the swabs. And it is a

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1. screening technique to see how many -- how much of each  
2 element the lead, barium, and antimony is present. If it  
3 meets a certain threshold level, then we say that it needs  
4 to go on to the second portion of the test.

5 The second portion of the test would be a very  
6 powerful scanning electron microscope, which can see down  
7 a hundred thousand times greater than the human eye can  
8 see. It can see the size, the shape, and the elements  
9 that are present in every particle that's collected on the  
10 samples.

11 Q. And do a large quantity of metals hold any  
12 significance in your analysis that you may find?

13 A. Yes, ma'am.

14 It has to read a certain threshold level before  
15 we will move on to the second portion of the test. If it  
16 doesn't reach our threshold level, we say that the metals  
17 found did not indicate the presence of gunshot residue.

18 Q. And if you recall in this case, can you walk  
19 through the results of your report from your first GSR kit  
20 that you analyzed?

21 A. Yes, ma'am. I believe that was Kadeen Chambers.

22 Q. Yes.

23 A. The sample from the right palm, the quantities  
24 of metals detected did not indicate the presence of  
25 gunshot residue so it was negative, as well as the back of

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1 the left hand, the palm of the left hand, and the back of  
2 the left hand. All four areas of the hands that were  
3 sampled were negative for the presence of gunshot residue.

4 Q. And what about the second GSR kit?

5 A. And that was from Jujuaian Hemingway. And the  
6 right palm had round lead particles on it, which is a  
7 component of gunshot residue since it is made up of lead.  
8 And the back of the right hand did not have any gunshot  
9 residue, the palm of the right hand did not have gunshot  
10 residue, and the back of the left hand did not have  
11 gunshot residue present.

12 Q. And given your experience, if GSR is found on an  
13 individual's palm, such as Jujuaian Hemingway's sample,  
14 what is that indicative of?

15 A. It can be that someone has handled something  
16 with gunshot residue on it. It can be that a gun was  
17 discharged but somehow the gunshot residue was removed  
18 from the back of the hand.

19 Generally, if someone were to shoot a gun using  
20 one hand, you're going to expect to find a small amount on  
21 the palm and a larger amount on the back because the  
22 gunshot residue is going to come out in a cone-shaped form  
23 and come -- and most of it will get on the back of the  
24 hand. If they're holding it with two hands, you would  
25 expect gunshot residue to be found on the backs of both

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1 hands and on the palms of both hands.

2 Q. And in this case Jujuaïn Hemingway is a victim,  
3 and from his -- from your result of his report, it would  
4 only be on the right palm. Would that tend to show you  
5 whether he had shot a gun or was near a gun that was being  
6 shot? What would that show you?

7 A. That's more consistent with someone having been  
8 in the vicinity of the gun when it was discharged, because  
9 if they were shooting a gun you would expect to find a  
10 large amount on the back of the hand.

11 Q. And what are the ways one can get GSR on his  
12 hands?

13 A. They can discharge a firearm, they can be in  
14 close proximity to a firearm when it is discharged, or  
15 they can handle something with gunshot residue on it.

16 About eighty-five percent of the people who  
17 sustain a gunshot wound, or are in the vicinity of a gun  
18 when it's discharged, have gunshot residue on their hands  
19 even if they don't possess a gun.

20 Q. And did you do anything else in this case?

21 A. I did analyze one other GSR kit.

22 MS. SAVAS: Thank you. Please answer any  
23 questions the defense may have.

24 Beg the Court's indulgence.

25 [Whereupon, Ms. Savas and Ms. Shealy confer]

Verna Lockhart-Carter  
Direct Examination by Ms. Shealy  
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1 Q. [Ms. Savas] Ms. Simmons, I'm going to show you  
2 something, and if you can just let us know if this is what  
3 you had -- if you have seen this before.

4 A. Yes, ma'am.

5 It is marked with the unique identification  
6 number, the item number, as well as the three stickers  
7 from the GSR kit. It is marked with my initials and the  
8 date that I opened it for analysis.

9 Q. Thank you.

10 [Whereupon, Ms. Savas and Ms. Shealy confer]

11 MS. SAVAS: With the Court's permission, we're  
12 just going to --

13 [Whereupon, State's Exhibit Number 125 is marked  
14 by the court reporter]

15 [Whereupon, State's Exhibit Number 126 is marked  
16 by the court reporter]

17 Q. [Ms. Savas] And, Ms. Simmons, can you identify  
18 what has been pre-marked for identification as State's  
19 Exhibit 125?

20 A. Yes, ma'am.

21 125 is the first GSR kit I talked about. It was  
22 collected from Kadeen Chambers. It's marked with the  
23 unique identification number, item number, my initials,  
24 and the date that it was opened.

25 Q. And can you please identify what's been pre-

Verna Lockhart-Carter  
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1 marked as State's Exhibit 126?

2 A. State's Exhibit 126 is the second kit I spoke  
3 about. It was by Jujuin Hemingway, taken from Jujuin  
4 Hemingway, and it's also marked with the same  
5 identification.

6 MS. SAVAS: At this time the State moves to  
7 admit items 125 and 126 into evidence.

8 MR. MCCOY: No objection from the Simmons side.

9 MR. APOSTOLOU: Without objection, Judge.

10 THE COURT: They are admitted.

11 [Whereupon, State's Exhibit Number 125 is  
12 admitted into evidence by the Court]

13 [Whereupon, State's Exhibit Number 126 is  
14 admitted into evidence by the Court]

15 MS. SAVAS: Thank you, Ms. Simmons. Please  
16 answer anything the defense may have.

17 MR. MCCOY: Hey, Ms. Simmons. How are you  
18 doing?

19 THE WITNESS: I'm doing well. And yourself?

20 MR. MCCOY: I'm doing great. It's good to see  
21 you. We've had a lot of cases together --

22 THE WITNESS: Yes, sir.

23 MR. MCCOY: -- and it's certainly good to be  
24 back in the courtroom with you.

25

- - -

Ila Simmons  
Cross-Examination by Mr. McCoy  
November 12, 2014

CROSS-EXAMINATION

1  
2 BY MR. MCCOY:

3 Q. Ms. Simmons, I'm going to jump right into it in  
4 terms of your work that you've done on this particular  
5 case. And I'm always fascinated to hear how GSR works,  
6 how it doesn't work, and what your professional opinion is  
7 on it. And you've given us a little bit of an insight as  
8 to talking about the metal particles and a threshold that  
9 has to be reached before you can move on to a second  
10 phase. Can you explain that again a little bit more to  
11 me?

12 A. Yes, sir.

13 These elements are all in ratio one to another  
14 in a cartridge that is placed in a gun. And then it's  
15 discharged. Well, they're going to come out in a similar  
16 type ratio. So if these elements aren't found in that  
17 ratio on the GSR kit from someone's hands, we say that it  
18 didn't meet our threshold levels.

19 Q. And is that national standards --

20 A. Yes, sir. Many --

21 Q. -- and that's what everybody uses?

22 A. -- many laboratories use that standard.

23 Q. And just because you have metal particles that  
24 are found that don't reach a threshold, that doesn't mean  
25 necessarily that there wasn't a presence of gunshot

Ila Simmons  
Cross-Examination by Mr. McCoy  
November 12, 2014

1 residue at some point; is that correct?

2 A. That's correct.

3 Q. And can you explain to the jury again how  
4 sensitive gunshot residue is and how easily it can be  
5 removed from somebody?

6 A. Gunshot residue has the consistency of flour, so  
7 it is very easily removed. If you were to wash your  
8 hands, or shower, or put hand sanitizer on your hands,  
9 begin to sweat, or if there was blood on your hands, it  
10 can remove gunshot residue.

11 Q. And in going through your results here -- and,  
12 again, when you are given a sheet like this, you don't  
13 know who the victim in the case is or who the defendants  
14 are but you're analyzing this from a third person's point  
15 of view in terms of you know -- you know nothing about the  
16 case?

17 A. Yes, sir.

18 Q. And when you receive a particular kit like you  
19 have -- like you have and you received in Columbia, you've  
20 got different subject samples to sample, and that's what  
21 you go on in terms of starting your test; is that correct?

22 A. That's correct.

23 Q. And in looking at your first kit that you  
24 examined, you read the results for Kadeen Chambers out  
25 loud. You indicated in your results that there was a

Ila Simmons  
Cross-Examination by Mr. McCoy  
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1 quantity of metal found on the right palm and on the right  
2 back, as well as a quantity of metal found on the left  
3 palm and the left back but they did not indicate the  
4 presence of gunshot residue; is that correct?

5 A. That's correct.

6 Q. That doesn't mean that it wasn't there at some  
7 point but in terms of meeting that certain threshold, it  
8 wasn't there for you to move on to the second tier?

9 A. That's correct.

10 Q. Okay. And in looking at your results of testing  
11 GSR kit from I guess item 2 in your bag, which is Jujuain  
12 Hemingway, you testified on the right palm --

13 And I take it when you say right palm, we're  
14 talking about the inside of the hand?

15 A. Yes, sir.

16 Q. -- that there were round lead particles found.  
17 And the round lead particles are one of the components of  
18 gunshot residue?

19 A. That's correct.

20 Q. And, again, you testified a little bit in terms  
21 of what that means. It's more consistent with possibly  
22 holding a gun, or not holding a gun. But when a gun is  
23 fired, gunshot residue can come out and around on the back  
24 of the hand?

25 A. Yes, sir.

Ila Simmons  
Cross-Examination by Mr. McCoy  
November 12, 2014

1                   Primarily, it gets on the back of the hand. The  
2 amount that's on the palm of the hand would be from  
3 contact with the weapon that already had GSR on it.

4           Q.     And there is such a thing as a weapon already  
5 having GSR on it? I mean, it's a weapon that's been fired  
6 before; correct?

7           A.     Yes.

8           Q.     And when somebody even touches a handgun or  
9 touches a rifle with the palm of their hands, that's  
10 consistent with possibly not firing it but possibly having  
11 a hold on it at some point?

12          A.     Yes, sir.

13          Q.     And when we are looking, again, with Jujua  
14 Hemingway -- the results are positive for the right palm,  
15 inside of his hand, and on the right-back -- again, we  
16 find quantities of metal but we don't reach that second  
17 threshold. And the same thing for left palm and left  
18 back; is that correct?

19          A.     That's correct.

20          Q.     And, again, I know I'm being redundant here.  
21 I'm saying this a couple of times. But just because it  
22 doesn't reach that second threshold doesn't mean that  
23 there wasn't gunshot residue on the inside of a palm or on  
24 the outside of a palm at some point in time?

25          A.     That's correct.

Ila Simmons  
Cross-Examination by Mr. McCoy  
November 12, 2014

1 Q. And is there a particular life span? Does  
2 gunshot residue last, you know, hours, or does it last  
3 thirty minutes, can it last days, on somebody's hands?

4 A. On a living person, gunshot residue won't last  
5 longer than six hours.

6 Q. Longer than six hours?

7 A. Yes, sir.

8 MR. MCCOY: Ms. Simmons, I appreciate it, and  
9 thank you so much for being here.

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Ila Simmons  
Cross-Examination by Mr. Apostolou  
November 12, 2014

CROSS-EXAMINATION

1  
2 BY MR. APOSTOLOU:

3 Q. When you were testifying with the State, you  
4 stated one way to get gunshot residue on your palm is to  
5 touch something that has gunshot residue on it; is that  
6 correct?

7 A. Yes, sir.

8 Q. Well, one of the most likely things that has  
9 gunshot residue on it is a gun.

10 A. Yes, sir.

11 Q. Right?

12 A. Yes, sir.

13 Q. Okay. And you said it lasts about six hours?

14 A. Yes, sir, on a living individual.

15 Q. And, in fact, there's no other way to get  
16 gunshot residue on your hand other than to touch something  
17 that has gunshot residue or a discharge from a gun itself?

18 A. If you're in the vicinity of the discharge of a  
19 gun, yes, sir.

20 Q. I mean, it's not a magically-occurring  
21 substance? I mean, gunpowder comes from a gun?

22 A. That's correct.

23 Q. So if somebody has got gunshot residue on their  
24 hand they touched a gun, or something with it, or in the  
25 presence of a gun, within six hours of it being tested?

Ila Simmons  
Cross-Examination by Mr. Apostolou  
November 12, 2014

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A. Yes, sir.

Q. And the only person in this case that we know that tested positive for gunshot residue is Jujain Hemingway; is that correct?

A. It's the only person that had round lead, yes, sir.

MR. APOSTOLOU: Thank you. No further questions.

THE COURT: Redirect?

MS. SAVAS: Yes, Your Honor.

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Ila Simmons  
Redirect Examination by Ms. Savas  
November 12, 2014

REDIRECT EXAMINATION

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BY MS. SAVAS:

Q. Ms. Simmons, if an individual is laying on the ground on pavement and a gun is fired right next to them near the pavement within a few inches from them, is it possible to get gunshot residue on their hands at that time?

A. Yes, ma'am.

You would expect if someone was that close to the muzzle of a gun that gunshot residue could get on their hands.

Q. So if someone would be shot at, they would be expected to get some gunshot residue on their hands?

A. If they're within ten feet of the gun, yes, ma'am.

Q. When an officer instructs medical personnel to not touch the hands of a subject, does that prevent them from having any GSR wiped off their hands --

A. Yes, if --

Q. -- is that a possibility?

A. -- if GSR was on the hands and they were not touched, then it should remain on the hands.

Q. And on the subject that you examined, Kadeen Chambers' hands, that the metals were found but they did not indicate a presence of gunshot residue, is that also

Ila Simmons  
Redirect Examination by Ms. Savas  
November 12, 2014

1 consistent with being fired at?

2 A. It could be, if the hands were in a position so  
3 that they didn't get gunshot residue on them.

4 Q. As in a self-defensive position, perhaps?

5 A. On Kadeen Chambers or on --

6 Q. On any subject. If they had --

7 A. It is a possibility with Mr. Hemingway that he  
8 could have had his hand up in a defensive posture  
9 situation. Defensive posture would be like for someone  
10 not to be shot, to put their hands up in defense of  
11 themselves, and they could have gotten on the palm of his  
12 hand that way. Maybe just one hand up and this hand was  
13 obscured.

14 Q. And that would also mean if you just had metals  
15 but not gunshot residue, you can get that from other areas  
16 of the environment?

17 A. Yes, ma'am. You can get round lead from other  
18 areas, but not gunshot residue.

19 But that wasn't found in this case. Just the  
20 round lead was found.

21 MS. SAVAS: Nothing further, Your Honor.

22 MR. MCCOY: Nothing further, Judge. Thank you.

23 MR. APOSTOLOU: Just briefly.

24

25



Ila Simmons  
Recross-Examination by Mr. Apostolou  
November 12, 2014.

1 trial of this case will be the truth, the whole truth,  
2 and nothing but the truth, so help you God]  
3 THE WITNESS: Yes, sir.  
4 THE CLERK OF COURT: You may be seated. Ma'am,  
5 once seated, if you could please state your first and  
6 last name. Spell your last loudly and clearly into  
7 the microphone, please.  
8 [Whereupon, Ms. Singleton takes the witness  
9 stand]  
10 THE WITNESS: Sidearis Singleton. Singleton,  
11 S-I-N-G-L-E-T-O-N.  
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Sidearis Singleton  
Direct Examination by Ms. Shealy  
November 12, 2014

1                                   SIDEARIS SINGLETON,  
2                                   Having Been First Duly Sworn,  
3                                   was Examined and Testified as Follows:

4                                   DIRECT EXAMINATION

5 BY MS. SHEALY:

6                   Q.    Ms. Singleton, would you please tell the jury  
7 where you're from?

8                   A.    Charleston, South Carolina.

9                   Q.    And where did you go to high school?

10                  A.    North Charleston High School.

11                  Q.    And how many children do you have?

12                  A.    I have two children.

13                  Q.    What are your children's names?

14                  A.    My daughter name is Quasantrina, and I have a  
15 son named Phillip S [REDACTED].

16                  Q.    Phillip S [REDACTED]?

17                  A.    Yes.

18                  Q.    Quasantrina's last name is Rivers?

19                  A.    Yes, ma'am.

20                  Q.    And does she go by a nickname sometimes?

21                  A.    Trina.

22                  Q.    Trina? Who is her father?

23                  A.    Her father is Lloyd Rivers.

24                  Q.    Okay. And who is your sister?

25                  A.    My sister is Laketria [phonetic] Jackson.

Sidearis Singleton  
Direct Examination by Ms. Shealy  
November 12, 2014

- 1 Q. And who is Syrinia Singleton?  
2 A. Lloyd River's sister.  
3 Q. Lloyd River's sister?  
4 A. Yes, ma'am.  
5 Q. Now, have you ever had to testify in court  
6 before?  
7 A. No, ma'am.  
8 Q. Have you ever been in any kind of criminal  
9 trouble?  
10 A. No, ma'am.  
11 Q. Where do you work?  
12 A. I work for Charleston County School District.  
13 Q. And how long have you worked for them?  
14 A. I just been working thirty days for them.  
15 Q. And had you worked in the area of children's  
16 education prior to this job?  
17 A. Yes, ma'am.  
18 Q. Where did you work then?  
19 A. I worked with Charleston County DSS in the legal  
20 department. And before that, I worked for Charleston  
21 County School District for twelve years.  
22 Q. Do you have a sister that back in 2012 was  
23 overseas?  
24 A. Yes, ma'am.  
25 Q. And what is that sister's name?

Sidearis Singleton  
Direct Examination by Ms. Shealy  
November 12, 2014

- 1 A. Laketria Jackson.
- 2 Q. Are you here today because we subpoenaed you?
- 3 A. Yes, ma'am.
- 4 Q. And does Quasantrina have a child?
- 5 A. Yes, ma'am.
- 6 Q. And what is her child's name?
- 7 A. T[REDACTED] Heyward.
- 8 Q. And who is the father of that child?
- 9 A. Denzel Heyward.
- 10 Q. Now, do you know any of Denzel's friends?
- 11 A. No, ma'am, I don't know any of his friends.
- 12 Q. Do you know what his mother's first name is?
- 13 A. I know his mother's first name.
- 14 Q. Which is what?
- 15 A. Dana.
- 16 Q. I would like for you to focus your attention
- 17 back to May 18th of 2012. Okay? Do you remember having a
- 18 conversation with Quasantrina?
- 19 A. A text message was sent between Quasantrina
- 20 and I.
- 21 Q. Did that result in y'all having a conversation
- 22 one-on-one?
- 23 A. Yes, ma'am.
- 24 Q. And could you tell the jury, please, where it
- 25 was that y'all had that conversation?

Sidearis Singleton  
Direct Examination by Ms. Shealy  
November 12, 2014

1 A. We had a conversation at my mother's house in  
2 her front yard.

3 Q. And where does your mother live?

4 A. [REDACTED] West Surrey.

5 Q. And who got over to your mother's house first,  
6 you or Quasantrina?

7 A. I believe Quasantrina did, but I'm not sure.

8 Q. What type of car did Quasantrina drive?

9 A. A black Plymouth Seabreeze.

10 Q. And when you and Quasantrina spoke, could you  
11 describe to the jury what her demeanor was? How did she  
12 appear?

13 A. She appeared to be nervous and kind of like  
14 paranoid like somebody was watching her or following her.

15 Q. In what way? What made you feel that way? What  
16 was she doing?

17 A. Because she kept looking around and watching  
18 people, and just lifting her head up and down, and just  
19 seemed nervous.

20 Q. And did she have a conversation with you -- and  
21 don't tell me what she said, but did she have a  
22 conversation with you about something that had happened a  
23 couple of nights before?

24 A. Yes, ma'am.

25 Q. And can you tell the jury how you reacted to

Sidearis Singleton  
Direct Examination by Ms. Shealy  
November 12, 2014

1 what Quasantrina told you?

2 A. When she told me what she told me, I was like,  
3 oh, no; you have to go and turn yourself in; somebody  
4 child life was lost and somebody child was beaten, so you  
5 need to go turn yourself in.

6 Q. And when you took -- when you told Quasantrina  
7 that, did you later talk to some of your own family  
8 members?

9 A. Yes, ma'am, I did.

10 Q. And how many family members did you speak with?

11 A. I spoke with my sister that was in Germany at  
12 the time.

13 Q. And why did you decide to talk to her?

14 A. Because she knows legal aspects of things, so I  
15 thought it would be important to speak with her about the  
16 situation to get guidance where to go.

17 Q. And after talking to your sister, did you share  
18 with Trina what your sister had also recommended?

19 A. Yes, ma'am.

20 Q. And do you do anything with T [REDACTED] at that  
21 point?

22 A. Yes, ma'am, I did.

23 Q. Tell the jury -- and that would have been your  
24 granddaughter?

25 A. Yes, ma'am.

Sidearis Singleton  
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November 12, 2014

- 1 Q. What did you do with T [REDACTED]
- 2 A. I took T [REDACTED] out of state.
- 3 Q. And did you leave her with a friend or a family
- 4 member?
- 5 A. A family member.
- 6 Q. Did you also share the information with Trina's
- 7 father?
- 8 A. Yes, ma'am.
- 9 Q. And did you have any contact with law
- 10 enforcement?
- 11 A. Yes, ma'am.
- 12 Q. Would you tell us the circumstances of that?
- 13 A. Law enforcement called me one Saturday morning
- 14 asking me about did I know anything concerning the case
- 15 with the two young men's on Johns Island.
- 16 Q. Now, prior to that conversation with law
- 17 enforcement, had your husband's sister initiated something
- 18 with law enforcement?
- 19 A. Not my husband's sister. It was Quasantrina's
- 20 father's sister --
- 21 Q. I'm sorry.
- 22 A. -- had a conversation.
- 23 Q. I'm sorry. Yes. It was Quasantrina's father's
- 24 sister?
- 25 A. Yes, ma'am.

Sidearis Singleton  
Direct Examination by Ms. Shealy  
November 12, 2014

1 Q. And was she aware of what Quasantrina had told  
2 you?

3 A. Yes, ma'am.

4 Q. And so she made the first contact with law  
5 enforcement?

6 A. Yes, ma'am.

7 Q. And then law enforcement called you?

8 A. Yes, ma'am.

9 Q. And when law enforcement called you, what did  
10 you do?

11 A. I went to the sheriff's department to make a  
12 statement.

13 Q. And, in fact, did you make a statement that day?

14 A. Yes, ma'am, I did.

15 Q. At that point, had Trina turned herself in?

16 A. No, ma'am, she hadn't.

17 Q. And could you tell us whether or not Trina  
18 ultimately did turn herself in?

19 A. Yes, ma'am, she did.

20 Q. And what were the circumstances for that? Did  
21 y'all, as a family, arrange that?

22 A. As a family, we spoke and we arranged for her to  
23 go and turn herself in.

24 Q. And who did she ride to the police station with,  
25 if you know?

Sidearis Singleton  
Direct Examination by Ms. Shealy  
November 12, 2014

1 A. She rode with me and my husband.

2 Q. And were there other family members at the  
3 police station with Quasantrina when she turned herself  
4 in?

5 A. Yes.

6 Her father and his fiancé, and also her Aunt  
7 Syrinia that called law enforcement.

8 Q. And on that occasion, did Quasantrina come home  
9 that night?

10 A. No, ma'am, she did not.

11 Q. Where did she spend the night?

12 A. Charleston County Detention Center.

13 Q. Did the officers call you back and tell you that  
14 she had been charged?

15 A. Yes, ma'am.

16 Q. Do you remember specifically what she was  
17 charged with?

18 A. The officers charged her with accessory to  
19 murder, accessory to attempted murder, accessory to  
20 robbery. I believe those were the three terms.

21 MR. APOSTOLOU: Judge, could we clarify that  
22 that's accessory after the fact on those charges?

23 MS. SHEALY: I think she can only answer what  
24 she knows.

25 Q. [Ms. Shealy] Do you remember them saying it was

Sidearis Singleton  
Direct Examination by Ms. Shealy  
November 12, 2014

1 accessory after the fact to those three crimes?

2 A. I believe it was, but I'm not sure what the  
3 legal terms.

4 Q. And so Quasantrina went to jail?

5 A. Yes, ma'am.

6 Q. And did you go to visit her while she was in  
7 jail?

8 A. Yes, ma'am.

9 Q. When you were at the jail, did you ever run into  
10 any family member of --

11 Did you call him Denzel or Fat?

12 A. I called him Denzel.

13 Q. Did you ever run into any family member of  
14 Denzel's while you were at the jail?

15 MR. APOSTOLOU: Objection. Relevance, Judge.

16 It doesn't make any difference to whether he --  
17 the facts at issue doesn't make any difference who she  
18 ran into at the jail.

19 MS. SHEALY: It's the first question of several  
20 questions that will indicate the relevance.

21 THE COURT: Go ahead.

22 Q. [Ms. Shealy] Did you run into anyone related to  
23 Denzel when you were visiting Quasantrina one time?

24 A. Yes, ma'am, I did.

25 Q. And who was it that you saw?

Sidearis Singleton  
Direct Examination by Ms. Shealy  
November 12, 2014

1 A. His mother, Dana.

2 Q. And not telling us exactly what she said, but  
3 what were you encouraged to do?

4 A. To go over to the booth where she was visiting  
5 Denzel.

6 Q. And when you did so, did you talk to Denzel?

7 A. Yes, ma'am, I did.

8 Q. And what did he tell you?

9 A. He said he wanted to apologize about the  
10 situation, getting my daughter in the situation, and he  
11 was going to make things right, that she gets out of this  
12 situation. And he also wanted to ask me for forgiveness.

13 Q. Now, did you have any further contact with  
14 Denzel?

15 A. No, ma'am. Not that I'm aware of.

16 Q. When you spoke with him that day, did he tell  
17 you he did not do this?

18 A. No, ma'am.

19 Q. Did he tell you that Quasantrina was lying about  
20 what happened?

21 A. No, ma'am.

22 Q. Later, did you bring one of Quasantrina's phones  
23 up to the solicitor's office?

24 A. Yes, ma'am, I did.

25 MS. SHEALY: I beg the Court's indulgence just

Sidearis Singleton  
Direct Examination by Ms. Shealy  
November 12, 2014

1 one moment.

2 Q. [Ms. Shealy] Let me show you State's Exhibit  
3 91. It's going to show up there in just a second.

4 So showing you 91 and State's Exhibit 92. Is  
5 that Trina's car?

6 A. Yes, ma'am.

7 Q. And when you indicated that you gave a statement  
8 in the case, do you recall the date that you gave the  
9 statement? I'll show you a copy of your statement.

10 A. May the 19th, 2012.

11 Q. And how many pages is that statement?

12 A. Three pages.

13 Q. And, again, why was it important to you that  
14 Quasantrina turn herself in?

15 A. Because someone's son died that day, and  
16 someone's son also was beaten, and I believe in doing the  
17 right thing. Because if my child was on the side of the  
18 road, I would like for someone to call law enforcement or  
19 give me some information, also.

20 MS. SHEALY: Thank you, Ms. Singleton. Please  
21 answer any questions that the defense may have.

22 MR. APOSTOLOU: Thank you, Ms. Singleton.

23 - - -

24 - - -

25 - - -

Sidearis Singleton  
Cross-Examination by Mr. Apostolou  
November 12, 2014

CROSS-EXAMINATION

1  
2 BY MR. APOSTOLOU:

3 Q. Quasantrina told you, y'all contacted the  
4 police, then the police started calling Quasantrina; is  
5 that correct?

6 A. Please repeat that.

7 Q. I'm sorry.

8 Quasantrina told you something, and you  
9 communicated directly to the police, then the police  
10 started calling Quasantrina directly; is that correct?

11 A. Please ask one question at a time, let me answer  
12 each one each time.

13 Q. Okay. Quasantrina told you something?

14 A. Yes, sir.

15 Q. As a result of that, you contacted police?

16 A. No, sir.

17 Q. Somebody in your family contacted police?

18 A. Yes, sir.

19 Q. And then the police started to call Quasantrina  
20 directly, communicate directly with Quasantrina; is that  
21 correct?

22 A. I'm not sure about that.

23 Q. Okay. Fair deal.

24 Quasantrina has had some difficulties in life,  
25 hasn't she, Ms. Singleton?

Sidearis Singleton  
Cross-Examination by Mr. Apostolou  
November 12, 2014

- 1 A. We all have.
- 2 Q. We have.
- 3 Quasantrina has attempted suicide before, has
- 4 she not?
- 5 A. I'm not sure about that.
- 6 Q. You're unsure whether your daughter tried to
- 7 kill herself?
- 8 A. Yes, sir, I'm unsure about that.
- 9 Q. Do you know if she's had some mental health
- 10 issues?
- 11 A. I'm not sure about that, sir.
- 12 Q. Do you know whether she's accused anyone in your
- 13 family of sexually assaulting her?
- 14 A. I'm not sure about that, sir.
- 15 Q. Okay. Do you know anybody named Phil?
- 16 A. Yes, sir.
- 17 Q. Who is Phil?
- 18 A. Phil is a son that I have.
- 19 Q. Phil is your son?
- 20 A. Yes, sir.
- 21 Q. Do you have a husband at the present time?
- 22 A. Yes, sir.
- 23 Q. And what is his name?
- 24 A. His name is Phillip.
- 25 Q. Phillip. Okay. My apologies.

Sidearis Singleton  
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1 Do you know whether Quasantrina has ever accused  
2 Phillip of sexually assaulting her?

3 A. No, sir.

4 Q. You do not know whether that's true or not?

5 A. No, sir.

6 Q. You're still presently married to Phillip?

7 A. Yes, sir.

8 Q. All right. And if Quasantrina had accused him  
9 of sexually molesting her, then you would not be married  
10 to him if you believed those were correct; is that true?

11 A. Correct.

12 Q. You're uncertain whether Quasantrina has ever  
13 accused Phil, Phillip, of sexually assaulting her?

14 A. Yes, I'm unsure.

15 Q. Are you aware that Quasantrina has worked as a  
16 stripper in a strip club?

17 A. I'm aware --

18 MS. SHEALY: Your Honor, objection to the  
19 relevancy.

20 THE COURT: What's --

21 MR. APOSTOLOU: The relevance, Judge, is the  
22 mental state of her daughter and --

23 THE COURT: Well, working in a strip club, I  
24 don't know what that's got to do with mental health.

25 MS. SHEALY: I just want to make sure I

Sidearis Singleton  
Cross-Examination by Mr. Apostolou  
November 12, 2014

1 understood that. He's saying it goes to her mental  
2 state?

3 MR. APOSTOLOU: I'm saying if -- I'm saying it  
4 relies to the state of her mental situation.

5 THE COURT: Well, I don't see how that relates  
6 to it, so I will sustain the objection.

7 MR. APOSTOLOU: Okay.

8 Q. [Mr. Apostolou] Have you ever heard of Club  
9 Crucial [phonetic] before?

10 A. I heard of it.

11 Q. Is all the answers that you gave today a hundred  
12 percent the truth?

13 A. That I'm aware of, sir.

14 Q. That you're aware of?

15 A. Yes, sir.

16 Q. You're not aware whether your daughter attempted  
17 suicide previously?

18 A. I just answered that question. The answer is  
19 still the same.

20 MR. APOSTOLOU: The Court's indulgence.

21 No questions, Judge.

22 MR. MCCOY: Briefly, Judge. Thank you.

23 Good afternoon, Ms. Singleton.

24 THE WITNESS: Good afternoon.

25

- - -

Sidearis Singleton  
Cross-Examination by Mr. McCoy  
November 12, 2014

CROSS-EXAMINATION

1

2

BY MR. MCCOY:

3

4

Q. I just have a couple of questions, based on the statement that you gave when you spoke to the police.

5

Okay?

6

A. Yes, sir.

7

8

Q. In your statement -- and you can't say what somebody else told you, but you can say what you learned.

9

10

Okay? And one of the questions that's on here, it says did Trina say she saw anybody get shot, if so, who.

11

Do you remember how you answered that?

12

13

A. I'm not sure. You have the papers in front of you, sir, so I'm not sure.

14

15

Q. Would it refresh your recollection if I show them to you?

16

A. Yes, sir. I would appreciate that.

17

Q. Okay.

18

[Whereupon, the witness reviews documents]

19

20

Q. [Mr. McCoy] Let me know. Take a look at that and if you have any questions, let me know.

21

A. Uh-huh.

22

[Whereupon, the witness reviews documents]

23

A. Ask your question again, sir.

24

Q. [Mr. McCoy] Yes, ma'am.

25

This goes back to the question-and-answer

Sidearis Singleton  
Cross-Examination by Mr. McCoy  
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1 portion of your statement where it says did Trina indicate  
2 to you whether she saw anybody get shot. And do you  
3 remember how you answered?

4 MS. SHEALY: Your Honor, I do think that calls  
5 for hearsay.

6 THE COURT: Well, you're asking her to refresh  
7 her recollection?

8 MR. MCCOY: I am asking her to reflect --  
9 refresh her recollection, based off her statement that  
10 she gave to the police.

11 MS. SHEALY: Could we approach, Your Honor?

12 THE COURT: Yes.

13 [Whereupon, an off-the-record bench conference  
14 is held]

15 Q. [Mr. McCoy] Have you had an opportunity to take  
16 a look at that?

17 A. I glanced over it.

18 MR. MCCOY: I'm going to take it back from you,  
19 okay?

20 Q. [Mr. McCoy] And, again, you're not allowed to  
21 say what somebody else told you. But you did answer the  
22 questions in the statement; is that correct?

23 A. Yes, sir.

24 Q. And did Trina tell you or indicate to you that  
25 she saw anybody get shot that night?

Sidearis Singleton  
Cross-Examination by Mr. McCoy  
November 12, 2014

1 MS. SHEALY: I would renew my objection.

2 THE COURT: How about did she ever tell anybody  
3 that Trina said that.

4 MR. MCCOY: Did she ever tell anybody.

5 Q. [Mr. McCoy] Did you ever tell anybody that  
6 Trina said she saw anybody get shot or not get shot on the  
7 scene that night?

8 A. Break that down again.

9 Q. I'm going to break it down one more time. I'm  
10 sorry. Okay?

11 Again, we've got to watch what we say hearsay-  
12 wise in the courtroom. You can't say what somebody else  
13 told you. Okay? You can only say how you answered these.

14 Did you indicate to the police that anybody --  
15 that you learned that anybody got shot that night or did  
16 Trina see anybody get shot that night?

17 A. To me, that would still be hearsay.

18 Q. Can you answer my question for me?

19 A. That's what -- I'm answering your question.

20 THE COURT: I've ruled on whether or not it's  
21 hearsay.

22 He's asking you did you tell anybody that. Not  
23 whether anybody told you that, but did you tell  
24 anybody that.

25 A. Did I tell anyone what?

Sidearis Singleton  
Cross-Examination by Mr. McCoy  
November 12, 2014

1 Q. [Mr. McCoy] Did she say -- I'm going to read  
2 the question that was --

3 A. Okay.

4 Q. I'll give it to you again. Okay?

5 A. Yes, sir.

6 Q. Did Trina say she saw anybody get shot? If so,  
7 who?

8 A. I need to see the paper.

9 Q. Okay. I'll show it to you one more time.

10 MR. MCCOY: Judge, may I approach the witness?

11 THE COURT: Yeah. But I know this is kind of  
12 splitting hairs, but for her just to say what Trina  
13 said would be hearsay, sure. A proper question is  
14 did she tell anybody, though, because that's what  
15 you're trying to refresh her recollection on.

16 Q. [Mr. McCoy] Do you want me to break it down for  
17 you one more time?

18 A. Yes, sir.

19 Q. All right. We'll do it one more time.

20 Did you tell anybody that Trina told you that  
21 somebody was shot on the scene?

22 A. Can I see?

23 Q. Sure. Yes, ma'am.

24 [Whereupon, the witness reviews documents]

25 A. My response would be, no, she didn't mention

Sidearis Singleton  
Cross-Examination by Mr. McCoy  
November 12, 2014

1 any -- no, that's not the right question.

2 Q. [Mr. McCoy] The one above.

3 A. She didn't see anybody get shot. She was in her  
4 car.

5 Q. Okay. Did you tell the police that there was  
6 any mention of weapons or seeing weapons on the scene?

7 A. No. She didn't mention any weapons.

8 MR. MCCOY: Thank you, Ms. Singleton. I  
9 appreciate it. I'm sorry it took a little while, but  
10 I appreciate your time.

11 Thank you, Judge.

12 THE COURT: Redirect?

13 MS. SHEALY: Yes, Your Honor.

14  
15  
16  
17  
18  
19  
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FORM C-100 - LASER REPORTERS PAPER & MFG. CO. 800-826-6313

Sidearis Singleton  
Redirect Examination by Ms. Shealy  
November 12, 2014

REDIRECT EXAMINATION

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BY MS. SHEALY:

Q. Ms. Singleton, you told us that you knew someone had died -- after your conversation with Trina -- is that correct?

A. Yes, ma'am.

Q. Do you think Quasantrina gave you every detail of what happened that night when y'all talked that afternoon?

A. No, ma'am.

Q. And --

MR. MCCOY: Objection to speculation, Judge, on that.

THE COURT: Repeat your question.

MS. SHEALY: Do you think Trina gave you every detail of what happened that night when y'all spoke that day.

THE COURT: Well, that would be speculative.

MS. SHEALY: Okay.

Q. [Ms. Shealy] How lengthy was your conversation with her about the details of what had happened?

A. It might have been five minutes, if that.

Q. And Mr. Apostolou asked you about Trina's mental health and whether she had been abused; is that correct?

A. Yes, ma'am.

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1 Q. Who did you know that had abused her?

2 MR. APOSTOLOU: Objection, Your Honor --

3 THE COURT: Would you say that question one more  
4 time?

5 MS. SHEALY: Who do you know that abused her.

6 MR. APOSTOLOU: Objection, Judge.

7 MS. SHEALY: May we approach?

8 THE COURT: Well, you raised the -- you raised  
9 the issue. I guess she would -- you introduced it,  
10 so --

11 MR. APOSTOLOU: May we approach, Judge?

12 THE COURT: Yes.

13 [Whereupon, an off-the-record bench conference  
14 is held]

15 Q. [Ms. Shealy] Ms. Singleton, who are you aware  
16 of that harmed Trina?

17 A. In what way?

18 Q. In any way. In a physical way.

19 A. In a physical way, that I know of, is domestic  
20 violence.

21 Q. And who was that on the part of? Who harmed  
22 her?

23 A. Her baby's father.

24 Q. That man? Fat? Denzel?

25 A. Yes, ma'am.

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- 1 Q. And it wasn't just on the night in question, was  
2 it?
- 3 A. No, ma'am.
- 4 Q. There had been a history of that?
- 5 A. Yes, ma'am.
- 6 Q. And Trina would share that with you?
- 7 A. Yes, ma'am.
- 8 Q. Had you ever seen her after he hurt her?
- 9 A. Yes, ma'am.
- 10 Q. Did you ever see any physical signs of it  
11 yourself?
- 12 A. Yes, ma'am.
- 13 Q. What did you see?
- 14 A. Her hair was taken out of here, the side. She  
15 had some braids but the hair was gone. And her lip was  
16 busted or swelled up.
- 17 MR. APOSTOLOU: Judge, I'm going to object to  
18 this, because she cannot tell the circumstances in  
19 which those injuries occurred. She's just speculating  
20 to how they occurred.
- 21 THE COURT: Overruled.
- 22 MS. SHEALY: Beg the Court's indulgence just a  
23 moment.
- 24 Q. [Ms. Shealy] Let me just ask you if you're  
25 familiar --

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1 THE COURT: Hold on. Wait a minute. What did  
2 you -- what's that?

3 [Whereupon, an off-the-record bench conference  
4 is held]

5 Q. [Ms. Shealy] Ms. Singleton, other than the time  
6 when he ripped her hair and busted her mouth, were you  
7 aware of other occasions that he had behaved in a similar  
8 fashion towards her?

9 A. Yes, ma'am.

10 Q. And how did that affect your level of comfort  
11 with her having a relationship with him?

12 A. I did not have a relationship with him, really.

13 Q. Were you happy that she did?

14 A. I wasn't happy.

15 Q. And, again, that happened on more than just one  
16 occasion; is that correct?

17 A. Yes, ma'am.

18 Q. And are you aware of whether it happened in  
19 other cities other than in Charleston?

20 A. Yes, ma'am.

21 Q. So other cities and other times?

22 A. Yes, ma'am.

23 MS. SHEALY: Ms. Singleton, I have no further  
24 questions. Thank you very much.

25 THE WITNESS: Yes, ma'am.

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1 THE COURT: Recross?

2 MR. APOSTOLOU: No questions, Judge.

3 MR. MCCOY: No, sir, Judge.

4 THE COURT: You may step down.

5 [Whereupon, the witness is excused and exits the  
6 witness stand]

7 MS. SHEALY: May we approach just briefly,  
8 Judge?

9 THE COURT: Sure.

10 MS. SHEALY: Oh. May she be excused?

11 THE COURT: Yes. You're free to go.

12 MS. SHEALY: She's allowed to sit in the  
13 courtroom now?

14 THE COURT: Yes, she can.

15 MS. SHEALY: Ms. Singleton, you can sit in the  
16 courtroom.

17 [Whereupon, an off-the-record bench conference  
18 is held]

19 THE COURT: The next witness might be a little  
20 while, so we're going to -- might be lengthy, so we'll  
21 go ahead and take a restroom break and we'll have you  
22 back in about fifteen minutes.

23 Again, don't begin deliberations or discussions  
24 about the case, and we will see you back in about  
25 fifteen minutes.

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1 [Whereupon, the jury exits the courtroom at 2:28  
2 p.m.]

3 THE COURT: All right. Just for the record,  
4 when she was showing me this -- you didn't come up  
5 here -- but I told her I wasn't going to allow  
6 extrinsic evidence to follow up on that line, she was  
7 basically stuck with whatever answer she got. And so  
8 I didn't allow that for that reason.

9 MS. SHEALY: Could we make this a Court's  
10 Exhibit?

11 THE COURT: Certainly.

12 [Whereupon, Court's Exhibit Number 8 is marked  
13 by the court reporter]

14 THE COURT: All right. Fifteen minutes.

15 [Whereupon, a recess is held from 2:30 p.m. to  
16 2:40 p.m.]

17 MR. APOSTOLOU: Judge, can we approach briefly?

18 THE COURT: Sure.

19 [Whereupon, an off-the-record bench conference  
20 is held]

21 THE COURT: All right. Bring the jury in.

22 [Off the record momentarily]

23 [Whereupon, the jury enters the courtroom at  
24 2:46 p.m.]

25 THE BAILIFF: All jurors are present, Your

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1 Honor.

2 THE COURT: All right. The State, call your  
3 next witness.

4 MS. SHEALY: Quasantrina Rivers.

5 [Whereupon, Ms. Rivers comes forward]

6 THE CLERK OF COURT: If you would place your  
7 left hand here. Raise your right.

8 [Whereupon, Ms. Rivers is duly sworn by the  
9 clerk of court as follows: do you swear or affirm the  
10 testimony you will give the Court and the jury in the  
11 trial of this case will be the truth, the whole truth,  
12 and nothing but the truth, so help you God]

13 THE WITNESS: Yes, sir.

14 THE CLERK OF COURT: You may be seated. Ma'am,  
15 once seated, if you could please state your first and  
16 last name. Spell your last loudly and clearly into  
17 the microphone, please.

18 [Whereupon, Ms. Rivers takes the witness stand]

19 THE WITNESS: Quasantrina Singleton Rivers.

20 Q-U-A-S-A-N-T-R-I-N-A, Singleton, S-I-N-G-L-E-T-O-N,  
21 Rivers, R-I-V-E-R-S.

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QUASANTRINA RIVERS,

Having Been First Duly Sworn,  
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. SHEALY:

Q. Quasantrina, just to make it easier, I may refer to you as Trina today. Okay?

A. Yes, ma'am.

Q. Tell the jury, please, how old are you?

A. I'm twenty-four.

Q. And where did you grow up?

A. In North Charleston.

Q. What high school did you go to?

A. I graduated from Fort --

Q. And how many children do you have?

A. One.

Q. And what is your child's name?

A. T[REDACTED].

Q. And how old is T[REDACTED]?

A. Three.

Q. And who is T[REDACTED]'s father?

A. Denzel Heyward.

Q. And where is Denzel Heyward? Do you see him in the courtroom?

A. Yes, ma'am.

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- 1 Q. Where is he seated?
- 2 A. With the green sweater.
- 3 Q. With the glasses on?
- 4 A. Yes, ma'am.
- 5 Q. And your father's name is?
- 6 A. Lloyd Rivers.
- 7 Q. Tell us about your relationship with Denzel
- 8 Heyward. How long have you known him?
- 9 A. I've known Denzel for three years. He's the
- 10 father of my daughter.
- 11 Q. And how did you meet him?
- 12 A. I met him in a club.
- 13 Q. In a club?
- 14 A. Yes, ma'am.
- 15 Q. And did your relationship obviously become
- 16 romantic?
- 17 A. Yes, ma'am.
- 18 Q. Focusing your attention back to May of 2012,
- 19 were y'all still involved in a romantic relationship?
- 20 A. It was on and off.
- 21 Q. And without going into a lot of detail, could
- 22 you tell the jury whether or not this relationship
- 23 included some violence?
- 24 A. Yes, ma'am.
- 25 Q. And was that violence on your part, or toward

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1 you?

2 A. Towards me.

3 Q. Now, despite the violence, do you continue to  
4 have a relationship with him?

5 A. Yes, ma'am.

6 Q. Now, do you know Dashaun Simmons?

7 A. Yes, ma'am.

8 Q. And do you see him seated in the courtroom?

9 A. Yes, ma'am.

10 Q. Could you point him out for us?

11 A. [Witness indicates]

12 Q. What color shirt does he have on?

13 A. Blue and white.

14 Q. How did you know Dashaun?

15 A. Him and Denzel are friends.

16 Q. Him and --

17 A. Him and Denzel Heyward were friends.

18 Q. And do you know how long they had been friends?

19 A. Probably two years, a year.

20 Q. I'm sorry. Say that again.

21 A. About two years to a year.

22 Q. And are you talking about at the time of May,  
23 2012, they had already been friends for a couple of years?

24 A. Yes, ma'am.

25 Q. Now, did Denzel Heyward attend South Carolina

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- 1 State?
- 2 A. Yes, ma'am.
- 3 Q. And did you ever go and visit him there?
- 4 A. Yes, ma'am.
- 5 Q. Did you ever meet a guy named Lorenzo Mehcziz?
- 6 A. Yes, ma'am.
- 7 Q. And what was his relationship with Denzel?
- 8 A. His friend.
- 9 Q. I'm showing you what's been marked as State's  
10 Exhibit 123. Who is that a photograph of?
- 11 A. Lorenzo.
- 12 Q. Okay. When you and Denzel were together, did  
13 y'all ever do anything with Lorenzo?
- 14 A. As far as dinners or anything involving with  
15 South Carolina State.
- 16 Q. At South Carolina State?
- 17 A. Yes, ma'am.
- 18 Q. What about Dashaun Simmons? Would you see him  
19 at South Carolina State?
- 20 A. Yes, ma'am.
- 21 Q. Now, was he a friend of Denzel?
- 22 A. Yes, ma'am.
- 23 Q. And would you do things socially with Dashaun  
24 Simmons?
- 25 A. Yes, ma'am.

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1 Q. What type of things would y'all do together?

2 A. As far as dinners or events that they had at the  
3 school.

4 Q. Did Dashaun have a girlfriend?

5 A. Yes, ma'am.

6 Q. And what was her name?

7 A. Shaude.

8 Q. And do you have another friend who's also named  
9 Shaude?

10 A. Yes, ma'am.

11 Q. Would you and Denzel and Dashaun and Shaude do  
12 things together?

13 A. No, ma'am.

14 Q. But you had met her?

15 A. Yes, ma'am.

16 Q. Did you know a guy named Kadeen Chambers?

17 A. No, ma'am.

18 Q. Did you know a guy named Jujuaïn Hemingway?

19 A. No, ma'am.

20 Q. Had you ever heard of either of those two people  
21 before May 16th --

22 A. No, ma'am.

23 Q. -- 2012?

24 A. No.

25 Q. Tell us about earlier the day -- in the day of

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1 May 16th. What were you doing, what was Denzel doing, was  
2 Dashaun around? Can you describe for us what happened  
3 earlier in the day?

4 A. May 16th, me and my daughter, Denzel, and  
5 Dashaun was at his grandmother's house. We were sleeping.  
6 And I got my child together and Denzel and Dashaun was  
7 having communion [phonetic] talking.

8 So earlier that day he had to handle business as  
9 far as the DMV and to go to a lawyer's office.

10 Q. Who was?

11 A. Denzel.

12 Q. Okay.

13 A. All of us was together: Denzel, Dashaun, and my  
14 daughter T [REDACTED]. And with that happening, we ended up  
15 dropping T [REDACTED] off back to her grandmother's house,  
16 which is Denzel's grandmother.

17 Q. Which is what?

18 A. Denzel's grandmother.

19 MS. SHEALY: You know what I need you to do for  
20 me? Just because your voice kind of falls a little  
21 bit, just make sure you're speaking a little bit  
22 louder for us and slow it down just a little bit.  
23 Okay?

24 Q. [Ms. Shealy] So earlier in the day when you and  
25 Denzel and Dashaun and T [REDACTED] were together, that's when

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1 some of these errands were run?

2 A. Yes, ma'am.

3 Q. And what vehicle was used to run the errands?

4 A. A 1998 black Plymouth Breeze.

5 Q. And whose vehicle was that?

6 A. Mine.

7 Q. And you've indicated that you dropped T [REDACTED]

8 off at Denzel's grandmother's house?

9 A. Yes, ma'am.

10 Q. I'm sorry. Did you say yes?

11 A. Yes, ma'am.

12 Q. And is that -- who do y'all refer to her as?

13 A. Ernestine, his grandmother.

14 Q. So y'all went to run the errands. You dropped  
15 T [REDACTED] off. And then what happened?

16 A. After dropping T [REDACTED] off, me, Denzel and  
17 Dashaun wanted to go with his girlfriend Shaude. And we  
18 found Shaude and we were headed back to the house. We had  
19 plans to go to dinner and a movie. And in that time I  
20 ended up taking my hair out, so I was discussing that I  
21 didn't want to go. So up until that time, Denzel was  
22 arguing with me about me not wanting to go.

23 So they're outside and they're already in the  
24 car, and we were arguing, and he like put both hands on me  
25 and forced me in the car. And his mother and everybody

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1 just walked past.

2 Q. Watching him do that?

3 A. Yes.

4 Q. When you say he was putting his hands on you,  
5 what do you mean?

6 A. As far as pulling me on my ponytail and telling  
7 me to get in the car.

8 Q. Pulling on your ponytail?

9 A. Yes, ma'am.

10 Q. And was this during the daytime hours or the  
11 evening hours?

12 A. Daytime hours.

13 Q. Now, do you know a guy named Skrill?

14 A. Yes, ma'am.

15 Q. At the point where Denzel pulled your ponytail,  
16 had y'all gone over to Skrill's place before that?

17 A. Yes, ma'am.

18 Q. Let's talk about that for a second. When you  
19 dropped T [REDACTED] off at Granny's house, is that when y'all  
20 went over to where Skrill was?

21 A. Yes, ma'am.

22 Q. Now, the place that you went, was it Skrill's  
23 home?

24 A. No, ma'am.

25 Q. And do you know Skrill's name?

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- 1 A. No, ma'am.
- 2 Q. And who drove -- who did you -- were you  
3 driving?
- 4 A. Yes, ma'am.
- 5 Q. Your vehicle?
- 6 A. Yes, ma'am.
- 7 Q. And who was in the car with you?
- 8 A. Denzel and Dashaun.
- 9 Q. And can you describe to the jury what area of  
10 town Skrill -- how would you refer to the place that you  
11 go to? What type of place was it?
- 12 A. It's a trailer. Liveable.
- 13 Q. Liveable?
- 14 A. Yes, ma'am.
- 15 Q. But it's not where Skrill lived?
- 16 A. No, ma'am.
- 17 Q. What area of town is that in?
- 18 A. Ridgeville.
- 19 Q. And when you went to Skrill's house, is that the  
20 first time you had been there? Or had you been there  
21 previously?
- 22 A. Previously.
- 23 Q. So did you know how to get there?
- 24 A. Yes, ma'am.
- 25 Q. And when you got there, could you tell the jury

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1 whether anybody in the car got out of the car?

2 A. Denzel Heyward got out of the car.

3 Q. And where did he go?

4 A. Inside the house.

5 Q. And did he come back outside?

6 A. Yes, ma'am.

7 Q. And did he come back outside with someone, or  
8 alone?

9 A. He came outside, with Skrill standing on the  
10 porch.

11 Q. When he came back outside, what, if anything,  
12 did he have?

13 A. A black bag.

14 Q. And could you tell anything about what was in  
15 the black bag?

16 A. The black bag had something sticking out of it.

17 Q. And what did it look like?

18 A. The top of a gun.

19 Q. The top of a gun?

20 A. Uh-huh. Yes, ma'am.

21 Q. Could you tell what type of gun it was?

22 A. No, ma'am.

23 Q. And the bag that it was in was what type of bag?

24 A. A duffle bag.

25 Q. Where was that put?

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1 A. In my trunk.

2 Q. Did Dashaun get out of the car at that point?

3 A. No, ma'am.

4 Q. Did Dashaun and Denzel tell you why they got the  
5 gun?

6 A. No, ma'am.

7 Q. Explain to the jury: when Denzel was doing his  
8 business, would he tell you the details of it?

9 A. When he was doing his business, he referred to  
10 it as that he didn't want me to be involved or know  
11 anything about it.

12 Q. He didn't what?

13 A. He didn't want to be involved or know anything  
14 about it.

15 Q. He didn't want you to be involved?

16 A. Yes, ma'am.

17 Q. So you didn't know all the things that he was  
18 doing?

19 A. No, ma'am.

20 Q. Do you know how he made his money?

21 A. He had a job at South Carolina State.

22 Q. And then in addition to that, how would he make  
23 some money? Were you aware?

24 A. No, ma'am.

25 Q. And you've explained that the nature of your

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1 relationship, he wouldn't confide in you about a lot?

2 A. No, ma'am.

3 Q. After the gun was put in the car, did Denzel get  
4 back in the car with you?

5 A. Yes, ma'am.

6 Q. And where did y'all go?

7 A. Back to the granny's house.

8 Q. And when you got back to the granny's house,  
9 what happened?

10 A. Denzel took the bag out of the car.

11 Q. And where did he put it?

12 A. Under the house.

13 Q. Let me ask you if you can identify these.

14 [Whereupon, the witness reviews documents]

15 A. Yes, ma'am.

16 Q. [Ms. Shealy] Showing you what has been  
17 previously marked as State's Exhibit 114. It's going to  
18 show up --

19 THE COURT: Are these ones that were previously  
20 admitted?

21 MS. SHEALY: Yes, sir.

22 THE COURT: Okay. You can publish.

23 Q. [Ms. Shealy] Showing you what has been  
24 previously marked as State's Exhibit 114, and it's up  
25 there.

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1                   When y'all got to Granny's house, did you see  
2 where they put the gun?

3           A.     When arriving to -- when getting to Granny's  
4 house, Denzel took the bag out of the trunk. I wasn't  
5 aware of where he put it at.

6           Q.     I'm sorry. Say that again.

7           A.     I'm not aware of where he put it at.

8           Q.     You're not sure where he put it at that point?

9           A.     Huh-uh.

10          Q.     Okay. So you went inside?

11          A.     Yes, ma'am.

12          Q.     T[REDACTED] was there?

13          A.     Yes, ma'am.

14          Q.     Was Shaude there?

15          A.     No, ma'am.

16          Q.     And what were the plans for that evening that  
17 you learned?

18          A.     The plans about us going out to dinner, movies.

19          Q.     And that was going to be with Shaude?

20          A.     Yes, ma'am.

21          Q.     And what did you tell Denzel about wanting to go  
22 or not wanting to go?

23          A.     That I wanted to get my hair done instead of  
24 going.

25          Q.     You wanted to do what?

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1 A. I wanted to get my hair done instead of going.

2 Q. And could you describe for the jury how he  
3 reacted to your wanting to get your hair done instead?

4 A. He reacted in frustration and still wanting to  
5 go.

6 Q. Still wanting to go?

7 A. Yes, ma'am.

8 Q. So what happened?

9 A. We went to get Shaude, and then we ended up back  
10 at the house. And I was in the process of taking my hair  
11 out, and that's when everybody was talking about going.  
12 But I said I didn't want to go, so that's when he started  
13 fighting me.

14 MS. SHEALY: Wait. You're going to have to slow  
15 down. I could barely hear you myself. Can you talk  
16 up just a little bit for us?

17 A. Everyone was outside, and we were talking about  
18 going and I didn't want to go, so that's when he started  
19 arguing and fighting me.

20 Q. [Ms. Shealy] And where was Shaude?

21 A. Outside.

22 Q. And when you say he was fighting you, is that  
23 when you were telling us that he was pulling at your  
24 ponytail?

25 A. Yes, ma'am.

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1 Q. So what happened? Did all four of you get in  
2 the car?

3 A. Yes, ma'am.

4 Q. And what happened with Shaude?

5 A. We took her back home.

6 Q. Now, before that happened, had y'all watched a  
7 movie at your house?

8 A. Yes, ma'am.

9 Q. At Granny's house, I guess?

10 A. Yes, ma'am.

11 Q. Was Shaude there for that?

12 A. Yes, ma'am.

13 Q. And when you left Granny's, you went where?

14 A. To drop Shaude off.

15 Q. Did Dashaun stay with you or did he get out with  
16 Shaude?

17 A. He got out with Shaude.

18 Q. Let me ask you a couple of things. Your phone  
19 number -- what was your telephone number during that time?

20 A. 619 -- 843-619-58 [REDACTED].

21 Q. And whose phone number was 469-74 [REDACTED]?

22 A. Denzel.

23 Q. Now, did Denzel keep one phone or did he have  
24 multiple phones?

25 A. During that time, he had one phone but before

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1 that, he had multiples.

2 MS. SHEALY: You're going to have to --

3 A. During that time he had one phone, but his phone  
4 keep breaking so he got multiples.

5 Q. [Ms. Shealy] He had multiples? Is that what  
6 you're saying?

7 A. Yes, ma'am.

8 Q. And what about you? Did you keep the same phone  
9 number phone after phone?

10 A. Yes.

11 Q. If you lost a phone, you kept the same telephone  
12 number when you got another phone?

13 A. Yes, ma'am.

14 Q. Would Denzel ever use your telephone?

15 A. Yes, ma'am.

16 Q. And was that a frequent thing that he would do?

17 A. No, ma'am.

18 Q. But sometimes he would use yours?

19 A. Yes, ma'am.

20 Q. Were y'all together a lot during the days during  
21 this time period?

22 A. Yes, ma'am.

23 Q. And so whichever phone was available, he would  
24 use?

25 A. During that time he didn't have a phone, so he

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1 was using my phone.

2 Q. The 469-74 [REDACTED] was the telephone number he was  
3 using on the 16th?

4 A. Yes, ma'am.

5 Q. After you drop off Shaude, what do y'all then  
6 do?

7 A. After dropping off Shaude, we go back to the  
8 granny's house and --

9 Q. What do you do there?

10 A. Upon arriving to the granny house, he asked me  
11 to stop to the gas station. I didn't want to stop so he  
12 started fighting me again.

13 Dashaun got out of the car, and me and Denzel  
14 sit in the car and drove to an abandoned building. And  
15 during that time, he's arguing with me and on the phone.

16 Q. He was on the phone?

17 A. Yes, ma'am.

18 Q. Could you tell who he was talking to?

19 A. No, ma'am.

20 Q. Could you tell what he was talking about?

21 A. Addresses.

22 Q. Addresses?

23 A. Yes, ma'am.

24 Q. And did you go back and get Dashaun, or he was  
25 still with you --

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1 A. He was at the granny's house. He was at the  
2 grandmother's house.

3 Q. So do y'all go back and get Dashaun?

4 A. No, ma'am. We go back to the house and we stay  
5 there.

6 Q. And when you go back and stay there, at some  
7 point do y'all leave again that evening?

8 A. Yes, ma'am.

9 Q. When you leave that time, who gets in the  
10 vehicle?

11 A. Me, Dashaun, and Denzel.

12 Q. And who drove?

13 A. Me.

14 Q. And prior to leaving, could you tell whether  
15 anything was gotten from Granny's house?

16 A. No, ma'am.

17 Q. Did you see, at any point, the gun taken out of  
18 the trunk at Granny's house that day?

19 A. No, ma'am.

20 Q. And you don't remember whether or not you saw  
21 someone getting the gun back and putting it in the car?

22 A. No, ma'am.

23 Q. Now, as y'all drove, where were you told to  
24 drive?

25 A. Johns Island.

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1 Q. And were you familiar with where Denzel had  
2 lived previously?

3 A. Yes, ma'am.

4 Q. Do you remember the name of that road?

5 A. No, ma'am.

6 Q. Were you heading that direction when you were  
7 going?

8 A. Yes, ma'am.

9 Q. So as you're heading over there, was there any  
10 discussion about what was going to happen?

11 A. No, ma'am.

12 Q. You told us that you knew Lorenzo. Did people  
13 call him Renzo?

14 A. Yes, ma'am.

15 Q. Had you ever been over to his mother's house  
16 before?

17 A. No, ma'am.

18 Q. On this occasion, where do y'all drive up to?

19 A. Lorenzo's house.

20 Q. And how could you tell it was Lorenzo's house?

21 A. He came outside to talk.

22 Q. When he came outside to talk, where had you  
23 pulled your vehicle?

24 A. In the driveway.

25 Q. So showing you State's Exhibit 1 --

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1 MS. SHEALY: I'm going to hand you this pointer,  
2 so if you need to stand up and point, do so, please.

3 Q. [Ms. Shealy] What is that a picture of?

4 A. Lorenzo's house.

5 Q. And when you initially drove up that evening,  
6 would you point to where you pulled the car?

7 A. Originally, it was right here.

8 Q. Okay. Now, when you're saying originally, it  
9 was where?

10 A. [Indicates]

11 Q. With the front of it facing which way?

12 A. This way.

13 Q. And were you in that green, grassy area when you  
14 pulled over?

15 A. Yes, ma'am.

16 Q. Did you move the car at some point?

17 A. Yes, ma'am.

18 Q. And where did you move it?

19 A. [Indicates]

20 Q. And did you pull in forward, with your -- you in  
21 the front heading towards the house, or did you back into  
22 it?

23 A. Back in.

24 Q. Who told you to do that?

25 A. Denzel.

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1 Q. And at that point, had Lorenzo already come out  
2 to talk to Denzel?

3 A. Yes, ma'am.

4 Q. Could you tell what they were talking about?

5 A. No, ma'am.

6 Q. Where were you while they were talking?

7 A. In my car.

8 Q. Where was Dashaun?

9 A. He got out of the car.

10 Q. Do you remember what color shirt Denzel had on  
11 that night?

12 A. A red shirt.

13 Q. Do you remember what color shirt Dashaun had on  
14 that night?

15 A. A black shirt.

16 Q. A black shirt?

17 A. Yes, ma'am.

18 Q. Did he change out of that shirt at some point  
19 that evening?

20 A. No, ma'am.

21 Q. Did anything happen with the trunk area?

22 A. Yes, ma'am.

23 Q. What?

24 A. Denzel asked for the keys and went into the  
25 trunk.

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1 Q. Denzel went into the trunk?

2 A. Yes, ma'am.

3 Q. And could you tell who got something out of the  
4 trunk?

5 A. No, ma'am.

6 Q. What was the next thing that you saw after they  
7 got -- after Denzel got something out of the trunk?

8 A. The mother pulling up.

9 Q. And when the mother pulled up, do you recall  
10 what you had to do with your car?

11 A. I had to move out of the driveway.

12 Q. So where did you pull?

13 A. [Indicates]

14 Q. And that's back where you had been?

15 A. Yes, ma'am.

16 Q. What's the next thing that happened?

17 A. The next thing that happens is I'm parked still  
18 right there and the young man with the other car, they  
19 pull up and -- this is where he parked right here.

20 Q. Okay. So wait a minute.

21 When you say another car pulled up, did it  
22 immediately stop there or did it pass by and turn around?

23 A. It pass by and then turn around.

24 Q. So taking that pointer please, will you show us  
25 on the road which way it came in?

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1 A. It came in this way.

2 Q. Heading which way?

3 A. This way.

4 Q. Okay. And then what happened with it?

5 A. It turned around and came back this way.

6 Q. When it came back, where did it pull in?

7 A. [Indicates]

8 MS. SHEALY: I think you can go ahead and have a  
9 seat for me again.

10 [Whereupon, Ms. Rivers complies]

11 Q. [Ms. Shealy] Now, when it pulled in, what then  
12 happened?

13 A. When it pulled in, Denzel and the boy on the  
14 passenger side was outside talking, saying what's up, and  
15 Denzel like physically bum-rushed him. And I just  
16 remember the boy saying, I already knew what time it was.  
17 And with that happening --

18 MS. SHEALY: You're going to have to slow down  
19 and you're going to have to talk a little bit louder  
20 for me.

21 Q. [Ms. Shealy] You saw Denzel go where?

22 A. On the passenger side.

23 Q. And when you saw Denzel approach the passenger  
24 door, was that the front passenger door?

25 A. Yes, ma'am.

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1 Q. What did you hear Denzel say?

2 A. The boy got out of the car and was standing out  
3 the car and they were talking saying, what's up. And the  
4 boy was like, I already knew what time -- Denzel  
5 physically pushed him up on the car and the boy said, I  
6 already knew what time it was.

7 Q. I already knew what time it was?

8 A. Yes, ma'am.

9 Q. And you said Denzel did what to that boy?

10 A. Pushed him up against the car.

11 Q. So did he use his arms forcefully?

12 A. His body force.

13 Q. What?

14 A. His body force.

15 Q. He pushed him with his whole body?

16 A. Yes, ma'am.

17 Q. What happened after Denzel pushed the boy back  
18 into the car -- or onto the car?

19 A. When Denzel pushed him onto the car, his brother  
20 came out of the car and Dashaun came running out of the  
21 woods and ran up on both of them.

22 Q. And what?

23 A. Dashaun came out of the woods and ran up on both  
24 of them.

25 Q. And when you said -- let me show you State's

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1 Exhibit 2. Look up at that picture, if you would, for us.  
2 Can you orient yourself there?

3 A. [Indicates]

4 Q. Do you know what that's showing?

5 A. Yes, ma'am.

6 Q. Okay. So show us there where your car was.

7 A. [Indicates]

8 Q. Show us where the two guys' car was.

9 A. [Indicates]

10 Q. Show us the woods that Dashaun ran out of.

11 A. [Indicates]

12 Q. And when Dashaun ran out of the woods, what, if  
13 anything, did he have in his hands?

14 A. A gun.

15 Q. Describe the gun to the jury for me, please.

16 A. A black, long, rifle-type gun.

17 Q. Did it have a banana clip?

18 A. Yes, ma'am.

19 Q. Did it look like an AK-47?

20 A. I'm not sure what --

21 Q. You don't know? Okay.

22 When Dashaun approached those guys, what then  
23 happened with the two guys?

24 A. When Denzel pushed them -- when Dashaun pushed  
25 them, he had the gun drawn. And with the gun being drawn,

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1 he told them to get down on the ground. And they're on  
2 the ground and they're saying that they don't have  
3 anything. And the brother with the white shirt was on the  
4 ground and Dashaun and him was struggling or whatever.

5 Well, first, Denzel had the brother who died  
6 physically fighting with him. Dashaun --

7 Q. Who was? I'm sorry.

8 A. Denzel had the brother who died and they were  
9 tussling, so Dashaun had the gun and got the brother who  
10 died.

11 THE COURT: I need you to speak into the  
12 microphone so we can hear you a little bit better.

13 Q. [Ms. Shealy] So let's break that down a little  
14 bit.

15 When Dashaun ran out of the woods, what was said  
16 to the two boys?

17 A. Get on the ground.

18 Q. And did they, in fact, get on the ground?

19 A. Yes, ma'am.

20 Q. And were they yelling at them, or just speaking  
21 to them?

22 A. Yelling at them.

23 Q. What was Dashaun doing with the weapon as they  
24 were telling them to get on the ground?

25 A. He had the gun to the back of the boy's head.

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1 Q. Back to both of their heads?

2 A. No. To one.

3 Q. And do you remember which guy had the gun to the  
4 back of his head?

5 A. Dashaun.

6 Q. No. Which one on the ground? The one who died  
7 or the other one?

8 A. The one who died.

9 Q. And when you saw the one who died, his shirt was  
10 white?

11 A. Yes, ma'am.

12 Q. Now, how were you seeing all of this?

13 A. Sitting in my car. From my rear-view mirror.

14 Q. And what else did you see happen to those two  
15 guys while you were watching with Denzel and Dashaun over  
16 them? What else were they doing to them and saying?

17 A. Denzel -- and then Dashaun was over him with the  
18 gun and Denzel was standing behind the brother. He just  
19 was like asking him where everything was at and the  
20 brother just kept saying that, I didn't have anything,  
21 didn't have anything.

22 And that's when -- they both went on the ground  
23 and they said they didn't have anything, and that's when  
24 they're like talking or whatever about, I know y'all got  
25 something or whatever. Denzel talking to them saying

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1 that, I got something.

2 Q. Could you tell the jury what, if anything, you  
3 saw Denzel do to the brother who lived?

4 A. Denzel --

5 Q. Did you see that?

6 A. Yes, ma'am.

7 Q. What did he do?

8 A. Stomped his head.

9 Q. And when you say stomped his head, are you  
10 saying took his foot and did it on the back of his head?

11 A. Yes, ma'am.

12 Q. Did that happen one time or multiple times?

13 A. Multiple times.

14 Q. At some point, are you asked to get out of the  
15 car?

16 A. Yes, ma'am.

17 Q. Who told you to get out of the car?

18 A. Denzel.

19 Q. And what did he tell you to do?

20 A. Grab the keys.

21 Q. Do you recall where the keys were?

22 A. On the ground.

23 Q. And when you grabbed the keys, did you have  
24 anything in your hand?

25 A. Yes, ma'am.

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1 Q. What?

2 A. A towel.

3 Q. Did you -- where did the towel come from?

4 A. On the ground.

5 Q. Did Denzel tell you to take the towel, or did  
6 you decide to do that?

7 A. He told me to.

8 Q. And so when you picked up the keys, did your  
9 hands touch the individual keys?

10 A. No, ma'am.

11 Q. What did you do with the keys once you got them?

12 A. I didn't do anything with them. I had them in  
13 my hand, and I hesitated.

14 Q. And you what?

15 A. I hesitated.

16 Q. So what happened then?

17 A. I was standing there and Denzel was like, open  
18 the trunk, look around in the car. And I didn't know how.

19 The brothers were still on the ground. Denzel  
20 asked the brother to open the trunk, and Denzel was going  
21 through the trunk.

22 Q. Well, let me stop you there.

23 When Denzel told the boys to open the trunk,  
24 which boy got up? Which young man got up?

25 A. The one who's still alive.

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1 Q. And when he got up, you were still standing out  
2 there?

3 A. [No response]

4 Q. Were you still out there?

5 A. No, ma'am.

6 Q. Where had you gone?

7 A. I hadn't got -- that was when I was still in my  
8 car. I hadn't gotten out the car until when he asked  
9 about the keys. Denzel was already in the car before he  
10 asked me to go in and search through the car.

11 Q. Okay. Well, explain that to me, then. Where  
12 was the -- the young man who lived, when was he asked to  
13 go into the trunk, if you remember?

14 A. Before I got out.

15 Q. And was the trunk opened at that point?

16 A. Before I got out?

17 Q. Uh-huh.

18 A. It -- when I got out, the trunk was open.

19 Q. When you got out, the trunk was open?

20 A. Yes, ma'am.

21 Q. Did you see a suitcase come out of that car?

22 A. Yes, ma'am.

23 Q. And did you see clothes in the suitcase?

24 A. No, ma'am.

25 Q. You just saw the suitcase?

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1 A. Yes, ma'am.

2 Q. Now, tell the jury, if you would, was anything  
3 said by either Denzel or Dashaun to the guys about money?

4 A. Denzel -- they were asking about is there  
5 anything as far as money or where everything was at.

6 Q. When the young man that lived went over to the  
7 trunk, was Denzel over there with him?

8 A. Yes, ma'am.

9 Q. And when do you go back to the car?

10 A. I go back to the car when the brother was  
11 already stomped and the other brother was on the ground.  
12 And when the two shots -- when the two shots went off,  
13 then I ran back to my car and the brother ran.

14 Q. Did you hear the first shot go off before the  
15 two in a row?

16 A. Yes, ma'am.

17 Q. And could you see where the gun was pointed when  
18 the first shot went off?

19 A. To the boy who's still alive.

20 Q. And it was pointed where towards him?

21 A. The ground.

22 Q. He was on the ground?

23 A. Yes, ma'am.

24 Q. And the gun was pointed where?

25 A. Towards his direction.

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1 Q. And then what happened with Dashaun -- was it  
2 Dashaun who had the weapon at that point?

3 A. Yes, ma'am.

4 Q. What happened with the guy who died in the white  
5 shirt? What happened with him after the one who lived was  
6 shot at?

7 A. The brother who lived was on the ground and the  
8 brother who died, he was tussling with Dashaun. And in  
9 between that tussling, two shots went off, and the brother  
10 who -- the brother who's still alive ran, and the brother  
11 who's up -- the brother who was alive ran, and the brother  
12 who died ran the opposite way. He said, I've been shot.

13 Q. And he said, I've been shot?

14 A. Yes, ma'am.

15 Q. Where were you?

16 A. Running back to my car.

17 Q. What happened with Denzel and Dashaun?

18 A. They get in the car.

19 Q. Where do they put the gun?

20 A. In the back seat.

21 Q. Who put the gun back there?

22 A. Dashaun.

23 Q. Did you -- which direction did you drive the  
24 car at that point?

25 A. Up the street.

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1 Q. Can you take that pointer and stand up and speak  
2 loudly enough for us and show us in what direction you  
3 ran -- you drove?

4 A. Went up the street.

5 Q. Okay. When you were driving up the street --

6 MS. SHEALY: You can go ahead and have a seat  
7 back down.

8 [Whereupon, witness complies]

9 Q. [Ms. Shealy] -- tell the jury whether or not  
10 you saw the young man who lived.

11 A. When driving up the street, my lights were off.  
12 And the young man who lived was running in front of my  
13 car. And Dashaun was in the back seat, shooting at him as  
14 he ran in front of the car.

15 Q. And did you almost hit the young man who lived?

16 A. Yes, ma'am.

17 Q. What did you have to do to avoid that?

18 A. Swerve and turn my lights on.

19 Q. When you were leaving, tell the jury what Denzel  
20 and Dashaun were saying to you.

21 A. They were telling me what direction to go.

22 Q. And where was that suitcase at this point?

23 A. In the back seat.

24 Q. So back in the back seat with Dashaun was the  
25 assault rifle and the suitcase?

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- 1 A. Yes, ma'am.
- 2 Q. And where did y'all go from there?
- 3 A. To Ridgeville.
- 4 Q. And where in Ridgeville did you go?
- 5 A. As far as -- a house.
- 6 Q. Was it Skrill's place?
- 7 A. Yes, ma'am.
- 8 Q. Now, as y'all were driving there, could you tell
- 9 the jury whether or not Denzel was on his phone?
- 10 A. No, ma'am.
- 11 Q. Did you see Denzel at any point throw the phone
- 12 out?
- 13 A. Yes, ma'am.
- 14 Q. And after Denzel threw the phone out, which
- 15 phone did he begin using?
- 16 A. My phone.
- 17 Q. And your phone, again, is -- 619-58 [REDACTED] --
- 18 A. Yes, ma'am.
- 19 Q. -- was your telephone number?
- 20 A. Yes, ma'am.
- 21 Q. The one he threw out was 469-74 [REDACTED] ?
- 22 A. Yes, ma'am.
- 23 Q. Is that correct?
- 24 A. Yes, ma'am.
- 25 Q. When you got to Skrill's place, was Skrill

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1 there?

2 A. Yes, ma'am.

3 Q. And what happened once y'all arrived there?

4 A. Denzel got out of the car and went to talk to  
5 Skrill and me. And Dashaun was outside. And in between  
6 that time, he was straightening the mats in the car.

7 Q. He was doing what?

8 A. Straightening the mats in the car.

9 Q. Straightening them?

10 A. Yes, ma'am.

11 Q. Was he doing anything else in the back of the  
12 car?

13 A. No, ma'am.

14 Q. And when you saw him straightening the mats,  
15 what was the next thing that happened?

16 A. I went in the house and Dashaun and Denzel, they  
17 came in after. And there was like a brief conversation  
18 about what had happened. And I --

19 Q. What was said?

20 A. Just about something that had happened.

21 Q. Do what?

22 A. Just about what happened. It --

23 Q. Well, who was talking about it?

24 A. Denzel.

25 Q. And who was he saying it to?

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- 1 A. Dashaun and Skrill.
- 2 Q. And Skrill?
- 3 A. Uh-huh.
- 4 Q. So were they telling Skrill what happened?
- 5 A. Uh-huh. Yes, ma'am.
- 6 Q. So as they're telling Skrill what happened, what  
7 do the three of y'all do, you, Denzel, and Dashaun?
- 8 A. I stay in the house and they go outside.
- 9 Q. And when they went outside, did Skrill go with  
10 them?
- 11 A. Yes, ma'am.
- 12 Q. Prior to going outside, did they do anything  
13 with their clothing?
- 14 A. It was talk about Dashaun burning his clothing.
- 15 Q. Talking about Dashaun bringing his clothing?
- 16 A. Burning his clothing.
- 17 Q. Burning his clothing?
- 18 A. Yes, ma'am.
- 19 Q. Did you go outside at any point after they  
20 walked outside?
- 21 A. No, ma'am.
- 22 Q. When Dashaun came back in, did he have a shirt  
23 on, or do you remember?
- 24 A. He had a shirt on.
- 25 Q. What about the shirt that he had worn earlier?

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1 Do you know what happened with it?

2 A. No, ma'am.

3 Q. So you're in the house, they talk about burning  
4 the clothes, and then they all come back inside?

5 A. Yes, ma'am.

6 Q. What then happened?

7 A. Then Skrill leaves and it's just me, Dashaun,  
8 and Denzel there. And later on that night, I ended up  
9 falling asleep there. And he got the phone call about the  
10 young man had died.

11 Q. And do you know who he got the phone call from?

12 A. No, ma'am.

13 Q. Now, on the route to Ridgeville -- Ridgeville?

14 A. Yes, ma'am.

15 Q. On the route to Ridgeville, could you tell  
16 whether or not Denzel was on the phone talking to someone?

17 A. Yes, ma'am.

18 Q. And could you tell by what you heard who he was  
19 talking to?

20 A. Yes, ma'am.

21 Q. Did you know who he was talking to?

22 A. [No response]

23 Q. Did you?

24 A. Yes, ma'am.

25 Q. Okay. Who was it?

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1 A. Skrill.

2 Q. And do you know whether there was any later  
3 phone conversation with Renzo?

4 A. Yes, ma'am.

5 Q. And you could hear Denzel's side of that  
6 conversation?

7 A. Yes, ma'am.

8 Q. Do you remember what, if anything, he was saying  
9 to Lorenzo?

10 A. Basically just not to say anything.

11 Q. When you and Denzel and Dashaun were at Skrill's  
12 that night, Skrill left?

13 A. Yes, ma'am.

14 Q. You fell asleep?

15 A. Yes, ma'am.

16 Q. What happened the next day?

17 A. Skrill came back and Dashaun and Skrill wrapped  
18 the gun up in a bag and then they left and me, and Denzel  
19 was there.

20 Q. So Dashaun and Skrill wrapped the gun? Is that  
21 what you said?

22 A. Yes, ma'am.

23 Q. And what did they wrap it in?

24 A. A black bag.

25 Q. And when you say a black bag, what type of black

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1 bag are you talking about?

2 A. A garbage bag.

3 Q. And Skrill and Dashaun then left?

4 A. Yes, ma'am.

5 Q. What did you and Denzel do during that day?

6 A. Just stay there. He basically apologizing and  
7 crying, saying he wished it never happened.

8 Q. And did he say anything to you about whether you  
9 should share what happened, whether you should tell  
10 anybody?

11 A. No, ma'am.

12 Q. Okay. So did y'all go anywhere, or did you go  
13 anywhere that next day, that you recall?

14 A. Yes, ma'am.

15 Q. Where did you go?

16 A. To CDV court.

17 Q. Okay. And then after that, did y'all go back to  
18 Skrill's?

19 A. Yes, ma'am.

20 Q. The following day, do you go anywhere?

21 A. I go to meet my mother until work. No. After?  
22 We go to CDV court and then we go back to Skrill's house.

23 Q. You went back to Skrill's house?

24 A. Yes, ma'am.

25 Q. And did you and Denzel spend the night there

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1 again?

2 A. Yes, ma'am.

3 Q. So we're talking about -- let's see -- the night  
4 of, the early-morning hours of the 17th, you spent the  
5 night there?

6 A. Yes, ma'am.

7 Q. And then the night of the 18th you spent the  
8 night there?

9 A. Yes, ma'am.

10 Q. What do you do during the daytime hours of the  
11 18th that you can remember?

12 A. One of those days I went to CDV court and one of  
13 those days I went to work.

14 Q. And where were you working at the time?

15 A. ICorp.

16 Q. What is ICorp?

17 A. A call center.

18 Q. So you actually went to work that day?

19 A. Yes, ma'am.

20 Q. And did you have contact with Denzel during that  
21 day?

22 A. Yes, ma'am.

23 Q. Could you tell the jury whether or not Denzel  
24 was trying to keep track of where you were?

25 A. Yes, ma'am.

Sidearis Singleton  
Direct Examination by Ms. Shealy  
November 12, 2014

1 Q. Well, describe that for us. How did that go  
2 that day?

3 A. He was calling and texting and just telling me  
4 not to say anything.

5 Q. At some point, do you text your mother?

6 A. Yes, ma'am.

7 Q. And do you recall when it was that you texted  
8 her?

9 A. When I was at work.

10 Q. Did you go and meet with her?

11 A. Yes, ma'am.

12 Q. And where did y'all meet?

13 A. At my grandmother's house.

14 Q. And that's on Surrey?

15 A. Yes, ma'am.

16 Q. And where do y'all meet?

17 A. In my granny's yard.

18 Q. Tell the jury, if you would, what you told your  
19 mother that day.

20 A. I met with her and I was crying and I said that  
21 something happened and that time was running out and I  
22 needed to talk with her.

23 Q. And can you remember what details, if any, you  
24 told her about what happened?

25 A. I didn't go into detail.

Sidearis Singleton  
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1 Q. Did you tell her someone had died?

2 A. Yes, ma'am.

3 Q. And what did your mother tell you?

4 A. She just basically told me that everything was  
5 going to be okay and I had to do the right thing.

6 Q. And did she tell you what the right thing was?

7 A. Yes, ma'am.

8 Q. And that was what?

9 A. As far as turning myself in and letting someone  
10 know.

11 Q. Turn yourself in and what?

12 A. And letting someone know.

13 Q. And letting someone know.

14 Did you, in fact, turn yourself in?

15 A. Yes, ma'am.

16 Q. Now, when you turned yourself in, where did you  
17 tell Denzel you were?

18 A. I told Denzel I was -- I told him I was at my  
19 father's house.

20 Q. And did you and Denzel -- did he have any plans  
21 about where y'all should stay for the next few days?

22 A. As far as?

23 Q. Were you going to continue to stay at Skrill's  
24 or were y'all going to go somewhere else?

25 A. At Skrill's.

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1 Q. So when you went to turn yourself in, how did  
2 that happen? Who did you go with?

3 A. My father and my mother.

4 Q. And when you got down to the police station,  
5 were there other family members who also joined you there?

6 A. Yes, ma'am.

7 Q. Had you told any of your family members at that  
8 point the details of what happened?

9 A. No, ma'am.

10 Q. When you got there, were you interviewed?

11 A. Yes, ma'am.

12 Q. And were you interviewed by Sherry Church?

13 A. Yes, ma'am.

14 Q. Now, tell the jury: on that first occasion when  
15 you got interviewed, did you tell Detective Church every  
16 single detail?

17 A. No, ma'am.

18 Q. And on that occasion, did you give a statement?

19 A. Yes, ma'am.

20 Q. And that would have been on the 19th of May; is  
21 that correct?

22 A. Yes, ma'am.

23 Q. Do you recall giving a five-page statement?

24 A. Yes, ma'am.

25 Q. And then also a one-page statement?

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1 A. Yes, ma'am.

2 Q. Is that the statement that you gave on the 19th?

3 A. Yes, ma'am.

4 Q. And is this the one-page statement?

5 A. Yes, ma'am.

6 Q. Now, when you spoke with Detective Church, did  
7 she read you your Miranda warnings?

8 A. Yes, ma'am.

9 Q. And she told you you had the right to remain  
10 silent?

11 A. Yes, ma'am.

12 Q. That you had an absolute right to remain silent,  
13 you didn't have to answer any questions or give a  
14 statement and those facts cannot be used against you? Did  
15 she tell you that?

16 A. Yes, ma'am.

17 Q. And she told you she could get you a lawyer if  
18 you needed a lawyer?

19 A. No, ma'am.

20 Q. You don't remember her telling you that?

21 A. No, ma'am.

22 Q. But she went over your Miranda warnings and you  
23 agreed to go ahead and give a statement?

24 A. Yes, ma'am.

25 Q. Can you describe for the jury why it is you

Sidearis Singleton  
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1 didn't give all the details that day?

2 A. I didn't give all the details because Denzel was  
3 still out there and I was scared.

4 Q. Had Denzel had a conversation with you about  
5 whether or not you should tell anybody about what  
6 happened?

7 A. Yes, ma'am.

8 Q. And what did he tell you?

9 A. To not say nothing or if I did say something,  
10 make something up.

11 Q. That what?

12 A. To not say nothing or if I did say anything, to  
13 make something up.

14 Q. Now, going backwards for just a second -- I'm  
15 sorry to have to do so. But after you met with your  
16 mother, did you and Denzel have a conversation at a gas  
17 station?

18 A. Yes, ma'am.

19 Q. What was the nature of that conversation?

20 A. Basically him crying, saying that he wanted to  
21 kill both of us, and that he didn't want anything to  
22 happen.

23 Q. Was he distraught?

24 A. Yes, ma'am.

25 Q. Was he upset?

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1 A. Yes, ma'am.

2 Q. And at that point, did you tell him that you had  
3 told your mother?

4 A. Yes, ma'am.

5 Q. And that's when he reacted that way?

6 A. Yes, ma'am.

7 Q. When you sat down with Detective Church then --  
8 I think you were explaining to us you didn't give every  
9 detail. Why was that again?

10 A. Because I was scared.

11 Q. Did you get arrested that night?

12 A. Yes, ma'am.

13 Q. And did you get arrested for accessory after the  
14 fact of murder?

15 A. Yes, ma'am.

16 Q. And accessory after the fact with an armed  
17 robbery?

18 A. Yes, ma'am.

19 Q. And accessory after the fact of an attempted  
20 murder?

21 A. Yes, ma'am.

22 Q. And you went to jail?

23 A. Yes, ma'am.

24 Q. Now, let me ask you about what had been in your  
25 car. When you went to jail, where had your car been left?

Sidearis Singleton  
Direct Examination by Ms. Shealy  
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1 A. At my father's house.

2 Q. At your father's house?

3 A. Yes, ma'am.

4 Q. And inside your vehicle, there were some  
5 telephones; is that correct?

6 A. Yes, ma'am.

7 Q. Showing you --

8 MS. SHEALY: Beg the Court's indulgence just a  
9 moment.

10 Q. [Ms. Shealy] Some phones had been left in your  
11 vehicle; is that correct?

12 A. Yes, ma'am.

13 Q. Showing you this item. Whose phone was that?

14 A. Denzel's.

15 Q. Denzel's?

16 A. Yes, ma'am.

17 Q. And that is an HGC cell phone?

18 A. Yes, ma'am.

19 MS. SHEALY: Your Honor, at this time I would  
20 offer into evidence State's Exhibit --

21 [Off the record momentarily]

22 [Whereupon, State's Exhibit Number 127 is marked  
23 by the court reporter]

24 THE COURT: Any objection?

25 MR. MCCOY: No objection, Judge.

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November 12, 2014

1 MR. APOSTOLOU: No objection.

2 THE COURT: It's admitted.

3 [Whereupon, State's Exhibit Number 127 is  
4 admitted into evidence by the Court]

5 [Whereupon, State's Exhibit Number 128 is marked  
6 by the court reporter]

7 Q. [Ms. Shealy] And do you remember that being  
8 left behind in the glove box of the Plymouth? Or do you  
9 know where it was in the car?

10 A. I didn't know where it was in the car.

11 Q. Showing you this phone. Can you tell me whose  
12 that is?

13 A. Mine.

14 Q. And that is a Blackberry cell phone?

15 A. Yes, ma'am.

16 Q. Do you remember it being in the center armrest  
17 of the Plymouth?

18 A. No, ma'am.

19 Q. But you remember it being in the car?

20 A. Yes, ma'am.

21 MS. SHEALY: Your Honor, I would also offer 128  
22 I believe without objection.

23 MR. MCCOY: No objection, Judge.

24 THE COURT: Admitted.

25 [Whereupon, State's Exhibit Number 128 is

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1 admitted into evidence by the Court]

2 Q. [Ms. Shealy] When you and Denzel were together,  
3 were you frequently in the Plymouth together?

4 A. Yes, ma'am.

5 Q. Because you had a car?

6 A. Yes, ma'am.

7 Q. So you gave your statement to Detective Church.

8 And can you tell the jury whether or not -- while you  
9 didn't give every detail, did you tell her, Detective  
10 Church, who else was involved?

11 A. Yes, ma'am.

12 Q. Did you give the name Denzel Heyward?

13 A. Yes, ma'am.

14 Q. Did you give the name Dashaun Simmons?

15 A. Yes, ma'am.

16 Q. Did you also tell her about Dashaun shooting the  
17 boy?

18 A. Yes, ma'am.

19 Q. And shooting at the other boys?

20 A. Yes, ma'am.

21 Q. On that occasion, did you give any information  
22 about Skrill and where he had gotten the gun?

23 A. No, ma'am.

24 Q. Was there a particular reason you didn't?

25 A. I was scared with Denzel still being there.

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1 Q. With Denzel not being in jail yet?

2 A. Yes, ma'am.

3 Q. So when you gave your statement to Detective  
4 Church, Dashaun Simmons was still on the street; right?

5 A. Yes, ma'am.

6 Q. And Denzel Heyward was still on the street?

7 A. Yes, ma'am.

8 Q. Then later you give another statement when you  
9 come up to the solicitor's office; is that correct?

10 A. Yes, ma'am.

11 Q. Now, at that point you had an attorney who had  
12 been appointed to represent you on your charges; is that  
13 correct?

14 A. Yes, ma'am.

15 Q. And can you tell the jury what his name is?

16 A. Steele Barr.

17 Q. And is he currently in the courtroom?

18 A. Yes, ma'am.

19 MS. SHEALY: Could you stand up, Mr. Barr?

20 Q. [Ms. Shealy] That's your attorney?

21 A. Yes, ma'am.

22 Q. And when you came in, did you meet with members  
23 of the solicitor's office?

24 A. Yes, ma'am.

25 Q. Now, in describing the difference between your

Sidearis Singleton  
Direct Examination by Ms. Shealy  
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1 conversation with Detective Church and your conversation  
2 at the solicitor's office, which place were you at more  
3 details?

4 A. The solicitor's office.

5 Q. And was that a lengthy interview?

6 A. Yes, ma'am.

7 Q. And on that occasion, you gave a twelve-page  
8 statement --

9 A. Yes, ma'am.

10 Q. -- is that correct?

11 And Detective Owen was present?

12 A. Yes, ma'am.

13 Q. And Detective Owen is seated right behind  
14 counsel; is that correct?

15 A. Yes, ma'am.

16 Q. Then there were some follow-up questions that  
17 you were also asked on that occasion; is that correct?

18 A. Yes, ma'am.

19 Q. And that day, you were read your Miranda  
20 warnings again?

21 A. Yes, ma'am.

22 Q. Is this the twelve-page statement that you gave?

23 A. Yes, ma'am.

24 Q. And this is the two-page question and answer?

25 A. Yes, ma'am.

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Direct Examination by Ms. Shealy  
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1 Q. And on that occasion, did you also sign a  
2 proffer agreement with the solicitor's office?

3 A. Yes, ma'am.

4 Q. And in that proffer agreement, did you agree to  
5 be truthful?

6 A. Yes, ma'am.

7 Q. And that proffer agreement is dated when?

8 [Whereupon, the witness reviews documents]

9 A. July 12th.

10 Q. [Ms. Shealy] July 12th.

11 Now, that wasn't the only time that you met with  
12 the solicitor's office; is that correct?

13 A. No, ma'am.

14 Q. Do you remember how many times you've been up to  
15 our office?

16 A. Three.

17 Q. How many?

18 A. Three.

19 Q. And on each occasion, is it fair to say that you  
20 gave greater detail?

21 A. Yes, ma'am.

22 Q. In the twelve-page statement, you tried to give  
23 far greater detail than you had been able to with  
24 Detective Church; is that correct?

25 A. Yes, ma'am.

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1 Q. Now, on that occasion, did you tell about going  
2 to Skrill's house?

3 A. No, ma'am.

4 Q. That was a later occasion?

5 A. Yes, ma'am.

6 Q. Was that something hard for you to admit?

7 A. Yes, ma'am.

8 Q. When you were in the solicitor's office and you  
9 told about going to Skrill's house, were you crying?

10 A. Yes, ma'am.

11 Q. What made that particularly hard to share?

12 A. The fact that he was out here and the fact that  
13 I don't know what he was capable of with me being out  
14 here.

15 Q. Who supplied the assault rifle to Denzel Heyward  
16 and Dashaun Simmons?

17 A. Skrill.

18 Q. Who helped cover up things after the killing?

19 A. Skrill.

20 Q. And --

21 THE COURT: I need --

22 Q. [Ms. Shealy] And he had not been --

23 THE COURT: I need you to speak up. I can't  
24 hear her answer.

25 MS. SHEALY: Talk a little bit louder for us.

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1 A. Skrill.

2 Q. [Ms. Shealy] And when you came into the  
3 solicitor's office, as far as you knew, where was Skrill?

4 A. I had no idea.

5 Q. Did you think he was arrested?

6 A. No, ma'am.

7 Q. So he was on the street?

8 A. Yes, ma'am.

9 Q. Now, originally when the police asked you about  
10 Skrill, did you -- did they drive you somewhere?

11 A. Yes, ma'am.

12 Q. And did you lead them in the right direction?

13 A. No, ma'am.

14 Q. Why was that?

15 A. Because I was still out and staying at Skrill's  
16 house.

17 Q. And so is it fair to say that a lot of what you  
18 didn't reveal was because of fear?

19 A. Yes, ma'am.

20 Q. You had told us about your relationship with  
21 Denzel Heyward. Can you describe to the jury -- well, let  
22 me ask you this. Did you go see him in jail?

23 A. I took my daughter, yes, ma'am.

24 Q. And you've done that on a number of occasions,  
25 have you not?

Sidearis Singleton  
Direct Examination by Ms. Shealy  
November 12, 2014

1 A. Yes, ma'am.

2 Q. You did it after your statement with Detective  
3 Church?

4 A. Yes, ma'am.

5 Q. You did it after your twelve-page statement with  
6 our office?

7 A. Yes, ma'am.

8 Q. And you went to visit him as recently as October  
9 of this year; is that correct?

10 A. Yes, ma'am.

11 Q. When you went to go see him, was there usually  
12 someone accompanying you?

13 A. Yes, ma'am.

14 Q. And who was that?

15 A. My daughter T [REDACTED].

16 Q. Can you please explain to the jury why you would  
17 want to go see Denzel Heyward after all this?

18 A. It's hard to say, but the fact that I have a  
19 three-year-old daughter and the fact that you have to deal  
20 with the fact of her wanting to know where her father's  
21 at, when she goes to school she's like, well, where's my  
22 daddy, everybody else dad is coming.

23 I had to stand and talk with her about it but it  
24 came a point where I had to let it be up to my three-year-  
25 old to the point where she wanted to see her dad, so I

Sidearis Singleton  
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1 felt it wasn't my power to take that away from her because  
2 she -- it's not her fault that her dad choose to do the  
3 things that he did.

4 So she decided that she wanted to see her dad so  
5 I took her. And it came a point where she made the  
6 decision where she said she didn't want to go see her  
7 daddy anymore.

8 Q. Do you understand how that's hard for other  
9 people to understand?

10 A. It's hard for other people to understand because  
11 they're not in that situation where you have a three-year-  
12 old who doesn't have her father and has been going through  
13 this process of where her mother hasn't been there and her  
14 father. And if you haven't been in a single-family home,  
15 you wouldn't know about that. So the thoughts of your  
16 three-year-old coming home crying or asking where's my  
17 dad, or why isn't my dad coming to school with me, that's  
18 hurtful.

19 Q. And in the statements that you have given to, at  
20 this point Detective Church and the solicitor's office,  
21 and your testimony today, have you revealed the details  
22 that you can remember?

23 A. Yes, ma'am.

24 Q. Are there other details that you still have not  
25 shared?

Sidearis Singleton  
Direct Examination by Ms. Shealy  
November 12, 2014

1 A. No, ma'am.

2 MS. SHEALY: Beg the Court's indulgence just a  
3 moment.

4 [Whereupon, Ms. Shealy and Ms. Savas confer]

5 MS. SHEALY: Okay. Just a couple -- okay. Just  
6 a couple of other things.

7 Q. [Ms. Shealy] When you said that Dashaun had on  
8 a black shirt, did you see him at any point in a white  
9 undershirt?

10 A. No, ma'am.

11 Q. And you told us that there was discussion about  
12 burning the clothes?

13 A. Yes, ma'am.

14 Q. Do you know whether those clothes got burned?

15 A. Yes, ma'am.

16 Q. And did they? Did they get burned?

17 A. Yes, ma'am.

18 Q. And when you said that you were told by Denzel  
19 to come try to open the trunk -- is that what he wanted  
20 you to do?

21 A. He wanted me to look under the hood.

22 Q. To look under the hood?

23 A. Yes, ma'am.

24 Q. So the trunk was open, but he wanted you to look  
25 under the hood?

Sidearis Singleton  
Direct Examination by Ms. Shealy  
November 12, 2014

1 A. Yes, ma'am.

2 Q. And do you remember what you did with the keys  
3 after that?

4 A. No, ma'am.

5 Q. While Denzel has been in jail, have you spoken  
6 to him on the phone?

7 A. No, ma'am.

8 Q. Has he written you letters?

9 A. Yes, ma'am.

10 Q. Has he written you numerous letters?

11 A. Yes, ma'am.

12 Q. And in his letters, has he encouraged you not to  
13 be cooperative?

14 A. Yes, ma'am.

15 Q. Has he apologized in those letters?

16 A. Yes, ma'am.

17 Q. Who is Kadeen Woods?

18 A. His brother.

19 Q. And what is his mother's name?

20 A. Dana Woods.

21 Q. And who is Annie?

22 A. His aunt.

23 Q. Who is Annie? I'm sorry.

24 A. Denzel's aunt.

25 Q. Has his brother Kadeen had any conversations

Sidearis Singleton  
Direct Examination by Ms. Shealy  
November 12, 2014

1 with you?

2 A. Not while being out, no, ma'am.

3 Q. Not what?

4 A. Not while being out, no, ma'am.

5 Q. Did he while you were in?

6 A. Yes, ma'am.

7 Q. Would he come to see you?

8 A. Yes, ma'am.

9 Q. Did you know that Denzel sent him to see you?

10 A. Yes, ma'am.

11 Q. Do you know that Denzel sent him to see Dashaun  
12 Simmons, as well?

13 A. No, ma'am.

14 Q. So the name Uдания Woods is his mother?

15 A. Yes, ma'am.

16 Q. Kadeen Woods is his brother?

17 A. Yes, ma'am.

18 MS. SHEALY: Bet the Court's indulgence.

19 [Whereupon, Ms. Shealy and Ms. Savas confer]

20 MS. SHEALY: Trina, I don't have any further  
21 questions. Please answer any that the defense may  
22 have.

23 MR. MCCOY: Thank you, Judge. May it please the  
24 Court.

25 THE COURT: Go ahead.

Quasantrina Rivers  
Cross-Examination by Mr. McCoy  
November 12, 2014.

CROSS-EXAMINATION

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BY MR. MCCOY:

Q. Ms. Rivers, my name is Peter McCoy and I'm representing Dashaun Simmons. And it's true that we've never spoken before; is that correct?

A. No, sir.

Q. You mentioned earlier on your direct testimony that you've also been charged in this particular incident. So you're technically a codefendant in this case and you've been charged with accessory after the fact of murder, accessory after the fact of attempted murder, and accessory after the fact of armed robbery; is that correct?

A. Yes, sir.

Q. And are you aware of what the penalties of what each one of those carry?

A. Yes, sir.

Q. And you've got a lawyer that's advised you as to what those do carry?

A. Yes, sir.

Q. All right. And let's talk about -- we've gone through a lot here, and we've heard a lot of testimony from you, so we're going to just have to pick a place and go for it. Okay?

A. Yes, sir.

Quasantrina Rivers  
Cross-Examination by Mr. McCoy  
November 12, 2014

1 Q. The first thing I want to talk about with you is  
2 a proffer agreement, an agreement that's made between you  
3 and the State. Okay?

4 A. Yes.

5 Q. You mentioned it briefly on direct examination.  
6 And do you know what I'm talking about right now?

7 A. Yes, sir.

8 Q. Do you understand what a proffer statement does?

9 A. Yes, sir.

10 Q. In your own words, what does it do?

11 A. Tell what happened by the truth.

12 Q. Okay. That it's your responsibility to tell the  
13 truth?

14 A. Yes, sir.

15 Q. And it's your responsibility to tell the truth  
16 or what?

17 A. Can you rephrase that?

18 Q. Sure.

19 If you don't tell the truth, what happens?

20 A. If you don't tell the truth, then it can be used  
21 against you.

22 Q. And in signing a proffer or promise agreement  
23 with the State, are you in hopes of gaining some sort of  
24 benefit towards your potential case?

25 A. No, sir.

Quasantrina Rivers  
Cross-Examination by Mr. McCoy  
November 12, 2014

1 Q. You're not trying to get any sort of benefit at  
2 all?

3 A. No, sir.

4 Q. By cooperating and signing this agreement,  
5 you're not hoping in the back of your mind, with three  
6 serious felonies, that you're not going to get some sort  
7 of benefit of the doubt?

8 A. No.

9 Q. Because a normal person would. I would. You're  
10 not at all?

11 A. I'm worried about it but at the same time,  
12 someone lost their life. So it's not about how I'm  
13 feeling or the way I'm charged with this, it's about  
14 someone lost their life so I feel like justice needs to be  
15 done.

16 Q. And I agree justice needs to be done and the  
17 right person does need to be held accountable for these  
18 crimes.

19 MS. SHEALY: Your Honor, I would ask that he ask  
20 questions and not testify.

21 THE COURT: Without the editorializing, go  
22 ahead.

23 MR. MCCOY: Thank you, Judge.

24 Q. [Mr. McCoy] Ms. Rivers, we glanced over this on  
25 direct testimony when it comes down to the statements that

Quasantrina Rivers  
Cross-Examination by Mr. McCoy  
November 12, 2014

1 you have given law enforcement. Okay? Is it true that  
2 you gave a statement on May the 19th of 2012?

3 A. Yes, sir.

4 Q. And in that particular statement, you were read  
5 your Miranda warnings; correct?

6 A. Yes, sir.

7 Q. In that first statement, did you mention at all  
8 an assault rifle being picked up earlier in the day?

9 A. No, sir.

10 Q. Did you mention at all an assault rifle being in  
11 the back of the car when y'all go to Cynthia Avenue that  
12 night?

13 A. No, sir.

14 Q. Did you mention at all in that first statement,  
15 you know, about an assault rifle being used or you seeing  
16 somebody being shot with an assault rifle in that first  
17 statement?

18 A. Yes, sir.

19 Q. You did? Where did you do that in your  
20 statement? Would you like me to show it to you?

21 A. Yes, sir.

22 MR. MCCOY: Your Honor, may I approach the  
23 witness?

24 THE COURT: Sure.

25 Q. [Mr. McCoy] And you've given two statements on

Quasantrina Rivers  
Cross-Examination by Mr. McCoy  
November 12, 2014

1 the 19th. Okay? And that was a couple of days after this  
2 happened. And I'm going to show you what's this -- this  
3 is the first statement that we have right here. Do you  
4 remember giving that statement?

5 A. Yes, sir.

6 Q. Does it say anywhere in that statement that you  
7 see an assault rifle being used to kill somebody that  
8 night and that you witnessed it?

9 [Whereupon, the witness reviews documents]

10 A. Not on this statement, no, sir.

11 Q. [Mr. McCoy] And in looking at the second  
12 statement that we have right here, the one that you were  
13 given the Miranda warnings on that we don't mention an  
14 assault rifle being picked up before, we don't mention an  
15 assault rifle being seen before. But do you mention -- or  
16 do you see in this statement where you said there was an  
17 assault rifle used and you actually witnessed the killing  
18 in this statement? Do you see that anywhere in there?

19 [Whereupon, the witness reviews documents]

20 A. It mentions a gun, but it doesn't say what type.

21 Q. [Mr. McCoy] Right.

22 And, also, when I'm -- the question I'm asking  
23 you, again, is in this statement do you say you witnessed  
24 an assault rifle being used to kill somebody?

25 A. No, sir.

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1 Q. Okay. And you've already testified, too, for  
2 Ms. Shealy, that you didn't tell the whole truth in  
3 statement one or statement two on the 19th because you  
4 were scared; is that correct?

5 A. Yes, sir.

6 Q. And you were scared because Denzel and Dashaun,  
7 who are sitting right over here, were still out; is that  
8 correct?

9 A. Yes, sir.

10 Q. But if you've already mentioned their names in  
11 this case or in this statement as having been involved in  
12 this altercation or this assault, the names were out  
13 there. So what motive and what incentive do you have to  
14 hold anything back?

15 A. The names are out there, but they're still out  
16 there. If I was to just leave and they're out there.

17 Q. But do you follow what I'm saying? I'm having a  
18 hard time understanding your logic with the fact that,  
19 hey, I'm scared to give names or the full story but at the  
20 same time, I've already fingered Fat and I've already  
21 fingered Dashaun Simmons here in your first statement. So  
22 you've done it. You've thrown their names out there.  
23 They're all in the mix; right?

24 A. Yes, sir.

25 Q. So where is the fear in not bringing out and not

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1 telling the full truth the first or second time?

2 A. The fear the first or second time, with not  
3 having gone through something like this and the fact of  
4 your baby father physically abusing you and the fact that  
5 something like this has happened that you wouldn't state,  
6 it puts fear in you to where when you go in to talk to  
7 this detective you're not willing to go in and be honest  
8 or truthful. And with your baby father already having a  
9 conversation with you about not saying anything, you're  
10 fearful for your life.

11 Q. But, I mean, and I guess that's where we're  
12 going to agree to disagree, because I just don't see how  
13 you can already put their names out there and say they  
14 were there and say they were involved --

15 MS. SHEALY: Your Honor, argumentative.

16 MR. MCCOY: I'm asking a question still, Judge.

17 THE COURT: It's cross. Go ahead.

18 Q. [Mr. McCoy] -- and you're asking -- and you've  
19 already said that they're there and they're out there but  
20 you're just scared to tell the whole truth. Because the  
21 details you left out in this first second statement  
22 [phonetic] and in the second statement are minuscule in  
23 compared to them being out there that night. Wouldn't you  
24 agree?

25 A. Yes, sir.

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1 Q. We talked about the first second -- the first  
2 statement and the second statement happened on the 19th;  
3 is that correct?

4 A. Yes, sir.

5 Q. The second one you gave was on July the 17th of  
6 2012. This was a lengthy one. Do you remember this?  
7 It's a twelve-page statement.

8 A. Yes, sir.

9 Q. And this was done -- and under your testimony,  
10 you said this was done at the solicitor's office; is that  
11 correct?

12 A. Yes, sir.

13 Q. And do you remember whether you signed the  
14 proffer agreement before or after you gave this third  
15 statement?

16 A. Before.

17 Q. Okay. So you give this third statement and then  
18 you sign the proffer agree?

19 A. Yes.

20 Q. Did you tell the whole truth in this third  
21 statement?

22 A. Yes, sir.

23 Q. You did? You told everything about Skrill,  
24 everything about the gun beforehand, and everything about  
25 the gun before the crime and after the crime?

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1 A. Yes, sir.

2 Q. You did? Can you show me in this second  
3 statement -- or third statement where you've done that?  
4 And I'm not trying to confuse you. I'm just trying to get  
5 a better understanding. Okay?

6 Specifically I'm looking for mention of a gun,  
7 before, getting picked up with Skrill and I'm looking for  
8 a gun being brought to the scene at Lorenzo's house.

9 [Whereupon, the witness reviews documents]

10 A. No.

11 Q. [Mr. McCoy] You don't see it?

12 A. [Indicates negatively]

13 Q. And that's correct, because it's not in there.  
14 Okay?

15 That's opportunity number one, number two, and  
16 number three that are now gone for you to tell the entire  
17 truth. Okay? And this was done, the third statement was  
18 done, after the murder happened; correct?

19 A. Yes, sir.

20 Q. And that was done, again, on the 17th of July;  
21 is that correct?

22 A. Yes, sir.

23 Q. And your proffer agreement is signed on the 12th  
24 of July; is that correct?

25 A. Yes, sir.

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1 Q. And in your language of your promise agreement  
2 with the State, isn't it true that it has language in  
3 there that you are to fully disclose and provide truthful  
4 information to the State? Is that correct?

5 A. Yes, sir.

6 Q. Does it also have language in here that says  
7 that clients failure to be fully truthful and forthright  
8 at any stage, will the sole discretion of the State, cause  
9 the obligations of the State within this agreement to  
10 become null and void? Is that true?

11 A. Yes, sir.

12 Q. And it says, lack of truthfulness on the  
13 client's part, the State may use for any purposes any and  
14 all statements made and other information provided by the  
15 client in the prosecution of the client in any charges,  
16 including perjury. Is that correct?

17 A. Yes, sir.

18 Q. And you made this statement and then five days  
19 later you give your third statement, that still isn't  
20 truthful, that's in direct violation of your promise  
21 agreement that you signed with the State but you still  
22 continue to put false information and not the complete  
23 truth in your third statement. Is that correct?

24 A. I never put false information. I left details  
25 out, but I never put false information.

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1 Q. Okay. Now we fast forward to a year later or a  
2 year and a half later. Do you remember -- I wasn't  
3 Dashaun's lawyer at this time, but do you remember there  
4 was an opportunity and a time where this case was almost  
5 called to trial the beginning of 2014?

6 A. Yes, sir.

7 Q. Do you remember that?

8 A. Yes, sir.

9 Q. Do you remember two days, two days -- not a  
10 week, but two days before you were supposed to go trial is  
11 when you finally give the information about Skrill and  
12 seeing the gun beforehand? Do you remember that?

13 A. I don't remember the exact date.

14 Q. My question to you is, too, is that to me, you  
15 know, this happens in May of 2012, and in the early months  
16 of 2014 you were still providing information, very, very  
17 pertinent information to this trial and very damning  
18 information to this trial, as it goes on, after you sign  
19 this proffer agreement, and the details are still rolling  
20 in. Do you find that troublesome at all?

21 A. No, sir.

22 Q. You don't?

23 A. [No response]

24 Q. Let's take you briefly out to the night this  
25 happened on Cynthia Drive. And you had to move your car

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1 several times; is that correct?

2 A. Yes, sir.

3 Q. And the final time you moved your car, and the  
4 final resting point where your car was before this  
5 incident happened, your car was facing which direction  
6 down Cynthia?

7 A. The right.

8 Q. The right way?

9 A. Yes, sir.

10 Q. And you testified earlier that the other guys  
11 that were in the car drove past you, I guess -- you're  
12 facing them. So they drove past you and turned around?

13 A. I was facing this way, and then they drove past,  
14 and then they turned around and came back. My car's still  
15 facing this way.

16 Q. And when they turned back around to you, your  
17 only view of what was going on was through a rear-view  
18 mirror; is that correct?

19 A. Yes, sir.

20 Q. And when you say rear-view mirror, were you  
21 talking about any side-view mirrors or are you just  
22 talking about the one that's in your car?

23 A. I'm talking about both.

24 Q. Talking about both.

25 Do you remember what time of night this was?

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1 A. Nighttime.

2 Q. Nighttime.

3 Were there streetlights that were out there that  
4 would help you see?

5 A. Yes, sir.

6 Q. Do you remember?

7 A. Yes, sir.

8 Q. You do? Okay.

9 And when the incident happens and everybody is  
10 out front and you are at a vantage point where you're  
11 seeing from behind you, do you -- at any point in time, do  
12 you remember going to sleep?

13 A. Beforehand.

14 Q. Beforehand, you did fall asleep while you were  
15 out there?

16 A. Yes, sir.

17 Q. And when you fall asleep out there and look in  
18 your rear-view mirror, are you paying attention to exactly  
19 what's going on and can you see every single party at all  
20 times while they're out there behind you?

21 A. Yes, sir.

22 Q. You can see everybody?

23 A. Yes, sir.

24 Q. There was no point in time where somebody is off  
25 to the side --

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1 A. No, sir.

2 Q. -- at all?

3 So there's not a point in time -- because it's  
4 not mentioned in one, two, or three statements. You said,  
5 when you testified, you saw Dashaun run out of the woods;  
6 right?

7 A. Yes, sir.

8 Q. You could see that all through your rear-view  
9 mirror?

10 A. Yes, sir.

11 Q. The solicitor brought up the fact that you go  
12 and you see a good bit -- you go and see Fat in jail a  
13 good bit because y'all share a child; is that correct?

14 A. Yes, sir.

15 Q. Do you know about how many times you went to see  
16 him?

17 A. It's been multiple times.

18 Q. Ma'am?

19 A. It's been multiple times.

20 Q. A lot of times?

21 A. Yes, sir.

22 Q. Multiple? Would you say ten? would you say  
23 five? What's multiple?

24 A. More than ten.

25 Q. More than ten.

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1 And did the visits ever stop, or were they  
2 continual throughout this process?

3 A. They would start, then they would stop, then  
4 they would start.

5 Q. They did -- they would start in 2012; correct?

6 A. Yes, sir.

7 Q. Have you seen him at all in 2014?

8 A. Yes, sir.

9 Q. When was the last time you went to see him?

10 A. October.

11 Q. Do you remember the date?

12 A. No, sir.

13 Q. I've got on here the last time you went to see  
14 him was the first of October. Does that sound correct?

15 A. I'm not sure on the date.

16 Q. And I've got on here that you've visited him  
17 basically every week since he's been in.

18 A. No, sir.

19 Q. That's not accurate?

20 A. No, sir.

21 Q. Would the jail logs not be telling the truth on  
22 that?

23 A. It wouldn't be every week.

24 Q. Judge, may I have just a moment?

25 [Whereupon, Mr. McCoy and Ms. Turner confer]

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1 MR. MCCOY: Judge, may I have one moment,  
2 please, still.

3 [Whereupon, Mr. McCoy and Ms. Shealy confer]

4 Q. [Mr. McCoy] Ms. Rivers, I'm just going to  
5 direct your attention to a couple of the photographs that  
6 are already into evidence in the State's case.

7 This is State's Number 91. If you can turn  
8 around and take a look at that. Do you know what that is  
9 right there?

10 A. Yes, sir.

11 Q. What is that?

12 A. My '98 Plymouth Breeze.

13 Q. That's your Plymouth Breeze.

14 Okay. Is that the same condition, roughly the  
15 same car -- is it the same car that was used that night  
16 when y'all were out there --

17 A. Yes, sir.

18 Q. -- all together?

19 MR. MCCOY: And would you go to 92 for me?

20 Q. [Mr. McCoy] Do you see an issue with your  
21 side-view mirrors there at all?

22 A. The one on the right side is missing.

23 MR. MCCOY: Could you fast forward to 94 for me,  
24 please? Thank you.

25 Q. [Mr. McCoy] And is this the same rear-view

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1 mirror that you used to basically witness everything that  
2 happened that night?

3 A. Yes, sir.

4 MR. MCCOY: Judge, I don't have any other  
5 questions on cross.

6 THE COURT: Do you have any, Mr. Apostolou?

7 MR. APOSTOLOU: I do, Judge.

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Quasantrina Rivers  
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CROSS-EXAMINATION

1  
2 BY MR. APOSTOLOU:

3 Q. Quasantrina, you gave a statement on 5/19; is  
4 that correct?

5 A. Yes, sir.

6 Q. Two statements; right?

7 A. Yes, sir.

8 Q. And you made those statements at the police  
9 department; correct?

10 A. Yes, sir.

11 Q. And from the police department, you went to the  
12 jail?

13 A. Yes, sir.

14 Q. And you stayed there until July the 30th?

15 A. Yes, sir.

16 Q. And then you got out on July the 30th?

17 A. Yes, sir.

18 Q. Okay. So you made your statement on 5/19 and  
19 you made your proffer on the 17th of July; is that  
20 correct?

21 A. I thought it was the 12th.

22 Q. I think you signed -- I think you signed it on  
23 the 12th. I think you actually made your statement on the  
24 17th. I'm not -- care too much about the dates.

25 But about two weeks before you got out of jail,

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1 you made that agreement, that statement, with the State;  
2 right?

3 A. Yes, sir.

4 Q. And as a result of that proffer, you were able  
5 to get out of jail, basically; is that correct?

6 A. Yes, sir.

7 Q. What's that?

8 A. My bond got reduced so I --

9 Q. Right.

10 The State agreed to reduce your bond because you  
11 made that proffer agreement; right?

12 A. Yes, sir.

13 Q. And on the first statement you said you hadn't  
14 seen a gun at all out there, and in the second statement,  
15 or on proffer, which is actually your third statement, you  
16 said you had never seen a gun beforehand --

17 A. Yes, sir.

18 Q. -- that night?

19 And they asked you if you had seen Denzel with a  
20 gun at all and you said, no, not at all that day, that  
21 night; is that correct?

22 A. Yes, sir.

23 Q. Now, a year and a half after that, days before  
24 we go to trial in February of 2014, then you come up with  
25 the whole statement about seeing the gun beforehand at

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1 Skrill's house; is that correct?

2 A. Yes, sir.

3 Q. Hadn't been in the case at all up until that  
4 point; right?

5 A. Yes, sir.

6 Q. A thousand pages, no mention of that kind of  
7 important detail; is that correct?

8 A. Yes, sir.

9 Q. And now two days before this trial, you added  
10 the part about him grabbing the ponytail. That hadn't  
11 been in the case at all and you just added that two days  
12 before this trial; is that correct?

13 A. The ponytail?

14 Q. Yes.

15 A. No. That's in.

16 Q. What's that?

17 A. The fact of him fighting me, that's been in  
18 there.

19 Q. Okay. That's been in there?

20 A. Yes, sir.

21 Q. You didn't just add that when you went to the  
22 solicitor's office earlier this week?

23 A. No, sir.

24 Q. Did you add anything when you went to the  
25 solicitor's office this week?

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1 A. No, sir.

2 Q. Let's talk about this suitcase. There's no  
3 mention of a suitcase in the first statement; is that  
4 correct?

5 A. Yes, sir.

6 Q. But when you do the proffer agreement --  
7 basically, the proffer agreement and statement number one  
8 and two are basically the same statement but you add in  
9 this part about the suitcase; is that correct?

10 A. Yes, sir.

11 Q. Well, let's talk about this suitcase for a  
12 second. When is the first time you saw the suitcase?

13 A. When I was getting out of the Mercedes.

14 MR. APOSTOLOU: I'm going to have to ask you to  
15 speak up a little bit more.

16 A. When Denzel got out of the Mercedes.

17 Q. [Mr. Apostolou] When Denzel did what?

18 A. When Denzel had the suitcase in his hand,  
19 putting it in my car.

20 Q. When he had it, that's the first time you saw  
21 it?

22 A. Yes, sir.

23 Q. And that's after -- tell me the sequence of  
24 events. He had called you out and you had gone to the  
25 trunk of the car? Is that what I understand? No, I'm

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- 1       sorry.   The hood of the car?
- 2           A.     Yes, sir.
- 3           Q.     And did you actually open the hood?
- 4           A.     No, sir.
- 5           Q.     And so when Denzel took the suitcase out of the
- 6       trunk, where were you standing?
- 7           A.     I was sitting in my car.
- 8           Q.     So you were already back in your car?
- 9           A.     I wasn't -- when he had the suitcase -- can I
- 10       have another question?
- 11          Q.     What's that?
- 12          A.     Can I have another question?
- 13          Q.     Sure, sure, sure.
- 14                I'm asking you the first time you saw the
- 15       suitcase, where were you when you first saw the suitcase?
- 16          A.     I don't remember.
- 17          Q.     You don't remember the first time you saw it?
- 18          A.     I was back in my car the first time I remember,
- 19       but I don't remember the time space when it got put there.
- 20          Q.     I'm sorry.  You speak so quickly and a little
- 21       soft, it's hard for me to understand what you're saying.
- 22                Can you repeat that answer?
- 23          A.     I was in the car.
- 24          Q.     You were in your car?
- 25          A.     [Indicates affirmatively]

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1 Q. And so you were watching through the rear-view  
2 mirror?

3 A. Yes, sir.

4 Q. That's a yes?

5 A. I don't -- can I -- I don't want to answer this  
6 question because it's not detail for detail as to the time  
7 I recall when the trunk -- when I saw the suitcase being  
8 in the car.

9 Q. I'm sorry. I didn't understand that. Can you  
10 say that again?

11 A. You're asking me about when was the first time  
12 you seen the suitcase?

13 Q. Yes.

14 A. I saw the suitcase in my trunk, but I can't  
15 recall the timing of when it -- as it's taking place.

16 Q. Okay. Well, that's an answer. That's an  
17 answer.

18 So you don't remember the first time you saw the  
19 suitcase?

20 A. I saw the suitcase being brought by Denzel, but  
21 I don't recall the timing.

22 Q. No, I'm not asking you for the specific time. I  
23 want to know the circumstances out there. You were there  
24 that night; right?

25 A. Yes, sir.

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1 Q. I wasn't; right?

2 A. [No response]

3 Q. The jury wasn't. So you've got to tell us what  
4 you saw that night.

5 So when is the first time you saw the suitcase?

6 A. Denzel had the suitcase in his hand.

7 Q. Denzel had it in his hand?

8 A. Yes, sir.

9 Q. So was it in his right hand or his left hand?

10 A. It was a big suitcase so it took both of his  
11 hands.

12 Q. He had it in both hands?

13 A. Yes.

14 Q. And how did you see this?

15 A. From me being in my car.

16 Q. From what?

17 A. Me being in my car.

18 Q. From you being in your car.

19 And your testimony today has been that you  
20 watched this through your rear-view mirror?

21 A. Yes, sir.

22 Q. And you were able to see all the players and all  
23 the events through your rear-view mirror?

24 A. Yes, sir.

25 Q. And one of those things -- I mean, where did you

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1 see Denzel? I mean, did you see him go into the trunk of  
2 the Mercedes and get the suitcase?

3 A. The brother -- he told the brother to open the  
4 trunk, and then he went in there.

5 Q. And at some point you get out of the car?

6 A. Yes, sir.

7 Q. And you go over to this scene and you're out  
8 there interacting with all of these people; is that  
9 correct?

10 A. I'm not interacting. I'm told by Denzel to get  
11 the keys and to go in the hood.

12 Q. So you picked the keys up with the rag; is that  
13 my understanding?

14 A. Yes, sir.

15 Q. And at that point, was the trunk open?

16 A. Yes, sir.

17 Q. And had Denzel taken the suitcase out of the  
18 car?

19 A. Yes, sir.

20 Q. So he had already taken the suitcase out.

21 So he asked Mr. Hemingway to go open the  
22 trunk?

23 A. Mr. Hemingway? Hemingway opened the trunk and  
24 then Denzel went to the car. And then that's when they  
25 were -- the keys were placed back on the ground, they were

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1 on the ground, and the brothers were saying that they  
2 didn't have anything. And with that happening, that's  
3 when Denzel told me to grab the keys.

4 Q. And so you got the keys.

5 Did you open the trunk -- the hood of the car or  
6 not?

7 A. No, sir.

8 Q. And then you went back to your car?

9 A. Yes, sir.

10 Q. And then you continued to watch everything  
11 through the rear-view mirror?

12 A. No, sir. With me going back to my car, we left.

13 Q. What's that?

14 A. With me going back to my car, we left.

15 Q. With you going back to the car, that was the end  
16 of the events?

17 A. Yes, sir.

18 Q. So you were out there when the shots were fired?

19 A. The last two when the brothers was on the ground  
20 and he -- the brother got up and ran. When he -- when the  
21 brother who's alive was running the opposite way and the  
22 brother who died was running the opposite way, I was  
23 running towards my car with the brother who lived, towards  
24 my car.

25 Q. So you were out there when the shots were fired?

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1 A. Yes, sir.

2 Q. So I'm still struggling with the suitcase. If  
3 you were out there when the shots are fired -- so you and  
4 Dashaun and Denzel all run to the car at the same time?

5 A. Dashaun is with the boy who said, I have been  
6 shot. The brother jumped up and ran. And the brother who  
7 had been shot, Dashaun -- Dashaun was running toward the  
8 car with the guy like backwards.

9 Q. I'm sorry. Can you just speak just a little  
10 slower and a little louder? I'm trying to understand what  
11 you're saying. I'm not trying to trick you up. I'm  
12 trying to understand what your testimony is. This is an  
13 important matter and I need to understand it. So can you  
14 explain it to me just a little slower and a little louder?  
15 Because I'm trying to understand what happened out there.

16 A. The brother who was still alive was on the  
17 ground. Dashaun was still tussling with the brother who  
18 got shot.

19 Q. And at that point -- let me interrupt you. And  
20 at that point, you're standing right there out there with  
21 Denzel, with Dashaun, and with both of these gentlemen; is  
22 that correct?

23 A. Yes, sir.

24 Q. So you're standing right there. How far away  
25 from Denzel are you at that point?

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1 A. Like right here [indicates].

2 Q. What's that?

3 A. Like a little area right here [indicates].

4 MR. APOSTOLOU: May I approach, Your Honor?

5 A. Either right here or like right here

6 [indicates].

7 Q. [Mr. Apostolou] Okay. Can we just -- I mean,  
8 how far physically are you away from him? Five feet, ten  
9 feet?

10 A. Not far.

11 Q. So right next to him?

12 A. No. I wouldn't say right next to him. I would  
13 say as far as me and this thing right here, and I'm right  
14 here, but not up on him close to him.

15 Q. And has the suitcase already come out of the  
16 trunk at this point?

17 A. Yes, sir.

18 Q. Was the suitcase taken out of the trunk and  
19 carried into the trunk of your car and then somebody come  
20 back to the scene?

21 A. It was carried in the back seat and then Denzel  
22 went back to obtain it.

23 Q. Okay. So while you're standing out roadside,  
24 the trunk gets opened on the Mercedes?

25 A. No, sir.

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1 Q. Okay.

2 A. I'm in my car when the trunk gets -- I'm in my  
3 car when the trunk was opened by the brother who's still  
4 alive. With that happening, the brother still alive, he  
5 was told to get back on the ground and Denzel was going  
6 throughout the car.

7 Q. So Denzel was inside the car looking for stuff  
8 to steal; is that correct?

9 A. Yes, sir.

10 Q. And you're out roadside at this point?

11 A. No, sir.

12 Q. So you're seeing this from the rear-view mirror  
13 of your car?

14 A. Yes, sir.

15 Q. And that's before you got out of the car; is  
16 that correct?

17 A. Yes, sir.

18 Q. So Denzel is all inside. You didn't go inside  
19 the car, did you?

20 A. No, sir.

21 Q. The Mercedes?

22 A. No, sir.

23 Q. So the trunk is opened by Mr. Hemingway?

24 A. Yes, sir.

25 Q. And at that point, Denzel takes the suitcase?

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- 1 A. Yes, sir.
- 2 Q. And he carries it to your car?
- 3 A. Yes, sir.
- 4 Q. And at this point, you have not gotten out of  
5 your car at all?
- 6 A. No, sir.
- 7 Q. And you are watching all of this on the rear-  
8 view mirror of your car?
- 9 A. Yes, sir.
- 10 Q. And you're able to see all of this?
- 11 A. Yes, sir.
- 12 Q. And so you're pointing this way, the Mercedes is  
13 pointing that way, you can see these guys on the roadside,  
14 and you can see Denzel with the trunk?
- 15 A. Yes, sir.
- 16 Q. And you're -- how are you certain that Denzel  
17 had Mr. Hemingway get out and open the trunk?
- 18 A. The one with the white shirt is the one who  
19 died, and he was with Dashaun. And the one who's alive  
20 was the one who had his head stomped.
- 21 Q. Yeah. I understand that.
- 22 But how are you certain that Denzel instructed  
23 the guy on the ground to get up and open the trunk if  
24 you're sitting thirty feet away in your car?
- 25 A. I heard it.

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1 Q. You heard it through -- did you have your window  
2 open?

3 A. My window was cracked.

4 Q. The window was cracked?

5 A. Yes.

6 Q. And you heard Denzel say what?

7 A. To open the trunk.

8 Q. To open the trunk?

9 A. Yes, sir.

10 Q. And while you were sitting there with the window  
11 cracked and looking out the rear-view mirror, you were  
12 able to see the guy get up?

13 A. Yes, sir.

14 Q. And you were able to see him open his trunk?

15 A. Yes, sir.

16 Q. And you were able to see -- where was Denzel at  
17 that point?

18 A. Denzel was with him.

19 Q. He walked with him?

20 A. Uh-huh. And then --

21 Q. So he was --

22 A. -- he told him to get back down on the ground,  
23 and Dashaun had both of them on the ground with the gun  
24 facing him.

25 Q. So Dashaun is standing over the top of him with

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1 the gun pinning him to the ground?

2 A. Yes, sir.

3 Q. And then so he -- Hemingway opens the trunk and  
4 gets back on the ground. Is that what your testimony is?

5 A. Yes, sir.

6 Q. And then at that point, Denzel walks over and --  
7 so the trunk is already open?

8 A. Yes, sir.

9 Q. And you're watching, through your rear-view  
10 mirror, coming back for your car; right?

11 A. Yes, sir.

12 Q. And you see him grab the suitcase?

13 A. Yes, sir.

14 Q. And the suitcase is big?

15 A. Yes, sir.

16 Q. Describe the suitcase for us.

17 A. A blue suitcase.

18 Q. A blue suitcase?

19 A. Yes, sir.

20 Q. What's it made out of?

21 A. I don't know about fabric.

22 Q. Is it hard plastic, is it leather, is it fabric?

23 A. More like cotton.

24 Q. It was made out of cotton?

25 A. I don't -- I'm not real good with fabric, but it

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1 wasn't leather and it wasn't plastic or anything like  
2 that.

3 Q. How big is it?

4 A. About that size.

5 Q. About that big?

6 MR. APOSTOLOU: Let the record reflect --

7 Q. [Mr. Apostolou] Somewhere in the neighborhood  
8 of about three feet?

9 A. Yes.

10 Q. So a pretty good size?

11 A. Yes, sir.

12 Q. Was it wide?

13 A. Yes.

14 Q. How wide?

15 A. About this size.

16 Q. So the record reflect somewhere about, what, two  
17 feet?

18 A. Yes, sir.

19 Q. Foot and a half, two feet?

20 A. Yes, sir.

21 Q. And so Denzel's carrying it with what? one hand?  
22 two hands?

23 A. With both hands.

24 Q. With both hands?

25 A. Yes, sir.

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1 Q. And the trunk of your car wasn't open?

2 A. No, sir.

3 Q. So how did the trunk in your car get open?

4 A. The trunk of my car wasn't open.

5 Q. Put it in the back seat?

6 A. Yes, sir.

7 Q. And what color blue was it? There's a lot of  
8 different colors of blue.

9 A. Dark blue.

10 Q. Dark blue.

11 Like what the jurors have on their little jury  
12 badges?

13 A. Yes, sir.

14 Q. About that color?

15 A. Yes, sir.

16 Q. And so that goes in the back seat of the car?

17 A. Yes.

18 Q. And this is before you got out of the car at  
19 this point?

20 A. Yes, sir.

21 Q. Is that right?

22 A. Yes, sir.

23 Q. And so he calls you -- so he puts the suitcase  
24 in the back seat of your car?

25 A. Yes, sir.

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1 Q. And you're watching this through the rear-view  
2 mirror; right?

3 A. Yes, sir.

4 Q. And then he goes back to the scene where the  
5 guys are on the ground; is that right?

6 A. Yes, sir.

7 Q. And this is before the first shot has even been  
8 fired; right?

9 A. [No response]

10 Q. Or has there been a shot fired? You tell me.

11 A. It's been a shot fired.

12 Q. There's already been a shot fired?

13 A. Yes.

14 Q. So the shot was fired pretty early in the  
15 equation?

16 A. Yes.

17 Q. You testified I think that Denzel and  
18 Mr. Chambers got into a physical fight pretty immediately  
19 right after that? Soon as it starts; right?

20 A. Yes.

21 Q. And then I think you testified that Dashaun  
22 Simmons bum-rushes, was the term, the other guy?

23 A. Yes, sir.

24 Q. And when in this process is the shot fired?

25 A. The shot is fired when the brother who is still

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1 alive was on the ground.

2 Q. So they order them on the ground and they fire a  
3 shot early into --

4 A. No.

5 With them being on the ground, they're talking  
6 and tussling with them and Dashaun fired the shot with the  
7 boy laying on the ground.

8 Q. The tussling -- the guys are on the ground. How  
9 are they tussling with Mr. Simmons? Mr. Simmons had the  
10 gun; is that correct?

11 A. Yes, sir.

12 Q. And this is the AK-47?

13 A. Yes, sir.

14 Q. Which is about three and a half feet long?

15 A. [No response]

16 Q. How did -- how do they tussle them with the  
17 ground -- tussling with them if they're on the ground?

18 A. He's laying forward, face down, and he's trying  
19 to move -- like move his body. The men -- the young man  
20 that died, he's moving his body trying to get Dashaun off  
21 him.

22 Q. Okay. Both of these gentlemen are on their  
23 stomachs on the ground?

24 A. Yes.

25 Q. And they're in the roadway?

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1 A. Yes.

2 Q. Are they in front of the Mercedes, beside the  
3 Mercedes, or behind the Mercedes?

4 A. On the side of the Mercedes.

5 Q. On the side of the Mercedes.

6 The Mercedes was parked on the side of the  
7 road --

8 A. The far back of the Mercedes.

9 Q. I'm sorry?

10 A. The Mercedes, the far back of the Mercedes.

11 Like this area of the Mercedes.

12 Q. The hindquarter of the Mercedes?

13 A. Yes.

14 Q. And so it's parked on the side of the road.

15 So they're on the ground outside the hindquarter  
16 of the Mercedes? Is that -- is that what I'm  
17 understanding?

18 A. Yes, sir.

19 Q. And they're on their stomachs?

20 A. Yes, sir.

21 Q. And Mr. Simmons is standing up somewhere like  
22 this?

23 A. Yes, sir.

24 Q. And how far away from him from they -- how far  
25 away from them is he? I'm sorry.

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- 1 A. Dashaun?
- 2 Q. Yeah.
- 3 A. He's on the -- the boy who died, he's literally  
4 on top of him, with the gun towards his head.
- 5 Q. So he's down on all fours kind of thing?
- 6 A. Uh-huh. With the gun towards his head.
- 7 Q. He's holding the gun to his head?
- 8 A. Yes, sir.
- 9 Q. And Mr. Hemingway is beside him?
- 10 A. With Denzel. Not exactly beside, but one is  
11 over here facing this way and the other one facing this  
12 way.
- 13 Q. And Denzel is on top of him?
- 14 A. Dashaun is on top of the brother who died.
- 15 Q. Right.
- 16 And then what does Denzel and Mr. Hemingway  
17 do?
- 18 A. Denzel stomped Mr. Hemingway's head.
- 19 Q. Stomped him in the head. Okay. And then what  
20 happened?
- 21 A. Denzel stomped Mr. Hemingway on the head, and  
22 then he was crying or whatever and the brother was like,  
23 leave him alone. And then the boy who's alive, he got up  
24 and ran and the other brother, he ran too and he's like,  
25 I've been shot.

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1 Q. You keep going back to that, but I'm going to  
2 try to go a little bit slower, if you don't mind.

3 So at that point -- I mean, that's the end of  
4 this thing; right?

5 A. Yes.

6 Q. When he goes running, that's the last few  
7 seconds that y'all were on the roadside; right?

8 A. Yes, sir.

9 Q. So we're at the very beginning when he's got  
10 Mr. Hemingway down on the ground. And he stomps his head  
11 very early in the story; right?

12 A. Yes, sir.

13 Q. And then we haven't even got to the suitcase.  
14 You know, they're charged with armed robbery, so we want  
15 to talk about it in the sequence in which it happened.  
16 Can you do that?

17 A. [No response]

18 Q. Yes? Can you answer?

19 A. [No response]

20 Q. Can you answer the question?

21 A. Yes, sir.

22 Q. All right. So he's on the ground.

23 Now, after Denzel kicks him in the head, what  
24 happens? I mean, we've got -- as I understand it, Dashaun  
25 Simmons on the ground holding an AK-47 to the back of the

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1 head of this guy. And your testimony has been that  
2 they're tussling. How are they tussling?

3 A. They're tussling with the man -- the young man  
4 who died on the ground, and Dashaun is on top of him, and  
5 he's trying to get up.

6 Q. And so the guy's tussling with Dashaun?

7 A. Yes.

8 Q. Is he -- but he's not facing him? They're not  
9 wrestling over the gun at all?

10 A. They're -- that's tussling. But he's trying to  
11 move his body then to the point where he got up and he was  
12 able to like roll him over and get up. And that's when --  
13 with Dashaun getting up, that's when he started firing the  
14 other two shots.

15 Q. So, again, that's to the end of it. We haven't  
16 even talked about the armed robbery, the suitcase, part.

17 So can you just tell me: when Dashaun Simmons  
18 stomped his head, that is how many minutes before Dashaun  
19 Simmons fires a shot?

20 A. I'm not accurate of the minute.

21 Q. Can you give us a ballpark?

22 A. No.

23 Q. Okay. How long does this whole thing last?

24 A. It lasts for a while.

25 Q. It lasts for a while? Okay. Well, let's talk

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1 about it.

2 So Dashaun Simmons is -- kicks Hemingway's head.  
3 What happens after that? I mean, you can't go straight to  
4 the gunshot, because you haven't even gotten out of the  
5 car yet; right?

6 A. No, sir.

7 Q. Well, let's go. Tell me what happened.

8 A. I'm sitting in the car, and the brother who's  
9 still alive was talking and Dashaun fired the gun towards  
10 his head.

11 Q. Okay. And Dashaun was on the ground when he  
12 fired the shot next to his head?

13 A. Dashaun was with the boy who died, and then the  
14 brother who's still alive was talking and he fired the  
15 shot towards his head.

16 Q. Dashaun fired the shot by the boy that lives  
17 head?

18 A. Yes, sir.

19 Q. Was Dashaun standing up at that point?

20 A. No, sir.

21 Q. So he was still on top of -- I mean, I hate to  
22 get graphic here. But he's still on top of Kadeen  
23 Chambers?

24 A. Yes, sir.

25 Q. And he reaches over and shoots a shot off by the

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1 head of Jujuaín Hemingway?

2 A. Yes, sir.

3 Q. Where is Denzel Heyward at this point?

4 A. Denzel is still right there.

5 Q. Denzel is standing right there?

6 A. Yes, sir.

7 Q. There's been -- and both Chambers and Hemingway  
8 are on their face? Face down?

9 A. Yes, sir.

10 Q. And the shot goes off by their heads?

11 A. By the man -- the young man who's still alive.

12 Q. And then what happens? And Denzel was standing  
13 up over here somewhere?

14 A. Yes, sir.

15 Q. And then what happens?

16 A. [No response]

17 Q. You're watching everything through the rear-view  
18 mirror of the car; right?

19 A. Yes, sir.

20 Q. Tell me what happens.

21 A. When the shot is fired towards his head -- I  
22 can't recall if before -- if his head got stomped before  
23 or after.

24 Q. And then what happens?

25 A. His head gets stomped and then that's when I get

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1 out of my car and I'm like, what's going on or whatever,  
2 and Denzel says grab the keys and to look in the hood.  
3 And when I go to get the key, I hesitate and I just stand  
4 there. So they're still on the ground tussling. And then  
5 when I'm running back towards my car, they --

6 Q. Okay. All right. We overlooked the suitcase  
7 then.

8 A. They're on the ground and Denzel asked them do  
9 they have anything, and they're basically saying that they  
10 don't have anything. And Denzel asked the brother that's  
11 still alive to get up and to open the trunk.

12 Q. And are you in the car or are you still --

13 A. I'm still in the car.

14 Q. You're still in your car?

15 A. Yes.

16 Q. And did you ever see Denzel and Dashaun go  
17 through the pockets of Mr. Hemingway and Mr. Chambers?

18 A. No.

19 Q. You didn't see that?

20 A. No.

21 Q. But you did see Denzel going through the car  
22 itself?

23 A. Yes, sir.

24 Q. And he's all in there?

25 A. Yes, sir.

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1 Q. Nobody is wearing masks or gloves at this point;  
2 right?

3 A. No, sir.

4 Q. Did anybody say Fat or Denzel roadside at all?  
5 Did you ever hear that name at all?

6 A. No, sir.

7 Q. So Denzel is all in the car looking for stuff?

8 A. Yes, sir.

9 Q. And then is the trunk open at that point? He  
10 comes out of the car and opens the trunk?

11 A. The brother --

12 Q. He comes out of the car after searching the car  
13 and at some point he asks Mr. Heyward to open the trunk?

14 A. Yes.

15 Q. And you're still in your car at that point?

16 A. Yes.

17 Q. And so Mr. Heyward opens the trunk? I'm sorry.  
18 Mr. Hemingway opens the trunk?

19 A. Yes.

20 Q. And then he goes and he lays back down?

21 A. Yes.

22 Q. And this is after the shot has already been  
23 fired off by their head; right?

24 A. Yes.

25 Q. No neighbors were turning the lights on or

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1 coming out to see what's going on at this point?

2 A. No, sir.

3 Q. And so the trunk is open before you come out of  
4 the car; right?

5 A. Yes, sir.

6 Q. And so is there anything else in the trunk?

7 A. I never looked in the trunk.

8 Q. You didn't look in the trunk.

9 Okay. So you didn't see the suitcase in the  
10 trunk itself but you saw --

11 A. I only --

12 Q. I'm sorry.

13 A. I only saw the suitcase when it was being placed  
14 in my car.

15 Q. You only saw the suitcase when?

16 A. When it was being put in my car.

17 Q. When it was being put in your car?

18 A. Yes, sir.

19 Q. Well, when you go over to come outside, is the  
20 trunk open?

21 A. Of my car or their car?

22 Q. Of their car.

23 A. When I come out?

24 Q. Yes.

25 A. Yes, sir.

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1 Q. It's already open?

2 A. Yes.

3 Q. So you come out and then the shots are fired at  
4 that point? Because you testified that you were standing  
5 right there when the shots were fired.

6 A. Yes.

7 Q. Even though in your statement you said you never  
8 saw anybody get shot --

9 A. I never --

10 Q. -- is that correct?

11 A. The shots were fired, but I never directly saw  
12 where he -- I saw the shots fired where he was on the  
13 ground, but I never actually saw the shots like go through  
14 him or anything like that.

15 Q. So you didn't see the shots hit him?

16 A. No.

17 Q. But you were standing out there when the shots  
18 were fired?

19 A. Yes.

20 Q. And has the suitcase been carried to your car  
21 already?

22 A. Yes.

23 Q. So the suitcase is carried to the car before you  
24 ever get out?

25 A. Yes, sir.

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1 Q. In this case I've also heard some testimony  
2 about some boxes being carried from one to the other. Do  
3 you see any boxes being carried from the Mercedes to your  
4 car?

5 MS. SHEALY: Objection, Your Honor. May we  
6 approach?

7 THE COURT: Uh-huh.

8 [Whereupon, an off-the-record bench conference  
9 is held]

10 Q. [Mr. Apostolou] Quasantrina, I may have  
11 misspoken. Did you see any boxes going from the Mercedes  
12 to your car?

13 A. A box of food.

14 Q. What's that?

15 A. A box of food.

16 Q. A box of food.

17 Can you describe the box of food to the  
18 Court?

19 A. A white container of food in a bag.

20 Q. A white container of food in a bag. Like a  
21 fast-food bag?

22 A. Yes.

23 Q. So Denzel stole a bag of food from these guys?

24 A. The only thing that was put in the car was the  
25 food and the suitcase.

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- 1 Q. What's that?
- 2 A. The thing that looked like food, and a suitcase.
- 3 Q. And so he's already carried it. He comes back.
- 4 Were there any other trips between the Mercedes and your
- 5 car?
- 6 A. No, sir.
- 7 Q. Just the one trip carrying the suitcase; right?
- 8 A. He got the suitcase and the food. I can't
- 9 recall if there was two trips in between that.
- 10 Q. But he comes back out there and they're standing
- 11 on the side --
- 12 Are they doing anything at that point?
- 13 A. [No response].
- 14 Q. And they call you over after he's already gone
- 15 and come back and you're watching. So what do they do
- 16 after he comes back with the suitcase?
- 17 A. They're still on the ground and he's -- they're
- 18 standing over them.
- 19 Q. And they're standing over him?
- 20 A. Uh-huh.
- 21 Q. Anything else happen at that point?
- 22 A. That's when he tells me to get the keys to look
- 23 in the trunk -- I mean, to look in the hood.
- 24 Q. The keys to look in the hood. Okay.
- 25 And so you come out of your car and you're

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1 standing there. And that's when the shots are fired?

2 A. No.

3 Q. Okay. Well, tell me.

4 A. The shot was already fired towards his head and  
5 when I got out the car and was standing out there, the  
6 shot -- the other two shots were fired.

7 Q. And you testified that you saw him shoot but you  
8 didn't see it hit anybody; is that right?

9 A. Yes.

10 Q. And how far away from him when you -- when this  
11 happens, how far away are you?

12 A. When the shots are fired?

13 Q. Uh-huh.

14 A. I'm right there.

15 Q. You're right there. Okay.

16 And then all three of y'all run back to the car  
17 at the same time?

18 A. Yes, sir.

19 Q. And you jump in the driver's seat, Denzel jumps  
20 in the passenger seat, and Dashaun Simmons gets in the  
21 back?

22 A. Yes, sir.

23 Q. And he's got the AK-47?

24 A. Yes, sir.

25 Q. And when do they -- when you pulled up, that's

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1 when they got the AK-47 out of the car?

2 A. [No response]

3 Q. When y'all pulled up before the other guys had  
4 arrived -- how long were y'all out there before they  
5 arrived?

6 A. For a while.

7 Q. A while?

8 A. Yes, sir.

9 Q. How long?

10 A. An hour or two.

11 Q. And hour or two. Okay.

12 And when did they get the AK-47 out of the  
13 trunk?

14 A. I'm not sure.

15 Denzel came over and asked for the keys and that  
16 was the only time he asked for the keys.

17 Q. And then what did he do with the keys when he  
18 got them?

19 A. He went in the trunk.

20 Q. And he took the AK-47 out?

21 A. I didn't see what he took out of the trunk.

22 Q. So he took something out of the trunk?

23 A. Yes, sir.

24 Q. And you're -- in your proffer agreement you say  
25 that the trunk hadn't been opened that night, though; is

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1 that correct?

2 A. Yes, sir.

3 Q. But you added that a year and a half after the  
4 fact?

5 A. Yes, sir.

6 Q. Two days before the trial; is that right?

7 A. Yes.

8 Q. Huh?

9 A. Yes, sir.

10 Q. All right. Tell me what happens. What's inside  
11 the suitcase. Tell me where you -- when do you see the  
12 suitcase next? We have a blue, three-by-two-suitcase.  
13 Where does it go?

14 A. It's in the back seat. And then when we're at  
15 Skrill's house, that's the last time I see it.

16 Q. The last time you saw it is at Skrill's house?

17 A. Yes, sir.

18 Q. And where does it go?

19 A. I'm not sure.

20 Q. When you pulled up at Skrill's house, somebody  
21 gets it out of the car?

22 A. When get out -- when we pulled up to Skrill's  
23 house, Denzel gets out of the car. And me and Dashaun are  
24 out there and Dashaun is straightening the mats and I  
25 don't see the suitcase out there.

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1 Q. Do you see anybody take the suitcase out of the  
2 car?

3 A. No, sir.

4 Q. Well, the suitcase wasn't in the car when the  
5 police inventoried it; right?

6 A. No, sir.

7 Q. So at some point, the suitcase came out of the  
8 car and you don't know when it came out of the car?

9 A. No, sir.

10 Q. Did you ever see the suitcase again?

11 A. No, sir.

12 Q. Did you ever see the contents of the suitcase?

13 A. The content meaning the way it looked in shape?

14 Q. No. Well, just what was inside?

15 A. No, sir.

16 Q. You never saw the inside of it?

17 A. No, sir.

18 Q. You go to see Denzel at the jail; right?

19 A. Yes, sir.

20 Q. And instead of facing thirty years to life for a  
21 murder charge, you're facing zero to fifteen for an  
22 accessory after the fact; is that correct?

23 A. Yes, sir.

24 Q. And instead of facing ten to thirty years in  
25 prison for an armed robbery, you're facing zero to fifteen

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1 for an accessory; is that correct?

2 A. Yes, sir.

3 Q. And instead of facing zero to twenty for  
4 attempted murder, you're facing zero to ten for an  
5 attempted murder for an accessory; is that correct?

6 A. Yes, sir.

7 Q. So you can get out of this with probation; is  
8 that correct?

9 A. I'm not sure.

10 Q. Well, all your charges are zero.

11 When you go to see Denzel, you tell him that  
12 you're going to do whatever it takes to stay out here to  
13 stay with your baby; is that correct?

14 A. No, sir.

15 MR. APOSTOLOU: I have no further questions,  
16 Your Honor.

17 THE COURT: Redirect?

18 MS. SHEALY: May it please the Court.

19

20

21

22

23

24

25

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REDIRECT EXAMINATION

1

2

BY MS. SHEALY:

3

Q. Quasantrina, you weren't writing these things  
4 down as they happened, were you, that night?

5

A. No, ma'am.

6

Q. You weren't taking notes?

7

A. No, ma'am.

8

Q. You haven't been in a situation before where  
9 someone takes an assault rifle and kills a man on the  
10 scene, have you?

11

A. No, ma'am.

12

Q. Have you ever been present with Denzel Heyward  
13 when he armed-robbed someone before?

14

A. No, ma'am.

15

Q. Stomped someone in the head multiple times?

16

A. No, ma'am.

17

Q. Stole what he could out of a vehicle?

18

A. No, ma'am.

19

Q. Now, the defense counsel has asked you several  
20 questions. First of all, you didn't go see Denzel every  
21 week, did you?

22

A. No, ma'am.

23

Q. And Mr. Apostolou just asked you something about  
24 another trial. There's been no other trial; has there?

25

A. No, ma'am.

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1 Q. So let's look at your statement of May 19th.  
2 Tell the jury, if you would: before you turned yourself  
3 in, had your name been on the television?

4 A. No, ma'am.

5 Q. Were the police looking for you?

6 A. No, ma'am.

7 Q. And on that day, May 19th, looking on that first  
8 page, where did you tell the police this happened? On the  
9 fifth line down, where did y'all go?

10 A. Johns Island.

11 Q. And where is that in relationship to Denzel's  
12 old house?

13 A. A street or two over.

14 Q. And from the bottom of the page, five lines up,  
15 who did you tell Detective Church on May 19th, just a  
16 little over two days after this happened, who was tussling  
17 with the gun?

18 A. Dashaun.

19 Q. Where did you say everyone was in after the two  
20 shots had been fired?

21 A. Back to the car.

22 Q. And what word did you use? Fourth line up.

23 A. Rushed back in the car.

24 Q. Rushed back in the car.

25 And on page 2, sixth lines down, is the question

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1 that who came in the room and said let's take a ride. Who  
2 did you tell Detective Church said that?

3 A. Dashaun.

4 Q. And on the bottom of the page the question was  
5 that: how many gunshots did you hear.

6 How many gunshots did you tell Detective Church  
7 you heard that night?

8 A. Four.

9 Q. And those four are what? The one that goes near  
10 Jujuain's head? The young man who lived?

11 MR. MCCOY: Objection to testifying, Your Honor.

12 Q. [Ms. Shealy] Tell us what the four shots were  
13 from. Tell us how you heard four shots.

14 A. Two went off by his head and then the other two  
15 when he got up and ran.

16 Q. And was Dashaun shooting as y'all were at the  
17 vehicle?

18 A. Yes, ma'am.

19 Q. And on that day when you were asked do you know  
20 what the boy was wearing that Dashaun was holding the gun  
21 on, what color shirt did you tell him he was wearing?  
22 That's on page 3.

23 A. A white shirt.

24 Q. And on the bottom of that page when you were  
25 asked when Denzel and Dashaun got back in the car, where

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1 did they sit and did either of them have anything in their  
2 hands, what did you answer on May 19th?

3 A. Dashaun was in the back seat with the gun.

4 Q. And where was Denzel? What did you say?

5 A. The front seat.

6 Q. And when you described the gun on May 19th, last  
7 sentence on that page, how did you describe the gun?

8 A. What page? The second page?

9 Q. No. That same page you were just on. The third  
10 page at the bottom and you were asked that about when  
11 Dashaun -- when Denzel and Dashaun got back in the car,  
12 where did they sit and did either of them have anything in  
13 their hands. Would you read your full answer out for us?

14 A. [No response]

15 Q. Do you see the page?

16 A. No.

17 Q. Okay. Hold on. Look at my statement, my copy.

18 May 19th when you were asked that question, will  
19 you indicate to the jury how you answered?

20 A. Denzel got in the front seat with nothing.

21 Dashaun got in the back seat behind me with a long gun  
22 laying down.

23 Q. So you described that gun, two days after those  
24 guys take you out there, as a long gun; is that correct?

25 A. Yes, ma'am.

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1 Q. Then your lengthy statement in July of 2012. Do  
2 you see that statement, 7/18/12?

3 A. Yes, ma'am.

4 Q. And go to the first page towards the bottom  
5 starting with the third line from the bottom where it  
6 says: so me, Dashaun.

7 Do you see that?

8 A. Yes, ma'am.

9 Q. Would you read that sentence that continues on  
10 to the next page for me?

11 A. So me, Dashaun --

12 MR. MCCOY: I would ask that there be a question  
13 in there somewhere, Your Honor, not just reading her  
14 statement.

15 A. So me, Dashaun, his girlfriend, Denzel --

16 MR. MCCOY: Objection again, Your Honor.

17 THE COURT: Are you asking --

18 MS. SHEALY: I can ask it in a question form.

19 THE COURT: All right. Because I don't --  
20 unless it's being offered to impeach her, she can't  
21 just read from the statement.

22 Q. [Ms. Shealy] Either Mr. McCoy or Mr. Apostolou  
23 suggested that you just came up with the whole ponytail  
24 being pulled situation. Could you tell the jury on page 1  
25 of your July 18th statement what you indicated on that

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1 date as to what happened between you and Denzel and your  
2 ponytail?

3 A. Putting hands on me. So he comes around, grabs  
4 me by my ponytail, towards the ground. His mon walked  
5 right by. Then he pushed me into the car and we left to  
6 talk -- we left to take Dashaun's girlfriend home.

7 Q. Okay. And you told that on July 18th of 2012?

8 A. Yes, ma'am.

9 Q. On the third page of the July 18th statement,  
10 directing you to the third line from the bottom, could you  
11 tell the jury, please, how you described the weapon that  
12 was used that night?

13 A. Dashaun was in the back seat with a long gun.

14 Q. Long gun?

15 A. Yes, ma'am.

16 Q. On the fourth page of the July 18th statement,  
17 in the middle of the page before that large writing, nine  
18 lines from the top, could you tell the jury how you  
19 described Dashaun pointing the gun and about the suitcase  
20 and the food?

21 MR. MCCOY: Your Honor, briefly, I've got a  
22 little bit of an issue. Ms. Shealy is doing nothing  
23 but directing the witness. Four lines up from the  
24 bottom, four lines down from the top, telling her how  
25 to answer the question. Just ask her a question off

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1 her statement and let her answer it.

2 MS. SHEALY: I don't know that I would call it  
3 directing --

4 THE COURT: You can direct her to a portion  
5 to -- if it is to an answer in a question.

6 MS. SHEALY: And I did just answer -- ask a  
7 question.

8 THE COURT: All right. Go ahead.

9 Q. [Ms. Shealy] So could you go ahead,  
10 Quasantrina?

11 A. Can you repeat the question?

12 Q. On the fourth page of your statement, could you  
13 tell the jury what you indicated on July 18th as it  
14 related to Dashaun pointing the weapon and Denzel with the  
15 suitcase and the food?

16 A. [No response]

17 Q. Do you need for me to show you where it is?

18 A. Yes.

19 MR. MCCOY: Judge, again, if she can't answer  
20 the question, I don't understand why she's allowed to  
21 be directed to a part of her statement that she wrote.  
22 She gave this statement. Why does it have to be  
23 pointed out by the prosecutor every step of the way on  
24 this particular line of questioning?

25 MS. SHEALY: The alternative is to let her look

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1 at twelve pages and find it.

2 THE COURT: She can direct her to an answer, if  
3 it's to a question, to rehabilitate her from an  
4 attempt to impeach her during cross.

5 Q. [Ms. Shealy] Starting here.

6 A. Dashaun's on one side. Dashaun tells them get  
7 on the ground. Dashaun still has the gun pointing at --  
8 but is top of the guy with the white shirt, pointing it to  
9 his head. Denzel goes to stomp the boy's head --

10 MS. SHEALY: Slow down just a little bit,  
11 Quasantrina, and talk a little bit louder, please.

12 A. Denzel goes to stomp the boy's head, then Denzel  
13 takes a suitcase and food saying that he's taking whatever  
14 he touched because his fingerprints are on it.

15 Q. [Ms. Shealy] Okay.

16 A. They --

17 Q. [Ms. Shealy] Go ahead. I'm sorry.

18 A. Dashaun still on top of the boy with the gun,  
19 and Denzel's back standing by the dude -- by the dude's  
20 head he stomped and yells for me to get the keys.

21 Q. And, again, that was on July the 18th?

22 A. [No response]

23 Q. Now, on July 18th, did you indicate that y'all  
24 met up with Skrill afterwards? And I'll direct you to  
25 page 5.

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1 A. Yes, ma'am.

2 Q. And you may have to even start the page before.  
3 But could you tell the jury what you told the police and  
4 the solicitor's office on July 18th of 2012 as it related  
5 to Skrill?

6 A. We pulled up. Denzel goes in to holler at  
7 Skrill. We then get out. I go in the house towards --  
8 Skrill. We then get out. I go in the house towards  
9 the -- straightening stuff up in the car. Dashaun gets  
10 suitcase outside of the car. I go back in the house --  
11 talking about -- talking about burning clothes. Dashaun  
12 puts in trash bag. Sleep at the house. Denzel calling  
13 someone asking what's going on or about the news. Then he  
14 tells me the boy dies. I say, are you serious, and was  
15 just afraid. Then he asked me if I'm okay. Then -- they  
16 then telling Skrill what happened, and went outside -- it  
17 was -- was about the guys from Myrtle Beach. Either next  
18 morning or that night, Dashaun have gun in bag. Him and  
19 Skrill takes it, wrapping it up, and leaves me and Denzel  
20 only there. He's basically saying he doesn't know -- he  
21 doesn't --

22 Q. You can stop -- you can actually stop there.  
23 So on that day of July 18th of 2012, you told  
24 the solicitor's office about Skrill, about the weapon,  
25 about the weapon being wrapped; is that correct?

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1 A. Yes, ma'am.

2 Q. Now, what you didn't tell was about the earlier  
3 episode of picking up the gun from Skrill; is that  
4 correct?

5 A. Yes, ma'am.

6 Q. When the suitcase and the bag of food were in  
7 the vehicle, do you know whether Denzel hoped there was  
8 money in it?

9 A. No, ma'am.

10 Q. You don't know what he thought might be in  
11 there?

12 A. No, ma'am.

13 Q. You were asked today about coming to the  
14 solicitor's office this week.

15 Can you tell the jury: have you been to the  
16 solicitor's office this week?

17 A. No, ma'am.

18 Q. When Mr. Apostolou was asking you a bunch of the  
19 details of the behavior that night, who pointed the gun to  
20 the back of the head of the two guys?

21 A. Dashaun.

22 Q. Who stomped the head of the boy who lived?

23 A. Denzel.

24 Q. Who took the boy who lived back to the car to  
25 try to get into the trunk?

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A. Denzel.

Q. Who asked you to go into the engine to look for stuff?

A. Denzel.

Q. Is this easy for you to be here today, Quasantrina?

A. No, ma'am.

MS. SHEALY: Beg the Court's indulgence.

[Whereupon, Ms. Shealy and Ms. Savas confer]

MS. SHEALY: I have no further questions. Thank you.

THE COURT: Recross?

MR. MCCOY: Briefly, Judge.

- - -  
- - -  
- - -

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Quasantrina Rivers  
Recross-Examination by Mr. McCoy  
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RE CROSS-EXAMINATION

1  
2 BY MR. MCCOY:

3 Q. Ms. Rivers, did you know that Ms. Shealy is  
4 prosecuting your case? Your criminal case.

5 A. Who?

6 Q. Ms. Shealy, the prosecutor right here.

7 A. Yes, sir.

8 Q. Do you know that she's prosecuting you? She's  
9 the solicitor assigned to your case. Did you know that?

10 A. Yes, sir.

11 Q. Is it important to you to listen to what she  
12 says and follow directions from her?

13 A. It's correct to follow directions from anyone.

14 Q. I am -- I get more and more confused every time  
15 I hear -- read a statement from you or hear a statement  
16 from you or talking to you on the stand here --

17 MS. SHEALY: Your Honor, again --

18 Q. [Mr. McCoy] -- so let me get something straight  
19 here.

20 MS. SHEALY: -- I would ask that he not  
21 editorialize.

22 THE COURT: Well, it's cross-examination.

23 I'll give you a little bit of leeway, but ask a  
24 question in there.

25 Q. [Mr. McCoy] You just testified to Ms. Shealy on

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1 redirect that there were four shots: two that was done to  
2 the guy's head on the ground that lived, two that was done  
3 to the guy who passed away. On direct examination, you  
4 told us about a shot with Dashaun Simmons hanging out of  
5 the window firing a weapon at the guy who was living as  
6 they were going down the street. Is that five or is that  
7 four?

8 A. I never was counting the shots that were fired  
9 when he was outside the back of my car.

10 Q. We're not counting -- we're not counting ---  
11 okay. We're not counting that. Okay.

12 MS. SHEALY: Again, Your Honor --

13 Q. [Mr. McCoy] And just so I'm clear on this, as  
14 well. All right? This is a serious matter that we need  
15 to take very seriously. Okay?

16 Your car -- all right. You're sitting in your  
17 car and you testified that you were asleep at one point  
18 during this opportunity. What woke you up?

19 A. The fact of me having to move my car.

20 Q. The fact that you had to move your car is what  
21 woke you up. And you're asleep on the scene?

22 A. Yes.

23 Q. Do you recall in your first statement when you  
24 say that you were woken up after your slumber through the  
25 first gunshot? Do you recall that?

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1 A. Yes, sir.

2 Q. So which one is true? You were woken up from  
3 your slumber because you had to move your car, or you were  
4 woken up from your slumber because you heard the first  
5 gunshot?

6 A. It was true that I fell asleep in my car, and  
7 then the gunshot happened, but I woke up from me having to  
8 move my car.

9 Q. So the gunshot goes off, boom. You wake up.  
10 Somebody is shaking you saying, Trina, you've got to move  
11 your car, you've got to move your car. Is that how it  
12 went down?

13 A. No, sir.

14 Q. Well, tell me how it went down. I'm confused.

15 A. It went down with me sitting in my car playing  
16 on my phone, and I fell asleep, and Denzel came back to  
17 ask me if I was okay and told me to move my car in the  
18 driveway.

19 Q. So you're playing on your phone, there's an  
20 assault rifle in your car, they're meeting some guys from  
21 Myrtle Beach that you don't know, you hear an altercation,  
22 and you can just go to sleep?

23 A. The sleep part happened before anything  
24 happened.

25 Q. I thought the sleep part happened and then you

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- 1 were awoken by a gunshot.
- 2 A. No, sir.
- 3 Q. That's not how it happened? So your first  
4 statement is a lie?.
- 5 A. Yes, sir, because I was scared.
- 6 Q. You -- okay. You were scared to tell the truth  
7 about what woke you up; correct?
- 8 A. No.
- 9 With me going in, I was scared and so I didn't  
10 give them any detail of what happened or really went into  
11 it.
- 12 Q. And you testified earlier, too, okay -- and this  
13 was on my first cross-examination of you -- that you  
14 watched this whole thing on the rear-view mirror and your  
15 side-view mirror; is that correct?
- 16 A. Yes, sir.
- 17 Q. And these are side-view mirrors that don't  
18 exist -- because we saw the photographs. -- is that  
19 correct?
- 20 A. Only one mirror is missing, and that's the right  
21 side. The left-side mirror was on --
- 22 Q. The left-side mirror was on there. So you  
23 can -- you got a good angle from A and then B; correct?
- 24 A. Yes, sir.
- 25 Q. Cars are how far apart?

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1           A.     This car is facing this way, and this car is  
2 right here, and the driveway is right there.

3           Q.     Let's say you're sitting in your car right now,  
4 okay, asleep or not asleep. I don't know. But I'm in the  
5 other car. Tell me when to stop. How close?

6           A.     Stop.

7           Q.     Stop right here? And you're facing the other  
8 direction? You're turned this way, correct --

9           A.     Yes, sir.

10          Q.     -- sitting in your car?

11                    Everything is going down. Let's say I -- let's  
12 say my table is right here and it's the back of the car.  
13 Correct?

14          A.     Yes, sir.

15          Q.     And let's say it was pictured like it's right  
16 behind you. All right? And where on the street is the  
17 whole thing going down and where are the guys lying down?

18          A.     In the middle of the street.

19          Q.     Which is on what side?

20          A.     Where you're standing at, it would be right  
21 there on the right side.

22          Q.     So --

23          A.     The car's on your left side --

24          Q.     All right.

25          A.     -- and everything is happening on the right

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1 side.

2 Q. Happening on this side?

3 A. Yes. In the middle of the street.

4 Q. And they're off to the side of the car. The  
5 back of the car is here; right?

6 A. Yes.

7 Q. And these guys are where? Tell me where to  
8 stop. In this general area right here?

9 A. Yes.

10 Q. And are their legs facing you on the ground or  
11 are their heads facing you on the ground? Or how are they  
12 positioned?

13 A. Heads are facing towards my car --

14 Q. Heads are facing towards your car?

15 A. Yes.

16 Q. They're on the ground. Okay? They're all the  
17 way down. They're face down?

18 A. Yes, sir.

19 Q. Okay. And are -- and they're lying side by  
20 side, is your testimony?

21 A. There's room between them. They're not laying  
22 side by side.

23 Q. Then how are they lying? Are they lying  
24 perpendicular to each other?

25 A. There's a gap in between where they're laying.

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1 They're not laying side by side.

2 Q. Okay. There was a space between them?

3 A. Yes.

4 Q. They're on the ground; right? They're face-down  
5 on the ground?

6 A. Yes, sir.

7 Q. Tell me about this struggle. I'm having a hard  
8 time. Let's say I'm Dashaun and I'm on top of the guy,  
9 the first guy; right?

10 A. Yes.

11 Q. Is it your testimony that he leans over and  
12 fires this shot?

13 A. Yes, sir.

14 Q. And then is it your testimony that there's a  
15 struggle over the gun somehow; right?

16 A. Yes, sir.

17 Q. Is the guy who Dashaun Simmons is on top of,  
18 does he turn around at any point in time or put his hands  
19 on the gun to fight him over the gun? How does that work?

20 A. I don't see him put his hands on the gun but I  
21 see him turn around and they're tussling.

22 Q. Is he on -- when he's on the ground, is he still  
23 on his back?

24 A. When he's on the ground?

25 Q. Yes.

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1 A. When he's on the ground, he's on his stomach.  
2 And eventually he gets up to where he's tussling with  
3 Dashaun. He's not -- he's turning over.

4 Q. He's rolling over? He's originally face-down  
5 and then he rolled over to fight Dashaun?

6 A. Yes.

7 Q. And when you see the tussle, are you watching  
8 through this rear-view mirror?

9 A. When I -- when the tussle is happening, I'm  
10 right there.

11 Q. You're right there. You're on the scene. So  
12 you've woken up. You're on the scene --

13 A. Yes, sir.

14 Q. -- and you're seeing this tussle, you're seeing  
15 this struggle, over this gun; correct?

16 A. Yes, sir.

17 Q. Are any punches thrown at all?

18 A. No, sir.

19 Q. Have you already gotten this briefcase out of  
20 the car, this suitcase out of the car, at this point?

21 A. Sir?

22 Q. Has the suitcase already come out of the car,  
23 the Mercedes, and been put into your car at this point?

24 A. When the other two shots are fired?

25 Q. No. Before the two shots are fired.

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1 A. The two shots are fired at the boy who's still  
2 alive's head, or after?

3 Q. You've got the two -- you've got the boys on the  
4 ground. He gets a shot fired at his head. And then  
5 you've got the guy, who obviously dies, in two shots.  
6 When did the suitcase come into the car? Before or after  
7 that?

8 A. The shots of the two fired before --

9 Q. I'm asking you to -- to tell me.

10 A. You're asking me to tell me [phonetic] when the  
11 shots came into play with the suitcase?

12 Q. When did the suitcase come out of the car and  
13 into your car, that was heavy and that was carried by two  
14 hands, by Denzel?

15 A. Before the boy got his head stomped.

16 Q. Where in relation to the gunshots?

17 A. The gunshots were when they were laying on the  
18 ground.

19 Q. When did the car -- okay. When did the car have  
20 that suitcase in there: before all the shots were fired,  
21 in between the first two shots, or after all the shots  
22 were fired?

23 A. In between.

24 Q. In between.

25 So the first two shots were fired and in the

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1 middle of all this Denzel is grabbing the suitcase -- it's  
2 heavy -- with two hands and he's walking it back and  
3 putting it on the car and you've got two guys on the  
4 ground. Is that your testimony?

5 A. Yes, sir.

6 Q. Two shots are fired. Okay? Suitcase put in the  
7 car. And then what happens after the struggle for the  
8 gun, the struggle and fighting? Did they ever come up off  
9 their knees or off of a sitting position when they're  
10 struggling for the gun?

11 A. They get up and Dashaun runs off that way with  
12 the gun facing the boy, and the boy runs.

13 Q. Dashaun finally gets the gun away. Is that what  
14 you're saying?

15 A. It wasn't where Dashaun never had the gun out of  
16 his hands.

17 Q. I know. But I'm just saying there was a  
18 struggle. And you said they were fighting over the  
19 weapon. But at some point in time you're telling me  
20 Dashaun got the weapon away with the struggle and all?

21 A. Uh-huh.

22 Q. And then he backs away?

23 A. Dashaun is physically walking backwards and the  
24 boy who died, he's running the opposite way.

25 Q. He's running.

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1                   Where are the car keys at this point? Because I  
2 know you handled the car keys in between this time, as  
3 well.

4           A.     I'm not sure.

5           Q.     You don't know where they are? You don't know  
6 what you did with them after you handled them?

7           A.     No, sir.

8           Q.     Why would you use car keys to open the hood of a  
9 car?

10          A.     I don't know, sir.

11          Q.     I mean, you own the automobile, don't you?

12          A.     Yes, sir.

13          Q.     Okay. Have you ever looked in the hood of your  
14 car?

15          A.     No, sir.

16          Q.     You never have?

17          A.     No, sir, not as far as --

18          Q.     Have you ever used keys to get into a hood?

19          A.     No, sir.

20          Q.     And you testified, also, that you went back to  
21 Skrill's place. Okay. You're back to his hideout. And  
22 you don't see a suitcase anymore; is that correct?

23          A.     No, sir.

24          Q.     You do see a suitcase?

25          A.     No, sir, I don't.

Quasantrina Rivers  
Recross-Examination by Mr. McCoy  
November 12, 2014

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Q. You don't see a suitcase?

A. No.

Q. Do you see the bag of food that was taken?

A. No, sir.

Q. And, again, you're watching all of this through a side-view mirror that's nonexistent and a rear-view mirror that's maybe eight inches long; is that correct??

A. [No response]

Q. Did you see the picture of the left side of the car?

A. [No response]

Q. I'm just asking you. I mean, I wasn't there. You were obviously there. But I'm saying you watched this whole thing go down through that --

A. Through my rear-view mirror and my left-side mirror, yes, sir.

MR. MCCOY: Okay. Thank you.

THE COURT: Mr. Apostolou?

- - -  
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- - -

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Quasantrina Rivers  
Recross-Examination by Mr. Apostolou  
November 12, 2014

RE CROSS-EXAMINATION

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BY MR. APOSTOLOU:

Q. Quasantrina, you stayed with Denzel for two days after this; is that right?

A. Yes, sir.

Q. Did you hear any conversation about what the contents of the suitcase were?

A. No, sir.

Q. Did you ever ask him what the contents of the suitcase were?

A. No, sir.

Q. Did Denzel and Dashaun brag about the great bounty that they got out of this suitcase?

A. No, sir.

Q. The suitcase was never mentioned again in the whole two days at all?

A. It was mentioned that nothing was in it, but that was it.

Q. It was mentioned that nothing was in it?

A. Yes, sir.

Q. Okay. Who said that?

A. I mean as with them sitting there talking. I'm not -- I'm not sure.

Q. Okay. Well, who said it? Who was having the conversation?

Quasantrina Rivers  
Recross-Examination by Mr. Apostolou  
November 12, 2014

1 A. Denzel and Dashaun.

2 Q. Denzel and Dashaun? What did they say about the  
3 suitcase?

4 A. Just they said nothing was in it.

5 Q. They said nothing was in it?

6 A. Yes, sir.

7 Q. Were there drugs in it?

8 A. Nothing was in it.

9 Q. The proffer agreement that you signed says tell  
10 the truth; right?

11 A. Yes, sir.

12 Q. It doesn't say tell the truth, supplement a year  
13 and a half later with other information, does it? It says  
14 tell the truth now?

15 A. Yes, sir.

16 MR. APOSTOLOU: I would like to -- can we  
17 approach the bench, Judge?

18 [Whereupon, an off-the-record bench conference  
19 is held]

20 MR. APOSTOLOU: Thank you. I have no further  
21 questions.

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

23 [Whereupon, Ms. Rivers is excused and exits the  
24 witness stand]

25 THE COURT: All right. Folks, this looks like a

STATE OF SOUTH CAROLINA COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON 2014-GS-10-0762  
2014-GS-10-0763  
2014-GS-10-0765  
2014-GS-10-0767  
2014-GS-10-0758  
2014-GS-10-0759  
2014-GS-10-0760  
2014-GS-10-0761

STATE OF SOUTH CAROLINA )  
 ) TRANSCRIPT OF RECORD  
 -vs- )  
 ) November 13-14, 2014  
 DENZEL MARQUISE HEYWARD )  
 and DASHAUN LIVVAUGHN ) Charleston, South Carolina  
 SIMMONS, )  
 )  
 Defendants. )

B E F O R E:

The Honorable Roger M. Young, Sr., Judge.

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

Jennifer Kneece Shealy, Assistant Solicitor  
Nina L. Savas, Assistant Solicitor  
Attorney for the State

Alex N. Apostolou, Esquire  
Attorney for Defendant Denzel Heyward

Peter M. McCoy, Jr., Esquire  
Attorney for Defendant Dashaun Simmons

Amanda K. Haffenden, RPR, CRR  
Circuit Court Reporter

1 (November 13, 2014.)

2 (In open court, jury present.)

3 THE COURT: Okay. Welcome back, folks. Be  
4 seated. We are ready to resume now with the State  
5 calling the next witness.

6 MS. SHEALY: Thank you, Your Honor. Erin  
7 Meyer?

8 THE COURT: And you had stipulations you  
9 wanted to read into the record?

10 MS. SHEALY: I do.

11 THE COURT: Folks, stipulations are simply  
12 agreed-upon facts so we don't have to call a witness just  
13 to prove whatever it is that the stipulation is. Both  
14 parties have agreed to it, so the solicitor will just  
15 read you what the stipulations are.

16 MS. SHEALY: The attorneys for the State and  
17 the defendant agree that the AT&T records for phone  
18 number 843-469-74 [REDACTED] were received by the State pursuant  
19 to a search warrant from AT&T, and that is Exhibit 120,  
20 and we will be moving in State's Exhibit 162, the records  
21 themselves.

22 THE COURT: All right. Thank you.

23 (State's Exhibit Nos. 120 and 162 were marked  
24 for identification and admitted into evidence.)

25 MS. SHEALY: And I have one other. Attorneys

ERIN MEYER - DIRECT BY MS. SHEALY

1 for the State and defense agree that Sprint records for  
2 phone number 843-297-06 [REDACTED] were received by the State  
3 pursuant to a search warrant from Sprint. That's State's  
4 Exhibit 119, and we will be admitting those records,  
5 which are State's Exhibit 150.

6 (State's Exhibit Nos. 119 and 150 were marked  
7 for identification and admitted into evidence.)

8 ERIN MEYER,  
9 having been first duly sworn,  
10 was examined and testified as follows:

11 DIRECT EXAMINATION

12 THE WITNESS: My name is Erin Meyer, last  
13 name, M-e-y-e-r.

14 BY MS. SHEALY:

15 Q. Ms. Meyer, would you tell the jury, please, where  
16 you work.

17 A. I'm with the Charleston County sheriff's office.  
18 I work in the forensics services division.

19 Q. How long have you worked at the sheriff's office?

20 A. I've been at the sheriff's office since July of  
21 2006. I've been assigned to forensics since November  
22 2007.

23 Q. Would you explain to us what the forensic unit is  
24 responsible for.

25 A. We have two primary responsibilities: First one

ERIN MEYER - DIRECT BY MS. SHEALY

1 is to process the crime scene, and the second one is to  
2 maintain and preserve all the evidence that the sheriff's  
3 office is responsible for.

4 Q. And do you know approximately the number of cases  
5 that you've processed scenes for?

6 A. More than 500.

7 Q. When you say process the scene, what does that  
8 mean?

9 A. Processing the scene means basically locating  
10 evidence, and there's procedures that we follow for  
11 documenting the evidence and then locating it, assigning  
12 it a number or a letter or a placard and collecting it.

13 Q. Okay. And on May 16, 2012, were you asked to go  
14 to Cynthia Drive in Charleston County?

15 A. Yes, ma'am.

16 Q. And when you got there, could you describe the  
17 scene to the jury.

18 A. We had barrier tape up. There were multiple  
19 patrol cars, and detectives were on the scene and  
20 uniformed patrol was on the scene. There was a vehicle  
21 collision. There was a storm en route. We had thunder  
22 and lightning present. I had evidence in the roadway.

23 Q. When you say barrier tape, what does that mean?

24 A. Crime scene tape that is set up around -- usually  
25 the first or second person, when they arrive on the

ERIN MEYER - DIRECT BY MS. SHEALY

1 scene, they set up the tape to keep other officers or  
2 people out until I get there.

3 Q. And is that to prevent the movement of items?

4 A. Yes, movement or contamination, whatever it may  
5 involve.

6 Q. And do you remember the weather conditions that  
7 night?

8 A. Yeah. While I was en route there, I noticed  
9 lightning and heard the thunder, and when we got on the  
10 scene, it was dark and it was still thunder and  
11 lightning. It had not started raining yet, but it was  
12 coming.

13 Q. Okay. What was going on at the scene when you got  
14 there? Was the victim in the car, or had the EMS already  
15 arrived?

16 A. Both victims had been transported already. I was  
17 briefed by officers on the scene there had been some kind  
18 of disturbance that residents in the area had contacted  
19 911 in regard to hearing gunshots and a disturbance and  
20 that at some point there was a vehicle collision and one  
21 of the victims was pulled from the vehicle and then  
22 another victim fled from the scene and they had -- by the  
23 time I had gotten there, they had located both victims,  
24 and both victims had been transported.

25 Q. And were you aware of whether or not 911 got

ERIN MEYER - DIRECT BY MS. SHEALY

1 several calls that night?

2 A. I'm -- yes. I think I do recall hearing over the  
3 radio that several calls had been made. They were  
4 getting multiple calls.

5 Q. When you first get there, what do you do? Do you  
6 do a walk-through?

7 A. That night I treated it a little bit differently  
8 because I knew the rain was coming, but traditionally  
9 when we arrive on the scene we do a walk-through, and  
10 we'll photograph everything prior to touching it, moving  
11 it, looking at it, assigning it any kind of placard.

12 In this particular case, I went through and  
13 photographed, and then I placarded it, and then I  
14 immediately photographed it and then collected it because  
15 I didn't want -- these are just the items in the roadway.  
16 I didn't want the rain to come and wash them away or  
17 contaminate them in any way, or me losing physical  
18 evidence so it was done all at once. I photographed it  
19 and placarded it and collected it all at the same time.

20 Q. And the information that you had that evening was  
21 that a victim was located nearby; is that correct?

22 A. Yeah. One victim had fled from the scene and was  
23 located the next street over inside of a porta-potty.

24 Q. Did the K-9 unit come out that night?

25 A. Yes. They had come and gone prior to me getting

ERIN MEYER - DIRECT BY MS. SHEALY

1 there.

2 Q. Prior to you getting there. Okay. You took  
3 photographs that evening?

4 A. Yes.

5 Q. Showing you what has been previously marked as  
6 State's Exhibit 1, do you recognize that photo?

7 A. Yes, ma'am.

8 Q. And the area within the barrier tape, would that  
9 have included that area of the roadway? Can you tell by  
10 that photo?

11 A. I can't tell by that photo.

12 Q. Okay. Let's see. Let me show you State's Exhibit  
13 No. 2 -- I'm sorry, State's Exhibit 7. That will show us  
14 the barrier tape. Can you describe what's depicted in  
15 that photograph.

16 A. There's -- I haven't placarded it yet, but on the  
17 other side of the crime scene tape, there is evidence in  
18 the roadway, and then further on down the road is where  
19 the vehicle collision was.

20 Q. I'm going to let you use this pointer. Just try  
21 not to touch that screen, and, if you could, point that  
22 out us to.

23 A. What do you want me to point out?

24 Q. Point out where you indicated the items that you  
25 had not yet placarded were, just which direction.

ERIN MEYER - DIRECT BY MS. SHEALY

1 A. Okay. The items and the evidence are down here in  
2 the doorway.

3 Q. And the house we've just seen, do you remember  
4 where it was in relationship to that photograph?

5 A. This photograph? No, ma'am.

6 Q. And the automobiles that you can see at the end of  
7 the road, do you know which automobiles those were?

8 A. These are patrol cars. The vehicle collision is  
9 down there, in the turn, in the bend.

10 Q. Okay. Very good. You can have a seat.

11 Okay. In looking at State's Exhibit 9, a closer  
12 up and a little bit further down depiction of that, what  
13 do we see in the roadway right there?

14 A. This -- there's blood here in the roadway, some  
15 more blood over here, and there's some items of evidence  
16 that I ended up placarding and collecting throughout this  
17 area.

18 Q. And in showing you State's Exhibit 10, does that  
19 photograph reflect the placarding?

20 A. Yes, ma'am.

21 Q. And if you could, in focussing on placard A, can  
22 you tell in that photograph where placard A is? Can you  
23 see the letters?

24 A. A is -- I think A is going to be out here  
25 (indicating).

ERIN MEYER - DIRECT BY MS. SHEALY

1 Q. And showing you State's 11, what is that first  
2 placard that we see there?

3 A. This is B.

4 Q. I'm showing you 12. That's placard A. You were  
5 indicating that was further up --

6 A. Yes, ma'am.

7 Q. -- this way? And what is that in A?

8 A. It is a vanilla cigarillo wrapper.

9 Q. Okay. And then showing you State's Exhibit 13?

10 A. Placard B?

11 Q. Yes.

12 A. Blood.

13 Q. Okay. Now, was there anything that you did in  
14 that area?

15 A. Yes, ma'am. I collected a blood swab from the --

16 Q. And when you collect a blood swab could you  
17 describe for the jury how you go about doing that.

18 A. We put on a clean pair of gloves and remove a  
19 sterile cotton swab from a package, and you dip it down  
20 and collect a sample of the blood and put it inside of a  
21 swab box and then send it off, if need be, to be analyzed  
22 for DNA.

23 We usually do it for the purposes of either  
24 attempting to find out who may have been bleeding at the  
25 scene or location of the person that was bleeding.

ERIN MEYER - DIRECT BY MS. SHEALY

1 Q. Okay. And tell the jury what the value of SLED  
2 is. You submit various types of evidence to SLED to be  
3 analyzed?

4 A. Yes, ma'am. Our capabilities at the lab are  
5 limited, and so for any DNA analysis, it has to go to  
6 SLED.

7 Q. Showing you what has been premarked as State's  
8 Exhibit 131, could you tell me whether or not this  
9 contains a swabbing from that area, or did the swabbing  
10 come from a different area of the blood?

11 A. This is the -- number C, blood swab.

12 Q. Did you swab that area as well?

13 A. Yes, ma'am.

14 Q. And it did not go to SLED?

15 A. Correct.

16 Q. Okay. So then showing you photograph 14, and that  
17 being placard C --

18 A. Yes, ma'am.

19 Q. -- did you also swab that area?

20 A. Yes, ma'am.

21 Q. And showing you what's been premarked as 131, did  
22 you, in fact, send that to SLED?

23 A. Yes, ma'am.

24 MS. SHEALY: At this time I would admit  
25 State's Exhibit 131.

ERIN MEYER - DIRECT BY MS. SHEALY

1 MR. McCOY: No objection from Simmons, Judge.

2 MR. APOSTOLOU: No objection, Judge.

3 THE COURT: It's admitted.

4 (State's Exhibit No. 131 was marked for  
5 identification and admitted into evidence.)

6 BY MS. SHEALY:

7 Q. Showing you State's Exhibit 15, that shows the  
8 remaining items of evidence?

9 A. Yes, ma'am.

10 Q. And can you see there where D is?

11 A. Yes, ma'am.

12 Q. Could you show that to the jury.

13 A. The front placard right here (indicating).

14 Q. And a closer up depiction of that photograph 16,  
15 please. That's --

16 A. Yes, ma'am. The sample I collected is right  
17 there, is of a bone or tooth tissue kind of matter.

18 Q. Showing you a closer up photograph of that.

19 A. It's this piece right there (indicating).

20 Q. And you collected that?

21 A. Yes, ma'am.

22 MS. SHEALY: Beg the Court's indulgence just  
23 a moment, I'm sorry.

24 THE WITNESS: As far as our records indicate,  
25 it's still at SLED.

ERIN MEYER - DIRECT BY MS. SHEALY

1 BY MS. SHEALY:

2 Q. Oh, it's still at SLED?

3 A. Yes, ma'am.

4 Q. Now, showing you a photograph -- and you got back  
5 to the station later that evening. Did you take closer  
6 up photographs of what you were putting into evidence?

7 A. Not that evening.

8 Q. When did you do that?

9 A. I'll have to look. As we go through the evidence  
10 at the lab, we'll take additional photographs of stuff  
11 before we put it up into storage.

12 Q. Was it within a couple of days?

13 A. Yes, ma'am.

14 Q. Showing you State's Exhibit 79, is that a  
15 photograph of what you have collected from the scene?

16 A. Yes, ma'am.

17 Q. And that was sent to SLED.

18 A. Yes, ma'am.

19 Q. Then showing you State's Exhibit 18 -- and do you  
20 see placard E in that photograph?

21 A. Yes, ma'am.

22 Q. And what was that?

23 A. That is a small, little zip lock bag containing  
24 several stems. It's drug paraphernalia. It's what we  
25 call --

ERIN MEYER - DIRECT BY MS. SHEALY

1 Q. Is it marijuana?

2 A. Yes, ma'am.

3 Q. Okay. Showing you what is -- let's see, State's  
4 Exhibit 62 -- 82, I'm sorry, is that a picture of --

5 A. Yes.

6 Q. Is that commonly referred to as a dime bag?

7 A. Yes, ma'am.

8 Q. Can you tell the jury whether there appears to be  
9 some blood on that baggy?

10 A. Yes, ma'am. There was blood on the baggy, and I  
11 believe I swabbed the blood from the baggy.

12 Q. Okay. And showing you State's Exhibit 20, that is  
13 what?

14 A. A black lighter.

15 Q. Okay. And showing you State's Exhibit 23 -- I'm  
16 sorry. I'm having a hard time reading the numbers. 21,  
17 I'm sorry. That's obviously a dollar bill?

18 A. Yes.

19 Q. Now, going back for just a moment to photograph  
20 15, these items that we have just been talking about were  
21 all clustered in that area where we can see the white  
22 placards; is that right?

23 A. Yes, ma'am.

24 Q. And do you know from looking at that photograph  
25 where that first picture of a house was located, or do

ERIN MEYER - DIRECT BY MS. SHEALY

1 you remember?

2 A. No, ma'am.

3 Q. If you don't, that's okay.

4 A. No.

5 Q. Taking a look then at State's Exhibit 22, what  
6 placard is that in the center of the screen?

7 A. H.

8 Q. And where is that in relationship to the other  
9 items that we just saw?

10 A. The other items are coming this way.

11 Q. Can you use the pointer?

12 A. The other items are located on the roadway, just  
13 in front of H, down here.

14 Q. Showing you a closer up photograph of H, could you  
15 tell us what that is?

16 A. It's a shell casing.

17 Q. And did you collect that item?

18 A. Yes, I did.

19 Q. And was that item then sent to SLED?

20 A. Yes, ma'am.

21 Q. I'm going to open this real quick. Is this your  
22 labelling on the outside of the envelope?

23 A. Yes, ma'am.

24 Q. Showing you this, could you explain to the jury  
25 what that item is.

ERIN MEYER - DIRECT BY MS. SHEALY

1 A. That is what was shown in the picture. That is a  
2 7.62 shell casing that I collected from the roadway.

3 Q. And what, if anything, can you tell with your law  
4 enforcement experience about that shell casing?

5 A. Traditionally, it's a larger type round.  
6 Traditionally it's fired from what we refer to as an  
7 assault type rifle.

8 Q. Okay. May I hold that?

9 MS. SHEALY: Your Honor, we would offer this  
10 in as 145-A.

11 MR. MCCOY: No objection, Judge.

12 MR. APOSTOLOU: Without objection.

13 THE COURT: Admitted.

14 (State's Exhibit No. 145-A was marked for  
15 identification and admitted into evidence as.)

16 BY MS. SHEALY:

17 Q. And that's that shell casing?

18 A. Yes, ma'am.

19 Q. There was a motor vehicle collision at the scene?

20 A. Yes, ma'am.

21 Q. And showing you what has been marked as State's  
22 Exhibit 25, does that reflect that the nature of the  
23 collision?

24 A. Yes, ma'am.

25 Q. Now, when you have a vehicle at a scene like that

ERIN MEYER - DIRECT BY MS. SHEALY

1 do, you process that vehicle at the scene or is it moved?

2 A. Either or. We made the decision due to the  
3 severity of the incident and the weather to have the  
4 vehicle escorted and towed back to the forensic services  
5 lab at the compound where we can process it later.

6 Q. Prior to having it towed back over there, did you  
7 take some photographs of it?

8 A. I was about to say -- as you can see, it's  
9 raining. It had started raining, so we were able to take  
10 a few photographs before it was moved, and we do that  
11 traditionally to document if anything moves inside, the  
12 position of the vehicle and such, but --

13 Q. Showing you -- well, in that photograph, the  
14 bluish photograph down toward the tire, do you know what  
15 that was?

16 A. That's the window glass.

17 Q. And showing you 26, that's just a closer  
18 version --

19 A. Yes, ma'am.

20 Q. -- of the same automobile? Showing you State's  
21 29, did you open the door and take that photograph at the  
22 scene?

23 A. Yes, ma'am.

24 Q. And State's 30?

25 A. Yes, ma'am. That's a photograph of the inside of

ERIN MEYER - DIRECT BY MS. SHEALY

1 the vehicle.

2 Q. Okay. 31? The blood that's on the driver's seat,  
3 was it also -- the blood going down the side of it as  
4 well?

5 A. Yes, ma'am. It looks like it's dripping down the  
6 side and then on to the center console and into the  
7 passenger seat.

8 Q. And State's Exhibit 32, that shows some blood in  
9 the back seat?

10 A. The blood dripping in the back seat. I believe  
11 the vehicle doors were locked, and they actually had to  
12 bust out that back passenger window and pull him out the  
13 passenger side.

14 Q. Now, those are the items that you processed that  
15 night from the scene?

16 A. Yeah. Those are the photographs I took.

17 Q. Did you actually return to Cynthia Drive the next  
18 day?

19 A. We did. I escorted the vehicle, the collision  
20 vehicle, to the evidence compound, forensic services, and  
21 then went back out to the scene to do another search and  
22 walk of the roadway and the ditches and the grass.

23 We saw it had started raining. We wanted to make  
24 sure nothing didn't get washed away that we missed.

25 Q. Tell us a little bit more about the weather later

ERIN MEYER - DIRECT BY MS. SHEALY

1 that night. Did y'all call it anything?

2 A. Hurricane Cynthia.

3 Q. Hurricane Cynthia? The weather was --

4 A. It was that bad. We were actually advised by our  
5 captain to get back in our vehicles while we were outside  
6 trying to process the scene because it became dangerous.

7 Q. The following day when you went back out, did you  
8 find some evidence that you had not seen the night  
9 before?

10 A. No, ma'am. We didn't recover anything additional.

11 Q. Showing you what's been marked as State's Exhibit  
12 157, did you collect this?

13 A. I did. We collected it the night after they  
14 pulled the car --

15 Q. It's that same night?

16 A. Yes, ma'am.

17 Q. And when y'all went to move the vehicle, that's  
18 when you saw this?

19 A. Yes, ma'am.

20 Q. Could you just open that up for us? In looking at  
21 the vehicle that was there, the dark vehicle, was that  
22 missing from the vehicle?

23 A. Yes, ma'am.

24 Q. And you found that where?

25 A. It was actually -- well, when the vehicle struck

ERIN MEYER - DIRECT BY MS. SHEALY

1 the other vehicle, it went into the ditch, so it was kind  
2 of on tilt. You couldn't get to the driver's side door,  
3 but the front piece right here was actually down -- up  
4 underneath the tires a little bit, kind of down by the  
5 ditch. When they pulled the vehicle out, we noticed it  
6 and picked it up. We didn't want to leave the debris  
7 there.

8 MS. SHEALY: Your Honor, I believe without  
9 objection the State would offer 157.

10 THE COURT: Admitted.

11 (State's Exhibit No. 157 was marked for  
12 identification and admitted into evidence.)

13 BY MS. SHEALY:

14 Q. You indicated that when you went back the  
15 following day you tried to look in the various ditch  
16 lines?

17 A. We did. We walked up and down the road, and we  
18 searched both the edges of the roadway where the grass  
19 is, the ditch is, and then we also walked -- we had  
20 gotten information that the second victim that fled had  
21 fled through somebody's yard, so we went back in and  
22 tracked that point and photographed that over to where he  
23 was located.

24 Q. And was anything collected of evidentiary value  
25 for the path that he had taken?

ERIN MEYER - DIRECT BY MS. SHEALY

1       A. No. We didn't -- we just photographed. We didn't  
2 find anything.

3       Q. Did you learn the deceased in this case was shot  
4 twice, or do you know how many times he was shot?

5       A. I don't know how many times he was shot.

6       Q. You told us about finding one shell casing.

7       A. Yes, ma'am.

8       Q. Could you describe to the jury any possible reason  
9 that you would not have been able to find other shell  
10 casings in the area if the gun had been fired more than  
11 once?

12      A. Sure. It's not uncommon to have reports that  
13 there have been multiple shots and us only find --

14      Q. It's not uncommon?

15      A. It's not uncommon, to only find one or two shell  
16 casings, especially if it happens in a roadway. You've  
17 got vehicles that are leaving a scene. If the shots were  
18 fired anywhere near the inside of a vehicle, that casing  
19 could have been inside the car and left with the vehicle.

20               Somebody could have picked up the casing; the  
21 rain, the weather, the wind -- there is a lot of reasons  
22 why we might not find additional casings at the scene.

23      Q. Let me ask you something about the shooting of a  
24 weapon. If a weapon were shot toward the pavement, would  
25 it be likely to be able to find that projectile anywhere

ERIN MEYER - DIRECT BY MS. SHEALY

1 that would not strike a human?

2 A. Sure. Certain surfaces, a bullet will ricochet.

3 Q. Okay. Explain that to us.

4 A. Your harder surfaces, and depending on the  
5 velocity of the bullet, if it passes through sheetrock, a  
6 nice, soft surface, it may stop it, but if it hits  
7 something very hard, it will bounce and travel a  
8 different direction. It's what we called a ricochet.

9 It happens a lot with cement and concrete and  
10 asphalt. It depends on the distance. Like I say, the  
11 bullet traveling, as it slows down, it may ricochet off  
12 the softer surfaces like a car, window, or glass.

13 Q. Okay. And on that second day, did you go over on  
14 to Constantine Court, the street that was behind Cynthia  
15 Drive?

16 A. Yes, ma'am, me and another investigator.

17 Q. And the other investigator was Kathy Kjellman?

18 A. Yes, ma'am.

19 Q. In forensic services, do you also receive evidence  
20 from deputies, detectives, other people involved in the  
21 investigation?

22 A. Yes, ma'am.

23 Q. And is that because people will be assigned  
24 different tasks?

25 A. Yeah. There's a lot to be done in the beginnings,

ERIN MEYER - DIRECT BY MS. SHEALY

1 and we're all kind of spread out doing different things,  
2 and evidence that's collected, it all gets brought to the  
3 evidence compound.

4 Q. And regarding -- I'm not sure I'm pronouncing his  
5 name correctly, Deputy Gurrieri?

6 A. Yes, ma'am.

7 Q. Did he bring you any items of evidence?

8 A. Yeah. Deputy Gurrieri brought me clothing from  
9 the hospital while I was on the scene the night of the  
10 incident.

11 Q. And did he also bring you a telephone?

12 A. I think it was included in the clothes.

13 Q. So he brought you things from MUSC, from the ER;  
14 is that correct?

15 A. Yes, ma'am.

16 Q. And if I could get you --

17 MS. SHEALY: Is it okay, Your Honor, if I ask  
18 her to step down, please?

19 THE COURT: Sure.

20 BY MS. SHEALY:

21 Q. Do you have gloves? I think there are some gloves  
22 up there.

23 Let me show you what has been previously  
24 marked as State's Exhibit 138. Would you tell me whether  
25 that is the TracFone you received from MUSC ER.

ERIN MEYER - DIRECT BY MS. SHEALY

1 A. Yes, ma'am.

2 Q. Okay. Could you open that for us. What's the  
3 significance of a TracFone? If you could just hold it  
4 up. What does the term TracFone mean or does it mean --

5 A. TracFone is a carrier, is a service provider.

6 Q. Okay. And from whom was this received from the  
7 ER, the emergency room?

8 A. Chambers.

9 Q. Chambers? Okay.

10 A. Everything Gurrieri brought me is from Chambers.

11 MS. SHEALY: At this time we offer 138 into  
12 evidence without objection.

13 MR. McCOY: No objection.

14 THE COURT: It's admitted.

15 BY MS. SHEALY:

16 Q. Now, did you receive one white Nike shoe?

17 A. Yes, ma'am.

18 Q. And if you would kind of step back from the jury a  
19 little bit, can you show the jury that item. And the  
20 dark red spots, did that appear to be blood?

21 A. Yes.

22 Q. And it was just one shoe?

23 A. Nick Gurrieri brought me this one.

24 MS. SHEALY: Your Honor, at this time we  
25 would offer Exhibit 138, I believe, without objection.

ERIN MEYER - DIRECT BY MS. SHEALY

1 MR. McCOY: No objection.

2 MR. APOSTOLOU: No objection.

3 THE COURT: Admitted.

4 (State's Exhibit No. 138 was marked for  
5 identification and admitted into evidence.)

6 BY MS. SHEALY:

7 Q. Did you also receive light blue jeans and a belt?

8 A. Yes, ma'am.

9 Q. And from whom was that taken at the ER?

10 A. Chambers.

11 Q. If you could, open that up.

12 And this area in the front that's discolored,  
13 the dark red, does that appear to be blood?

14 A. Yes, ma'am.

15 Q. What about on the back of the jeans?

16 A. Down --

17 Q. The belt area?

18 A. Yes, ma'am, the pocket.

19 Q. And looking back at the front, could you tell us  
20 whether or not there appears to be a bullet hole in the  
21 front?

22 A. Yes, ma'am. Right there (indicating).

23 Q. Okay. Thank you.

24 MS. SHEALY: Your Honor, at this time we  
25 would move in State's 140 without objection, I believe.

ERIN MEYER - DIRECT BY MS. SHEALY

1 THE COURT: That's admitted.

2 (State's Exhibit No. 140 was marked for  
3 identification and admitted into evidence.)

4 (State's Exhibit Nos. 126, 127, and 128 were  
5 marked for identification and admitted into evidence.)

6 BY MS. SHEALY:

7 Q. Also, did Deputy Gurrieri bring you some gray and  
8 purple shorts?

9 A. Yes, ma'am.

10 Q. Showing you what's been previously marked as  
11 State's Exhibit 141, could you show that to the jury,  
12 please. And they were also taken off the victim, Kadeem  
13 Chambers?

14 A. Yes, ma'am.

15 MS. SHEALY: Your Honor, at this time we  
16 would offer 141, I believe without objection.

17 THE COURT: Admitted.

18 (State's Exhibit No. 141 was marked for  
19 identification and admitted into evidence.)

20 BY MS. SHEALY:

21 Q. I guess you just stand there for just a second.  
22 Did you also receive two GSR kits collected by James  
23 Perkins?

24 A. Yes, ma'am.

25 Q. And those were for the purpose of sending to SLED?

ERIN MEYER - DIRECT BY MS. SHEALY

1 A. Yes, ma'am.

2 Q. I'm showing you what is already in evidence, 125  
3 and 126. Are those the GSR kits that you received from  
4 James Perkins?

5 A. Yes, ma'am.

6 Q. Now, in your role in the forensic unit, do you  
7 also receive items that are collected at autopsy?

8 A. Yes, ma'am.

9 Q. And, in fact, did you receive items collected at  
10 the autopsy in this case?

11 A. Yes, ma'am.

12 Q. Showing you what's been previously marked as  
13 State's Exhibit 144, could you tell the jury what that  
14 is.

15 A. It's a blood spot. It's -- the personnel, the  
16 examiner, take a sample of the individual's blood that  
17 they're doing the autopsy on in order for us to use as a  
18 standard. In case we collect any DNA from the scene,  
19 they can compare the two to see if there's a match.

20 MS. SHEALY: And, Your Honor, at this time we  
21 would offer State's Exhibit 144 into evidence.

22 THE COURT: Admitted.

23 (State's Exhibit No. 144 was marked for  
24 identification and admitted into evidence.)

25 BY MS. SHEALY:

ERIN MEYER - DIRECT BY MS. SHEALY

1 Q. And that was from Kadeem Chambers; is that  
2 correct?

3 A. Yes, ma'am.

4 Q. I think I neglected to ask you, are the other  
5 items that came from MUSC's ER -- was there also some  
6 cash that came along with Kadeem Chambers's clothing?

7 A. Yes, ma'am.

8 Q. And is the amount of that cash reflected on this  
9 envelope?

10 A. 648.27.

11 MS. SHEALY: Your Honor, at this time we  
12 would admit State's Exhibit 142.

13 THE COURT: Admitted.

14 (State's Exhibit No. 142 was marked for  
15 identification and admitted into evidence.)

16 BY MS. SHEALY:

17 Q. So regarding the other item that was taken and  
18 brought to you from autopsy, showing you 145-B, could you  
19 explain to the jury what that is.

20 A. Either a piece of a copper jacket or a piece of a  
21 projectile, a bullet.

22 Q. And that came from autopsy?

23 A. Yes, ma'am.

24 Q. And did you take a photograph of that when you got  
25 back, similar to the ones you had taken earlier? Do you

ERIN MEYER - DIRECT BY MS. SHEALY

1 remember?

2 A. I don't recall.

3 Q. Showing you State's Exhibit 104, are those those  
4 items?

5 A. Yes, ma'am.

6 Q. And can you recognize any of those items, or not  
7 necessarily?

8 A. Those are items that were collected from autopsy,  
9 and those photographs were taken by either the medical  
10 examiner or the individual conducting the autopsy, or  
11 assisting.

12 Q. Okay. Very good. Was there a second vehicle  
13 other than the Mercedes brought into the evidence  
14 compound?

15 A. Yes, ma'am.

16 Q. Okay. Do you want to take your seat?

17 What type of vehicle was it?

18 A. A Plymouth.

19 Q. And did you have a warrant to search that vehicle?

20 A. Yes, ma'am.

21 Q. Now, when you process a vehicle, could you walk us  
22 through that, please.

23 A. We process a vehicle, first thing we do is the  
24 exterior, take a series of photographs. We open up the  
25 door, take a series of photographs, and then make a

ERIN MEYER - DIRECT BY MS. SHEALY

1 decision, based on the circumstances of the incident, of  
2 the case, how the case is going, whether or not we do  
3 fingerprints first or DNA first.

4 Most of the time, it's either. You can't do both,  
5 and then we may do things like trace tape or trajectory  
6 of which bullet's involved.

7 Q. If there had been a shot fired?

8 A. Inside the vehicle, yes. For the most part, it  
9 starts with photographs, before we touch anything or move  
10 anything, but last resort, we usually conduct a pretty  
11 thorough search.

12 Q. Do you know how many days after May 16th the  
13 vehicle came into y'all's possession?

14 A. It looks like it came in on the 20th, so four  
15 days.

16 Q. Four days. Whose name was the vehicle registered  
17 in?

18 A. Quansantrina Rivers.

19 Q. And in processing that vehicle, did you seek to  
20 gain fingerprints? Did you look for fingerprints?

21 A. Yes, ma'am.

22 Q. And would you tell the jury, in processing a  
23 vehicle, looking for latent fingerprints, first of all,  
24 how do you go about doing that?

25 A. When you touch something, it's the oils from your

ERIN MEYER - DIRECT BY MS. SHEALY

1 finger that leave a pattern on a surfaces that we  
2 consider to be identifiable ridge detail.

3 We use a substance called black powder. It's very  
4 fine, very, very fine, black powder that we use with a  
5 brush, like you see on, I guess, TV, and you roll it  
6 over. And those small black particles will stick to  
7 those oils that your fingers have left on that surface on  
8 a good day.

9 Q. And in this case, did you attempt to lift some  
10 prints?

11 A. Yes, ma'am.

12 Q. Could you tell the jury -- first, what could  
13 affect the ability to find fingerprints, or good  
14 fingerprints, on a vehicle?

15 A. Heat. Really, really, really hot days, on the  
16 surface of a black vehicle, it will almost dry out the  
17 oils vehicles; the weather, rain, washing, wiping,  
18 smudging, smearing. A lot of times, we'll get what we  
19 call a partial print, where some has been smudged off or  
20 it's not available or never was there to begin with, your  
21 whole finger didn't touch the surface.

22 So there's a lot of reasons why you may not get a  
23 quality, good quality print, enough to make an  
24 identification off of it.

25 Q. And could you tell the jury, in your experience,

ERIN MEYER - DIRECT BY MS. SHEALY

1 if someone were to get in the vehicle, get out of the  
2 vehicle, get back in the vehicle, does that necessarily  
3 mean you'll be able to find their prints?

4 A. No, ma'am.

5 Q. Is that because of the various reasons that you  
6 just told us?

7 A. Yes. The surfaces they may touch and the surfaces  
8 that we have the ability to process, with various  
9 chemicals and stuff, but a lot of things -- you're  
10 looking at a carpet. We're not able to lift a print off  
11 a piece of carpet or felt, so it has a lot to do with the  
12 surface that they're left on.

13 Q. And did you also use trace tape in an effort to  
14 get DNA?

15 A. We do. We -- in this case we did trace tape last.

16 Q. What is trace tape used for?

17 A. Trace tape is used for the collection of fibers  
18 and hairs. You wrap it around your fingers and you tap  
19 the seats, and then we fold it up and put it into a box.  
20 It gets processed. They dissolve it, SLED dissolves it,  
21 and it leaves the substance that was collected on the  
22 tape there for analyzing.

23 Q. Regarding items left in the vehicle, would you  
24 also collect those?

25 A. If they're under the realm of the search warrant,

ERIN MEYER - DIRECT BY MS. SHEALY

1 yes, ma'am. They're evidence from our case. We will  
2 collect them.

3 Q. Regarding items that were left behind, showing you  
4 what's been marked and already, I believe, is in  
5 evidence, State's Exhibit 128, could you describe for the  
6 jury what that has in it.

7 A. Blackberry cellphone. It's from the center  
8 armrest of the Plymouth.

9 Q. And showing you what has been previously marked as  
10 State's Exhibit 127 that is also in evidence, could you  
11 also tell us what that is?

12 A. HTC cellphone from the glove box of the Plymouth.

13 Q. And showing you what has been marked as State's  
14 Exhibit 149, could you tell the jury whether or not you  
15 found that in the Plymouth?

16 A. Yes, ma'am.

17 Q. And what is that?

18 A. It's a UPS attempt to delivery receipt, or  
19 successful delivery receipt.

20 Q. And who was that addressed to?

21 A. In the notice, customer name and address is D.  
22 Heyward.

23 Q. What address is noted?

24 A. [REDACTED] Hobson.

25 Q. Hobson? Okay.

ERIN MEYER - DIRECT BY MS. SHEALY

1 MS. SHEALY: Your Honor, at this time we  
2 would offer in State's Exhibit 149.

3 THE COURT: It's admitted.

4 (State's Exhibit No. 149 was marked for  
5 identification and admitted into evidence.)

6 BY MS. SHEALY:

7 Q. Can you tell the jury what buccal swabs are.

8 A. It's another type of standard that we would use  
9 for comparison for any questioned samples that we collect  
10 from the scene of a car, similar to a blood spot. It's  
11 just that a buccal comes from the inside skin of your  
12 mouth, and we use it by taking a sterile -- we collect it  
13 by taking a sterile swab and rubbing it around inside  
14 your mouth and then sealing it in a box. It's considered  
15 a standard for that person. That we can compare whatever  
16 samples we collect.

17 Q. And, in fact, did you receive some buccal swabs in  
18 this case?

19 A. Yes, ma'am, I did.

20 Q. Could you tell us from whom you received the  
21 buccal swabs?

22 A. Hemingway.

23 Q. Which police officer brought it in, if you have  
24 that information?

25 A. I think Owen brought me Hemingway's buccal swab,

ERIN MEYER - DIRECT BY MS. SHEALY

1 and then Detective Kahn brought me a swab from Denzel,  
2 Dashaun, and Quansantrina.

3 Q. Showing you State's Exhibit 151, could you tell us  
4 whose buccal swab is in there?

5 A. This is Denzel.

6 MS. SHEALY: Your Honor, we'd move that into  
7 evidence.

8 THE COURT: Admitted.

9 (State's Exhibit No. 151 was marked for  
10 identification and admitted into evidence.)

11 BY MS. SHEALY:

12 Q. 152?

13 A. Dashaun Simmons.

14 MS. SHEALY: We would move 152 into evidence.

15 THE COURT: Admitted.

16 (State's Exhibit No. 152 was marked for  
17 identification and admitted into evidence.)

18 BY MS. SHEALY:

19 Q. 153?

20 A. Quansantrina Rivers.

21 MS. SHEALY: Your Honor, we would move that  
22 into evidence.

23 THE COURT: Admitted.

24 (State's Exhibit No. 153 was marked for  
25 identification and admitted into evidence.)

ERIN MEYER - DIRECT BY MS. SHEALY

1 BY MS. SHEALY:

2 Q. And then you indicated one came from David Owen?

3 A. Yes, ma'am.

4 Q. And that was from Mr. Hemingway?

5 A. Yes, ma'am.

6 Q. 154, is that the item?

7 A. Yes, ma'am.

8 Q. And these are all packaged in envelopes that have  
9 SLED tape on it?

10 A. Yes, ma'am.

11 Q. Were these items taken to SLED for a DNA  
12 comparison?

13 A. Yes, ma'am.

14 THE COURT: Did you offer 154?

15 MS. SHEALY: I may not have, but we would  
16 offer 154.

17 THE COURT: Admitted.

18 (State's Exhibit No. 154 was marked for  
19 identification and admitted into evidence.)

20 MS. SHEALY: Your Honor, at this time we have  
21 a stipulation to read into the record.

22 THE COURT: Go ahead.

23 MS. SHEALY: The State and defense agree on  
24 June 27, 2012, Detective Kahn of the Charleston County  
25 sheriff's office collected buccal swabs from Dashaun

ERIN MEYER - DIRECT BY MS. SHEALY

1 Simmons and Quansantrina Rivers; on the 28th of June,  
2 Detective Kahn collected the buccal swab of Denzel  
3 Heyward, and that's State's Exhibit 118.

4 (State's Exhibit No. 118 was marked for  
5 identification and admitted into evidence.)

6 BY MS. SHEALY:

7 Q. Who processed the Mercedes?

8 A. Kathy Kjellman.

9 Q. And showing you State's Exhibit 148 and 147, were  
10 these the lifts that you were able to get off of the  
11 vehicle, the Plymouth?

12 A. Yes.

13 MS. SHEALY: Your Honor, I would move those  
14 into evidence.

15 THE COURT: Admitted.

16 (State's Exhibit Nos. 147 and 148 were marked  
17 for identification and admitted into evidence.)

18 BY MS. SHEALY:

19 Q. Okay. And one remaining item I need to ask you  
20 about that came from the autopsy.

21 Showing you State's Exhibit 146 -- could I ask you  
22 to come back down, please? You're going to need gloves.  
23 Do you need new gloves?

24 MS. SHEALY: Let me double-check something.  
25 Make sure I moved this into evidence, Judge. 145-B, that

ERIN MEYER - DIRECT BY MS. SHEALY

1 being the bullet jacket.

2 (State's Exhibit No. 145-B was marked for  
3 identification and admitted into evidence.)

4 BY MS. SHEALY:

5 Q. If you would, please, show us the remaining  
6 package from the autopsy.

7 A. It's the bloody T-shirt and the bloody boxers, the  
8 napkin that -- one of the items that Deputy Gurrieri  
9 dropped off on the scene from -- I mean, this is from the  
10 autopsy. I'm sorry. Chambers autopsy, yeah.

11 Q. Now, both the boxers and shirt have been opened.  
12 Is that done by medical personnel usually?

13 A. Cut?

14 Q. Yes.

15 A. Yes, ma'am, either EMS on the scene needed to or  
16 they did during an autopsy.

17 Q. And could you show the jury if you see any holes  
18 in that shirt that could be from bullets?

19 A. Yes, ma'am, on the front right.

20 Q. Okay. Anything on the back?

21 A. I don't know if there is anything on the back.

22 Q. Would you turn that around for us to see? Okay.  
23 Thank you. Just hold that up. Thank you.

24 MS. SHEALY: Your Honor, at this time we  
25 would move State's Exhibit 146 into evidence.

ERIN MEYER - CROSS BY MR. McCOY

1 THE COURT: Admitted.

2 (State's Exhibit No. 146 was marked for  
3 identification and admitted into evidence.)

4 MS. SHEALY: Ms. Meyer, you can take the  
5 stand. I don't have any further questions for you.  
6 Please answer any the defense may have.

7 THE COURT: Cross?

8 MR. McCOY: Thank you, Your Honor. May it  
9 please the Court:

10 CROSS-EXAMINATION

11 BY MR. McCOY:

12 Q. Good morning, Ms. Meyer. How are you?

13 A. Good.

14 Q. You testified on direct from Ms. Shealy that you  
15 were one of the first crime scene officers, I guess, to  
16 arrive on scene on Cynthia; is that correct?

17 A. I was the first crime scene, yes, sir.

18 Q. Once you got there, who were the officers who were  
19 already present on the scene, do you remember?

20 A. I think I recall Detective Muirhead being there; I  
21 remember, I think, Colburn being there -- there's --  
22 they're scattered out. I don't -- you want to know  
23 who --

24 Q. Oh, no. That's okay. It's understandable. I  
25 know when you get there, there is probably a lot going

ERIN MEYER - CROSS BY MR. McCOY

1 on.

2 A. Yes, ma'am -- sir, I'm sorry.

3 Q. That's okay. And when you are dispatched there,  
4 are you relatively close already, or where did you come  
5 from?

6 A. I came from -- my CID supervisor calls me out from  
7 the house. I'm not dispatched from dispatch. I come  
8 from my house.

9 Q. You come from your house? And how close is your  
10 house from this scene?

11 A. Maybe an hour.

12 Q. So did it take you an hour to get on the scene?

13 A. I can check it. Actually -- 45 minutes?

14 Q. Okay. And when you get to the scene, are  
15 sheriff's officers trained to initially kind of secure a  
16 scene, or is that your responsibility?

17 A. No, we have officers capable of securing scenes.

18 Q. When you get there, is police tape already up as  
19 establishing a crime scene?

20 A. Yes, sir.

21 Q. Okay. And do you log in under a log in system  
22 once you get there?

23 A. There's a crime scene -- one of the deputies put  
24 the tape around the perimeter to keep the crime scene  
25 blocked.

ERIN MEYER - CROSS BY MR. McCOY

1 Q. And, Daniel, if I can pull up a couple of  
2 photographs, please. If I could start with -- start with  
3 No. 7, please, and, Officer Meyer, I'm going to be brief  
4 but. I just want to show you a couple of photographs.

5 Are these pictures that you actually took on  
6 the scene?

7 A. Yes.

8 Q. And when you get there, are initial officers in  
9 the sheriff's office trained to leave a scene as is so  
10 the crime scene investigators can get there and do what  
11 they did?

12 A. Not necessarily.

13 Q. Okay.

14 A. If there is circumstances that evidence is going  
15 to be destroyed or something, then they all have the  
16 ability to document and collect.

17 Q. Okay. Just like the window had to be broken  
18 before you got there, and that was just something that  
19 had to be done?

20 A. I'm assuming. I wasn't there. I don't know.

21 Q. But that was broken before you got there?

22 A. Yes, sir.

23 Q. Okay. And you put a bunch of placards out here in  
24 front of this crime scene, and are those -- to your  
25 knowledge, are they as is or were they left as is for you

ERIN MEYER - CROSS BY MR. McCOY

1 to discover when you got there?

2 A. Yes.

3 Q. Okay. And, Daniel, if you could take me to No.  
4 24, please. Officer Meyer, is that a photograph you  
5 took?

6 A. Yes.

7 Q. And, obviously, it's starting to rain a little  
8 bit. When you're looking at this photograph, do you have  
9 any knowledge if this -- the car, other than the window  
10 being busted out, has been disturbed or moved or anything  
11 else done to it before you get there?

12 A. I'm sorry. I don't -- I know that the inside of  
13 the vehicle has been disturbed.

14 Q. The parts inside the vehicle have been disturbed,  
15 and it's not a trick question. I'm just trying to find  
16 out if anybody told you, Hey, this is --

17 A. I have to assume that because it was advised that  
18 the victim was pulled from the vehicle.

19 Q. Okay. Did anybody tell you they had done anything  
20 to the outside of the vehicle, other than break the  
21 window?

22 A. Oh, no.

23 Q. Okay. So the hood and then the trunk of this car  
24 were as is, according to what your knowledge is, when you  
25 got on the scene?

ERIN MEYER - CROSS BY MR. McCOY

1 A. That's how I remember it when I got there.

2 Q. Okay.

3 A. Yes.

4 Q. And when you collect your evidence on the scene of  
5 any crime, obviously, you create a log. You create an  
6 inventory; is that correct?

7 A. The evidence log, yes, not on scene.

8 Q. Okay. And you do it later?

9 A. Yes, sir.

10 Q. And you collected a handful of things that were  
11 from the scene, and I'd like to take you to 129199 on  
12 your list, which is labeled as the tooth or bone piece  
13 that was found in the street, and do you know whether or  
14 not that was sent to SLED or not?

15 A. Yeah. We covered that it's still at SLED.

16 Q. It's still at SLED?

17 A. Yes, sir.

18 Q. Okay. And then also, in your work as a crime  
19 scene investigator, you collected an item, 129200, which  
20 was a bloody bag containing marijuana; is that correct?

21 A. Containing green plant-like material, yes, sir.

22 Q. Okay. And do you know if that was sent off or  
23 tested or if the blood on that was tested?

24 A. I don't -- I did collect a swab from the blood.  
25 It is not going to be analyzed. It's not going to be

ERIN MEYER - CROSS BY MR. McCOY

1 tested for marijuana, because it's mostly stem? It's  
2 what we would consider drug paraphernalia. It's what is  
3 left after you take the bud and the marijuana. We don't  
4 test stems.

5 Q. Okay. And my next question would be was the bag  
6 tested for fingerprints or was the blood sent off to SLED  
7 for analysis?

8 A. No. The swab did not go to SLED, and we did  
9 process the bag for fingerprints.

10 Q. Were you successful in finding prints on that bag?

11 A. No, sir.

12 Q. Same thing for 129204, which was a small baggy  
13 containing a small amount of GPM that was found at a  
14 porta potty that you recovered; is that correct?

15 A. No. I didn't recover that, but it was tested.

16 Q. And this evidence log says it was submitted by  
17 you?

18 A. It was submitted by me. It wasn't collected by  
19 me.

20 Q. Collected by you. Okay. Okay.

21 And, Officer Meyer, taking you to your  
22 investigation of the other car, which was labeled on your  
23 police report as car No. 3 -- and that was correct, that  
24 you processed that?

25 A. Yes, sir.

ERIN MEYER - CROSS BY MR. McCOY

1 Q. And when you take a look at car No. 3, do you  
2 remember the date that the actual car was towed to the  
3 Charleston County sheriff's office?

4 A. Yes. I believe it was on the 20th. I could look  
5 at the tow sheet. On the 20th.

6 Q. And when you received the car and the car is in  
7 evidence, I guess y'all had to wait for a search warrant  
8 in order to begin the search; is that correct?

9 A. I don't know if we had the search warrant at the  
10 time or if we had to wait -- okay. I received the  
11 warrant on the 1st.

12 Q. Okay. And once you received the search warrant,  
13 you had the ability to go in the vehicle and take a look  
14 at it, and I would like to show you some photographs of  
15 that vehicle as well, if I could. And, Daniel, if I  
16 could start with No. 91, please.

17 Officer Meyer, is this a true and accurate  
18 depiction of the Seabreeze (sic), Plymouth Seabreeze that  
19 you were -- that you actually had a search warrant on  
20 when you investigated on the 21st?

21 A. Yes, sir.

22 Q. And this is a picture that you took?

23 A. Yes, sir.

24 Q. Okay. And taking you to No. 92, please, what are  
25 the -- just for my personal knowledge, as well as for the

ERIN MEYER - CROSS BY MR. McCOY

1 jury's knowledge, what are the white, I guess, patches  
2 that are put along the car?

3 A. After we processed the vehicle with black powder,  
4 we are then able to see the print. We will lift -- the  
5 tape that you see on here is tape that we use. We apply  
6 it down on top of the black powder, and when you lift it  
7 off, your print it on that tape. It's in black, and so  
8 we lay it down on a white card.

9 These are placed out like that to help recall  
10 location of certain cards and to see if your print has  
11 enough quality to keep it, for the most part. We lift  
12 some, and then if there's not enough ridge detail for us  
13 to make an identification, we don't get it.

14 Q. Are you given a specific area or given advance  
15 notice as to what areas you should try to pull something  
16 from, or are these items that are spots on a car that you  
17 would see and say, Hey, there may be a print here?

18 A. We process the whole vehicle.

19 Q. You process the whole vehicle.

20 A. Inside and out.

21 Q. Inside and out. Okay. And could you tell me if  
22 there is a side-view mirror on that right-hand side?

23 A. Referring to the one that's missing right here?

24 Q. Yes, yes, ma'am.

25 A. No, there's not one.

ERIN MEYER - CROSS BY MR. McCOY

1 Q. Okay. And in processing the entirety of the  
2 vehicle, again, we covered that the outside -- you  
3 processed the whole vehicle, and when we're looking on  
4 the inside of the vehicle, when you talked about trying  
5 to lift some -- actually, it's some particles for DNA  
6 testing, is that done on the entirety of the inside of  
7 the vehicle too?

8 A. In collecting DNA samples, swabs?

9 Q. Yes, ma'am.

10 A. Yeah. We'll take specific locations.

11 Q. Okay.

12 A. Ones that are frequently touched or -- like the  
13 door handle or the mirror, gear shift, steering wheel.

14 Q. That's where you use the track tape again?

15 A. Trace tape.

16 Q. Trace tape, I'm sorry.

17 A. Trace tape we use on the seats.

18 Q. Use on the seats only. Okay.

19 Officer Meyer, finally, I just want to talk to  
20 you. You testified that you had the ability to collect  
21 some evidence from MUSC, from an officer who was there  
22 that collected several things.

23 What I'm taking at look at a couple of pieces of  
24 evidence here -- let's see, Judge, if I could have one  
25 moment -- and I don't see it up here, but could you tell

ERIN MEYER - CROSS BY MR. McCOY

1 the jury again the items that you collected that were  
2 from MUSC and not the autopsy at this point, but just  
3 MUSC, from Kadeem Chambers.

4 A. You're referring to the items Deputy Gurrieri  
5 brought me on the scene that he collected from MUSC?

6 Q. That's correct.

7 A. Okay. It was a black LG slider TracFone.

8 Q. Okay.

9 A. White Nike shoe.

10 Q. Okay.

11 A. The light blue jeans and belt.

12 Q. All right.

13 A. Gray and purple shorts.

14 Q. All right.

15 A. \$648.27.

16 Q. Okay.

17 A. A Lowe's receipt and a house key.

18 Q. Okay. And those are the items that were recovered  
19 from the victim, Chambers, in this case?

20 A. Yes.

21 Q. Okay. And they were recovered by another officer  
22 and then given to you?

23 A. Right, from MUSC ER.

24 MR. McCOY: Judge, if could I have one  
25 moment, please.

ERIN MEYER - CROSS BY MR. APOSTOLOU

1 THE COURT: Sure.

2 MR. McCOY: Officer Meyer, thank you.

3 Appreciate it.

4 CROSS-EXAMINATION

5 BY MR. APOSTOLOU:

6 Q. Just briefly, Officer Meyer, are you -- you don't  
7 process the information. You're more the collector and  
8 then kind of the keeper of it; is that correct?

9 A. With some things.

10 Q. Okay. What did you process in this equation? You  
11 processed the Plymouth, is my understanding?

12 A. The scene.

13 Q. You did not process the Mercedes then?

14 A. Correct.

15 Q. That was Kjellman?

16 A. Yes.

17 Q. I've never been able to exactly see -- well, one  
18 of the things that you got was -- Mr. McCoy just asked  
19 you about the things that came from the autopsy from  
20 Mr. Chambers.

21 A. Yes, sir.

22 Q. And presumably all of that stuff is what was in  
23 his pockets; keys, cash, that kind of thing; is that  
24 correct?

25 A. I don't know where it came from on his person.

ERIN MEYER - CROSS BY MR. APOSTOLOU

1 Q. Okay.

2 A. Deputy Gurrieri to have to testify that.

3 Q. There was \$648.27?

4 A. Given to me by Deputy Gurrieri on the scene.

5 Q. All right. Earlier in the trial, we had Officer  
6 Buckhannon come in here. That's probably not pronounced  
7 correctly.

8 A. Buckhannon.

9 Q. We had Officer Buckhannon come in here, and he  
10 testified when he went to MUSC --

11 MS. SHEALY: Objection, Your Honor. She  
12 can't say what Buckhannon testified to.

13 MR. APOSTOLOU: I'll withdraw it.

14 BY MR. APOSTOLOU:

15 Q. Buckhannon -- did Buckhannon submit the contents  
16 of Jujuan Hemingway's pockets to you?

17 A. I don't recall. Are you asking if he submitted it  
18 into evidence at all or to me physically?

19 Q. Well, if you have knowledge of evidence at all?

20 A. What were those contents of Hemingway's pocket? I  
21 can look and see if I collected them.

22 Q. That's what we're trying to ascertain.

23 A. Okay. I don't know how to answer your question  
24 then.

25 Q. Are you familiar in your evidence, review of the

ERIN MEYER - CROSS BY MR. APOSTOLOU

1 evidence in this case, whether the contents of  
2 Mr. Hemingway's pockets are in evidence, or under your  
3 care?

4 A. Okay. I can look through here. Give me just a  
5 second.

6 It doesn't look like I have anything in the  
7 description indicating that it was collected from  
8 Hemingway's pockets.

9 Q. What is that? I'm sorry. You don't have  
10 anything?

11 A. I don't have anything in here that clearly states  
12 that it was from Hemingway's pockets.

13 Q. Okay.

14 A. That's not to say that there isn't. It's just  
15 that I can't accurately check that.

16 Q. I appreciate you looking. I'm sorry to make you  
17 do that.

18 If Officer Buckhannon had evidence, would he  
19 submit it anywhere other than to your department, with  
20 the county sheriff's department?

21 A. No. It would come to our lab. It would come to  
22 the evidence compound, it's just whether or not I was  
23 there to take custody of it, or know about it. There's a  
24 difference between somebody entering evidence, collecting  
25 evidence, and submitting evidence. Those can be three

ERIN MEYER - CROSS BY MR. APOSTOLOU

1 different people.

2 Q. Okay. Okay. But at some point, it would show up  
3 in this case file, wouldn't it?

4 A. Yes, sir. If it was described as items collected  
5 from his pockets. Like I said, I don't know that there  
6 are cell phones in there; I don't know.

7 Q. I understand. Okay. Okay.

8 The Plymouth y'all got on the 20th, search warrant  
9 on the 21st, you got the Mercedes that night?

10 A. Yes. It came back the night of the incident when  
11 I was on scene.

12 Q. And you weren't the person that was in there doing  
13 the search. You just testified to different types of  
14 procedures that you use. You didn't do any of that stuff  
15 inside the Mercedes?

16 A. Correct.

17 MR. APOSTOLOU: That's all I have. Thank  
18 you.

19 THE COURT: Any redirect?

20 MS. SHEALY: No. I have no further  
21 questions. Thank you.

22 THE COURT: You may step down.

23 MS. SHEALY: May she be excused, Your Honor?

24 THE COURT: She may.

25 All right, folks. Let's take a ten-minute

~~KATHY KJELLMAN - DIRECT BY SAVAS~~

1 rest room break, and, again, don't begin deliberations or  
2 discussions about the case, talk about witness demeanor  
3 or anything like that, and we'll see you back in about  
4 ten minutes.

5 Thank you.

6 (Recess taken.)

7 (In open court, jury present.)

8 THE COURT: All right, folks. We'll resume  
9 now with the State calling their next witness.

10 MS. SAVAS: The State calls Ms. Kathy  
11 Kjellman.

12 KATHY KJELLMAN,  
13 having been first duly sworn,  
14 was examined and testified as follows:

15 DIRECT EXAMINATION

16 THE WITNESS: The first name is Kathy with a  
17 K, and the last name is spelled K-j-e-l-l-m-a-n.

18 BY MS. SAVAS:

19 Q. What is your job title?

20 A. Investigator.

21 Q. And which agency do you work for?

22 A. Charleston County sheriff's office.

23 Q. And how long have you been employed by CCSO?

24 A. Sixteen years.

25 Q. And how long have you held a position of

KATHY KJELLMAN - DIRECT BY SAVAS

1 investigator?

2 A. Nine years.

3 Q. And is this the same position that you held back  
4 in May 2012 when you worked on this case?

5 A. Yes, it is.

6 Q. And what are your job duties as investigator?

7 A. Crime scene investigator, we mainly -- we respond  
8 to scenes, process scenes and collect evidence.

9 Q. And have you testified in court before?

10 A. Yes, I have.

11 Q. How were you brought into this case?

12 A. On the night of the incident, I was contacted by  
13 my sergeant to respond and assist another investigator.

14 Q. So you went on scene that night?

15 A. Yes.

16 Q. And what did you do when you first arrived on  
17 scene?

18 A. I was originally directed to go to Thorpe  
19 Constantine Avenue and photograph an outhouse.

20 Q. How was the weather that night when you arrived?

21 A. Bad. It was rain, thunderstorms, lightning.

22 Q. And did this affect your procedure when you  
23 arrived on scene?

24 A. Yes.

25 Q. How so?

KATHY KJELLMAN - DIRECT BY SAVAS

1       A. When I first arrived on scene, it had just started  
2 to rain, and I was trying to get the photographs done and  
3 collect any kind of evidence in the outhouse before it  
4 started to downpour.

5       Q. And let me show you some pictures marked as  
6 State's Exhibit 33, and when they come up behind you,  
7 would you just let us know what you see.

8       What is that a photo of?

9       A. That is the street sign at Thorpe Constantine.

10      Q. And did you take these photos?

11      A. Yes, I did.

12      Q. And No. 34?

13      A. That is the outhouse in front of the house that's  
14 under construction.

15      Q. And 35, is that just a close-up?

16      A. Yeah. That would just be the construction sign  
17 showing the address.

18      Q. And 36?

19      A. That is another picture of the outhouse and the  
20 construction.

21      Q. 37 is just another close-up, correct?

22      A. Yes. That's just the outhouse.

23      Q. And 38, what is this a photo of?

24      A. That is the inside of the outhouse.

25      Q. And how did you know which porta-potty to go to?

KATHY KJELLMAN - DIRECT BY SAVAS

1           A. I believe it was the only one that was on that  
2 street, and there was a Charleston city police officer  
3 standing by on the scene until I got there.

4           Q. Is this the same porta-potty where they found the  
5 victim on the scene?

6           A. Yes.

7           Q. And No. 39, what's that a photo of? What is in  
8 there?

9           A. That is the urinal inside the outhouse, and there  
10 was a little zip-lock plastic bag.

11          Q. And No. 40?

12          A. That -- yeah. That's a close up of the zip-lock  
13 baggy.

14          Q. Did you collect that bag?

15          A. Yes, I did.

16          Q. And what did you determine that bag to be?

17          A. It was -- inside was a green plant-like substance.

18          Q. And did you take a test on what that was?

19          A. Yes, I did.

20          Q. And what were the results?

21          A. It was positive for marijuana.

22          Q. And you're trained to do those tests?

23          A. Yes, I am.

24          Q. And did you also execute a search warrant of a  
25 Mercedes in this case?

KATHY KJELLMAN - DIRECT BY SAVAS

1 A. Yes, I did.

2 Q. I'm going to -- and when did you do that?

3 A. I received a search warrant on May 17th in 2012.

4 Q. And what do you do when you receive a search  
5 warrant? What is your procedure?

6 A. Photograph the outside, inside of the vehicle and  
7 process for fingerprints, DNA. I go by the search  
8 warrant and what items are requested on the search  
9 warrant.

10 Q. I'm going to show you what is marked as State's  
11 Exhibit 56. Can you please let us know if these were the  
12 photos you took from the execution of that search  
13 warrant.

14 A. Yes.

15 Q. And what is this a photo of?

16 A. That's the driver's side rear door.

17 Q. And 57?

18 A. Steering wheel.

19 Q. And 58?

20 A. That is the driver's side rear seat.

21 Q. And what do those red stains appear to be?

22 A. The red stains? I'm sorry.

23 Q. Yes, ma'am.

24 A. Blood.

25 Q. And 59?

~~KATHY KJELLMAN - DIRECT BY SAVAS~~

1 A. That's also blood.

2 Q. And I'm showing you photo 60, is this something  
3 that you had collected?

4 A. Somebody just photographed.

5 Q. I'm going to show you what's marked as State's  
6 Exhibit 130. Is this what is in that photograph?

7 A. Yes. I'm sorry. I did collect that.

8 Q. And can you please tell the jury what that is.

9 A. That is the vehicle registration for the vehicle I  
10 did the search warrant on. It was a 2003 Mercedes.

11 Q. And who does it say that the vehicle is registered  
12 to?

13 A. Kadeem Chambers.

14 Q. Thank you.

15 MS. SAVAS: At this time, the State moves to  
16 admit this into evidence as State's Exhibit 130.

17 MR. McCOY: No objection, Judge.

18 MR. APOSTOLOU: No objection, Judge.

19 THE COURT: Admitted.

20 (State's Exhibit No. 130 was marked for  
21 identification and admitted into evidence.)

22 BY MS. SAVAS:

23 Q. I'm showing you Exhibit 61. Would you tell us  
24 what that is a photo of.

25 A. That is the driver's license for Kadeem Chambers.

KATHY KJELLMAN - DIRECT BY SAVAS

1 Q. I'm showing you State's Exhibit -- what has been  
2 marked for identification as 134. Could you please  
3 identify this bag label.

4 A. It's yellow envelope with a label on it for South  
5 Carolina driver's license Kadeem Chambers.

6 Q. And is this what seems to have been in there?

7 A. Yes, it is.

8 Q. And that's what you examined that they took out?

9 A. Yes.

10 MS. SAVAS: The State moves to admit the  
11 driver's license into evidence as 134.

12 MR. McCOY: No objection.

13 THE COURT: Admitted.

14 (State's Exhibit No. 134 was marked for  
15 identification and admitted into evidence.)

16 BY MS. SAVAS:

17 Q. I'm showing you photo 62. Can you please explain  
18 what this is a photo actually depicting.

19 A. That is the front passenger seat, and in this  
20 photo, I think I was beginning to concentrate on a  
21 cellphone that was on the passenger side floorboard.

22 Q. Okay. And can you just briefly point to where you  
23 found those?

24 A. The phone is going to be right here (indicating).

25 Q. And did you collect anything else from there as

KATHY KJELLMAN - DIRECT BY SAVAS

1 well?

2 A. The Gatorade -- I think it was the Gatorade  
3 bottle, the CD, the shoe, and the cellphone.

4 Q. Okay. I show you what has been marked as State's  
5 Exhibit 129. Can you identify that?

6 A. This is a black T-mobile HTC cellphone from the  
7 passenger side floorboard.

8 Q. Great. And I'm also going to show you what is  
9 marked as State's Exhibit 133. Would you please identify  
10 that for us.

11 A. This is a white Nike shoe that was also on the  
12 passenger side of the floorboard.

13 Q. Could you also open that up and identify it. Do  
14 you see any stains or spots on there?

15 A. On the side here, what appears to be blood.

16 Q. Thank you. You can take a seat.

17 MS. SAVAS: State moves to admit State's  
18 Exhibit 133 and 129 into evidence.

19 MR. McCOY: No objection.

20 (State's Exhibit Nos. 129 and 133 were marked  
21 for identification and admitted into evidence.)

22 BY MS. SAVAS:

23 Q. I'm showing you photo 65. Can you please explain  
24 what that is a photo of?

25 A. That is the ashtray in the vehicle, and in the

KATHY KJELLMAN - DIRECT BY SAVAS

1 back, there is a green plant-like substance.

2 Q. Did you also test that substance?

3 A. Yes, I did.

4 Q. And what were those results?

5 A. It was positive for marijuana.

6 Q. I'm showing you photo 63. What is that a photo  
7 of?

8 A. That is a Dutch Masters cigarillo pack that was on  
9 the driver's side floorboard.

10 Q. What do those red spots appear to be?

11 A. Blood.

12 Q. And photo 64?

13 A. That is some more vanilla cigarillo cigars that  
14 were found in the seat.

15 Q. And those red stains as well?

16 A. Blood, yes.

17 Q. Did you process the exterior of the vehicle?

18 A. Yes, I did.

19 Q. And what did you do?

20 A. I processed the exterior for DNA and fingerprints.

21 Q. Could you please explain the fingerprint process.

22 A. Fingerprint process is you take a brush and black  
23 powder, and you very lightly brush it over the surface,  
24 and the powder is going to stick to any oils that are in  
25 your fingerprints and leave the fingerprint on the

KATHY KJELLMAN - DIRECT BY SAVAS

1 surface that you touch.

2 Q. And are there certain type of fingerprints that  
3 you were looking for?

4 A. I'm looking for basically any kind of ridge detail  
5 that would -- fingerprints are specific to each person,  
6 so once I find -- if I find a print that has some good  
7 ridge detail that I think would give a positive  
8 identification on a subject, then I collect that with a  
9 tape and put it on a little white card.

10 Q. And what exactly are latent prints?

11 A. They are the ridge details, ridges of -- your  
12 fingerprint is made up of ridges and whorls, and, like I  
13 said, they're specific to each person.

14 Q. And are there certain surfaces that are more  
15 conducive for pulling off latent prints than others?

16 A. The ideal surface is going to be a smooth, flat  
17 surface, anything that you have -- anything that has some  
18 kind of texture to it is going to inhibit me trying to  
19 collect the fingerprint from that surface.

20 Q. And are there any environmental conditions that  
21 could affect the leaving of prints?

22 A. Humidity and rain and weather conditions, other  
23 environmental conditions can definitely damage the  
24 fingerprint.

25 Q. So if this car was outside as it was on that rainy

KATHY KJELLMAN - DIRECT BY SAVAS

1 night, this would have affected the leaving of prints?

2 A. Definitely humidity would, yes.

3 Q. And what condition was the car in when you  
4 received it?

5 A. Well, that night, it was a torrential downpour,  
6 and --

7 Q. Showing you photo 66, can you please explain what  
8 is seen in this photo on the left-hand side?

9 A. The passenger side rear window that is broken.

10 Q. And did you take prints from the exterior and  
11 interior of the vehicle?

12 A. Yes. I attempted both, on the exterior and  
13 interior.

14 Q. And you explained the environmental conditions  
15 making it difficult. If a window was broken, would that  
16 have made the interior difficult to print as well?

17 A. If there was condensation and it got built up, as  
18 was the situation with this car, the condensation and  
19 humidity that builds up inside the car could damage the  
20 print.

21 Q. If someone touches a spot on a surface and someone  
22 comes and touches that same spot again, would that also  
23 make it difficult to lift a print from that spot?

24 A. Yes. Any kind of print that's been overlapped by  
25 something else, by somebody else's fingerprint, we cannot

KATHY KJELLMAN - DIRECT BY SAVAS

1 separate the two fingerprints. So the overlapping prints  
2 are going to make it very, very difficult, if not  
3 impossible, to get a match on that print.

4 Q. And if the car is touched, for instance, in this  
5 case by EMS and fire when they were attempting to remove  
6 the victim from the vehicle, would that have also  
7 affected prints being disturbed from that car initially?

8 A. It could, yes. If EMS and fire are going to be  
9 wearing -- especially fire is going to be wearing big  
10 leather gloves to protect themselves from the glass or  
11 whatnot, if they touched a surface that did have a print  
12 on it, it is very possible they could have rubbed that  
13 print off.

14 Q. In your expertise, if there are no prints found on  
15 a surface, does that mean the surface has never been  
16 touched?

17 A. No.

18 Q. So it is possible for someone to touch a surface  
19 but not leave a print?

20 A. Yes. It all depends on -- if you have very oily  
21 skin, you're going to leave a better print. If you have  
22 dry skin, the print is going to show up as well.

23 Q. In your years of experience in printing crime  
24 scenes, is it known for individuals involved in these  
25 crimes to attempt to remove their prints that are left on

KATHY KJELLMAN - DIRECT BY SAVAS

1 the scene?

2 MR. McCOY: Objection.

3 MR. APOSTOLOU: Objection. This is a leading  
4 question and she --

5 MR. McCOY: Speculation.

6 THE COURT: Rephrase.

7 BY MS. SAVAS:

8 Q. Are there ways for someone to try to remove their  
9 prints from a surface they've touched?

10 A. Yes.

11 Q. And what are those ways?

12 A. Simply wiping the surface.

13 Q. And if someone would touch a surface with a rag or  
14 a towel, would that prevent leaving prints?

15 A. It could.

16 Q. I'll show you what has been marked as State's  
17 photo 67, and can you please tell us what that is.

18 A. Yes. Actually the fingerprint is going to be  
19 above the number.

20 Q. One of the fingerprints that you attempted to  
21 lift?

22 A. Yeah.

23 Q. I'm showing you 68.

24 A. And, again, that print is going to be below the  
25 No. 3.

KATHY KJELLMAN - DIRECT BY SAVAS

1 Q. And once you gathered the latent prints, what did  
2 you do with them?

3 A. They get submitted to the North Charleston police  
4 department AFIS division and they process it for us.

5 Q. Okay. Do you send all of the prints that you had  
6 taken on the scene?

7 A. Yes.

8 Q. Did you also collect blood samples, you mentioned?

9 A. Yes.

10 Q. And how do you gather those samples?

11 A. If it's a dry sample, I will use a sterile cotton  
12 swab and water, just wet the swab a little bit and  
13 collect the sample like that, and if the sample is wet,  
14 there's no need for the water, just use a cotton swab.

15 Q. And are you using gloves at this time to prevent  
16 any tampering?

17 A. Yes, always.

18 Q. And do you recall how many samples you took from  
19 the Mercedes?

20 A. I believe I took eight from the Mercedes.

21 Q. And how did you label those?

22 A. In this situation, I labelled those with letters.

23 Q. Showing you photo 69, can you please describe what  
24 that is.

25 A. That is sample A that came from the passenger side

KATHY KJELLMAN - DIRECT BY SAVAS

1 rear door of the exterior.

2 Q. 70?

3 A. Sample B, which came from the passenger side rear  
4 door.

5 Q. 71?

6 A. That is C that came from the passenger side rear  
7 door under the window on the outside.

8 Q. 72?

9 A. That is going to be actually sample D. It's from  
10 the passenger side rear door on the inside.

11 Q. 73?

12 A. E is going to be a swab from the driver's side rear  
13 door interior.

14 Q. 74?

15 A. F is going to be a swab from the front driver's  
16 side door on the inside.

17 Q. 75?

18 A. And G is going to be a swab from the front  
19 passenger door on the inside.

20 Q. And just because it is small, could you point to  
21 exactly where G is, just to help --

22 A. Right there (indicating).

23 Q. Great. Thank you. And 76?

24 A. That is a swab from the inside of door.

25 Q. Actually, let me redirect you back to 57.



KATHY KJELLMAN - CROSS BY MR. APOSTOLOU

1 identification and admitted into evidence.)

2 BY MS. SAVAS:

3 Q. What did you do with the blood swabs after you  
4 collected them from the Mercedes?

5 A. After they were collected, they were placed in a  
6 cardboard box and placed in the envelope that you saw,  
7 and they will be submitted to the SLED vehicle department  
8 for testing.

9 MS. SAVAS: I have no further questions.  
10 Please answer anything the defense may have.

11 THE WITNESS: Yes, ma'am.

12 THE COURT: Cross?

13 MR. APOSTOLOU: Yes.

14 CROSS-EXAMINATION

15 BY MR. APOSTOLOU:

16 Q. I'm sorry. I'm just going to ask Daniel to pull  
17 up slide 40.

18 That's the bag that was found in the urinal in the  
19 porta-potty?

20 A. Yes, sir.

21 Q. And I believe that's referred to as a diamond  
22 {sic} bag. Have you heard that before?

23 A. Dime bag, yes.

24 Q. And we talked about that -- that's funny.

25 Ms. Shealy recognized one from the roadside as well, and

~~KATHY KJELLMAN - CROSS BY MR. APOSTOLOU~~

1 I didn't catch the exact -- on the roadway. That's the  
2 baggy from the roadway, and then if you could pull up 40,  
3 which is what I thought were in the urinal there.

4 And that one that was in the urinal is a dime bag  
5 also?

6 A. Yes.

7 Q. Matching the one that is on the roadway. Okay.

8 The rest of your testimony seems, to summarize,  
9 kind of like this: You did fingerprints throughout the  
10 Mercedes?

11 A. Yes.

12 Q. Did you go into the trunk area?

13 A. Yes.

14 Q. Did you go in the back seat?

15 A. Yes.

16 Q. Did you go in the front seat?

17 A. Yes.

18 Q. Did you go in the exterior, the interior --

19 A. I went through the entire car.

20 Q. You went through the entire car. You collected  
21 DNA as well, or samples for DNA?

22 A. Yes.

23 Q. And then you submitted that off to another agency  
24 to process that?

25 A. SLED, yes.

KATHY KJELLMAN - CROSS BY MR. APOSTOLOU

1 Q. SLED, right. Okay. And as a result of that --  
2 you had Denzel Heyward's fingerprints for cross  
3 reference, didn't you?

4 A. The fingerprints would have been submitted to  
5 North Charleston.

6 Q. But they would be in the computer, and if they  
7 matched, then they would have shown up as match for  
8 Denzel Heyward?

9 A. Yes.

10 Q. So as I understood your testimony was no  
11 fingerprints from Denzel Heyward showed up in that car at  
12 all?

13 A. I would have to look at my report to see --

14 Q. Well, let's do that. Do you need a copy?

15 A. Please. I didn't bring my report with me.

16 Q. (Handing.)

17 A. And you were asking for Heyward's fingerprints?

18 Q. Correct.

19 A. Looking at the record here, I did not get them  
20 back.

21 Q. No Heyward fingerprints in the car at all?

22 A. No.

23 Q. And the rest of your testimony was various reasons  
24 why, besides the fact he wasn't in the car, there could  
25 be no fingerprints for him?

KATHY KJELLMAN - CROSS BY MR. APOSTOLOU

1 A. Because his fingerprints weren't found in the car  
2 doesn't mean he wasn't in the car.

3 Q. Right. And you went through a couple different  
4 scenarios with --

5 A. Yes.

6 Q. Can you get that -- but, nonetheless, you did find  
7 some fingerprints in the car, correct?

8 A. Yes.

9 Q. You found an unlabeled Memorex CD in the passenger  
10 side door that tested positive for Kadeem Chambers; is  
11 that correct?

12 A. Yes.

13 Q. And you did a Memorex CD from the passenger side  
14 door, and that tested positive for Kadeem Chambers as  
15 well?

16 A. Yes.

17 Q. And there was a business card from the small  
18 compartment on the dashboard that tested positive for  
19 Kadeem Chambers?

20 A. Yes.

21 Q. And you did a white piece of paper with string and  
22 phone numbers from the glove compartment that tested  
23 positive for Kadeem Chambers?

24 A. Yes.

25 Q. And you did the passenger door, and that tested

KATHY KJELLMAN - CROSS BY MR. APOSTOLOU

1 positive for Hasheem Abdul Chambers; is that correct?

2 A. Yes.

3 Q. Presumably a relative? Is that outside the door,  
4 or is that from the inside of the door?

5 A. Where was that location again?

6 Q. It was the front passenger door.

7 A. It was probably in the door, inside.

8 Q. Okay. And then you did the passenger door handle,  
9 and that came back for Kadeem Chambers?

10 A. Yes.

11 Q. And then you did the rear handle, and that came  
12 back for Hasheem Chambers?

13 A. Yes.

14 Q. And then you went into the trunk and tested the  
15 vehicle registration, and that tested positive for Kadeem  
16 Chambers?

17 A. Yes.

18 Q. And then you did some prescription paperwork that  
19 was in the trunk as well, and that tested positive for  
20 Kadeem Chambers?

21 A. Yes.

22 Q. And you took some other -- I think you picked off  
23 the tapes and all that stuff to lift or whatever?

24 A. Yes.

25 Q. And -- okay.

KATHY KJELLMAN - REDIRECT OF MS. SAVAS

1 MR. APOSTOLOU: That's all the questions I  
2 have.

3 THE COURT: Any --

4 MR. McCOY: I don't have any questions, Your  
5 Honor.

6 THE COURT: Redirect?

7 REDIRECT EXAMINATION

8 BY MS. SAVAS:

9 Q. Could you please identify this for us? It's been  
10 premarked as State's Exhibit 136.

11 A. It is four latent print cards from miscellaneous  
12 items inside the Mercedes.

13 Q. And these are the ones that you had lifted,  
14 correct?

15 A. I'd have to see the cards, but I think they are,  
16 yes.

17 Q. Can you identify those.

18 A. Yes. They're all fingerprints I lifted.

19 Q. Okay.

20 MS. SAVAS: Your Honor, at this time, the  
21 State moves to admit Exhibit 136 into evidence.

22 MR. McCOY: Judge, what is 136?

23 MS. SAVAS: It's the four latent print that  
24 she had.

25 MR. McCOY: I don't have an objection to

KATHY KJELLMAN - REDIRECT OF MS. SAVAS

1 that.

2 THE COURT: It's admitted.

3 (State's Exhibit No. 136 was marked for  
4 identification and admitted into evidence.)

5 BY MS. SAVAS:

6 Q. And, Investigator Kjellman, when the results were  
7 given back to you, did you obtain any results from a  
8 Deputy Married?

9 A. Did I recover his prints from the --

10 Q. Yes.

11 A. -- from the vehicle?

12 Q. Yes, to your knowledge.

13 A. From looking at that report, no.

14 Q. Okay. And what about Deputy Colburn that was on  
15 the scene?

16 A. No.

17 Q. And Erin Meyer from the scene?

18 A. No.

19 Q. And did you actually perform that analysis  
20 yourself?

21 A. Which?

22 Q. The fingerprint analysis, the comparisons?

23 A. The comparisons, no.

24 Q. And --

25 MS. SAVAS: Beg the Court's indulgence.

ANDREW COKER - DIRECT BY MS. SAVAS

1 No further questions.

2 MR. APOSTOLOU: No further questions.

3 MR. McCOY: None, Judge.

4 THE COURT: Thank you. You're free to go.

5 Next witness?

6 MS. SAVAS: State calls Andy Coker, and we  
7 ask that Investigator Kjellman be excused, Your Honor.

8 THE COURT: She's free to go.

9 ANDREW COKER,

10 having been first duly sworn,

11 was examined and testified as follows:

12 DIRECT EXAMINATION

13 THE WITNESS: Andrew Coker, C-o-k-e-r.

14 BY MS. SAVAS:

15 Q. What is your official title?

16 A. I am sergeant with the North Charleston police  
17 department.

18 Q. And how long have you been employed with the North  
19 Charleston police department?

20 A. Twenty-three years, approximately eight months.

21 Q. And as a sergeant, what are your job duties?

22 A. I'm currently assigned to the patrol division  
23 where I supervise an evening shift patrol division team.

24 Q. And what was -- is this the same job you held back  
25 in May 2012?

ANDREW COKER - DIRECT BY MS. SAVAS

1 A. No. I held a different position back then.

2 Q. And what was that position?

3 A. I was a crime scene investigator and latent  
4 fingerprint examiner.

5 Q. What were your job duties then as a latent  
6 fingerprint examiner?

7 A. Received latent fingerprints from North Charleston  
8 police department and multiple other agencies. We do  
9 direct examination and comparison of latent fingerprint  
10 evidence.

11 Q. How long were you a latent fingerprint examiner?

12 A. To this day, it's about eight years.

13 Q. Did you receive any kind of specialized training  
14 or certifications to do that?

15 A. Yes. I have received in-house training from a --  
16 two competent examiners that were previously there with  
17 the agency. Also, I have received advanced training  
18 in -- fundamentals of latent print examination, complex  
19 latent print examination, and palm print comparison  
20 techniques, as well as achieving certifications as a  
21 certified latent print examiner with the International  
22 Association for Identification.

23 Q. Have you had occasion to identify a person by  
24 comparing latent fingerprints or palm prints with inked  
25 prints?

ANDREW COKER - DIRECT BY MS. SAVAS

1 A. Yes, I have.

2 Q. About how many times would you say?

3 A. Probably thousands of times.

4 Q. Okay. And have you testified in court before?

5 A. Yes, I have.

6 Q. Have you ever been declared an expert in court  
7 before?

8 A. Yes, I have.

9 Q. And what sort of technical equipment do you use in  
10 your line of work as a print examiner?

11 A. Basic equipment will be, like, a powder, skin, or  
12 chemicals that are used to bring latent prints from an  
13 unseen position to a seen position; in other words,  
14 latent, meaning not seen by the naked eye. We would have  
15 to process the lab to make the prints visible, so we use  
16 the basic powders and chemicals to makes the prints  
17 visible.

18 Once we have done that, we use the visible prints  
19 at that point to compare to known standards or to search  
20 through a computer database.

21 Q. And did you compare prints in this case?

22 A. I did.

23 MS. SAVAS: Your Honor, at this time the State  
24 moves that Sergeant Andy Coker be declared an expert in  
25 the field of fingerprint examination.

ANDREW COKER - DIRECT BY MS. SAVAS

1 THE COURT: Do you wish to voir dire or  
2 cross?

3 MR. McCOY: No, sir.

4 MR. APOSTOLOU: No, sir.

5 THE COURT: All right. Folks, the witness  
6 has now been qualified as an expert in the field of  
7 fingerprint examination. The instructions that I gave  
8 you yesterday regarding expert witnesses apply to this  
9 witness as well.

10 You determine how much weight his testimony  
11 deserves based on all the testimony that you hear  
12 throughout the trial, and you're not necessarily required  
13 to accept his testimony blindly just simply because he's  
14 been qualified as an expert. You determine how much  
15 weight to give his testimony based on all of the evidence  
16 that you hear throughout the trial.

17 All right? You may begin.

18 MS. SAVAS: Thank you, Your Honor.

19 BY MS. SAVAS:

20 Q. Sergeant Coker, what is an inked print?

21 A. An inked print is a known print that is taken from  
22 a person and placed on to a suitable contrasting  
23 background. Usually it's done by means of a printer's  
24 ink that is placed on the fingers and/or palm prints, and  
25 then the finger is rolled on to a white card.

ANDREW COKER - DIRECT BY MS. SAVAS

1           Current technology allows for us to collect  
2 fingerprints using computers. Live Scan is one  
3 particular brand of computer that selects fingerprints  
4 using a glass plate, and it records digitally the  
5 fingerprint from a person using each individual finger  
6 and also the palms.

7           Q. And can you briefly describe what a latent print  
8 is.

9           A. Again, a latent print is a print that is not  
10 readily visible to the naked eye.

11          Q. And a patent print?

12          A. A patent print is a print that would be placed on  
13 an object in a more permanent position. It can be viewed  
14 with the naked eye.

15          Q. And what are complex prints?

16          A. Complex prints are just prints that are -- have a  
17 smaller degree of characteristics, which require more  
18 extensive evaluation and examination to determine their  
19 value and to make a conclusion as to their value in a  
20 case.

21          Q. Would a complex print be if two people touch at  
22 the same spot?

23          A. It can be a print over a print, or, as I said, a  
24 small section of a print or a print on an object that is  
25 not very smooth.

ANDREW COKER - DIRECT BY MS. SAVAS

1 Q. Are there distinguishing characteristics of  
2 fingerprints or palm prints?

3 A. There are different characteristics.

4 Q. What are they?

5 A. Typically, the characteristics used in fingerprint  
6 analysis are the basic overall shape, which would be an  
7 arch, a loop, or a whorl.

8 After looking at that degree of detail, then we  
9 would go more minutely to a more smaller range of  
10 characteristics, such as ending ridges, where the ridges  
11 come to a end, or a point where they split in two, which  
12 would be a bifurcation, or split into three, a  
13 trifurcation; also, the ridges may be mis-formed. In  
14 other words, they may have a dot or be a short ridge or  
15 be an island, sort of form an island, which is where the  
16 bifurcation -- the print splits apart, the bifurcation,  
17 and then comes right back together.

18 Q. And how are fingerprints compared and identified?

19 A. They're usually compared side by side if you have  
20 a latent print. You can take a latent, put it side by  
21 side. If you have a particular device, you can enlarge  
22 the item on the device. Typically used are small  
23 magnifiers, which we use to look at the details of the  
24 latent print, and then compare them to the known  
25 standards, to see if the characteristics that we see in

—ANDREW COKER - DIRECT BY MS. SAVAS—

1 the latent print are consistent with that of the known  
2 standard.

3 Q. And where do you typically receive a known  
4 standard from?

5 A. A known standard is typically collected from an  
6 individual.

7 Q. And how is it possible for someone to leave a  
8 print?

9 A. Well, it depends on the type of surface and the  
10 type of materials that are on a person's -- ridges on  
11 their hands. The particular makeup of most prints  
12 usually has to do with the sweat and the oils that are  
13 deposited by our own bodies, and the smoother the  
14 surface, typically, the better it is to leave a latent  
15 print.

16 Q. And is it possible for a person to touch a surface  
17 but not leave a print?

18 A. Absolutely.

19 Q. Why is that?

20 A. Some surfaces are too coarse or too harsh to  
21 receive prints or there may not be enough of a substrate  
22 on the person's hand to leave a print on the surface.

23 Q. And are there any other factors that would make it  
24 difficult for leaving a print?

25 A. Weather factors would play in; also, if there is a

—ANDREW COKER - DIRECT BY MS. SAVAS—

1 large amount of dirt or dust around, that may affect  
2 leaving a latent print.

3 Q. Would a rainstorm affect leaving a print?

4 A. Yes.

5 Q. And are fingerprints specific to each individual?

6 A. Yes. Each individual has a specific arrangement  
7 of their fingerprint patterns. To date, no two people  
8 have had the same fingerprint patterns. No two  
9 individuals have had the same fingerprint identified to  
10 them.

11 That's not saying that all people have been  
12 fingerprinted, because not everyone has been  
13 fingerprinted; however, amongst the fingerprints that  
14 have been compared, there have been no two individuals  
15 found to have the same fingerprint.

16 Q. I would like to draw your attention to the report  
17 that you did on May 19, 2012. Can you please -- you  
18 received four white latent print cards, correct?

19 A. I would have to look at the report.

20 Q. I'll show you. One moment.

21 Would it help if I provide you with your report to  
22 recall?

23 A. Yes, ma'am.

24 Q. I'm looking at that report. How many lift cards  
25 did you receive?

ANDREW COKER - DIRECT BY MS. SAVAS

1 A. I received four latent -- white latent cards.

2 Q. And did you receive any inked prints to compare  
3 them to?

4 A. Yes. I have two sets of known standards from  
5 Hasheem Abdul Chambers and from Kadeem Ali Chambers.

6 Q. And going through your examination, what was the  
7 result of your comparisons?

8 A. On a card which I labelled as L-1, latent card 1,  
9 which was identified by the person making a lift on the  
10 front passenger door of the '03 Mercedes, I identified  
11 one fingerprint to the right middle finger of Hasheem  
12 Abdul Chambers. A second print was not suitable for  
13 identification.

14 On the second card labelled passenger door  
15 interior door handle, I identified two prints to the  
16 right ring finger of Kadeem Ali Chambers. On the third  
17 card labelled rear passenger side door, '03 Mercedes, I  
18 identified a palm print to one particular region of the  
19 left palm of Hasheem Abdul Chambers, and the fourth card  
20 was not suitable for identification.

21 Q. When you say something is not suitable for  
22 identification, what does that mean?

23 A. That means that the detail that is there does not  
24 hold enough characteristics to be identifiable to an  
25 individual.

ANDREW COKER - DIRECT BY MS. SAVAS

1 Q. So there was actually a print left, but you just  
2 could not determine who that belonged to?

3 A. There may have been a print or smudge, or there  
4 may have been some other type of shape on the card that  
5 just was not suitable for identification.

6 Q. And did you review any other fingerprint analysis  
7 from this case?

8 A. I did.

9 Q. And your report dated May 21, 2012 -- or, I'm  
10 sorry, dated June 13, 2012?

11 A. Oh, the report submitted would have been done by a  
12 crime scene Investigator Kelly Murphy of the North  
13 Charleston police department.

14 Q. And you had the opportunity to evaluate her  
15 report?

16 A. Yes. What typically we do with latent print  
17 examination is after the initial examiner has gone  
18 through, done all of their comparisons, reached all of  
19 their conclusions, they will document it in their report,  
20 and they submit all of their work to a second examiner  
21 who goes through and does the exact same thing, does --  
22 does all the comparison, analysis, reaches conclusions,  
23 and two examiners trained in competency should be able to  
24 reach the same conclusions.

25 In this case, Kelly Murphy did the examinations

ANDREW COKER - DIRECT BY MS. SAVAS

1 and forwarded them to me for comparison. I did my  
2 comparison and verified that her work was accurate and  
3 reached the same conclusions that she did.

4 Q. And on that report, who was the individual that  
5 she was comparing these prints to?

6 A. On that report she was comparing the report to  
7 Kadeem Ali Chambers.

8 Q. Could you please explain what these print cards  
9 where they briefly came from?

10 A. I can't read what's labelled in her report as  
11 where the prints came from. There were four white backer  
12 cards, unlabelled Memorex CD, passenger side front door,  
13 Memorex CD, passenger side front door, and the other two  
14 do not have labels. Then there were also five pieces of  
15 paper that were treated with ninhydrin.

16 Ninhydrin is a chemical used to process paper  
17 for prints which reveals any latent prints that are not  
18 visible.

19 Q. Were there positive results made on those prints?

20 A. There were identifications made on multiple items.

21 Q. To whom were they identified?

22 A. These appeared to have all been identified to  
23 Kadeem Ali Chambers.

24 Q. There was another report dated July 11, 2012. Can  
25 you please explain who those inked prints came from to

ANDREW COKER - DIRECT BY MS. SAVAS

1 compare?

2 A. The ink prints listed on this report were obtained  
3 from Quansantrina Jaeureka Rivers, Dashaun Livaughn  
4 Simmons, and Denzel Marquise Heyward.

5 Q. And did you also review this report for  
6 Ms. Murphy?

7 A. I reviewed all of the case work in this one, yes.

8 Q. And were there any positive results from this  
9 examination?

10 A. Out of the 18 latent cards, that were submitted,  
11 identifications were only made to prints on one of the  
12 cards, and they were identified to Ms. Rivers.

13 Q. And what were the results of the other prints?

14 A. Of the other prints, that were not identified?

15 Q. Yes.

16 A. They were either excluded from identification,  
17 which means they were not positively identified to the  
18 individuals they were compared to, or there was not  
19 sufficient detail to exclude or include them.

20 Q. And you said that one of the inked prints came  
21 from a Dashaun Simmons and a Denzel Heyward; is that  
22 correct?

23 A. The known standards.

24 Q. Okay. And were those ever excluded?

25 A. Let's see. On card L5, all three -- excuse me,

—ANDREW COKER - DIRECT BY MS. SAVAS—

1 all three of the known standards were excluded.

2 Q. And just one more time. If something is excluded,  
3 that does not mean that that was not their print -- what  
4 is the best way to explain that again?

5 A. Excluded means that that print did not originate  
6 from that person. That is someone else's print.

7 Q. What does it mean if something is insufficient for  
8 AFIS search?

9 A. Insufficient for AFIS search means that the print  
10 has detail which is comparable to a known standard;  
11 however, it does not have enough detail to where it can  
12 be searched through the automated fingerprint  
13 identification system database.

14 Q. And in your experience and training, what are some  
15 things one can do to prevent leaving a print?

16 A. To prevent leaving a print, wearing gloves would  
17 be the obvious. That means covering the hands in some  
18 form or going through and cleaning the hands thoroughly,  
19 which may or may not cause a print to be left afterwards.

20 Q. Is it possible to wipe away or smudge a print for  
21 identification?

22 A. It is.

23 Q. Is there a certain time that a print is left on  
24 something?

25 A. Not necessarily.

ANDREW COKER - CROSS BY MR. McCOY

1 MS. SAVAS: I have no further questions.

2 THE COURT: Cross?

3 MR. McCOY: Thank you, Your Honor. May it  
4 please the Court:

5 CROSS-EXAMINATION

6 BY MR. McCOY:

7 Q. Good to see you again. We've had an opportunity  
8 to work together a lot, and I appreciate you being here  
9 today.

10 Officer Coker, in taking a look at fingerprints  
11 and what you do in your capacity as a law enforcement  
12 officer, you do work for not just North Charleston police  
13 department, but you do it for a bunch of agencies around  
14 the area?

15 A. Approximately 12 agencies, yes.

16 Q. Now, are they coming to you because of your  
17 expertise in the area?

18 A. They're coming us to because we are one of two  
19 agencies that maintain an AFIS terminal at our location,  
20 Charleston PD being the second agency.

21 Q. Okay.

22 A. So regionally we are the two agencies that do the  
23 fingerprint examination using the fingerprint --  
24 automated fingerprint identifications.

25 Q. Okay. And, obviously, I think the work that you

ANDREW COKER - CROSS BY MR. McCOY

1 do is fascinating. I think you do a fantastic job.  
2 Could you explain to the jury, again, do you keep up with  
3 certifications and qualifications yearly or is this  
4 annually? How does this work?

5 A. My certification that I have is issued by --  
6 excuse me, the International Association for  
7 Identification. It's a testing process that we have to  
8 go through every five years. It's a five-year  
9 certification.

10 Q. And certifications that you earn, are they  
11 authorized or are they the ones that SLED wants you to  
12 follow?

13 A. SLED usually comes in and has us take a test to  
14 determine if we are competent to operate their system.

15 Q. And the standards that you're following and the  
16 tests that you do, are they the ones that are practiced  
17 nationwide as well?

18 A. The standards that we follow are based upon  
19 standards from the Scientific Working Group on Friction  
20 Ridge --

21 Q. That's a lot to take in.

22 A. -- Analysis, Study and Technology, otherwise known  
23 as SWGFAST. They go by their acronym.

24 Q. Probably much easier to say that.

25 A. Exactly.

ANDREW COKER - CROSS BY MR. McCOY

1 Q. Officer Coker, you were not on the scene that  
2 night to actually process vehicles for prints; is that  
3 correct?

4 A. That's correct.

5 Q. And you just received, through your police  
6 department and through a certain chain of custody, the  
7 particular items on cards to be compared?

8 A. That's correct.

9 Q. And we've gone through the results, slightly, on  
10 direct examination, but I would like to hit them briefly  
11 again with you because there are several components that  
12 are to this.

13 When we look at the report that was done by you  
14 that was completed on May the 19th, you examined -- there  
15 was a front passenger door of the Mercedes, a back  
16 passenger door, interior door handle, a rear passenger  
17 side door of the Mercedes; is that correct?

18 A. That's correct.

19 Q. And on that, the only prints that you identified  
20 as matches from the list that you were given from a  
21 sheriff's office were for a Hasheem Chambers and a Kadeem  
22 Chambers; is that correct?

23 A. That's correct.

24 Q. And fast forwarding to the next report that was  
25 done by Officer Murphy, you are receiving, again, cards

ANDREW COKER - CROSS BY MR. APOSTOLOU

1 that have prints on them from the sheriff's office; is  
2 that correct?

3 A. I don't recall whether they from were from the  
4 sheriff's office or whether it was a set that we obtained  
5 in our office from the database.

6 Q. Okay. Nevertheless, you take a look at it, and  
7 these are examining items that were found inside a car,  
8 which would be a CD, the front passenger door; business  
9 cards, white piece of paper from the glove box; and a  
10 vehicle registration from the trunk. Is that correct?

11 A. Yes, sir, additionally a description of paperwork.

12 Q. Okay. And your results, again, were only for  
13 positive IDs for Kadeem Chambers and a -- and just Kadeem  
14 Chambers, from what I see here.

15 A. It appears so, yes, sir.

16 Q. Okay. And the final report that was done by Kelly  
17 Murphy, you did not have a positive identification for  
18 Dashaun Simmons; is that correct?

19 A. That's correct.

20 MR. McCOY: I don't have any other questions,  
21 Your Honor.

22 MR. APOSTOLOU: Just briefly.

23 CROSS-EXAMINATION

24 BY MR. APOSTOLOU:

25 Q. Officer, you testified that there was a positive

ANDREW COKER - REDIRECT BY MS. SAVAS

1 hit for Quansantrina Rivers in your analysis; is that  
2 correct?

3 A. Yes, that's correct.

4 Q. What item was that on?

5 A. This is from the visor mirror on the driver's side  
6 of the vehicle.

7 Q. Which vehicle?

8 A. I do not know which vehicle was processed that  
9 day, so I don't have that information. It just says  
10 visor mirror, driver.

11 Q. Could I take a look at what your records --

12 A. Yes.

13 Q. The other analysis I saw for Quansantrina was a  
14 swab from a straw in a McDonald's cup that was in her  
15 car. Is that your understanding as well?

16 A. I do not know of any of the other evidence  
17 involving the case aside from the latents. The latents  
18 are the only other evidence that I deal with.

19 MR. APOSTOLOU: Okay. All right.

20 THE COURT: Any redirect?

21 MS. SAVAS: Yes, Your Honor.

22 REDIRECT EXAMINATION

23 BY MS. SAVAS:

24 Q. Sergeant Coker, in your years of experience, is  
25 there anything unusual about finding family members'

ANDREW COKER - RE CROSS BY MR. McCOY

1 prints in another family member's car?

2 A. No.

3 Q. How do you get your comparison prints?

4 A. Our prints for comparison are either submitted by  
5 the agency that sends us the latent prints, or if we have  
6 a known person we can do -- we can request a known  
7 standard, or a print card or a set of palm prints from  
8 the AFIS database.

9 Q. Okay. And, again, what does it mean when  
10 something is insufficient for identification?

11 A. It just means that it does not have suitable  
12 characteristics for identification, or individualization.

13 Q. Okay. Is it possible for someone to have touched  
14 a surface but then left that insufficient for  
15 identification print?

16 A. Yes.

17 Q. Okay.

18 MS. SAVAS: Nothing further.

19 THE COURT: Recross?

20 RE CROSS-EXAMINATION

21 BY MR. McCOY:

22 Q. Officer Coker, any positive hits for Jujuan  
23 Hemingway on any of your examinations?

24 A. No, there was not.

25 MR. McCOY: Thank you.

JAMES PERKINS - DIRECT BY MS. SHEALY

1 THE COURT: Any recross?

2 MR. APOSTOLOU: No, Judge.

3 THE COURT: All right. You can step down.  
4 You're free to go.

5 We've got two more fairly short witnesses  
6 we'll get in before lunch, and then we'll break for  
7 lunch.

8 JAMES PERKINS,  
9 having been first duly sworn,  
10 was examined and testified as follows:

11 DIRECT EXAMINATION

12 THE WITNESS: James Perkins, P-e-r-k-i-n-s.

13 BY MS. SHEALY:

14 Q. Detective Perkins, I'm so sorry to have to get you  
15 up here today. Are you out on medical leave now?

16 A. I am, for my leg.

17 Q. You're having problems with your leg?

18 A. Yes, ma'am.

19 Q. You work at the sheriff's office and have worked  
20 there for how long?

21 A. Approximately 13 years.

22 Q. And you are working there in the capacity as a  
23 detective; is that correct?

24 A. Yes, ma'am.

25 Q. And back on May 16th, and a few days after that,

JAMES PERKINS - DIRECT BY MS. SHEALY

1 of 2012, you were working as a detective in that capacity  
2 then as well?

3 A. Yes, ma'am.

4 Q. Now, the case that we're here for, this was not  
5 your case; is that correct?

6 A. Correct.

7 Q. That was Detective David Owens?

8 A. Correct.

9 Q. And as a detective at the sheriff's office, are  
10 other detectives sometimes asked to do certain deeds for  
11 the lead detective?

12 A. Yes, ma'am.

13 Q. In this case, do you recall what you had been  
14 asked to do?

15 A. They had asked me to go to MUSC, wherein we had a  
16 couple individuals that were shot, to collect GSRs.

17 Q. Okay. And, in fact, did you collect the GSR kit  
18 and the swabs from Jujuaain Hemingway and from Kadeem  
19 Chambers?

20 A. Yes, ma'am.

21 Q. And showing you what's been previously marked as  
22 State's Exhibits 125 and 126, could you tell us whether  
23 those are the GSR kits that you collected?

24 A. Yes, ma'am.

25 Q. Okay. And do you recall whether or not you

JAMES PERKINS - DIRECT BY MS. SHEALY

1 interviewed anybody that evening?

2 A. Well, the interview as it relates to the GSR, that  
3 comes along with certain questions about if a gun was  
4 fired, what were you doing prior to that, things like  
5 that.

6 Q. Things that would be connected with whether or not  
7 there could be GSR on their hands?

8 A. Correct.

9 Q. And, obviously, as it related to Kadeem Chambers,  
10 he was deceased?

11 A. Correct.

12 Q. Regarding Jujain Hemingway, did you do a short  
13 report after this?

14 A. I did.

15 Q. And I'll hand it up to you just in case you need  
16 to refresh your memory, but do you remember what you may  
17 have asked Jujain Hemingway?

18 A. Something similar to, you know, how the things  
19 occurred because that's the way it's indicated, and his  
20 reply was, We ended up -- apparently they took -- in  
21 travel, they took a wrong turn, or something to that  
22 effect, so --

23 Q. Did he go through any details of the crime with  
24 you?

25 A. I can't recall.

JAMES PERKINS - CROSS BY MR. APOSTOLOU

1 Q. Had he done so, would you have included that in  
2 your supplemental?

3 A. Correct.

4 Q. And could you tell the jury how many lines your  
5 supplemental is?

6 A. Six lines.

7 Q. And of that six-line report, if there had been  
8 greater detail, you would have included it?

9 A. Yes, I would have.

10 MS. SHEALY: Answer any questions the defense  
11 may have.

12 THE WITNESS: Yes, ma'am.

13 MS. SHEALY: Thank you.

14 THE WITNESS: Thank you.

15 MR. APOSTOLOU: Just briefly.

16 CROSS-EXAMINATION

17 BY MR. APOSTOLOU:

18 Q. Officer Perkins, we appreciate you being here. We  
19 know it's an inconvenience here. I apologize for it, but  
20 the actual verbiage here is basically he got lost during  
21 his travels?

22 A. Correct.

23 Q. And did anybody else interview him that you're  
24 aware of? I'm sorry?

25 A. As far as me, Sergeant Owens, at the time

JAMES PERKINS - CROSS BY MR. APOSTOLOU

1 Detective Owens, had only tasked me to conduct the  
2 GSR down at the hospital. That's what I did, did the  
3 interview as it relates to the GSR, like I previously  
4 indicated, and I don't know if anybody else interviewed  
5 him or not.

6 Q. Did you go over to the hospital with Officer  
7 Buckhannon?

8 A. Buckhannon was there.

9 Q. Who else was there?

10 A. I'm not sure, as far as law enforcement, because I  
11 was so engulfed in what I was doing as far as getting --  
12 you know, that's a fairly sensitive procedure, so you  
13 want to make sure you take time to make sure that's done  
14 correctly.

15 Q. Okay. Did you ask him if any knew anybody named  
16 Fat or anything to that effect?

17 A. No, I didn't.

18 Q. Do you remember any other law enforcement  
19 officers -- that was Detective Owen, or at the time  
20 Detective Owen, was he at the hospital at that time?

21 A. I can't recall that at this time.

22 Q. Do you remember any other law enforcement officers  
23 other than Officer Buckhannon being there?

24 A. No.

25 MR. APOSTOLOU: No further questions.

JAMES GREEN - DIRECT BY MS. SAVAS

1 MR. McCOY: Judge, I don't have any  
2 follow-up.

3 MS. SHEALY: Nothing further.

4 THE COURT: You may step down. Thank you.  
5 You're free to go.

6 Next witness?

7 MS. SAVAS: State calls James Green.

8 JAMES GREEN,

9 having been first duly sworn,  
10 was examined and testified as follows:

11 DIRECT EXAMINATION

12 THE WITNESS: James Green, G-r-e-e-n.

13 BY MS. SAVAS:

14 Q. What is your current job title, sir?

15 A. I'm a forensic firearms examiner.

16 Q. And which law enforcement agency are you employed  
17 by?

18 A. I'm employed by the South Carolina Law Enforcement  
19 Division, commonly referred to as SLED.

20 Q. And how long have you been employed there?

21 A. Since June 2005.

22 Q. And how long have you held that position?

23 A. Since June 2005.

24 Q. And what are your job duties?

25 A. A forensic firearms examiner is someone who looks

JAMES GREEN - DIRECT BY MS. SAVAS

1 at fired ammunition, components of fired bullets, fired  
2 cartridge cases, and tries to determine if they came from  
3 a specific firearm, or, if no firearm was submitted, we  
4 tell the submitting agency for suitability.

5 Basically, if we have a fired bullet submitted and  
6 no firearm submitted, we look at it and try to give the  
7 agency a list of firearms that could have fired it, and  
8 if they were to provide us with a firearm, if it was  
9 suitable for identification with the firearm.

10 Q. And do you have special training?

11 A. Yes, ma'am. I underwent the course of instruction  
12 at SLED. It's roughly a three- to three-and-a-half,  
13 sometimes four-year course of instruction studying under  
14 court-qualified firearms examiners.

15 Q. And have you ever testified in court before?

16 A. Yes, ma'am.

17 Q. And have you ever been declared an expert in court  
18 before?

19 A. Yes, ma'am.

20 MS. SAVAS: Your Honor, at this time the State  
21 would like to submit Mr. James Green as an expert in  
22 firearm examination.

23 MR. McCOY: No objection, Judge.

24 MR. APOSTOLOU: No objection.

25 THE COURT: All right.

JAMES GREEN - DIRECT BY MS. SAVAS

1           Folks, this witness has now been qualified as  
2 an expert in the field of firearms and will be allowed to  
3 give his opinion as part of his testimony. The same  
4 instructions I gave these earlier witnesses applies to  
5 this witness as well. You determine how much weight to  
6 give his testimony based on all that you've heard, and,  
7 again, you're not required to blindly accept a witness's  
8 testimony simply because they are an expert.

9           All right? Go ahead.

10          MS. SAVAS: Thank you, Your Honor.

11 BY MS. SAVAS:

12          Q. And did you have -- did you perform an analysis in  
13 this case?

14          A. Yes, ma'am.

15          Q. And what did you examine?

16          A. In this case, I had a fired cartridge case  
17 submitted, fired bullet jacket fragment, a fired lead  
18 bullet core fragment, and a lead fragment.

19          Q. I'm going to show you what has been admitted into  
20 evidence as State's Exhibit 145. Could you please  
21 identify that for us. If it may help you, you can bring  
22 it off the main envelope.

23          A. State's Exhibit 145 is SLED item 11, which was  
24 submitted in this case. It was a fired bullet jacket  
25 fragment, the fired lead core fragment, and the lead

JAMES GREEN - DIRECT BY MS. SAVAS

1 fragment.

2 Q. Could you open that for us, please.

3 A. You want me to open the smaller packaging as well?  
4 I left it in there because they're small.

5 Q. You don't have to. And could you explain to the  
6 jury what that is in your hands.

7 A. Yes, ma'am. State's Exhibit 145, you can see the  
8 copper colored piece right here, that's the fired bullet  
9 jacket fragment. This piece right here, the larger of  
10 the two lead pieces, is the fired lead core fragment.  
11 You can actually see the circular base to let you know  
12 it's a lead core, and then this last piece is kind of  
13 oblong. It's just a lead fragment.

14 Q. Looking up behind you, is that what you had  
15 examined? Are those the three pieces in your hand?

16 A. They look like them, yes, ma'am.

17 Q. Okay. And can you just briefly point out which of  
18 the three fragments are which one, starting from the  
19 left?

20 A. The one on the left would be the fired bullet  
21 jacket fragment.

22 Q. Okay.

23 A. The one in the middle is the lead fragment.

24 Q. Okay.

25 A. And the one on the right would be the lead core

JAMES GREEN - DIRECT BY MS. SAVAS

1 fragment.

2 Q. And could you please identify where these came  
3 from.

4 A. I have no direct knowledge of that, but based on  
5 the information submitted by the submitting agency, they,  
6 in quote, removed from thigh of autopsy from Chambers.

7 Q. Okay. And what exactly is a bullet fragment?

8 A. A bullet is the projectile portion of a cartridge,  
9 a cartridge being a complete, unfired piece of  
10 ammunition. Whenever the cartridge is fired, the firing  
11 pin hits the primer. It crushes the priming pellet and  
12 it spins a flame through the little hole, the flash hole,  
13 in the cartridge case, ignites the gunpowder. The  
14 gunpowder burns at varying rates and creates a gas.

15 The gas goes up to a certain pressure, the mouth  
16 of the cartridge cases slowly expands, and the bullet is  
17 expelled from the cartridge case. It travels down the  
18 barrel, engaging the rifling, towards the intended  
19 target. The cartridge case -- in physics, you go on  
20 opposite reactions. The cartridge case is forced back up  
21 against the breach face of the firearm, and it's a  
22 semi-automatic firearm that will expel and eject and  
23 strike that cartridge case.

24 And in this picture, the leftmost portion, the  
25 fired bullet jacket fragment. Bullets, for the most

JAMES GREEN - DIRECT BY MS. SAVAS

1 part, are made up of a jacket and core. It's like a lead  
2 core, and the jacket is formed around it. If it hits a  
3 hard surface or, depending on the type of bullet, they  
4 sometimes do separate, and that's what happened in this  
5 case.

6 Q. Can you also identify what's been -- beg the  
7 Court's indulgence -- marked as Exhibit 145-A, please.

8 A. State's Exhibit 145-A is the item 6, fired  
9 cartridge case, SLED item 6 submitted in this case. If  
10 you saw me roll it around with my fingers, each piece of  
11 evidence that comes into the firearms department is  
12 scribed -- like, an electronic engraver in pencil with a  
13 lab number, item number, and initials, and I'm just  
14 checking to see what that is.

15 But 145-A, State's Exhibit, is the SLED item 6,  
16 the fired cartridge case, that was submitted in this  
17 case.

18 Q. And are you able to identify where this came from?

19 A. Once again, no direct knowledge, but the  
20 submitting agency listed it as from roadway, and, in  
21 parentheses, H.

22 Q. And in your examination of this cartridge, what  
23 were you able to determine from it?

24 A. The caliber, from reading the head stamp, was 7.62  
25 by 39 MM, or millimeter, caliber cartridge case.

JAMES GREEN - DIRECT BY MS. SAVAS

1 Q. Okay. And what were the results of your  
2 examination from the bullet jacket fragments?

3 A. From State's -- the bullet jacket fragment, when a  
4 firearm is created, or manufactured, the rifling  
5 specifications are submitted to the FBI, and all firearms  
6 imported into the United States, also their  
7 specifications, are submitted to FBI and put into a  
8 database.

9 So in a case like this, where there is no firearm  
10 submitted, we can look at the bullet, or bullet jacket  
11 fragment, and measuring the rifling and clip it into the  
12 database, and it can give us a list of firearms. Based  
13 on the numbers of lands and grooves, the caliber, and  
14 those measurements, it can give us a list of possible  
15 firearms that could have fired them, and that's what I  
16 did in this case.

17 Q. And what does the caliber mean?

18 A. The caliber of a cartridge, the cartridge case, or  
19 the bullet, is determined by the measurement inside the  
20 bore, how wide it is, and that's all that it means, is  
21 how large the projectile is.

22 Q. Were you able to determine what type of firearm  
23 was used to fire that specific bullet jacket fragment?

24 A. Yes, ma'am. Based on what I saw in the  
25 measurements, I was able to come up with a list and

JAMES GREEN - DIRECT BY MS. SAVAS

1 provide it to the agency.

2 Q. And within that list, would an AK47 qualify as one  
3 of the possible firearms used to fire that bullet?

4 A. Yes, ma'am.

5 Q. Would an AK47 with a banana clip be able to be  
6 categorized in that list?

7 A. Well, AK47 -- to answer your question, yes. They  
8 use different types of magazines.

9 Q. And what exactly is a banana clip?

10 A. Well, what people call a banana clip is just a  
11 high capacity magazine that tends to curve.

12 Q. And could you briefly describe what an AK47 looks  
13 like.

14 A. If you watch the news, you see ISIS, you see the  
15 Soviet Bloc countries holding long, military style  
16 looking rifles. Probably the most popular firearm ever  
17 made is an AK47.

18 So if you watch the news, you see the guy standing  
19 there, holding them up, shooting them in the air, that's  
20 what an AK47 looks like. It's usually black with a wood  
21 stock.

22 Q. And just to clarify, that is a result from the  
23 bullet jacket fragment that was found from the autopsy,  
24 correct?

25 A. Yes, ma'am.

JAMES GREEN - DIRECT BY MS. SAVAS

1 Q. And going back to the cartridge, from the roadway,  
2 when you said that it may be suitable for identification  
3 of a specific firearm, were you able to identify a  
4 specific firearm?

5 A. No, ma'am. That means that if a firearm were  
6 submitted in this case that I may be able to identify it  
7 back to a firearm.

8 Q. And were you provided with a firearm in this case?

9 A. No, ma'am.

10 Q. Did that limit your ability to draw your  
11 conclusion on what specific type of firearm may have been  
12 used?

13 A. It did not my limit to say what type of firearm  
14 may have been used; it limited my ability to say that it  
15 was this firearm.

16 Q. And is an AK47 similar to other firearms that may  
17 have been qualified in your list?

18 A. Yes, ma'am. They all -- all on the list are AK47  
19 variants. They're not true AK47s, but they look like  
20 AK47s, so most people call them AK47s.

21 Q. And following your examination, what did you do  
22 with the evidence?

23 A. I sealed it back up, put it in -- or took it down  
24 to evidence control where it was transferred into a  
25 technician's custody, awaiting return to the submitting

JAMES GREEN - DIRECT BY MS. SAVAS

1 agency.

2 Q. Thank you. Beg the Court's indulgence.

3 What type of weapon is an AK47?

4 A. A true AK47 is considered an assault rifle. It  
5 has a detachable box magazine using intermediate caliber,  
6 meaning you can shoot semi-automatic or flip a switch and  
7 turn it to fully automatic or burst; however, those are  
8 very tightly regulated.

9 As I say, most people call anything that looks  
10 like an AK47 an AK47. Since I've been at SLED, I've seen  
11 one fully automatic AK47, and that was in our firearms  
12 reference collection. Everything we see that comes in  
13 that is called an AK47 is erroneously called that. It's  
14 just a semi-automatic rifle that looks like an AK47.

15 Q. Okay. And so the similar rifles used then would  
16 have fit into that same category that you had given the  
17 list from?

18 A. Yes, ma'am.

19 Q. And why are they called assault rifles?

20 A. That's just the name given by the media -- a true  
21 assault rifle, like I said, is very tightly regulated.  
22 Have you to get a lot of licenses to the federal  
23 government. It's just a name.

24 Q. And the caliber you had determined was a 7.62 by  
25 39 millimeter you stated. What is the significance of

JAMES GREEN - CROSS BY MR. McCOY

1 that caliber?

2 A. That was a caliber designed by Kalashnikov himself  
3 when he was designing the AK47 for use in Soviet Bloc  
4 countries.

5 Q. Would that be classified as high caliber or a low  
6 caliber?

7 A. It would be considered a high caliber.

8 Q. Are there certain noises that a high caliber shots  
9 fired may have made versus a lower caliber?

10 A. Well, that's not my area of expertise, but I've  
11 shot enough to know that the smaller the caliber, the  
12 smaller the sound, and the larger, faster-moving  
13 projectiles will sound louder and differently.

14 Q. And if a gun that shoots a higher caliber, such as  
15 an assault rifle, that would make a loud, booming noise?

16 A. Yes, ma'am.

17 Q. Okay.

18 MS. SAVAS: Nothing further.

19 THE COURT: Cross?

20 MR. McCOY: Briefly, Judge.

21 CROSS-EXAMINATION

22 BY MR. McCOY:

23 Q. Agent Green, good afternoon. My name is Peter  
24 McCoy. We've never spoken about this case; is that  
25 correct?

JAMES GREEN - CROSS BY MR. McCOY

1 A. That's correct.

2 Q. And looking at your report and reviewing your  
3 report, you listed one, two, three, four, five, six,  
4 seven, eight, nine, ten different types of, I guess,  
5 firearm manufacturers that this particular type caliber  
6 bullet could have been fired from a gun; is that correct?

7 A. Yes, sir.

8 Q. Do all of these items that you listed, names that  
9 you listed, do they produce what you would call an  
10 assault rifle?

11 A. No, sir.

12 Q. They don't?

13 A. Well -- a true assault rifle, no.

14 Q. Okay.

15 A. But what some people would call an assault rifle,  
16 yes.

17 Q. When we're talking about an assault rifle, you got  
18 into a little bit on direct examination, but can you tell  
19 me, you know, a length of assault rifles? When you hear  
20 the word assault rifle, are we talking about a rifle that  
21 you deer hunt with? Are we talking about something a  
22 little bit longer or something a little bit shorter?

23 A. There may be variations. When people see on TV,  
24 they see AK47s, they're usually about the length of a  
25 deer hunting rifle, or a regular rifle, but they do make

JAMES GREEN - CROSS BY MR. McCOY

1 these in different sizes.

2 Q. Okay.

3 A. They make AK47s in different variations and  
4 different sizes.

5 Q. When you're talking about the standard AK47, the  
6 one you say you have see very few of, are you talking  
7 about one that is the size of basically a deer hunting  
8 rifle?

9 A. Yes, sir. They're roughly about 38, 39 inches  
10 long.

11 Q. Okay. And how would you guesstimate what their  
12 particular weight would be?

13 A. I have never weighed one. I would say they're  
14 probably eight to ten pounds.

15 Q. And in terms of a recoil, or a kick, are they any  
16 different from a deer hunting rifle?

17 A. Depending on the caliber. Like, I shoot a 308.  
18 They're roughly the same size. They produce about the  
19 same amount of recoil.

20 Q. So similar to a 308?

21 A. Yes, sir.

22 MR. McCOY: Okay. Perfect. Thank you.

23 MR. APOSTOLOU: No questions.

24 THE COURT: Do you have anything on redirect?

25 MS. SAVAS: Yes, briefly.

JAMES GREEN - REDIRECT BY MS. SAVAS

1 REDIRECT EXAMINATION

2 BY MS. SAVAS:

3 Q. So is it common for people to confuse what a true  
4 AK47 is when they see it with what you refer to as a  
5 similar assault rifle?

6 A. Yes, ma'am. It's very common.

7 MS. SAVAS: Nothing further.

8 THE COURT: You can step down. Thank you.  
9 You're free to go.

10 All right, folks. I think this is where we  
11 will break for lunch. Let me see you for just a second.

12 (Discussion held at sidebar.)

13 THE COURT: Okay. Folks, we are going to  
14 break and ask you to be ready to go at 1:45. The lunches  
15 are -- the lunch is back there. Again, you can eat it  
16 there or take it with you. It's still nice outside. I  
17 think tomorrow it's supposed to be a little bit colder.  
18 Washington Park next door is a nice place to each lunch  
19 if it's still nice outside.

20 Feel free to leave the building, stretch your  
21 legs, do whatever you want except talk to each other  
22 about the case. Please don't talk to each other about  
23 the case or anyone else about the case. Don't try to  
24 look up anything on social media or post anything on  
25 social media, or any kind of media, for that matter, and

1 if you would be back in the room ready to go, we should  
2 be too at 1:45. Thank you for your patience this  
3 morning.

4 (Recess taken.)

5 A F T E R N O O N S E S S I O N

6 (In open court, jury not present.)

7 MR. PENNINGTON: I can proffer for the Court  
8 on behalf of my client that I've talked with him, and my  
9 anticipation is he would answer questions about his name,  
10 his address, his school, and what he's doing in life, and  
11 when you come to questions that pertain to questions  
12 about what was going on the day in question in this case  
13 and the follow-up interviews that occurred as a result of  
14 that, he's been advised that he will assert his Fifth  
15 Amendment privilege to remain silent and the answers  
16 could tend to incriminate.

17 THE COURT: All right.

18 MS. SHEALY: I've never had this happen in a  
19 case before, Judge, so I think I would like to go through  
20 that exercise.

21 THE COURT: Okay. Is he here?

22 MR. PENNINGTON: Yes, sir. He's right here  
23 in the front row.

24 THE COURT: Okay. Bring him up.

25

LORENZO MEHCIZ - DIRECT BY MS. SHEALY

- 1                                   LORENZO MEHCIZ,  
2                                   having been first duly sworn,  
3                                   was examined and testified as follows:  
4                                   DIRECT EXAMINATION  
5                                   THE WITNESS: Lorenzo Mehciz, M-e-h-c-i-z.  
6 BY MS. SHEALY:  
7           Q. Mr. Mehciz, could you tell us, please, where do  
8           you currently reside?  
9           A. Johns Island, South Carolina.  
10          Q. And are you at school at Denmark Tech?  
11          A. Yes, ma'am.  
12          Q. Does your mother live on Cynthia Drive?  
13          A. Yes, ma'am.  
14          Q. What is her address?  
15          A. [REDACTED] Cynthia Drive.  
16          Q. At the time of May 16th, 2012, were you residing  
17          there with your mother?  
18          A. Yes, ma'am.  
19          Q. Do you know a guy named Denzel Heyward?  
20          A. Yes, ma'am.  
21          Q. Do you call him Fat?  
22          A. Yes, ma'am.  
23          Q. How long have you known him?  
24          A. Since middle school, high school.  
25          Q. And are y'all pretty good friends?

LORENZO MEHCIZ - DIRECT BY MS. SHEALY

1 A. Yes, ma'am.

2 Q. Is he someone you still consider a friend?

3 A. Yes, ma'am.

4 Q. Focussing your attention on May 16th, 2012, did  
5 you get a phone call from Denzel earlier in the day about  
6 meeting up with you?

7 A. I refuse to answer any questions on grounds  
8 pertaining to me incriminating myself.

9 MS. SHEALY: And, Your Honor, my position in  
10 regard to that question would be I don't see how that  
11 could be incriminating.

12 THE COURT: Well, if he would be potentially  
13 exposed to being an accessory before the fact, then any  
14 communication from one of the codefendants that day could  
15 tend to be incriminating.

16 BY MS. SHEALY:

17 Q. Mr. Mehciz, regarding your contact with  
18 Mr. Heyward that evening and your contact with  
19 Mr. Dashaun Simmons -- who you also knew, correct?

20 A. Yes, ma'am.

21 Q. After the incident, are you going to assert your  
22 Fifth Amendment privilege?

23 A. Yes, ma'am.

24 Q. You're going to assert it as to any question  
25 regarding activity that night?

LORENZO MEHCIZ - DIRECT BY MS. SHEALY

1 A. Yes, ma'am.

2 Q. As to your two statements that you made to  
3 investigators of the public defender's office and  
4 Mr. Apostolou's office?

5 A. Yes, ma'am.

6 Q. And statements you made to police?

7 A. Yes, ma'am.

8 MS. SHEALY: I think that's all.

9 THE COURT: All right. Well, it's clear that  
10 the witness will be asserting his Fifth Amendment  
11 privilege and he will be not available to testify, so you  
12 may step down.

13 MR. PENNINGTON: May be he excused?

14 THE COURT: He's not currently charged with  
15 anything?

16 MS. SHEALY: He's not currently charged with  
17 anything, no. What if he had a change of heart about  
18 whether he wants to testify at the end of the trial?

19 THE COURT: Then he should contact either you  
20 or Mr. Pennington.

21 MR. PENNINGTON: Thank you.

22 THE COURT: Thank you, Mr. Pennington.

23 All right. Do you have your next witness  
24 lined up?

25 MS. SHEALY: I do. Yes, I do.

JUJUAIN HEMINGWAY - DIRECT BY MS. SHEALY

1 THE COURT: All right. What is your schedule  
2 for the afternoon?

3 MS. SHEALY: I have -- this next witness will  
4 be lengthy, Your Honor. Then I have a very brief  
5 witness, and then I anticipate four other witnesses.

6 THE COURT: Okay. Who is the next witness?

7 MS. SHEALY: Jujuain Hemingway.

8 (In open court, jury present.)

9 THE COURT: Be seated. Okay, folks. Welcome  
10 back. We'll resume with the State calling their next  
11 witness.

12 MS. SHEALY: Thank you, Your Honor. Jujuain  
13 Hemingway.

14 JUJUAIN HEMINGWAY,  
15 having been first duly sworn,  
16 was examined and testified as follows:

17 DIRECT EXAMINATION

18 THE WITNESS: First name Jujuain, last name  
19 Hemingway.

20 BY MS. SHEALY:

21 Q. You did a good job that time being close to the  
22 microphone. If you could, speak up for us, because I  
23 know you're very quiet spoken.

24 Could you tell the jury, please, if you would, how  
25 old are you now?

JUJUAIN HEMINGWAY - DIRECT BY MS. SHEALY

- 1 A. Nineteen.
- 2 Q. And back in 2012, in May, how old were you?
- 3 A. Seventeen.
- 4 Q. In 2012, where were you living?
- 5 A. With my mom.
- 6 Q. With your mother? And where did your mother live?
- 7 A. Longs, in Horry County.
- 8 Q. And is that sort of near North Myrtle Beach,
- 9 Conway?
- 10 A. Yes, ma'am.
- 11 Q. Your mother is Loretta Hemingway?
- 12 A. Yes, ma'am.
- 13 Q. And did you have a brother named Kadeem Chambers?
- 14 A. Yes, ma'am.
- 15 Q. And was he your older brother or your younger
- 16 brother?
- 17 A. My older brother.
- 18 Q. Now, do you and he share the same parents?
- 19 A. We got the same dad.
- 20 Q. Same father. Okay. Do you have a brother named
- 21 Kareem?
- 22 A. Yes, ma'am.
- 23 Q. And do you and he share the same parents?
- 24 A. Same mother.
- 25 Q. Okay. And how old is Kareem compared to you?

—JUJUAIN HEMINGWAY - DIRECT BY MS. SHEALY—

1 A. He's 27, about eight years older.

2 Q. And did Kadeem have a brother named Hasheem?

3 A. Yes, ma'am.

4 Q. And that is Kadeem's brother by --

5 A. His mother.

6 Q. By his mother. Okay. How far did you go in  
7 school?

8 A. Eleventh grade year.

9 Q. And when you finished in the eleventh grade, did  
10 you start working?

11 A. Yes, ma'am.

12 Q. What kind of work did you start doing?

13 A. Landscaping.

14 Q. And what type of work are you doing now?

15 A. Well, right now landscaping business is kind of  
16 slow because of wintertime, so I ain't really working  
17 nowhere right now.

18 Q. So you got to find another job?

19 A. Yes, ma'am.

20 Q. Now, you don't have any type of criminal  
21 conviction, do you?

22 A. No, ma'am.

23 Q. Tell us a little bit more about your relationship  
24 with Kadeem. Were y'all very close?

25 A. Yes, ma'am. We were close.

JUJUAIN HEMINGWAY - DIRECT BY MS. SHEALY

1 Q. Did y'all grow up in the same home or not in the  
2 same home?

3 A. Well, at one point in time we was staying together  
4 in the same home.

5 Q. I'm sorry?

6 A. We were staying together at the same home at one  
7 point in time.

8 Q. Was that your mother's home or his mother's home?

9 A. My mother's home.

10 Q. Your mother's home. So your brother Kareem, who  
11 is not biologically related to Kadeem, are they like  
12 brothers too?

13 A. Yes, ma'am.

14 Q. Do you have a large family?

15 A. Yeah.

16 Q. Now, you've mentioned that y'all shared the same  
17 father. Is your father still alive?

18 A. No. He passed.

19 Q. And did he die in a car wreck?

20 A. Yes, ma'am.

21 Q. Any when that happened, was there some settlement  
22 money that was divided amongst his children?

23 A. Yes, ma'am.

24 Q. And the provision was that you could get it at  
25 what age?

JUJUAIN HEMINGWAY - DIRECT BY MS. SHEALY

1 A. At 18.

2 Q. Could you tell the jury, at the time in May, you  
3 had not turned 18 yet; is that correct?

4 A. No, ma'am.

5 Q. But Kadeem had?

6 A. Yeah.

7 Q. What did Kadeem do with the money he inherited?

8 A. I don't really know what he did, but he did buy a  
9 car.

10 Q. Did he ultimately buy that Mercedes?

11 A. Yes.

12 Q. Were you and Kadeem close at the time that this  
13 occurred in May?

14 A. Yes, ma'am.

15 Q. And how often would y'all get to see each other?

16 A. Every other day.

17 Q. And focussing your attention -- let me ask you  
18 this: In May of 2016, can you tell me who had the  
19 telephone number 694-29[REDACTED]?

20 A. I think that's my number. Yeah, that's my number.

21 Q. That was your number?

22 A. Yeah.

23 Q. And what about the number 742-87[REDACTED]?

24 A. That was Kareem's number.

25 Q. I'm going to show you two phones and ask you if

JUJUAIN HEMINGWAY - DIRECT BY MS. SHEALY

1 you recognize these. This is State's Exhibit 129, and  
2 it's a cellphone that was found in the Mercedes. Whose  
3 phone is that?

4 A. Kadeem's phone.

5 Q. Kadeem's phone?

6 A. Yeah.

7 Q. And showing you what's been marked as State's  
8 Exhibit 138, could you tell us whose phone that is?

9 A. Kadeem's phone.

10 Q. Now, earlier in the day on the 16th, did you and  
11 Kadeem have a discussion about driving out of town?

12 A. Yes, ma'am.

13 Q. And what did you agree to do?

14 A. Ride with him.

15 Q. Where did he say y'all were going to go?

16 A. He said we were going to Charleston.

17 Q. Could you tell the jury, had you ever been to  
18 Charleston before?

19 A. No.

20 Q. And when y'all made that decision, who drove?

21 A. I drove.

22 Q. Was it fun for you to get to drive?

23 A. Yeah. It was the first time he let me drive that  
24 far away.

25 Q. And you were driving a Mercedes?

JUJUAIN HEMINGWAY - DIRECT BY MS. SHEALY

1 A. Uh-huh.

2 Q. And how did you know where to go?

3 A. GPS.

4 Q. And was there a GPS device, or were you doing it  
5 on the phones?

6 A. Kadeem was doing it on his phone.

7 Q. Was he also having conversations on the phone?

8 A. Yeah.

9 Q. Now, did Kadeem tell you why he needed to go to  
10 Charleston?

11 A. No. He never let me know what he was doing.

12 Q. Did he indicate to you whether he had any business  
13 to do?

14 A. No.

15 Q. Okay. And did you know who it was that y'all were  
16 going to meet up with or what y'all were going to do?

17 A. No, ma'am.

18 Q. But you went along for the ride?

19 A. Uh-huh.

20 Q. Now, on the way there, did you and Kadeem smoke  
21 some marijuana?

22 A. Yes, we did.

23 Q. And was that marijuana yours or Kadeem's?

24 A. Mine.

25 Q. Showing you what has been marked as State's

JUJUAIN HEMINGWAY - DIRECT BY MS. SHEALY

1 Exhibit 82, Jujuaain, if you could look behind you, is  
2 that a photograph of the bag that had marijuana in it?

3 A. Yes.

4 Q. And showing you State's Exhibit 83, is that  
5 another baggy that had marijuana on it?

6 A. Yes.

7 Q. And as y'all were traveling to Charleston, y'all  
8 had some marijuana?

9 A. Yes.

10 Q. How did y'all smoke it?

11 A. In a cigarette.

12 Q. In a cigarillo?

13 A. Uh-huh.

14 Q. And how does that work, you just stuff it in?

15 A. Uh-huh.

16 Q. Now, do you remember whether there was anything in  
17 the back seat of the car as y'all were traveling?

18 A. Some food.

19 Q. What kind of food?

20 A. Some hibachi food.

21 Q. Do you know where that came from?

22 A. I think it came from a place we usually go eat at  
23 in North Myrtle Beach.

24 Q. You said it was hibachi?

25 A. Uh-huh.

—JUJUAIN HEMINGWAY - DIRECT BY MS. SHEALY—

1 Q. Were you -- whose food was it, your food or  
2 Kadeem's?

3 A. Kadeem's food.

4 Q. Were you with him when he purchased the food?

5 A. No, ma'am.

6 Q. Do you know whether he had eaten the food?

7 A. No, ma'am.

8 Q. What type of bag was it in the back, do you  
9 remember?

10 A. A plastic bag.

11 Q. Like a to go bag?

12 A. Yeah.

13 Q. Okay. What else was in the vehicle that you can  
14 remember? Did y'all have some CDs in the vehicle?

15 A. Yeah, a lot of CDs.

16 Q. What about any kind of drink bottles, do you  
17 remember?

18 A. Gatorade bottle.

19 Q. Did you have the opportunity before you left to  
20 look in the trunk of the Mercedes?

21 A. No, no, I didn't look in no trunk.

22 Q. You indicated that you were getting direction from  
23 Kadeem, and then you would put it in the GPS -- or, no,  
24 he was putting it in the GPS?

25 A. Yeah.

JUJUAIN HEMINGWAY - DIRECT BY MS. SHEALY

1 Q. Where were the directions getting texted to, did  
2 you know?

3 A. Say it again?

4 Q. Where were the directions getting texted to? Was  
5 he receiving directions on his phone?

6 A. I don't know if he was receiving directions. I  
7 don't know how he got it --

8 Q. But he was telling you how to drive?

9 A. He was telling me where to go.

10 Q. You're telling us you hadn't been to Charleston.  
11 Had you ever been to Johns Island before?

12 A. No, ma'am.

13 Q. Did Kadeem tell you the nickname or who it was  
14 y'all were supposed to meet?

15 A. No, ma'am.

16 Q. And do you know whether Kadeem would go to South  
17 Carolina State at all?

18 A. No, ma'am.

19 Q. You don't know whether he had friends there?

20 A. No.

21 Q. Now, did Kadeem appear to know where to go when he  
22 was telling you what to do?

23 A. No. He didn't really know where to go at.

24 Q. Did you eventually pull into a neighborhood?

25 A. It was like a street with a lot of houses.

JUJUAIN HEMINGWAY - DIRECT BY MS. SHEALY

1 Q. So not a subdivision, but a street with homes on  
2 it?

3 A. Yes.

4 Q. And do you pull over at some point?

5 A. Yeah.

6 Q. When you pulled over, do you remember having a  
7 discussion with your brother about where y'all were?

8 A. Yeah.

9 Q. And what were y'all's thoughts?

10 A. What was our thoughts?

11 Q. Yes. Did it feel right?

12 A. It felt like something wasn't right, like  
13 something was about to go down or something.

14 Q. Why did you feel that way?

15 A. Because it was on a dark straight road.

16 Q. And it just didn't feel right?

17 A. Yeah.

18 Q. Did Kadeem tell you to turn off the car?

19 A. Yeah. He told me turn off the car.

20 Q. Did you turn off the car?

21 A. No.

22 Q. Why?

23 A. 'Cause I ain't want to turn off the car.

24 Q. Did you feel uneasy turning off the car?

25 A. I felt uncomfortable.