

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Greenville County

Honorable Alexander S. Macaulay, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRADFORD HESTER WILLIAMS,

APPELLANT

APPELLATE CASE NO 2017-001753

RECORD ON APPEAL

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SC Court of Appeals

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THIS COURT:
STATE'S EXHIBIT #53 (CD AUDIO INTERVIEW
OF MITCHELL SLOAN)**

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE	)	2015-GS-23-02941
	)	2015-GS-23-02942
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
BRADFORD HESTER WILLIAMS,	)	
DEFENDANT.	)	VOLUME I
	)	

August 8 and 9, 2017
Greenville, South Carolina

B E F O R E:

THE HONORABLE ALEXANDER S. MACAULAY, JUDGE; and a jury.

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

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Assistant Solicitors

Scott D. Robinson, ESQ.
Attorney for the Defendant

HOLLIE M. JENKINS
Circuit Court Reporter

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(SW) - Denotes State's Witness
 (DW) - Denotes Defense Witness
 (IC) - Denotes In Camera

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Greenville County.

P R O C E E D I N G S

1
2 THE COURT: All right. Solicitor, you may call your
3 first case.

4 MR. GREGORY: May it please the Court, Your Honor.

5 This is State v. Bradford Williams, under indictment
6 2015-GS-23-02941 and 2015-GS-23-02942. It's two counts of
7 murder and two counts of possession of a weapon during the
8 commission of violent a crime.

9 THE COURT: Very good.

10 Is the Defendant here?

11 THE COURTROOM OFFICER: Yes, sir. We're getting him
12 right out.

13 THE COURT: Very good.

14 (Pause.)

15 (WHEREUPON, Defendant Bradford Hester Williams
16 entered the courtroom.)

17 MR. ROBINSON: Your Honor --

18 THE COURT: All right. Mr. Robinson.

19 MR. ROBINSON: -- may it please the Court.

20 Your Honor, I want to make sure that -- a lot of --
21 some of the witnesses are duplicative in here. So I
22 wanted to make the Court aware. I went back through.
23 About six of my witnesses, they have the same witnesses on
24 their list. And I wanted to make the Court aware so we
25 don't --

1 THE COURT: Well, is -- do you recognize that
2 problem, too -- or not problem, but just duplication?

3 MR. GREGORY: Yes, Your Honor. I realize that.

4 THE COURT: All right. Then why don't we --
5 Do you have the numbers?

6 MR. ROBINSON: I do, Your Honor.

7 THE COURT: I'd rather work from the State's list, if
8 there are duplications.

9 All right. So which -- give me the first one on the
10 State's list that is a duplicate of a Defense witness.

11 MR. ROBINSON: It would be number 40, Your Honor, on
12 the State's list.

13 THE COURT: William Ellison; is that correct?

14 MR. ROBINSON: Yes, sir.

15 41.

16 THE COURT: Alisha Taylor?

17 MR. ROBINSON: Yes, sir.

18 And 47, Your Honor, Brittany Lane.

19 THE COURT: 47?

20 MR. ROBINSON: Yes, Your Honor.

21 THE COURT: Brittany Lane?

22 MR. ROBINSON: Yes, sir.

23 THE COURT: Any others?

24 MR. ROBINSON: No, sir.

25 THE COURT: All right. And as I have the Defense

1 list, then that would be -- let's see. William Ellison,
2 number five?

3 MR. ROBINSON: Yes, sir.

4 THE COURT: And Alisha Taylor, number 6?

5 MR. ROBINSON: Yes, Your Honor.

6 THE COURT: And Brittany Lane, number 7?

7 MR. ROBINSON: Yes, Your Honor.

8 THE COURT: All right. So I'll only ask those names
9 from the State's list.

10 MR. ROBINSON: Yes, sir, Judge.

11 THE COURT: All right. Also, we have some proposed
12 voir dire from the Defendant.

13 Any objection from the State?

14 MR. GREGORY: I have no objection, Your Honor. I
15 believe that's part of your standard voir dire.

16 THE COURT: All right. Does the State have any
17 requests for voir dire?

18 MR. GREGORY: No, Your Honor.

19 THE COURT: Very good.

20 Now, any motions from the State?

21 MR. GREGORY: Not from the State, Your Honor.

22 THE COURT: From the Defense?

23 MR. ROBINSON: Yes, sir, Judge.

24 May it please the Court.

25 THE COURT: Yes, sir.

1 MR. ROBINSON: Your Honor, the motion that I have --
2 and I believe that the State has agreed to this. This is
3 a motion in limine, Your Honor, to exclude three things,
4 three -- three pieces of evidence or testimony.

5 First, exclude any testimony regarding gang activity.
6 That's one.

7 THE COURT: All right.

8 MR. ROBINSON: Second, Judge, exclude any testimony
9 on illegal drugs. That's number two.

10 THE COURT: Okay.

11 MR. ROBINSON: And, number three, Judge, exclude any
12 reference to Bradford Williams as Black Loc. That would
13 be spelled B-L-A-C-K --

14 THE COURT: Just a moment.

15 MR. ROBINSON: Yes, sir.

16 THE COURT: All right. B-L-A-C-K?

17 MR. ROBINSON: Yes, sir.

18 And space Lock -- or Loc, L-O-C.

19 THE COURT: All right. As I understand your motion
20 in limine -- let me just go ahead and state it is the
21 testimony will be excluded of anything dealing with gang
22 activity, illegal drugs, or reference to the Defendant,
23 also known as Black Loc.

24 MR. ROBINSON: Yes, Your Honor.

25 THE COURT: Any objection from the State?

1 MR. GREGORY: Your Honor, the only thing I would add
2 is, obviously, the State has no reason -- or we have no
3 desire to go into gang activity or drugs -- illegal drugs.

4 However, the Black Loc, a lot of my witnesses were
5 friends -- or several of them know him as "Black Loc."
6 Whether or not they know him as Bradford Williams -- they
7 know him as Black Loc. That's the nickname he has. And
8 most of those civilian witnesses that we will put on have
9 nicknames.

10 We're not going to associate that name with -- you
11 know, if it's a gang name, or anything like that. But
12 that's just the name that they know him by. And it'll
13 be -- if they talk about that name, it's simply for
14 identification purposes.

15 THE COURT: Mr. Robinson.

16 MR. ROBINSON: May it please the Court.

17 Your Honor, I think, really, a couple of things.
18 First, I don't think it's relevant in this case as far
19 as -- to call my client "Black Loc." It's State v.
20 Bradford Williams, not Black Loc. It's not relevant.

21 Secondly, Your Honor, regarding the -- using that
22 terminology to describe my client or his nickname, I
23 think -- I think the prejudicial value in this case would
24 be -- far outweighs -- far outweighs any probative value
25 to them calling him Black Loc.

1 There's no -- there's really no reason for them to do
2 that. I understand this, oh, we know him as this. It --
3 what it connotes is someone who is on the street who does
4 illegal activity, things of this nature.

5 It also -- I think, also, third, it goes potentially
6 to character evidence in this case as far as Black Loc
7 goes. I think the connotation is negative. I believe --
8 I don't believe that it's relevant. Just because their
9 witnesses know him as Black Loc, that's not really -- that
10 doesn't really matter. Because the connotation itself --

11 THE COURT: Well, the only thing is if they only know
12 him as Black Loc, how else would you want them to identify
13 him, if they don't know him by his real -- his given name?

14 Do you want them to refer to him as the "Defendant"?

15 MR. ROBINSON: Yes, sir, I do.

16 THE COURT: The "accused"?

17 I'm just -- I think that you've got a problem both
18 ways.

19 I would instruct your witnesses, particularly those
20 that might be susceptible to using only the nickname, that
21 he -- they be instructed not to use the nickname, and tell
22 them that his real name is Bradford Williams. And it can
23 be either "Bradford Williams" or -- I would not suggest
24 they use "defendant" or "accused," anything to identify
25 him as a party to the action in this incident. That's not

1 how they knew him at the time they were referring to him.

2 MR. GREGORY: Yes, Your Honor.

3 THE COURT: So let's just -- just instruct them --
4 how many do you think there might be that would have
5 that -- you have a witness coordinator, don't you?

6 MR. GREGORY: I -- I believe it would be about six or
7 seven that would -- that know -- probably knew him as
8 "Black Loc."

9 THE COURT: Well, you can tell them that -- what is
10 it? -- that the Court will instruct them if they do
11 mention it, I'll probably send the jury out and then
12 instruct them myself.

13 MR. GREGORY: Yes, Your Honor.

14 THE COURT: I think it'd be better if --

15 MR. GREGORY: I -- I will inform them before they
16 take the stand.

17 THE COURT: Make sure your jury coordinator -- not
18 jury, but your witness coordinator -- what is it? --
19 advises them that -- and if they have any questions about
20 it, let me know --

21 MR. GREGORY: Yes, sir.

22 THE COURT: -- before it comes out. Because I would
23 just assume not to have to address it --

24 MR. GREGORY: Yes, Your Honor.

25 THE COURT: All right. Thank you.

1 MR. ROBINSON: Thank you, Your Honor.

2 THE COURT: Next.

3 MR. ROBINSON: That's the Defense's motions, Your
4 Honor.

5 THE COURT: Very good.

6 All right. Have we got a jury?

7 THE CLERK: They're down there.

8 THE COURT: Do we have all 40?

9 THE CLERK: Uh-huh.

10 THE COURT: All right. As I understand it, the --
11 this is a five and 10 case. The State gets five
12 challenges -- preemptory challenges, and the Defense gets
13 10.

14 Is that correct from the State?

15 MR. GREGORY: Yes, Your Honor.

16 THE COURT: Defense?

17 MR. ROBINSON: Yes, Your Honor.

18 THE COURT: And I'm going to see -- I think we'll be
19 able to draw two alternates. I understand the case may go
20 over a day. We'll get two alternates. And it'll be one
21 and two strikes for each alternate.

22 Is that correct from the State?

23 MR. GREGORY: Yes, Your Honor.

24 THE COURT: Mr. Robinson?

25 MR. ROBINSON: Yes, Judge.

1 THE COURT: Thank you.

2 THE CLERK: Send them up?

3 THE COURT: Yes, ma'am.

4 (Pause.)

5 (WHEREUPON, the jury panel entered the courtroom.)

6 THE COURT: Good morning, ladies and gentlemen.

7 My name is Alex Macaulay. I am a circuit judge. And
8 my home is in Oconee County. And that's my home circuit,
9 the Tenth Circuit.

10 I have been assigned here to the Thirteenth Circuit
11 in Greenville County for a term of General Sessions court.
12 It's sometimes called criminal court. Its purpose is to
13 resolve questions of alleged criminal conduct arising
14 between the State of South Carolina and the Defendant in a
15 fashion which will ensure that justice under the law is
16 accomplished.

17 The trial of a case begins with the selection of a
18 jury. Both the State and the Defendant are entitled to
19 jurors who approach the case with an open mind.

20 The trial judge -- or jury must be as
21 deplete [phonetic] as humanly possible from any bias,
22 prejudice, or sympathy for either side, and free from any
23 preconceived ideas on the facts of the case or the law of
24 the case. Therefore, certain questions will be asked of
25 you as the petit jury panel. These questions will be

1 asked or designed to ensure each side a fair and impartial
2 jury.

3 I might note further that if any person should
4 attempt to talk with you about any case scheduled for this
5 term of General Sessions court, it would be your solemn
6 duty to immediately report them and that matter to the
7 Court. And I will take the appropriate action.

8 Now, we'll begin with the selection of the jury.
9 Now, if anyone cannot hear me or understand what I'm
10 saying, please, raise your hand.

11 Now, the courtroom is a smaller courtroom, so that's
12 not necessarily a difficult situation. But when --
13 normally, in a larger courtroom, I always suggest that
14 that might be an interesting question because if you
15 couldn't hear me, you wouldn't know to raise your hand.

16 But, again, as I say, if you do not understand what
17 I'm saying, do raise your hand. And I'll try to speak
18 more clearly.

19 Mr. Solicitor, you may call your first case.

20 MR. GREGORY: May it please the Court, Your Honor.

21 This is the State v. Bradford Williams. The
22 indictment number is 2015-GS-23-02941 and 2015-GS-23-02942
23 with two counts of murder and two counts of possession of
24 a weapon during the commission of a violent crime.

25 THE COURT: Thank you, sir.

1 Ladies and gentlemen of the petit jury panel, please,
2 give me your attention. We're about to commence the trial
3 of the case entitled the State of South Carolina v.
4 Bradford Williams. He's charged with in two indictments
5 with murder and possession of a weapon during the
6 commission of a violent crime.

7 The State will be presented by Mr. Moyer and
8 Mr. Gregory.

9 Mr. Gregory, Mr. Moyer, if you'll, please, stand and
10 introduce yourself to the jury and anyone who will be
11 assisting you on the trial of this case.

12 MR. GREGORY: Good morning, ladies and gentlemen.

13 My name is Jon Gregory. I'm an assistant solicitor
14 here in Greenville County. Seated with me is Mark Moyer
15 and Andrea Phillips, both who work at the Greenville
16 County Solicitor's Office.

17 THE COURT: If you would, please, stand and look upon
18 the jury. Just stand and -- so they can see you.

19 Thank you very much.

20 Mr. Robinson -- or rather, Mr. Bradford Williams is
21 represented by Mr. Robinson.

22 Mr. Robinson, if you would, please, stand and
23 introduce yourself and your client.

24 MR. ROBINSON: Thank you, Judge.

25 Good morning.

1 My name is Scott Robinson. And I am a Greenville
2 attorney. And this is my client, Mr. Bradford Williams.

3 DEFENDANT WILLIAMS: Hey. How y'all doing?

4 My name is Bradford Williams.

5 MR. ROBINSON: Thank you.

6 THE COURT: Very good. Thank you, sir -- or
7 gentlemen.

8 JURY QUALIFICATION

9 THE COURT: Is any member of the jury panel related
10 by blood or marriage to the Defendant, Mr. Bradford
11 Williams? If so, please, stand.

12 (WHEREUPON, there was no response.)

13 THE COURT: I understand this is a -- a homicide.
14 What were the names of the defendants -- not the
15 defendants, the victims?

16 MR. GREGORY: The victims, Your Honor, were Sylvester
17 Fuller and Jamal Justice.

18 THE COURT: All right. Is any member of the jury
19 panel related by blood or marriage to the --

20 Again, Sylvester -- do the the names again. I didn't
21 have those first.

22 MR. GREGORY: Sylvester Fuller and Jamal Justice.

23 THE COURT: Each of whom is deceased.

24 Is any member of the jury panel or members of their
25 immediate family related by blood or marriage to any of

1 the -- or either of the deceased victims?

2 (WHEREUPON, there was no response.)

3 THE COURT: All right. I'm going to read out the
4 list of names of potential witnesses that may be called in
5 this case. These are potential witnesses. They do not
6 have to be called, but they could be called in -- in the
7 case.

8 Now, I'll be interested in -- once I read out the
9 names, I'll be asking you if any member of the jury panel
10 is related by blood or marriage, close personal friend, or
11 business associate of any of these potential witnesses.

12 If the witnesses happen to be in the courtroom at the
13 time, if they would, also, stand and look upon the jury.

14 By the way, I do that, of course, because in these
15 days and times, we might not recognize a person's name,
16 but we would -- if we see them, we can identify that we
17 do know or have had or will have some association with
18 them.

19 All right. As I say, I'm reading out the names of
20 the potential witnesses in this case: Patrick Wilkinson
21 with the Greenville County Sheriff's Office; Judson
22 Belding with the Greenville County Sheriff's Office; M.D.
23 Ayers with the Greenville County Sheriff's Office; Brandt
24 McQueen, Greenville County Sheriff's Office; Joseph
25 Corneroli, Greenville County Sheriff's Office; Joe

1 Seegars, Greenville County Sheriff's Office; Justin
2 Lanford, Greenville County Sheriff's Office; Devon Hoover,
3 Greenville County Sheriff's Office; Antonio Bailey,
4 Greenville County Sheriff's Office; Robert Whatley,
5 Greenville County Sheriff's Office; Terrence Bowers,
6 Greenville County Sheriff's Office; Michael Kastner,
7 Greenville County Sheriff's Office; Wayne Campbell,
8 Greenville County Sheriff's Office; Jim Perry, Greenville
9 County Sheriff's Office; Henry Hammett, Greenville County
10 Sheriff's Office; Michael Fortner, Greenville County
11 Sheriff's Office; Sergeant Jonathan Hamilton; Mr. Robert
12 Parker; Ms. [sic] Dar Shaw, that's D-A-R, Shaw, S-H-A-W;
13 Timothy Riley; Mr. Christopher Gary; Mr. Riley -- or
14 Ms. Riley Hope; James Armstrong; Tyler Sturkie;
15 Ms. Jennifer Nates; Ms. Andrei Glinyany; Mr. Louis
16 Esposito; Mr. Shelton England; Mr. Kent Dill; Dr. James
17 Fulcher; Ms. Kara Bennick; Ms. Kathy Lance; Mr. Kyle
18 Gilliam; Ms. Melanie Watson; Ms. Cindy Witherspoon;
19 Ms. Jennie Coley; Ms. Quante Davis -- or Mr. Quante Davis,
20 I'm not sure which; Jesse Barksdale; William Ellison;
21 Alisha Taylor; Raymond Briggs, Jr.; Bobby Snoddy; Lakeisha
22 Johnson; Erik Bryant; Raymond Brigs; Brittany Lane; Calvin
23 Griffin; Michael -- Mitchell Sloan; Tiara Washington;
24 Victoria Williams; DeAndre Williams; Middleton Williams;
25 Nefertari Washington; Shante Ballenger.

1 Is there any member of the jury panel related by
2 blood or marriage, close personal friend, or a business
3 associate with any of the potential witnesses in this
4 case? If so, please, stand at this time.

5 (WHEREUPON, there was no response.)

6 THE COURT: Is there any member of the jury panel a
7 member of the Grand Jury of Greenville County in the year
8 2014, the Grand Jury that returned the indictments in this
9 case? If so, please, stand.

10 (WHEREUPON, there was no response.)

11 THE COURT: Have you or any members of your family,
12 including brothers, sisters, parents, or children, or
13 close friends, ever been the victims of a criminal -- a
14 victim of criminal conduct?

15 Now, if that question might apply to you, I would ask
16 you to stand. And I will ask you to come forward
17 individually so I might speak privately with you.

18 Any member of the jury panel or any members of their
19 family, including brothers, sisters, parents, or children,
20 or close friends, ever been the victim of a criminal -- of
21 criminal conduct? If so, please, stand.

22 Yes, sir.

23 If I could have the bailiff to bring the juror up.

24 (WHEREUPON, a bench conference was held with the
25 Court, the attorneys, and potential jurors.)

1 (WHEREUPON, Juror #190, Tori Adams, came forward.)

2 THE COURT: Good morning.

3 JUROR #190, TORI ADAMS: Good morning.

4 My cousin is in jail now for, I think, assault and
5 battery, or attempted murder, something like that.

6 THE COURT: Let me ask you, would that in any way
7 interfere with your ability to give both the State and the
8 Defendant a fair and impartial trial in this case?

9 (WHEREUPON, there was no response.)

10 THE COURT: If you have any reluctance -- because I
11 don't want to put you in a situation where you would have
12 to compromise --

13 JUROR #190, TORI ADAMS: Yes.

14 THE COURT: So I'm going to excuse you from the trial
15 of this case.

16 Thank you for being here.

17 What's your name, please?

18 JUROR #190, TORI ADAMS: Tori Adams.

19 THE COURT: You're #190. Very good.

20 (WHEREUPON, Juror #190, Tori Adams, was seated.)

21 THE COURT: She's excused.

22 (WHEREUPON, Juror #83, Anderson Horne, came forward.)

23 THE COURT: Yes, sir.

24 JUROR #83, ANDERSON HORNE: Judge Macaulay --

25 THE COURT: Your name, please?

1 JUROR #83, ANDERSON HORNE: Anderson Horne.

2 THE COURT: Yes, sir.

3 JUROR #83, ANDERSON HORNE: My house was broken into
4 twice.

5 THE COURT: Okay. Has that been resolved?

6 JUROR #83, ANDERSON HORNE: Well, insurance covered
7 it. But we haven't -- no recovery on anything.

8 I don't -- I don't think it will affect me. But I
9 just --

10 THE COURT: Well, I need to ask you just for the
11 record, though, would that event affect you in any way in
12 being fair and impartial to both the State and the
13 Defendant?

14 JUROR #83, ANDERSON HORNE: Would that? No, it would
15 not.

16 THE COURT: Very good. Thank you, sir.

17 JUROR #83, ANDERSON HORNE: Yes, sir.

18 (WHEREUPON, Juror #83, Anderson Horne, was seated.)

19 (WHEREUPON, Juror #35, Lisa Dantzler, came forward.)

20 THE COURT: Good morning.

21 Your name, please?

22 JUROR #35, LISA DANTZLER: Lisa Dantzler.

23 THE COURT: Yes, ma'am.

24 JUROR #35, LISA DANTZLER: I hesitated because it was
25 so long ago. But I was the victim of date rape.

1 THE COURT: Would that in any way affect your ability
2 to give both the State and the Defendant a fair and
3 impartial trial?

4 JUROR #35, LISA DANTZLER: No. I moved on from it.

5 THE COURT: And you're Juror #35?

6 JUROR #35, LISA DANTZLER: Yes, sir.

7 THE COURT: Thank you, ma'am.

8 (WHEREUPON, Juror #35, Lisa Dantzler, was seated.)

9 (WHEREUPON, Juror #33, William Creekmore, came
10 forward.)

11 THE COURT: Good morning, sir.

12 JUROR #33, WILLIAM CREEKMORE: I've just been -- my
13 house has been broken into several times. And my utility
14 room -- they've, basically, taken pretty much everything
15 that I make my living with several times.

16 THE COURT: Your name, please, sir?

17 JUROR #33, WILLIAM CREEKMORE: William Creekmore.

18 THE COURT: Juror #33.

19 Would that in any way affect your ability to give
20 both the State and the Defendant a fair and impartial
21 trial in --

22 JUROR #33, WILLIAM CREEKMORE: It might.

23 THE COURT: I'm going to excuse you.

24 I want to thank you for your --

25 JUROR #33, WILLIAM CREEKMORE: Thank you, sir.

1 (WHEREUPON, Juror #33, William Creekmore, was
2 seated.)

3 (WHEREUPON, the sidebar was concluded.)

4 THE COURT: All right. Anyone else?

5 (WHEREUPON, there was no response.)

6 THE COURT: Thank you.

7 All right. Have any of you read or heard anything
8 about this case from any source whatsoever? If so,
9 please, stand.

10 (WHEREUPON, there was no response.)

11 THE COURT: All right. Have you or any member of
12 your family, or friends, or acquaintances ever served in
13 the capacity of a law enforcement officer?

14 Now, please, note that in the definition of law
15 enforcement officer, I'm including not only police
16 officers, but, also, employees of law enforcement
17 agencies, police, sheriff, and the Solicitor. If so,
18 please, stand.

19 All right. We'll start over on this side, front row.
20 Your name, please?

21 JUROR #80, HAYES HOLLIDAY: #80, Hayes Holliday.

22 Your Honor, I served as an assistant solicitor for
23 the Seventh Circuit for three years.

24 THE COURT: All right. Would that in any way
25 interfere with your ability to give both the State and the

1 Defendant a fair and impartial trial?

2 JUROR #80, HAYES HOLLIDAY: No, sir, Your Honor.

3 THE COURT: Very good. Thank you.

4 All right. We'll start at the end on the second row.

5 Yes, ma'am.

6 JUROR #41, TAWANDA DOGAN: I have a family member
7 that served on the police force and, also, was a
8 bailiff --

9 THE COURT: All right.

10 JUROR #41, TAWANDA DOGAN: -- for the Greenville
11 courthouse system.

12 THE COURT: All right. And your name, please, ma'am?

13 JUROR #41, TAWANDA DOGAN: Tawanda Dogan.

14 THE COURT: Would that in any way interfere with your
15 ability to give both the State and the Defendant a fair
16 and impartial trial?

17 JUROR #41, TAWANDA DOGAN: No, sir.

18 THE COURT: Very good. Thank you, ma'am.

19 Yes, sir?

20 JUROR #168, STEPHEN TROUTMAN: My wife and I have
21 several close family friends that have served for the
22 Greenville County Police Department.

23 THE COURT: And your name, please?

24 JUROR #168, STEPHEN TROUTMAN: Stephen Troutman.

25 THE COURT: And would that interfere with your

1 ability to give both the State and the Defense --
2 Defendant a fair and impartial trial?

3 JUROR #168, STEPHEN TROUTMAN: I don't believe so.
4 But we will see some of them this week.

5 THE COURT: Well, if in any way -- now, the reason I
6 ask these questions -- there are two -- two reasons for
7 them. One, is, as I've said earlier, the State and the
8 Defendant are entitled to a fair and impartial jury. But,
9 at the same time, none of you asked to be here. And I
10 want to be sure that you're not in any way compromised or
11 in any fashion inconvenienced in serving on a jury.

12 So if you have any reluctance whatsoever, please,
13 tell me so that I might -- what is it? -- prevent your
14 discomfort.

15 All right. Would that in any way interfere in the
16 second sense, not that you wouldn't be fair and impartial?
17 But would it in any way interfere with your ability to
18 serve as a juror?

19 JUROR #168, STEPHEN TROUTMAN: It may, if I'm being
20 honest.

21 THE COURT: All right. Well, that's an honest --
22 that's an honest answer, and that's why I ask it.

23 And I want to thank you for your candor.

24 And I will excuse you from the trial of this case.

25 JUROR #168, STEPHEN TROUTMAN: Okay.

1 THE COURT: Very good.

2 Yes, ma'am.

3 JUROR #108, JOANN MARKS: Joann Marks, sir. #108.

4 I have a friend and neighbor who is a Greenville
5 County sheriff's deputy.

6 THE COURT: All right. Would that in any way
7 interfere with your ability to give both the State and the
8 Defense a fair and impartial --

9 JUROR #108, JOANN MARKS: No, Your Honor.

10 THE COURT: Very good. Thank you, ma'am.

11 Yes, ma'am.

12 JUROR #184, SUSAN WILLIAMS: Susan Williams.

13 I have a son who started off as an officer and now is
14 a detective, but not in this area.

15 THE COURT: All right. Would that in any way
16 interfere with your ability to give both the State and the
17 Defendant a fair and impartial trial?

18 JUROR #184, SUSAN WILLIAMS: No.

19 THE COURT: Very good. Thank you, ma'am.

20 Yes, ma'am.

21 JUROR #145, SUZETTE SCHWEITZER: Suzette Schweitzer,
22 #145.

23 My brother used to work for the highway patrol, but
24 he no longer does, thank God.

25 THE COURT: All right. Would that in any way

1 interfere with your ability to give both the State and the
2 Defendant a fair and impartial trial?

3 JUROR #145, SUZETTE SCHWEITZER: No, sir.

4 THE COURT: Thank you, ma'am.

5 Yes, sir.

6 JUROR #148, WILLIAM SEIDEL: This may not apply. My
7 wife works for a company that does rescue work. They do a
8 lot of training and supply back to Greenville County. And
9 we're good friends with, basically, all of them, so.

10 THE COURT: I understand.

11 All right. Would that in any way interfere with your
12 ability to give both the State and the Defendant a fair
13 and impartial trial?

14 JUROR #148, WILLIAM SEIDEL: No, sir.

15 THE COURT: Did I get your name? I'm sorry.

16 JUROR #148, WILLIAM SEIDEL: I'm sorry. Will Seidel,
17 #148.

18 THE COURT: Very good. Thank you, sir.

19 Yes, sir.

20 JUROR #96, IAN KLOSS: I'm Ian Kloss.

21 My cousin who lives in Arizona is a police detective.

22 THE COURT: All right. And would that in any way
23 interfere with your ability to give both the State and the
24 Defendant a fair and impartial trial?

25 JUROR #96, IAN KLOSS: No.

1 THE COURT: And your name? I'm sorry.

2 JUROR #96, IAN KLOSS: It's Ian Kloss.

3 THE COURT: Mr. Clark?

4 JUROR #96, IAN KLOSS: Kloss. It's spelled --

5 THE COURT: Kloss?

6 JUROR #96, IAN KLOSS: -- K-L-O-S-S.

7 THE COURT: All right. Very good. Thank you, sir.

8 Yes, sir.

9 JUROR #83, ANDERSON HORNE: Anderson Horne, #83.

10 I was an assistant solicitor here in Greenville
11 County from 2002 to 2006. Then after that, I was a
12 municipal court prosecutor for Greer, Travelers Rest, and
13 Mauldin.

14 And I have worked with everybody at that table. And
15 I've had numerous cases with Mr. Robinson.

16 THE COURT: All right. Would that in any way
17 interfere with your ability to give both the State and the
18 Defendant a fair and impartial trial?

19 JUROR #83, ANDERSON HORNE: I don't believe it would,
20 no, sir.

21 THE COURT: Oh, now, you know better than that --

22 JUROR #83, ANDERSON HORNE: No, Your Honor. It would
23 not interfere with my ability to be an impartial juror.

24 THE COURT: Okay. Thank you very much. I appreciate
25 it.

1 All right. Yes, ma'am.

2 JUROR #192, LISA HENDERSON: I'm Lisa Henderson,
3 #192.

4 My brother is a police officer in Mauldin.

5 THE COURT: All right. Would that interfere with
6 your ability to give both the State and the Defendant a
7 fair and impartial trial?

8 JUROR #192, LISA HENDERSON: No, sir.

9 THE COURT: Very good. Thank you, ma'am.

10 Has any member of the jury panel formed or expressed
11 an opinion about this case? If so, please, stand.

12 (WHEREUPON, there was no response.)

13 THE COURT: Is there any member of the panel aware of
14 any interest, bias, or prejudice towards either the
15 Defendant or the State of South Carolina? If so, please,
16 stand.

17 (WHEREUPON, there was no response.)

18 THE COURT: Does any member of the jury panel know of
19 any reason why he or she could not give both the State of
20 South Carolina and the Defendant a fair and impartial
21 trial? If not, please, stand.

22 (WHEREUPON, there was no response.)

23 THE COURT: All right. Does the State or the
24 Defendant have any additional questions they'd like to
25 ask?

1 From the State?

2 MR. GREGORY: Not from the State, Your Honor.

3 THE COURT: From the Defense?

4 MR. ROBINSON: No, sir, Your Honor.

5 THE COURT: All right. Ladies and gentlemen, the way
6 we select a jury in General Sessions court is a little bit
7 different from Common Pleas. We, today, use the
8 computers. And the computer has prepared a list in a
9 random form or fashion of potential jurors in this case.
10 And, as I say, it's a random list.

11 And as your name appears on that list, you'll be
12 come -- you'll be asked to stand and -- where you are.
13 You don't need to come forward. But stand where you are.

14 And I will ask then the State to consider your
15 service as a juror. And the State will either say "excuse
16 the juror" or "present the juror." Then I'll ask the
17 Defendant whether -- what their wishes are. And the
18 Defense will either say "swear the juror" or "excuse the
19 juror."

20 And in this case, 10 for the State -- excuse me, 10
21 for the Defense, and five for the State.

22 Is that correct?

23 MR. GREGORY: Yes, Your Honor.

24 THE COURT: Is that correct?

25 MR. ROBINSON: Yes, Your Honor.

1 THE COURT: Very good.

2 All right. Madam Clerk, give us our jury.

3 THE BAILIFF: Your Honor.

4 THE COURT: Yes, sir.

5 JUROR #80, HAYES HOLLIDAY: Your Honor, I have a
6 matter for the Court.

7 THE COURT: All right. Certainly.

8 If you would, please, approach.

9 (WHEREUPON, a sidebar was held with the Court, the
10 attorneys, and Juror #80, Hayes Holliday.)

11 THE COURT: Yes, sir.

12 JUROR #80, HAYES HOLLIDAY: Judge, I don't believe
13 this fell within any of your questions. But I've
14 represented Mr. Moyer in a civil capacity. And I just
15 wanted to make you aware of that.

16 THE COURT: All right. Would that any way interfere
17 with your --

18 JUROR #80, HAYES HOLLIDAY: No, sir, it would not.

19 But I believed that it would be appropriate for both
20 counsel to know that --

21 THE COURT: To know that.

22 JUROR #80, HAYES HOLLIDAY: Yes, sir.

23 THE COURT: Very well. I think I'll ask -- I didn't
24 ask about the -- about counsel. I think I will ask that
25 question now.

1 Thank you for coming forward.

2 JUROR #80, HAYES HOLLIDAY: Yes, sir, Your Honor.

3 Thank you.

4 (WHEREUPON, the sidebar was concluded.)

5 THE COURT: There is one question I forgot to ask and
6 it's been brought to my attention. And that is --

7 Again, if the -- counsel will identify themselves and
8 their practice, if you would.

9 I'll start with you, Mr. Gregory.

10 MR. GREGORY: Again, I'm Jon Gregory. I work at the
11 Greenville County Solicitor's Office here in Greenville
12 County.

13 With me is Mark Moyer and Andrea Phillips. They both
14 work at the Greenville County Solicitor's Office.

15 THE COURT: All right. And, Mr. Robinson, if you'd
16 stand and introduce yourself, again, and your practice.
17 In other words, your firm, if you practice at a firm, or
18 however you practice is -- type.

19 MR. ROBINSON: Good morning again.

20 My name is Scott Robinson. And I am an attorney in
21 Greenville. And I practice in federal and state courts.

22 THE COURT: Thank you.

23 Now, has any member of the jury panel ever been
24 employed by while -- represented by any of the attorneys
25 involved in this case, or the offices of the Solicitor's

1 Office or the Defense, Mr. Robinson? If so, please,
2 stand.

3 THE COURT: Yes, sir.

4 JUROR #89, HAYES HOLLIDAY: Just as was previously
5 stated, Your Honor.

6 THE COURT: All right. I understand.

7 And I thank you.

8 And, by the way, the name for the record?

9 JUROR #80, HAYES HOLLIDAY: Yes, sir. Juror #80,
10 Hayes Holliday.

11 THE COURT: Very good. Thank you, sir.

12 Yes, sir.

13 JUROR #83, ANDERSON HORNE: And the same.

14 Juror #83, Anderson Horne.

15 I was employed here at the Thirteenth Circuit
16 Solicitor's Office.

17 THE COURT: That's Mr. Horne?

18 JUROR #83, ANDERSON HORNE: Yes, sir.

19 THE COURT: All right. Very good.

20 Anyone else?

21 (WHEREUPON, there was no response.)

22 THE COURT: Yes, sir, Mr. Robinson.

23 MR. ROBINSON: May it please the Court.

24 I -- I neglected to introduce my assistant, Your
25 Honor. And I wanted to make sure I -- this is Belinda

1 Robinson. She's my assistant. And she'll be working on
2 this case.

3 THE COURT: Very good. Thank you.

4 And I do apologize for not doing it myself.

5 All right. As I said, now, we will select a jury.

6 JURY SELECTION

7 THE CLERK: Ladies and gentlemen, when I -- if I call
8 your name, please, stand in place.

9 Juror #177, Travis West.

10 (WHEREUPON, Travis West, a white male, stood.)

11 THE CLERK: What says the State?

12 MR. GREGORY: Please present this juror.

13 THE CLERK: What says the Defense?

14 MR. ROBINSON: Please seat this juror.

15 THE CLERK: Please bring your things and come up to
16 our jury box.

17 Number -- Juror #145, Suzette Schweitzer.

18 (WHEREUPON, Suzette Schweitzer, a white female,
19 stood.)

20 THE CLERK: What says the State?

21 MR. GREGORY: Please present this juror.

22 THE CLERK: What says the Defense?

23 MR. ROBINSON: Excuse this juror.

24 THE CLERK: You may be seated.

25 Juror #96, Ian Kloss.

1 (WHEREUPON, Ian Kloss, a white male, stood.)

2 THE CLERK: What says the State?

3 MR. GREGORY: Please present this juror.

4 THE CLERK: What says the Defense?

5 MR. ROBINSON: Please excuse this juror.

6 THE CLERK: You may be seated.

7 Juror #144, Todd Satterfield.

8 (WHEREUPON, Todd Satterfield, a white male, stood.)

9 THE CLERK: What says the State?

10 MR. GREGORY: Please present this juror.

11 THE CLERK: What says the Defense?

12 MR. ROBINSON: Please excuse this juror.

13 THE CLERK: You may be seated.

14 Juror #154, Lisa Stall.

15 (WHEREUPON, Lisa Stall, a white female, stood.)

16 THE CLERK: What says the State?

17 MR. GREGORY: Please present this juror.

18 THE CLERK: What says the Defense?

19 MR. ROBINSON: Please excuse this juror.

20 THE CLERK: You may be seated.

21 Juror #120, Georgia Mullinax.

22 (WHEREUPON, Georgia Mullinax, a white female, stood.)

23 THE CLERK: What says the State?

24 MR. GREGORY: Please present this juror.

25 THE CLERK: What says the Defense?

1 MR. ROBINSON: Excuse this juror.
2 THE CLERK: You may be seated.
3 Juror #131, Kay Elmore Phillips.
4 (WHEREUPON, Kay Elmore Phillips, a white female,
5 stood.)
6 THE CLERK: What says the State?
7 MR. GREGORY: Please present this juror.
8 THE CLERK: What says the Defense?
9 MR. ROBINSON: Please excuse this juror.
10 THE CLERK: Juror #175, Robert Wesley.
11 (WHEREUPON, Robert Wesley, a white male, stood.)
12 THE CLERK: What says the State?
13 MR. GREGORY: Please present this juror.
14 THE CLERK: What says the Defense?
15 MR. ROBINSON: Please seat this juror.
16 THE CLERK: You may be seated over here in our jury
17 box.
18 Juror #148, William Seidel.
19 (WHEREUPON, William Seidel, a white male, stood.)
20 THE CLERK: What says the State?
21 MR. GREGORY: Please excuse this juror.
22 THE CLERK: You may be seated.
23 Juror #91, Renee Jones.
24 (WHEREUPON, Renee Jones, a white female, stood.)
25 THE CLERK: What says the State?

1 MR. GREGORY: Please present this juror.

2 THE CLERK: What says the Defense?

3 MR. ROBINSON: Please excuse this juror.

4 THE CLERK: Juror #106, Katherine Malone.

5 (WHEREUPON, Katherine Malone, a white female, stood.)

6 THE CLERK: What says the State?

7 MR. GREGORY: Please present this juror.

8 THE CLERK: What says the Defense?

9 MR. ROBINSON: Please seat this juror.

10 THE CLERK: Please bring your things and come over to
11 our jury box.

12 Juror #139, Trevor Roberts.

13 (WHEREUPON, Trevor Roberts, a white male, stood.)

14 THE CLERK: What says the State?

15 MR. GREGORY: Please excuse this juror.

16 THE CLERK: You may be seated.

17 Juror #113, Deborah McKetty.

18 (WHEREUPON, Deborah McKetty, a black female, stood.)

19 THE CLERK: What says the State?

20 MR. GREGORY: Please present this juror.

21 THE CLERK: What says the Defense?

22 MR. ROBINSON: Please seat the juror.

23 THE CLERK: Please bring your things and come have a
24 seat in our jury box.

25 Juror #102, Janet Livingston.

1 (WHEREUPON, Janet Livingston, a white female, stood.)

2 THE CLERK: What says the State?

3 MR. GREGORY: Please present this juror.

4 THE CLERK: What says the Defense?

5 MR. ROBINSON: Please excuse this juror.

6 THE CLERK: You may be seated.

7 Juror #136, Jonathan Reimer.

8 (WHEREUPON, Jonathan Reimer, a white male, stood.)

9 THE CLERK: What says the State?

10 MR. GREGORY: Please present this juror.

11 THE CLERK: What says the Defense?

12 MR. ROBINSON: Please seat this juror.

13 THE CLERK: Please bring your things and come to our
14 jury box.

15 Juror #49, Rachel Foister.

16 (WHEREUPON, Rachel Foister, a white female, stood.)

17 THE CLERK: What says the State?

18 MR. GREGORY: Please present this juror.

19 THE CLERK: What says the Defense?

20 MR. ROBINSON: Please seat this juror.

21 THE CLERK: Please bring your things and come have a
22 seat in our jury box.

23 Juror #178, Jill Whitlock.

24 (WHEREUPON, Jill Whitlock, a white female, stood.)

25 THE CLERK: What says the State?

1 MR. GREGORY: Please present this juror.

2 THE CLERK: What says the Defense?

3 MR. ROBINSON: Please seat this juror.

4 THE CLERK: Please bring your things and come have a
5 seat in the jury box.

6 Juror #81, Tamiko Holtzclaw.

7 (WHEREUPON, Tamiko Holtzclaw, a white female, stood.)

8 THE CLERK: What says the State?

9 MR. GREGORY: Please present this juror.

10 THE CLERK: What says the Defense?

11 MR. ROBINSON: Please seat this juror.

12 THE CLERK: Please bring your things and come have a
13 seat in the jury box.

14 Juror #108, Joann Marks.

15 (WHEREUPON, Joann Marks, a white female, stood.)

16 THE CLERK: What says the State?

17 MR. GREGORY: Please present this juror.

18 THE CLERK: What says the Defense?

19 MR. ROBINSON: Please excuse this juror.

20 THE CLERK: You may be seated.

21 Juror #86, Teresa Jarnac.

22 (WHEREUPON, Teresa Jarnac, a white female, stood.)

23 THE CLERK: What says the State?

24 MR. GREGORY: Please present this juror.

25 THE CLERK: What says the Defense?

1 MR. ROBINSON: Please seat this juror.

2 THE CLERK: Please bring your things and come have a
3 seat in our jury box.

4 Juror #167, Lindy -- Lindy Tollison.

5 (WHEREUPON, Lindy Tollison, a white male, stood.)

6 THE CLERK: What says the State?

7 MR. GREGORY: Please present this juror.

8 THE CLERK: What says the Defense?

9 MR. ROBINSON: Please seat this juror.

10 THE CLERK: Please bring your things and come have a
11 seat in our jury box.

12 Juror #83, Anderson Horne.

13 (WHEREUPON, Anderson Horne, a white male, stood.)

14 THE CLERK: What says the State?

15 MR. GREGORY: Please present this juror.

16 THE CLERK: What says the Defense?

17 MR. ROBINSON: Please seat this juror.

18 THE CLERK: Please bring your things and have a seat
19 in our jury box.

20 Juror #135, Keri Reaney.

21 (WHEREUPON, Keri Reaney, a white female, stood.)

22 THE CLERK: What says the State?

23 MR. GREGORY: Please present this juror.

24 THE CLERK: What says the Defense?

25 MR. ROBINSON: Please seat this juror.

1 THE CLERK: Please bring your things and have a seat
2 in our jury box.

3 THE COURT: All right. We'll have two alternates
4 and -- one and two.

5 THE CLERK: Juror #164, Natalia Thompson.

6 (WHEREUPON, Natalia Thompson, a Hispanic female,
7 stood.)

8 THE CLERK: What says the State?

9 MR. GREGORY: Please present this juror.

10 THE CLERK: What says the Defense?

11 MR. ROBINSON: Please excuse this juror.

12 THE CLERK: Juror #192, Lisa Henderson.

13 (WHEREUPON, Lisa Henderson, a white female, stood.)

14 THE CLERK: What says the State?

15 MR. GREGORY: Please present this juror.

16 THE CLERK: What says the Defense?

17 MR. ROBINSON: Please seat this juror.

18 THE CLERK: Please bring your things and have a seat
19 in our jury box.

20 Juror #141, Brian Robinson.

21 (WHEREUPON, Brian Robinson, a white male, stood.)

22 THE CLERK: What says the State?

23 MR. GREGORY: Please present this juror.

24 THE CLERK: What says the Defense?

25 MR. ROBINSON: Please excuse this juror.

1 THE CLERK: Juror #191, Michele Gregg.
2 (WHEREUPON, Michele Gregg, a white female, stood.)
3 THE CLERK: What says the State?
4 MR. GREGORY: Please present this juror.
5 THE CLERK: What says the Defense?
6 MR. ROBINSON: Please seat this juror.
7 THE CLERK: Please bring your things and have a seat
8 in our jury box.
9 THE COURT: All right. Is there any reason this jury
10 cannot be -- or these jurors cannot be sworn for the trial
11 of this case from the State?
12 MR. GREGORY: I have no objection, Your Honor.
13 MR. ROBINSON: No objection, Judge.
14 THE COURT: Very good.
15 THE CLERK: Ladies and gentlemen, the correct
16 response to this oath is "I will."
17 If you'll, please, stand. I'm sorry.
18 (WHEREUPON, the jury was sworn at approximately
19 11:41 p.m.)
20 THE CLERK: Thank you.
21 THE COURT: Let's see. Mr. Troutman.
22 (WHEREUPON, there was no response.)
23 THE COURT: Mr. Troutman -- oh, you're there.
24 JUROR #168, STEPHEN TROUTMAN: Yes, sir.
25 THE COURT: I'm sorry. I missed you there.

1 All right. Mr. Reimer, if you would, please, I'm
2 going to ask that you serve as Foreperson of this jury.

3 So when you come back from the jury room, if you'd
4 sit on the front row in the front seat.

5 JUROR #136, JONATHAN REIMER: Yes, sir.

6 THE COURT: And the two alternates will sit on the
7 back row in the seats that you're sitting in now.

8 Everyone in the other seats, you can sit anywhere you
9 want to. But those are the only three seats that are
10 reserved, you might say, so that I know where the
11 Foreperson is and where the two alternates are. And the
12 other jurors can sit wherever they wish.

13 Now, I'm going to ask you to go with the bailiff.
14 And he'll show you the jury room that you'll be using
15 during the trial of this case.

16 My instructions throughout this trial is going -- are
17 going to be the same. And that is, do not undertake the
18 discussion of this case among yourselves in any way or
19 permit anyone to discuss them with you. The reason for
20 that is, of course, you haven't heard anything about the
21 case and you're not to do anything with the case until you
22 have all the testimony, the evidence, the argument by
23 counsel, and the fact that the case has been closed and is
24 given to you for your deliberations.

25 So, therefore, please, do not undertake the

1 discussion of this case in any way. You can talk about
2 personalities, anything else. The weather would probably
3 be a good topic the way it is right now.

4 So with that, I would ask that you to retire to the
5 jury room. And I'll call you back in just a few minutes.

6 (WHEREUPON, the jury was excused from open court at
7 approximately 11:41 a.m.)

8 THE COURT: All right. Ladies and gentlemen of the
9 jury panel that were not called for the trial of this
10 case, I'm going to ask you to go to the jury assembly
11 room.

12 Is that right, Madam Clerk?

13 THE CLERK: Yes.

14 THE COURT: I do want to thank you for your service.

15 If I don't see you later in the week, I do appreciate
16 you being here. And I thank you, as I say, for your
17 service.

18 Without jurors willing to sit in a trials, our whole
19 system of justice would not be at all effective. Because
20 you are the backbone of the jury -- of our system of
21 justice, the jury.

22 So I thank you.

23 And if you would, please, retire from the jury
24 room -- the courtroom to the assembly room.

25 Thank you.

1 (WHEREUPON, the remaining jury panel members exited
2 the courtroom.)

3 THE COURT: All right. Let's take a few minutes.
4 We'll just stand at ease for a few minutes. I'll be back
5 in five or 10 minutes -- five minutes.

6 (WHEREUPON, a break was taken.)

7 THE COURT: We're back on the case of State v.
8 Bradford Williams.

9 Mr. Robinson.

10 MR. ROBINSON: May it please the Court.

11 Your Honor, during the break, Mr. Gregory and I got
12 together. There are several witnesses -- we're going to
13 shorten the list of witnesses for the State.

14 We're going to -- regarding the chain of custody in
15 this case, we're going to get it so we just can combine
16 the witnesses in the chain of custody. We'll put in --
17 we'll stipulate to the chain of custody.

18 THE COURT: Is that correct, Mr. Gregory?

19 MR. GREGORY: That is, Your Honor.

20 THE COURT: All right. This is the chain of custody
21 on the weapon?

22 MR. GREGORY: The chain of custody on the shell
23 casings and projectiles, Your Honor.

24 THE COURT: It would be under the weapon charge?

25 MR. GREGORY: There's no weapon in this case.

1 THE COURT: Oh, I see.

2 All right. It's -- when the jury is ready, let me
3 know.

4 All right. Is there anything else? It's about noon.
5 I have some preliminary instructions. But what -- let's
6 see.

7 What does the State say about the scheduling of the
8 case?

9 Well, I'm just thinking about it. I could give the
10 preliminary instructions and break for lunch. And then we
11 could come back at 2:00, rather than taking a chance that
12 either the opening or the first witnesses testimony might
13 be interrupted.

14 MR. GREGORY: That's fine, Your Honor. I'll leave it
15 to the discretion of the Court. I'm happy to do the
16 preliminary instructions, break for lunch, and come back
17 and start fresh with the opening.

18 THE COURT: Mr. Robinson?

19 MR. ROBINSON: I would concur, Your Honor.

20 THE COURT: Okay. Very good. We'll just wait until
21 they're ready to come back.

22 What would be a time you would want to start this
23 afternoon? I'm just thinking. I don't know where things
24 are here in Greenville and how long it takes to get
25 anywhere and get something to eat. I would say either

1 1:30 or 2:00, if we get out, at least, by quarter
2 after 12:00. I don't think my instructions will take that
3 long.

4 MR. GREGORY: I think that will be sufficient, Your
5 Honor.

6 THE COURT: I'll leave it up to the jury as to when
7 they get back. We can't start until they get back.

8 Any questions?

9 MR. ROBINSON: I would say, too, Your Honor, I would
10 not advise going to the Cheesecake Factory for lunch. You
11 won't be back until 5:00 this afternoon.

12 THE COURT: All right. So 2:00?

13 MR. ROBINSON: Yes.

14 THE COURT: I'll just tell them to come back at 2:00.
15 But then we'll be ready to proceed at that time. In fact,
16 we might want to be back 15 minutes earlier if we have
17 some stipulations or something like that we want to put on
18 the record. And do get your stipulations down in a
19 fashion that we can give to the clerk and the court
20 reporter. That's how we'll proceed.

21 Also, if you have any exhibits, I would ask you to
22 give them to the court reporter so she can mark them. Not
23 introduce them, but, at least, mark them for
24 identification. And that will expedite, I think, the
25 procedures with all of that to be done before 2:00.

1 (WHEREUPON, the jury came into open court at
2 approximately 11:54 a.m.)

3 THE COURT: All right. Let the record reflect the
4 jury and alternates are in the jury box.

5 Anything from the State before we proceed?

6 MR. GREGORY: Not from the State, Your Honor.

7 THE COURT: From the Defense?

8 MR. ROBINSON: No, sir, Judge.

9 THE COURT: Very good. Thank you.

10 INTRODUCTORY REMARKS

11 THE COURT: Mr. Foreman, and, ladies and gentlemen of
12 the jury, I'm sure that now each of you appreciate that
13 this Court, the Court of General Sessions of Greenville
14 County, exists for the purpose of resolving questions of
15 alleged criminal conduct arising between the State of
16 South Carolina and the Defendant. It is a guaranteed
17 right of every citizen that a charge of criminal conduct
18 be presented in open court according to certain rules of
19 procedure.

20 The State has not only an equal right, but the duty
21 to present a charge of criminal conduct in open court,
22 according to the same rules of procedure. Each of the
23 parties, therefore, both the State and the Defendant, have
24 an equal right to the opportunity of this judicial
25 proceeding and to have you, as the jury, selected and now

1 sworn for the trial of this case.

2 One of the most important aspects of your duty as a
3 jury lies, essentially, in the oath that you have now
4 taken to well and truly try and determine the facts of
5 this case. That oath in a very essential way says that
6 you're the sole judges of the facts in this case.

7 Obviously, any case tried in court would involve a
8 question about what happened, or how something came to
9 happen, or whom, if anyone, did anything particular in an
10 occurrence of circumstance. From this point forward,
11 then, no one concerned with this case has the right to
12 decide any question of fact in this case except you, the
13 jury. The facts then are for your resolution and your
14 decision, and yours alone.

15 Now, after you hear all of the evidence in the case,
16 then it will be your duty by your mutual and joint
17 discussions to determine the facts of this case by
18 deciding the weight and the believability of each part
19 of the evidence and by applying the law of the case
20 thereto.

21 As the trial judge, I am the judge of the law in the
22 case. It is, also, my responsibility, among other duties,
23 to preside over this trial, to rule on the admissibility
24 of evidence offered during the trial -- during the
25 progress of the trial, and to state to you, the jury, the

1 law applicable to the case.

2 The Constitution of the State of South Carolina
3 mandates that I, as a trial judge, cannot directly or
4 indirectly comment about the facts in this case. The
5 process is simply that you, the jury, first determine the
6 facts. And then apply to that fact -- that state of facts
7 that principle of law applicable, and by that process
8 determine and report to this Court your final verdict in
9 the case.

10 And I will more fully and completely state to you the
11 principle law applicable to the issues in this case before
12 the case is submitted to you, the jury, for your decision.
13 However, there are certain principles of law applicable to
14 the framework of every case in General Sessions court.
15 And, now, in a very basic way, I will outline several of
16 these basic principles to you for your guidance.

17 The Defendant has entered a plea of not guilty to the
18 charges contained in the indictment. The indictment in a
19 case is not evidence. It is simply the written instrument
20 that contains the charge or charges against the Defendant.
21 And it serves as the formal document by which the case is
22 processed into this Court.

23 The plea of not guilty places upon the State the
24 burden of proof in this case. As to what is meant by the
25 term burden of proof, the Defendant is presumed innocent

1 in law -- innocent of all charges contained in the
2 indictment. The burden of proof requires the State to
3 prove guilt beyond a reasonable doubt.

4 And, therefore, consistent with that burden, the
5 Defendant or the accused party shall be presumed innocent.
6 And that presumption of innocence is sufficient to compel
7 a verdict of not guilty or a verdict of acquittal, unless
8 you, the jury, conclude that the State has satisfied its
9 obligation to the Defendant and -- obligation to prove the
10 Defendant guilty beyond a reasonable doubt.

11 Now, the term reasonable doubt means the kind of
12 doubt that would cause a reasonable person to hesitate to
13 act.

14 Now, when we get -- we're not going to start the
15 trial of this case until after lunch. But when the case
16 is opened by the Solicitor, the same opportunity will be
17 afforded to the Defendant to make an opening statement.
18 After all the evidence has been received by the Court,
19 counsel for the State and counsel for the Defendant will
20 state to the jury about their perspective positions.
21 After which, the Court will fully state the applicable law
22 in the case.

23 Obviously, all parts of this case are important. You
24 do not know which witness in the case will most impress
25 you, whether the first witness or the last witness. In

1 reaching your final conclusion, you will need the guidance
2 and judgment of other jurors. You will need the guidance
3 and principles of law that will be stated to you by the
4 Court.

5 For all of these reasons then, if we have any recess
6 periods when you retire to your jury room or during
7 overnight or a meal recess, I instruct you that you must
8 not undertake the discussing of this case among yourselves
9 until the case is, finally, given to you for your
10 deliberation. Nor are you to discuss this case with
11 anyone, or permit anyone else to discuss the case with
12 you.

13 From this time forward, you are the jurors in this
14 particular case. And you're to perform your duty as
15 jurors without the interference of anyone else. If anyone
16 should try to discuss the case with you or ask you what
17 you were doing, you would report them.

18 The verdict in this case must be a unanimous verdict
19 of all 12 jurors.

20 Now, there are a few additional comments before the
21 case begins that I would like to mention. First, as I
22 mentioned earlier, although I am the only person that can
23 tell you what the law is, you and you alone are the only
24 ones who can determine the facts. I do not have the right
25 to indicate how I may feel about the evidence presented.

1 And throughout this trial, my intention will be to act
2 impartially towards each party.

3 Now, second, from time to time, an attorney may
4 object to some bit of testimony or evidence which the
5 other side is seeking to present. As in sports, or
6 business, or any other structured activity, there are
7 certain rules that both sides must obey in presenting
8 evidence. These rules have a definite purpose. They
9 ensure that the information you receive is the most
10 trustworthy and reliable evidence available.

11 An objection in the procedure for you -- excuse me,
12 an objection is the procedure we use for an attorney to
13 call a possible violation of the rules to the judge's
14 attention. And for this reason, you should not hold an
15 attorney's objection against his client, nor should you
16 conclude from my ruling on the objection that I favor one
17 side or the other.

18 Finally, I would ask that you pay the closest
19 attention possible to the evidence presented to you. I
20 will ask that you do not take notes. For if the note
21 taker makes an error, those notes can be more detrimental
22 and not help you during the deliberations. The time
23 tested system is for each of you to listen carefully. And
24 I'm sure each of you will do that.

25 Now, when we begin the trial -- after I've said all

1 of that about you not taking notes, the reason for that
2 is, as I said, if you make an error in a note, a note can
3 be more dangerous or more damaging than helpful. And I
4 use the example of the word "not." What you're taking
5 down when you take a note is what you think you hear. If
6 you should miss a word and the word would be not, if that
7 were the case, it changes the note entirely.

8 So I would suggest, rather than take notes, to
9 concentrate on the testimony and the presentation of the
10 evidence in the courtroom at the time. And if you have a
11 question about what was said or done, consult with the
12 other members of the jury, your fellow jurors.

13 And use the same process that you will be using in
14 reaching your verdict, depending on what each says and how
15 you view it. And you weigh the conclusion of your fellow
16 jurors, and in that way, resolve it.

17 Otherwise, if we do make a mistake and either put in
18 the word not or leave out the word not when it was in,
19 then we change entirely the course of it. And, of course,
20 somebody will always hold up a piece of paper and say,
21 well, I've got it written down here. But what we write
22 down is not necessarily what was said, but what we hear.
23 And, therefore, you miss things. So, therefore, as I say,
24 in order to resolve questions about evidence, use the same
25 process as you do in reaching the verdict in the case.

1 Now, having said all of that, I do take notes.
2 Please understand that we have entirely different purposes
3 in this courtroom. You and you alone are the only ones
4 that determine the facts of the case. The only thing that
5 I am doing is jotting down what is occurring.

6 In other words, there are certain things under our
7 law that is required in order to establish points or
8 proof. So what I'm doing is just jotting down what is
9 happening, not the significance of it. That is for you
10 and you alone.

11 So, therefore, I do take notes, rather copious notes,
12 too. But it helps me in keeping up with what's going on
13 and what has gone on.

14 Now, with that, I'm going to excuse you for lunch.
15 Because we -- it's noon and we -- rather than interrupt
16 the trial of the case, I'd rather wait until we can
17 continue and finish the portion that we'll be able to do
18 at one time, rather than having to break and come back in
19 the middle of it.

20 And with that, Mr. Foreman, this is going to be your
21 first duty. I would suggest we come back at 1:30 or 2:00.
22 And I don't know that much about Greenville. But I'm sure
23 y'all know how long it will take you to be able to have
24 lunch and get back.

25 So I'm going to ask you to consult with your jury as

1 to when they would rather come back, 1:30 or 2:00. And
2 it's not a unanimous verdict, but just ask in the box,
3 1:30 or 2:00.

4 JUROR #136, JONATHAN REIMER: We'd like to come back
5 at 1:30, please.

6 THE COURT: Very good.

7 Again, as I say, my instructions throughout this case
8 is do not permit anybody to discuss the case with you, or
9 even discuss it among yourselves. Very good.

10 With that, I'll see you back at 1:30.

11 Everyone else remain seated while the jury retires
12 from the courtroom.

13 (WHEREUPON, the jury was excused from open court at
14 approximately 12:05 p.m.)

15 THE COURT: All right. Anything from the State?

16 MR. GREGORY: Not from the State, Your Honor.

17 THE COURT: From the Defense?

18 MR. ROBINSON: No, sir, Judge.

19 THE COURT: All right. Let's try to be a little bit
20 earlier than 1:30. But, also, do get with the court
21 reporter for any exhibits to have them, at least, marked
22 for identification.

23 MR. GREGORY: Yes, Your Honor.

24 THE COURT: All right. Very good.

25 (WHEREUPON, a lunch break was taken.)

1 (WHEREUPON, State's Exhibit Nos. 1, 2, 3, 4, 5, 6, 7,
2 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,
3 22, 23, 24, 25, 26, 27, 28, 34, 35, 38, 39, 40, 41, 42,
4 43, and 44 were marked for identification only.)

5 THE COURT: Yes, sir..

6 MR. GREGORY: Judge, we have one brief matter before
7 we begin.

8 THE COURT: Yes, sir.

9 MR. GREGORY: Just out of an abundance of caution,
10 Your Honor, the victim advocate that's in the courtroom
11 today had just a very brief encounter with one of the jury
12 members. They were trying to figure out where to go. And
13 she just pointed them in the right direction. As far as I
14 know, that was the only encounter they had. I just
15 wanted, out of an abundance of caution, to let the Court
16 be aware of that. If you'd like to ask any questions
17 of --

18 THE COURT: Well, let me just see.

19 Mr. Robinson, do you have anything?

20 MR. ROBINSON: No, sir.

21 THE COURT: All right. If that's what happened,
22 that's what happened.

23 MR. GREGORY: Thank you, Judge.

24 THE COURT: All right. Anything further from the
25 State before we bring the jury back?

1 MR. GREGORY: Not from the State, Your Honor.

2 THE COURT: From the Defense?

3 MR. ROBINSON: No, sir, Judge.

4 THE COURT: Okay. Ask the jury to join us, please.

5 (WHEREUPON, the jury came into open court at
6 approximately 1:40 p.m.)

7 THE COURT: All right. Let the record reflect the
8 jury and alternates are in the jury box.

9 Mr. Foreman and ladies and gentlemen of the jury,
10 we'll now proceed with the trial of the case. The State
11 will open, and then the Defendant will open. And then
12 we'll have the first witness.

13 I recognize the Solicitor for his opening.

14 OPENING STATEMENTS

15 MR. GREGORY: May it please the Court, Your Honor.

16 Mr. Robinson.

17 Ladies and gentlemen, November 26, 2014 was a
18 Wednesday night. It was the night before Thanksgiving
19 Day, 2014. On that night, Sylvester Fuller and Jamal
20 Justice went to Bugatti Grand. Bugatti Grand is a private
21 club. It's a bar on North Pleasantburg.

22 They were there. They were shooting pool that night.
23 The witnesses are going to tell you they were there the
24 majority of the night, until about 2:00 in the morning.
25 That would be November 27th, Thanksgiving morning. They

1 left the club at 2:00 in the morning.

2 You'll, also, hear witnesses that say at about that
3 time Sylvester Fuller and Jamal Justice had a -
4 confrontation with the Defendant --

5 MR. ROBINSON: Your Honor, I'm going to object. I
6 think this is going into hearsay.

7 THE COURT: Well, I think, actually, you're just
8 supposed to comment -- open on the theory of the case, not
9 the testimony, or anything. No one has testified yet.

10 MR. GREGORY: Yes, Your Honor.

11 The Defendant is on trial today for murder. One
12 count for the murder of Jamal Justice, and one count for
13 the murder of Sylvester Fuller.

14 In South Carolina, the State has the burden of proof.
15 It is on our table to carry the burden. We embrace that
16 burden. We must prove each and every element of murder
17 and possession of a weapon during the commission of a
18 violent crime beyond a reasonable doubt. Now, you will
19 hear that word thrown around in the courtroom the next
20 day -- the next two days. And you've already heard it
21 from the Judge.

22 But before we start, I want to just take a moment to
23 let you think about what beyond a reasonable doubt means.
24 It's firmly convinced. So as you listen to the evidence,
25 ask yourself are you firmly convinced that we've met that

1 burden.

2 Now, in South Carolina, murder is the killing of
3 another person with malice aforethought. And malice is
4 ill will or hatred for another person. Aforethought means
5 it happened -- you have that malice at the time of the
6 incident, at the time of the murder.

7 In order to prove that, the State is going to call
8 multiple witnesses. And the evidence you will hear will
9 come from the stand. You will hear testimony from the
10 witnesses, and you will see evidence, physical evidence,
11 whether that's things found at the scene, or pictures
12 taken. And that's the evidence that you consider to
13 determine whether or not we've met that burden of proof.

14 You will hear from deputies that arrived on the scene
15 on 11/27 of 2014. They will tell you what they saw. You
16 will hear from the forensic officers. You will hear from
17 the lead investigator. You will hear from numerous law
18 enforcement officers.

19 You'll, also, hear from the lay witnesses, civilian
20 witnesses that were at the club that night. They will
21 tell you --

22 MR. ROBINSON: Objection, Your Honor. Again,
23 improper.

24 THE COURT: Again, let's just tell what you've got,
25 what the Defendant is charged with, and what you intend to

1 prove with regard to those charges, not the evidence.

2 MR. GREGORY: Yes, Your Honor.

3 The State intends to prove that the Defendant shot
4 Sylvester Fuller and Jamal Justice on the night -- early
5 morning hours of 11/27/2014. You will hear from numerous
6 witnesses to bring forth that evidence for that statement.

7 I think this case is going to be a case of who did
8 it? Who was the one that pulled the trigger? After you
9 hear all the evidence, I think you'll agree with the State
10 that it was the Defendant who was shooting that night.

11 Thank you.

12 THE COURT: Mr. Robinson.

13 MR. ROBINSON: May it please the Court.

14 Hello again.

15 You, obviously, know my name. I think I've said
16 it -- I think this will be the third time saying it's
17 Scott Robinson. I'm an attorney from Greenville.

18 This is a case of alibi. Y'all may have heard that
19 term in lots of different ways, songs, seen it on TV,
20 different specials, things like that, but alibi. In the
21 law, that means that someone was someplace else when a
22 crime occurred. And as a result of that, they cannot be
23 held guilty of something when they weren't even there.
24 This case is an alibi case. And the State must prove
25 their burden beyond a reasonable doubt about everything.

1 This is Bradford Williams, my client. A few minutes
2 ago, you saw his mom that was with him, as well as his
3 girlfriend -- fiancée, Tiara.

4 But this is what happened on the 26th -- the morning
5 of the 27th, which is Thanksgiving. Brad and Tiara were
6 in bed at the exact time this all happened. They woke up,
7 checked out of the Savannah Suites at 11:00 that morning,
8 went over to Brad's mother's house. And that's it.

9 He wasn't there when all this happened. He has no
10 business in this case. Bradford Williams is an innocent
11 man. He's innocent. And it's up to the State to prove to
12 you with every element of their case of murder.

13 Now, a lot of you have heard about civil matters,
14 like Common Pleas where it's -- they're trying to get a
15 money verdict, or something like that. That's
16 preponderance of the evidence. It means a little bit more
17 evidence proves a fact, or proves something.

18 This is beyond a reasonable doubt, which means the
19 State has a high burden to prove to you, beyond a
20 reasonable doubt that Bradford Williams is the one who
21 murdered these people. But the problem that they have is
22 that alibi. Alibi means he cannot be found guilty of this
23 charge because he wasn't there.

24 Ladies and gentlemen of the jury, this is a very
25 simple case. He wasn't there at the time. He was with

1 his girl at the time. He went to his mom's for
2 Thanksgiving. That's all that happened. He wasn't there.

3 As a result of that, what you're going to find is
4 they have the wrong guy, that Bradford Williams is
5 innocent.

6 So I ask you to return a verdict that speaks the
7 truth about justice and fairness. Because, as you begin
8 this journey, you have -- and this is a journey that
9 you're going to be going through the next few days. Look
10 at the State's case.

11 Because, you know, there's this presumption when you
12 see someone arrested, or in the newspaper where someone
13 got arrested, or they found somebody, the automatic
14 reaction is, oh, they must be guilty. That's not an
15 assumption you can make in this case.

16 What you have here is when you took the oath and you
17 came through that door, the standard of proof now is not a
18 presumption of guilt. It's, actually, a presumption of
19 innocence. And the State has to prove to you beyond a
20 reasonable doubt that Bradford Williams committed this
21 crime.

22 But the term that you always need to remember in this
23 case is alibi. Alibi is an affirmative defense to murder.
24 This case is about alibi.

25 Thank you very much.

1 THE COURT: Solicitor, you may call your first
2 witness.

3 MR. GREGORY: May it please the Court.

4 The State calls Brandt McQueen to the stand.

5 THE CLERK: If you'll, please, place your left hand
6 on the Bible and raise your right hand.

7 WHEREUPON,

8 BRANDT MCQUEEN,
9 after first having been duly sworn, testified as follows:

10 THE CLERK: Please state your name for the record.

11 THE WITNESS: Deputy Brandt McQueen.

12 THE CLERK: Thank you.

13 You may be seated.

14 DIRECT EXAMINATION

15 BY MR. GREGORY:

16 Q Deputy McQueen, where are you employed?

17 A The Greenville County Sheriff's Office.

18 Q And in what capacity are you employed there?

19 A Currently, I'm a deputy on the traffic unit.

20 Q What are your duties as a deputy on the traffic unit?

21 A To enforce the traffic laws in Greenville County.

22 Q How long have you held that position?

23 A About a year and a half.

24 Q What type of training and education have you received
25 in becoming a deputy?

1 A A deputy, in general, I went to the South Carolina
2 Criminal Justice Academy, certified through them, and then
3 our yearly in-service training and legal updates.

4 Q When did you become certified?

5 A Originally, in 2009.

6 Q But you said you receive ongoing training?

7 A Yes, sir. Yearly, we do in-service training and
8 legal updates as the academy pushes them out for law
9 changes.

10 Q Were you in your current capacity on November 27th,
11 2014?

12 A No, sir. I was working on Delta two, which is the
13 uniform patrol division. It's, basically, the uniformed
14 officers in marked cars that we answer calls for service,
15 and things of that sort.

16 Q That night, did you have a particular area you were
17 working?

18 A I was working the northern part of Greenville County,
19 which is our beat area 10, basically, from -- the general
20 sense from Travelers Rest to North Carolina, and Pickens
21 to Highway 25 was my area that day.

22 Q Did you have an opportunity to become involved in the
23 case we're here for today?

24 A I did. I had just cleared a call. And if I remember
25 correctly, it was a fairly busy night. The guys assigned

1 to the area where this incident occurred were already tied
2 up on a different incident.

3 So they dispatched me on the call. But I was not the
4 first to arrive. From the time it took me to respond from
5 where I was up in the northern part down to the Cherrydale
6 area, other deputies had freed up and arrived first. But,
7 yes, sir, I did go.

8 Q And where did you go?

9 A I believe it's called the Bugatti. It was a club or
10 bar on North Pleasantburg right across from the Cherrydale
11 shopping center -- or just up the street from it.

12 Q I'm going to show you what's been marked previously
13 as State's Exhibit Nos. 1 and 2. Do you recognize these?

14 A Yes, sir. They're aerial shots of the club.

15 Q Before you tell me exactly what they are, are they a
16 fair and accurate representation --

17 A Yes, sir.

18 Q Are you familiar with this area?

19 A Yes, sir.

20 MR. GREGORY: Your Honor, at this time, the State
21 would seek to introduce State's Exhibit Nos. 1 and 2 into
22 evidence.

23 MR. ROBINSON: No objection.

24 THE COURT: All right. Without objection, State's
25 Exhibit Nos. 1 and 2 are admitted into evidence.

1 (WHEREUPON, State's Exhibit Nos. 1 and 2 were admitted
2 into evidence.)

3 BY MR. GREGORY:

4 Q Can you see that all right?

5 A Yes, sir.

6 Q Now, tell us what State's Exhibit No. 1 is, please.

7 A It's an aerial photograph of North Pleasantburg
8 with -- up in your top right-hand corner, you have --
9 which is marked as the club where the incident occurred
10 and I responded to. The Spinx that is marked is a little
11 bit farther up towards Greenville City's jurisdiction.
12 But they're within -- in real distance, probably a block,
13 a block and a half from each other.

14 Q And is Cherrydale located in that vicinity?

15 A It is in the vicinity, but it's not pictured.

16 Q It's not pictured, but it is in the vicinity;
17 correct?

18 A Yes, sir.

19 Q And which direction would Cherrydale be?

20 A It's going to be back towards me, back down North
21 Pleasantburg.

22 Q Now, what is State's Exhibit No. 2?

23 A It appears to be a zoomed-in and close shot of just
24 the property of the club.

25 Q Okay. And is that the club that you responded to on

1 November 27th, 2014?

2 A Yes, sir, it is.

3 Q When you arrived, can you tell us how many people
4 were there?

5 A Not accurately. When I arrived, there were multiple
6 deputies and other emergency EMS people already on scene.
7 The front parking lot had already been roped off with
8 crime scene tape. And, like I say, EMS was -- I can't
9 remember if they were either just pulling away or loading
10 up to leave to go to the hospital.

11 There was probably -- if I had to estimate of
12 deputies and other emergency personnel, probably 10 to 20
13 people, as well as a big group of patrons that were
14 starting to come out of the club that they were trying to
15 keep away from the actual incident.

16 Q And what were your duties that night?

17 A Since there were already deputies on scene prior to
18 my arrival that were taking care of the victims and trying
19 to contain the people from flooding out of the club, I was
20 asked by different deputies on scene and on-scene
21 supervision to try to find shell casings and other
22 evidence that would pertain to this incident and mark
23 them.

24 And what I usually did, and what I did that night was
25 we had generic Greenville County Sheriff's Office business

1 cards, and just kind of fold them in half and make a
2 tepee. And I would just place them over anything I
3 thought would or potentially could be pertinent.

4 Q And did you find anything that night?

5 A Yes, sir. Several -- scattered around the parking
6 lot, there were several shell casings, spent rounds from a
7 weapon. And we marked those for forensics.

8 Q Do you remember how many shell casings you found that
9 night?

10 A I do not, sir.

11 Q Did you see the victims when you arrived?

12 A No. They were -- well, I saw one. The victim was
13 covered up, but the other one had already been moved.

14 Q And when you say "covered up," what do you mean?

15 A With a white sheet.

16 Q Did you do anything else that night?

17 A Later on after everything had kind of settled for the
18 moment and they were trying to start the -- the
19 investigators were on their way. Once -- I believe it was
20 Investigator Fortner that arrived. I don't recall if it
21 was him, himself, or my sergeant, or my lieutenant that
22 was scene. One of them asked me to go down the street,
23 which it's not pictured in either one of these. But off
24 State Park and kind of across from Cherrydale, there's
25 another -- there's an apartment complex down there called

1 Crestwood Forest. And it was my understanding that they
2 had a potential --

3 MR. ROBINSON: Objection, Your Honor. I think that's
4 going to hearsay.

5 THE WITNESS: Okay.

6 BY MR. GREGORY:

7 Q Just tell us where you went and what you were doing.

8 THE COURT: Sustained.

9 THE WITNESS: I went to Crestwood Forest Apartments
10 to attempt to find any Cadillac CTS cars and gain the
11 license plate. And I took that information back.

12 BY MR. GREGORY:

13 Q Did you find any Cadillacs that night?

14 A Yes, sir. There was three, I believe.

15 MR. GREGORY: Okay. Please answer any questions the
16 Defense has for you.

17 THE WITNESS: Yes, sir.

18 MR. ROBINSON: I beg the Court's indulgence.

19 THE COURT: Certainly.

20 (Pause.)

21 MR. ROBINSON: I have no questions.

22 Thank you.

23 THE COURT: All right. You may step down.

24 Thank you.

25 MR. GREGORY: The State calls Judson Belding.

1 THE CLERK: If you'll, please, place your left hand
2 on the Bible and raise your right hand, please.

3 WHEREUPON,

4 JUDSON BELDING,

5 after first having been duly sworn, testified as follows:

6 THE CLERK: Please state your name for the record.

7 THE WITNESS: Judson Belding.

8 THE COURT: Would you spell your last name for me?

9 THE WITNESS: Did you say spell it?

10 THE COURT: Spell it.

11 THE WITNESS: B-E-L-D-I-N-G.

12 THE COURT: Very good. Thank you.

13 DIRECT EXAMINATION

14 BY MR. GREGORY:

15 Q Where are you employed?

16 A The Greenville County Sheriff's Office.

17 Q And in what capacity are you employed there?

18 A Deputy sheriff.

19 Q How long have you been a deputy sheriff?

20 A Almost four years.

21 Q What are your duties and responsibilities as a deputy
22 sheriff?

23 A I'm assigned to beat areas and patrol beat areas,
24 respond to crimes in progress and crimes that have already
25 occurred.

1 Q Did you receive any education and training to become
2 a deputy?

3 A Yes, sir.

4 Q What did you receive -- what kind of training did you
5 receive?

6 A In the State of South Carolina, you're sent to the
7 South Carolina Criminal Justice Academy. It's a 12-week
8 training process to be able to learn the basics of the
9 job, do investigations, and similar things of that nature.

10 Q Did you graduate from the academy?

11 A Yes, sir.

12 Q When did you graduate from the academy?

13 A May of 2014. I don't remember the day.

14 Q Were you working on November 27, 2014?

15 A Yes, sir.

16 Q Where were you working that day?

17 A I was working in what we consider area nine. It
18 includes the Berea and Cherrydale area up to, like, Furman
19 University, Travelers Rest area. And it cuts over to like
20 Rutherford Road, down North Pleasantburg.

21 Q Did you have an opportunity to become involved in
22 this case that night?

23 A I did, yes, sir.

24 Q And how did you become involved in this case?

25 A While working my assigned beat area, the area nine I

1 just described, I remember over the radio dispatch advised
2 that --

3 MR. ROBINSON: Objection, Your Honor. Hearsay.

4 MR. GREGORY: Judge, this is just laying the
5 foundation -- it's laying the foundation. It's not the --
6 for the proof of the matter asserted, Your Honor.

7 THE COURT: Very well. Overruled.

8 You may proceed.

9 THE WITNESS: Okay.

10 BY MR. GREGORY:

11 Q Tell us why you responded to this location, please.

12 A On this evening, over the radio, dispatch advised
13 that there had been two gunshot victims at a place that,
14 at the time, was called Bugatti Grand. It's a nightclub
15 on North Pleasantburg Drive.

16 Q How long did it take you to respond there?

17 A I don't know an exact time, but it was pretty fast.
18 I was coming from Poinsett Highway.

19 Q What time of day did you respond there?

20 A It was late at night.

21 Q Do you have an idea about what time it was, though?

22 A I don't remember exactly.

23 Q When you responded, who else was on scene? Were any
24 other law enforcement officers on scene?

25 A Myself and another deputy, we were the first two

1 deputies on scene. We had arrived, essentially,
2 simultaneously and -- how far do you want me to go?

3 Q Who was the other deputy?

4 A It was Deputy Wilkinson.

5 Q And you said you were the first two on scene?

6 A Yes, sir.

7 Q What did you see when you arrived at the scene?

8 A Upon arrival on scene, I recall seeing several people
9 out in front of the club, Bugatti Grand. There were -- so
10 at the front of the building, the front door to the
11 business is slightly off to the left of the center of the
12 building.

13 So in front of that door, there was a gunshot victim
14 laying on the sidewalk there. And then off on the front
15 right of the building, there was another person laying on
16 the sidewalk, who was a gunshot victim. So two separate
17 persons.

18 Q Now, if you'll step down and point on this diagram,
19 State's Exhibit No. 2, where the door is to the front of
20 Bugatti?

21 A So this is North Pleasantburg Drive. The entrance
22 and exit to the parking lot is here. The front door is a
23 little bit to the left of the center. So it's about right
24 here.

25 One person was laying a little offset of that door on

1 the sidewalk, which you can't really see from this
2 picture. But you see how the sidewalk goes under the
3 overhang? That runs the length of the building. So one
4 person is about right here, and the other person is laying
5 about right here.

6 Q Thank you.

7 You can have a seat.

8 A (Witness complied.)

9 Q After arriving on scene and seeing the scene, what
10 did you do?

11 A I -- I first saw the person on the right side of the
12 building. I responded to them with a medical kit and
13 attempted to render aid to them.

14 Q What did you do to render aid?

15 A I noted that they had a gunshot wound going into the
16 chest area. So if you have a gunshot wound through the
17 chest in the area, specifically, where this gunshot was,
18 it would have pierced a lung. So we have capabilities to
19 apply a chest seal.

20 So where the vacuum of your lungs have been
21 punctured, it allows us to create a seal and try to keep
22 that pressure so that you can still breath. I had chest
23 seals with me and attempted to apply them.

24 Q And this was for the victim that's to the right?

25 A Correct. The one on the right corner.

1 Q Did you check to see if he had a pulse or not?

2 A I did. He was -- he did still have a pulse at that
3 time.

4 Q Was he breathing at that time?

5 A He was. He was struggling, but he was breathing.

6 Q Was anyone assisting you?

7 A Deputy Wilkinson.

8 Q The other victim you said was closer to the front
9 door?

10 A Yes, just off of the front door.

11 Q And did you check on him? Did you ever go over to
12 him?

13 A I did not. Other units had arrived on scene at that
14 time as we were responding using our blue lights and
15 sirens to get us there faster to be able to render aid to
16 the victims. And I don't recall who, but other deputies
17 responded to that victim upon arrival.

18 Q How long did it take for other deputies to respond to
19 the scene?

20 A I don't know the timeline, but it was fast.

21 Q And how long did you render aid to the victim to the
22 right?

23 A I continued trying to, essentially, save this young
24 man's life until EMS arrived on scene. And we were able
25 to get him in the back of the ambulance to get him

1 transported to the hospital.

2 Q Do you remember what time that was?

3 A Everything was fast. It wasn't long after I was on
4 scene. I'd say within 10 minutes.

5 Q And after the victim was taken away in the ambulance,
6 what did you do?

7 A I immediately started looking around. I observed
8 that there were cameras on the outside of the business.
9 Upon seeing that, I knew that that could be important to
10 the -- figuring out the outcome of what happened before I
11 arrived.

12 So I went to make contact inside or with someone that
13 worked there. So I went inside and ended up making
14 contact with the owner of the club and began speaking with
15 him about what he had seen or heard and --

16 Q Who was the owner of the club?

17 A I know his last name was Ellison, Mr. Ellison.

18 Q Now, after speaking to him, what did you do?

19 A After speaking with him, I began talking to other
20 people who were just out in the parking lot trying to see
21 who knew what and gathering their information so that
22 investigators could follow-up with them later to determine
23 what they had seen and make it more formal in a formal
24 statement.

25 Q And did you turn over those names to anyone, any of

1 the individuals you talked to?

2 A Yes. I documented them in my report and the
3 information was obtained by the lead investigator for this
4 case, Investigator Fortner.

5 MR. GREGORY: Please answer any questions the Defense
6 has for you.

7 MR. ROBINSON: I have no questions, Your Honor.

8 THE COURT: You may step down.

9 Thank you.

10 MR. GREGORY: Your Honor, at this time, the State
11 would call Sergeant Hamilton to the stand.

12 THE CLERK: If you'll, please, place your left hand
13 on the Bible and raise your right hand.

14 WHEREUPON,

15 JONATHAN FRANKLIN HAMILTON,
16 after first having been duly sworn, testified as follows:

17 THE CLERK: Please state and spell your name for us,
18 please.

19 THE WITNESS: Jonathan Franklin, J-O-N-A-T-H-A-N,
20 Franklin, F-R-A-N-K-L-I-N, Hamilton, H-A-M-I-L-T-O-N.

21 THE CLERK: Thank you.

22 You may be seated.

23 DIRECT EXAMINATION

24 BY MR. GREGORY:

25 Q Sergeant Hamilton, where are you employed?

1 A The Greenville County Department of Public Safety
2 forensics division.

3 Q What are your duties there?

4 A I am currently a sergeant with the division, which
5 means that I am over 11 employees -- 11 officers for the
6 forensics division.

7 Q So when you're over the 11 officers, more
8 specifically, what are your duties as far as the forensics
9 division?

10 A Everything from administrative. So we do field
11 assessments on our officers. I do evaluations,
12 performance. We do training, anything that encompasses
13 the forensics division to make sure our officers are
14 up-to-date with their class one or three certification
15 with the South Carolina Criminal Justice Academy. I,
16 also, respond to calls for service as well with the
17 division.

18 Q Were you in that capacity on November 27, 2014?

19 A I was, actually, the on-call supervisor. So I was at
20 home when the call originally came out. And it is the
21 responsibility of the senior officer on duty to contact
22 the on-call supervisor to advise him of any priority calls
23 for service.

24 Q What time did you receive a call that night?

25 A I can't remember the exact time. It was shortly

1 after Officer Derby responded to the scene. And he
2 received a call at 10:50.

3 Q Once you arrived on scene, who else was there?

4 A Officer Derby was there and Officer Spurgeon was
5 there with the forensics division.

6 Q And where did you go? Where was the scene?

7 A It was at [REDACTED] North Pleasantburg Drive in
8 Greenville.

9 Q And what county is that located in?

10 A Greenville County.

11 Q Upon arrival, what were your duties at that
12 particular scene that night?

13 A Basically, when the on-call supervisor gets on scene,
14 we get a run-down from the officer, okay, this is what I
15 was advised up to that point, where the scene was
16 encompassed, you know, where we're going to be needing to
17 look at. Normally, we try to do a walk-through, again,
18 once the on-call supervisor is there with the on-scene
19 deputies, and investigators, and myself, and the officer,
20 forensic officer.

21 Q As part of the forensic work there that night, what,
22 in particular, did you do? Did you take pictures of the
23 scene?

24 A I did video. -- conducted video of the scene.
25 Normally, that's protocol. Whenever we have any priority

1 scene such as this, we have digital photographs taken by
2 the on-scene officer, Officer Derby at this point.

3 And then there's usually another officer or the
4 on-call supervisor who will obtain digital video of the
5 scene. So that way, we have video surveillance of what we
6 see before we start doing anything.

7 MR. GREGORY: Judge, I think we have a matter we need
8 to take up outside the presence of the jury.

9 THE COURT: Very well.

10 Mr. Foreman, and, ladies and gentlemen of the jury,
11 if you would retire to the jury room. I need to take up a
12 matter of law with the attorneys. Again, do not undertake
13 discussion of the case --

14 THE BAILIFF: Everyone remain seated until the jury
15 leaves the courtroom.

16 THE COURT: Do not undertake discussion of the case
17 among yourselves in any way.

18 Thank you.

19 (WHEREUPON, the jury was excused from open court at
20 approximately 2:13 p.m.)

21 THE COURT: All right. Yes, sir, Solicitor -- or --
22 yes, Mr. Solicitor.

23 MR. GREGORY: Your Honor, the State is prepared to
24 introduce State's Exhibit Nos. 4 through 22 into evidence.
25 After showing them to Mr. Robinson, he took issue with one

1 of them. And I believe I'd like to be heard.

2 THE COURT: Well, let's do this, which one did he not
3 take objection to?

4 MR. GREGORY: All of them, except for one.

5 THE COURT: That's the ones I want to know. You want
6 to admit the ones he didn't object to?

7 MR. GREGORY: Correct.

8 THE COURT: Okay. So let's get those on the record
9 right now.

10 MR. GREGORY: All right. State's Exhibit Nos. 4, 5,
11 6, 7, and then 9 through 22.

12 Is that -- am I correct in saying that?

13 (WHEREUPON, there was no verbal response.)

14 THE COURT: And is that correct, Mr. Robinson? You
15 do object to one?

16 MR. ROBINSON: It is, Your Honor.

17 THE COURT: And that would be State's Exhibit No. 8?

18 MR. ROBINSON: It is, yes.

19 THE COURT: Very well. What's your objection?

20 MR. ROBINSON: Judge, I think -- Mr. Gregory can show
21 you, it's a picture of the one -- one of the bodies.

22 MR. GREGORY: I'll be happy to pass that up to Your
23 Honor.

24 THE COURT: All right. Let me see the others, too,
25 then.

1 MR. GREGORY: Yes, Your Honor.

2 THE COURT: Thank you.

3 MR. GREGORY: You're welcome.

4 (Pause.)

5 THE COURT: All right. This is the only photograph
6 you have with one of the victims?

7 MR. GREGORY: We have other ones, Your Honor. But
8 that one was taken from a distance. I used the one that I
9 thought was as -- that could be as less prejudicial as
10 possible, but yet be probative of where he was and the
11 condition he was in when they arrived.

12 THE COURT: Would you have those others available?

13 MR. GREGORY: I do. I have them in my office, Your
14 Honor. I'll be happy to go --

15 THE COURT: Well, the only reason I say -- it depends
16 on whether your judgment was as accurate or as fair as
17 possible.

18 MR. GREGORY: I will be happy to go back and retrieve
19 them.

20 THE COURT: Well, we won't do it right now.

21 What's your objection? State your objection for the
22 record.

23 MR. ROBINSON: May it please the Court.

24 Your Honor, I think it's -- the objection is it's
25 prejudicial. And it's kind of inflammatory is what I call

1 it. It's a dead body, obviously. Obviously, you can see
2 that. I think that's not really -- I don't think that's
3 relevant to this case.

4 THE COURT: Well, what is he charged with?

5 MR. ROBINSON: He's charged with murder, Your Honor.

6 THE COURT: Can you have a murder charge without a
7 body or without a person dying?

8 MR. ROBINSON: I've never heard of that, Your Honor.

9 THE COURT: Really?

10 MR. ROBINSON: I understand. What I'm saying --

11 THE COURT: I thought that's what the charge of
12 murder was, a homicide was that causing one's death.

13 MR. ROBINSON: But the --

14 THE COURT: And not to put too fine a point on it,
15 people sometimes suggest that this would be corpus
16 delicti, the body of the crime.

17 MR. ROBINSON: Right. If there was a different
18 picture that wasn't so --

19 THE COURT: That was the only reason I was asking for
20 the others.

21 I'll tell you what. Do you have any other witnesses
22 that might later could put this image in, if that's what
23 it is?

24 MR. GREGORY: This is -- this is the only witness
25 that I can put that in --

1 THE COURT: This is the only witness you have on the
2 stand?

3 MR. GREGORY: Correct. This is the forensics officer
4 that was out there that took the pictures. I'll be happy
5 with two minutes to run back to my office and grab the
6 notebook of them.

7 THE COURT: Again, I would like for the record to, at
8 least, have something if anybody has to look at this case
9 to see that why is it of all the pictures of the corpus
10 delicti -- if you'll forgive me for using the term
11 again -- is this one.

12 MR. GREGORY: I'm happy to run back there and get
13 them, Your Honor.

14 THE COURT: Do you have anybody else in your office
15 that might know where the office is?

16 All right. Do you want to -- how much more do you
17 have for this witness?

18 MR. GREGORY: I have a little bit more as far as I
19 have pictures and shell casings, which we've stipulated
20 to.

21 THE COURT: Well, let's -- what I want to do --
22 Is the jury ready to come back? Do you know?

23 THE BAILIFF: I'll check and see right now.

24 THE COURT: Yes, sir.

25 MR. ROBINSON: Your Honor, I'm going to withdraw the

1 objection on the basis of relevance. Because I'm really
2 not sure why I went in that direction.

3 So I'll ask the Court to strike that. And I want to
4 go just in the area of just the inciting --

5 THE COURT: Inflammatory.

6 MR. ROBINSON: Inflammatory.

7 So I withdraw -- obviously, it's corpus delicti. I
8 did take criminal law when I was in law school.

9 (Pause.)

10 THE BAILIFF: Yes, sir. They're ready.

11 MR. ROBINSON: Judge --

12 THE COURT: Yes, sir.

13 MR. ROBINSON: -- I have the charge, if you would
14 like. I was going to give you a copy of the charge.

15 THE COURT: That would be great.

16 Thank you.

17 Just a second.

18 All right. How much longer do you think it will be?
19 Or can we go on and put this in at the last?

20 MR. GREGORY: Whatever Your Honor --

21 THE COURT: Well, it's not what I want, sir. It's
22 what I have to do in order to --

23 MR. GREGORY: We can put it in at the end.

24 THE COURT: The record reflects what the Court has
25 done.

1 MR. GREGORY: We can put it in at the end, Your
2 Honor.

3 THE COURT: I will tell you what I will do, though,
4 since this is the witness -- apparently, you want to have
5 this other in. While you've got it, see if you can find
6 the ones you've rejected or excluded.

7 MR. GREGORY: Your Honor, do you want me to pass them
8 to the Defense attorney or pass them up to you?

9 THE COURT: He hasn't seen them before?

10 MR. GREGORY: I've provided him a copy of all the
11 pictures, yes, Your Honor.

12 MR. ROBINSON: May it please the Court.

13 I just want -- because of what --

14 THE COURT: Keep your seat.

15 MR. ROBINSON: I just want to see if there's any
16 other picture that would not be so inflammatory.

17 THE COURT: Well, how about that. That's exactly
18 what I want. I would like everybody to agree on something
19 that is not inflammatory.

20 (Pause.)

21 MR. GREGORY: Your Honor, Mr. Robinson has picked out
22 three. The problem I have with these three, which I'll be
23 happy to pass up to you, is it doesn't exactly show where
24 the body was located.

25 THE COURT: All right. Let's have these marked for,

1 identification. It would follow, like, 22 --

2 Do you have any others that have been marked.

3 MR. GREGORY: I do, Your Honor. I have all the way
4 down to 44.

5 THE COURT: So we'll pick these three up in
6 sequential of the last. And it doesn't matter in which
7 order.

8 (WHEREUPON, State's Exhibit Nos. 45, 46, and 47 were
9 marked for identification only.)

10 THE COURT: These are only for ID right now. I want
11 to hear the parties on which one will be admitted.

12 MR. GREGORY: Now, Your Honor, as to State's Exhibit
13 No. 8, that's been marked for ID that we can present to
14 the --

15 THE COURT: It's only ID right now?

16 MR. GREGORY: Correct.

17 THE COURT: The ones I will admit are the ones you
18 gave me, State's Exhibit Nos. 4 through 7, and 9 through
19 66. I'm going to put it on the record in front of the
20 jury.

21 Now, I want to take up State's Exhibit No. 8, and
22 then the ones that we have marked now for identification.
23 State's Exhibit No. 8 is, also, for identification.

24 These are State's Exhibit Nos. 45, 46, and 47 for
25 identification.

1 Now, which one do you want other than the -- or which
2 one can you -- why do you prefer State's Exhibit No. 8,
3 rather than --

4 MR. GREGORY: State's Exhibit No. 8, I think, shows
5 the position of the body. And the probative value of that
6 is where it was located.

7 THE COURT: And your objection to State's Exhibit No.
8 8?

9 MR. ROBINSON: Your Honor --

10 THE COURT: Just keep your seat, Mr. Robinson. You
11 and I have problems -- I mean, not problems with each
12 other, but problems with our bodies.

13 Let the record reflect both of us use canes.

14 MR. ROBINSON: Yes, Your Honor.

15 Your Honor, my objection is still the inflammatory.
16 But, you know, all he has to do as far as -- because
17 Mr. Gregory says about the location. All he's got to do
18 is go to that chart over there that he put in as an
19 exhibit and say, this is where that body was found.
20 That's all he's got to do.

21 THE COURT: Which body?

22 MR. ROBINSON: That body that there's a part of
23 there. All he's going to ask the detective is, where did
24 you find that particular body?

25 THE COURT: Well, we don't have a body. The only

1 photograph is State's Exhibit No. 8 of the body. State's
2 Exhibit No. 45 of the feet, 46 of the feet, 48 [sic] looks
3 like the trunk from the chest down to the feet. And then
4 State's Exhibit No. 8 is the only one that has the body.

5 So I'm going to overrule your objection and admit
6 State's Exhibit No. 8. And, of course, the others,
7 State's Exhibit Nos. 45, 46, and 47 will be not admitted
8 into evidence, but become a part of the record for the
9 Court to consider.

10 MR. ROBINSON: Thank you, Judge.

11 THE COURT: Your objection is overruled, Mr. Robinson.

12 All right. When we come back out, I'm ruling that
13 the -- all the exhibits before -- State's Exhibits are
14 admitted. And we don't need to go through -- admitted by
15 consent. And it's for the Court's determination. The
16 record will speak for itself.

17 Now, with that, here they are.

18 MR. GREGORY: Thank you.

19 THE COURT: Are we ready to proceed from the State?

20 MR. GREGORY: Yes, sir.

21 THE COURT: From the Defense?

22 MR. ROBINSON: Yes.

23 THE COURT: All right. Very good.

24 Ask the jury to join us.

25 Mr. Gregory and Mr. Moyer, because Mr. Robinson and I

1 are asking for your consideration, I'm going to suggest
2 that we change the rules for this case. The attorneys, if
3 they would like, can remain seated, but do not speak over
4 the other one.

5 MR. GREGORY: Yes, Your Honor.

6 THE COURT: But you do not have to stand.

7 (WHEREUPON, the jury came into open court at
8 approximately 2:34 p.m.)

9 THE COURT: All right. Let the record reflect the
10 jury and alternates are in the jury box.

11 Mr. Foreman, and, ladies and gentlemen of the jury,
12 we'll now proceed with the trial of the case.

13 And I recognize Mr. Gregory.

14 MR. GREGORY: Your Honor, permission to publish
15 State's Exhibit Nos. 4 through 22 to the jury.

16 THE COURT: You've moved for the admission of State's
17 Exhibit Nos. 4 through 22?

18 MR. GREGORY: That's correct.

19 THE COURT: All right. State's Exhibit Nos. 4, 5, 6,
20 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,
21 and 22 are admitted.

22 You may proceed.

23 (WHEREUPON, State's Exhibit Nos. 4, 5, 6, 7, 8, 9, 10,
24 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 were
25 admitted into evidence.)

CONTINUED DIRECT EXAMINATION

BY MR. GREGORY:

Q Sergeant Hamilton, I'm going to pass you the laser pointer and ask you to step down for a second.

A Yes, sir.

Q Previously, we talked about filming and photographing the scene that night; correct?

A Yes, sir.

Q I'm going to show you what's been marked as State's Exhibit No. 4. Do you recognize this?

A Yes, I do.

Q All right. Can you, please, tell the jury what we're looking at here?

A This is the front of [REDACTED] North Pleasantburg Drive. And this is the parking spaces in front of the building. North Pleasantburg Drive will be further down to the left, if you're looking at the picture.

Q When you arrived, the cars that we see there, were they already there?

A Yes, sir.

Q And the tape that you can barely see in the background, what is that?

A That's crime scene tape used to consolidate the scene to make sure we can keep those not needing to be in the scene out and giving us the scene to be able to work.

1 Q Did you tape the scene off?

2 A No, I did not.

3 Q State's Exhibit No. 5?

4 A This right here is the same picture from before,
5 except we're more closer to the front of the wall now. So
6 you're staring down the sidewalk. And this is the front
7 of the building. And, again, cars in the parking spaces
8 in front of the building. And North Pleasantburg Drive
9 will be to your far left.

10 Q And during the course of your investigation, were you
11 able to determine what was on the ground here?

12 A On the ground in this space here, there were broken
13 pieces of -- at the time, I thought maybe a pitcher,
14 broken pieces of some kind of plastic. We had medical
15 treatment apparatuses, trash from EMS trying to give
16 treatment to one of the victims.

17 There were, also, cartridge casings on the ground.
18 One of the victims is in the far side here closer to the
19 front of that Ford Explorer, I believe it is, or
20 Expedition.

21 Q Now, the shell casings you're talking about, can you
22 see where they've been marked on this picture?

23 A If you see these little white pieces here, normally,
24 the way that the sheriff's office and some of the other
25 cities in Greenville County do is they will, actually,

1 take business cards and they will make a tented arch.

2 So, that way, it advises anyone on scene, you need to
3 avoid stepping here. So, that way, evidence doesn't get
4 kicked around and we lose the custody of that evidence
5 from its original location.

6 Q And did you, eventually, collect those items?

7 A The items were collected, yes, sir.

8 Q Now, the -- explain what we're looking at on this
9 picture.

10 A Again, this is the same picture from before, except
11 now, we're looking more towards the parking spaces than
12 the front of the building.

13 THE COURT: I'm sorry. Identify which --

14 MR. GREGORY: I'm sorry. That's State's Exhibit
15 No. 6. I apologize, Your Honor.

16 THE COURT: No, not at all. Just so the record will
17 reflect what he's addressing.

18 THE WITNESS: And, again, there's some of the latex
19 gloves, some of the stuff EMS had left behind. There's,
20 also, some suspected blood on the sidewalk. And then,
21 again, these tented arches here from which was placed
22 there prior to the arrival of forensics.

23 BY MR. GREGORY:

24 Q All right. State's Exhibit No. 7?

25 A Okay. This is the same picture from a couple ago. I

1 believe it was State's Exhibit No. 5, except now we're a
2 little bit closer towards the vehicles. This is the front
3 of the building. There's one of the victims here, the
4 vehicles, the front parking spaces. And then, of course,
5 again, you've got the sidewalk with suspected blood.
6 There's trash and medical stuff here. And then the tented
7 arches, as I discussed earlier.

8 Q All right. And State's Exhibit No. 8?

9 A Now, this is going to be one of our victims. Now,
10 we're going to flip. We're going to be facing it from
11 the -- from the front of the building on your left,
12 parking spaces on your right. And the front door is,
13 actually, behind you and to the left. So the door is over
14 here to the front of the club.

15 Q During the course of your investigation, were you
16 able to identify that victim?

17 A On the original -- upon the original, we didn't know
18 who we had. I believe that was found later on. All we
19 knew is that it was a victim, the race, sex, and condition
20 of the body when we first arrived.

21 Q So what was the race of the victim?

22 A Black male.

23 Q I'm going to show you what's been marked as State's
24 Exhibit No. 9. What is that?

25 A That is a cartridge casing. And if you can see, the

1 cartridge casing, actually, has been damaged. If you see
2 the little divots and dents in the cartridge casing.

3 Q And where was that casing found?

4 A May I?

5 Q Please. Will that writing help refresh your memory?

6 A Sir?

7 Q That writing, will it help you refresh your memory?

8 A I'm sorry?

9 Q What you're looking at, will that help refresh your
10 memory of where it was located?

11 A Yes.

12 Q And the time as well?

13 A Yes.

14 All right. This cartridge casing, actually, was
15 close to the roadway, close to North Pleasantburg Drive.
16 We, actually, located additional cartridge casings after
17 scouring and looking for evidence.

18 Normally, when the officers come on scene, first off,
19 they're having to handle security, security of the scene,
20 making sure they consolidate witnesses, and that kind of
21 thing. So a lot of times, they don't have time to scour
22 through the whole entire scene looking for additional
23 items of evidence.

24 This item of evidence here, I believe, was located
25 near the roadway, which we located after we started

1 searching the parking lot.

2 Q I'll show you what's been marked as State's Exhibit
3 No. 10. Where was this located?

4 A That one was, also, close -- near the roadway in the
5 parking lot, an additional cartridge casing. And you can
6 see it right here. And it, too, appears to be damaged
7 from something.

8 Q State's Exhibit No. 11?

9 A This is, also, from the roadway -- close to the
10 roadway. And the same thing, it's the additional evidence
11 that we located upon arrival.

12 Q State's Exhibit No. 12?

13 A Okay. This is going to show from the pictures you
14 saw before with the building on your right side, the
15 parking lot on your left. We're, actually, facing where
16 those photographs were taken.

17 This, actually, shows the evidence item -- evidence
18 placards placed down on the items which were to be
19 collected. And you can see evidence placard 12 and five
20 clearly here. And then, of course, it goes back in
21 sequential numbers in the back.

22 Q What was evidence placard 12 and five?

23 A Number five was a broken clear plastic drink pitcher.
24 And 12, it's the same, the pitcher.

25 Q State's Exhibit No. 13?

1 A Okay. It's, again, a picture of the evidence
2 placards that you just saw on the evidence -- or the photo
3 before. It's just at a different angle. We're facing at
4 the front of building. The evidence placard is here, and
5 the vehicle and the victim would be there.

6 Q State's Exhibit No. 14?

7 A That is another up-close photograph, as you can see,
8 of that same area in the parking lot, 14, 8, 7, 6. And
9 you can see the numbers as they were placed down for
10 evidence items.

11 Q What was number 14?

12 A Number 14 was a clear broken plastic piece of a
13 suspected drink pitcher.

14 Q And number 6?

15 A Six was a cartridge casing Spear 380 auto.

16 Q And number seven?

17 A Also, a cartridge casing. This one was a Federal
18 auto head stamp.

19 Q And number 8?

20 A A cartridge casing, Federal 380 auto head stamped.

21 Q Will you, please, point to number eight on the
22 screen?

23 A I just want to make sure -- eight is here. So you
24 have 6, 7, 8, 9, 10, 11, and 12.

25 Q Does that make it a little easier?

1 A Yeah, it does.

2 Q And number nine, what was there?

3 A Number nine was, also, a cartridge casing. It's a
4 Federal 380 auto head stamp. And let me explain. When I
5 say "cartridge casing," I'm referring to a fired shell
6 casing. If I say "cartridge," that is a live round. So I
7 just want to make sure it's distinctive for the Court.

8 Q So when you say "shell casing," there is not a
9 projectile still in the --

10 A A cartridge casing is just the casing minus the
11 projectile itself.

12 Q What's State's Exhibit No. 10?

13 A State's Exhibit No. 10, also, a cartridge casing
14 Federal 380 auto head stamp.

15 Q What's State's Exhibit No. 15, specifically, number
16 13?

17 A Number 13 down here?

18 Q Yes.

19 A Excuse me. All right. Number 13 is a clear
20 plastic -- a broken plastic piece of a suspected drink
21 pitcher.

22 Q State's Exhibit No. 16?

23 A All right. This is evidence placard number six.
24 This was taken from the parking lot. And it is a
25 cartridge casing, which is right here.

1 Q Were you able to determine what caliber that one was?

2 A Spear 380 auto head stamp.

3 Q State's Exhibit No. 17?

4 A This is, also, a cartridge casing. Number seven
5 would be a Federal 380 auto head stamp. And it looks like
6 it has a defect on the side of the cartridge case.

7 Q State's Exhibit No. 18?

8 A It's number eight. Evidence placard eight is going
9 to be a Federal 380 auto cartridge casing.

10 Q State's Exhibit No. 19, what is this?

11 A This is, also, a cartridge casing, Federal 380 auto
12 head stamp.

13 Q State's Exhibit No. 20?

14 A That is a Federal 380 auto cartridge casing.

15 Q State's Exhibit No. 21? This is placard number 11.

16 A This is placard number 11. This is, actually, a
17 suspected projectile. If you notice, I use the word
18 "suspected." That is because we want to make sure before
19 we, actually, say that is exactly what it is. So we are
20 believing that is a suspected projectile.

21 Q What is a projectile?

22 A A projectile is what is exerted from a cartridge from
23 an intact bullet. So the bullet is fired, the firing pin
24 causes a small explosion inside the cartridge casing,
25 releasing the projectile from the actual casing itself and

1 placing it down the barrel of the gun.

2 Q State's Exhibit No. 22?

3 A Okay. This is evidence placard 20. This is a
4 cartridge casing that was in the parking lot near the
5 roadway. This casing is a WIN nine millimeter Luger head
6 stamp. So it is different from the others that we
7 previously discussed.

8 Q I want to back up to the first few placards. We
9 talked about the caliber on 6, 7, 8, 9, and 10?

10 A Uh-huh.

11 Q State's Exhibit No. 9, were you able to determine the
12 caliber for this?

13 A Yes. The cartridge casing -- this is back towards
14 the road again from what we discussed earlier. This
15 casing was, actually, head stamped PerFecta 40 S&W. So
16 it's a 40-caliber cartridge casing.

17 Q State's Exhibit No. 10, were you able to identify and
18 determine what caliber that is?

19 A This was, also, a PerFecta 40 Smith & Wesson from the
20 parking lot in the roadway.

21 Q And then, finally, State's Exhibit 11?

22 A Again, this was, also, a cartridge casing from near
23 the roadway. And it was, also, a PerFecta 40-caliber S&W,
24 Smith and Wesson.

25 Q If you'll return to your seat.

1 A Yes, sir.

2 Q So using State's Exhibit No. 2, can you point out
3 where the 40-caliber shell casings were found?

4 A Okay. This is an aerial shot. The 40-caliber
5 cartridge casings we were discussing all were from the
6 front of the parking lot near the entranceway to the club.

7 Q And the nine millimeter shell casing, where was that
8 found?

9 A Let me make sure. Hold on a second.

10 That one was, also, near the roadway, parking lot
11 area.

12 Q All right. And as to the 380 shell casings, where
13 were they located on that map?

14 A They were all clustered in this little area right
15 here at the front of the building.

16 Q If you'll have a seat.

17 A Sure.

18 Q I'm going to show you what's been marked as State's
19 Exhibit No. 3. Do you recognize this?

20 A Yes, I do.

21 Q And how do you recognize it?

22 A This is a two-D diagram, which I produced at our
23 crime scene office from a rough draft sketch that I took
24 from the scene.

25 Q And did you create this?

1 A Yes, I did.

2 Q Is this a fair and accurate representation?

3 A It is.

4 MR. GREGORY: Your Honor, at this time, the State
5 would seek to introduce State's Exhibit No. 3 into
6 evidence.

7 THE COURT: Any objection?

8 MR. ROBINSON: No objection.

9 THE COURT: Without objection, State's Exhibit No. 3
10 is admitted.

11 (WHEREUPON, State's Exhibit No. 3 was admitted into
12 evidence.)

13 BY MR. GREGORY:

14 Q Tell the jury a little bit about how you created this
15 diagram, and what you did to create it.

16 A On scene, the way that we normally progress in the
17 scene processing is once digital photographs and digital
18 video are obtained, we then recognize and mark evidence
19 which we were going to collect, that we're going to
20 collect on scene. At that point, before any collection of
21 evidence, before the victim, the decedents are moved, we
22 normally collect digital measurements of the scene.

23 Now, in this case, I, actually, took digital
24 measurements of the entire property around the building,
25 including parking spaces, also, sidewalks, size of the

1 building, where the victim was laying, vehicles that were
2 placed there, evidence that was placed there. I do a
3 rough draft kind of deal, take it back to the office. We,
4 actually, have a crime zone program. With that crime zone
5 program, we can, actually, create and a two-D image of the
6 scene, top-down view.

7 Q As you can see, the three rectangles on the lower
8 part, what are those? Right in front.

9 A The three rectangles?

10 Q Yes.

11 A Those are, actually, vehicles. Now, you have to
12 understand that we are coinciding -- I'm coinciding this
13 with the reports that my officer had been producing. So
14 these are, actually, the three vehicles that were in
15 front. If y'all remember the pictures we showed you
16 earlier, those are the three vehicles that were parked in
17 front of the building.

18 Q And to the right of number three, a vehicle, what are
19 we looking at there?

20 THE WITNESS: Can I come down, please?

21 THE COURT: Certainly.

22 THE WITNESS: In this area here?

23 BY MR. GREGORY:

24 Q Yes.

25 A Those are what we call evidence markers. You

1 remember seeing evidence placard 7, 10 and 11, the numbers
2 sequential, if you look, these numbers coincide with those
3 evidence placards that you saw in the photographs.

4 Q And then in front of vehicle number one, what is that
5 depicting?

6 A This is the two cones that you saw in front of the
7 victim's head. Those are the two cones. And this is the
8 victim lying on the sidewalk.

9 Q And did you put the two cones -- were the two cones
10 put there by law enforcement?

11 A They were there upon my arrival and our processing of
12 the scene, so I don't know who placed it there.

13 Q And up at the very top, the blown up picture of the
14 body, were there measurements taken as far as where he was
15 lying?

16 A Yes. If you see here, you see the A and you see the
17 B. We do what we call a triangulation. So, basically, I
18 take two points and I measure it to a certain point on a
19 piece of evidence or on the body, so on, and so forth.

20 So we take these two points and measure to the head
21 and center mass or torso of the victim. This is an actual
22 blown-up area of this. Basically, all I did was cut that
23 out and expand it out to where we could see it a little
24 bit better.

25 Q And that was the only body on scene when you were

1 there; correct?

2 A Yes.

3 Q If you'll just have a seat.

4 A Sure.

5 Q I'm going to show you what's been marked as State's
6 Exhibit Nos. 23, 24, 25, 26, and 27. Do you recognize
7 these?

8 A Would you like me to open each one of them?

9 Q Please.

10 A Do you have any gloves?

11 Q I do not have gloves. No, I don't.

12 MR. GREGORY: Prior to opening these, Your Honor, the
13 State would seek to introduce State's Exhibit Nos. 23
14 through 27 into evidence as part of the stipulation. I'll
15 pass up the stipulation.

16 BY MR. GREGORY:

17 Q What are State's Exhibit Nos. --

18 THE COURT: Just a moment. These are the exhibits
19 now -- you have other exhibits that you're going to --
20 that are subject to this stipulation?

21 MR. GREGORY: That's correct, Your Honor.

22 THE COURT: All right. If you would publish the
23 stipulation for the record.

24 MR. GREGORY: Yes, Your Honor.

25 The stipulation reads, Your Honor, "The State through

1 Assistant Solicitor John Gregory and the Defendant through
2 his attorney, Scott Robinson, hereby agree and stipulate
3 to the chain of custody, testimony, and admissibility of
4 the following items of evidence: Six shell cases, State's
5 Exhibit Nos. 23, 24, 25, 26, 27 and 35; five projectiles,
6 State's Exhibit Nos. 28 and 38, 39, 40 and 41; gunshot
7 residue kit, State's Exhibit Nos. 42 and 43; and a record
8 from Savannah Suites Hotel, State's Exhibit No. 44."

9 THE COURT: Is that your stipulation, Mr. Robinson?

10 MR. ROBINSON: It is, Your Honor.

11 (WHEREUPON, Court's Exhibit No. 1 was marked for
12 identification and admitted into evidence.)

13 THE COURT: All right. State's Exhibit Nos. 23, 24,
14 25, 26, 27 and 28 are admitted under the -- pursuant to
15 the stipulation, as well as 39 -- 38, 39, 41, 42, 43 and
16 44. All will be admitted into evidence.

17 MR. GREGORY: Thank you.

18 THE COURT: Let's let the court reporter have the
19 stipulation.

20 (WHEREUPON, State's Exhibit Nos. 23, 24, 25, 26, 27,
21 28, 35, 38, 39, 40, 41, 42, 43, and 44 were admitted
22 into evidence.)

23 BY MR. GREGORY:

24 Q Sergeant, what are State's Exhibit Nos. 23, 24, 25,
25 26, and 27?

1 A They are evidence packaging coin envelopes containing
2 a bar code label with the information of this case, and
3 the item number for the evidence collected that are
4 contained within it.

5 Q And what pieces of evidence are inside of it?

6 A These are all cartridge casings. Also, on the
7 back -- noted on the back, the evidence tape is sealed.
8 You have two on each one. The one at the top was
9 initialed by my officer, John Derby, with a date which it
10 was sealed.

11 And then at the bottom, there is another piece of
12 tape, which appears to be from James Armstrong, who is a
13 firearms examiner for the Greenville County Department of
14 Public Safety.

15 Q What caliber are those shell casings?

16 A All of these shell casings are 380 autos.

17 Q And the number that forensics gives to collect them,
18 do they match the numbers on the diagram?

19 A Most of the time. Sometimes, if evidence markers are
20 used in different places, there could be -- but, normally,
21 it's stipulated within our report if we use an evidence
22 placard twice within a case.

23 Q In this case --

24 A Yes, sir. Whatever the evidence placards were, the
25 only thing that's added is the officer's initials. So

1 John Derby was the officer. So it will be JD and then the
2 evidence placard number 675, so on and so forth.

3 Q Let me show you what's been marked and entered as
4 State's Exhibit No. 28.

5 A Yes, sir.

6 Q What is that?

7 A This is an evidence package containing a projectile.
8 The item number is JD-11, so evidence placard number 11.
9 And, again, there are two pieces of evidence tape, one on
10 the front fold and then one at the bottom. This has been
11 initialled and dated by my officer. And this appears to
12 be James Armstrong from the firearms lab of the Greenville
13 County Department of Public Safety.

14 Q Can you step down and point out exactly on the
15 diagram where the projectile was located?

16 A JD-11?

17 Q Yes.

18 A JD-11 was right here, which was close to the wall at
19 the front of the building on the right side, near the
20 parking lot where we had those empty parking spaces and
21 saw the evidence placards.

22 Q And that's marked on the diagram?

23 A Yes, sir.

24 Q JD-11 is?

25 A JD and 11.

1 Q What time did you arrive on scene?

2 A Let me check and see. Due to it being 3:00 in the
3 morning, I'm sure it doesn't take me long to get from the
4 house to the scene.

5 Time-wise, there is not a time that's stated in the
6 report. Greenville County dispatch is normally advised
7 when I am in service and en route to a call. So they
8 probably have those records.

9 Q How long did you stay on scene?

10 A Until the completion of the scene.

11 MR. GREGORY: Please answer any questions the Defense
12 has for you.

13 MR. ROBINSON: May it please the Court.

14 THE COURT: Mr. Robinson.

15 CROSS-EXAMINATION

16 BY MR. ROBINSON:

17 Q Officer, so you found -- you found 380 casings and
18 nine millimeter casings; is that right?

19 A Yes. There was nine millimeter cartridge casings
20 found.

21 Q Okay. And -- but you didn't find any 45-caliber, did
22 you?

23 A Not that I'm aware of, no, sir.

24 MR. ROBINSON: Thank you.

25 That's all I have.

1 THE COURT: Re-exam?

2 MR. GREGORY: I have no further questions, Your
3 Honor.

4 THE COURT: Thank you.

5 You may step down.

6 THE WITNESS: Thank you.

7 MR. GREGORY: Judge, may we approach briefly?

8 THE COURT: Certainly.

9 MR. GREGORY: Judge, we'd ask that Sergeant Hamilton
10 be excused from his subpoena as well.

11 THE COURT: Any objection?

12 MR. ROBINSON: No objection.

13 THE COURT: Without objection, you may be excused.

14 (WHEREUPON, a bench conference was held.)

15 THE COURT: Mr. Foreman, and, ladies and gentlemen of
16 the jury, I'm going to suggest you take a short break,
17 maybe 15 minutes at this time. And then we'll come back
18 and continue with the trial of the case.

19 Again, do not undertake the discussion of the case
20 among yourselves in any way.

21 Thank you.

22 Everyone else remain seated while the jury exits the
23 courtroom.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 3:06 p.m.)

1 THE COURT: Would y'all have a copy of the
2 indictments? I don't need the original.

3 MR. GREGORY: I do, Your Honor.

4 THE COURT: Just a copy.

5 All right. We'll stand at ease for 15 minutes.

6 (WHEREUPON, a break was taken.)

7 THE COURT: Have you instructed --

8 MR. GREGORY: Yes, sir, Your Honor.

9 THE COURT: -- the witnesses?

10 MR. GREGORY: Yes, I have.

11 THE COURT: Are you ready to proceed?

12 MR. GREGORY: Yes, Your Honor.

13 THE COURT: Is Mr. Moyer necessary?

14 MR. GREGORY: He's calling a witness, Your Honor. I
15 think we're fine.

16 THE COURT: Is the Defense ready, Mr. Robinson?

17 MR. ROBINSON: We're ready, yes, Your Honor.

18 THE COURT: Very good. Ask the jury to join us.

19 (WHEREUPON, the jury came into open court at
20 approximately 3:19 p.m.)

21 THE COURT: All right. Let the record reflect the
22 jury and alternates are in the jury box.

23 We'll now proceed with the State's case.

24 MR. GREGORY: May it please the Court.

25 The State calls Raymond Briggs.

1 THE CLERK: If you'd, please, place your left hand on
2 the Bible and raise your right hand.

3 WHEREUPON,

4 RAYMOND BRIGGS,
5 after first having been duly sworn, testified as follows:

6 THE CLERK: Will you, please, state and spell your
7 name for the record?

8 THE WITNESS: Raymond Briggs, R-A-Y-M-O-N-D,
9 B-R-I-G-G-S.

10 THE CLERK: Thank you.

11 You may be seated.

12 THE COURT: Thank you, sir.

13 DIRECT EXAMINATION

14 BY MR. GREGORY:

15 Q Mr. Briggs, how old are you?

16 A 51.

17 Q Do you live here in Greenville County?

18 A Yes.

19 Q How long have you lived in Greenville County?

20 A 40 -- no, 35 years.

21 Q Are you employed currently?

22 A Yes.

23 Q What do you do?

24 A I pick up and deliver furniture for Southern
25 Hospitality.

1 Q How long have you held that position?

2 A Four years.

3 Q Prior to that, what did you do?

4 A I worked at the Club Bugatti and Habitat for
5 Humanity.

6 Q When did you start working at Club Bugatti?

7 A I started when it first opened five years ago.

8 Q Who's the owner of Club Bugatti?

9 A Keith Ellison.

10 Q Did you work for him the whole time?

11 A Yes.

12 Q When did you stop working at Club Bugatti?

13 A Three months ago.

14 Q Did it change names?

15 A Yes.

16 Q What is the most recent name of Club Bugatti?

17 A Oxygen Ultra Lounge.

18 Q I'm going to show you what's already been entered as
19 State's Exhibit No. 1. If you would like to step down,
20 feel free.

21 Do you recognize Club Bugatti on that map on North
22 Pleasantburg?

23 A Yes. Yes, sir.

24 Q Is that the club you were talking about that you
25 worked at?

- 1 A Yes.
- 2 Q Were you working the night of November 27, 2014?
- 3 A Yes.
- 4 Q What were you doing there that night?
- 5 A I was the bar back.
- 6 Q What does that mean?
- 7 A I supplied the bar with ice, beer. Once they got
- 8 low, I went to the store to pick up anything we needed.
- 9 Q What time did you start working that night?
- 10 A Around 9:30.
- 11 Q How long did you work?
- 12 A The club closed around 2:00. I didn't leave that
- 13 night until probably 5:30, 6:00 in the morning.
- 14 Q Did you leave Club Bugatti at all?
- 15 A Yes.
- 16 Q When did you leave the club?
- 17 A Approximately 2:15.
- 18 Q a.m.?
- 19 A Yes.
- 20 Q Was that on November 27, 2014?
- 21 A Yes.
- 22 Q Where did you leave to go?
- 23 A I went down to the Spinx on North Pleasantburg.
- 24 Q Did you walk or drive down to Spinx?
- 25 A I drove.

1 Q Was it your car that you drove? {

2 A Yes.

3 Q Why did you go to the Spinx?

4 A We were closing, so I wanted to get some ice to be
5 ready for the next day so I wouldn't have to get it the
6 next day once we came in and opened. I went down to get
7 the ice for the night.

8 Q When you left at 2:15, was there anyone still in the
9 club?

10 A There were a few people still in the club. But I
11 locked the door once I came out.

12 Q Does it lock from the inside or the outside?

13 A The outside.

14 Q Did you have a key? Who else had a key?

15 A I had a key. Keith Ellison had a key.

16 Q Were the patrons still inside you locked in?

17 A There was still a few inside, yes.

18 Q Was the music still playing inside?

19 A Yes.

20 Q When you left, did you notice anyone out in the
21 parking lot?

22 A Yes.

23 Q What did you see in the parking lot when you left?

24 A The two guys that were shot and two other guys were
25 down at the end of our walkway. They were standing down

1 there talking at the end of the walkway. They were having
2 a discussion. They weren't arguing, but they were having
3 a discussion.

4 Q All right. Will you, please, step down and tell me
5 where you saw this discussion?

6 A It was on this end of the parking lot.

7 Q And did you -- you can return to your seat.

8 A (Witness complied.)

9 Q The individuals that were killed that night, did you
10 know them?

11 A No.

12 Q Had you ever seen them before?

13 A I had seen one of them. But the other three guys, I
14 didn't know them.

15 Q The other three guys?

16 A Yeah.

17 Q Was there -- where were they around? What were
18 they -- were they near anything?

19 A There was a couple of cars parked down at the end.
20 And they were standing right in front of one of the cars
21 right in front of the parking space.

22 Q Do you remember what kind of car that was?

23 A No, sir.

24 Q Could you hear anything they were saying? Now, don't
25 tell me what they said, just tell me if you could hear --

1 A Yes.

2 Q You could hear them talking?

3 A Yes.

4 Q How long were you gone?

5 A Approximately -- it was less than 10 minutes.

6 Q What happened while you were gone?

7 A I went in the store, paid for some ice, came out.

8 Q And when you say "the store" --

9 A Down at Spinx.

10 Q Okay.

11 A I came out and I was loading the ice in the car. And
12 I was talking to one of the cashiers. She was outside
13 smoking a cigarette. Some shots rang out. And she looked
14 at me and said, Is that at y'all's spot?

15 I said, I hope not. Let me go see what's happening.

16 When I pulled out of the parking lot, I ran into
17 Bobby Snipe. He was walking down the street. And he told
18 me, he said, I think some guys are shooting up in the
19 parking lot. I think somebody got shot.

20 Q Now, let's go back to the gunshots that you heard.
21 Could you tell how many gunshots you heard?

22 A Five to six shots.

23 Q Were they in rapid succession, or was there space
24 between the shots?

25 A There was a short space. A couple shots rang out and

1 it stopped. And I heard a few more shots.

2 Q Five to six total shots?

3 A Yes.

4 Q When you returned to the club, did you see any cars
5 there?

6 A No.

7 Q What did you see when you returned to the club?

8 A When I pulled up in front of the club, I got ready to
9 turn into the parking lot, there was a young lady walking
10 from the club. I could see one guy laying at the end of
11 the club, which I know now his name is Wolf. I could see
12 him from the street. I couldn't see Vess until I pulled
13 into the parking lot and looked down in front of the
14 building. I saw him laying there.

15 Q Can you step down and show us where you saw the
16 bodies, please?

17 A One body was -- this is the front of the club. One
18 body was right in here. The door is right here. So one
19 body was right here. They were both on the sidewalk.

20 Q Did you approach the bodies?

21 A Yes. I pulled around the building, parked on this
22 side, and walked back this way. The first young man I got
23 to, which was Vess -- they called him Vess. That's the
24 only thing I know him by. I pretty much looked at him and
25 I kind of thought he was dead then. He had like -- it

1 looked like parts of his lungs were coming out through his
2 mouth.

3 Q Did you check to see if he had a pulse?

4 A I didn't check him. But I walked over to the other
5 guy, Wolf. He was still breathing. He was gasping for
6 air.

7 Q Then what did you do?

8 A I walked back to the door. That's when Keith Ellison
9 and them came out. And they called 911. The female was
10 walking back and forth. I don't know her. But she was
11 pretty much just arguing and saying that nobody was any
12 good because nobody was helping them. But we didn't know
13 what was going on at the time. We didn't know what
14 happened.

15 Q How many people were there besides you and the female
16 walking back and forth?

17 A The one guy that was talking to them when they were
18 at the end of the parking lot, he was still there. He was
19 just saying, They shot my homeboy, they shot my homeboy.

20 Then a couple guys came out of the club and figured
21 out what was going on. And then they got him and put him
22 in the car and they left. I don't know his name.

23 Q Do you know the person that said, They shot my
24 homeboy?

25 A No. I hadn't never seen him before.

1 Q Okay. Did you call 911?

2 A No. I'm thinking Keith Ellison had somebody else
3 call. Because he tried to work on the guy closest to the
4 door, Vess. He tried to give him mouth to mouth.

5 Q And that was Ellison that did that?

6 A Yes.

7 Q Did you see any guns laying around on the scene when
8 you were there?

9 A No. There were no guns. I didn't see any guns. It
10 was just one guy walking around. He was just frantic.
11 That was the only person that looked anything out of
12 place. He was the only one and the young lady that was,
13 you know, fussing that we weren't doing anything. The one
14 guy that was left, they put him in the car. He was the
15 only one running around frantic, him and the young lady.

16 Q You say he was running around frantic?

17 A Yes.

18 Q And he's the one that said, They shot my --

19 A He said, They shot my homeboy. So his friend,
20 finally, grabbed him and put him in the car.

21 Q Now, the one that was walking around frantically, was
22 he with the two at the corner when you left?

23 A Yes.

24 Q And was there anyone else with them?

25 A Yes.

1 Q Can you describe the person that was with them at
2 that time?

3 A He was tall, dark-skinned, maybe my height, a little
4 bigger. I really didn't look at him. Once I figured out
5 that they weren't arguing, I just went on about my
6 business. I thought they was just having, you know, a
7 discussion.

8 Q You say dark-skinned, do you mean an African-American
9 male?

10 A African-American, yes.

11 Q The individual that you saw walking back and forth
12 frantically, did he have a gun?

13 A No.

14 Q Could you tell how tall the other individual -- the
15 African-America male, how tall he was?

16 A He was probably 5'7", 5'8". He was shorter. He was
17 the shortest of the four.

18 Q The -- the guy who was your height -- is that what
19 you just said, he was about your height?

20 A He was about my height, yes.

21 Q Which one was that?

22 A I don't know his name.

23 Q Okay. But he was at the scene as well and was about
24 your height?

25 A Yes.

1 Q Could you tell what kind of hair he had?

2 A No. I was probably from here to that door from them.

3 Q Tell me about the lighting in the parking lot. How
4 well lit is the parking lot?

5 A It's lit pretty well. There's lights all around the
6 parking lot. So it's pretty well lit. It's just not dark
7 there.

8 Q Were they hanging around a car?

9 A Yes. There was a car parked in this last space. I
10 want to say there was a car parked here. And there might
11 have been a couple cars at the building over here.

12 Q Okay. Do you remember what kind of car they were
13 hanging around?

14 A No.

15 Q How tall are you?

16 A 6'2".

17 Q 6'2"?

18 A (Witness nodded.)

19 MR. GREGORY: Please answer any questions the Defense
20 has for you.

21 MR. ROBINSON: May it please the Court.

22 CROSS-EXAMINATION

23 BY MR. ROBINSON:

24 Q Mr. Briggs, the person that was walking around
25 outside, is this person's name Quante Davis?

1 A I don't know.

2 Q You don't know that?

3 A (Witness shook his head.)

4 Q But the person that you're speaking of as far as
5 walking outside when you came back frantically, that
6 person, you'd seen them before, hadn't you?

7 A The only person I really saw was the guy they called
8 Vess. That's the only one that I knew by face. And he
9 was the one deceased. The other three, I had no idea who
10 they were.

11 Q So there were three other guys out there?

12 A Yes.

13 Q Now. Do you remember back on November 27 of 2014,
14 giving a statement or interview with Officer Fortner?

15 A Yes.

16 Q Do you remember that?

17 A Yes.

18 Q Do you remember not mentioning that at all in there
19 about any three guys that were there?

20 A Yeah. I told him there was some guys down at the end
21 of the parking lot talking.

22 Q And you never had seen them before; is that correct?

23 A Yes.

24 Q And they were 5'6", 5'7"; is that right?

25 A One of the guys were, one of them were.

1 Q The other guys were --

2 A The other two were over six feet.

3 Q Okay. But you didn't know who they were?

4 A No.

5 Q Was the lighting really bad that you couldn't see
6 them?

7 A I didn't know them. I didn't know them at all.

8 Q Okay.

9 A I didn't know them personally. I had seen the one
10 guy in the club, but I never knew his name. And I didn't
11 know any of the other guys that night.

12 Q Okay. And you didn't see any cars speeding away, did
13 you?

14 A No.

15 Q You didn't see anything like that. In terms of
16 the -- inside the club that night, was it busy or not busy?

17 A It was slow. It wasn't busy at all.

18 Q When you say "slow," how many people do you mean?

19 A It was less than 30 people there.

20 MR. ROBINSON: That's all I have.

21 Thank you.

22 THE COURT: Reexamine, Solicitor?

23 REDIRECT EXAMINATION

24 BY MR. GREGORY:

25 Q How big is the inside of that club?

1 A I don't know the specific size, but it can probably
2 hold about 200 people.

3 MR. GREGORY: I have no further questions, Your
4 Honor.

5 THE COURT: All right. You may step down --
6 Any recross?

7 MR. ROBINSON: May I approach for one second, Your
8 Honor? Sidebar.

9 THE COURT: Certainly.

10 (WHEREUPON, a bench conference was held.)

11 MR. ROBINSON: I beg the Court's indulgence.

12 THE COURT: Certainly.

13 (Pause.)

14 MR. ROBINSON: May I approach the witness, Judge.

15 THE COURT: Certainly.

16 RECROSS-EXAMINATION

17 BY MR. ROBINSON:

18 Q Sir, I'm going to show you a picture in a second, and
19 I want you to see if this is the person you saw in the
20 parking lot walking around frantically. Is this the
21 person you saw walking around in the parking lot
22 frantically?

23 A I really can't remember.

24 Q You can't remember?

25 A No. He -- I know he had, like, little braids type,

1 but I can't say for sure if that's him.

2 MR. ROBINSON: Your Honor, I have a matter to take up
3 outside the presence of the jury.

4 THE COURT: Mr. Foreman, and, ladies and gentlemen of
5 the jury, I'm going to ask you to retire to the jury room
6 for a few minutes while I take up a matter of law with the
7 attorneys.

8 (WHEREUPON, the jury was excused from open court at
9 approximately 3:40 p.m.)

10 THE COURT: All right. Mr. Robinson.

11 MR. ROBINSON: Your Honor, I'd like to proffer some
12 testimony, if I could. I want to proffer some of his
13 testimony, Judge, as far as Forty. Because right now
14 he's -- back in 2014, he identified this individual. But
15 now, he's saying he can't --

16 THE COURT: Well, that's the rule -- what is it? --
17 609, inconsistent prior statement. I mean, do you have
18 anything that identifies this gentleman, that you're
19 talking about?

20 I think the --, the individual you're talking about,
21 has he identified him? I just heard that he didn't
22 recognize him.

23 MR. ROBINSON: He identified him back in 2014.

24 THE COURT: Well, you can ask him about the statement
25 he made back in 2014.

1 MR. ROBINSON: Yes, sir.

2 THE COURT: Any objection?

3 MR. GREGORY: I have no objection, Your Honor.

4 MR. ROBINSON: May it please the Court.

5 THE COURT: Ask him if he did make that statement,
6 date, place, and subject.

7 MR. ROBINSON: Yes, sir.

8 CROSS-EXAMINATION

9 BY MR. ROBINSON:

10 Q Mr. Briggs, you recall making a video statement back
11 in November 27, 2014, to Officer Fortner; is that correct?

12 A I made a statement, yes.

13 Q Okay. When you made that statement, do you recall
14 saying to him that -- that -- saying that you had seen
15 Forty before; is that correct?

16 A I've seen the guy in the club, but I don't know him.
17 I don't know him.

18 Q You don't know Forty?

19 A I don't know him by name. I didn't know his name at
20 all.

21 Q The picture I just showed you a second ago, that
22 picture, you don't recognize who that is?

23 A Not to my knowledge, I don't.

24 Q Okay. The three guys that you said were in the
25 parking lot, was he one of them?

1 A I can't say that he was. I'm not sure.

2 Q Do you remember what those guys looked like?

3 A I remember the two that died.

4 Q I'm sorry?

5 A I remember the two that died. But the other two, I
6 had never seen those guys before.

7 Q And it wasn't this guy?

8 A Well, the one guy that was out there, the shorter
9 guy, I can't say if that's his picture or not. Because I
10 really don't remember. He had been in the club before.

11 Q Okay.

12 A But I don't know him. I don't recognize his face,
13 no.

14 MR. ROBINSON: Your Honor, I'm going to --

15 THE COURT: I thought you said he made a statement
16 about a witness -- I mean, about an individual.

17 MR. ROBINSON: He made a statement.

18 THE COURT: Well, then ask him if he made that
19 statement.

20 BY MR. ROBINSON:

21 Q Did you make a statement about Forty --

22 THE COURT: Just read the statement to him. You're
23 trying to impeach with a prior inconsistent statement.

24 BY MR. ROBINSON:

25 Q Did you know the two guys that got shot?

1 No.

2 Have you ever seen Forty before?

3 Yes. I've seen him in here before.

4 Then Officer Fortner says to you, There were some
5 people here. And the guy they're talking about, Forty,
6 who was crying, running around the parking lot, and they
7 were trying to console him. And do you know Forty?

8 And I guess you said no.

9 A (Witness nodded.)

10 MR. ROBINSON: I've got no more questions, Your
11 Honor.

12 THE COURT: Very good.

13 Anything else from the Defendant?

14 MR. ROBINSON: No, sir, Your Honor.

15 THE COURT: Anything from the State?

16 MR. GREGORY: Not from the State, Your Honor.

17 THE COURT: Let's bring the jury back and you can
18 finish before the jury.

19 All right. Is that all right?

20 MR. GREGORY: I'm sorry. I was -- I just wanted to
21 make sure --

22 THE COURT: In other words, I want him still where he
23 was on the stand when they left.

24 MR. GREGORY: That's fine. That's perfect.

25 THE COURT: Ask the jury to join us.

1 How many more witnesses have you got today?

2 MR. GREGORY: We have --

3 THE COURT: The reason I ask, I don't like to go
4 beyond 5:00. So I don't take a long witness before 5:00,
5 although I will finish up one after 5:00.

6 MR. GREGORY: I think if we can get through four
7 more, Your Honor. They should be short witnesses. We've
8 got two more civilian witnesses that were at the club that
9 night, an EMS worker, and then another --

10 THE COURT: We'll see how -- if they're, as you say,
11 short witnesses, we'll see how it goes.

12 (WHEREUPON, the jury came into open court at
13 approximately 3:46 p.m.)

14 THE COURT: All right. Let the record reflect the
15 jury and alternates are in the jury box.

16 All right. Mr. Solicitor.

17 MR. GREGORY: Your Honor, I have no further questions
18 for the witness.

19 THE COURT: Mr. Robinson?

20 MR. ROBINSON: Nothing more, Judge.

21 THE COURT: Very good.

22 You may step down, sir.

23 MR. GREGORY: The State calls Brittany Lane, Your
24 Honor.

25 THE CLERK: If you'll, please, place your left hand

1 on the Bible and raise your right hand.

2 WHEREUPON,

3 BRITTANY LANE,

4 after first having been duly sworn, testified as follows:

5 THE CLERK: Please state your name and spell your
6 name for the record.

7 THE WITNESS: Brittany, B-R-I-T-T-A-N-Y, Lane,
8 L-A-N-E.

9 THE CLERK: Thank you.

10 You may be seated.

11 DIRECT EXAMINATION

12 BY MR. GREGORY:

13 Q Brittany, how old are you?

14 A 23.

15 Q Do you live in Greenville?

16 A Yes.

17 Q How long have you lived in Greenville?

18 A All my life.

19 Q Are you currently employed?

20 A Yes.

21 Q Where do you work?

22 A Syncreon.

23 Q I'm sorry. Can you speak up just a little bit?

24 A Syncreon.

25 Q What do you do there?

- 1 A Pack parts.
- 2 Q Do you know Bradford Williams?
- 3 A No.
- 4 Q Do you know Sylvester Fuller?
- 5 A Yes.
- 6 Q How long did you know Sylvester Fuller?
- 7 A For a long time now.
- 8 Q Do you remember when you met him?
- 9 A No. I was young.
- 10 Q Is he related to you?
- 11 A No.
- 12 Q Do you know Jamal Justice?
- 13 A Yes.
- 14 Q How long have you known him?
- 15 A About four, five years.
- 16 Q Is he related to you?
- 17 A No.
- 18 Q I want to take you back to November 27th of 2014. Do
- 19 you remember that night and the early morning hours?
- 20 A Yes.
- 21 Q Where were you that night?
- 22 A Bugatti.
- 23 Q What is Bugatti?
- 24 A It was a club.
- 25 Q What kind of club is it? What did you go there to

1 do?

2 A Listen to music, drink.

3 Q That night, who did you go with?

4 A It was me, Vess, Wolf and Quante.

5 Q All right. Who is Vess? What is his name?

6 A Sylvester.

7 Q Sylvester Fuller?

8 A Yes.

9 Q And who is Wolf?

10 A Jamal.

11 Q Jamal Justice?

12 A Yes.

13 Q And "Quante" is Quante Davis; is that correct?

14 A Yes.

15 Q Did the four of you go to the club all together?

16 A Well, we was in the same car -- well, I was in the
17 car with Wolf -- well, Jamal.

18 Q What time did you and Jamal go to the club?

19 A It was about -- I want to say around 11:00, 12:00,
20 somewhere in between there.

21 Q Was -- Sylvester Fuller and Quante Davis, were they
22 already at the club when you got there?

23 A No.

24 Q When did they come to the club?

25 A About 20 -- about 15, 20 minutes after we did.

1 Q And they were in a separate car?

2 A Yes.

3 Q Who drove the car you and Sylvester Fuller were -- or
4 you and Jamal Justice were in?

5 A Jamal.

6 Q Was it his car?

7 A Yes.

8 Q What kind of car did he have?

9 A I have no idea.

10 Q What -- what happened that night?

11 A To them? Or what happened, period?

12 Q What do you remember that happened that night?

13 A Well, we was in there and we were sitting at the bar.
14 They walked outside.

15 Q When you say "they walked outside," who do you mean?

16 A Quante, Vess, and Jamal.

17 Q What time did they leave Bugatti to go outside?

18 A I'm not sure about a time.

19 Q Had you been there for a while, or had you just
20 gotten there?

21 A It was probably, like, maybe 45 minutes to an hour
22 after, I believe.

23 Q And how much were you drinking that night?

24 A Not a lot.

25 Q Then what happened?

1 A I walked outside -- well, they walked outside. I was
2 still in there. I was really ready to go. So I was just
3 like, where they at. I'm looking at the time, like, I'm
4 ready to go home. So they ain't came back in yet.

5 I went outside. I looked around. I ain't [sic] see
6 them. I seen their car, so I knew they weren't gone. And
7 then the next thing you know, Quante came in the door and
8 he was just like, Can you call the police --

9 MR. ROBINSON: Your Honor --

10 MR. GREGORY: Hold on a minute.

11 THE COURT: Yes, sir.

12 MR. ROBINSON: Objection. Hearsay, Your Honor.

13 THE COURT: All I heard was, He came in the door.
14 Is that what you said?

15 THE WITNESS: Yes, sir.

16 MR. ROBINSON: She, also, said he --

17 THE COURT: I can't hear you.

18 MR. ROBINSON: She said, He said. That's what the
19 hearsay objection is, Your Honor.

20 THE COURT: All right.

21 BY MR. GREGORY:

22 Q Who --

23 THE COURT: Please state your question so you get an
24 answer.

25 MR. GREGORY: Yes, Your Honor

1 BY MR. GREGORY:

2 Q Who came in the door?

3 A Quante.

4 Q And when you say "the door," what door are you
5 referring to?

6 A The door inside, coming in Bugatti.

7 Q Is that the front door of Bugatti?

8 A Yes.

9 Q And where were you when Quante came in the door?

10 A Standing at the end of the bar.

11 Q If you'll just step down for one second and use this
12 map as a reference.

13 A (Witness complied.)

14 Q Can you tell me -- with this being Bugatti, where is
15 the bar once you walk in the front door?

16 A Where the front door is? Right here? Is this the
17 front door?

18 Q The front door is marked with that right there.

19 A This is the front door. When you go in the front
20 door, the bar sits, like, right here, I believe.

21 Q And that's where you were sitting at the bar?

22 A Yes.

23 Q When Quante came in -- you can have a seat again.

24 A (Witness complied.)

25 Q How was he acting when he came in?

1 A I mean, he was like nervous, or whatever. And he
2 was -- well, Quante was just like, Can you call the
3 police --

4 Q Don't tell me what he said, just tell me how he was
5 behaving.

6 A He was just nervous.

7 Q Was he yelling?

8 A No. I don't believe so.

9 Q Was the music loud in the club at the time?

10 A Yes.

11 Q And when he came in, you said he was nervous. And
12 what did he say?

13 A Can you call the police?

14 Q And who was he saying that to?

15 A Well, he was asking me. And I was just like, I don't
16 have my phone. And so I looked around. And I can't
17 remember who was at the bar. I was, like, Well, he said,
18 can y'all call the police?

19 And they was, like, Why?

20 And I was, like, I don't know.

21 And so I was, like, What's going on?

22 And he was just, like, They shot him --

23 MR. ROBINSON: Objection, Your Honor. Hearsay.

24 MR. GREGORY: It's an excited utterance, Your Honor.

25 THE COURT: I think so.

1 Overruled.

2 For the benefit of the jury, you've heard the
3 objection hearsay. Hearsay is just what the expression
4 means. It's not something that is offered for the -- or
5 it is offered for the truth. But it's not what someone
6 has any basis on. It's what you hear somebody say. It's
7 kind of like the example I use for taking notes, you're
8 not always sure what was -- if you heard exactly what was
9 said, you don't even know the context.

10 Now, there are certain exceptions to the hearsay
11 rule. If it's one not offered for the truth, it can be
12 something like the Solicitor suggests, an excited
13 utterance. In other words, it's not necessarily not
14 offered for the truth, it's what somebody in the moment
15 blurts out.

16 So I think -- and I ruled that this was more like the
17 excited utterance. We don't know if it was true or not.

18 Go ahead. You may proceed.

19 BY MR. GREGORY:

20 Q Continue. What did he say?

21 A He was just like, They shot.

22 And I was like, Who?

23 And he was like, Vess and Wolf.

24 And so I just ran out the door. And --

25 Q When you ran out the door, what did you see?

1 A Vess was laying, like, right here.

2 Q Right outside the door?

3 A Uh-huh. It was like if you open the door and then
4 you walk out, it was, like, this is the door. And he was,
5 like, right here. And then --

6 Q Was -- I'm sorry. Was he on his stomach or his back
7 at that time?

8 A He was on his stomach.

9 Q Did you render any aid to him? Did you help him in
10 any way?

11 A Yeah. Like, we tried to turn him over. And then it
12 was too much blood, like, I backed up. And by that
13 time --

14 Q Where was the -- I'm sorry. Where was the blood
15 coming from?

16 A It was like in his chest. And I think he had some,
17 like, on his face.

18 Q And you said he backed up -- or you backed up? I'm
19 sorry.

20 A Yes.

21 Q Go ahead. Continue.

22 A And then I looked down some more. And Jamal, he was
23 laying down a little bit more, but he was on his side.
24 But he was still breathing. And so we was like -- they
25 was on the phone with the little ambulance people. And

1 they were just telling them -- like, telling us what to
2 do, and stuff like that.

3 Q Who was on the phone with the ambulance?

4 A I really don't even know.

5 Q Were you on the phone with the ambulance?

6 A No.

7 Q What did you do, if anything, to Jamal or Sylvester?

8 A What did I do, if anything?

9 Q Yes. Did you help them in any way?

10 A I tried.

11 Q What did you do?

12 A To the best of my ability. Like, when we first
13 turned him over, like, me pressing -- I know how to do
14 CPR. Like, I pushed a little bit, but when the blood kept
15 coming out -- like, I was already scared. So I just
16 stopped and I let somebody else do it.

17 Q And you were doing that to which one, Sylvester or
18 Jamal?

19 A Sylvester.

20 Q Did you do anything to help Jamal?

21 A Yeah. Like, we turned him over. Because he was
22 laying on his side. So we had to turn him over. And I'm
23 not sure if we put him on his side or on his back. But by
24 that time, I mean, he was still breathing, or whatever.
25 And so we was just, basically, like, talking to him, like,

1 trying to keep him calm, or whatever, until the ambulance
2 and the police came.

3 Q Was he able to respond to you?

4 A I mean, it was like -- it was being, like, a mummer,
5 so you really couldn't understand it. But it wasn't like
6 full words.

7 Q When you approached Sylvester and Jamal, did you see
8 any guns around them?

9 A No.

10 Q After you were helping -- how long did you help Jamal
11 and Sylvester?

12 A I would say about -- between, like, five to eight
13 minutes.

14 Q And why did you stop?

15 A Because, like, I can't deal with stuff like this.

16 Q How long after Quante came in and you went outside
17 and saw the bodies did EMT and the police arrive?

18 A Well, they took forever.

19 Q Can you give me an approximate time?

20 A Like, I want to say about maybe 15, 20 minutes.

21 Q When you were inside the bar and Quante came in, he
22 said, They shot Vess and Jamal. Did he say who shot?

23 A No.

24 Q Did Quante have a gun at that time?

25 A No. I don't believe so.

1 Q You didn't see one in his hands?

2 A No.

3 MR. GREGORY: Please answer any questions the Defense
4 has for you.

5 MR. ROBINSON: May it please the Court.

6 CROSS-EXAMINATION

7 BY MR. ROBINSON:

8 Q Is it Ms. Lane?

9 A Yes.

10 Q Ms. Lane, I want to make sure I understand your
11 testimony for the jury. Quante and the two victims went
12 outside together; is that right, at some point?

13 A Yes.

14 Q They went outside together. And the music was real
15 loud, so you didn't hear the gunshots; is that correct?

16 A Correct.

17 Q Because when Quante came back in, you said he was
18 nervous; is that right? Nervous?

19 A Uh-huh.

20 Q Like, fidgety, sweating, or what?

21 A Like, yeah.

22 Q A little nervous. Okay. Now, did Quante stay around
23 to help with the situation, or do you have an idea?

24 A To be honest, I have no idea. Because, I mean,
25 everybody just, like, rushed outside.

1 Q Did you see Quante after he came inside?

2 A After he came inside when?

3 Q After he came inside and said someone had been shot,
4 to call 911. Did you see him after that?

5 A No.

6 MR. ROBINSON: That's all I have.

7 Thank you.

8 MR. GREGORY: Briefly, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. GREGORY:

11 Q You went to the club with Jamal. Sylvester Fuller,
12 and Quante were there. Were you hanging out together
13 earlier that night, the four of you?

14 A Yes.

15 Q Was there any problem with the four of you hanging
16 out between Quante, and Sylvester, and Jamal?

17 A No.

18 MR. GREGORY: I have no further questions, Your
19 Honor.

20 THE COURT: Recross?

21 MR. ROBINSON: No recross, Judge.

22 THE COURT: All right. You may step down.

23 Thank you, ma'am.

24 MR. GREGORY: Your Honor, we'd ask that this witness
25 be excused from her subpoena.

1 MR. ROBINSON: No objection.

2 THE COURT: Without objection, you may be excused.

3 Thank you, ma'am.

4 THE WITNESS: You're welcome.

5 MR. MOYER: The State would call Shelton England.

6 THE CLERK: If you'll place your left hand on the
7 Bible and raise your right hand.

8 WHEREUPON,

9 SHELTON ENGLAND,

10 after first having been duly sworn, testified as follows:

11 THE CLERK: Please state and spell your name for the
12 record.

13 THE WITNESS: Shelton England, S-H-E-L-T-O-N,
14 E-N-G-L-A-N-D.

15 THE CLERK: Thank you.

16 You may be seated.

17 DIRECT EXAMINATION

18 BY MR. MOYER:

19 Q Mr. England, where are you employed?

20 A Greenville County Emergency Medical Services.

21 Q What do you do with EMS?

22 A I'm a paramedic.

23 Q Okay. And so being a paramedic, what does your job
24 entail?

25 A I respond to medical and traumatic emergencies, and

1 attempt to stabilize patients, and transport them to the
2 emergency department.

3 Q Okay. Does that include instances where there have
4 been, say, shootings, or stabbings, or things like that?

5 A Yes. That would be correct.

6 Q Okay. How long have you done this?

7 A I've been in EMS since 2007. I've been employed with
8 Greenville County now going on about three years.

9 Q Okay. Where were you before Greenville County?

10 A Laurens County EMS.

11 Q And what kind of education and training did you get
12 for this position?

13 A You have to go -- you have to go through about two
14 and a half years of training. You have to go through a
15 college-level anatomy and physiology class, as well as
16 then on top of that -- that takes about six months. And
17 then on top of that, you have about two years of going
18 through pathophysiology, different treatments and stuff of
19 that nature.

20 Q Okay. Were you working during the early morning
21 house of November 27th, 2014?

22 A Yes, sir, I was.

23 Q Did you receive a call during that time, the early
24 morning hours?

25 A Yes, sir.

1 Q And to what location was that?

2 A There's --

3 Q Let me ask you this before you answer.

4 A Okay.

5 Q Would it help you to be able to take a look at the
6 reports that were generated from this call?

7 A It would.

8 Q Okay. Now, is -- what I placed in front of you, are
9 those the two reports that were done for this incident?

10 A Yes, sir. That's correct.

11 Q Okay. And that will refresh your memory to take a
12 look at those?

13 A Yes, sir.

14 Q By looking at that, does that refresh your memory as
15 to what location it was that you went?

16 A Yes, sir. That location would have been [REDACTED] North
17 Pleasantburg Drive in Greenville.

18 Q Okay. And what kind of establishment is that?

19 A Based off what I seen [sic] upon my arrival, I'm
20 assuming it was some type of nightclub.

21 Q And, in fact, doesn't it say on there after the
22 address, bar/restaurant?

23 A Yes, sir. It says that above it.

24 Q What time did you get the call?

25 A That would have been received at 2:24 that morning.

1 Q And what time did you arrive at that location?

2 A I would have been first on scene at 2:34.

3 Q So 2:34 in the morning?

4 A Yes, sir.

5 Q Now, upon arrival, were police officers there?

6 A Yes, sir. There was law enforcement present.

7 Q And were you directed to the -- into the actual scene
8 by officers?

9 A That's correct.

10 Q Now, was there more than one person you were asked to
11 look at and assess?

12 A Yes, sir. There were two victims.

13 Q And did you know that before you left for the scene?

14 A No, sir.

15 Q Okay. So how many ambulances were dispatched?

16 A It ended up resulting in two ambulances being on
17 scene and one -- well, they call them a QR vehicle, quick
18 response vehicle, which has a paramedic on it as well.

19 Q Now, you mentioned there were two victims at the
20 scene. Were both of those persons taken away in
21 ambulances?

22 A No, sir.

23 Q Okay. And why not?

24 A The first victim, who we did not gain a name on that
25 night -- or that morning, he's listed as unknown on the

1 report. He -- when I approached him, he was found lying
2 supine and had some blood present. We put the cardiac
3 monitor on him and found him to be asystole.

4 And with our guidelines, if you have a traumatic
5 arrest that's resulting in an asystole -- in other words,
6 there was no electric activity in the heart, then that
7 person is considered deceased in the field. So that
8 resulted as him being labeled as deceased.

9 Q Okay. I'm going to go back over a couple of those
10 terms in just a minute.

11 A Okay.

12 Q So when someone is determined to be deceased at the
13 scene, in a possible crime scene like this, do you leave
14 that person there?

15 A Yes, sir.

16 Q And so this first person then was left at the scene?

17 A Yes.

18 Q Okay. So he was then the first person that you,
19 actually, took a look at when you got there?

20 A Yes, sir. That is correct.

21 Q And can you -- by using the diagram that's to your
22 left there, can you show us where he was when you --

23 A Am I allowed to stand and walk over there?

24 Q Yes, please do.

25 A So the first decedent -- or, I'm sorry, the decedent

1 is, actually, right here in this location. And then the
2 number two patient, who was transported in the ambulance,
3 was in this location right here.

4 Q He was on the sidewalk?

5 A Yes.

6 Q They were both on the sidewalk?

7 A Yes, sir.

8 Q Okay. Thank you.

9 You can have a seat.

10 A (Witness complied.)

11 Q Now, you used a couple of terms that I'm going to ask
12 you to explain to the jury. One of them was supine. And
13 we're talking about the first person that you attended to
14 who you determined was deceased. What does supine mean?

15 A He was lying flat on his back on the sidewalk.

16 Q On his back. Okay. Was he clothed?

17 A He was clothed.

18 Q Did you see any indications of possible trauma?

19 A There was blood present. There was, also, a puncture
20 wound that was in the area of the midline torso on the
21 right side that could have possibly been a GSW.

22 Q Okay. Now, was he conscious?

23 A No, sir.

24 Q Was he responsive or moving at all?

25 A No, sir. He was unresponsive.

1 Q Now, you then used a couple of words to describe him
2 being declared deceased. What were those words and what
3 does that mean -- what do they mean?

4 A I know that I used the term asystole, which means
5 that he had no electric activity on the electric
6 cardiogram, on the heart monitor, which, also, indicates
7 he was pulseless. He had no palpable pulses. With him
8 being pulseless and being asystolic on the heart monitor,
9 obviously, he was, also, not breathing at all.

10 Q Okay. So there was no respiration at all?

11 A Yes, sir. That's correct.

12 Q No pulse?

13 A No signs of life.

14 Q And no blood pressure?

15 A Correct.

16 Q Okay. And so, at that time, you -- after you made
17 the determination that he was deceased at the scene, did
18 you turn your attention to the other person?

19 A That is correct. And --

20 Q I'm sorry. Go --

21 A Go ahead.

22 Q And he was the one who you indicated was to the
23 right?

24 A That's correct.

25 Q Okay. Did you get a name for that person?

1 A That victim, we did. And that was Jamal Justice.

2 Q Now, did you see any indication of trauma with regard
3 to Mr. Justice?

4 A Mr. Justice, also, had a wound to the left side of
5 the torso under his left arm that, also, appeared to
6 possibly be a GSW.

7 Q And how was he positioned when you saw him?

8 A He was, also, found lying flat on the ground on his
9 back.

10 Q So he was facing up at the time?

11 A Yes.

12 Q Was he -- he was clothed as well?

13 A He was clothed.

14 Q Now, do you take the clothing -- did you take the
15 clothing off of either one of these gentlemen there?

16 A Let me see. To the best of me recollection, we did
17 remove Mr. Justice's shirt in order -- as you'll see in
18 the report, as I'm sure you'll probably ask me, also, it
19 later shows that we ended up doing CPR on him, which would
20 indicate that we had to remove his shirt to put electric
21 monitor pads on his chest.

22 Q So you just mentioned about the indications of trauma
23 that you saw. Was there any indication of life at that
24 time?

25 A So Mr. Justice was barely breathing. He did not have

1 any palpable pulses.

2 Q What do you mean by palpable pulse?

3 A In order when you go to check for a pulse, there was
4 nothing that you could feel. So there was not an actual
5 heartbeat being generated. However, in the case of
6 Mr. Justice, on the cardiac monitor, he presented in what
7 we refer to as pulseless electrical activity. In other
8 words, he's got electric activity in the heart, however,
9 the heart's not, actually, pumping resulting in a pulse.

10 Q Okay. Was he conscious?

11 A No, sir.

12 Q Was he responsive at all, or moving?

13 A No, sir.

14 Q So in a situation like this where there is -- like
15 you said, just barely breathing, what is your protocol
16 with regard to a patient like that?

17 A In the case of Mr. Justice, what our protocol states
18 is if we have somebody who's in a traumatic arrest -- in
19 other words, they have no heartbeat. If they're in that
20 pulseless electrical activity rhythm on the cardiac
21 monitor and that rate is less than 30, then we can
22 determine them deceased. In the event that it's greater
23 than 30, we have to work them just like we would a cardiac
24 arrest resulting in securing the advanced airway, CPR,
25 also, first line of cardiac medications.

1 So that's what occurred with Mr. Justice. He was in
2 that pulseless electrical activity rhythm on the heart
3 monitor. It was greater than the rate of 30. So,
4 therefore, that resulted in us going through and doing the
5 CPR, and stuff like that.

6 Q Now, was he given a trauma score, a Glasgow coma
7 scale, I believe it's called?

8 A His GCS would have been a total of three, which three
9 can be obtained with just having a body present with no
10 life signs.

11 Q So is that the very lowest scale that's possible?

12 A Yes, sir. That is correct.

13 Q So what is that range? From three to what?

14 A It goes from three to 15. I'm sorry.

15 Q Three to 15?

16 A Yes.

17 Q So his trauma score then was very low?

18 A Yes, sir. His trauma score would have been very low.

19 Q Now, did you take him to the hospital?

20 A That is correct, we did. We transported him to
21 Greenville Memorial Hospital.

22 Q And what attempts at resuscitation or treatment were
23 taken?

24 A CPR was performed. We established an advanced
25 airway, using a King airway device. It's similar if you

1 go to the hospital and you're placed on a ventilator and
2 they stick a tube down your throat and breathe for you.
3 The difference is the King airway is a blind insertion
4 device. It has two different bulbs that you fill with
5 air, therefore, blocking off the pathway to the esophagus
6 resulting in airway ventilation.

7 There was, also, an impedance threshold device, which
8 is placed on top of the King airway. What that does is
9 allow for the heart to build up more pressure in it. That
10 way, the compressions that you're doing with CPR result in
11 a better outcome. If that clarifies.

12 Q Okay. So was he breathing on his own then?

13 A No, sir.

14 Q Okay. So the only breathing that was taking place
15 was --

16 A Was the ventilations we were providing, so
17 artificial.

18 Q What kind of CPR? Was it manual CPR?

19 A Yes, sir, manual.

20 Q Now, did his condition change or improve at all
21 during the --

22 A No, sir. It did not.

23 Q What time did you arrive at the hospital?

24 A We arrived at the hospital at 2:48 that morning.

25 Q And what did you do when you got to the hospital?

1 A He was then taken into the trauma bay with
2 compressions being continued. A report was given to the
3 full trauma team, at which time, the trauma team then took
4 over patient care at that point.

5 MR. MOYER: Okay. Please answer any questions the
6 Defense may have.

7 THE WITNESS: Okay.

8 MR. ROBINSON: I don't have any questions.

9 THE COURT: You may step down.

10 Thank you, sir.

11 THE WITNESS: Yes, sir.

12 THE COURT: You can call your next witness.

13 MR. GREGORY: Your Honor, may we take a five-minute
14 break, just to make sure my next witness is present?

15 THE COURT: Yes.

16 (Pause.)

17 MR. GREGORY: The State calls Erik Bryant.

18 THE CLERK: If you'll, please, place your left hand
19 on the Bible and raise your right hand.

20 WHEREUPON,

21 ERIK BRYANT,

22 after first having been duly sworn, testified as follows:

23 THE CLERK: Please state and spell your name for the
24 record.

25 THE WITNESS: Erik, E-R-I-K, Bryant, B-R-Y-A-N-T.

1 THE CLERK: Thank you.

2 You may be seated.

3 THE WITNESS: Thank you.

4 DIRECT EXAMINATION

5 BY MR. GREGORY:

6 Q Mr. Bryant, where are you employed?

7 A Currently, I'm employed with the Greenville County
8 Sheriff's Office.

9 Q In what capacity are you employed there?

10 A Patrol deputy.

11 Q What are your duties as a patrol deputy?

12 A Respond to calls, enforce the law.

13 Q How long have you held that position?

14 A I've only been with the sheriff's office about four
15 months. Before that, I worked at the Greenville City
16 Police Department.

17 Q What did you do at the Greenville City Police
18 Department?

19 A I was a patrol officer for a couple of years. I
20 worked the central business district for a year. And I
21 was on the community response team for two years.

22 Q What kind of training and education have you received
23 to become an officer?

24 A Basic law enforcement training at the academy, and
25 various other training related to law enforcement.

1 Q Did you have an opportunity to become involved in the
2 case which we're here for today?

3 A I did.

4 Q When did you become involved in this case?

5 A I initiated a traffic stop on a vehicle that had what
6 appeared to be bullet holes and shell casings on the
7 vehicle. The driver of that vehicle stated she was parked
8 at --

9 Q Whoa, whoa.

10 A I'm sorry.

11 Q Where did the traffic stop occur?

12 A The traffic stop occurred at West Washington Street
13 and Butler Avenue.

14 Q Is that within Greenville County?

15 A City of Greenville, yes, sir.

16 Q And the reason for the traffic stop, again, was what?

17 A Suspended license plate.

18 Q All right. During the stop, did you notice anything
19 or find anything?

20 A I did. The driver of the vehicle stated that her car
21 had been shot. And as I walked around the vehicle, I
22 observed what appeared to be bullet holes to me, and a
23 shell casing stuck in the passenger side door seal.

24 Q I'm going to show you what's been previously entered
25 as State's Exhibit No. 35. Again, this is State's Exhibit

1 No. 35. It's already in evidence. Will you just look in
2 there and tell me what you see in there?

3 A It's a shell casing.

4 Q Is that the shell casing that you found on that car
5 that day?

6 A It appears to be.

7 Q And do you know the caliber of that shell casing?

8 A Not off the top of my head.

9 Q Where was that shell casing located on the car?

10 A The passenger side, the seal of the door on top of
11 the car. It was stuck in the rubber.

12 Q Okay. I'm going to show you what's been marked as
13 State's Exhibit No. 34. Do you recognize that?

14 A Yes, sir.

15 Q Is that a fair and accurate representation?

16 A It is, yes, sir.

17 MR. GREGORY: At this time, the State would seek to
18 move State's Exhibit No. 34 into evidence.

19 THE COURT: Any objection?

20 MR. ROBINSON: No objection.

21 THE COURT: Without objection.

22 (WHEREUPON, State's Exhibit No. 34 was admitted into
23 evidence.)

24 BY MR. GREGORY:

25 Q What is State's Exhibit No. 34?

1 A It's the shell casing, sir.

2 MR. GREGORY: Will you get the screen?

3 BY MR. GREGORY:

4 Q You can just step down.

5 A (Witness complied.)

6 Q Is that where the shell casing was found?

7 A Yes, sir.

8 Q And what kind of car was that?

9 A It was a Chrysler 300.

10 Q Who was the owner of that vehicle?

11 A Lakeisha Johnson, I believe.

12 MR. GREGORY: Please answer any questions the Defense
13 has for you.

14 MR. ROBINSON: I have no questions, Judge.

15 THE COURT: You may step down.

16 THE WITNESS: Thank you, sir.

17 MR. MOYER: Your Honor, if it please the Court, we
18 have one more witness for today. He is, actually, en
19 route from the medical examiner's office. He should be
20 here in probably five or 10 minutes.

21 THE COURT: All right. Let's take your last break
22 for the day. Again, do not undertake discussion about the
23 case amongst yourselves in any way.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 4:23 p.m.)

1 MR. MOYER: Judge, we're ready.

2 THE COURT: Okay. Ask the jury to join us.

3 (WHEREUPON, the jury came into open court at
4 approximately 4:36 p.m.)

5 THE COURT: All right. Let the record reflect the
6 jury and alternates are in the jury box.

7 You may call your next witness.

8 MR. MOYER: Thank you, Your Honor.

9 May it please the Court.

10 The State calls Dr. James Fulcher to the stand.

11 THE CLERK: If you'll, please, place your left hand
12 on the Bible and raise your right hand.

13 WHEREUPON,

14 JAMES WILLIAM FULCHER, M.D.,
15 after first having been duly sworn, testified as follows:

16 THE CLERK: Will you, please, state and spell your
17 name for the record?

18 THE WITNESS: Dr. James William Fulcher,
19 F-U-L-C-H-E-R.

20 THE CLERK: Thank you.

21 You may be seated.

22 DIRECT EXAMINATION

23 BY MR. MOYER:

24 Q Dr. Fulcher, where are you employed?

25 A I'm a pathologist with Pathology Associates of

1 Greenville, South Carolina.

2 Q And what do you do in this position with Pathology
3 Associates of Greenville?

4 A By training, I'm a forensic pathologist. I do
5 autopsies for the County of Greenville, Pickens, and
6 Laurens County. For medical legal purposes, I do
7 autopsies for Greenville Health System. And I'm, also, a
8 director of multiple classes at the medical school.

9 Q How many medical examiners do we have in the upstate
10 here, Greenville, Laurens, and Pickens?

11 A My partner and I, Dr. Mike Ward, the chief medical
12 examiner, and myself. I'm the deputy chief medical
13 examiner. We do all those autopsies for all three
14 counties. Additionally, there are other medical examiners
15 in Spartanburg and Anderson.

16 Q Now, would you, please, tell the jury about your
17 educational background starting with college?

18 A Sure. I went to college at the University of
19 Virginia where I majored in Biology. I then went to
20 medical school at the Medical College of Virginia in
21 Richmond, Virginia. At that same institution, I did a
22 four-year residency in anatomic and clinical pathology.
23 And as it pertains to this case, I then did a one-year
24 internship at the chief medical examiner's office in
25 Richmond, Virginia.

1 Q Okay. Now, do you know how many forensic autopsies
2 you have done?

3 A Approximately 3,000. I've been practicing here 10
4 years.

5 Q Okay. You've testified in court?

6 A Several times.

7 Q Do you keep track of how many? Do you know?

8 A Approximately 30.

9 Q Okay. And would you tell the jury a little bit --
10 what forensic pathology is, and what you do as part of
11 your job in this area?

12 A Sure. I'm a physician by training, but a medical
13 examiner by trade. I examine bodies. I take photos. I
14 document injuries. And, most importantly, I link trauma
15 or other inflicted elements, in this case, to why the
16 person died. So it's my job to let you know exactly why
17 this person died.

18 MR. MOYER: Your Honor, at this time, I'd move to
19 have Dr. Fulcher qualified as an expert in forensic
20 pathology.

21 THE COURT: Any voir dire?

22 MR. ROBINSON: No voir dire. No objection.

23 THE COURT: Without objection, the witness will be
24 qualified as a forensic pathologist.

25 Mr. Foreman, and, ladies and gentlemen of the jury,

1 as you found, normally, a witness can only testify to what
2 they know of their own knowledge and by reason of exercise
3 of their own senses. In other words, what they see,
4 touch, feel, taste, something of that nature.

5 However, when a witness is qualified by reason of
6 background, training, and experience in a particular area,
7 they can be qualified as an expert in that area and give
8 their opinion that's based on that background, training,
9 and experience. But all witnesses, expert or lay
10 witnesses, testimony is for your evaluation.

11 All right. You may proceed.

12 MR. MOYER: Thank you, Your Honor.

13 BY MR. MOYER:

14 Q Now, did you perform autopsies for this case?

15 A I did, yes, sir.

16 Q How many?

17 A Two.

18 Q And on whom were these autopsies performed?

19 A Jamal Justice and Sylvester Fuller.

20 Q When were these done? What date and time?

21 A They were both done November 28th of 2014. It
22 appears that I did Sylvester's at 9:00 a.m., and Jamal's
23 at 11:00 a.m. So I did -- yes, I did Sylvester's first
24 and Jamal's second.

25 Q And these were done at?

1 A Greenville Memorial Hospital in the morgue. They
2 were done back to back, you should know. I didn't take a
3 break. We did one and went right to the next one.

4 Q Okay. Well, let's start with Mr. Fuller then since
5 he was first.

6 A Sure.

7 Q First off, could you tell us the physical dimensions
8 of Mr. Fuller's body?

9 A Sure. Mr. Fuller, at autopsy, was 146 pounds and was
10 65 inches in length or approximately five -- yeah, 5'5".
11 He had an appearance compatible with an age of 27 years,
12 which was his age.

13 Q Okay. When was he pronounced deceased?

14 A He was pronounced deceased the night before,
15 November 27th, at -- so it was, actually, 2:37 a.m.

16 Q 2:37 a.m. on?

17 A November 27th. So I believe we did these on a
18 Monday. We don't do autopsy -- we would have done it the
19 next day, except it was a Sunday. So we skip a day.

20 Q Okay. Well, the 26th was a Thursday.

21 A Was it? I'm sorry. So then --

22 That's interesting. You're right.

23 Q The 27th was a Thursday.

24 A Okay. So we did them on Friday morning then. I
25 apologize.

1 Q Okay. So, now, was Mr. Fuller dressed?

2 A He was. He was dressed in jeans, shoes, socks, boxer
3 shorts, sweatshirt.

4 Q Okay. Now, were there -- was there any evidence of
5 injury or trauma to Mr. Fuller?

6 A There was. Mr. Fuller suffered two gunshot wounds to
7 the torso.

8 Q Okay. Now, were they -- did you number these two
9 wounds in your report?

10 A We did. They're numbered one and two in this case.

11 Q Is there any significance to the sequencing of the --

12 A There's not. I did this for convenience so I can
13 link a particular wound path, a particular entrance and
14 exit. So I'm not speculating as to which shot happened
15 first. I just arbitrarily made one number one and made
16 one number two to keep up with them.

17 Q So let's start with gunshot number one.

18 A Sure.

19 Q Would you describe the location of gunshot number one
20 on Mr. Fuller's body?

21 A I will stand and point to myself, if that's
22 acceptable. Gunshot wound number one enters in the -- you
23 can see my diagram here, the right upper chest. It
24 perforates into the thoracic cavity. Importantly, it
25 damages the aorta and the left lung. And I recovered it

1 from the muscles of the left lower back. It's a fatal
2 wound because it damages the aorta and the left lung.

3 Gunshot wound number two enters on the same side, but
4 more in the back flank area, kind of under the armpit
5 behind my jacket. And it goes in a similar direction,
6 injuring the superior vena cava, which is a large vein in
7 the chest, and, also, both lungs. I recovered that
8 projectile from the chest muscle anterior.

9 So it goes -- both of them kind of cross midline and
10 go from this side in. Both do fatal wounding.

11 Q So by "fatal wounding," you mean either one of those
12 shots very likely would have led to Mr. Fuller's death?

13 A Absolutely. Each wound path involves large portions
14 of lung and, importantly, very large vessels. These
15 vessels I'm describing, the aorta and the superior vena
16 cava, are nearly the size of a garden hose in an adult
17 man. So you bleed a lot from injuries to those vessels.

18 Q So there were actual bullets in Mr. Fuller's body
19 then?

20 A Yes. We recovered a bullet in the left back and the
21 left chest.

22 Q And how would you describe them?

23 A Deformed partially jacketed and medium caliber.

24 Q And did you end up giving those two bullets to law
25 enforcement officers?

1 A I did, yes. Forensic officer -- I believe it was
2 Mr. Riley. I just looked at his name. Mr. Riley Hope
3 recovered those at the time of autopsy.

4 Q So he was there at the autopsy?

5 A Absolutely, yes.

6 Q Okay. And that's normal in a criminal case for a law
7 enforcement officer to be present?

8 A In a case such as this, we would have both an
9 investigator and a representative from forensics to
10 collect evidence and take additional photographs.
11 Absolutely, sir.

12 Q Now, as far as directionality of these two shots, as
13 far as up, down, left, right --

14 A Sure.

15 Q -- starting with number one, can you tell us about
16 that?

17 A Sure. One enters in this right chest area. It's
18 direction is from right to left. Both of them go from
19 right to left. And it goes from front to back. It
20 doesn't deviate vertically a whole lot in the body. So
21 it's more or less straight across. But it does cross
22 midline from front to back.

23 Q And then number two?

24 A Number two is directed more upwards. It's, also,
25 right to left, but it's, actually, back to front. So

1 number one is from front to back. And number two is from
2 back to front.

3 Q So now when you use the word like "upwards" regarding
4 directionality, does that necessarily mean that that
5 bullet was traveling through the air upwards, or are you
6 just referring to the body?

7 A Not at all. So I can't take -- just referring to the
8 body. I could not speculate as to how the body might have
9 been in three-dimensional space when it was shot. I am
10 just describing these bullet holes through the body, these
11 wound paths through the body.

12 So if someone is standing on their head, for
13 instance, I'd be wrong because up is down and down is up,
14 if that makes sense.

15 Q And it determines really how the person was
16 positioned when he or she was shot. So, for example, if
17 someone was, say, ducking down to the side, that could
18 make a bullet --

19 A Absolutely. It would alter the appearance I would
20 see of the wound path.

21 Q Now, are you ever to make determinations as to
22 distance of shots fired?

23 A I do, yes. In this case, I have noted here that that
24 was difficult to do due to the bloody clothing. I would
25 defer to, I think, the firearms examiner if direction --

1 if distance was desired.

2 Q Okay. And so when you're trying to determine
3 distance, what sort of factors do you take into
4 consideration?

5 A We look for soot on the skin. We look for stipple,
6 which is hot fragments of powder that are embedded in the
7 skin. In this case, the decedent had on a sweatshirt,
8 which does show gunshot wounds. There's holes in it. But
9 it's covered in blood. And I could not with the naked eye
10 determine if there was actual gun powder residue on that
11 or not that would help me gauge distance.

12 Q Okay. Now, would these shots have an immediate
13 effect on a person who was hit?

14 A In this case, they would kill him relatively quickly.
15 He would have had to have bled out over a small amount of
16 time. I would say this person would have had some useful
17 movement for seconds to maybe a minute or two max. And
18 then they probably would have become unconscious and died,
19 not instantaneously fatal, though.

20 Q Now, as part of your medical exam, do you do a
21 toxicology?

22 A We do, yes, sir.

23 Q And that's looking for presence of alcohol and drugs?

24 A Yes. In this case, we could have done a fairly
25 exhaustive panel that test for multiple substances, both

1 drugs prescribed by your doctor and drugs you get on the
2 street, alcohol, tobacco, et cetera, et cetera.

3 Q And what, if anything, turned up?

4 A Alcohol was present in this decedent. And it was
5 present at .075 grams per hundred milliliters. Or, in
6 normal terms, if you're thinking about drunk driving, if
7 .08 is the legal limit, this is .075. So we're just a
8 little bit under the legal limit to operate a motor
9 vehicle in the State of South Carolina.

10 Q Okay. And were there any drugs at all?

11 A None, sir. Just the alcohol.

12 Q And so would -- is it true that blood alcohol levels
13 affect different people differently?

14 A It does, absolutely. Some people are quite -- are
15 able to do a lot of things at this level. Other people
16 would be more intoxicated. It depends on how much you
17 drink, your sex, your size, various other things.

18 Q Okay. Now, let me ask you this. Were you able to
19 form an opinion within a reasonable degree of medical
20 certainty as to the cause of Mr. Fuller's death?

21 A Yes. Given that this is a 27-year-old black man with
22 no natural disease present at autopsy after examining all
23 organs, the cause of death is a gunshot -- or gunshot
24 wounds to the torso. In particular, both gunshot wounds
25 would have killed him. The fatal wounding includes that

1 large vessel wound that I described earlier, and, to be
2 honest, the wounds to the lungs were significant enough to
3 have killed in and of themselves, too. So lots of choices
4 there.

5 Q Okay. Let me turn your attention now to Mr. Justice,
6 Jamal Justice. What were the physical dimensions of
7 Mr. Justice's body?

8 A Mr. Justice's body -- let me flip to that page. 200
9 pounds and 72 inches.

10 Q About six-foot tall?

11 A Yes.

12 Q And 200 pounds.. Age was?

13 A Age was 25.

14 Q 25?

15 A At the time of autopsy.

16 Q And when was he pronounced deceased?

17 A He was pronounced deceased at 2:50 a.m. So he was
18 pronounced slightly after Mr. Fuller.

19 Q Okay. Was Mr. Justice dressed?

20 A He was. He was wearing shirt, pants. Actually, he
21 had a pair of shorts on under his pants, a jacket, a
22 shirt, tennis shoes. And both the jacket and shirt showed
23 holes consistent with the gunshot wounds that we'll
24 discuss later.

25 Q So he then did have gunshot wounds, more than one?

1 A Yes. He had several gunshot wounds. He had a
2 gunshot wound to his left flank and shoulder, actually,
3 two of those, and then an additional gunshot wound to his
4 right arm.

5 Q So, once again, you numbered them in your report
6 without any significance as to sequence?

7 A That is correct. They are numbered one through
8 three.

9 Q So let's start with number one. Would you describe
10 the location of that shot on Mr. Fuller?

11 A I'll stand again. This is Mr. Justice.

12 Q Mr. Justice, yes, sir.

13 A So on his left flank, directed downward, we have a
14 wound. I recovered that projectile, actually, in his
15 spine. So you can see how it would go down to the spine.
16 On the way there, it creates a very large hemorrhagic
17 wound through the left lower lung lobe. And
18 interestingly, in the spine, it hits at the level of the
19 thoracic vertebra T-12. It doesn't, actually, hit the
20 spinal column, but it embeds in the bone of the spine.

21 Q Okay.

22 A And that is that one. The direction wounding on that
23 one -- would you like me to do that now?

24 Q Yes, please.

25 A Since we're here. The direction wounding is -- this

1 particular wound, gunshot number one, is from left to
2 right downward and very slightly front to back.

3 Q Okay. And would that be considered a mortal wound?

4 A Yeah. He would have bled out from that left lower
5 lung wound. Yes, this is potentially fatal.

6 Q And gunshot wound number two?

7 A This enters on the left shoulder laterally. It's,
8 also, directed downward. It damages the muscles of the
9 shoulder. It penetrates the chest cavity. And this one
10 is definitely the most fatal wound in this case.

11 It then enters the heart and creates a large wound in
12 the right ventricular chamber of the heart. And it then
13 goes through -- totally through the heart, through the
14 diaphragm, which separates the chest and the abdomen. And
15 it then creates a fairly large wound in the liver, wherein
16 the liver, I recover the projectile. So the direction
17 wounding, in this case, is, also, from left to right,
18 downward and, in this case, front to back.

19 Importantly, on this wound, the wound to the heart
20 would have killed this gentleman and, quite frankly,
21 probably did. And, also, the wound to the liver could
22 have been potentially fatal if it had been by itself as
23 well.

24 And then, finally, gunshot wound three is to the
25 right arm. This wound is interesting. It occurs --

1 there's an entrance here and then it, actually, tunnels
2 and exits -- does it exit? -- yeah. It exits. So it,
3 actually, just pierces the skin and pokes back out. It
4 doesn't, actually, enter the muscles of the arm.

5 As a forensic pathologist, what that means to me is
6 the weapon was probably fired at a hard angle to the arm.
7 It didn't go down like that, it went like this. So it
8 just pokes right there. It is not a fatal wound.

9 Q So that bullet then was not recovered; is that right?

10 A It was not, no. If it's recovered at the scene, I
11 don't know about it, obviously -- or I was not told about
12 it. I did not recover that particular projectile.

13 Q It wasn't recovered from his body. But those other
14 two, you did recover those?

15 A Yes. We have those and the same forensics officer
16 would have had those.

17 Q Okay. And you gave those to him. Now, were you able
18 to make any determinations as to distance of these shots?
19 Or were the bloody clothes, again, a deterrence for that?

20 A I do not believe so. No. I did not make a
21 determination. Once again, the clothing made it very
22 difficult. They all had on long -- it was in November.
23 They had on long sleeves, and such.

24 Q So for that reason, it wouldn't show on the skin;
25 correct?

1 A Correct. It would be on the clothing.

2 Q And then the clothing was just so bloody --

3 A It was so bloody that it was very difficult to make a
4 determination. There's specialized chemical tests that a
5 firearms examiner could do on that clothing to highlight
6 residue, if needed. We don't do those at autopsy.

7 Q And what immediate effect would these wounds have on
8 a person?

9 A This wound would have been more quickly fatal,
10 particularly regarding the gunshot wound to the heart.
11 That's, obviously, a significant wound and would have been
12 not instantly fatal, but within seconds to maybe a minute,
13 tops.

14 Q And what about the toxicology for Mr. Justice?

15 A In this case, we, also, had alcohol. And that's all
16 we found. We ran the same expanded panel. And, in this
17 case, it was present at .107 percent by volume.

18 So in that case, if we're talking about the legal
19 limit to operate a motor vehicle is .08, this is .1. So
20 this is above the legal limit to operate a motor vehicle,
21 slightly.

22 Q Okay. And were you able to form an opinion within a
23 reasonable degree of medical certainty as to the cause of
24 Mr. Justice's death?

25 A Yes. In this case, it was the gunshot wounds to the

1 torso, gunshot wound I numbered one and two. Either of
2 those would have been potentially fatal. In this
3 particular case, the one to the heart probably caused him
4 to die before anything else had a chance to.

5 MR. MOYER: Okay. Thank you.

6 Please answer any questions the Defense may have.

7 THE WITNESS: Thank you.

8 MR. ROBINSON: I have no questions.

9 THE COURT: All right. You may step down.

10 THE WITNESS: Thank you.

11 MR. MOYER: No further questions, Your Honor.

12 And if it pleases the Court, that concludes our
13 witnesses for today.

14 THE COURT: Thank you.

15 You may be excused, sir.

16 Thank you.

17 THE WITNESS: Thank you.

18 THE COURT: All right. Mr. Foreman, ladies and
19 gentlemen of the jury, obviously, this is a good time to
20 recess for the evening. And I might say, I don't know how
21 long this case will last, but, usually, I try to break
22 sometime before 5:00, if possible. But it seems today, we
23 have two worlds, one begins early in the morning and goes
24 to 5:00, and the other starts about 5:00 and seems to go
25 on forever. But the fact is, if we can stop the testimony

1 at a convenient time where it does not interfere with the
2 testimony itself, in other words, we don't have to have a
3 break and come back and start over, I try to do that.

4 All right. Now, this, I tell the jurors, is going to
5 be the most difficult time in this case. Because you're
6 going home tonight. And the first thing they're going to
7 ask you, well, what are you doing? You're going to tell
8 them, well, I got drawn on a case. They're going to say,
9 well, what's it about? You'll say, I can't tell you. And
10 they'll say, why not? Because the Judge said so. Well,
11 they'll probably say that's something like ridiculous.

12 And you're going to have to tell them that, no, you
13 cannot talk about it because, really, you don't know the
14 whole case. You don't know the whole case until you,
15 finally, get it at the end of the trial -- or the end of
16 the presentation of the trial and you're in your jury room
17 deliberating on it.

18 And, of course, they don't understand that. And, of
19 course, I'll be here a little bit before 10:00 in the
20 morning. And I'll be glad to explain it to them.

21 But the thing is, this is an important case to
22 everybody involved. And no one who has not sat in that
23 jury box or been in that jury room with you when you have
24 to come to a decision in this case can help you. Because
25 they haven't heard the first witness, the first bit of

1 testimony, seen the first exhibit, heard the arguments or
2 the discussions of the law by the Court, as well as the
3 attorneys.

4 So the only thing they can do is interfere with the
5 proper resolution of this case. For that reason, I
6 admonish you, do not talk about the case to anybody. And
7 if they insist, I'm serious, I'll be here, I'll be glad to
8 explain it to them. But do remember, this is an important
9 case to everybody involved.

10 And I thank you not only now for your service, but
11 your continued service.

12 And I'll look for you --

13 Is 10:00 all right? Is that convenient?

14 MR. GREGORY: Yes, sir.

15 MR. ROBINSON: Yes, sir.

16 THE COURT: 10:00 in the morning. Just come back to
17 the jury room. And do have a good evening.

18 With that, you're excused until tomorrow morning.

19 Everyone else remain seated while the jury retires
20 from the courtroom.

21 (WHEREUPON, the jury was excused from open court at
22 approximately 5:00 p.m.)

23 THE COURT: All right. Is there anything before we
24 adjourn or recess for the day?

25 MR. GREGORY: Not from the State, Your Honor.

1 MR. ROBINSON: Not from the Defense, Your Honor.

2 THE COURT: How many more witnesses do you think
3 you'll have? You moved it rather quickly today, I
4 thought.

5 MR. GREGORY: Your Honor, I believe another eight. I
6 think there was eight today and we have eight more.

7 THE COURT: Okay. Well, we'll just go along as we
8 can. Very good.

9 All right. We'll stand in recess until tomorrow
10 morning at 10:00.

11 (WHEREUPON, the proceedings were concluded at
12 approximately 5:01 p.m., to be reconvened on
13 Wednesday, August 9, 2017.)
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1 WEDNESDAY, AUGUST 9, 2017

2 THE COURT: Is Mr. Moyer going to join us?

3 MR. GREGORY: He is. He's talking to a witness right
4 now.

5 THE COURT: Okay.

6 MR. GREGORY: The State is ready to proceed.
7 We can go without Mr. Moyer.

8 THE COURT: All right. The State is ready.
9 Is the Defense?

10 MR. ROBINSON: The Defense is ready.

11 I want to tell the Court that we hooked up the audio
12 thing because, I guess, some of the jurors couldn't hear
13 me very well.

14 THE COURT: Oh, do you mean from the desk?

15 MR. ROBINSON: Yes, sir.

16 THE COURT: All right. Ask the jury to join us,
17 please.

18 (WHEREUPON, the jury came into open court at
19 approximately 10:14 a.m.)

20 THE COURT: All right. Let the record reflect the
21 jury and alternates are in the jury box.

22 Mr. Foreman, and, ladies and gentlemen of the jury,
23 we'll now continue with the State's case.

24 Solicitor.

25 MR. GREGORY: May it please the Court.

1 The State calls James Armstrong.

2 THE CLERK: Mr. Armstrong, please, place your left
3 hand on the Bible and raise your right hand.

4 WHEREUPON,

5 JAMES WILLIAM ARMSTRONG,
6 after first having been duly sworn, testified as follows:

7 THE CLERK: Thank you.

8 Please state your full name and spell it.

9 THE WITNESS: James William Armstrong, J-A-M-E-S,
10 W-I-L-L-I-A-M, A-R-M-S-T-R-O-N-G.

11 THE CLERK: Thank you.

12 You may be seated.

13 DIRECT EXAMINATION

14 BY MR. GREGORY:

15 Q Mr. Armstrong, where are you employed?

16 A I'm employed with the Greenville County Department of
17 Public Safety forensics division and crime laboratory.

18 Q In what capacity are you employed there?

19 A I'm employed there in a dual capacity as a firearms
20 examiner and a forensic drug chemist.

21 Q And how long have you been employed there in that
22 capacity?

23 A I've been employed with the Greenville County lab for
24 about 21 and a half years.

25 Q What kind of educational background have you

1 received?

2 A In the area of firearms identification, I have a
3 Bachelor of Science Degree in Chemistry from Erskine
4 College. I trained in an apprenticeship-style training
5 under the direction of a retired firearms examiner from
6 the Philadelphia PD for about two years. I've attended
7 numerous firearm manufacturing facilities to see the
8 process of the firearms being made, the raw material, the
9 finished product.

10 I, also, attended five different Armour schools to
11 learn how to work on various firearms. I've attended four
12 different ammunition manufacturing facilities to see how
13 the ammunition is made from raw material to the finished
14 product as well. And I've testified in federal and state
15 courts, at least, 55 times as an expert in the area of
16 firearm identification.

17 Q How many cases have you been asked to examine
18 firearms, or shell casings, or projectiles?

19 A A couple thousand.

20 Q And you said you've testified in how many cases?

21 A At least, 55.

22 Q Have you ever been qualified as an expert?

23 A Yes, sir, in all 55.

24 Q Do you receive any ongoing training?

25 A Yes, sir, I do.

1 Q What kind of ongoing training do you receive?

2 A I go to different firearm manufacturing facilities,
3 ammunition plants. I, also, go to conferences sponsored
4 by the Association of Firearm and Tool Mark Examiners.

5 MR. GREGORY: Your Honor, at this time, the State
6 would seek to introduce Mr. Armstrong as an expert in
7 firearm and tool mark examination.

8 THE COURT: All right. Any voir dire?

9 MR. ROBINSON: No voir dire. No objection, Your
10 Honor.

11 THE COURT: All right. Mr. Foreman, and, ladies and
12 gentlemen of the jury, as we did on the previous occasion,
13 I find that the witness is qualified as an expert in drug
14 analysis and arms -- ammunition and forensic laboratory
15 matters. And so he'll be able to give his opinion not
16 limited to just what he knows of his own personal
17 knowledge.

18 Of course, as I said earlier, all witnesses testimony
19 is for your evaluation.

20 You may proceed.

21 BY MR. GREGORY:

22 Q Mr. Armstrong, did you have an opportunity to become
23 involved in this case?

24 A Yes, sir, I did.

25 Q When did you become involved in the case?

1 A I first started receiving items for this one on
2 December 12th, 2014.

3 Q And you said you received -- who did you receive the
4 items from?

5 A The property and evidence room.

6 Q What is the property and evidence room?

7 A The property and evidence room is a secure location
8 in the basement of the law enforcement center. It's where
9 the officers drop off their evidence. The property clerks
10 then store it in an evidence storage location, and send it
11 to certain locations for storage.

12 Only four people, I believe, actually, have access to
13 that room. When I go down and ask for cases, they will,
14 actually, bring them out to me. And I take them back to
15 my office to be examined.

16 Q What condition is the evidence in when you receive
17 it?

18 A Most cases I receive come in a sealed form. The bag
19 would have evidence tape or will be sealed inside a
20 plastic bag.

21 Q I'm going to show you what's been previously marked
22 and previously entered as State's Exhibit Nos. 23 through
23 27, and State's Exhibit No. 35. Do you recognize those?

24 A Yes, sir, I do.

25 Q How do you recognize them?

1 A On the evidence tape on the envelope, it has my
2 initials and date where I sealed them.

3 Q Did you perform any examination of these items?

4 A Yes, sir, I did.

5 Q What are those items?

6 A These items are all fired cartridge casings. They're
7 caliber 380 auto.

8 Q What is a cartridge casing?

9 A The cartridge case is the metal component of a
10 cartridge, which is -- actually, holds the firing pin --
11 excuse me, the primer and the powder charge. That's
12 where, actually, the bullet is seated into the top in the
13 casing, which stays inside the firearm as it's being
14 fired.

15 Q And when you received that evidence, what did you do
16 with it?

17 A When I receive the evidence, the first thing I do is
18 make sure what I, actually, have in inventory. When I cut
19 the package open, I initial and date where I, actually,
20 opened up the package. I then scribe the item number and
21 my initials on the inside of the casing so I can identify
22 it later and make sure nothing gets mixed up.

23 And then I perform a microscopic examination on the
24 items, do a side-by-side comparison to see if the fired
25 cartridge casings have been fired in the same firearm.

1 Q What kind of instruments do you use in order to do
2 that?

3 A It's a comparison microscope.

4 Q And did you examine all of these shell casings?

5 A Yes, sir, I did.

6 Q And what were your findings and conclusions of these
7 shell casings?

8 A I found that these shell casings were fired in the
9 same firearm.

10 Q And what was the caliber of those shell casings?

11 A 380 auto.

12 Q Now, I'm going to show you what's been identified and
13 already entered into evidence as State's Exhibit Nos. 28,
14 38, 39, 40, and 41.

15 A Yes, sir.

16 Q Do you recognize those items?

17 A Yes, sir, I do.

18 Q When did you receive those items?

19 A I received these items on January 30th, 2015.

20 Q And where did you receive them from?

21 A The property and evidence room.

22 Q And what are those items?

23 A These items are caliber 380 auto fired bullet
24 specimens.

25 Q What is a fired bullet specimen?

1 A That is the projectile that comes down the barrel of
2 the firearm and is going towards the intended target.

3 Q Did you examine those specimens?

4 A Yes, sir, I did.

5 Q What did you do to examine them?

6 A I did a side-by-side comparison under a comparison
7 microscope to generate my findings.

8 Q And what were your findings?

9 A That there are -- three of the fired bullet specimens
10 were fired in the same firearm. And two of them bear
11 similar, but insufficient microscopic marks to prevent
12 identification to the other three or themselves.

13 Q And three of them are similar. Which ones are the
14 three that were fired from the same --

15 A State's Exhibit Nos. 38, 39, and 41 were fired in the
16 same firearm. State's Exhibit Nos. 28 and 40 bear
17 similar, but insufficient microscopic marks to prevent
18 identification to those three.

19 Q Could they have been fired from the same gun?

20 A It's possible, yes, sir.

21 Q But not enough there to, actually, say for certain?

22 A Correct.

23 MR. GREGORY: Please answer any questions the Defense
24 has for you.

25 MR. ROBINSON: May it please the Court.

CROSS-EXAMINATION

BY MR. ROBINSON:

Q Mr. Armstrong, so it would be fair to say that you did not examine any 45-caliber gun, did you -- I mean, any 45-caliber bullets, or anything like that; correct?

A Not off the items that were submitted to me. But I did look at one 45-caliber firearm as well, yes, sir.

Q Okay. But as far as this particular -- can you conclude as far as certainty goes as far as -- you've got 380s up there; right?

A That's correct.

Q 380-caliber; is that correct?

A Yes, sir.

Q Did you test any -- anything involving this case that involved a 45?

A I examined a firearm and compared it to other cases.

Q But no 45?

A The firearm I had was a 45 auto. But there was no fired evidence of a 45.

Q So you can conclude, to a reasonable degree of certainty, that a 45 was not used in this incident, can't you?

A Not fired in these items here, that's correct.

Q So that is correct -- I'm going to repeat what I just said to you. Okay. I want to make sure I've got this

1 right and the jury hears this.

2 So you can conclude, based on your experience as an
3 expert in firearms, and so forth, that that 45 was not
4 used in the incident; correct?

5 A Not with the items that I, actually, have in this
6 case. That's correct.

7 MR. ROBINSON: That's all I have.

8 Thank you.

9 THE COURT: Re-examine?

10 MR. GREGORY: I have no further questions, Your
11 Honor.

12 THE COURT: All right. He can step down.

13 MR. GREGORY: I have no further questions for him.

14 THE COURT: Well, do you want him excused?

15 MR. GREGORY: Please, Your Honor.

16 THE COURT: All right. You may step down and be
17 excused.

18 Thank you, sir.

19 THE WITNESS: Thank you.

20 MR. GREGORY: The State calls Tyler Sturkie.

21 THE CLERK: Mr. Sturkie, please, place your left hand
22 on the Bible and raise your right hand.

23 WHEREUPON,

24 TYLER STURKIE,

25 after first having been duly sworn, testified as follows:

1 THE CLERK: Thank you.

2 Please state your name and spell it for the record.

3 THE WITNESS: Yes, ma'am. My name is Tyler Sturkie,
4 T-Y-L-E-R, S-T-U-R-K-I-E.

5 DIRECT EXAMINATION

6 BY MR. GREGORY:

7 Q Mr. Sturkie, where are you employed?

8 A I'm employed by the South Carolina Law Enforcement
9 Division.

10 Q In what capacity are you employed there?

11 A I work in the trace evidence department of the
12 forensics services as a forensic scientist.

13 Q How long have you held that position?

14 A I've been at SLED for over three years now.

15 Q What is SLED?

16 A SLED is a -- it stands for South Carolina Law
17 Enforcement Division. In my capacity for the forensic
18 services, we analyze forensic evidence from the entire
19 State of South Carolina.

20 Q What kind of education and training have you received
21 in order to become employed at SLED?

22 A I received a Bachelor of Science Degree in Chemistry
23 from Newberry College. I was -- started at SLED in 2014,
24 where I began a year-long training program for the
25 analysis of gunshot residue. This training consisted of

1 written and practical examinations on the theory and
2 practice of gunshot residue. I was assigned a training
3 officer and learned to work a case from receiving evidence
4 to generating a final report.

5 I've, also, received external training from the Hook
6 College of Applied Sciences in courses titled gunshot
7 residue, identification, scanning electron microscopy, and
8 advanced microanalysis.

9 Q What is gunshot residue?

10 A Gunshot residue is composed of the burned and
11 unburned particles from the primer, the propellant and the
12 projectile of a firearm that has just been discharged.

13 Q How many times have you performed an examination on
14 suspected gunshot residue?

15 A Through training and competent case work, well over
16 200, 300 maybe.

17 Q Do you keep records for each one?

18 A Yes, sir, I do.

19 Q Have you ever testified in court before as to your
20 findings?

21 A Yes, sir.

22 Q How many times have you testified in court?

23 A 10.

24 Q Have you ever been qualified as an expert?

25 A All 10 of those times.

1 MR. GREGORY: Your Honor, at this time, the State
2 would seek to have this witness qualified as an expert in
3 gunshot residue.

4 THE COURT: Voir dire?

5 MR. ROBINSON: No voir dire and no objection, Your
6 Honor.

7 THE COURT: All right. Mr. Foreman, and, ladies and
8 gentlemen of the jury, again, this witness will be
9 qualified as a gunshot residue forensic scientist, and
10 qualified as an expert in that area. He will be permitted
11 to give his opinion. But as all -- as I've said on each
12 occasion, the evaluation of a witnesses testimony, expert
13 or lay witness, will be for your evaluation.

14 You may proceed.

15 MR. GREGORY: Thank you, Your Honor.

16 BY MR. GREGORY:

17 Q How is gunshot residue expelled?

18 A When a firearm is discharged, any opening in that
19 firearm can produce any gunshot residue. This will
20 include the muzzle end for each firearm. And depending on
21 the type of firearm, whether it's a semiautomatic or a
22 revolver, the gunshot residue can be expelled from any of
23 them. For a semiautomatic, the ejection port and the
24 muzzle are the most common places. And for a revolver,
25 the muzzle as well as any of the cylinders.

1 Q Where does the gunshot residue go when a firearm is
2 fired?

3 A Whenever a firearm is discharged, those openings
4 where gunshot residue can come out of, the possibility of
5 gunshot residue being in the general area is very highly
6 likely. Usually, within five to eight feet of the general
7 surrounding of that discharged firearm.

8 Q Is gunshot residue visible to the naked eye?

9 A No, sir. Gunshot residue requires to be
10 characterized by what we call a scanning electron
11 microscope. And in order to consider it gunshot residue,
12 these particles must be molten, or irregular, or round in
13 shape and contain the elements of lead, barium, and
14 antimony. It has to meet these two criteria in order for
15 a particle to be considered gunshot residue.

16 Q Is it common to find gunshot residue on the hands of
17 a victim?

18 A We suspect and, usually, confirm that victims have
19 gunshot residue on them due to being the victim of a
20 gunshot wound. Gunshot residue will sometimes travel with
21 the bullet of a discharged firearm. And depending on the
22 proximity of the victim to that firearm that was
23 discharged, we do expect to find gunshot residue on
24 victims.

25 Q How can gunshot residue be transferred to a hand?

1 A Gunshot residue is a very fragile type of evidence.
2 A good visual I like to give is baking flour in a kitchen.
3 If you're baking with baking flour and you have it on your
4 hand and you go to grab a spoon, that spoon will now have
5 baking flour on it, but so will your hand. So it can be
6 transferred from your hand to the other spoon in this
7 example.

8 Gunshot residue acts in the same way. If it is on
9 your hands, if you were to touch an object, you have that
10 potential to remove GSR from your hands and for that
11 object to gain GSR as well.

12 Q Just because you have gunshot residue on your hand
13 does not mean you fired a gun; is that correct?

14 A That is correct. When we find gunshot residue on a
15 victim, or a suspect, or any inanimate objects, we can
16 only tell one of three things. One is that the person did
17 fire the weapon. Two is that person was in the vicinity
18 to that weapon when it was fired. Or, three, the person
19 touched an object that had GSR on it. Unfortunately, with
20 my analysis, I cannot confirm one of those three either
21 way.

22 Q Did you have an opportunity to examine the evidence
23 in this particular case?

24 A Yes, sir, I did.

25 Q I'm going to show you what's been marked and

1 previously entered into evidence as State's Exhibit
2 Nos. 42 and 43. If you will take a look at that. Do you
3 recognize those exhibits?

4 A Yes, sir. These -- each of these exhibits have our
5 SLED forensic services seal with my initials and date to
6 confirm that I was the last one to have handled this
7 evidence.

8 Q What is State's Exhibit No. 42?

9 A State's Exhibit No. 42 is my lab number, L16-08800,
10 item number two. If you'll give me one second, I'll refer
11 to my notes.

12 Q Okay. Did you take notes at the time of your
13 examination?

14 A Yes, sir, I did. And I have item number two as one
15 GSR kit from Sylvester Fuller.

16 Q What did you do for the examination of State's
17 Exhibit No. 42?

18 A When we analyze gunshot residue, we place it on a
19 scanning electron microscope and run an automated analysis
20 for the evidence. Each of these kits contains four
21 particle lifts. And these four particle lifts would have
22 been taken from the hands of this subject, the right palm,
23 the right back, the left palm, and the left back. All
24 four particle lifts would have been analyzed automatically
25 and then confirmed secondly by me.

1 Q And what were your findings for State's Exhibit
2 No. 42?

3 A For State's Exhibit No. 42, my item number two, the
4 results are particles of gunshot residue were found.

5 Q Given the circumstances of this case, did that
6 surprise you in any way?

7 A No, sir. This is a victim of a gunshot wound. So
8 the GSR kit from Sylvester Fuller, I would have expected
9 to have found gunshot residue. It is not always the case,
10 but it is expected. And, in this case, particles of
11 gunshot residue were found.

12 Q State's Exhibit No. 43, what is that?

13 A State's Exhibit No. 43 is my item number three, which
14 is one GSR kit from Jamal Justice.

15 Q And what did you do with that item?

16 A I performed the same analysis for item number three
17 as I did for item number two.

18 Q And what were your findings?

19 A My findings were no primary gunshot residue found.

20 Q How permanent is gunshot residue?

21 A When gunshot residue is dispersed onto the hands of a
22 person, we have a window of zero to six hours from when
23 the time of the shooting to the time of collection can be
24 taken in order for us to analyze the evidence. This is
25 the reason, because as time goes on, a person who is

1 moving, sweating, a lot of environmental factors, such as
2 wind and rain, has a potential to remove gunshot residue.

3 As I stated earlier, GSR being such a fragile
4 evidence, anything from wind and rain to wiping or
5 sweating of the hands has the potential to remove gunshot
6 residue.

7 For inanimate objects and deceased victims, there is
8 no timeframe. And the reason there is no timeframe is
9 because their bodily functions have ceased. So they have
10 no way of sweating or themselves wiping their hands.
11 External factors are still present and have that potential
12 to remove gunshot residue, but we do not place a timeframe
13 on deceased victims.

14 MR. GREGORY: Please answer any questions the Defense
15 has for you.

16 MR. ROBINSON: May it please the Court.

17 THE COURT: Mr. Robinson.

18 CROSS-EXAMINATION

19 BY MR. ROBINSON:

20 Q Mr. Sturkie, so you have -- I appreciate the testing
21 that you did, and so forth. But you have no idea the type
22 of gun that was used in this case, do you?

23 A No, sir. The only evidence I have that I am aware of
24 in this case are the GSR kits that were submitted to me.

25 MR. ROBINSON: That's all I have.

1 THE COURT: Reexamine?

2 MR. GREGORY: No redirect, Your Honor.

3 We'd ask that this witness be excused and released
4 from his subpoena.

5 THE COURT: Without objection?

6 MR. ROBINSON: No objection.

7 THE COURT: Thank you.

8 You are excused then.

9 Thank you for your service.

10 THE WITNESS: Thank you.

11 MR. GREGORY: The State calls Jessie Barksdale.

12 THE CLERK: Mr. Barksdale, please, step over here to
13 the witness -- the witness booth. Yes.

14 Please place your left hand on the Bible and raise
15 your right hand.

16 WHEREUPON,

17 JESSIE BARKSDALE,

18 after first having been duly sworn, testified as follows:

19 THE CLERK: Thank you.

20 Please state your full name and spell it for the
21 record.

22 THE WITNESS: Jessie Barksdale, J-E-S-S-I-E,
23 B-A-R-K-S-D-A-L-E.

24 THE CLERK: Thank you.

25 You may be seated.

DIRECT EXAMINATION

BY MR. GREGORY:

Q Mr. Barksdale, how old are you?

A 46.

Q Do you live in Greenville County?

A Yes.

Q How long have you lived in Greenville County?

A 10 years.

Q Are you currently employed?

A Yes.

Q Where do you work?

A BMW.

Q How long have you worked there?

A Five years.

Q And what do you do at BMW?

A Metal finish worker.

Q I want to take you back to November 27th of 2014. Do you remember that day?

A Yeah.

Q Where were you on the evening -- or the early morning hours of November 27th?

A Early -- home, the early part of the morning.

Q On that night, the previous night?

A Oh, Bugatti Grand.

Q Bugatti Grand?

1 A Right.

2 Q All right. Do you know where Bugatti Grand is
3 located?

4 A Yes.

5 Q Where is that?

6 A Off of Pleasantburg.

7 Q Is that the Club Bugatti we're talking about?

8 A Yes.

9 Q What time did you arrive there?

10 A Maybe 11:00, a little after 11:00, 11:30.

11 Q Were you with anybody that night?

12 A No. I was by myself.

13 Q And how long did you stay at Club Bugatti that night?

14 A Maybe until around 2:00, 2:30 -- 2:00.

15 Q And what were you doing inside Club Bugatti?

16 A I was there just to visit friends. I usually go
17 there.

18 Q Was Club Bugatti busy that night?

19 A No. It was a slow night.

20 Q How many people do you think were inside?

21 A Maybe 15, 20, 25 people, something like that.

22 Q All right. Was there music playing inside?

23 A Yeah.

24 Q Did you drive yourself?

25 A Yes.

1 Q Did you park in the Club Bugatti parking lot?

2 A Yes, I did.

3 Q Now, if you don't mind stepping down. Will you step
4 down and show us where you were parked that night?

5 A This is the club; right?

6 Q That's correct.

7 A Okay. This front -- I parked here by the sign, the
8 Club Bugatti sign.

9 Q The Bugatti sign?

10 A Right.

11 Q What kind of car were you driving that night?

12 A I was in a Burgundy Durango.

13 Q Feel free to have a seat.

14 A (Witness complied.)

15 Q You said you left the club at 2:00?

16 A Yeah.

17 Q Tell the jury what happened when you left the club.

18 A I walked out. I walked to my car. And once I got to
19 my car, I unlocked the door, got in, started my car up --
20 put my seatbelt on, and started my car up. As I proceeded
21 to pull out, I heard gunshots.

22 So I ended up ducking down in the car until after the
23 gunshots stopped. And as I rolled back up after the
24 gunshots stopped and I proceeded to go on, I witnessed a
25 silver Cadillac backing out in front of the Bugatti where

1 it was parked. It was backing out real fast. And it
2 finally -- whoever it was, like, they was having problems
3 getting it in gear, or whatever. And they, finally, got
4 it in gear and sped out of the parking lot in front of me.

5 Q You said it was a silver Cadillac?

6 A Uh-huh.

7 Q In which direction did the Cadillac leave?

8 A They took a left going back up Pleasantburg, like,
9 towards the Rutherford Road, the Bi-Lo.

10 Q Towards Wade Hampton area?

11 A Yeah, Wade Hampton area.

12 Q When you left the club at 2:00, did you see anyone
13 outside?

14 A No.

15 Q Did you see that Cadillac as you were leaving -- just
16 leaving the club?

17 A No. After -- I didn't see -- when I left out the
18 door, I didn't see it. Once I -- you know, the gunfire
19 and stuff started and I raised up --

20 Q How many gunshots did you hear?

21 A Maybe, at least, eight. Eight.

22 Q Were they rapid or was there a space between the
23 gunshots?

24 A No. They was rapid.)

25 Q Did it sound like it was coming from one gun or

1 multiple guns?

2 A To me, one gun.

3 Q After you saw the Cadillac leaving, what did you do?

4 A I proceeded to go on out of the parking lot and
5 headed home.

6 Q You didn't call the police?

7 A No. On my way home, I called one of the guys that
8 own the club. We friends. I ended up calling him and
9 telling him that, you know, you might need to go -- send
10 somebody out there to check. Because as I was leaving to
11 go home, I heard gunshots. I said, I don't know what done
12 took place, but I'm going home.

13 Q And did you see the victims before and after they
14 were shot?

15 A No.

16 Q Did you see anyone that shot the victims?

17 A No. Like I said, I just heard the gunshots. I
18 didn't find out until later that somebody got shot. The
19 next morning, I woke up and saw it on the news.

20 Q All right. If you don't mind stepping down one more
21 time.

22 A (Witness complied.)

23 Q Will you show the jury where the Cadillac was, where
24 it was pulling out from and the exit in which direction it
25 went?

1 A I was here on the side. And the Cadillac had to be
2 over here in one of these parking spots on the end -- on
3 the corner end. And it backed out like that and went out
4 and went back up.

5 Q Okay. And was it driving at a high rate of speed?

6 A Yeah, kind of. Yeah. Yes.

7 MR. GREGORY: Please answer any questions the Defense
8 has for you.

9 CROSS-EXAMINATION

10 BY MR. ROBINSON:

11 Q Mr. Barksdale, you didn't see anyone in the Cadillac,
12 did you? You didn't see anyone that was driving the
13 Cadillac, did you?

14 A No.

15 Q Okay. And you didn't see anybody shoot anybody, did
16 you?

17 A No.

18 Q You just saw a Cadillac go out of the parking lot and
19 you perceived it as a high rate of speed, but you don't
20 know, do you?

21 A It was going faster than a normal --

22 Q Okay.

23 A -- car.

24 Q But you have no idea who was in the car?

25 A No.

1 Q If that person -- you have no idea whether that car
2 was even involved in the shooting, do you?

3 A No.

4 Q Was it -- the Cadillac you're talking about, was it a
5 big Cadillac or a small Cadillac?

6 A It was a big Cadillac, like the DTS, the Cadillac DTS
7 kind.

8 Q DTS?

9 A Yeah.

10 Q What's a DTS? Do you know a lot about Cadillacs?

11 A Not much. But I know --

12 Q Okay.

13 A -- a couple makes.

14 Q There's a CTS; right? CTS?

15 A Right, CTS. That's the smaller version.

16 Q That's the smaller. And there is a DTS. Which one
17 is that?

18 A That's like a bigger body, a square body, more square
19 body.

20 Q So to you, it looked like a DTS?

21 A Something like that, yeah, that kind.

22 Q How many different types of Cadillacs are there, do
23 you know? If you know.

24 A I don't know.

25 Q So DTS. Okay. And you said that's a bigger

1 Cadillac, basically. And you can recognize a DTS versus a
2 CTS, can't you?

3 A Correct.

4 Q How can you tell the difference?

5 A The DTS, it's a bigger body style and more of, like,
6 a square-shaped.

7 Q Square-shaped?

8 A And a CTS, it's a smaller, more compact Cadillac.

9 Q And did you see it from the back, the side, the
10 front? Where did you see it?

11 A I mean, I saw it coming, you know. It faced me. And
12 then once it went out of the parking lot, I saw the side.

13 Q Let me ask you this. You've been to this club
14 before, obviously?

15 A Correct.

16 Q To the Bugatti Grand, I think at the time; is that
17 right? Bugatti Grand; is that correct?

18 A Correct.

19 Q And you said it was slow that night; correct?

20 A Uh-huh.

21 Q And you said that you never -- you gave a statement
22 to Officer Fortner back in 2014. You don't know Brad
23 Williams, do you?

24 A No.

25 Q You don't know this fellow over here, do you?

1 A No.

2 Q And you never saw him there that night, did you?

3 A No, not --

4 Q The -- let's talk about this car, this DTS you're
5 talking about getting out of the parking lot, and so
6 forth. You've done the same thing yourself sometimes,
7 haven't you, when you're, like, in a hurry or you've got
8 to be someplace, or something like that? You've got out
9 of the parking lot and left pretty quickly, haven't you?

10 A It depends on where I've got to be or how long I've
11 got to get there.

12 Q Let's say that you had to be at BMW -- you say you
13 work at BMW; right?

14 A Correct.

15 Q Let's say you're late for your shift, or something
16 like that; right? You're going to get out of that parking
17 lot pretty fast if you're late, aren't you?

18 A Yeah, maybe. Yeah.

19 Q Yeah. Okay. So it's really -- so -- so it's not
20 unusual for a car to be leaving a parking lot at a fast
21 rate of speed if they've got to be some place, or
22 something? You just don't know, do you?

23 A No.

24 MR. ROBINSON: That's all I have.

25 Thank you, Mr. Barksdale.

1 MR. GREGORY: I have no further questions for the
2 witness, Your Honor. We'd ask that he be excused.

3 THE COURT: Any objection?

4 MR. ROBINSON: Without objection.

5 THE COURT: Without objection, you may be excused.

6 Thank you very much, sir.

7 THE WITNESS: Uh-huh.

8 MR. GREGORY: The State calls Bobby Snoddy.

9 THE CLERK: Mr. Snoddy, please, place -- come over
10 here to the witness booth.

11 Put your left hand on the Bible and raise your right
12 hand right hand. Here, sir. Face me.

13 WHEREUPON,

14 BOBBY EDDIE SNODDY,
15 after first having been duly sworn, testified as follows:

16 THE CLERK: Please state your full name and spell it
17 for the record.

18 THE WITNESS: Okay. My name is Bobby Eddie Snoddy,
19 B-O-B-B-Y, E-D-D-I-E, S-N-O-D-D-Y.

20 THE CLERK: Thank you.

21 You may be seated.

22 DIRECT EXAMINATION

23 BY MR. GREGORY:

24 Q Mr. Snoddy, how old are you?

25 A I'm 63.

1 Q If you don't mind, talk in that microphone. I'm
2 having a little bit of a hard time hearing you. Can you
3 lean forward just a little bit?

4 How old are you?

5 A I'm 63.

6 Q Where do you live?

7 A I'm homeless.

8 Q Do you know Club Bugatti?

9 A Yes. I've worked there.

10 Q You worked there?

11 A Uh-huh.

12 Q What did you do at Club Bugatti?

13 A I did janitorial, cleaning the parking lot, taking
14 out the trash, and stuff like that.

15 Q How long have you worked there?

16 A I would say over a year.

17 Q You received a subpoena to be here today; correct?

18 A Correct.

19 Q Did -- were you working on the night of November 27,
20 2014?

21 A Yes, sir.

22 Q What happened that night?

23 A Well, as far as my remembrance, I came out of the
24 door of the club that night and I was picking up paper on
25 the ground, trying to keep the parking lot clean. So I

1 saw a car and I seen two gentlemen. They was talking to
2 each other, you know. They were young fellows. And they
3 was, like, in a dispute, like, an argument. And they was
4 close to the driver's side of the car.

5 Q Okay. Let's just stop right there. What time did
6 you come out of the club?

7 A I don't remember that.

8 Q And you said you saw two people?

9 A Yes, sir.

10 Q Did you see anyone inside the car?

11 A Yes, sir.

12 Q All right. Can you describe the person that was
13 sitting inside the car?

14 A I can't. Because it was -- I didn't really pay no
15 real close attention. Because I didn't know what was
16 going to take place.

17 Q Can you describe the two men that were standing
18 outside the car?

19 A Yes. You know, as far as I know, they was young. I
20 would say early 20s.

21 Q Had you ever seen the two guys standing outside the
22 car door?

23 A I saw one of them before.

24 Q All right. Do you remember giving a statement to law
25 enforcement back on November 28th, 2014?

1 A Do I remember?

2 Q Yes, sir. Do you remember giving a statement to the
3 police?

4 A Yes, sir.

5 Q All right. Do you remember giving it to Investigator
6 Fortner?

7 A Yes.

8 Q Do you remember telling him that the individual
9 sitting in the car --

10 THE COURT: What was the date on that statement?

11 MR. GREGORY: November 28th.

12 THE COURT: What year?

13 MR. GREGORY: 2014, the day after.

14 THE COURT: Okay. Thank you.

15 MR. GREGORY: You're welcome.

16 BY MR. GREGORY:

17 Q Do you remember telling the investigator -- do you
18 remember the driver of the vehicle wearing glasses?

19 A I was telling them I can't really remember it because
20 it's been a while.

21 Q You can't recall it today?

22 A Yes.

23 Q Do you think your memory was better --

24 A Better.

25 Q -- back then than it is today?

1 A Yes, sir. Yes, sir.

2 Q But if you told the investigator that, do you have
3 any reason to doubt that was the truth?

4 A Well, no. I mean, if I said that, yes, it was the
5 truth.

6 Q Okay. Do you remember telling him they were
7 dark-rimmed glasses?

8 A No. I can't -- like I said, I don't recall it. At
9 this moment, I don't.

10 Q Do you remember the kind of car that the individual
11 was sitting in?

12 A It was, like, a tan-colored Cadillac, four doors.

13 Q Now, how close did you get to the vehicle?

14 A Well, I would say from where I'm sitting to where
15 you're standing.

16 Q And you could hear the individuals talking?

17 A Oh, yes.

18 Q Describe the conversation. What kind of conversation
19 was it?

20 A I can't recall. The only thing -- I said I don't,
21 actually, you know, recall it. Because I thought it was
22 just they was just having a friendly speech. And I didn't
23 think they was going to get into no situation, or
24 anything.

25 Q All right. And did you notice anything that the

1 driver was doing inside the car?

2 A The only thing I remember is that I couldn't really
3 focus on his face because he was leaning towards the
4 steering wheel. It was like he was humped over.

5 Q Okay. What is the lighting like out in the Club
6 Bugatti parking lot?

7 A I couldn't hear you.

8 Q Is it well lit? Is the parking lot well lit?

9 A Sort of, but it's not really bright.

10 Q After seeing that conversation, what did you do?

11 A Well, it was just something came to my mind, like a
12 voice or something just told me, it said, you should just
13 leave the parking lot, you know. Because I had this
14 instinct that something was fixing to take place.

15 So I just hurried up and did my little job. And I
16 rushed out of the parking lot.

17 Q And what was that instinct based on, seeing the
18 individuals outside?

19 A Because the way they was speaking and the way the guy
20 was sitting in the car. I just had that feeling that
21 something was going to happen.

22 Q So then what did you do?

23 A I left. I went across the highway there. And there
24 was a building right below that building. So I heard some
25 sounds. And that's when I turned around and I seen the

1 car leaving out of the parking lot.

2 Q Okay. Let's go back one second. I'm going to show
3 you what's been marked as State's Exhibit No. 1. If you
4 don't mind stepping down.

5 A (Witness complied.)

6 Q Will you show the jury on this map -- and this is
7 North Pleasantburg. And Club Bugatti is right here and
8 the Spinx station is right here. Show the jury where you
9 walked.

10 A It's a building. It's not -- now, where you said
11 Spinx -- Spinx is right here; right?

12 Q Yes, sir.

13 A So this is the club. And I left and I started
14 walking across the road. So I got to -- the first
15 building would have been a club similar to that, but they
16 call it the Radio Room. It's somewhere in the vicinity
17 before you get to Spinx.

18 So it's the first building. And that's when I turned
19 around. So I wasn't too far away from the club when I
20 heard the sound of the pistol.

21 So they fired. And I turned around and I said, oh,
22 my God. And I said, I hope they didn't shoot those boys,
23 whoever was in that car. So the car took off and went
24 back down in this direction. And they left.

25 Q All right. If you'll just have a seat.

1 A (Witness complied.)

2 Q What was the noise you heard as you were walking
3 away?

4 A It was a gunshot.

5 Q How many shots did you hear?

6 A It was more than one.

7 Q But you can't remember how many?

8 A No, sir.

9 Q And you said a car left the club?

10 A Yes, sir, in a hurry. It was in a rush to get away.

11 Q What kind of car left?

12 A The Cadillac.

13 Q What did you do after that?

14 A Sir?

15 Q After that -- after you heard the gunshots, what did
16 you do?

17 A Well, the only thing I did -- like I said, I was
18 praying that it wasn't none of those fellows that I saw
19 standing at the car. Because I was hoping they didn't get
20 shot at, or get hurt, or anything. That's what I was --
21 so I just -- I went on down the highway. I went on down
22 the road there by the Spinx station.

23 Q And do you live in this general area?

24 A Yes.

25 Q Did you call the police?

1 A No, sir. I didn't do it. But I think -- all I can
2 say is when I heard those shots, it scared me, really. I
3 was -- I didn't want to really go back over there at that
4 moment because I didn't know what was going on.

5 Q Other than the two men standing out of the Cadillac
6 and the one inside the Cadillac, did you see anyone else
7 in the parking lot at that time?

8 A No, sir, I didn't.

9 MR. GREGORY: Please answer any questions the Defense
10 has for you.

11 CROSS-EXAMINATION

12 BY MR. ROBINSON:

13 Q Mr. Snoddy, good morning.

14 A Good morning.

15 Q Mr. Snoddy, I want to go back a little bit on some of
16 your comments, your testimony. Can you hear me, okay?

17 A Oh, yes.

18 Q Mr. Snoddy, the vehicle that you described was a
19 Cadillac. And I think you told -- you testified a minute
20 ago to Mr. Gregory this was a tan vehicle; is that right?

21 A A tan Cadillac; is that right?

22 A Well, it was sort of dark. So I'm just -- it was
23 between gold, or tan, or something. It was beige or
24 whatever color it was, just in that vicinity.

25 Q Okay. Kind of like a darker color, and so forth?

1 A Uh-huh.

2 Q Mr., Gregory mentioned the interview which took place
3 with Officer Fortner back on 11/28/2014. I know this is a
4 long time back for you to remember that. But in your
5 statement, you had said -- and agree or disagree with me
6 if you said this. You said the person in the car --
7 besides the glasses that you said were dark framed, you
8 said the person was roughly 40 years old. Do you remember
9 that?

10 A No, not really. All I can say, in my mind right now,
11 it's been such a while back.

12 Q Sure, sure.

13 A But I would say -- to the fullest of my belief, I say
14 he was probably between 40 or 50 years old.

15 Q So he was an older guy?

16 A Yeah.

17 Q Not -- that's not -- not older. That's more of a
18 mature guy; is that right?

19 A Well, I wouldn't say he was real old. I wouldn't say
20 that.

21 MR. ROBINSON: Yes, sir, Mr. Snoddy.

22 Thank you so much for your testimony.

23 THE WITNESS: Yes, sir.

24 THE COURT: Reexamine?

25 MR. GREGORY: Just briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. GREGORY:

Q You just testified that it was a tan, maybe a gold, silver --

A Well, it was a brownish color. It was in between tan or beige. It was a darker color car. But I couldn't -- it was like darkness because when the car got to the light, that's when I could really see better.

Q And when did the Cadillac get to the light? As it was leaving?

A Oh, yeah.

MR. GREGORY: I have no further questions, Your Honor.

MR. ROBINSON: No recross, Your Honor.

MR. GREGORY: We ask that this witness be excused. Thank you very much, sir.

THE WITNESS: Do I need to let you sign a paper, or something?

MR. GREGORY: No, Your Honor.

THE COURT: All right. I understand you're being relieved of your subpoena. So you're free to go.

THE WITNESS: All right. Thank y'all.

THE COURT: Thank you, sir.

MR. MOYER: The State calls Quante Davis.

THE CLERK: Mr. Davis, please, place your left hand

1 on the Bible and raise your right hand.

2 WHEREUPON,

3 QUANTE JAMAR DAVIS,

4 after first having been duly sworn, testified as follows:

5 THE CLERK: Thank you.

6 Please state your full name for the record and spell
7 it.

8 THE WITNESS: Quante Jamar Davis, Q-U-A-N-T-E,
9 J-A-M-A-R, D-A-V-I-S.

10 THE CLERK: Thank you.

11 You may be seated.

12 DIRECT EXAMINATION

13 BY MR. MOYER:

14 Q Okay. Mr. Davis, I'm going to be asking questions
15 over here. There's a microphone in front of you, so maybe
16 you can pull it up and get a little bit closer, pull the
17 microphone closer to you to make sure we can all hear you.

18 How old are you?

19 A 24.

20 Q Okay. And I see you're in a jumpsuit. So you're,
21 actually, being held in jail right now?

22 A Yes, sir.

23 Q And is that something unrelated to this case that
24 we're here today --

25 A No, sir.

1 Q So it's not -- it has nothing to do with this
2 incident that happened at Bugatti; right?

3 A No, sir.

4 Q Okay. You have pointing a firearm charges pending
5 against you?

6 A In York, South Carolina.

7 Q In York?

8 A Uh-huh.

9 Q So that's why you're being held right now waiting for
10 your court date for that?

11 A Yes, sir.

12 Q And where were you -- were you working before you got
13 arrested for that?

14 A Yes, sir.

15 Q Where?

16 A Metrolina Greenhouse.

17 Q Metrolina. Okay. What were you doing with that?

18 A Dealing with plants and all type of stuff, just land
19 plants and trees.

20 Q Okay. So that's over in York?

21 A Yes, sir.

22 Q Do you have family over there?

23 A Yes, sir.

24 Q Is that where your mom's side of the family are all
25 kind of from?

1 A Yes, sir.

2 Q And you lived in Greenville for a time, though;
3 right?

4 A Yes, sir.

5 Q Back in 2014?

6 A Yes, sir.

7 Q Okay. Well, let me take you back to November of
8 2014. Let me start off by asking you about the Defendant
9 in this case, Bradford Williams, seated at the table over
10 there. Do you know him?

11 A Yes, sir.

12 Q Okay. Was he a friend of yours?

13 A Yes, sir.

14 Q Did y'all used to spend a lot of time together?

15 A Yes, sir.

16 Q Had y'all known each other for a couple of years,
17 would you say?

18 A Probably about a year, year and a half.

19 Q A year, year and a half. Okay. So he had been
20 friends with you. But there was a falling out that led
21 you to not be friends anymore; is that right?

22 A Correct.

23 Q And was that close to this time in November when this
24 incident happened at Bugatti?

25 A Yes, sir.

1 Q Okay. And what led to that? What led to the
2 problems between y'all?

3 A About a firearm.

4 Q Okay. Tell -- how was it about a firearm?

5 A He, basically, gave me a firearm to hold or get rid
6 of, in which I kept. And then I got rid of it. And he
7 all of a sudden wanted it back and I didn't have it. So
8 that sparked a confrontation between us.

9 Q Okay. So what had you done with the firearm?

10 A I sold it.

11 Q Do you remember how much you got for it?

12 A Probably like \$200.

13 Q Did you give him the money?

14 A No.

15 Q Okay. So you sold a firearm that he asked you to
16 hold onto and you kept the money. And did you know that
17 he was mad at you?

18 A Yes.

19 Q Okay. How did you find out about it?

20 A People -- other people and --

21 MR. ROBINSON: Objection, Your Honor. Calls for
22 hearsay.

23 MR. MOYER: It's not offered for the truth of the
24 matter asserted, but to show his state of mind. And it's,
25 also, to show why he acted as he did.

1 THE COURT: So he's saying he's responding to
2 something he heard?

3 MR. MOYER: That's correct, Your Honor.

4 THE COURT: He can go into how he responded to what
5 he heard.

6 BY MR. MOYER:

7 Q So you started hearing some things?

8 A Well, I called him on one occasion and told him about
9 me selling the firearm. He was, obviously, mad about it.
10 And then after that, people -- he got to riding around the
11 neighborhood every day, riding around looking for me,
12 basically, saying threats.

13 Q And how long was this going on?

14 A About a month before the prior situation had
15 happened.

16 Q About a month before the incident happened at Club
17 Bugatti. Okay. So did you have many conversations with
18 him during that period of time?

19 A Probably, like, twice.

20 Q Were they friendly conversations?

21 A No, sir.

22 Q Were you threatened?

23 A Yes.

24 Q Okay. So were you feeling during this time that he
25 was out to get you?

1 A Yes.

2 Q Okay. Well, let me take you to the night of November
3 the 26th, 2014. Do you remember what day of the week that
4 was?

5 A I want to say on a Wednesday, going into Thursday,
6 Thanksgiving.

7 Q Okay. Because Thanksgiving was the next day; right?

8 A Yes, sir.

9 Q That kind of makes it stand out. Did you go anywhere
10 that day?

11 A That night, that's when I went to Club Bugatti.

12 Q Okay. How did it come about that you went there?

13 A Me, Sylvester, and Jamal all agreed to go there.

14 Q Okay. Were y'all hanging out with friends before
15 that?

16 A We were just in the neighborhood at Boulder Creek
17 Apartments.

18 Q Okay. So let's talk about Sylvester. What's
19 Sylvester's last name.

20 A Fuller.

21 Q Okay. And what about Jamal? What's his last name?

22 A I'm not sure about his last name.

23 Q Okay. So had you known those guys for a while?

24 A Yes.

25 Q Okay. Were you related to either one of them?

1 A Sylvester.

2 Q What was your relationship with Sylvester?

3 A Cousins.

4 Q He was your cousin. And Jamal, were you related at
5 all?

6 A No, just a close friend.

7 Q He was a close friend. And Sylvester was, too?

8 A Uh-huh.

9 Q How long had you known those guys -- well, start with
10 Sylvester. He was a cousin. Had you known him --

11 A I had known him for 10 years plus.

12 Q Okay. And is he on your mom's side or your dad's
13 side?

14 A Mother's.

15 Q On your mother's side?

16 A (Witness nodded.)

17 Q Did y'all grow up in the same neighborhood?

18 A I mean, we stayed on the same side of Greenville, so
19 we used to always see each other. I stayed in Piedmont
20 Manor Apartments. He stayed in Belle Meade.

21 Q Are they fairly close to one another?

22 A Yes.

23 Q And Jamal, how long had you known Jamal?

24 A I had known Jamal about seven years.

25 Q And they were both good friends of yours?

1 A Yeah.

2 Q Okay. Did those guys know the Defendant, Bradford
3 Williams?

4 A Only one. I want to say Sylvester and him had -- as
5 a matter of fact, they talked prior to that, probably,
6 like, two weeks before.

7 Q Okay. So they weren't close friends with him like
8 you had been; is that right?

9 A No, sir.

10 Q Okay. Now, do you remember around what time of night
11 it was when you got over to Club Bugatti?

12 A We got there, I want to say, around 10:30 or 11:00.

13 Q And did you -- did you all three ride together or go
14 in separate cars?

15 A Me and Sylvester rode together. And Wolf had his own
16 vehicle.

17 Q And Wolf is --

18 A Jamal.

19 Q -- we heard his nickname, but that was a nickname?

20 A Jamal, yeah.

21 Q So you and Sylvester rode in one car and then Jamal
22 went in another car?

23 A Yes, sir.

24 Q Do you remember where you parked?

25 A We parked in the front of the club with the car

1 facing the road.

2 Q Okay. We have a map here of Club Bugatti. I want to
3 pull it up. Can you step down from there for one second?

4 A (Witness complied.)

5 Q Can you kind of take a minute to look at the map.
6 This is Pleasantburg Drive here. This is Club Bugatti.
7 This is the front of the building. By looking at that,
8 can you remember where you guys parked?

9 A Right here.

10 Q So you guys parked down there close to the road?

11 A Facing the road.

12 Q Do you remember what kind of car you and Sylvester
13 were in?

14 A We was in a red two-door Jeep. I don't know the
15 name, the make, and model. It was a two-door red Jeep.

16 Q And by Jeep, do you mean like an SUV or do you mean
17 an actual Jeep Cherokee? Was it just an SUV of some kind?

18 A Yes, two door.

19 Q Two door. Okay. And do you remember where Jamal
20 parked?

21 A I want to say Jamal parked over here.

22 Q Okay. You can have a seat again.

23 A All right.

24 MR. ROBINSON: Your Honor, I have a matter that needs
25 to be taken up outside the presence of the jury.

1 THE COURT: Very well.

2 Mr. Foreman, and, ladies and gentlemen of the jury,
3 if you would, please, retire to the jury room. I need to
4 take up a matter with the attorneys. Do not undertake the
5 discussion of the case among yourselves in any way.

6 (WHEREUPON, the jury was excused from open court at
7 approximately 11:11 a.m.)

8 THE COURT: All right. The jury is out of the room,
9 Mr. Robinson.

10 MR. ROBINSON: May it please the Court.

11 Judge, I know this is a difficult time for the
12 victims in this case, but the crying and all the stuff
13 going on is extremely distracting to the jury. And it's
14 very -- I think very prejudicial to my client in this
15 case. I think she needs to step outside, or something,
16 because it's very distracting.

17 THE COURT: Yes, sir, Mr. Gregory.

18 MS. PRATTY WASHINGTON: Your Honor, may I say
19 something to you, please, sir?

20 THE COURT: You can speak to the Solicitor. I don't
21 need to hear anything that's not going to be relevant.

22 (Pause.)

23 MR. GREGORY: Judge, she's fine. I think -- we've
24 talked to her. I think she will be good now. She says
25 she's strong now. She's not going to --

1 THE COURT: Just for the record, who is she?

2 MR. GREGORY: This is Sylvester Fuller's mother.

3 THE COURT: Very good.

4 Thank you.

5 She is protected under the Victim's Rights Act.

6 MR. GREGORY: Yes, Your Honor.

7 THE COURT: But the only thing is no one can create a
8 disturbance. It interferes with the course of the case.
9 And I'm confident now that she understands how important
10 it is that we maintain control.

11 MR. GREGORY: Thank you, Judge.

12 THE COURT: You're nodding in agreement.

13 Thank you, ma'am.

14 MS. PRATTY WASHINGTON: Yes, sir.

15 THE COURT: Anything else, Mr. Robinson?

16 MR. ROBINSON: No, sir.

17 THE COURT: They've been -- how much longer have you
18 got on this witness?

19 MR. MOYER: It's going to be a little bit.

20 THE COURT: While they're out, let's go ahead and
21 take a break at this time.

22 Do they have any refreshments, or anything?

23 THE BAILIFF: No, sir.

24 THE COURT: Do you do that when they take a break?

25 THE BAILIFF: We have some snacks we can get them.

1 THE COURT: Well, let's do that.

2 Let's take about 15 minutes.

3 THE BAILIFF: Okay.

4 THE COURT: Very good.

5 Thank you, sir.

6 (WHEREUPON, a break was taken.)

7 (WHEREUPON, State's Exhibit Nos. 48, 49, 50, 51, and 52
8 were marked for identification only.)

9 THE COURT: All right. Is the State ready to
10 proceed?

11 MR. MOYER: We are, Your Honor.

12 THE COURT: Is the Defense ready?

13 MR. ROBINSON: Yes, sir.

14 THE COURT: Very well. Ask the jury to join us,
15 please.

16 (WHEREUPON, the jury came into open court at
17 approximately 11:31 a.m.)

18 THE COURT: All right. Let the record reflect the
19 jury and alternates are in the jury box.

20 Mr. Foreman, and, ladies and gentlemen of the jury,
21 we'll continue with the case -- the State's case. Very
22 good.

23 I think we -- you rested -- not rested, but you were
24 going to finish your direct examination.

25 MR. MOYER: Yes, Your Honor.

1 THE COURT: Very good.

2 MR. MOYER: May it please the Court.

3 BY MR. MOYER:

4 Q Mr. Davis, I think when we left off, we had just
5 talked about where you and Mr. Justice had parked. So
6 when y'all got there and parked, what did y'all do?

7 A We went inside of the club.

8 Q Okay. The three of y'all and there were a couple --
9 were there a couple of girls with y'all, too?

10 A No. We came alone.

11 Q Okay. And so around what time was it when y'all got
12 there, did you say?

13 A About 11:00.

14 Q Okay. And y'all -- do you remember what you did in
15 the club?

16 A Just went in there and got drinks, just to ourselves,
17 just enjoying our environment.

18 Q Did they have pool tables, and stuff there, too?

19 A Yeah. They've got pool tables.

20 Q Did y'all play any pool?

21 A No, sir.

22 Q Just stayed there and hung out together?

23 A Yeah.

24 Q Okay. Now, while you were there, did anybody come in
25 that caused you any concern?

1 MR. ROBINSON: Objection, Your Honor. Leading.

2 MR. MOYER: It's a "yes" or "no" question, Judge.

3 THE COURT: That's what a leading question is. It
4 suggests an answer.

5 MR. MOYER: I'll rephrase the question.

6 THE COURT: Let's do that. That will be fair.

7 BY MR. MOYER:

8 Q Mr. Davis, did anybody come in the club that night
9 while you were there?

10 A Yes, sir.

11 Q And anybody in this courtroom?

12 A Yes, sir.

13 Q Okay. And who was it?

14 A Brad Williams.

15 Q Okay. The Defendant in this case?

16 A Yes, sir.

17 Q Okay. Now, did -- did you used to go to Club Bugatti
18 a fair amount?

19 A Yes. I went -- like, out of a week, I would go there
20 probably three or four times a week.

21 Q Was that close to where you used to live?

22 A Yes, sir.

23 Q Did Bradford Williams go there much?

24 A No.

25 MR. ROBINSON: Objection, Your Honor. Calls for

1 speculation.

2 THE COURT: Well, he can say of his own knowledge.

3 Overruled.

4 BY MR. MOYER:

5 Q Did you used to see Bradford Williams there?

6 A No.

7 Q Had you ever seen him in that club before that night?

8 A No.

9 MR. ROBINSON: Asked and answered, Your Honor.

10 THE COURT: Overruled.

11 Go ahead.

12 BY MR. MOYER:

13 Q Okay. So where did Bradford Williams stay?

14 A I don't know. I'm not sure where his residence --
15 where he resided at. I'm not sure other than hotel to
16 hotel, from my knowledge.

17 Q Okay. So did you ever see him staying in any
18 different hotels?

19 A Yes.

20 Q What hotels would you see him stay in?

21 A Motel 6 and Quality Inn.

22 Q Okay. Did you ever know him before that night to
23 stay in Savannah Suites?

24 A Yes. I know him to stay there, too.

25 Q Okay. So when -- when Bradford Williams came into

1 the club, what did you do?

2 A I tapped Sylvester and tapped Jamal and told them to
3 step outside the club with me.

4 Q Okay. And why did you do that?

5 A To let them know who Brad was.

6 Q And had -- up until that point, had you told them
7 about the issue you had had with Bradford Williams?

8 A Yes, sir.

9 Q Okay. Did they know who he was?

10 A Not until I told them.

11 Q Okay. And so you tapped them and y'all went outside
12 the club?

13 A Yes, sir.

14 Q And out the front -- is that the only door, that door
15 in the front?

16 A Yes, sir.

17 Q Okay. Where did you go when you went outside?

18 A I talked to them. And then I got into a phone
19 conversation with a mutual friend of mine and Brad's.

20 Q And how long did you speak to Sylvester and Jamal
21 when you got outside?

22 A Probably for a minute and a half, two minutes.

23 Q What did you tell them?

24 A Basically, that that's Brad who just walked into the
25 club, the one who's been sending threats, or whatever. So

1 y'all need to be careful when y'all step back in.

2 Q Did you go back inside the club yourself?

3 A I never got to go back in.

4 Q So you said you got on the phone?

5 A Yes, sir.

6 Q And you called somebody that you both know?

7 A Yes, sir.

8 Q Why did you call somebody?

9 A Because that person is a mutual friend of ours. And
10 that's who I know -- like, basically, when I call him, I
11 tell him, like, Brad just stepped in the club, what do you
12 want me to do? And he, basically, gave me instructions to
13 leave the club because he'd been sending threats, so he
14 don't know what's on his mind.

15 Q So did you have any intention of going back in the
16 club?

17 A No, sir.

18 Q Okay. So you stayed on the phone. Did you see what
19 Sylvester and Jamal did while you were on the phone?

20 A They went back in.

21 Q And you stayed outside?

22 A Yes, sir.

23 Q You were on the phone?

24 A Yes, sir.

25 Q Did you stay in front of the club, or did you go

1 anywhere?

2 A I started to walk around the club.

3 Q Okay. In which direction were you going?

4 A If you step out the front of the club, I went to my
5 left, started that way.

6 Q Okay. And so did you ever see Jamal and Sylvester
7 again after you started walking away?

8 A Not until I got to -- back to the front of the club.

9 Q Okay. And then what did you see when you got back
10 around to the front of the club?

11 A I seen Brad in a reverse position, hurrying up
12 leaving in his car. And I seen Sylvester and Wolf on the
13 ground.

14 Q Are you talking about the Defendant, Bradford
15 Williams?

16 A Yes, sir.

17 Q And before you saw that, did you hear anything?

18 A Yeah. I heard gunshots.

19 Q More than one?

20 A Yes, sir.

21 Q Do you have any idea how many?

22 A An estimated guess, I would say anywhere from six to
23 seven shots.

24 Q Were they pretty much in succession?

25 A Yeah, right after each other.

1 Q Okay. Now, just so we can understand what you were
2 talking about. Can you just step down again and show us
3 on the map where you walked?

4 A This is the entrance. I walked to my left around the
5 club.

6 Q And you walked all the way around the club?

7 A Yes. I was on the phone. By the time I got to this
8 side of the building, gunshots went off. That's when I
9 ran to the front. Brad was parked beside Jamal. And he
10 was already in a reverse position hurrying up leaving the
11 club.

12 Q Could you see him in the car?

13 A Yes, sir.

14 Q Okay. You can have a seat again.

15 A (Witness complied.)

16 Q Was there anybody else outside?

17 A No, sir.

18 Q So -- and were Jamal and Sylvester on the ground at
19 that point?

20 A Yes, sir.

21 Q And so was there anyone else in the car with the
22 Defendant?

23 A No, sir.

24 Q It was just him and he was driving?

25 A Yes, sir.

1 Q What kind of car was he in?

2 A I want to say a light gray 2005 Cadillac.

3 Q Had he had that Cadillac for a while?

4 A Yes, sir.

5 Q Do you -- had you ever seen him in it before?

6 A Yes, sir.

7 Q A lot?

8 A Yes.

9 Q I mean, in fact, were you not with him when he bought
10 the Cadillac?

11 A Yes, sir.

12 Q And where did he buy the Cadillac?

13 A Off White Horse Road.

14 Q This is back when y'all were still friends --

15 A Friends, yes, sir.

16 Q -- and didn't have any problems?

17 A Yes, sir.

18 Q Okay. I'm going to show you State's Exhibit Nos. 49
19 through 52. And I want to ask you just to take a look
20 through these -- these five photographs, and see if you
21 recognize what is in those photographs. You can just look
22 at each one individually for me.

23 A Yes, sir.

24 Q What is showing?

25 A That's the Cadillac.

1 Q Is that the Cadillac -- is Bradford Williams the man
2 who is seen --

3 A Who was posing, yes, sir.

4 Q He's the man standing next to the -- and in one of
5 those pictures is a woman?

6 A A female.

7 Q Do you know who she is?

8 A Yes, sir.

9 Q Who is she?

10 A Tiara Washington.

11 Q And is she --

12 A They was in an intimate relationship.

13 Q And so that's the Cadillac pretty much as it looked
14 back. I know we don't know the date these were taken, but
15 is that the way the Cadillac looked in November --

16 A Yes, sir.

17 Q -- when this incident happened?

18 A Yes, sir.

19 MR. MOYER: Your Honor, at this time, I'd move to
20 have State's Exhibit Nos 48 through 52 entered into
21 evidence.

22 MR. ROBINSON: I have an objection, Your Honor, I
23 would like to take up outside the presence of the jury.

24 THE COURT: All right. Again, now, Mr. Foreman, and,
25 ladies and gentlemen of the jury, I'm going to have to ask

1 you to step out for a moment while I take up a matter of
2 law.

3 Again, do not undertake discussion of the case in any
4 way.

5 (WHEREUPON, the jury was excused from open court at
6 approximately 11:41 a.m.)

7 THE COURT: Was there any reason not to show it to
8 the Defendant before you moved for its introduction?

9 MR. MOYER: To the witness?

10 THE COURT: The Defendant's attorney.

11 MR. MOYER: Oh, I showed it to him during the break.
12 While we were on break, Your Honor, I showed all the
13 pictures to Mr. Robinson.

14 THE COURT: Why didn't you bring that up before I
15 brought the jury back, Mr. Robinson?

16 MR. ROBINSON: I just forgot to, Your Honor. My
17 fault.

18 THE COURT: All right. Now, I'll hear you on the --
19 let me see the -- they have been marked?

20 MR. MOYER: They have been, Your Honor.

21 THE COURT: Thank you.

22 All right. Mr. Robinson.

23 MR. ROBINSON: Your Honor, after consultation, I'm
24 going to withdraw the objection.

25 THE COURT: All right. Gentlemen, there's a reason

1 that I ask you to consult one another about the exhibits,
2 particularly, if you're going to mark them even for ID.
3 The reason for that is that we don't have to stop and send
4 the jury out and take up a matter. Moreover, if you can't
5 agree on them, and y'all have been very good about most of
6 the exhibits that have been admitted, it, also, let's the
7 case flow without interruptions, or objections, and things
8 of that nature. And so I'll just suggest that's a word to
9 the wise.

10 MR. MOYER: Yes, Your Honor.

11 Just for the record, I just want to make sure the
12 record is clear. We had about a 15-minute break. And I
13 showed all the pictures to Mr. Robinson. I did not -- I
14 was not given any indication at that time that he had an
15 objection.

16 THE COURT: Well, he's admitted that.

17 MR. MOYER: Okay.

18 THE COURT: He's, also, withdrawn his objection. I'm
19 not going to punish him for doing what's right, even if
20 it's a little bit late.

21 MR. MOYER: Yes, sir.

22 THE COURT: Here are the exhibits.

23 And thank you, Mr. Robinson.

24 I think those are State's Exhibit No. 48?

25 MR. MOYER: State's Exhibit Nos. 48 through 52.

1 THE COURT: Very good.

2 And you have removed your objection -- or withdrawn
3 your objection?

4 MR. ROBINSON: I have, Judge.

5 THE COURT: Okay. Plaintiff's Exhibit -- or State's
6 Exhibit Nos. 48, 49, 50, 51, and 52 are admitted.

7 Anything else before I bring the jury back?

8 MR. MOYER: Not from the State.

9 THE COURT: Mr. Robinson, anything from the Defense?

10 MR. ROBINSON: No, Judge.

11 THE COURT: Very good.

12 Ask the jury to join us.

13 (WHEREUPON, the jury came into open court at
14 approximately 11:45 a.m.)

15 MR. MOYER: Your Honor, at this time, the State moves
16 to have State's Exhibit Nos. 48 through 52 admitted into
17 evidence.

18 MR. ROBINSON: No objection, Judge.

19 THE COURT: All right. Without objection, State's
20 Exhibit Nos. 48 through 52 are admitted.

21 (WHEREUPON, State's Exhibit Nos. 48, 49, 50, 51, and 52
22 were admitted into evidence.)

23 CONTINUED DIRECT EXAMINATION

24 BY MR. MOYER:

25 Q Mr. Davis, I want to ask you to move that way a

1 little bit from the light so your eyes won't be blinded.

2 A (Witness complied.)

3 Q So we're going to start off with State's Exhibit

4 No. 52. Can you see it there, Mr. Davis?

5 A Yes, sir.

6 Q Is that the Cadillac that you -- you saw the

7 Defendant in?

8 A Yes, sir.

9 Q That's the Cadillac that he bought?

10 A Yes, sir.

11 Q State's Exhibit No. 51. That, also, is the Cadillac.

12 Is that Bradford Williams?

13 A Yes, sir.

14 Q State's Exhibit No. 50, that's the Cadillac?

15 A Yes, sir.

16 Q State's Exhibit No. 49?

17 A Yes, sir.

18 Q And that's Bradford Williams?

19 A Yes, sir.

20 Q And State's Exhibit No. 48, that's the Cadillac?

21 A Yes, sir.

22 Q Do you know what hotel that is?

23 A If I'm not mistaken, that's the hotel off of Wade
24 Hampton.

25 Q Savannah Suites?

1 A Yes, sir.

2 Q Okay. Thank you.

3 So is that the Cadillac that he was driving off in
4 when you came back around?

5 A Yes, sir.

6 Q What did you -- when you came around the building and
7 you saw your friends on the ground and you saw the,
8 Cadillac leaving with the Defendant in it, what did you
9 do?

10 A I ran into the club to get -- to tell them to call
11 the ambulance.

12 Q Okay. Did you, actually, go in the club?

13 A Yes.

14 Q And you -- did you go all the way in or just open the
15 door?

16 A I opened the door. And as soon as you walk in, there
17 was a bar right there. And there was the owner and
18 everybody right there. And so I waved for them to call an
19 ambulance.

20 Q How were you feeling at this time?

21 A I was shook up. I was nervous. There was a lot
22 going on.

23 Q So is it fair to say you were upset?

24 A Yes, sir.

25 Q Okay. Did you stay in there long, or did you --

1 A I ran right back out to check on Sylvester and Jamal.

2 Q And where was Sylvester when you came out?

3 A Like, right by the door, face down on the floor.

4 Q Is he the first -- did you -- did you attend to him
5 or kneel down to him?

6 A Yes, sir.

7 Q And what condition do you remember him being in at
8 that time?

9 A I just seen the blood coming out of his mouth. And
10 that's when I -- I already knew he had been hit in a main
11 artery, or something. And he was already gone.

12 Q Was he conscious?

13 A No, sir.

14 Q Did you go see Jamal?

15 A Yes, sir.

16 Q And where was Jamal?

17 A He was like further down.

18 Q Was he on the sidewalk?

19 A Yes, sir.

20 Q Do you remember if they were -- either one of them,
21 were they facing up or facing down, or do you even
22 remember?

23 A Sylvester was face down. And Jamal was still
24 conscious.

25 Q Okay. Was Jamal able to speak?

1 A He just was, like, in -- a pain sound, like, making a
2 pain sound, clutching his stomach.

3 Q So you weren't able to talk to him then?

4 A No, sir.

5 Q Okay. Did -- did either of them have any weapons of
6 any kind?

7 A No, sir, not to my knowledge.

8 Q You didn't see any?

9 A No, sir.

10 Q Earlier, on the way there or before you came over?

11 A No, sir.

12 Q Did you have any kind of weapon, or anything?

13 A No, sir.

14 Q Were you expecting to see the Defendant at Club
15 Bugatti?

16 A No, sir.

17 Q Okay. So after you looked at Sylvester and Jamal,
18 what did you do?

19 A Me and another mutual friend, we had walked back to
20 the apartments where we from, where all of us stay at.

21 Q What is the name of those apartments?

22 A Boulder Creek.

23 Q Why did you leave?

24 A I mean, I had to. I had a warrant for a probation
25 violation.

1 Q Okay. And so you knew if the police showed up, you
2 were going to get locked up for that?

3 A Yes, sir.

4 Q Did you end up getting locked up?

5 A Yes, sir.

6 Q Did you serve that time for that probation violation?

7 A Yes, sir..

8 Q Okay. So you went back to -- did you -- you went
9 back to -- how far away is Bolder Creek from there?

10 A Walking distance.

11 Q It's walking distance?

12 A Yeah. It's walking distance.

13 Q Do you have any idea how long it would take you to
14 walk there?

15 A On foot, it takes no more than 10 minutes.

16 Q Okay. To go there, did you have to go out on the
17 road to walk there?

18 A Yes, sir.

19 Q Out on Pleasantburg?

20 A Yes, sir.

21 Q And then there's a -- how long were you on
22 Pleasantburg before you turned off?

23 A Probably, like, I'd say anywhere from, like, seven to
24 10 minutes.

25 Q Okay. And then you ended up at -- what did you do

1 when you got at Boulder Creek?

2 A I went and knocked on Sylvester's wife's door. (

3 Q And what did you do when you knocked on her door?

4 A It took me a while, but she, finally, came to the
5 door. And I had to tell her what just happened.

6 Q After you told her, what did you do?

7 A I stood around with the rest of everyone that was
8 standing around. And then they called to check on Jamal.
9 And that's when we got the information that he had passed,
10 also. So that's when I went into a panic attack, asthma
11 attack, and had to call the ambulance.

12 Q Were you with your girlfriend at that time?

13 A Yes, sir.

14 Q And so when the ambulance showed up, did -- well, did
15 you ask for the ambulance to come?

16 A I mean, they called. Yeah, she recommended it.
17 Because she knows I got asthma, so.

18 Q And did the police show up when the ambulance showed
19 up?

20 A Yes, sir.

21 Q And did you talk to an officer at that time?

22 A Yes, sir.

23 Q Did you tell them -- at that time, did you tell them
24 that you had been in Club Bugatti?

25 A Yes, sir.

1 Q And so were these officers already --

2 A Searching for me.

3 Q Okay. They were working the case and they had --
4 okay. And did you tell them what you just told the jury
5 here now?

6 A Yes, sir.

7 Q Okay. You -- and then did you, actually, go to the
8 hospital?

9 A No. I went straight from there straight to the
10 Greenville Detention Center.

11 Q Okay. So did anyone with the ambulance provide any
12 medical care?

13 A Yes, sir.

14 Q And then they took you off to the law enforcement
15 center?

16 A Yes, sir.

17 Q And then, at a later time, you spoke to Investigator
18 Fortner and gave an interview with him?

19 A Yes, sir.

20 Q Did you tell him what you told the jury here today?

21 A Yes, sir.

22 MR. ROBINSON: Objection, Your Honor. Vouching for
23 the witness.

24 THE COURT: I beg your pardon.

25 MR. ROBINSON: Objection, Your Honor.

1 Withdraw the objection, Judge.

2 THE COURT: Very well. You may proceed.

3 MR. MOYER: One moment, please.

4 (Pause.)

5 BY MR. MOYER:

6 Q Had you ever seen Bradford Williams with a 380
7 firearm?

8 MR. ROBINSON: Objection, Judge. Leading.

9 THE COURT: Overruled.

10 THE WITNESS: No, sir.

11 BY MR. MOYER:

12 Q Okay. And the 40 caliber -- or the handgun that you
13 were given to get rid of, do you remember what that was?

14 MR. ROBINSON: Objection, Judge. Leading.

15 THE COURT: Overruled.

16 THE WITNESS: Yes, sir.

17 BY MR. MOYER:

18 Q What caliber was that?

19 A I know it was a Glock, a Glock 40, I want to say,
20 almost like a police edition almost.

21 Q And that's the one you got rid of?

22 A Yes, sir.

23 Q How tall are you?

24 A 5'10".

25 MR. MOYER: All right. Thank you.

1 THE COURT: Is that your exam?

2 MR. MOYER: Oh, I'm sorry, Your Honor. No, I have no
3 further questions at this time.

4 THE COURT: Very good. Cross-examination.

5 MR. ROBINSON: May it please the Court.

6 CROSS-EXAMINATION

7 BY MR. ROBINSON:

8 Q Mr. Davis, good morning.

9 A Good morning.

10 Q I want to kind of take a peek at your record right
11 now, if you don't mind, your background. You're a
12 convicted felon, aren't you?

13 A Yes, sir.

14 Q And, actually, you were convicted of assault and
15 battery first degree back in, it looks like, 2014. Does
16 that sound about right?

17 A No. That's when I went down the road for violation
18 of probation. It wouldn't have been in 2014.

19 Q So would it be 2013 that you got the charge for that?

20 A More like 2012.

21 Q 2012. Did you, also, get charged -- or get convicted
22 of attempted murder as well?

23 A No.

24 Q What happened to that charge?

25 A That got dropped to assault and battery first degree.

1 Q Okay. Got you. Okay.

2 Now, let's go back to -- now, you're not permitted
3 after that felony to carry a gun, are you?

4 A No.

5 Q You're actually -- you're actually -- you can't carry
6 any sort of weapon at all, can you?

7 A No, sir.

8 Q But you're actually -- you're, actually, in jail
9 right now up in York County for -- let's me see what I've
10 got here -- for possessing a firearm; is that right?

11 A No, sir. It's pointing and presenting.

12 Q So you, actually, had a gun at the time -- the charge
13 you're being charged with up in York County, that you're
14 in that red suit for, whatever suit you're in, that charge
15 is for pointing and presenting a firearm; is that correct?

16 A Yes.

17 Q But you're not even able to have a firearm --

18 A They never got a firearm. It's a he say, she say
19 case.

20 Q So -- so you, a convicted felon, who has -- who has
21 got a record of violence with this assault and battery
22 first degree and is not able to carry a firearm, you're
23 saying they're just charging you -- it's not a valid
24 charge, it's not your fault? What -- is that what you're
25 saying?

1 A I'm already -- them charges is already in the process
2 of being dismissed as we talk. And I go to court for
3 that, like, next week or so in York County.

4 Q But you're still in jail; is that right?

5 A Yes.

6 Q Now, let's talk about some other things. Now, when
7 you left the club that night back in 2014, you were trying
8 to avoid bench warrants, weren't you? You ran because you
9 did not want to get charged -- you were going to get
10 picked up, weren't you?

11 A Yes.

12 Q For a probation violation; correct?

13 A Yes.

14 Q And you, that night, talked to Officer Fortner; is
15 that correct?

16 A Yes, sir.

17 Q And, at that point, you gave him information about
18 the case at that time; is that correct?

19 A Yes, sir.

20 Q And do you remember your testimony back from -- back
21 from 2007 -- 2014 when you talked to him?

22 A Yes.

23 Q Do you remember that?

24 A (There was no response.)

25 Q Do you remember telling Officer Fortner that you

1 didn't see Brad with a gun? Do you remember telling him
2 that?

3 A I can't recall.

4 Q You can't recall that, or you don't remember?

5 A That would have been three years ago. I don't know
6 the actual words I said. I don't even remember being
7 asked that question.

8 Q So when the Solicitor asks you questions about
9 interviews, you can remember it. And, now, I ask you, and
10 you can't remember?

11 A You asked -- it's the way you worded it. I'm not for
12 sure what question, like, you're asking.

13 Q Okay. Let me rephrase the question so you can
14 understand it. Back in November -- November 27, 2014, you
15 admit -- you agree that you talked to Officer Fortner;
16 correct? That night; right?

17 A Yes, sir.

18 Q Do you recall telling Officer Fortner that you did
19 not see Brad with a gun?

20 A Yes, sir.

21 Q Right? You remember that, don't you?

22 A (Witness nodded.)

23 Q You just saw Brad leaving, didn't you?

24 A Yes, sir.

25 Q So you didn't see Brad shoot anybody, did you?

1 A No, sir.

2 Q Now, in terms of you being at the club that night --
3 so it's your testimony that Brad came into the club at
4 some point; is that right?

5 A Yes, sir.

6 Q Well, Mr. Davis, it's interesting -- wouldn't you --
7 don't you find it interesting that no one else saw Mr. --

8 MR. MOYER: I object to pitting witnesses.

9 THE COURT: Again, if he didn't see them, he doesn't
10 know what anybody else said -- or saw. I mean, you can
11 ask him about something that he -- that's within his
12 knowledge, but not something that would be speculative and
13 somebody else's experience.

14 BY MR. ROBINSON:

15 Q You were outside with the victims at some point,
16 weren't you?

17 A Yes, sir.

18 Q And you had a gun that night, didn't you?

19 A No, sir.

20 Q So you don't recall talking to your girlfriend -- and
21 your girlfriend came as well, Ms. Ballenger?

22 A At the time, yes.

23 Q At the time. Do you recall telling Ms. Ballenger you
24 had a gun?

25 A No.

1 Q And that you should drop the gun?

2 A No, sir.

3 Q So you don't recall that?

4 A No.

5 Q So she'd be telling a lie if she said that?

6 A Yes, sir.

7 Q Okay. Now, as far as your two friends that -- your
8 friend or cousins that you're calling them, do you recall
9 having an argument with them inside the club?

10 A No, sir.

11 Q So, to your knowledge, you had no argument with them
12 inside the club?

13 A I came to the club with them.

14 Q Okay. Now, as far as -- you said you were on the
15 phone with somebody at some point; is that right?

16 A Yes, sir.

17 Q Is it -- is it -- where are the phone records that
18 support that you were on the phone at that time with that
19 person?

20 A They got all my evidence. So, if anything, y'all
21 should have the evidence in the evidence room. They took
22 everything.

23 Q Well, if those -- if those telephone records or lack
24 of any record of your phone call showed no phone call made
25 at that time, would you have to agree that you did not

1 make a phone call to somebody at that time?

2 A No.

3 Q So -- so any phone records that show that you didn't
4 make a phone call would be incorrect?

5 A Yes, sir.

6 Q Okay. Now, at some point, you and the two victims
7 left to go outside Bugatti; is that right?

8 A Yes, sir.

9 Q No one else came out with you, did they?

10 A No, sir.

11 Q It was just you and the two of them?

12 A Yes, sir.

13 Q So you were the last person to see these folks alive,
14 weren't you?

15 A No, sir.

16 Q You just testified there was no one outside.

17 A They walked back into the club. The club owner even
18 came to the detention center -- the detective's office and
19 said that he seen --

20 MR. ROBINSON: Objection, Judge.

21 THE COURT: Well, excuse me. You asked a question.
22 He's entitled to answer the question.

23 MR. ROBINSON: Yes, sir.

24 THE COURT: Go ahead. Explain your answer.

25 THE WITNESS: Yeah. So after we walked out, the club

1 owner says that he seen Sylvester and Jamal walk back in
2 the club and they approached Bradford Williams. And then
3 them three walked back outside of the club. So if
4 anything, the club owner was the last one to see them, not
5 me.

6 BY MR. ROBINSON:

7 Q So you would disagree if another witness -- I'll
8 withdraw the question.

9 You never saw Brad go outside with these people, did
10 you?

11 A No.

12 Q And you were there with the victims that night;
13 correct?

14 A Yes, sir.

15 Q Mr. Davis, what happened with your gun that you
16 dropped that night?

17 A I never had it. I never possessed no firearm. I
18 don't know what you're talking about.

19 Q You don't know what I'm talking about?

20 A I never had no gun.

21 Q And it's your testimony -- was it loud inside or not
22 loud inside?

23 A It wasn't a bit crowded that night.

24 Q Was the music low, or not low?

25 A I mean, that's a club. So, of course, it was at a

1 high level.

2 MR. ROBINSON: I beg the Court's indulgence.

3 THE COURT: Yes, sir.

4 (Pause.)

5 BY MR. ROBINSON:

6 Q Mr. Davis, do you know a fellow named Rachim?

7 Rachim?

8 A Who?

9 Q Rachim, R-A-C-H-I-M. Do you know who that is?

10 A The last name?

11 Q Okay. The last question I have for you is this, as
12 far as -- you recall your interview back in 2014 with
13 Officer Fortner. Do you remember that you told -- you
14 didn't tell Officer Fortner that the gun was a 40-caliber
15 gun, did you?

16 A That was a gun -- that question never -- that was a
17 question that he asked me about the gun that was being
18 sold, what started the confrontation between me and
19 Bradford. Yes, I stated it was a 40 caliber.

20 Q So the 40 caliber we're talking about here is a 40
21 caliber that you got -- you sold that gun; is that
22 correct?

23 A Yes, sir.

24 Q So Brad didn't have that gun, did he?

25 A No, sir.

1 Q Someone else had the 40; is that right?

2 A Yes, sir.

3 MR. ROBINSON: Your Honor, may I approach the witness
4 for one second?

5 THE COURT: Certainly.

6 BY MR. ROBINSON:

7 Q Mr. Davis, I'm going to have you look at what the
8 State introduced a second ago. This is State's Exhibit
9 Nos. 52 to 48. I'm going backwards with this. Do you
10 recognize these pictures? You just identified these.
11 Here you go. Do you recognize them?

12 A Yes, sir.

13 Q Do you recognize that -- do you have any idea when
14 those were taken?

15 A No, sir.

16 Q So would it surprise you that those were taken
17 probably about a year before November 27th of 2014? Would
18 that surprise you?

19 A No.

20 Q Well, these could be old pictures. You're just
21 saying that's a Cadillac that Brad has; is that correct?

22 A I was with him. I know the Cadillac because I was
23 with him when he purchased the Cadillac.

24 Q Back in -- when was that? What was the date?

25 A Back in 2013.

1 Q Okay. So to your -- you have -- would it surprise
2 you that those are pictures of the Cadillac taken from
3 2013? Would that surprise you?

4 A No.

5 Q Okay. Thank you.

6 So, again, I just want -- a couple more questions.
7 First, the 40 caliber that -- and I want to make sure I
8 understand this -- the answer to the question. The 40
9 caliber you're talking about, that was gone by the time
10 November 27th came around; is that correct? You had sold
11 it; is that correct?

12 A Yes, sir.

13 Q Okay. And you would agree with me that you never saw
14 Brad with a gun that night, did you?

15 A No, sir.

16 Q Okay. And you, actually, never saw any shooting, did
17 you?

18 A No, sir.

19 MR. ROBINSON: That's all I have.

20 Thank you.

21 THE COURT: Reexamine?

22 MR. MOYER: Just real briefly, Your Honor.

23 REDIRECT EXAMINATION

24 BY MR. MOYER:

25 Q Referring to these -- State's Exhibit Nos. 48 through

1 52, is that the Cadillac you saw Bradford Williams leaving
2 in --

3 A Yes, sir.

4 Q -- after the shooting at Bugatti?

5 A Yes, sir.

6 Q How much time had gone by from when you heard the
7 shots to when you saw him leaving?

8 A It wasn't even 10 seconds.

9 Q So just within 10 seconds?

10 A Yes, sir.

11 MR. MOYER: Okay. Nothing further.

12 Thank you.

13 THE COURT: Any recross?

14 MR. ROBINSON: No cross [sic], Judge.

15 THE COURT: Okay. Very good.

16 (Pause.)

17 MR. GREGORY: The State calls Terrence Bowers.

18 THE CLERK: Mr. Bowers, good afternoon.

19 Please place your left hand on the Bible and raise
20 your right hand.

21 WHEREUPON,

22 TERRENCE LENARDE BOWERS,

23 after first having been duly sworn, testified as follows:

24 THE CLERK: Thank you.

25 Please state your full name and spell it as well.

1 THE WITNESS: My name is Terrence Lenarde Bowers.

2 You said spell my name as well?

3 THE CLERK: Yes.

4 THE WITNESS: It's T-E-R-R-E-N-C-E, L-E-N-A-R-D-E.

5 And last name B-O-W-E-R-S.

6 DIRECT EXAMINATION

7 BY MR. GREGORY:

8 Q Mr. Bowers, where are you employed?

9 A I'm employed with the Greenville County Sheriff's
10 Office.

11 Q And in what capacity are you employed there?

12 A I currently work in the support division. I'm
13 assigned to the [inaudible] task force.

14 Q What are your duties in that position?

15 A To, basically, go out and look for warrant -- people
16 with active warrants.

17 Q How long have you held that position?

18 A I have been in my current position for a little bit
19 over a year.

20 Q Did you have an opportunity to become involved in the
21 case in which we're here for today?

22 A I did.

23 Q When did you become involved in this case?

24 A The actual incident date in 2014. I believe it was
25 December 11th of 2014. I was advised by another deputy

1 while I was currently assigned to the uniform patrol on
2 Charlie platoon -- we were given information that a murder
3 suspect was at large. And he was -- we were given vehicle
4 information and a possible location in the county where he
5 would probably be hiding out.

6 Q What vehicle information was that?

7 A I was given a -- well, we were given a green in color
8 Ford Crown Vic, four-door model, possibly 1998. And the
9 tag number which was provided to us was KDU 473.

10 Q Were you able to tell who the registered owner of
11 that vehicle was?

12 A I believe it was registered to a Tiara Washington.

13 Q And what did you do on December 11th?

14 A Shortly after I left roll call after receiving that
15 information, I proceeded to my beat area where I performed
16 patrol duties. And as I got to the first motel on the
17 right, which was Quality Suites located right off of
18 Pleasantburg Drive, I believe it was 1314 South
19 Pleasantburg, I turned in. I was looking for a green Ford
20 Crown Vic vehicle displaying that tag number. At which
21 time, I noted a green Ford Crown Vic matching the
22 description of our suspect vehicle. The car was backed
23 in.

24 So I stopped. I got out of my patrol vehicle. I
25 looked at the tag. I immediately observed that it was, in

1 fact, the tag that I had just received in roll call. I
2 relayed that information to our communications dispatch,
3 at which time, I called for backup.

4 Deputies arrived on scene. We established a
5 perimeter around the motel due to the fact of that,
6 actually, being the suspect vehicle that we were,
7 actually, looking for.

8 Q How many other deputies arrived on the scene?

9 A I'm not sure of the exact number, but there were
10 several. I know, at least, eight to 10 deputies because
11 we had several buildings to cover. Because, at the time,
12 we did not know which room that our subject may have been
13 possibly hiding in.

14 MR. ROBINSON: Your Honor, objection to characterize
15 this as hiding. I ask that it be stricken.

16 THE COURT: Restate your question.

17 MR. GREGORY: I briefly asked him how many deputies
18 arrived on scene. And he was --

19 THE COURT: Just answer the question.

20 THE WITNESS: Yes, sir.

21 THE COURT: And then you can explain your answer, but
22 answer that question.

23 THE WITNESS: Yes, sir.

24 There were approximately eight to 10 deputies that
25 responded.

1 BY MR. GREGORY:

2 Q And were you able to determine what room?

3 A Yes. Once the deputies arrived on scene, Deputy Wade
4 proceeded to the front office where she obtained a room
5 registry. At which time, we identified that room 228 was
6 occupied by a Tiara Washington, who the vehicle, actually,
7 came back to.

8 Q And then what did you do?

9 A At that time, more deputies were called out. I
10 believe Deputy Downs who was currently assigned with the
11 marshall task force at the time, he arrived on scene
12 within a few minutes, passed out pictures, mugshot
13 pictures of the Defendant, and, also, Ms. Washington so
14 that all the deputies on scene would know what they looked
15 like.

16 At this time, Deputy Downs, who was in plain clothes,
17 he walked by the room. He stated to us that he heard
18 noise inside the room that sounded like someone was
19 inside. He did a couple more walk-throughs. And he
20 advised that he, actually, saw a female, I think, through
21 a curtain, or something like that.

22 So we gathered a plan. We then executed -- several
23 of us, we staggered up in a line and went and made contact
24 at the door. At which time, Mr. Williams, actually,
25 opened the door. But the latch was -- the door was still

1 locked with the latch. So we could, actually, see him
2 when he opened the door just slightly. I, actually,
3 observed his face and identified him from the picture that
4 I looked at before.

5 At that time, Mr. Williams, he opened the door. He
6 complied with everything we asked him to do. We made
7 entry into the room, told him to show us his hands, at
8 which time, he complied with everything we asked him to
9 do. He put his hands behind his back. He was taken into
10 custody without incident.

11 Q And was there a female inside the room?

12 A Yes.

13 Q Who was the female?

14 A I believe her name was Lawanda White.

15 Q You said the registered owner of the room was -- I'm
16 sorry. Who was that again?

17 A Tiara Washington.

18 Q Was she on the scene when you entered?

19 A No, sir.

20 Q And were you ever -- were you able to connect her to
21 the Defendant at all?

22 A No, sir. She was not on scene at all.

23 Q Okay. Did you speak to Lawanda White at the scene?

24 A I placed her into -- she was placed in handcuffs,
25 detained -- lawfully detained until further -- until the

1 investigators arrived on scene and instructed us on what
2 they wanted us to do with her.

3 Q What did you do with her eventually?

4 A I believe she was -- I believe she was let go. She
5 may have been transported to the law enforcement center.
6 I did not transport her. I left -- when I left the scene,
7 I transported Mr. Williams to the detention center. So
8 I'm not sure if Ms. White was transported.

9 MR. GREGORY: All right. Please answer any questions
10 the Defense has for you.

11 THE WITNESS: Yes, sir.

12 CROSS-EXAMINATION

13 BY MR. ROBINSON:

14 Q Officer Bowers, so you would agree with me that he
15 was cooperative when you went there to arrest him; is that
16 correct?

17 A Yes, sir.

18 Q Okay. You'd, also, agree with me as far as the
19 registration goes, it was registered to Tiara Washington,
20 who you knew as his girlfriend; is that correct?

21 A Yes, sir. That's the information --

22 Q So that was not something -- he was not hiding out.
23 It was, actually, registered to his girlfriend. So you
24 knew that he would have been there at that time; is
25 correct?

1 A I didn't know that he would be at that particular
2 motel at the time. I received information on the suspect
3 vehicle, the vehicle that was -- that he would have been
4 believed to be in or with. So that's what I acted upon.

5 Q Okay. So they were at the -- they were at the
6 Quality Inn; right? Together?

7 A Yes, sir.

8 Q Registered to Tiara Washington, his girlfriend;
9 correct?

10 A Yes, sir.

11 Q Is that right?

12 A Yes, sir.

13 MR. ROBINSON: Okay. That's all I have.

14 Thank you.

15 THE COURT: Reexamine?

16 MR. GREGORY: I have nothing further, Your Honor.

17 THE COURT: Very well.

18 MR. GREGORY: We ask that the witness be excused.

19 THE COURT: Very good. Thank you, sir.

20 THE WITNESS: Thank you.

21 THE COURT: And you may be excused.

22 THE WITNESS: Thank you.

23 MR. GREGORY: The State calls Mitchell Sloan, Your
24 Honor.

25 THE CLERK: Mr. Sloan, please, come around to the

1 witness booth.

2 And place your left hand on the Bible and raise your
3 right hand.

4 WHEREUPON,

5 MITCHELL SLOAN,

6 after first having been duly sworn, testified as follows:

7 THE CLERK: Please state your full name for the
8 record and spell it as well.

9 THE WITNESS: Mitchell Sloan, M-I-T-C-H-E-L-L,
10 S-L-O-A-N.

11 THE CLERK: Thank you.

12 You may be seated.

13 DIRECT EXAMINATION

14 BY MR. GREGORY:

15 Q Mr. Sloan, how old are you?

16 A I'm 34.

17 Q And where do you live?

18 A Greenville, South Carolina.

19 Q How long have you lived in Greenville, South
20 Carolina?

21 A For two years.

22 Q Okay. Are you currently employed?

23 A Yes, sir.

24 Q What do you do?

25 A I repo cars.

1 Q And do you have a business, or do you do that on your
2 own?

3 A Sir?

4 Q Do you do that for a business, or do you do that on
5 your own?

6 A I do it for a business.

7 Q What business is that?

8 A G & K Towing.

9 Q And how long have you done that?

10 A For about a year.

11 Q Prior to living in Greenville County, where did you
12 live?

13 A Oconee County.

14 Q Do you know the Defendant, Bradford Williams?

15 A Yes, sir.

16 Q All right. How do you know him?

17 A Friend of a friend.

18 Q How long have you known Bradford Williams?

19 A For about a year and a half.

20 Q Did you know Bradford Williams on November 27th,
21 2014?

22 A Yes, sir.

23 Q All right. Did you see or talk to him that day?

24 A No, sir.

25 Q You did not talk to him on November 27th, 2014?

1 A No, sir.

2 Q Okay. Do you remember giving a statement to the
3 police?

4 A Yes, sir.

5 MR. GREGORY: I beg the Court's indulgence for one
6 moment, Your Honor.

7 (Pause.)

8 BY MR. GREGORY:

9 Q Do you remember giving a statement to the police on
10 December 8th, 2014?

11 A Yes, sir.

12 Q All right. Where were you when you gave that
13 statement to the police?

14 A I was in the Oconee Detention Center.

15 Q You were. What were you doing in the Oconee,
16 Detention Center?

17 A A bench warrant.

18 Q A bench warrant?

19 A Yes, sir.

20 Q What was that bench warrant for?

21 A For not coming to court.

22 Q And you spoke to Investigator Fortner that day;
23 correct?

24 A Yes, sir.

25 Q As a matter of fact, you were the one that reached

1 out to Investigator Fortner; correct?

2 MR. ROBINSON: Objection, Your Honor. Leading.

3 BY MR. GREGORY:

4 Q Did you contact --

5 THE COURT: Restate your question.

6 BY MR. GREGORY:

7 Q Who contacted Investigator Fortner?

8 A Oconee.

9 Q Did you request that they contact Investigator
10 Fortner?

11 A Yes, sir.

12 Q All right. Why did you want to talk to Investigator
13 Fortner?

14 A Because I was in trouble.

15 Q Because you were in trouble?

16 A Uh-huh.

17 Q All right. What did you think Investigator Fortner
18 up in Greenville County could do for you?

19 A I don't know. They had got in contact with him and
20 he got in contact with me.

21 Q And you met with him at the Oconee County Detention
22 Center?

23 A Yes, sir.

24 Q And what did you tell Investigator Fortner that day?

25 A I can't remember.

1 Q You talked to Investigator Fortner about the
2 Defendant, Bradford Williams, did you not?

3 A Yes, sir.

4 Q All right. And what did you tell him?

5 A Basically, I had information. But most of my
6 information was false.

7 Q All right. What information did you have?

8 A Somebody had said, basically, that --

9 MR. ROBINSON: Objection, Your Honor. Hearsay.

10 MR. GREGORY: Your Honor, at this time, the State
11 would ask that he be classified as a hostile witness, and
12 that I be allowed to examine him with leading questions.

13 THE COURT: Do you have a statement?

14 MR. GREGORY: I do, Your Honor. It is a recorded
15 statement. It is not a written statement.

16 THE COURT: Is it transcribed?

17 MR. GREGORY: It has not been transcribed, Your
18 Honor. It's a -- Your Honor, if we could take a break, we
19 could refresh his memory with it. It's not a long
20 statement.

21 THE COURT: Very well. We're just beginning this
22 witness. I'm going to suggest this is a good time to take
23 a break for lunch.

24 And during that lunch break, we'll try to resolve
25 some of these issues to make things move a little bit

1 smoother. Again, I -- it's almost 12:30. I'm going to
2 ask you to come back at 2:00. That will give us time to
3 take care of what we need to do and have lunch.

4 With that, you will be excused for lunch. And do not
5 undertake the discussion of this case among yourselves in
6 any way.

7 (WHEREUPON, the jury was excused from open court at
8 approximately 12:26 p.m.)

9 MR. GREGORY: Your Honor, we're prepared to play that
10 statement now.

11 THE COURT: The reason I'm asking why is it --
12 according to Rule 613(b) of the rules of evidence, if he's
13 given an inconsistent statement than what you intend to
14 show, that would be admissible --

15 MR. GREGORY: Yes, sir, Your Honor.

16 THE COURT: -- as an exhibit.

17 MR. GREGORY: And the State --

18 THE COURT: But you don't have a statement. It's
19 just audio. You don't have anything -- and, of course,
20 you can cross-examine him. And, by the way, I can't
21 recall is the same as denying having made the statement
22 itself -- if you would read 613, you would know that
23 you're supposed to ask him what the essence of the
24 statement was, when it was made, and what his -- to put
25 him on notice. And if he still doesn't recall, then you

1 can introduce it.

2 Now, I don't know -- if all you've got is an audio,
3 why don't you find out what portions of the audio you want
4 to address. I mean, do you understand what I'm saying?

5 MR. GREGORY: I do, Your Honor. And I think --

6 THE COURT: In other words, I don't need to declare
7 him hostile. You don't need to declare him hostile. You
8 can go ahead. And he can be your own witness if he gives
9 an inconsistent or doesn't recall giving the statement he
10 did.

11 MR. GREGORY: And that's where we are right now, Your
12 Honor.

13 THE COURT: Well, you find what you want on the
14 statement -- on your audio. Can you do that?

15 MR. GREGORY: Yes, sir.

16 THE COURT: How much time do you need?

17 MR. GREGORY: I believe it's about a 10 to 15-minute
18 long statement.

19 THE COURT: You're going to give him the whole
20 statement? It's not just one thing on it?

21 MR. GREGORY: It is the statement of what he told the
22 police -- the recorded statement of his interview with the
23 police.

24 THE COURT: So you're going to play the whole
25 statement?

1 MR. GREGORY: I'm going to play the whole --

2 THE COURT: You do not have any particular statement
3 on that interview?

4 MR. GREGORY: It is his whole statement.

5 THE COURT: What do you say, Mr. Robinson?

6 MR. ROBINSON: I object, Judge.

7 THE COURT: I know that. But why should I rule with
8 you?

9 MR. ROBINSON: I think that -- Judge, I think that he
10 has said that he -- it was false what he said. He said
11 that he had heard it from other people. That's what he
12 said.

13 He said playing the -- I have a problem with him
14 playing the whole video without asking specific questions
15 about everything that's not an issue. I mean, the video
16 itself is problematic anyway. Because, typically, you get
17 a written statement, you go up to the witness, and you say
18 you said such and such on this day. That's how it's,
19 typically, done.

20 THE COURT: Well, that's the way it was done before
21 we had all this technology.

22 MR. ROBINSON: Yes, sir.

23 THE COURT: I don't remember when I started out --
24 what was it? -- 40 years ago that I had a machine in the
25 courtroom.

1 MR. ROBINSON: Yes.

2 THE COURT: All right. What you're asking for is an
3 inconsistent -- and, I mean, unless -- if he agrees that
4 he said that, then that will be different.

5 MR. GREGORY: Correct.

6 What I'm asking for right now is to let him hear
7 this. Because what he's telling me is I don't remember
8 what I said. And I'm -- I would like to refresh his
9 memory with that. If I can refresh his memory with that
10 and then he can testify according to that.

11 THE COURT: Well, after he denies that, then I'll let
12 you put the audio in --

13 MR. GREGORY: Correct.

14 THE COURT: -- if he says he can't recall it.

15 MR. GREGORY: That's correct.

16 THE COURT: When I say "put the audio in," that means
17 it becomes evidence.

18 MR. GREGORY: A State's Exhibit.

19 THE COURT: But it does not go to the jury. If they
20 want to hear it --

21 MR. GREGORY: That's correct.

22 THE COURT: -- they'll come back like any other
23 audio.

24 MR. GREGORY: Just for impeachment.

25 THE COURT: Very good. And you want to go ahead and

1 let him do it now?

2 MR. GREGORY: I'll be happy to, Your Honor. We're
3 ready to go.

4 THE COURT: Now, Mr. Sloan, you listen very carefully
5 and be sure that you can either deny it or agree that that
6 was your statement.

7 By the way, do give us -- for the benefit of the
8 rule, when it was made, to whom it was made, and the
9 essence of the statement.

10 MR. GREGORY: The statement was made on December the
11 8th, 2014, which he was in agreement with at the Oconee
12 County Detention Center. And the essence is the
13 involvement he has in this case with Bradford Williams in
14 a conversation that he had the night of the murder with
15 Bradford Williams.

16 THE COURT: All right. You're familiar with all
17 that?

18 THE WITNESS: Yes.

19 May I say something, though?

20 THE COURT: Certainly. Yes, sir. Go ahead and say
21 it.

22 THE WITNESS: When I did speak to them, I was under,
23 like, a lot of pressure. And most of it was false because
24 I was scared. And, like, I really apologize about
25 everything. But I'm just really trying to make everything

1 right.

2 THE COURT: Okay. Very good.

3 (Pause.)

4 THE COURT: All right. Let's get it so we can hear
5 it. Slow it down.

6 (WHEREUPON, an unmarked recording was played in open
7 court.)

8 MR. GREGORY: Judge, that ends the -- there's a
9 little bit more to the interview. But as far as what the
10 Defendant -- or what this witness would testify to, I
11 think he's heard it all.

12 THE COURT: All right. Mr. Robinson, what do you say
13 about the -- well, first of all, let's just ask the
14 witness now. He's heard the testimony -- or the statement
15 that he made. Does he admit making the statement, or not?

16 DIRECT EXAMINATION

17 BY MR. GREGORY:

18 Q Mitchell, do you remember that statement?

19 A Yeah. I remember making the statement. But, like I
20 said, it was a false statement. I made everything up word
21 for word what I heard off the streets.

22 Q And you gave more than one statement to the police;
23 correct?

24 A Yes. Because I kept being pressured.

25 Q Pressured by who?

1 A Making statements.

2 Q By who?

3 A Are you talking about from the police?

4 Q Yeah. What police officer has threatened you?

5 A I didn't say nobody threatened me. I said I was
6 pressured.

7 Q What police officer pressured you?

8 A To make statements?

9 Q Yes, sir.

10 A After that, I don't -- I really don't remember the
11 name of the polices [sic]. But every time you asked me to
12 make a statement -- you know what I'm saying? -- I said a
13 little something. But I wasn't 100 percent on my
14 statement. Like I said, it was false.

15 And every time I said something, everything -- if you
16 go back on what I said or if you've got it recorded,
17 everything was really pretty much different. It wasn't
18 the same.

19 MR. GREGORY: Your Honor, I'm afraid if we bring the
20 jury back in and I start asking questions, we're going to
21 get to where I just have to cross-examine him. And once
22 Investigator Fortner takes the stand, I think we should be
23 able to play the tape.

24 THE COURT: So you are talking about 613?

25 MR. GREGORY: Yes, sir, now, I am. Because we've

1 refreshed his memory and he's still not going to answer
2 the questions about who said what. Now, he's changed his
3 story completely to -- on the audio, it's the Defendant
4 came over and told me this. Now, he's saying I just heard
5 all this stuff off the streets.

6 THE COURT: I understand. All right. That's your
7 position?

8 MR. GREGORY: Yes, Your Honor.

9 THE COURT: All right. Mr. Robinson, what do you
10 say?

11 MR. ROBINSON: May it please the Court.

12 He's answered the question. He's answered the
13 question and he said -- he's allowed to answer the
14 question.

15 THE COURT: He can explain his answer.

16 MR. ROBINSON: And he did that. He did that. He
17 remembers the statement. He said he was pressured. I
18 think that's enough. I don't know why they have to play
19 this testimonial video that has --

20 THE COURT: Audio.

21 MR. ROBINSON: Audio. Excuse me, Judge. That -- and
22 I don't recall Mr. Fortner ever placing him under oath, or
23 anything like that, during this statement. But I think
24 it's -- it's -- I think he's answered. I think it is
25 not -- should not be -- he can ask him about the

1 statement. And he can answer and say, yes, this is what I
2 said.

3 THE COURT: He can explain it. He's recanted his
4 statement.

5 MR. ROBINSON: Yes.

6 THE COURT: But the only thing is now, throughout
7 this trial, we've tried to avoid using nicknames. And the
8 source of his statement that he made -- alleged statement
9 he made was the Defendant.

10 MR. GREGORY: Correct, Your Honor.

11 THE COURT: Which, by the way, 613 does not apply to
12 statements made by party opponent. So, in other words,
13 that's admissible regardless.

14 Well, I'm going to lunch. I'm going to come back at
15 2:00. And I expect y'all to have an answer for me, or
16 something that will give me an answer.

17 Now, Mr. Sloan is under subpoena.

18 Do we have a place that we might have him rest over
19 lunch?

20 Do you want me to let him go?

21 MR. GREGORY: I think we can let him go with the
22 condition that we have a bench warrant ready to go if he
23 chooses not to come back.

24 THE COURT: Also, I might say that the audio will
25 probably come in, based on the fact that he did not [sic]

1 make a statement and the statement is false.

2 MR. GREGORY: That would be --

3 THE COURT: The thing is it's to everybody's
4 advantage that you be here at 2:00 so you can explain this
5 to the jury.

6 THE WITNESS: (Witness nodded.)

7 THE COURT: Unless -- now, I'm asking do you want to
8 let him go to lunch?

9 (WHEREUPON, there was no verbal response.)

10 THE COURT: Very good. All right. We'll stand in
11 recess until 2:00.

12 (WHEREUPON, a lunch break was taken.)

13 THE COURT: All right. The jury is ready?

14 THE BAILIFF: Yes, sir.

15 THE COURT: Just a moment before we bring them back.
16 I understand that during the testimony of the past
17 witness -- is he here by any chance?

18 MR. GREGORY: He is. He's outside, Your Honor.

19 THE COURT: That's all right. But during the
20 testimony of the last witness, in particular, the playing
21 of his statement, there were two -- I say witnesses, at
22 least, that have been sequestered during the trial,
23 apparently, that were listening at the back door, if I'm
24 not mistaken. And they were cautioned about it. And it
25 was -- and, fortunately, it was brought to my attention.

1 Now, what does the State have to say?

2 MR. GREGORY: Do we have the names of the witnesses
3 that --

4 THE COURT: I think they were Defense witnesses
5 inasmuch as it could be the mother and maybe the grand --
6 lady friend?

7 MR. GREGORY: If they were back at the back door
8 listening, Your Honor, I'm not sure they should be
9 allowed --

10 THE COURT: Well, I'm just asking.

11 MR. GREGORY: That would be the State's position,
12 that they're not allowed to testify.

13 THE COURT: So do you have a motion to disqualify
14 them?

15 MR. GREGORY: Yes, Your Honor.

16 THE COURT: All right. Mr. Robinson?

17 MR. ROBINSON: Your Honor, I don't think that rises
18 to the level of disqualification.

19 THE COURT: Why do we sequester them?

20 MR. ROBINSON: I understand that, Judge.

21 THE COURT: Why do we sequester them?

22 MR. ROBINSON: So they can't listen to or talk to the
23 people in the case. But, in this case, Your Honor, I
24 would say that they're alibi witness. The one witness is
25 an alibi witness for me.

1 THE COURT: She should have been advised more than
2 anyone else not to violate my sequester order. And I'm
3 sure you did instruct her as to what sequestration meant.

4 MR. ROBINSON: Absolutely, Judge.

5 MR. GREGORY: Your Honor, if she's an alibi witness,
6 that's even more of a reason why she should have been
7 sequestered and not been standing back there listening.

8 THE COURT: Exactly.

9 Well, it's on the record now. And if the witness is
10 called, I will entertain the motion at that time. I'm not
11 exactly sure what I will do. Because that is --
12 obviously, it's the fairness of the trial that is
13 important, not the lack of appreciation for what is
14 issued -- is at issue by the witnesses for the case.

15 All right. Now, so you are on notice that -- and I
16 would, if you've got -- Mr. Robinson, do you have anyone
17 that has a question about it? If I see a further
18 violation, it, certainly, will make that decision a lot
19 easier.

20 MR. ROBINSON: Of course, Your Honor. I would note,
21 Judge, I don't really know how much they can really hear.

22 THE COURT: It's not what they can hear. It's the
23 fact that they violated the rule.

24 MR. ROBINSON: Yes, sir.

25 THE COURT: All right. Now, I think I would like

1 your witness to take the stand.

2 MR. GREGORY: Yes, sir.

3 (Pause.)

4 (WHEREUPON, Mitchell Sloan took the witness stand.)

5 THE COURT: All right. Mr. Sloan, you understand
6 that you are still under oath?

7 THE WITNESS: (Witness nodded.)

8 THE COURT: All right. Very well.

9 Any further questions from the State?

10 MR. GREGORY: No, Your Honor.

11 THE COURT: Any cross-examination from the Defendant?

12 MR. ROBINSON: May it please the Court.

13 THE COURT: Certainly.

14 MR. ROBINSON: Your Honor, I wanted to -- I'm not
15 sure where the -- is the Court going to try to let the
16 video in? I'm not sure -- I need a little guidance on
17 that.

18 THE COURT: It depends on what you present to the
19 Court as to whether it should come in or should not come
20 in.

21 MR. ROBINSON: Do you want me to put my objection
22 forward now or after questioning him?

23 THE COURT: Well, I'm giving you the opportunity to
24 do whatever you would like to do.

25 MR. ROBINSON: Okay, sir.

1 THE COURT: The normal course would be now. He's
2 under oath, on the stand. And I understand the State has
3 rested as far as this part of its case trying to get
4 the -- when I say rested, as far as it's completed its
5 examination as far as the developments are concerned.

6 MR. GREGORY: Yes, Your Honor. That's correct.

7 THE COURT: So, now, you need to cross-examine or
8 make your argument. It's your choice.

9 MR. ROBINSON: I think I'm going to make the
10 argument, Your Honor --

11 THE COURT: Okay.

12 MR. ROBINSON: -- as far as the admissibility of the
13 video.

14 THE COURT: It's an audio, please. Because the
15 record will reflect there is no video.

16 MR. ROBINSON: May it please the Court.

17 THE COURT: Thank you.

18 MR. ROBINSON: Regarding the audio, Judge, this is
19 how I -- I would make an analogy with this particular
20 audio. What they want to do is get him declared a hostile
21 witness, question him about this, and put the tape in for
22 the jury to hear it. My first --

23 THE COURT: You don't have to be a hostile witness to
24 have an inconsistent statement.

25 MR. ROBINSON: Inconsistent statement.

1 THE COURT: As I understand it, you're still -- or
2 maybe I'm wrong. Are you not proceeding under 16 --
3 613(b)?

4 MR. GREGORY: I am, Your Honor.

5 THE COURT: All right. Go ahead.

6 MR. ROBINSON: But, Your Honor, I believe this is
7 hearsay, rank hearsay. And I think the analogy -- I think
8 the Court made a comment --

9 THE COURT: Well, it, also, says in 613(b) that it
10 does not change Rule 801(d), I think it is, which is a
11 statement by party opponent.

12 MR. ROBINSON: Yes, sir.

13 THE COURT: And the Defendant in this criminal case
14 is the party opponent.

15 MR. ROBINSON: Yes, sir, Judge.

16 THE COURT: And he is stating what he was told by the
17 Defendant.

18 MR. ROBINSON: Yes, Judge.

19 THE COURT: Allegedly. Okay.

20 MR. ROBINSON: Judge --

21 THE COURT: So it's not hearsay.

22 MR. ROBINSON: Okay. The reason -- the reason I
23 think -- well, if the Judge -- if you are not going to
24 consider this hearsay -- let me just --

25 THE COURT: Well, it's 801(b), sir.

1 MR. ROBINSON: Yes, sir. I agree, Your Honor.

2 THE COURT: Statements which are not hearsay, a
3 statement is not hearsay if the declarant testifies at the
4 trial or hearing and is subject to cross-examination
5 and -- and then, two, the statement is offered against a
6 party.

7 MR. ROBINSON: Thank you, Judge.

8 THE COURT: Now, so it's not hearsay. And so let's
9 keep it in the context of the rules.

10 MR. ROBINSON: Yes, sir, Judge.

11 THE COURT: Okay.

12 MR. ROBINSON: The other objection, Judge, is a 403
13 objection as far as prejudicial value of this particular
14 audio coming in. It's analogous to a statement that's
15 made, a written statement that's done and the Prosecution
16 or Defense gets to ask the person on cross-examination
17 about why they did what they said differently in the
18 statement, and so forth. That statement normally does not
19 come in.

20 THE COURT: Under what rule?

21 MR. ROBINSON: Your Honor, I can't --

22 THE COURT: No. It's -- the rules are the things
23 that govern the presentation of a case.

24 MR. ROBINSON: Yes, sir.

25 THE COURT: And I'm just asking which one says that

1 you can't introduce a statement against a witness?

2 MR. ROBINSON: As far as it going to the jury is what
3 I'm speaking of, Your Honor. But I think the prejudicial
4 value of that is just extreme, and outweighs the probative
5 value by far in this case.

6 And, third, Judge, I think they have to -- before
7 this comes in, which I'm -- they want the whole
8 video [sic] to come in in this case. I think they've got
9 to establish some sort of authentication before it's to be
10 played to the jury in this case.

11 THE COURT: Why didn't you transcribe the audio?

12 MR. GREGORY: We -- generally, I just do not
13 transcribe the audio, Your Honor.

14 THE COURT: Is that how you do things in Greenville?

15 MR. GREGORY: That is the way I practice law here in
16 Greenville.

17 THE COURT: How do you get statements in?

18 MR. GREGORY: Normally, it would come in just through
19 my witness testifying. But, unfortunately, in this
20 situation, he has a memory problem.

21 THE COURT: That's why you have the rule that says
22 that you have to give the witness the statement, when it
23 was made, and to whom.

24 MR. GREGORY: That's correct. And I believe we
25 proffered that with the testimony.

1 THE COURT: Anything else from the State?

2 MR. GREGORY: In response to a Rule 403 argument?

3 THE COURT: Right.

4 MR. GREGORY: Then I would argue this is highly
5 probative, Your Honor, and far outweighs the prejudicial
6 effect on the Defendant. This is a statement that the
7 Defendant gave to a witness directly relating to the
8 incident that occurred on November 27th, 2014. So I would
9 argue that it is highly probative.

10 I would, also, argue under Rule 613 that the prior
11 inconsistent statement -- he is not admitting to making
12 this prior inconsistent statement. And he has said and we
13 heard in the audio that the Defendant came and said this.
14 On the stand, he has said, oh, I just heard on the street,
15 which is completely opposite of what we just heard him say
16 on the audio. Thereby, I'd say that he is not admitting
17 to this statement and, therefore, extrinsic evidence --

18 THE COURT: Well, first of all, he said he couldn't
19 recall. And I think I suggested to you that is the
20 equivalent of denying the statement under the rule.

21 MR. GREGORY: Yes, Your Honor.

22 The State's position is that the audio should be
23 allowed to be played because he has denied the statement.

24 MR. ROBINSON: May it please the Court.

25 THE COURT: Yes, sir.

1 MR. ROBINSON: Your Honor, I -- I practice in
2 Greenville as well. We had the same issue three weeks ago
3 in a murder trial we had here, the same exact issue where
4 they had -- we had an issue with the video coming in like
5 it was. It came in. Judge Cole was the judge at this
6 point. But when they do audios, it creates problems for
7 defense attorneys. Because I -- you can't play it to a
8 person to get them questioned, and so forth, about what
9 you can in a statement, like, a written statement. And I
10 know technology has advanced a lot in the past 40 years --

11 THE COURT: Did you request a copy of the audio?

12 MR. ROBINSON: Oh, I have the audio here, Your Honor.

13 THE COURT: So you have it? So you could play it,
14 too?

15 MR. ROBINSON: Oh, I have the audio. He's not my
16 witness, Judge.

17 THE COURT: Unfortunately -- all right. I understand
18 that, I think. I don't -- no, I don't understand. I
19 practiced in South Carolina, not just in Greenville --

20 MR. ROBINSON: Yes, sir.

21 THE COURT: -- for 45 years.

22 MR. ROBINSON: Yes, sir.

23 THE COURT: And under the old rules even, they were
24 pretty much the same that we have now. It is not just the
25 mere having something that suggests that it can be used.

1 It has to come in under a rule.

2 MR. ROBINSON: Yes, sir.

3 THE COURT: A rule of evidence or the rules of
4 evidence under the procedures.

5 All right. Now, you know what you're going to have
6 to do to get it in as evidence?

7 MR. GREGORY: Yes, Your Honor.

8 THE COURT: All right. And, of course, if he admits
9 it, making those statements, then you can examine him as
10 to those statements.

11 MR. GREGORY: Yes, Your Honor.

12 THE COURT: All right.

13 MR. GREGORY: And then if he denies making the
14 statements, then --

15 THE COURT: Then you can put in the audio.

16 I know you object to that, of course.

17 MR. ROBINSON: Of course.

18 THE COURT: Subject to the Defendant's objection,
19 that will be the process that we'll use at this time.

20 All right. So is there anything else?

21 Now, is someone going to instruct your witnesses,
22 particularly your alibi witness --

23 MR. ROBINSON: Yes.

24 THE COURT: -- that if I even see her out there
25 before she's called to the stand to testify that it will

1 have consequences.

2 MR. ROBINSON: Yes. My assistant went to talk to
3 her, Your Honor.

4 THE COURT: Very good. Thank you.

5 All right. Anything else before we bring the jury
6 back?

7 MR. GREGORY: Not from the State, Your Honor.

8 THE COURT: Very good.

9 All right. Ask the jury to join us.

10 (WHEREUPON, the jury came into open court at
11 approximately 2:15 p.m.)

12 THE COURT: All right. Let the record reflect the
13 jury and alternates are in the jury box.

14 All right. We'll go forward with the State's case.

15 MR. GREGORY: May it please the Court.

16 CONTINUED DIRECT EXAMINATION

17 BY MR. GREGORY:

18 Q Mr. Sloan, do you remember giving a statement to
19 Investigator Fortner on December 8th, 2014?

20 A Yes, sir.

21 Q Do you remember where you were when you gave that
22 statement to him?

23 A Yes, sir.

24 Q Where were you?

25 A Oconee County.

1 Q I'm sorry. You've got to speak up a little bit.

2 A Oconee County.

3 Q Where exactly in Oconee County were you?

4 A I was locked up in Oconee County.

5 Q In the detention center?

6 A Yes, sir.

7 Q What did you tell Investigator Fortner that day?

8 A I can't recall.

9 MR. GREGORY: Your Honor, at this time, as previously
10 said, that is a denial of a prior statement. And the
11 State would seek to introduce --

12 THE COURT: In other words, you're moving for the
13 playing of the audio?

14 MR. GREGORY: Yes, Your Honor.

15 THE COURT: Subject to the objection of the
16 Defendant, you may do so.

17 BY MR. GREGORY:

18 Q Mr. Mitchell -- Mr. Sloan, prior to our lunch break,
19 you had an opportunity to listen to the audio; correct?

20 A Yes, sir.

21 Q Was that your voice on the audio?

22 A Yes, sir.

23 (WHEREUPON, State's Exhibit No. 53 was marked for
24 identification only.)

25 MR. GREGORY: Your Honor, at this time, the State

1 would seek to introduce State's Exhibit No. 53 into
2 evidence as it's been authenticated by the witness.

3 THE COURT: Very well. State's Exhibit No. 53 is
4 admitted over the objection of the Defendant.

5 (WHEREUPON, State's Exhibit No. 53 was admitted into
6 evidence.)

7 (WHEREUPON, State's Exhibit No. 53 was played in open
8 court.)

9 MR. ROBINSON: Your Honor, may I have a sidebar, Your
10 Honor?

11 THE COURT: I'm going to have to ask the jury to
12 retire to the jury room. Side bars are not -- are not
13 convenient for a couple of us. Both of us have
14 disabilities that limit our ability to angulate across the
15 courtroom. And a sidebar is when you take it up right at
16 the bench.

17 So I'm going to have to ask you to go across the hall
18 while we take it up in the courtroom.

19 Thank you.

20 (WHEREUPON, the jury was excused from open court at
21 approximately 2:20 p.m.)

22 THE COURT: All right. Mr. Robinson.

23 MR. ROBINSON: May it please the Court.

24 Judge, you heard the -- him say "Black Loc," which I
25 think it was ordered before in the initial part of -- the

1 outset of the case, we did an order in limine to limit
2 that coming in, any witness talking about that. And he
3 just said it twice on the video there.

4 And, secondly, Judge --

5 THE COURT: And your motion is?

6 MR. ROBINSON: My motion is to strike any mention of
7 Black Loc in there. But to have them redact it in this
8 manner.

9 THE COURT: I'm sorry. It's already in. I even
10 mentioned that when I first heard it on the audio before
11 lunch. I said this is going to create a problem, and
12 nothing was said. I've given you two opportunities to
13 address it.

14 MR. ROBINSON: All right.

15 THE COURT: And I find you've waived any objection to
16 that particular aspect. Of course, I did everything I
17 could to protect it.

18 Right now, I find that it is probably admissible
19 under 403 because the relevance to the testimony -- or the
20 statement being made identifying who the individual was
21 and that he knew him particularly as a person over seven
22 months is more persuasive than what is -- than it is
23 confusing. And I think, also, if I should instruct the
24 jury not to think of the term Black Loc in connection with
25 the Defendant, that's like unringing the bell.

1 MR. ROBINSON: And, secondly, Your Honor, in terms
2 of -- I want to make sure as far as your prior ruling on
3 this video [sic] as far as the objection goes, is the
4 Solicitor going to be able to just ask a blanket question
5 and the whole video comes in? Is that what --

6 THE COURT: No. I don't think that the Solicitor is
7 so conniving that he knew the way to get the whole audio
8 in was not to transcribe it where you could pick out the
9 specific terms. Since this gentleman has said he doesn't
10 recall any of it, then the only way to get it in is the
11 audio. And that's what the rule provides for.

12 MR. ROBINSON: All right.

13 THE COURT: I will admit I don't think it provides
14 for getting around the rule of having a statement that
15 would be able to be transcribed and looked at. But the
16 fact is that, during the course of this trial, this is
17 where we are on, what, Wednesday afternoon.

18 All right. Go ahead -- the objections are noted and
19 overruled.

20 All right. Bring the jury back, please.

21 (WHEREUPON, the jury came into open court at
22 approximately 2:24 p.m.)

23 THE COURT: All right. Let the record reflect the
24 jury and alternates are in the jury box.

25 We'll now proceed with the State's case.

1 (WHEREUPON, State's Exhibit No. 53 was played in
2 open court.)

3 CONTINUED DIRECT EXAMINATION

4 BY MR. GREGORY:

5 Q Mr. Sloan, was that you on the audio?

6 A Yes, sir.

7 Q Is that what you told police?

8 A Yes, sir.

9 Q And that was what you told them on December 8, 2014;
10 correct?

11 A Yes, sir.

12 Q Now, previously, you said you felt pressured by the
13 police to talk; is that correct?

14 A Yes, sir.

15 Q Did they pressure you at that time to give that
16 statement?

17 A No. I had -- actually, like I said, it was false. I
18 had made it up.

19 Q You made that statement up?

20 A Yeah. But the other times I was questioned, I was
21 feeling pressured. But, like I said, I was pressured and
22 I made it up, man. That was my mistake.

23 Q So it's your testimony today that you made that
24 statement up?

25 A Yes, sir.

1 Q You met with Investigator Fortner a couple of days
2 later; correct?

3 A Yes, sir.

4 Q All right. And where were you at that time?

5 A I was in Greenville.

6 Q All right. Were you in custody at that time?

7 A No, sir.

8 Q And you met with Investigator Fortner -- where did
9 you guys meet?

10 A I think he came to my house.

11 Q All right. Did you talk about this case with him
12 then?

13 A Yes, sir.

14 Q Did you feel coerced or pressured at that time that
15 you talked to him?

16 A Yes, sir.

17 Q Did you do anything to help assist in this
18 investigation?

19 A What you mean?

20 Q Did -- when Investigator Fortner met with you the
21 subsequent time, did he ask you to do anything?

22 A No, sir.

23 Q Okay. Did you tell him at that time that what you
24 previously told him was a lie?

25 A No, sir.

1 Q Do you remember meeting with myself and my paralegal
2 at the Solicitor's Office in preparation for this trial?

3 A Yes, sir.

4 Q Do you remember giving the same statement to me as
5 you did on that audio?

6 MR. ROBINSON: I object, Your Honor.

7 THE WITNESS: No.

8 BY MR. GREGORY:

9 Q You do not remember giving the same statement?

10 THE COURT: Just a moment.

11 THE WITNESS: No.

12 MR. GREGORY: Sorry, Judge.

13 THE COURT: What's your objection?

14 MR. ROBINSON: Leading, Judge.

15 THE COURT: Overruled.

16 By the way, a leading question -- and that objection
17 has been made a few times, it is a question that suggests
18 an answer. In other words, it's a yes or no. Did you not
19 do blah, blah, blah? Yes or no? That's a leading
20 question.

21 But you want to hear not from the lawyer testifying,
22 essentially, and the witness just agreeing with them. You
23 want to hear the question having the information there.
24 And it's better to ask the witness what did you tell me on
25 a particular date or at a particular time, and let the

1 witness testify as to what was told, rather than giving a
2 scenario and ask, do you not agree with it.

3 However, in this particular case, it's not so much
4 suggesting the answer as much as it is determining whether
5 or not it was stated or not. For that reason, I do not
6 find it was leading.

7 But do let's be careful, both the State and the
8 Defendant, as to forming your questions.

9 All right. And, by the way, you can lead a witness
10 on the other side. You can't lead your own witness. In
11 other words, on cross-examination, that's what you do, you
12 try to get the witness to testify in a certain fashion.
13 Whereas, when it's your witness on direct examination,
14 what you're trying to do is to get the information from
15 the witness, not as suggesting an answer.

16 All right. You may proceed.

17 BY MR. GREGORY:

18 Q Do you remember the first time we met, Mr. Sloan?

19 A Yes, sir.

20 Q What day was that?

21 A I can't recall, but I remember meeting you.

22 Q Did you tell me the same story at that time?

23 A I can't recall.

24 Q Was there any police officer in the room at that
25 time?

1 A No, sir.

2 Q All right. Did you feel pressured at that time to
3 tell me the same story?

4 A A little.

5 Q Do you remember meeting with me again in preparation
6 for this trial on July 26th of this year?

7 A Yes, sir. And I told you I didn't remember nothing.

8 Q Okay. And that was in the Solicitor's Office;
9 correct?

10 A Yes, sir.

11 Q Did you feel pressured at that time --

12 A Yes, sir.

13 Q -- to tell the story?

14 A Yes, sir.

15 Q On the audio, you refer to a "Brad" or a "Black Loc,"
16 are you speaking about the Defendant seated right over
17 there?

18 A Yes, sir.

19 Q Have you felt threatened or pressured from anyone
20 else other than law enforcement in this case?

21 A No, sir.

22 MR. GREGORY: Please answer any questions the Defense
23 has for you.

24 THE COURT: Defense.

25 MR. ROBINSON: May it please the Court.

CROSS-EXAMINATION

BY MR. ROBINSON:

Q Mr. Sloan, you had an opportunity to listen to this video; right? You listened to it a second ago?

A Yes, sir.

Q Now, when you -- when you made this -- made this statement to the officer in this case, you had called someone from the jail to get in contact with someone from Greenville; isn't that right?

A Yes, sir.

Q To come and see you; is that right?

A Yes, sir.

Q And this was around Christmastime -- or around November 27th of 2014. And you wanted to get home for Christmas, didn't you?

A Yes, sir.

Q Because you have two daughters, I believe; is that true?

A Right.

Q You have two daughters. So it was important for you to get home for Christmas to visit with your daughters; isn't that correct?

A Yes, sir.

Q Okay. And would it be fair to say that you would have said anything to get out of jail to be with your

1 daughters?

2 A Correct.

3 Q Did you spend Christmas with your daughters?

4 A Correct.

5 Q Now, when you spoke to Officer Fortner -- we listened
6 to the audio in this case. What was said to you before
7 the audio by Investigator Fortner?

8 MR. GREGORY: I'm going to object to hearsay, Your
9 Honor.

10 MR. ROBINSON: I'll rephrase the question, Your
11 Honor.

12 THE COURT: Please do.

13 BY MR. ROBINSON:

14 Q When you met with Officer Fortner, did you believe
15 that -- did you believe that if you told the story that
16 you would get out of jail?

17 A Correct.

18 Q And is the testimony on that -- or the statement you
19 gave on that audio, is that a story?

20 A Yes, sir.

21 Q Did you ever spend -- did you ever have Brad over on
22 Thanksgiving?

23 A No, sir.

24 Q Did you ever cook chitlins with Brad?

25 A No, sir.

1 Q And as far as the statement goes, the entire
2 statement is a lie, isn't it?

3 A Right.

4 Q And that's because you heard that from other people;
5 is that correct?

6 A Yes, sir.

7 Q And they -- not other people that were there, just
8 rumors; is that right?

9 A Right.

10 Q So when you gave the statement to Officer Fortner
11 that day, you were just relaying what you thought would
12 get you out of jail, weren't you?

13 A Right.

14 Q Now, tell me this. You were not under oath at the
15 time, were you?

16 A No, sir.

17 Q You were -- you did not have your hand put on a
18 Bible, did you?

19 A No, sir.

20 Q Now, a minute ago, you had your hand -- you were
21 sworn by the court reporter [sic] to tell the truth, the
22 whole truth before God; is that correct?

23 A Right.

24 Q Do you take that seriously, that kind of oath?

25 A Yes, sir.

1 Q Under oath, as it is right now, is what you said on
2 that audiotape a story?

3 A Yes. It was made up.

4 Q And why are you coming forth now to say this, to tell
5 the truth?

6 A Because I feel that's right.

7 Q Where were you on Thanksgiving Day, by the way?

8 A I was home.

9 Q Home. Who was home with you?

10 A The kids and my old lady.

11 Q Okay. Was anybody else with you that day?

12 A No, sir.

13 Q Okay. How about the day before Thanksgiving?

14 A The family.

15 Q Is that it?

16 A Yeah.

17 Q Okay. Did you ever have a conversation with Brad on
18 the phone about this?

19 A No.

20 Q So that's a lie, too?

21 A Yes, sir.

22 MR. ROBINSON: That's all I have.

23 Thank you.

24 THE COURT: Reexamine?

25 MR. GREGORY: Briefly, Your Honor.

REDIRECT EXAMINATION

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BY MR. GREGORY:

Q You testified you wanted to get out for Christmas; is that correct, to be with your daughters?

A Yes, sir.

Q So what made you choose this particular case to make up a story about?

A I have no idea.

Q Murder is a pretty serious charge; correct?

A Right.

Q You, also, said -- told Mr. Robinson that you heard it from the -- from people on the street, heard it around about the facts that you told the investigator. Who told you those? Where did you get those facts?

A Say what?

Q The facts that you heard on the audio, you said you had been hearing that, you heard it. Where did you hear it?

A I had just been hearing it around.

Q Who did you hear it from?

A It wasn't particular anybody. It was, like, everybody talked about stuff.

Q Who? Who talked about it?

A What you mean?

Q Who did you hear it from? Who's been talking about

1 it?

2 A Just around. It wasn't no particular one person. It
3 was just like everybody was talking about it.

4 Q You can't name one name?

5 A No, sir.

6 Q But you just heard it around?

7 A Yes, sir.

8 Q Has anyone threatened you or your family members?

9 A No, sir.

10 Q You wanted to be home for Christmas. Are you trying
11 to protect your family members now?

12 A No. I'm just trying to say the right thing.

13 MR. GREGORY: I have no further questions, Your
14 Honor.

15 MR. ROBINSON: No recross.

16 THE COURT: Very good. You may step down.

17 MR. GREGORY: The State calls Investigator Fortner.

18 THE CLERK: Mr. Fortner, please, place your left hand
19 on the Bible and raise your right hand.

20 WHEREUPON,

21 MICHAEL FORTNER,

22 after first having been duly sworn, testified as follows:

23 THE CLERK: Please state your name and spell it for
24 the record.

25 THE WITNESS: Michael Fortner. That's M-I-C-H-A-E-L.

1 Fortner is F-O-R-T-N-E-R.

2 THE CLERK: Thank you.

3 You may be seated.

4 DIRECT EXAMINATION

5 BY MR. GREGORY:

6 Q Investigator -- I'm sorry. Investigator Fortner,
7 where are you employed?

8 A The Greenville County Sheriff's Office.

9 Q And in what capacity are you employed there
10 currently?

11 A Currently, I work in what's called the office of
12 professional responsibility, which most people would know
13 as internal affairs.

14 Q How long have you been in internal affairs?

15 A Just since January. When Sheriff Will Lewis took
16 over, he asked me to consider moving over to internal
17 affairs.

18 Q What did you do prior to going to internal affairs?

19 A Prior to that, I worked in the criminal investigative
20 division. CID, they call it. I was assigned to the
21 violent crimes unit where we worked murders, suicides,
22 death investigations, in general, armed robberies,
23 kidnappings, that type of thing.

24 Q How long did you work in violent crimes?

25 A In violent crimes, a total probably about 10 to

1 11 years.

2 Q How many murder cases were you investigating on --
3 were you the investigator on?

4 A As far as being the primary investigator, I started
5 primary in homicide in August of 2013, I think it was.
6 During that time, I was the primary investigator on nine
7 different homicides. Prior to being the primary,
8 oftentimes, you start off as a backup to a primary
9 investigator. And I would say I probably have been in
10 involved in a minimum of 50, probably more.

11 Q What kind of training and education have you received
12 to become a violent crimes investigator?

13 A Well, I mean, you've got to go to the academy once
14 you get hired as a deputy sheriff in law enforcement.
15 After that, when you get to CID, they sent me to a
16 two-week school down at the academy for investigations.

17 And then during the course of my career in
18 investigations, I've been to several different, I guess
19 you would call them, schools, two, three-day long schools,
20 things like that.

21 Q Did you have the opportunity to become involved in
22 this case?

23 A Yes, I did.

24 Q How did you become involved in this case?

25 A It was my week on call. I got a phone call at about

1 2:45 a.m. from a Sergeant Goings, who advised me that they
2 were at the Club Bugatti, that they had two gunshot
3 victims. One of which was already deceased on scene. And
4 the other one had been transported by EMS to the hospital.

5 Q What time did you arrive on scene?

6 A By the time I would have gotten up, got dressed, left
7 the house, I probably arrived on scene somewhere around in
8 the neighborhood of 3:30 in the morning.

9 Q And on what day was that?

10 A That would have been November 27th of 2014, which was
11 Thanksgiving Day.

12 Q And Club Bugatti, what county is that located in?

13 A Greenville County.

14 Q When you arrived on scene, what did you do?

15 A The first thing I, typically, do when I arrive on a
16 scene like this is I will speak with the sergeant on
17 scene, kind of get a rundown on what we know at that point
18 in time. I look over the scene, usually, with forensics.
19 Once forensics arrives on scene, we'll do a walk-through of
20 the scene, see what evidence there is laying out, photos
21 that might need to be taken, that kind of thing.

22 Q Who was the sergeant that was on scene that was in
23 charge?

24 A Sergeant Goings.

25 Q And after walking through the scene, did you start

1 meeting with witnesses?

2 A There were some witnesses still on scene. They were
3 asked to be transported down to the law enforcement center
4 where another investigator, Investigator Hoover, was at.
5 And he did some interviews down at the law enforcement
6 center.

7 Q Did you happen to speak with the owner of the club?

8 A I did, yes, sir.

9 Q Who was the owner of the club?

10 A Mr. Ellison, Keith Ellison.

11 Q At the scene, did you notice any video cameras,
12 surveillance cameras?

13 A I noticed there were some outside, kind of in the --
14 covering the parking lot area and the front door of the
15 club.

16 Q Were you able to recover any video?

17 A No. We asked the owner, Mr. Ellison, about the
18 video, and he said the video was not working.

19 Q As far as the scene goes, what else did you do out
20 there that night?

21 A I spoke to a couple of witnesses that were there
22 myself, Mr. Ellison being one of them. One of the
23 bartenders that was still there when I was still there,
24 Nikki Taylor, and then Mr. Briggs.

25 Q Then what? What did you do after that?

1 A Once I spoke with them and once forensics was
2 finished processing the scene, I responded to the law
3 enforcement center where I met with Quante Davis for a
4 little bit.

5 Q And what time of day did you meet with Quante Davis?

6 A At that time, it probably would have been somewhere
7 in the neighborhood of 7:00ish in the morning, somewhere
8 along in there.

9 Q Did he gave a written statement?

10 A Not at that time. He was intoxicated to the point
11 where I did not feel comfortable sitting down and taking a
12 statement from him. He had an active warrant on him
13 already for, I think, a probation violation.

14 So we placed him into the detention center. And then
15 I came back later that evening, I think it was around 5:00
16 in the evening, to speak with him.

17 Q And you spoke to him later?

18 A Yes, I did.

19 Q Did you take a written statement from him at that
20 time?

21 A A video statement, yes, sir.

22 Q As a result of that statement, were you able to get a
23 possible suspect from the case?

24 A Yes, I was.

25 Q And who was that?

1 A Bradford Williams, the Defendant.

2 Q And once you had that name, what did you do?

3 A Once we got that, we interviewed some more witnesses.
4 Eventually, Mr. Sloan's name came up, which led us over to
5 Oconee County.

6 Q Did you run any -- is there any police reports you
7 can run to find Mr. Williams -- or Bradford Williams, the
8 Defendant?

9 A I mean, are you asking as far as I --

10 Q Yeah. Did you run any reports to try to locate him,
11 where he lived, that sort of thing?

12 A Yes, sir, we did.

13 Q All right. Were you able to determine where he
14 lived?

15 A No. We understood that he was staying at a hotel,
16 the Savannah Suites, which is right there on Wade Hampton
17 Boulevard near 291, right in that area.

18 Q Did you go to Savannah Suites?

19 A We did, yes.

20 Q I'm going to show you what's been previously marked
21 and previously entered into evidence as State's Exhibit
22 No. 44. Do you recognize that?

23 A Yes, sir, I do.

24 Q What is that?

25 A This is a printout from the Savannah Suites for a

1 room that was under the name of Bradford Williams. And it
2 shows him checking out -- or, actually, checking in on
3 September 29th of 2014. And then he checks out on
4 November 27th, right around 11:00 in the morning.

5 And the interesting thing about that was the fact
6 that he had actually --

7 MR. ROBINSON: Objection, Your Honor. Nonresponsive.

8 THE COURT: Well --

9 MR. GREGORY: He's just continuing the question --

10 THE COURT: Well, the only thing is he wants you to
11 get him to concentrate on what he's talking about.

12 BY MR. GREGORY:

13 Q You said he checked out at what time again?

14 A On November 27th at about 11:00 in the morning.

15 Q And did you find anything interesting about that?

16 MR. ROBINSON: Objection, Your Honor. Leading.

17 THE COURT: Overruled.

18 THE WITNESS: The interesting thing about it was that
19 he had, actually, prepaid through December 1st.

20 BY MR. GREGORY:

21 Q And how many -- what day would have been
22 December 1st?

23 A I don't know offhand, maybe a Tuesday, maybe.

24 Q And the room was rented in whose name?

25 A Bradford Williams.

1 Q Were you able to determine what kind of car
2 Mr. Williams was driving?

3 A Yes, we were.

4 Q And what kind of car was that?

5 A It was a 2005 Cadillac DeVille.

6 Q On December 8th, did you receive a call from Oconee
7 County?

8 A Yes, I did.

9 Q And what was that call in reference to?

10 A I was out doing some shopping, I got a call from our
11 dispatch advising me that there was a Lieutenant Hawk with
12 Oconee County who wanted to speak with me. I called
13 Lieutenant Hawk. He advised me that they were doing a
14 drug investigation with Mitchell Sloan. And that
15 Mr. Sloan had some information regarding the homicide from
16 Club Bugatti.

17 And he went on and said -- just to kind of get an
18 idea of what he knew, what he was talking about, he
19 brought up the fact that he was driving a silver Cadillac,
20 which was correct. He brought up the fact that the
21 suspect was supposed to be a Bradford Williams --

22 MR. ROBINSON: Objection, Your Honor. Vouching for
23 another witness in this case.

24 MR. GREGORY: Your Honor, he's relaying the
25 conversation he had with Mitchell Sloan. And in detail as

1 to the information he received from Mr. Sloan, the only
2 person that would have known that is the person involved
3 in the murder.

4 THE COURT: As far as the vouching for, I wouldn't
5 know which witness because the testimony has been of many
6 witnesses about the Cadillac. So I'm going to overrule
7 the objection.

8 BY MR. GREGORY:

9 Q Please continue.

10 A Lieutenant Hawk mentioned that Mr. Williams, Bradford
11 Williams -- I mean, Mitchell Sloan had said the suspect
12 left in a silver Cadillac, which according to the
13 witnesses on scene that night, that was correct. He
14 brought up the name of Bradford Williams, which, of
15 course, was the name that was given to us by Quante Davis,
16 which perked my interest. He, also, went on and said that
17 Mitchell Sloan was telling him that the gun used was a
18 380 --

19 MR. ROBINSON: Your Honor, objection. Hearsay.

20 THE COURT: Overruled.

21 THE WITNESS: The --

22 THE COURT: Do you know if that was a fact or not?

23 THE WITNESS: That it was a 380?

24 THE COURT: Yes, sir.

25 THE WITNESS: Yes, sir.

1 THE COURT: And how?

2 THE WITNESS: By the shell casings that were
3 recovered.

4 THE COURT: At that time, you didn't, did you?
5 What I'm trying to do as far as saying it's hearsay,
6 this is part of your report, is it not, the investigation?

7 THE WITNESS: Yes, sir.

8 THE COURT: All right. Very good. Overruled.

9 THE WITNESS: He brought up the fact that it was a
10 380 gun that was used. And, also, he brought to my
11 attention over the phone that each individual was shot
12 three times. The significant thing about the 380 is
13 nobody knew --

14 MR. ROBINSON: Your Honor, objection. He's
15 nonresponsive.

16 THE COURT: He is supposed to be responding to
17 questions, rather than just giving a narrative.

18 BY MR. GREGORY:

19 Q What did you find significant about the 380 that
20 Mitchell Sloan mentioned?

21 A The fact that nobody knew it was a 380, other than
22 myself, Investigator Hammett, who went on the
23 investigation with me, there may have been another
24 investigator, too, that was assisting in the case, and
25 forensics that had elected the shell casings. That was

1 not common knowledge. It wasn't put out in the news in
2 any way, shape, or form, as well as the fact there were
3 six shell casings recovered.

4 One of the victims was shot three times, the other
5 one was hit two times. But we did recover six shell
6 casings. That was not released in the media either. And
7 the reason why we don't release that kind of information
8 to the media is exactly what we've got going on today,
9 that when somebody calls us and tells us information like
10 this, we know they know what they're talking about. It's
11 not something they just heard off the street, like
12 Mitchell Sloan was alleging.

13 Q You heard the audio that was played; correct?

14 A Yes, sir.

15 Q And that was your voice on the audio asking
16 questions?

17 A Yes, sir, it was.

18 Q Who else was involved in that interview?

19 A Well, Mitchell Sloan, and then another investigator
20 with me, Investigator Chris Hammett.

21 Q Was -- did you coerce Mr. Sloan in any way to give
22 that statement?

23 A No, sir. He, actually, contacted us and asked for us
24 to respond there.

25 Q And prior to that conversation on December 8th, news

1 picked up on this story; correct?

2 A Sure.

3 Q And what kind of information does the police give out
4 to the news media?

5 A Pretty much the only thing they're going to get is
6 maybe the number of victims, the names of the victims
7 might be released, and how they died, maybe by gunshot
8 wounds or stabbing. But the number of shots, caliber of
9 gun, how many times, that kind of information does not get
10 released.

11 Q And after you spoke to Mitchell Sloan on
12 December 8th, what did you do?

13 A After speaking with Mitchell Sloan, I signed the
14 warrants on Mr. Williams for two counts of murder and the
15 two counts of possession of a weapon.

16 Q Did you do anything in furtherance of the
17 investigation in regards to Mitchell Sloan?

18 A Oh, yes, sir. After the Oconee County interview with
19 him, he, eventually, got out of jail. We made contact
20 with him again. And he agreed to come down to the law
21 enforcement center -- the Greenville County Law
22 Enforcement Center to meet with us there.

23 What we did that day -- and I don't remember the
24 exact date on it. But we, actually, called Bradford
25 Williams -- had Mitchell Sloan call him to see if he could

1 get Bradford Williams to talk about the case over the
2 phone.

3 Q And did -- at that time, did Bradford Williams say
4 anything else about the case?

5 A No, he did not say anything. He refused to talk
6 about it over the phone.

7 Q Did Mitchell Sloan appear in distress at that time?

8 A No. He did not, no.

9 Q Did you coerce him in any way?

10 A No, I did not.

11 Q Did you pressure him in any way?

12 A No, I did not.

13 Q Did you speak to Mitchell Sloan after that?

14 A Just in preparation for the trial, that kind of
15 thing, but, no.

16 Q Did he ever indicate to you in any conversation that
17 what he told you was false?

18 A He never did, no.

19 Q On December 8th, back on the audio, we heard you
20 talking about the photo lineup. He picked out four. Who
21 did he pick out in that photo lineup?

22 A He identified Bradford Williams, the Defendant, as
23 the person who relayed the information we just talked
24 about.

25 Q Any question in your mind he knew what he was talking

1 about?

2 MR. ROBINSON: Objection, Your Honor. Calls for
3 speculation.

4 THE COURT: Sustained.

5 MR. GREGORY: I beg the Court's indulgence for one
6 minute, Your Honor.

7 (Pause.)

8 BY MR. GREGORY:

9 Q Do you remember the -- what day was Bradford Williams
10 arrested?

11 A December 11th, I believe.

12 Q Do you remember where he was arrested?

13 A It was the Quality Inn down near South Pleasantburg
14 near I-85. I believe now it's, actually, called the
15 Greenville Inn and Suites.

16 Q And during the course of that arrest, what did you
17 do?

18 A At the time when he was arrested, I was, actually, in
19 the middle of doing what we call night firing and night
20 driving. We have to do that once a year. So I was up at
21 the training center doing that when I got the phone call
22 that Mr. Williams had been arrested.

23 I called Investigator Hammett because he was,
24 actually, working on a side job, so he was already out.
25 And he agreed to get a search warrant for the hotel room,

1 room 228, at the Quality Inn, which is the room that
2 Mr. Williams was staying in.

3 Once I got finished at the training center, I then
4 responded to the law enforcement center and met with Chris
5 Hammett. And then we both went over to the hotel.

6 Q Did you conduct a search warrant of that residence --
7 of that hotel?

8 A Yes, we did.

9 Q Did you find any handguns?

10 A We did, yes.

11 Q What did you find?

12 A A 45-caliber gun.

13 Q I'm going to show you what's been previously marked
14 and entered as State's Exhibit Nos. 48 to 52. Do you
15 recognize those?

16 A Yes, sir, I do.

17 Q Where did you find those?

18 A These were some pictures. There were several
19 pictures in a packet in the hotel room.

20 Q In that hotel room?

21 A In that same hotel room, yes.

22 Q And who was that hotel room rented to?

23 A The hotel room in this case was in the name of Tiara
24 Washington, which was Mr. Williams' girlfriend.

25 Q Were you able to tell -- his girlfriend?

1 A Yes, sir.

2 Q The car -- who was the owner of the Crown Vic that
3 was outside?

4 A That belonged to a girl named Lauren Buckco.

5 MR. GREGORY: Please answer any questions the Defense
6 has for you.

7 MR. ROBINSON: May it please the Court.

8 THE COURT: Mr. Robinson.

9 MR. ROBINSON: Thank you.

10 CROSS-EXAMINATION

11 BY MR. ROBINSON:

12 Q Investigator Fortner, you've got your report there;
13 is that correct?

14 A Yes, sir.

15 Q You've got that with you. And you've reviewed your
16 report in anticipation of your testimony; is that correct?

17 A Yes, sir.

18 Q Let's go through your report, which I've got right
19 here in front of me. And you can tell me if this is true
20 or false. You would agree with me -- you interviewed, I
21 believe -- you interviewed Alisha Taylor?

22 A Yes, sir.

23 Q Keith Ellison?

24 A Yes, sir.

25 Q Raymond Briggs?

1 A That's correct.

2 Q Bobby Snoddy?

3 A Correct.

4 Q Brittany Lane?

5 A I believe so, either myself or maybe Investigator
6 Bailey.

7 Q Investigator Bailey is one of your -- he's under your
8 investigation; is that correct?

9 A Yes, sir.

10 Q Okay. Brittany Lane?

11 A Right. Investigator Bailey, actually, interviewed
12 her, but, yes.

13 Q Jesse Barksdale?

14 A Correct. Yes, sir.

15 Q And who else did you interview besides -- besides
16 Quante Davis, who else -- that was there that night, who
17 else did you interview?

18 A Anthony Fuller.

19 Q Anthony Fuller?

20 A Big Anthony, they called him. He was like a manager
21 at the bar.

22 Q Okay.

23 A I believe that might have been it.

24 Q And your report is something like 20-something pages
25 long. Besides those, Alisha Taylor, Keith Ellison,

1 Raymond Briggs, Bobby Snoddy, Brittany Lane, Jesse
2 Barksdale, and Anthony Fuller, anybody else?

3 A We did, eventually, interview or speak to a guy named
4 Calvin Griffin, as well as his girlfriend, which is the
5 lady that owned the vehicle that had the shell casing.

6 Q Okay.

7 A Up in the roof of her car.

8 Q Was that -- what was her name?

9 A Let me see if I can tell you.

10 Ms. Johnson. I've got it in my report as Ms. Johnson
11 right here.

12 Q Okay. Is that -- so that's -- the list that I just
13 read out to you, that's the list of everyone, besides
14 Quante Davis, that you interviewed in your case in your
15 investigation; correct?

16 A I believe so, yes.

17 Q Okay. And you would agree that not one of them ever
18 saw Bradford Williams at the Bugatti Club that night? You
19 would agree with that, wouldn't you?

20 A Outside of Quante Davis, yes.

21 Q Quante Davis is the only one that saw him there that
22 night; is that true?

23 A That identified him as being there, yes, sir.

24 Q And you would, also, agree with me that the
25 information that you got from the people -- all of these

1 folks at the Bugatti that were there that night, it was
2 kind of a quiet night, not very many people there, you
3 know, just a quiet night, I think you would call it?

4 A Yes. Most people said it was kind of slow that
5 night.

6 Q Kind of slow that night. And not one of them, again,
7 ever saw Bradford Williams; right?

8 A None of them recognized him as being Bradford
9 Williams, yes.

10 Q Okay. You would, also, agree with me that --
11 regarding Quante Davis, you would agree with me that he
12 dropped his gun that night, didn't he?

13 A I would not agree with that, no.

14 Q Well, you have something in your report. Let me turn
15 to the report on that. So you interviewed his girlfriend,
16 a Ms. Ballenger; is that correct?

17 A Yes.

18 Q You got that in your investigation?

19 A Yes, sir -- hold on a second.

20 Yes.

21 Q And you learned from her -- you learned from that
22 part of your investigation that he had a gun that night,
23 didn't you?

24 A When he was having his panic attack at Boulder Creek
25 Apartments, he dropped what he said was a BB gun. And

1 some guy named Rachim was supposed to have picked it up.

2 Q Well, let's read what it says. Didn't he say he
3 dropped the gun on the ground when he was leaving the
4 club?

5 A No, sir. I don't think I've got that in here.

6 Q I thought that's what he said.

7 A No.

8 Q No?

9 A I don't think --

10 Q You didn't -- you don't have that written in your
11 report?

12 A That he dropped the gun on the ground at the club?

13 Q Yeah.

14 A No, sir.

15 Q Okay. But you would agree that he dropped a gun at
16 some point; correct?

17 A He dropped -- he told somebody it was a BB gun, yes,
18 sir.

19 Q Now, but we left -- he left the scene because he had
20 active bench warrants; right? Is that kind of your
21 recollection of it?

22 A Yes, sir, it is.

23 Q Okay. Did you guys follow-up on this Rachim guy that
24 he said found that gun? Did you follow-up on that?

25 A I did some checking around to try to figure out who

1 it was, but never really was able to figure it out.

2 Q So you never recovered that particular gun; correct?

3 A Correct. Yes, sir.

4 Q Now, you don't know whether or not that could have
5 been a 380, a 45, a 40. You never checked it out, did
6 you, because you never found it?

7 A That would be correct, yes, sir.

8 Q Now, let's talk about the -- Quante Davis as far as
9 his -- as far as his story about that night, and so forth.
10 Did you get information -- did you -- in your
11 investigation, did you find out that he had an argument
12 inside the club that night?

13 A Yes.

14 Q And so he did have an argument inside the club?

15 A Well, an argument from the standpoint that when he
16 saw Mr. Loc -- or Brad Williams come in, he did not want
17 to be there. So he got up and left.

18 Q So that's not an argument?

19 A Yeah. So I guess he did not have an argument with
20 anybody that I'm aware of, no.

21 Q Okay. And as far as the motel room that you found
22 this gun that Mr. -- that Bradford Williams had, that gun
23 was a 45; is that correct?

24 A That is correct, yes.

25 Q Did you -- as far as this particular -- Mr. Sloan,

1 did you ever -- did you ever corroborate what he said with
2 his brother, or with anybody else?

3 A Yes.

4 Q You did?

5 A I spoke with his brother, yes.

6 Q Did you ever get any information that he was with
7 Brad at Thanksgiving cooking chitlins?

8 A No. I wasn't ever able to, actually, corroborate
9 that, no.

10 Q So that's not something that could be corroborated;
11 correct?

12 A Yes.

13 Q In terms of the -- in terms of this Mr. -- I think on
14 direct examination, you had said something about that
15 there was no news stories about this, so Mr. Sloan -- no
16 one would know about this particular information that you
17 had. Do you remember saying that?

18 A As far as the information regarding the 380 and how
19 many times they were shot, yes, sir.

20 Q But you've been sitting in the courtroom, haven't
21 you?

22 A Yes, sir.

23 Q Mr. Sloan never said anything about the news, did he?

24 A I don't believe so, no, sir.

25 Q Right. So he said he got the information from the

1 street, didn't he?

2 A That's what he says, yes, sir.

3 Q So when you say -- when you tell this jury and this
4 Solicitor that he didn't hear anything on the -- the news,
5 so he couldn't have known anything, you don't know what he
6 knows, do you? Or you don't know what he knew? Excuse
7 me.

8 A Well, nobody on the street could have known that
9 information because it wasn't released in any way, shape,
10 or form, either the news or any other way.

11 Q But there was several people at the Bugatti that left
12 before you guys got there; isn't that correct? You didn't
13 talk to anybody -- everybody?

14 A That's correct. Yes, sir.

15 Q And you -- he's telling you that he heard rumors.
16 And he said a minute ago that he made this story up
17 because of rumors. You're telling -- are you telling this
18 jury that people at the club that heard this stuff or
19 talked, and so forth, couldn't have had rumors -- or made
20 stuff up?

21 A Could they have made stuff up? Absolutely. The
22 chances of making up the fact that the caliber of the gun
23 was a 380 and that each individual was shot three times --
24 well, only one was shot three times, the other one twice,
25 but there was six rounds fired, I think that would be

1 highly unlikely.

2 Q But you don't know, do you? You don't know?

3 A Don't know?

4 Q You don't know whether that's true or not?

5 A I don't see how they could have got that information,
6 no.

7 MR. ROBINSON: I beg the Court's indulgence.

8 THE COURT: Certainly.

9 (Pause.)

10 BY MR. ROBINSON:

11 Q Now, let's go back to your investigation, the part
12 about Alisha Taylor. Do you remember that one?

13 A Yes, sir.

14 Q And as far as that argument we just mentioned a
15 second ago -- do you remember that argument?

16 A Yes, sir.

17 Q Now, in your investigation, you learned that Forty
18 is -- is a person named Quante Davis; is that right?

19 A Yes, sir.

20 Q And didn't you learn from Ms. Taylor --

21 MR. GREGORY: Objection. Hearsay, Your Honor.

22 THE COURT: Restate your question.

23 BY MR. ROBINSON:

24 Q Officer Fortner, in your investigation, you learned
25 that there was an argument; correct?

1 A Yes.

2 Q And that Mr. Davis was one of the persons in the
3 argument; correct?

4 A She could not say for sure whether or not Quante
5 Davis was, actually, involved in the argument.

6 Q Okay. And I think you said -- I think you asked her
7 possibly -- or she said possibly?

8 A I believe what she told me -- I asked her whether or
9 not the victims were, if Mr. Williams was or if Quante
10 Davis was, actually, involved in the argument. She could
11 not advise on whether or not either one of the four were.

12 Q But in your report, you never mentioned Mr. Williams
13 as a possible person?

14 A Yes, sir, I do.

15 Q I'm sorry?

16 A I do, yes, sir.

17 Q You mention that Mr. Williams was one of the persons
18 arguing?

19 A He wasn't, actually, involved in the argument -- but
20 that I asked her if he was one of the ones involved in the
21 argument.

22 Q But didn't -- didn't you learn from the same person
23 that he wasn't there? Ms. Taylor --

24 A I don't know if she knows if he was there or not. I
25 don't think she, actually, knows who he is. So he could

1 have possibly come in and she wouldn't have known who he
2 is.

3 MR. ROBINSON: I beg the Court's indulgence one
4 second, Judge.

5 THE COURT: Certainly.

6 (Pause.)

7 BY MR. ROBINSON:

8 Q Okay. What you're saying in your report is you have
9 no information that the suspect was ever involved in the
10 incident; correct, this particular argument?

11 A Correct.

12 MR. ROBINSON: That's all I have.

13 Thank you, Officer.

14 THE COURT: Redirect?

15 MR. GREGORY: I have no further questions, Your
16 Honor. We'd ask that this witness be excused.

17 MR. ROBINSON: No objection.

18 THE COURT: All right. Without objection, you may
19 step down and be excused.

20 Thank you, sir.

21 THE WITNESS: Yes, sir.

22 MR. GREGORY: Your Honor, at this time, the State
23 rests.

24 THE COURT: All right. This would be a good time to
25 take a break. When the State rests, that means that I

1 have to take up some matters of law. And then we'll
2 decide how we're going to proceed.

3 If you would, please, Mr. Foreman, and, ladies and
4 gentlemen of the jury, if you would retire to the jury
5 room.

6 Now, the State has rested its case in chief, but you
7 still have not heard the whole case. Please do not
8 undertake any discussion of the case, or the witnesses, or
9 evidence, or anything like that.

10 Now, I might mention -- I understood that there's
11 some question about you asking a question. If any member
12 of the jury has a question, I would ask that you write it
13 down. I think they have notepads in the jury room. Write
14 the question out and give it to the Foreman, and the
15 Foreman will give it to me. And then I'll try to respond
16 and answer the question, but I will consider it so that it
17 will be addressed.

18 So with that -- in other words, anybody can ask a
19 question, but write the question down on just a piece of
20 paper and give it to the Foreman. And the Foreman will
21 give it to the bailiff, and the bailiff will give it to
22 me. That's sort of the chain of command.

23 All right. With that, please, retire to the jury
24 room. Do not undertake discussion of the case among
25 yourselves in anyway.

1 (WHEREUPON, the jury was excused from open court at
2 approximately 3:26 p.m.)

3 THE COURT: Let's take up first things first as far
4 as where we are in the case. I was somewhat, let's say,
5 dissatisfied with witnesses not respecting the
6 sequestration ruling that was requested, I think, from
7 both parties. However -- excuse me.

8 Mr. Moyer, are you saying you didn't request the
9 witnesses be sequestered?

10 MR. GREGORY: We were curious as to which ones from
11 both parties.

12 THE COURT: Well, of course, Investigator Fortner has
13 been sitting in the courtroom entirely through Mr. Sloan's
14 testimony and he admitted it.

15 You were in the courtroom during the testimony of
16 Mr. Sloan. Yes, sir.

17 MR. GREGORY: I think, under the rule, he's the chief
18 investigator and he's permitted to be --

19 THE COURT: He hasn't been in here until today.

20 MR. GREGORY: I think he's been here the whole time,
21 Your Honor.

22 THE COURT: Well, I asked -- I asked again who was
23 going to be sitting with you at the table.

24 MR. MOYER: May it please the Court.

25 We never said he would be at the table, but when we

1 talked about sequestration, we mentioned that a chief
2 investigating officer would be --

3 THE COURT: But you didn't mention him. How could I
4 know he was the chief investigating officer?

5 Anyway, regardless, the fact is that he heard the
6 testimony of a witness that was critical to his testimony.
7 And it was not advised -- the Court was not advised.

8 Do you want me to look it up?

9 Of course, I asked is there anybody going to be
10 assisting you in the trial of this case. And I do know
11 the rules, as you do, that the investigating -- the chief,
12 investigating officer, not just one of the men in service.

13 All right. Anyway, that's the point. And so your
14 witness, also, was in or, at least, forgiven in all
15 fairness.

16 Now, anything further from the State?

17 MR. GREGORY: Not from the State, Your Honor.

18 THE COURT: All right. Mr. Robinson, what do you
19 have to say?

20 MR. ROBINSON: Well, I have a motion, Your Honor.

21 THE COURT: That's what I -- I figured you wanted
22 to -- anyway, go ahead.

23 MOTIONS

24 MR. ROBINSON: May it please the Court.

25 Your Honor, Judge, at this time, we make a directed

1 verdict motion for acquittal in this case. You know I
2 have to make this motion each time to preserve the record,
3 obviously.

4 But the basis for the motion is that there's been no
5 evidence presented by the State in this matter in terms of
6 the guilt of the Defendant. And, as a result of that, we
7 would make this motion for directed verdict of acquittal
8 in this matter.

9 THE COURT: Very good.

10 All right. Is there sufficient evidence to go
11 forward with the indictments from the State?

12 MR. GREGORY: The State believes there is, Your
13 Honor, based on the testimony you've heard with Quante
14 Davis testifying, and with the Mitchell Sloan statement.
15 And all the other elements, I believe, Your Honor, were
16 met.

17 THE COURT: All right. The Court is not concerned
18 with the weight of the evidence, only whether there is
19 sufficient evidence to go forward. At this point, the
20 Court does find there is sufficient evidence to proceed.

21 Anything further from the State?

22 MR. GREGORY: No, Your Honor.

23 THE COURT: From the Defense?

24 MR. ROBINSON: No, sir, Judge.

25 THE COURT: Now, has the Defendant been advised of

1 his right to testify or not testify?

2 MR. ROBINSON: He has, Judge.

3 THE COURT: All right. Then if you would, please,
4 sir, stand.

5 And your name is Bradford Hester Williams?

6 DEFENDANT WILLIAMS: Yes, sir, Bradford Hester
7 Williams.

8 THE COURT: Raise your right hand.

9 WHEREUPON,

10 BRADFORD HESTER WILLIAMS,
11 after first having been duly sworn, testified as follows:

12 THE COURT: All right. At this time, I'm going to --
13 you can lower your hand. At this time, I'm going to
14 explain to you certain rights. If you do not understand
15 anything I say, please, let me know. If you want me to
16 explain anything in more detail, please, let me know.

17 Now, do you understand?

18 DEFENDANT WILLIAMS: Yes, sir.

19 THE COURT: We have now reached the stage of the
20 trial where you may present your defense. You have the
21 right to claim the protections given to you by the Fifth
22 Amendment to the Constitution of the United States. This
23 Amendment in pertinent part says, "No person shall be
24 compelled in any criminal case to be a witness against
25 himself."

1 This means that you cannot be required to testify in
2 this case. You have the right to testify on your own
3 behalf. However, no one can make you testify. This is a
4 personal right. No one can waive this right except you.

5 If you decide to testify, you will be subject to the
6 same rules that govern other witnesses. And you may be
7 examined and cross-examined on any relevant issue in this
8 case.

9 In addition, if you have any convictions involving
10 dishonesty, or false statement, or for crimes punishable
11 by imprisonment for more than one year and this Court
12 determines the probative value of admitting this evidence
13 outweighs its prejudicial effect to you, the Solicitor
14 will be able to introduce your record to attack your
15 credibility.

16 If decide to testify, this decision on your part must
17 be made freely, voluntarily, and intelligently with
18 knowledge of the protections given to you by the Fifth
19 Amendment, and the consequences of your decision to testify.

20 If you decide not to testify, I will instruct the
21 jurors that they cannot give the fact that you did not
22 testify any consideration whatsoever. And that there is
23 to be absolutely no prejudice to you because you did not
24 testify. You may talk with your attorney, your family,
25 and friends, or anyone else. But the final decision will

1 be left entirely up to you.

2 Do you understand what I've explained to you?

3 DEFENDANT WILLIAMS: Yes, sir.

4 THE COURT: Do you have any questions about what I've
5 explained to you?

6 DEFENDANT WILLIAMS: No, sir.

7 THE COURT: Have you discussed with your lawyer
8 whether or not you should testify?

9 DEFENDANT WILLIAMS: Yes, sir. But I'd like to
10 discuss it one more time.

11 THE COURT: Yes, sir.

12 We'll stand in recess for the time he needs.

13 Now, he can meet with his attorney in the --

14 THE COURTROOM OFFICER: Absolutely, sir.

15 THE COURT: Okay. Very good.

16 When you're ready to come back, Mr. Robinson, please,
17 let us know.

18 All right. Thank you.

19 We'll stand in recess for a few minutes, or until the
20 Defendant has decided what he would like to do.

21 (WHEREUPON, a break was taken.)

22 MR. ROBINSON: Your Honor, he would like a little
23 more time. I would ask that we have overnight.

24 THE COURT: Sure. That would be good.

25 Let's bring the jury in, please.

1 All right. Are we ready?

2 Is the State ready to proceed?

3 MR. GREGORY: Yes, Your Honor.

4 THE COURT: Is the Defense ready?

5 MR. ROBINSON: Yes, Your Honor.

6 THE COURT: Ask the jury to join us, please.

7 (WHEREUPON, the jury came into open court at
8 approximately 4:24 p.m.)

9 THE COURT: Let the record reflect the jury and
10 alternates are in the jury box.

11 Mr. Foreman, and, ladies and gentlemen of the jury,
12 we've come to a point in the case where the State, as I
13 mentioned earlier, has rested, which means they've
14 presented their case in chief.

15 Now, we need to go forward with the Defense's case.

16 And inasmuch as it's 20 after 4:00, obviously, it
17 could take a little more time than the next 40 minutes.
18 So I would suggest that we recess for the evening tonight
19 and come back at 10:00 in the morning. And we'll start
20 with the Defense's case at that time.

21 So I'm going to ask you, again, to -- I'm sorry I had
22 to keep you back that long. I didn't know it was going to
23 take that long. Rather than you having to sit there while
24 we do these things, I'm going to suggest that you go take
25 the evening break and then come back at 10:00 in the

1 morning.

2 Again, if anybody should try to discuss it with you
3 or anything else, please, do not do so. And if they
4 should insist on it, please, tell me. And I'll have to
5 take the appropriate action.

6 Now, as I say, we've only heard a part of this case.
7 In other words, you don't know all the -- you haven't
8 heard all the evidence, and the testimony, and things of
9 that nature that would go into your ultimate verdict. So,
10 please, reserve any sort of discussion or thought about
11 the case.

12 Of course, do not watch TV if it's -- I don't know.
13 I haven't seen any interest in it today or yesterday even
14 in the newspapers, or anything else. So not only do you
15 not want somebody talking to you, you don't want to start
16 reading what somebody says about it. Because you have to
17 make your decision based on the testimony and evidence in
18 this courtroom, and not what anybody else might say or
19 report.

20 So, with that, I would like to ask you to retire from
21 the courtroom. And I hope you have a wonderful evening.

22 With that, everybody else remain seated while the
23 jury retires from the courtroom.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 4:26 p.m.)

1 THE COURT: All right. Is there anything further --
2 well, let me say a few things. One, tomorrow morning -- I
3 don't want to ruin your evening, but my evening is going
4 to be ruined, regardless. Let's have any requests for
5 charges that you might have, both the State and Defense.

6 Because, right now, the only thing I have are the
7 charges of murder and possession of a weapon during the
8 commission of a violent -- commission or attempted
9 commission. I think the indictment does, in the statute,
10 too, so I'll just put that in to commit a violent crime.
11 Two counts, one for each of the alleged victims.

12 And I do have notice of alibi as far as one defense.

13 MR. ROBINSON: Yes, sir.

14 THE COURT: Now, if you are seeking -- what is it? --
15 lesser included, or anything of that nature, put it in
16 there in your charge. I apologize. I do not have a law
17 clerk. And I have a lot of information, but very little
18 organization. So what you do will probably make your case
19 go a lot easier.

20 All right. With that, I will excuse you for the
21 evening. And I'll see you in the morning at 10:00.

22 (WHEREUPON, the proceedings were concluded at
23 approximately 4:28 p.m., to be reconvened on
24 Thursday, August 10, 2017.)
25

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE	)	2015-GS-23-02941
	)	2015-GS-23-02942
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
BRADFORD HESTER WILLIAMS,	)	
DEFENDANT.	)	VOLUME II
_____	)	

August 10 and 11, 2017
Greenville, South Carolina

B E F O R E:

THE HONORABLE ALEXANDER S. MACAULAY, JUDGE; and a jury.

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

JONATHAN M. GREGORY, ESQ.
L. MARK MOYER, ESQ.
Assistant Solicitors

Scott D. Robinson, ESQ.
Attorney for the Defendant

HOLLIE M. JENKINS
Circuit Court Reporter

I N D E X

(SW) - Denotes State's Witness
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All Exhibits were retained by the Clerk of Court for
Greenville County.

P R O C E E D I N G S

(WHEREUPON, Defendant's Exhibit No. 1 was marked for identification only.)

THE COURT: We're back on the case of State of South Carolina v. Bradford Hester Williams, 2015-GS-23-02941 and 2015-GS-23-02942.

Upon arriving at the courthouse this morning, I was given a note that one of our jurors wished to talk to me. So I met with the juror, along with the attorneys. And from our discussions, I decided that it would be best to excuse the juror for cause. I did this based on what was related to us and in confidence. And I did so at the time without further consulting the attorneys, other than to tell them what I was going to do.

So I will be excusing Juror #113 from the jury.

Now, that means we'll seat one of the alternates. And there's some issue as to how -- it used to be in the old days, it was very simple, you'd just move the first alternate in. Now, I understand if you have more than one, you put the two names in the hat and you let the Clerk do the random choice. Now, I trust, as with so many things, that we can do it without objection either one way or the other.

Does the State have anything to propose?

MR. GREGORY: I would be content either way, Your

1 Honor. Moving the alternate one up is fine. There would
2 be no objection to that.

3 THE COURT: Mr. Robinson?

4 MR. ROBINSON: No objection, Your Honor.

5 THE COURT: Okay. So let's just do that. Let's just
6 ask the first alternate to move over. And that would be
7 Juror #192.

8 Also, I'm going to make a part of the record as a
9 Court's Exhibit the note that was given to me that
10 prompted the conference.

11 (WHEREUPON, Court's Exhibit No. 2 was marked for
12 identification and admitted into evidence.)

13 THE COURT: All right. Anything from the State?

14 MR. GREGORY: No, Your Honor.

15 THE COURT: Mr. Robinson, anything you have?

16 MR. ROBINSON: Yes, sir, Judge.

17 THE COURT: Very well.

18 MOTION

19 MR. ROBINSON: May it please the Court.

20 Judge, at this time, I'd make a motion for a mistrial
21 in this case. And here's why. I believe when I chose
22 this jury from the panel we had, I tried to have some
23 diversity, if I could, in the jury. And I believe that
24 taking this particular juror off this jury is going to --
25 diversity is going to go away in this case. We'll have a

1 very homogenous jury.

2 And I believe a mistrial is appropriate. Because I
3 believe that excising that particular juror for good
4 reason makes it -- it prejudices me, prejudices my client,
5 especially in this case. And I believe a mistrial is
6 appropriate in this matter.

7 THE COURT: All right. What does the State say?

8 MR. GREGORY: Your Honor, I believe at the time we
9 picked the jury, there was no objection to how the jury
10 was picked or any strikes that were taken by the State. I
11 don't believe this rises to a level of mistrial. The
12 juror was excused outside the -- nothing the State has
13 done has caused this juror to be excused.

14 So we would think that a mistrial would not be
15 appropriate in this case, Your Honor.

16 MR. ROBINSON: May I respond to that, Your Honor?

17 THE COURT: Yes, sir.

18 MR. ROBINSON: Your Honor, in reviewing the selection
19 process, there was no diversity. There was not one --
20 other than this person that was excused, there was no
21 other African-American chosen in this case by the
22 Solicitor in this matter. And I believe that because of
23 that, I think the prejudice is more severe in this matter.

24 And I believe that, again, that that prejudices my
25 client because it -- it's something that -- diversity is

1 very important in this system. And I believe as a result
2 of this, that's been taken away.

3 MR. GREGORY: Judge, briefly. We have some
4 mischaracterization. The State never struck anyone of --
5 a minority.

6 THE COURT: That was one thing -- I think the strike
7 sheet reflects the random selection of proposed jurors for
8 this case. #113 was the only one considered, and the race
9 as being black at all. It was. The only other black --
10 or the next black would have been #33. And that was after
11 the 12 jurors and two alternates were selected with the
12 selection of #29.

13 So you did not have any other -- by reason of the
14 computer, not any discrimination.

15 All right. If it's without objection, as I said,
16 I'll just move the first alternate, Juror #27, on to the
17 jury and we'll proceed.

18 (Pause.)

19 THE COURT: All right. It's #192, which is Juror #27
20 on this panel.

21 All right. Anything further from the State?

22 MR. GREGORY: Not from the State.

23 THE COURT: From the Defense?

24 MR. ROBINSON: No, sir, Judge.

25 THE COURT: Ask the jury to join us, please.

1 (WHEREUPON, Court's Exhibit No. 3 was marked for
2 identification and admitted into evidence.)

3 (WHEREUPON, the jury came into open court at
4 approximately 10:36 a.m.)

5 THE COURT: All right. Let the record reflect that,
6 the jury, less one, and the two alternates are in the jury
7 box.

8 Mr. Foreman, and, ladies and gentlemen of the jury,
9 due to a matter brought to the Court's attention and
10 request, I have excused Juror #113. And that means
11 there's a vacancy on the jury.

12 So, now, Juror #192, Ms. Henderson, if you would move
13 over a seat.

14 And you can, also, move over, if you'd like.

15 That will be the new seating arrangements for the jury.

16 I have received a question from the jury. And that's
17 the way I requested the jury questions be given to the
18 Court. I need to take up the question, if you would,
19 please, with the attorneys. So I'm going to ask you to
20 retire to the jury room just for a short period. And I'll
21 bring you back.

22 Again, do not undertake discussion of the case in any
23 way.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 10:39 a.m.)

1 THE COURT: I, also, will take this time inasmuch as
2 I have not with everything else going on, before we begin
3 the Defense case, I need to know whether or not the
4 Defendant is going to testify.

5 But, next, let's take up the question first. The
6 question is, "Did anyone recover fingerprints from the
7 shell casings?"

8 What does the State say about responding to that
9 question?

10 MR. GREGORY: I think it would be inappropriate to
11 comment on the facts of the case while we're still in the
12 middle of the case, Your Honor.

13 THE COURT: Of course, the testimony is the
14 testimony. And the thing is -- and that's, obviously, a
15 part of the case that since the -- I mean, the jury is
16 interested in, I'm sure, that both sides will be
17 addressing it in some fashion.

18 MR. GREGORY: Yes.

19 THE COURT: So I would -- what do you say,
20 Mr. Robinson?

21 MR. ROBINSON: May it please the Court.

22 THE COURT: Yes, sir.

23 MR. ROBINSON: Your Honor, I'm, actually, calling
24 Michael Fortner, the investigator, to the stand first and
25 I'll ask him that question.

1 THE COURT: Very good. I think that's a good point.

2 All right. Now, Mr. Williams, if you would, please,
3 stand.

4 If you remember, yesterday when I explained certain
5 of your Constitutional rights, I put you under oath.

6 DEFENDANT WILLIAMS: Yes, sir.

7 THE COURT: Do you realize you're still under oath?

8 DEFENDANT WILLIAMS: Yes, sir.

9 THE COURT: You do not need to be resworn. You
10 understand that?

11 DEFENDANT WILLIAMS: No, sir. I understand.

12 THE COURT: All right. Have you had an opportunity
13 to decide whether or not you wish to testify in this case?

14 DEFENDANT WILLIAMS: Yes, sir, I have.

15 THE COURT: And you discussed this with your
16 attorney, as well as your family members?

17 DEFENDANT WILLIAMS: Yes, sir.

18 THE COURT: And have you reached a conclusion?

19 DEFENDANT WILLIAMS: Yes, sir, I have.

20 THE COURT: A decision?

21 DEFENDANT WILLIAMS: Yes, sir.

22 THE COURT: And what is that?

23 DEFENDANT WILLIAMS: I've decided to go forward with
24 my testimony.

25 THE COURT: You will testify?

1 DEFENDANT WILLIAMS: Yes, sir.

2 THE COURT: Very good.

3 I find that the Defendant's decision to testify is
4 knowingly, intelligently, freely, and voluntarily made.

5 Thank you very much, sir.

6 MR. GREGORY: Your Honor, may we discuss the
7 impeachable issues before we bring the jury back just to
8 clarify that?

9 THE COURT: Certainly.

10 MR. GREGORY: I believe he has a 2009 possession of
11 crack cocaine, which carries zero to three years, a 2009
12 possession with intent to distribute --

13 THE COURT: 2009, what was that?

14 MR. GREGORY: The first one was possession of crack
15 cocaine.

16 THE COURT: Three years to?

17 MR. GREGORY: Zero to three years, Your Honor.

18 THE COURT: And \$5,000?

19 MR. GREGORY: I believe so.

20 THE COURT: Okay.

21 MR. GREGORY: There was a 2009 possession with intent
22 to distribute crack cocaine conviction. And that would
23 carry zero to 15 years. And then, finally, in 2010, there
24 was an assault and battery --

25 THE COURT: The 15 years and, what, \$10,000?

1 MR. GREGORY: I believe so.

2 THE COURT: Okay. 2000 when?

3 MR. GREGORY: I'm sorry. What was the possession
4 with intent to distribute? 2009.

5 THE COURT: 2009, possession with intent to
6 distribute, 15 to 10?

7 MR. GREGORY: Yes, Your Honor.

8 And then in 2010, assault and battery in the first
9 degree.

10 THE COURT: And what's the sentence?

11 MR. GREGORY: Zero to 10 years, Your Honor.

12 Also, the State would seek to use evidence of flight
13 as well for impeachment purposes. The Defendant was
14 arrested. He was released out on bond. As condition of
15 his bond, he was placed on the home incarceration program.

16 During that time while he was out, he cut that home
17 incarceration program bracelet off and fled to Georgia,
18 where he was later apprehended.

19 So the State would seek to elicit testimony of that
20 as well, if he takes the stand.

21 THE COURT: All right. Mr. Robinson, have you
22 explained those cases -- I mean, those matters to the
23 Defendant?

24 MR. ROBINSON: As far as the charges, Your Honor, his
25 previous charges?

1 THE COURT: Right.

2 MR. ROBINSON: Yes, I have, Your Honor.

3 He has nothing to hide. So he's ready to --

4 THE COURT: How about the flight?

5 MR. ROBINSON: That's kind of unusual for me.

6 Because they found him at the Quality Inn. He was
7 cooperative. That's -- I don't know what the -- but,
8 later on -- well, later on, he decided he -- he got out on
9 bond. Judge Miller had set a \$70,000 bond. He got out on
10 bond on HIP. He cut his band -- whatever it was -- and
11 fled -- and left.

12 THE COURT: Left.

13 MR. ROBINSON: I'm sorry.

14 THE COURT: Left.

15 MR. ROBINSON: Left, he did. But I did not realize
16 today -- this is the first I've heard that they're
17 planning on putting that in. That's a new one for me.
18 But I have an issue with it for really a 403 issue more
19 than as far as prejudice in this case.

20 THE COURT: Now, he was out on bond on these charges?

21 MR. ROBINSON: Yes, he was.

22 THE COURT: Do you have any authority on that?
23 Impeachment, of course, as it applies to crimes and
24 convictions.

25 MR. GREGORY: Your Honor, I have the -- the authority

1 I was basing my -- the reason why I even asked for this
2 was State v. Martin. And that would be 403 --

3 THE COURT: Do you have a copy?

4 MR. GREGORY: I don't have a copy of the actual case
5 with me, Your Honor. I'd have to go print one for you.

6 THE COURT: Let me have it and I'll see if I can find
7 it for you. It would help if I had a little heads up. I
8 did ask yesterday if you had given me --

9 MR. GREGORY: You did, Your Honor. I apologize.

10 THE COURT: -- the Defendant -- his rap sheet in
11 order to -- what is it? And you say -- is it Supreme
12 Court or Court of Appeals? Just tell me --

13 MR. GREGORY: It's 403 S.C. 19.

14 THE COURT: 403 19 S.E.2d?

15 MR. GREGORY: South Carolina.

16 THE COURT: Oh, South Carolina.

17 MR. GREGORY: Yes, Your Honor.

18 THE COURT: S.C. 19?

19 MR. GREGORY: Yes, Your Honor.

20 THE COURT: And you say it stands for what
21 proposition?

22 MR. GREGORY: Your Honor, the Court in that case, I
23 believe, used a totality test to determine the
24 admissibility of flight evidence. The flight evidence was
25 admissible as part of guilt. And it went on to talk about

1 how there is a wane -- and the prodigy that came out after
2 that, a wane of, as Mr. Robinson has said, Rule 403,
3 prejudicial probative value. But that court did find it
4 was admissible.

5 THE COURT: All right. The Court in State v. Martin
6 holds -- and citing the previous case, as a general rule,
7 any guilty act, conduct, or statements on the part of the
8 accused are admissible as some evidence of consciousness
9 of guilt. And it cites State v. McDowell, Supreme Court
10 1976. The general rule applies to evidence in particular
11 acts, including flight, State v. Orozco.

12 Our Supreme Court has identified the critical factor
13 to the admissibility of evidence of flight as to whether
14 the totality of the evidence creates an inference that the
15 Defendant had knowledge that he was being sought by
16 authorities, and his actions were motivated as a result of
17 his belief that police officers were aware of his
18 wrongdoing and were seeking him for that purpose.

19 In addition, this Court has held evidence of
20 unexplained flight is admissible indicating a
21 consciousness of guilt, but is not to be supposed that one
22 who is innocent and conscious of that fact would flee.
23 However, we have further noted that the critical factor to
24 admissibility of evidence of flight is whether the
25 totality of the evidence creates an inference that the

1 Defendant had knowledge that he was being sought by the
2 authorities.

3 Flight evidence is relevant when there is a nexus
4 between the flight and the offense charged. It is
5 sufficient that circumstances justified an inference that
6 the accused's actions were motivated as a result of his
7 belief that police officers were aware of his wrongdoing
8 and were seeking him for that purpose.

9 In this case, I understand that he was placed on
10 bond, or had bail set for these charges?

11 MR. GREGORY: That's correct, Your Honor.

12 THE COURT: All right. Anything from the State -- I
13 mean, further from the State?

14 MR. GREGORY: No, Your Honor.

15 THE COURT: All right. Mr. Robinson.

16 MR. ROBINSON: I have the same objection -- the same
17 statement I had before regarding 403 prejudicial value.
18 That's the big thing. They say the totality of the
19 evidence, and so forth, as far as the inference. But I
20 think, too, that this is something that is extremely
21 prejudicial to my client.

22 I know they can't bring it up in a -- there's no jury
23 charge for flight. Obviously, you can't charge a jury --
24 flight in a jury charge. But the -- I think it's very
25 prejudicial.

1 THE COURT: I understand.

2 All right. Anything further from the State?

3 MR. GREGORY: No, Your Honor.

4 THE COURT: Considering the totality of the facts in
5 this case when flight --

6 Were there any other pending charges against him?

7 MR. GREGORY: Not that I'm aware of, Your Honor. He
8 was out on bond for this charge. And there have been no
9 other warrants brought against him.

10 THE COURT: All right. Very good.

11 The totality of the evidence that the alleged flight
12 to avoid prosecution will be admissible.

13 All right. Anything further from the State?

14 MR. GREGORY: No, Your Honor.

15 THE COURT: Thank you.

16 Anything further from the Defense?

17 MR. ROBINSON: Nothing, Judge.

18 THE COURT: Mr. Williams, if you would, please,
19 stand.

20 With the understanding that the possession of crack
21 cocaine from 2009, and possession with intent to
22 distribute crack cocaine from 2009, as well as the assault
23 and battery first degree are all within the last 10 years
24 and more than one year on the sentence for -- or subject
25 to sentence and the flight from the home incarceration

1 program will be -- can be used against you, do you still
2 wish to take the stand and testify on your own behalf?

3 DEFENDANT WILLIAMS: Yes, sir.

4 THE COURT: Very good. Thank you very much.

5 Again, the Court finds that the decision of the
6 Defendant to take the stand and to proceed is on his own
7 behalf. It's freely, voluntarily, knowingly, and
8 intelligently made.

9 All right. Now, we'll ask the jury to join us.

10 By the way, does anybody have any charges?

11 MR. GREGORY: No, Your Honor.

12 THE COURT: Mr. Robinson?

13 MR. ROBINSON: I think that I'd like to see the jury
14 charge you have on alibi, Your Honor. But I believe it's
15 the same one I've got.

16 THE COURT: All right. We'll -- and let me see
17 yours, if you don't mind, and I'll just consider it
18 while -- we're not at the point for the charges anyway.
19 The charges come up at the close of all the testimony.
20 But it would help the Court to see things in advance,
21 rather than at the time.

22 (WHEREUPON, the jury came into open court at
23 approximately 10:57 a.m.)

24 THE COURT: Let the record reflect that the jury and
25 the alternate are in the jury box.

1 The State has rested. The Defense is now ready to go
2 forward with their case.

3 I recognize Mr. Robinson for the Defense.

4 MR. ROBINSON: May it please the Court.

5 Your Honor, the Defense would call Michael Fortner.

6 THE COURT: I think you've already been placed under
7 oath in this case.

8 MR. MICHAEL FORTNER: Yes, sir.

9 THE COURT: So you understand your oath continues
10 throughout the trial?

11 MR. MICHAEL FORTNER: Yes, sir.

12 THE COURT: Very good. Thank you.

13 DIRECT EXAMINATION

14 BY MR. ROBINSON:

15 Q Officer Fortner, as part of your investigation -- and
16 I'm not going to go back through everything we went
17 through yesterday on direct examination and
18 cross-examination. But part of your investigation was
19 subpoenaing the cell phones records of Mr. Williams; is
20 that correct?

21 A Yes, it was.

22 Q And if I show you -- I'm going to ask you to identify
23 a copy of the cell phone -- of the records.

24 A Okay.

25 MR. ROBINSON: May I approach, Your Honor.

1 THE COURT: Certainly.

2 BY MR. ROBINSON:

3 Q This has previously been marked as Defendant's
4 Exhibit No. 1 for identification purposes. I'm going to
5 ask if you recognize this?

6 A Yes, sir. They're the cell phone records of Bradford
7 Williams.

8 MR. ROBINSON: Your Honor, at this point, I would ask
9 to enter these cell phone records as Exhibit No. 1 for the
10 Defense.

11 MR. GREGORY: Your Honor, I'm going to object to lack
12 of foundation. It's a business record. And there's been
13 no custodian of records for this particular item.

14 MR. ROBINSON: Judge, he just identified it. He's
15 the investigator in this case.

16 THE COURT: I think it's a business record. This is
17 a part of his investigation.

18 MR. ROBINSON: Yes.

19 Thank you, Judge.

20 THE COURT: All right. Overruled.

21 MR. ROBINSON: I would ask that this be marked as
22 Defendant's Exhibit No. 1.

23 THE COURT: It's admitted.

24 (WHEREUPON, Defendant's Exhibit No. 1 was admitted into
25 evidence.)

1 BY MR. ROBINSON:

2 Q Officer Fortner, if you could look at those cell
3 phone records of Mr. Williams. Do you notice on there any
4 phone calls that he made to Mitchell Sloan? And let me
5 get the number you used yesterday.

6 A Okay.

7 Q Or that was elicited from Mr. Sloan on direct
8 examination. What is the number that Mr. Sloan gave you
9 as his cell phone number?

10 A [REDACTED], it looks like.

11 Q In reviewing what's been marked as Defendant's
12 Exhibit No. 1, can you find that number on Bradford
13 Williams phone record?

14 A Yes, sir, we did.

15 Q And how many times did you see it?

16 A I believe it was twice.

17 Q And tell the jury what time there were calls between
18 Mitchell Sloan and Bradford Williams.

19 A I'm sorry. The times?

20 Q Can you tell me the date and time?

21 A The first one was on November 26th, 2014, at
22 approximately 2:00 in the afternoon.

23 Q Okay. And the second one?

24 A All right. The second one was on November 27th at
25 approximately 8:43 in the evening.

1 Q Was there any phone call there between Mitchell Sloan
2 and Bradford Williams in the early morning hours of
3 November 27th from reading the record?

4 A There was not, no..

5 Q Okay. And, Officer Fortner, in your investigation in
6 this case -- you may have heard one of the officers
7 testify yesterday. But Mr. Williams was arrested at the
8 Quality Inn; is that correct?

9 A I'm sorry. What was that?

10 Q He was arrested at the -- I'm sorry.

11 A You're fine. I couldn't understand.

12 Q Sorry about that. I'm still getting used to this.
13 In your investigation -- there was an officer that came
14 yesterday. Mr. Williams was arrested at the Quality Inn
15 in Greenville; is that correct?

16 A Oh, the Quality Inn, yes, sir.

17 Q Okay. And was his room searched?

18 A It was, yes.

19 Q And was there a gun found?

20 A There was, yes.

21 Q And what kind of gun was it?

22 A I believe it was a Taurus 45.

23 Q Okay. And, Mr. Fortner, in your investigation,
24 you've spoken to a lot of different people. But you met
25 with a Keith Ellison at some point, didn't you?

1 A I did, yes.

2 Q And I -- and did you learn from Mr. Ellison -- did
3 you learn -- after talking to Mr. Ellison, did you learn
4 anything about --

5 MR. GREGORY: Objection, Your Honor. Hearsay. He's
6 getting ready to say what Mr. Ellison told him.

7 THE COURT: All right. Mr. Robinson.

8 MR. ROBINSON: May it please the Court.

9 Your Honor, I'm not asking what he said. I'm just
10 asking as a result of talking to Mr. Ellison.

11 THE COURT: In other words, in his investigation?

12 MR. ROBINSON: His investigation, correct.

13 THE COURT: Overruled.

14 BY MR. ROBINSON:

15 Q Did you learn of any rumors on the street regarding a
16 380?

17 A No, sir.

18 Q Okay. So you never discussed -- you didn't -- as a
19 result of your investigation and meeting with Mr. Ellison,
20 you didn't learn anything regarding a 380?

21 A Not from Mr. Ellison, no, sir.

22 Q Who did you hear it from?

23 A The shell casings that we recovered. Nobody ever
24 told us anything about a 380, other than Mr. Sloan.

25 Q Okay. And were there any fingerprints on any of the

1 bullet cartridges that were recovered?

2 A We don't -- did not put the fired cartridges in for
3 processing. The reason for that is latent prints are very
4 fragile. And if there's any element to begin with, when a
5 cartridge is fired, it generates an immense amount of
6 heat, which destroys any type of latent fingerprints that
7 would be on the cartridge. If I would have put that in
8 for processing, more likely than not, forensics would have
9 refused to even process them because of that.

10 Q So two parts. So was there any -- were there any
11 fingerprints belonging to Bradford Williams on these
12 bullets?

13 A They were not processed for it.

14 Q Okay. Did you take the time to get it sent off and
15 get that checked?

16 A No, sir. Like I said, because of the heat from the
17 cartridge when it's fired, it destroys the fingerprints.
18 And forensics probably would have refused to process the
19 cartridges.

20 Q But you don't know what -- but you never gave it to
21 forensics, did you?

22 A I did not, no.

23 Q Did you ever talk to -- in your investigation, did
24 you ever talk to a Louis Fuller?

25 A Yes, I did.

1 Q Okay. As a result of your investigation and meeting
2 with Mr. Fuller, did you start looking for a black gun at
3 the scene?

4 A No, sir.

5 Q There was no -- so as a result of the -- okay.
6 Let's talk about Ms. -- do you remember Ms. Ballenger
7 in your investigation? Do you remember her?

8 A I do, yes.

9 Q And what is she to any of the parties?

10 A Let me check and make sure.

11 All right. Ms. Ballenger was the girlfriend to
12 Quante Davis.

13 Q Okay. And you had a chance to speak to her?

14 A Yes, we did.

15 Q And you did an interview with her; is that correct?

16 A Yes.

17 Q As a result of your interview with Ms. Ballenger, who
18 was Quante Davis' girlfriend at the time --

19 A Girlfriend, yes, sir.

20 Q -- did you start looking for a black gun that may
21 have been dropped?

22 A We inquired about one, yes. Because she had
23 mentioned that she had heard that Quante had dropped a BB
24 gun while he was being treated by EMS at Boulder Creek
25 Apartments.

1 Q And what color was this BB gun? Do you remember?

2 A I don't believe anybody ever said anything about what
3 color it was.

4 Q Did you ever speak -- in your investigation, did you
5 ever speak to an Alisha Taylor?

6 A Yes.

7 Q And after speaking -- after speaking to Alisha
8 Taylor, did you try to find this -- again, this gun that
9 we're talking about?

10 A I mean, she didn't provide any information regarding
11 the gun. I mean, as a result of the investigation, of
12 course, we're looking for a gun because we know that a gun
13 was used. But, I mean, she did not provide any
14 information that would have pointed us in a direction to
15 look for a gun.

16 Q Okay. In your investigation, was there anything that
17 lead you to believe that someone came in the club with a
18 gun?

19 A It was mentioned, yes.

20 Q And who was mentioned?

21 A The lady whose car had the bullet cartridge on top of
22 the roof of her car, we went to her house and spoke to
23 her. She said that her boyfriend had told her that when
24 the individual pounded on the door of the bar and came in
25 and said, Call 911 that he was in possession of a gun.

1 However, when I caught up with him and spoke with him, he
2 denied ever saying that.

3 Q And that person was Quante Davis?

4 A That would have been the one knocking on the door
5 saying, Somebody call EMS and the police, yes.

6 MR. ROBINSON: Okay. I beg the Court's indulgence
7 one second, Your Honor.

8 (Pause.)

9 MR. ROBINSON: That's all I have, Officer Fortner.
10 Thank you.

11 THE WITNESS: Yes, sir.

12 THE COURT: Cross-examination.

13 MR. GREGORY: Briefly, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. GREGORY:

16 Q Investigator Fortner, the gun we're talking about
17 with Shante Ballenger, the black gun that was dropped,
18 where was that? Where was the gun supposedly dropped?

19 A That was while Quante Davis was receiving treatment
20 for the panic attack he was taking -- or having. And that
21 happened in the Boulder Creek Apartments off Furman Hall
22 Road.

23 Q So not at Club Bugatti?

24 A That's correct, not at the club.

25 Q The cell phone records that are in front of you right

1 now, let's talk about that briefly. Those records --
2 whose phone are the records from?

3 A Bradford Williams, the Defendant.

4 Q And he was arrested -- what day was he arrested at
5 the Quality Inn?

6 A December 11th, 2014.

7 Q And you got a search warrant for that hotel room?

8 A Yes, we did.

9 Q And did you find any cell phones in that hotel room?

10 A Yes, sir. We found six cell phones in the hotel
11 room.

12 Q Did you say "six cell phones"?

13 A Yes, sir.

14 Q When you spoke with Mitchell Sloan, how many numbers
15 did Mitchell Sloan say he had been called by?

16 A He just provided me with that one phone number we
17 talked about a few moments ago.

18 MR. GREGORY: All right. I have no further
19 questions, Your Honor.

20 MR. ROBINSON: One question on redirect, Your Honor.

21 THE COURT: Certainly.

22 REDIRECT EXAMINATION

23 BY MR. ROBINSON:

24 Q So the gun -- the gun that we're talking about that
25 Quante Davis had, while it wasn't found at the scene, it

1 was dropped at some point; is that correct? Someplace?

2 A I don't know for a fact he even had a gun. But there
3 was rumor that he had dropped what was supposedly a BB gun
4 at Furman Hall Apartments -- or Boulder Creek.

5 MR. ROBINSON: Okay. Thank you.

6 THE WITNESS: Yes, sir.

7 MR. ROBINSON: Your Honor, at this point, I'd ask
8 that Officer Fortner be excused.

9 THE COURT: Well, he's the investigating officer, as
10 I was reminded yesterday, so he's entitled to be here.

11 MR. ROBINSON: Excused from the witness chair, Your
12 Honor.

13 THE COURT: Oh, all right. Step down.

14 THE WITNESS: Yes, sir.

15 MR. ROBINSON: Your Honor, the next witness in this
16 case is Victoria Williams.

17 THE CLERK: Ms. Williams, please, place your left
18 hand on the Bible and raise your right hand.

19 WHEREUPON,

20 VICTORIA M. WILLIAMS,

21 after first having been duly sworn, testified as follows:

22 THE CLERK: Thank you.

23 Please state your full name for the record and spell
24 it as well.

25 THE WITNESS: Victoria M. Williams. V-I-C-T-O-R-I-A,

1 M, Williams, W-I-L-L-I-A-M-S.

2 THE CLERK: Thank you.

3 You may be seated.

4 DIRECT EXAMINATION

5 BY MR. ROBINSON:

6 Q Good morning, Ms. Williams.

7 A Good morning.

8 Q Ms. Williams, what relation are you to Bradford
9 Williams?

10 A Bradford is my second-born son.

11 Q Second-born son. How many kids do you have?

12 A Four boys.

13 Q And what are they names?

14 A Middleton Hester Williams, Bradford Hester Williams,
15 Theodis Hester Williams, and DeAndre Hester Williams.

16 Q Okay. And may I ask this, what do you do?

17 A I'm a lab technician.

18 Q And where -- what does a lab technician do?

19 A I collect blood samples and analyze them so the
20 doctors can diagnose the patients and treat them.

21 Q Okay. And where do you work?

22 A I work at a doctor's office in Greenville.

23 Q Okay. Got you. Okay. I want to take you back to
24 November 27th, 2014, which was Thanksgiving.

25 A Yes.

1 Q All right. Do you recall Thanksgiving dinner on
2 November 27th, 2014?

3 A I do.

4 Q Tell the jury this, what is Thanksgiving dinner like
5 at the Williams house. What do you do?

6 A Well, usually, at the Williams house, I always would
7 cook a big meal to leave at home. And then I'll cook a
8 dish or two to take to our large family gathering. And I
9 cooked -- had just finished cooking Thanksgiving morning.

10 Q I hope your -- did your sons help you cook?

11 A No. I love to cook, though, so it's fine.

12 Q Okay. And what time does -- what time does
13 Thanksgiving dinner start at the Williams house?

14 A Usually, the family gathering is around noon, or
15 shortly after. But the meal that I cook is mostly so when
16 we come back home that evening, you know, we have food to
17 eat on, you know, the rest of the evening and into the
18 next day. So we usually don't eat before we go to the
19 family gathering, unless something is happening that we're
20 not going to the gathering until later, or something.

21 Q Okay. Got you. Now, take me back to November 27th,
22 2014, around noon, did Bradford come over that day?

23 A Yes.

24 Q And what time do you think he came over, if you can
25 remember?

1 A I remember they came over and, you know, I had told
2 them that I was, you know, going to be leaving to go to
3 the family gathering, you know, at 12:00. So they came,
4 you know, before 12:00.

5 Q Okay. And did you have Thanksgiving dinner with them
6 at that time?

7 A I sat down and, you know, talked to them while they
8 ate.

9 Q Okay. And so it was about noon or so, around noon or
10 so that they came by?

11 A Before noon.

12 Q And who came with --

13 A Bradford and Tiara.

14 Q And who's Tiara?

15 A Tiara is the young lady he was dating at the time.

16 MR. ROBINSON: Okay. Got you. That's all the
17 questions I have for you, Mrs. Williams.

18 Thank you for your responses.

19 Answer any questions the Prosecutor has for you.

20 THE WITNESS: Okay.

21 CROSS-EXAMINATION

22 BY MR. GREGORY:

23 Q Good morning.

24 A Good morning.

25 Q You said Bradford is your second son; is that

1 correct?

2 A Yes.

3 Q Second son out of four?

4 A Yes.

5 Q You're here supporting him; correct?

6 A Absolutely.

7 Q You don't want to see anything bad happen to your
8 son; correct?

9 A Of course not, anyone's son.

10 Q And you said that he was having dinner -- or he was
11 eating at your house before noon?

12 A Yeah. They came before noon.

13 Q Do you know how earlier before noon they came that
14 day?

15 A Somewhere between -- between 10:00 and 12:00, 9:30,
16 10:00 to 12:00.

17 Q Did he go with you to the big family gathering?

18 A No. Him and Tiara was going somewhere else.

19 Q They went someone else?

20 A Uh-huh.

21 Q So you don't know where they went after you left --

22 A No.

23 Q -- at noon? Did you leave about noon?

24 A Yes.

25 Q Okay. Did you tell -- have you told Investigator

1 Fortner any of this?

2 A No.

3 Q Did you tell anybody with law enforcement --

4 A No. I haven't talked to anyone.

5 Q So today is the first day you've discussed this?

6 A Yes.

7 MR. GREGORY: I have no further questions, Your
8 Honor.

9 MR. ROBINSON: I have redirect, Your Honor.

10 THE COURT: Please.

11 REDIRECT EXAMINATION

12 BY MR. ROBINSON:

13 Q Did they ever -- did law enforcement ever try to talk
14 to you?

15 A No. No one ever approached me, called me, or
16 anything.

17 Q Now, Ms. Williams, a minute ago, you took an oath in
18 this case and --

19 MR. GREGORY: Objection, Your Honor. This is
20 bolstering the witness.

21 MR. ROBINSON: I withdraw, Your Honor.

22 Thank you, Ms. Williams.

23 THE COURT: Very good.

24 Any further questions?

25 MR. ROBINSON: No, sir, Judge.

1 MR. GREGORY: Not from the State, Your Honor.

2 THE COURT: Very well. You may step down.

3 Thank you, ma'am.

4 MR. ROBINSON: Your Honor, at this time, the State
5 would call Tiara Washington.

6 THE CLERK: Ms. Washington, please, place your left
7 hand on the Bible and raise your right hand.

8 WHEREUPON,

9 TIARA WASHINGTON,
10 after first having been duly sworn, testified as follows:

11 THE CLERK: Please state your full name and spell it
12 as well.

13 THE WITNESS: All right. My name is Tiara
14 Washington. And that is spelled T-I-A-R-A. And
15 Washington, just like the State, W-A-S-H-I-N-G-T-O-N.

16 THE CLERK: Thank you.

17 You may be seated.

18 THE WITNESS: Thank you.

19 DIRECT EXAMINATION

20 BY MR. ROBINSON:

21 Q Good morning, Ms. Washington.

22 A Good morning.

23 Q Ms. Washington, do you know Bradford Williams?

24 A Yes, I do.

25 Q And is he sitting in the courtroom?

1 A Yes, he is.

2 Q Where is he sitting?

3 A Right there beside you.

4 Q This gentleman?

5 A Right beside you in the purple, yes.

6 Q Back in November of 2014, were you involved with
7 Brad?

8 A Yes, I was. I was his girlfriend at the time.

9 Q Did you live together?

10 A Yes, we did. We lived together.

11 Q And where did you live?

12 A We lived in rooms. At that time, in November, we
13 were, actually, at the Savannah Suites motel.

14 Q Okay. Tell me about the Savannah Suites motel. What
15 is it? Is it just -- is it one room?

16 A What do you mean? Yeah. It's one room and a
17 bathroom. That's it, no other parts, or, like, anything
18 else. It's just, like, a one-room room. It does have a
19 little kitchen area with a little bathroom. And that's
20 about it.

21 Q Let's go back to the night of November 27th, 2014.
22 Tell me about that night. Let's start, like, in the
23 evening and go through the morning.

24 A What date again?

25 Q It would be -- start with the late evening on

1 November 26th, and then go into the next morning,
2 November 27th.

3 A Okay. Well, from around November 26th, on that day,
4 as I recall, it was a normal day. We are like routine
5 people. We do the same thing every day. We're in the
6 room together, so we're able to see what we do all day.
7 But I fixed him dinner. It was a normal day. He played
8 on the game, a PlayStation 4. He was playing a game all
9 night and probably laid down around 11:00 that night
10 and -- do you want me to continue?

11 Q Yes.

12 A So we slept together through the night. That
13 morning, we woke up 7:00, 7:30, 7:30ish. He had a
14 routine. I fixed some coffee in the morning. He got in
15 the shower. It was a regular old day. Once we left that
16 morning, it was Thanksgiving, so we did go over to his
17 mother's house. We ate breakfast that morning.

18 When we got back to the room, we got back and checked
19 on the door because we had a problem with the room door
20 that we had been complaining about for a minute. So we
21 checked on the door to make sure the door was fixed. And
22 they still did not fix the door.

23 So, at that time, we decided we're not going to keep
24 continue paying if they can't fix the problems that were
25 wrong with the --

1 Q What was wrong with the door?

2 A Well, it was, actually, a breakage, like, in the door
3 where a lot of insects -- it was, actually, stink bugs, I
4 remember, were getting in the door at that time. And you
5 had to, literally, slam the door to shut it -- like,
6 really hard for it to shut. And that was the problem with
7 the door.

8 Q Let's talk about the -- the -- between 12:00
9 midnight, which is the start of the 27th.

10 A Okay.

11 Q Until 7:00 in the morning. Did Brad leave that room?

12 A No. Brad did not leave the room from 12:00 to 7:00.
13 I would know. I would know. If he had left the room, I
14 would have known. That would have been out of the
15 ordinary.

16 Q How would you know?

17 A Because I'm a -- first off, I'm a light sleeper. And
18 I'm his girlfriend. Most of the time, you sleep in the
19 bed with your -- I'm pretty sure people know, if you sleep
20 in the bed with a partner, if they get up and get out of
21 the bed, I'm going to, at least, turn over, or something.
22 Because I'm going to feel his pressure get up and get out
23 of the bed. So that was one reason I know he didn't get
24 up and leave the room.

25 And the second reason is because of the door. You

1 have --

2 Q Why would that make a difference?

3 A You have to, literally, slam the door. If he would
4 have left out of the room, I would have heard the door
5 slam. There was no possible way to shut the door without
6 slamming the door.

7 Q So during that period of time, did you ever hear him
8 get up, slam the door?

9 A No, not at all. Not at all.

10 Q And tell me, again, what the problem with Savannah
11 Suites was?

12 A The problem?

13 Q Yeah.

14 A Well, it was just -- are you saying why we moved?

15 Q Yeah.

16 A The maintenance issue. And then later on -- I think
17 it was the next year or some months after, Savannah was
18 shut down. Now, it is Motel Six. And it was shut down
19 for, like, I think flooding and structure issues, and
20 safety issues, and not having the little fire things, you
21 know. So it had been shut down. It was, basically,
22 maintenance. We had been complaining.

23 And the other -- also, there was another reason,
24 also, I had lost a job. I did have that proof. I lost my
25 job on November 20th. I got that from the job showing.

1 So finances were not also -- as far as staying there, I
2 didn't think it was a good idea with safety and money
3 issues.

4 Q Now, do you recall a Cadillac that Brad owned at some
5 point?

6 A Yes.

7 Q Tell me about the Cadillac.

8 A He had a Cadillac. It was a silver Cadillac DeVille.
9 It was one of his first cars. He was happy when he did
10 get it.

11 MR. ROBINSON: Your Honor, may I approach the
12 witness?

13 THE COURT: Certainly.

14 BY MR. ROBINSON:

15 Q Ms. Williams [sic], I'm going to let you look at
16 what's been marked State's Exhibit Nos. 52 through 48. Do
17 you recognize this? I'm going to let you look at those.

18 A Of course, I do.

19 Q And what is that?

20 A Pictures of Brad, his car, me. That is the actual
21 room, too, also, that we were in at Savannah Suites.

22 Q Okay. And when were those pictures taken? Who took
23 those pictures?

24 A Well, the pictures with him in front of them, I took
25 the pictures.

1 Q When did you take them?

2 A This was around -- this was in October. I remember
3 when we got them filled. Somewhere -- I know it was in
4 October --

5 Q Okay.

6 A -- when we took the pictures.

7 Q What kind of camera did you use?

8 A It was, actually, like an older -- one you have to
9 take -- I took it to CVS to get filled with the little
10 roll in it. You know the ones you buy from the store
11 already put together.

12 Q Did you have any problems with this Cadillac?

13 A Yeah, from the very beginning. When Brad bought the
14 Cadillac, it was bought, like, you know, as is and fully
15 paid for. It wasn't a lien on it, or any type of payment.
16 So he bought it as is from, I guess, the owner. It was on
17 the side of a little car wash.

18 But when he bought the car, immediately, like, a
19 week, two weeks later, it started running hot. So we were
20 having problems with it running hot and being on the side
21 of the road, putting water in it every day. Over time, we
22 tried to take it to a couple of places to get fixed. We
23 had a random person, you know, that fixes cars that tried
24 to fix it. It didn't work.

25 We took it to Pep Boys. I, also, tried to get that

1 receipt because when we took it to Pep Boys, they refunded
2 the money. They, actually, fixed it, charged us the
3 money. He paid the money. We came back two days later
4 because it was running hot again. They, actually, tried
5 to look at it again. And they refunded the money at the
6 time. They were unable to fix it.

7 Q What did you do after they couldn't fix it?

8 A After we couldn't -- we continued to try to drive it,
9 you know, little short places here and there. But it
10 still was running hot. I do remember a guy on the side of
11 the road one time giving Brad a number, like, Hey, here's
12 a guy I know that might can fix it.

13 Because as far as the dealership -- Pep Boys told us
14 to take it to the dealership. And we don't have that type
15 of money. That was just not an option for us.

16 Q So what happened to the car?

17 A Huh?

18 Q What happened to the car?

19 A What happened to the car?

20 Q Yeah.

21 A Well, at that time, like I said, there was a guy that
22 gave us a number. From my understanding, Brad called the
23 number, called the guy, or whatever, and gave it to him to
24 try to fix it. We were out of a vehicle around Halloween.
25 I remember this for a fact because I was unable to even

1 take my daughter trick or treating. So I remember for a
2 fact on Halloween day we did not have the Cadillac at that
3 time because --

4 Q So this is Halloween day 2014?

5 A Yeah.

6 Q Okay. And how did you get around?

7 A I didn't have a vehicle at that time. I called my
8 cousin, let him know, you know, I was in between jobs,
9 trying to find a job, trying to get my finances right. I
10 was just now about to start a job at H.T. Hackney.

11 So I was trying to find a job and I was about to
12 start a job. And I didn't have a vehicle. I didn't have
13 a vehicle to take my daughter to do stuff. And I asked my
14 cousin -- you know, I knew he had multiple cars.

15 Q Who was your cousin?

16 A My cousin's name is Mario.

17 Q Did you get a car from Mario?

18 A Yes.

19 Q What kind of car?

20 A It was a dark green Crown Vic, I think, you know.
21 I'm not too good with, actually -- you know, with models,
22 and all that. But it was a dark green Crown Vic, I think.

23 Q Is that the car that you had starting Halloween of
24 2014?

25 A Yes. That is the vehicle that I was using to get

1 around.

2 Q Was that -- were you able to get around with your
3 kid, and so forth?

4 A Exactly.

5 Q Okay. Ms. Washington, are you and Brad still a
6 couple?

7 A No, we're not. We're not together any more.

8 MR. ROBINSON: That's all I have, Ms. Washington.
9 Answer any questions the Prosecutor has.

10 THE WITNESS: Uh-huh.

11 CROSS-EXAMINATION

12 BY MR. GREGORY:

13 Q Good morning, Ms. Washington.

14 At the time, you and Brad were boyfriend and
15 girlfriend; is that correct?

16 A Yes, sir.

17 Q How long were you guys together?

18 A At what time?

19 Q At that time. Back in 2014, how long had you guys
20 been dating up until November of 2014?

21 A Up until November, we had been dating since around
22 May.

23 Q How long had you known him?

24 A I had known Brad from, like, just the beginning of
25 that year, January.

1 Q And you mentioned your daughter a second ago, taking
2 your daughter around, is that Brad's daughter?

3 A No, it's not.

4 Q Was your daughter staying with you at the Savannah
5 Suites?

6 A No, she was not. She was living with my mother.

7 Q Okay. Speaking of Savannah Suites, you said you lost
8 your job on November 20th; is that correct?

9 A Yes.

10 Q And you were at Savannah Suites at that time?

11 A At what time?

12 Q You said you were at Savannah Suites at that time?
13 Staying there?

14 A Yeah. We were still there.

15 Q And that was a prepaid motel; correct? You paid a
16 month -- or a week in advance each time?

17 A A week in advance, yes, we did. We paid weekly.

18 Q So you just testified that you left the hotel because
19 you were having money problems. But you prepaid for a
20 week, but you left in the middle of the week?

21 A Exactly. That's correct. We left in the middle of
22 the week, before the week was over.

23 Q Before the week was over?

24 A Yeah. And the reason being because of the
25 maintenance issues. And they refunded us the money for

1 those days. So I did want the money back, the money that
2 they were going to refund for those days. Why stay the
3 whole week when there's problems with the door? And I'm
4 not going to be receiving but, like, a two-day check the
5 next week.

6 Q Now, the Cadillac, you said it was overheating in
7 October, around Halloween; is that correct?

8 A The whole time we had it.

9 Q The whole time you had it. Who did you take it to to
10 get worked on?

11 A I didn't take the vehicle anywhere to get worked on.

12 Q Do you know where it was taken to get worked on?

13 A I know the guy -- I don't know the actual guy who
14 gave us the number, but I know it was a number given for a
15 guy that was recommended. And from my understanding,
16 that's where the vehicle was.

17 Q So you don't know who that guy -- what his name is?

18 A Not at all. Because it was a random guy that walked
19 up to us, like, Hey, do you guys need help? Like I said,
20 we were on the side of the road a lot of times just
21 putting water in it, letting it cool down, you know, get
22 back low so to where we can drive it a little distance
23 again. So, yeah, a guy came to us and he was like, Hey, I
24 recommend this number. I remember -- you know, you can
25 try taking it to him.

1 Q So a random guy --

2 A As far as me taking the vehicle, no, I did not.

3 Q A random guy approached you on the street and took
4 the car to work on?

5 A He didn't take the car --

6 Q He gave -- I'm sorry --

7 A No. He gave us a number to a guy he recommended us
8 take it to.

9 Q Okay. And the pictures -- is that you in the
10 picture?

11 A Yes. That is me.

12 Q And you said that was taken in October?

13 A This picture?

14 Q Yes.

15 A Yes.

16 Q So any testimony that it was taken a year ago would
17 be inaccurate; is that correct?

18 A Exactly. Because it was taken in 2014.

19 Q In 2014 in October. Do you remember when in October?
20 Was it closer to Halloween or --

21 A No. The only reason I, specifically, kind of
22 remember it was October is because I was the one who took
23 the film to CVS to get filled.

24 So when you take the film, on the back of the slip or
25 thingy, the little thing they have the pictures in, it has

1 a date that, you know, they had it done -- and they were
2 done. So I do remember it was October.

3 Q Okay. Do you remember talking to Investigator
4 Fortner?

5 A Yes, I do.

6 Q And I believe that was on December the 12th; correct?

7 A Correct. That's correct.

8 Q And, at that time, you went to the law enforcement
9 center to talk to him; correct?

10 A Yes, I did.

11 Q Okay. And the reason you went to the law enforcement
12 center to talk to him was you wanted the green Crown Vic
13 back?

14 A Yes. Because I was not there when Brad was arrested
15 and they took the vehicle. And that was my cousin's
16 vehicle. So I was just trying to get the car back, at
17 least. You know what I'm saying?

18 Q And that conversation was recorded; correct?

19 A Correct.

20 Q All right. Did you mention any of this to
21 Investigator Fortner at that time as far as Brad being
22 with you in the hotel room that night?

23 A They never asked me any questions about that. They
24 did ask me questions about seeing the Cadillac, and when
25 the last time I seen the Cadillac was. And I told them it

1 had been, at least, almost three months ago when we had --
2 you know, since we had the Cadillac.

3 Q So it's your testimony that they never asked you
4 about this incident?

5 A My testimony -- they never asked me what I did that
6 night, what happened this Thanksgiving Day, never.

7 Q They never asked you whether or not the Defendant
8 told you about what happened this night?

9 A They never asked me that.

10 Q They never asked you that?

11 A Correct.

12 MR. GREGORY: Okay. I have no further questions,
13 Your Honor.

14 THE COURT: Any redirect?

15 MR. ROBINSON: May it please the Court.

16 Your Honor, I have one thing outside the presence of
17 the jury. I apologize.

18 THE COURT: Mr. Foreman, ladies and gentlemen of the
19 jury, if you will retire to the jury room. Don't
20 undertake discussion of the case among yourselves in any
21 way.

22 (WHEREUPON, the jury was excused from open court at
23 approximately 11:35 a.m.)

24 MR. ROBINSON: May it please the Court.

25 THE COURT: All right. Mr. Robinson.

1 MR. ROBINSON: Your Honor, before we go any further,
2 since Mr. Gregory has tried to talk about this video that
3 Officer Fortner -- okay. I'm going to stop myself right
4 there.

5 This audio interview he had with her, I had -- I'd
6 like to be able to play that to the jury so they can hear
7 it so they know that what she's testifying to is exactly
8 what she said to Officer Fortner. Because that's what
9 he's tried to do. He's tried to say she didn't say that.
10 And, now, the jury has this question of what does this
11 audio say in this case.

12 THE COURT: What you do is ask her --

13 THE WITNESS: I would like it played. I'm sorry,
14 sir. I didn't know. I apologize, Your Honor.

15 MR. GREGORY: Your Honor, I have no objection to it
16 being played.

17 THE COURT: That's what I'm saying. All you have to
18 do is play it since he brought it up. This is redirect.

19 MR. ROBINSON: I was just -- may it please the Court.
20 I was just going to have him help me play it."

21 THE COURT: Well, I think they will.

22 MR. ROBINSON: I don't know, Your Honor. I'm looking
23 over there and I'm thinking maybe not.

24 THE COURT: Well, whatever --

25 MR. ROBINSON: I'd like to have it proffered first,

1 Judge, so I can make sure there's no --

2 THE COURT: All right. We'll go off the record so
3 everybody will be satisfied that people are working with
4 each other, the machine is working, it's what you want to
5 hear -- not maybe what you want to hear, but what is being
6 played.

7 All right. We'll go off the record.

8 (WHEREUPON, a break was taken.)

9 THE COURT: All right. I understand, Mr. Robinson,
10 you have something to say about the video now.

11 MR. ROBINSON: I do, Judge. We transcribed what we
12 were provided by the State, the audio. We didn't get a
13 video. We just got an audio. And I'm assuming from this,
14 this is word for word what was said.

15 MR. ROBINSON'S ASSISTANT: What we could hear.

16 MR. ROBINSON: What we could hear in this case. And
17 that's the purpose why I'm doing this. Because he's just,
18 basically, impugned her credibility in this matter. And I
19 want to have it heard and proffered before I have this in
20 front of a jury, and so forth.

21 THE COURT: Well, State v. Cabrera Pena says that if
22 a portion of a witnesses statement is proffered, then the
23 other side is entitled to the complete statement.

24 MR. ROBINSON: Yes, sir.

25 THE COURT: I'm just telling you that. And it was an

1 excellent opinion.

2 MR. ROBINSON: Oh, yeah.

3 Judge, the difficulty I'm -- and I want to make sure
4 I don't -- I want to have some brevity here. We didn't
5 get a video. We got an audio and -- that we could play.
6 And we transcribed what we could hear. And we couldn't
7 hear a lot of stuff that was going on because --

8 Mr. Fortner has a great voice. The people he talks to
9 don't have a good voice. You can't hear them. And this
10 is the first time I'm hearing it, you know.

11 THE COURT: Well, do you want it played or not?

12 MR. ROBINSON: I'm going to refrain from it being
13 played. Because, all of a sudden, I'm concerned what's on
14 it. So I'm going to --

15 MR. GREGORY: Judge, I'm going to be playing this in
16 rebuttal.

17 MR. ROBINSON: Well, I'm not going to ask for it.

18 THE COURT: Well, that's all right. It's been
19 brought up.

20 MR. ROBINSON: Judge, I want to get a chance to look
21 at this.

22 MR. GREGORY: We provided it to him in discovery,
23 Your Honor. I've got a discovery receipt right here.

24 THE COURT: Audio or video?

25 MR. GREGORY: It's a CDR. It's a -- the disk that is

1 in there, we provided a copy of that to him, Your Honor.
2 There's one recorded interview.

3 Now, whether or not he was able to pull up the video
4 portion of it or just the audio portion, that I cannot
5 tell you. I know he e-mailed me several times saying, I
6 can't see this, I can't hear this. I've made separate
7 copies, more and more copies to make sure he can. And
8 I've even made myself available for him to come in and
9 watch and look at everything he wanted to see. But it's
10 been provided to him in discovery.

11 THE COURT: Well, again, it's not so much how much
12 one is able to discern, but the fact is if it's a part of
13 a complete exhibit, once proffered a portion of it, the
14 other side is entitled to the fullness of it. It might be
15 one of those situations that you want to be careful about
16 what you ask for.

17 MR. ROBINSON: I'm not going -- I'm going to withdraw
18 my --

19 THE COURT: Well, I think he -- the only thing is do
20 so knowingly. Because it's already been introduced, I
21 mean, as far as in the testimony.

22 MR. ROBINSON: So we would ask for the video to not
23 be played at this time. Because I need to go look at what
24 they've -- we could only get what we received.

25 THE COURT: Well, then you knew that's all you got.

1 MR. ROBINSON: We transcribed what we got.

2 THE COURT: Well, put that up. And they'll put up
3 the balance. I mean, I'm sorry, you know. Y'all
4 apparently are under the old system of ambush, you know.
5 I'm sorry. Ambush and siege is no longer the rule.

6 The rule is that you provide whatever you're supposed
7 to. And if you're dissatisfied with what you get, you ask
8 for more, rather than expect the jury and, heaven forbid,
9 the Judge having to make these decisions in the middle of
10 a trial with a witness on the stand.

11 MR. ROBINSON: Yes, sir.

12 THE COURT: Go ahead. I can't reverse --

13 MR. ROBINSON: Oh, yeah, of course.

14 THE COURT: -- where we --

15 MR. ROBINSON: Yes, Judge. So I'm not -- I don't
16 want it to be played.

17 THE COURT: I know you don't. By why is it you
18 introduced it? I can't reverse what has been done.

19 MR. ROBINSON: Okay, Judge.

20 THE COURT: Once it was brought up, they're entitled
21 to have it -- since the door has been opened, as we say,
22 somebody can walk through it.

23 MR. ROBINSON: Well, I'm going to -- if it's okay
24 with the Court, what I'm going to do is the transcription
25 that we have from what they gave us, I'm going to

1 introduce it through her as far as --

2 THE COURT: Very well. But they will be entitled --
3 since you produced a portion of it, then you realize they
4 have the option --

5 MR. ROBINSON: Yes, of course.

6 THE COURT: Thank you.

7 Very well. Now, how do you wish to proceed?

8 MR. ROBINSON: They want to -- may it please the
9 Court, Your Honor.

10 They want to play this in rebuttal to what she says?

11 THE COURT: Right.

12 MR. ROBINSON: But I want to put this in the record.

13 THE COURT: Well, you can do that. That's all I'm
14 asking.

15 Do you want to proceed with your redirect of the
16 witness and do whatever you would with it, what you have?

17 MR. ROBINSON: At this time, I am going to proceed
18 with redirect and put in the portion that I have.

19 THE COURT: Very good.

20 Okay. So let's take that down. And I guess we can
21 leave the screen down.

22 All right. I'll tell you what. I think we need to
23 take a short break. Let's just take five minutes and come
24 back at 10:50 -- or 10 until 12:00.

25 All right. You do understand you're under oath? So

1 you cannot talk to anybody or discuss your testimony in
2 any way, including the attorneys or anyone else.

3 THE WITNESS: I do understand, Your Honor.

4 THE COURT: Very good. Thank you.

5 THE WITNESS: Thank you.

6 (WHEREUPON, a break was taken.)

7 THE COURT: Yes, sir.

8 MR. ROBINSON: When the jury comes back, I have no
9 more questions for Ms. Washington. I'll be done -- I'm
10 done with my redirect.

11 THE COURT: All right. You -- in other words, you're
12 going to announce that you're not continuing -- you've
13 finished your redirect?

14 MR. ROBINSON: Yes, sir.

15 THE COURT: All right. Anything else from the State?

16 MR. GREGORY: Not from the State, Your Honor.

17 THE COURT: Anything else from the Defense?

18 MR. ROBINSON: No, sir.

19 THE COURT: Okay. Ask the jury to join us.

20 (WHEREUPON, the jury came into open court at
21 approximately 11:59 a.m.)

22 THE COURT: Let the record reflect the jury and
23 alternate are in the jury box.

24 Mr. Robinson.

25 MR. ROBINSON: May it please the Court.

1 I have no more redirect, Your Honor.

2 THE COURT: Very good.

3 Is there any recross?

4 MR. GREGORY: No, Your Honor.

5 THE COURT: All right. Very well.

6 You may step down.

7 Thank you, ma'am.

8 THE WITNESS: Thank you.

9 Your Honor, am I allowed to stay in the courtroom, or
10 do I have to go back out there?

11 MR. ROBINSON: You can stay.

12 THE WITNESS: All right.

13 THE COURT: You may call your next witness.

14 MR. ROBINSON: Thank you, Judge.

15 The Defense calls Bradford Williams.

16 THE CLERK: Mr. Williams, place your left hand on the
17 Bible and raise your right hand.

18 WHEREUPON,

19 BRADFORD HESTER WILLIAMS,

20 after first having been duly sworn, testified as follows:

21 THE CLERK: Thank you.

22 Please state your full name and spell it as well.

23 THE WITNESS: My full name is Bradford Hester
24 Williams, B-R-A-D-F-O-R-D, H-E-S-T-E-R, W-I-L-L-I-A-M-S.

25 THE CLERK: Thank you.

1 You may be seated.

2 THE COURT: All right. You may proceed.

3 DIRECT EXAMINATION

4 BY MR. ROBINSON:

5 Q Mr. Williams, how old are you?

6 A I am 25 years old.

7 Q 25. How far did you go in school?

8 A Maybe the ninth grade.

9 Q Ninth grade. Did you get your GED?

10 A Yes, sir.

11 Q Okay. Where did you get your GED?

12 A TYRCI.

13 Q What's it called?

14 A Tyger River Institutional High School.

15 Q Do you have any children?

16 A No, sir.

17 Q Now, what is the name of your mom and dad?

18 A Victoria Williams and Ronald Williams.

19 Q Tell me about your mom. What's she like?

20 A She's a sweet, loving, caring, nurturing person.

21 Q Well, that's a good thing. Okay. Are you guys
22 close?

23 A Yes, sir.

24 Q Okay. What did you and your family do together when
25 you were growing up?

1 A You know, stuff regular families do, you know, family
2 events, barbecues, you know, church.

3 Q Where did you go to church?

4 A Redemption.

5 Q Okay. Now, did you -- do you have brothers and
6 sisters?

7 A Yes, sir.

8 Q And who are they?

9 A I have approximately 10 brothers and sisters.

10 Q How many?

11 A 10.

12 Q 10?

13 A Yes.

14 Q 10?

15 A Yes, sir.

16 Q Like T-E-N?

17 A Uh-huh.

18 Q I was going to say I -- I had your mother a second
19 ago and I feel -- anyway, 10?

20 A Yes, sir.

21 Q Well, tell me who these 10 are?

22 A You have the four, you know, by my mother, which
23 would be Middleton, Theodis, and DeAndre, and then myself
24 included in the four.

25 Q Now, are you the youngest?

1 A No, sir. I'm second to oldest.

2 Q Second to oldest?

3 A Yes, sir. And then --

4 Q So where's the other six?

5 A My oldest brother is by my father, which would be

6 Freddie McGowen, and then you have Dennis

7 Partlow [phonetic] --

8 Q Are these step brothers?

9 A No. These are my brothers. They have different
10 mothers.

11 Q Oh, different mothers. Got you.

12 A And you have my brother, Ronald Thomas. Then you

13 have my sister, my eldest sister, Karetta [phonetic]

14 Miller. And you've got Belina [phonetic] Vance. And you

15 have Kim Belcher. Then you have Jenny Williams.

16 Q You must have one heck of a Christmas. Did you --

17 now, what -- did you have -- where did you go to school?

18 A I went to school at Greenville High School.

19 Q Did you play sports?

20 A I attempted to play basketball.

21 Q You attempted to play?

22 A I attempted.

23 Q What do you mean "attempted to play"?

24 A I tried out. I didn't make it.

25 Q You didn't make it?

- 1 A No, sir.
- 2 Q Did you ever play football?
- 3 A No, sir.
- 4 Q What -- when you were getting your GED at Tyger
5 River, did you have any subjects you liked?
- 6 A Math has always been my favorite subject.
- 7 Q Math?
- 8 A Yes, sir.
- 9 Q And what did you want to be when you grew up?
- 10 A Growing up, I used to want to be a general in the
11 Army.
- 12 Q A what?
- 13 A A general.
- 14 Q Okay. Now, let's talk about your background. Okay.
- 15 A Uh-huh.
- 16 Q Now, it's -- you've had -- you've had a little bit of
17 a record. Is that fair to say?
- 18 A Yes, sir.
- 19 Q Let's talk about your record. And you correct me if
20 I'm wrong. In July of 2009 -- or 2010, excuse me, you
21 were convicted of a drug charge; is that right? For
22 cocaine base; is that right, first offense?
- 23 A Yes, sir.
- 24 Q Is that true?
- 25 A Yes, sir.

1 Q And you got three years with a fine of a thousand
2 dollars and court costs. Then again, in -- you have
3 another -- you have two drug charges altogether; is that
4 right?

5 A Yes, sir.

6 Q What was -- the first one was in 2009, and the second
7 one was in 2010; is that right?

8 A No, sir. They both took place in 2009.

9 Q Okay. And how old were you in 2009?

10 A I was 17.

11 Q And then you had a charge in 2010 for assault and
12 battery first offense; is that right?

13 A Yes, sir.

14 Q And assault -- simple assault and battery first
15 offense. What was that about?

16 A I had got into a fight with an older guy in the
17 neighborhood that I grew up in.

18 Q Okay. And I think you got 10 years suspended on five
19 years with the balance suspended to three years; is that
20 right?

21 A Yes, sir.

22 Q Besides those charges, any other charges you can
23 recall you have?

24 A No, sir.

25 Q So a total of three charges; right?

1 A Yes, sir.

2 Q You don't deny you have these charges, do you?

3 A No.

4 Q You don't deny your past, do you?

5 A No, sir, I don't.

6 Q Let me ask you this. Let's go back to November 27th,
7 2014.

8 A Yes, sir.

9 Q You've been in the courtroom, and so forth, hearing
10 everyone testify. Tell me about the night of
11 November 26th and the morning of the 27th of 2014. Where
12 were you?

13 A The night of the 26th?

14 Q Uh-huh. What I'm saying is right before the --
15 Thanksgiving is the next day.

16 A Okay. So the night of the 26th, I was in my bed
17 asleep, you know. The 26th was a regular day, you know,
18 get up, coffee, you know. Tiara was out of a job around
19 that time. So we were lounging around the room, you know,
20 ate at a couple of fast-food places. She cooked dinner
21 that night. I laid down.

22 Q Did you play a video game that night?

23 A Yeah, probably. I like video games, me and my
24 brother.

25 Q Which brother did you play with?

1 A Mills, my older brother, Middleton Williams.

2 Q Were you living at Savannah Suites at the time?

3 A Yes, sir, I was.

4 Q So -- and what did you do -- where were you between
5 the hours of midnight on the 27th -- the morning of the
6 27th until 7:00 in the morning on the 27th. Where were
7 you?

8 A I was in my bed asleep.

9 Q Okay. And was Tiara with you?

10 A Yes, sir.

11 Q Okay. Tell the jury about the door at this -- at
12 this room at Savannah Suites.

13 A Well, the door -- concerning the door at the Savannah
14 Suites, it was, actually, protruding out of the frame
15 where you could, actually, look outside and, actually, you
16 could see outside, you know. And with that being said, it
17 was a lot of insects that used to enter the room. You
18 know what I'm saying?

19 Like, I would wake up and it would be not only stink
20 bugs, but all types of bugs. I've, actually, had to kill,
21 like, big spiders, and all types of stuff. I don't think
22 anybody would pay for that.

23 Q How would you -- tell me about the door as far as
24 getting out.

25 A I mean, you, also, had to slam the door just to leave

1 most of the time.

2 Q Okay. Did you check out that day?

3 A The 27th, yes, sir, I did.

4 Q And --

5 MR. ROBINSON: May I approach the witness, Your
6 Honor.

7 THE COURT: Certainly.

8 BY MR. ROBINSON:

9 Q Mr. Williams, I'm going to ask you to look at what's
10 been marked as State's Exhibit No. 44, and see if you
11 recognize this. Here you go.

12 A Thank you.

13 Q What exactly is that?

14 A This is a receipt.

15 Q Okay. Does it show when you checked out of the
16 Savannah Suites?

17 A Yes, sir.

18 Q And what time did you check out? And what date did
19 you check out?

20 A October 27th.

21 Q Is that November 27th?

22 A November.

23 Q Okay. What time did you check out on November 27th?
24 Does 11:00 on the 27th sound about right?

25 A Yes, sir. 11:01 to be exact.

1 Q Okay. Let me get that back for one second.

2 And why did you check out of the Savannah Suites at
3 that point?

4 A Because I got tired of paying for a place that would
5 not give me what I felt like was sufficient service.

6 Q And what do you mean by that?

7 A I mean, they would not come around. They would not
8 do maintenance, you know, on the door after I asked them
9 multiple times. They would not move me to another room,
10 you know. And I got tired of waking up with bugs in my
11 house -- or in my living quarters.

12 Q And what time of year was this? This was around
13 Thanksgiving; right?

14 A Uh-huh.

15 Q Did you go to your mom's for Thanksgiving that day?

16 A Yes, sir, I did.

17 Q And who was there when you went there for
18 Thanksgiving?

19 A My mother was there. And my older brother was there.
20 And my younger brother was there.

21 Q Okay. Did you have Thanksgiving with your mom?

22 A Yes, sir, I did.

23 Q And who went with you?

24 A Tiara.

25 Q Tiara. Now, what's the vehicle you guys drove over

1 there in that day?

2 A It was a green Cadillac -- not a Cadillac, but a
3 green Crown Vic.

4 Q Okay. And why did you have a Crown Vic instead of a
5 Cadillac?

6 A Because the Cadillac was running hot. It was not
7 good. And it barely made it from point A to point B.

8 Q What was the Cadillac doing? Was it a 2005 Cadillac?

9 A Yes, sir, it was. It was a 2005 Cadillac DeVille.
10 And, you know, actually -- there was, actually, a recall
11 on that car that I found out later on due to the same
12 issues with the Northstar Motor.

13 Q What exactly -- when you say there were problems,
14 what were the problems with it?

15 A It was running hot. I mean, I changed the
16 thermostat, changed the water pump. You know, I even
17 tried to put some [inaudible] in it to see if it was a
18 long head gasket, something cracking the head gasket. It
19 was still running hot.

20 Q So what did you do -- when did you take -- when did
21 you do something about the car?

22 A I mean, you know, it started running hot probably,
23 like, a couple weeks after I got it. It was a
24 nice-looking car. That's why I didn't want to get rid of
25 it. I had just bought it. And it was, like, my first

1 car -- well, second one, but really like my first.

2 But, you know, after two weeks, you know, I had
3 called a little -- you know, a little side man. He came,
4 you know. He was telling me about the water pump, and
5 thermostat, and things of that nature. So I did all that
6 and I thought that would suffice. It didn't.

7 So, you know, I took it to Pep Boys. I, you know,
8 paid them a decent amount of money. I thought they would
9 get it fixed because, you know, they're supposed to be
10 professionals. So I left it up there for a little while,
11 came back. I think I didn't make it down the street, man.
12 I got up the street and it was still running hot by the
13 time I got back to the room.

14 Q So what happened after you -- after it didn't work at
15 Pep Boys, what did you do?

16 A Well, I took it back and got my money back, first of
17 all. And, second of all, I -- you know, around that time,
18 probably I'd say late October, you know, we ran into a guy
19 while we were on the side of the road putting antifreeze
20 in the car. I kept a lot of antifreeze in the trunk
21 because, you know, it keep running hot. And it burns off
22 the antifreeze when it runs hot, so, you know, you have to
23 refill it.

24 I thought it was a leak, but, you know, they said it
25 was either or. But, you know, while I was putting

1 antifreeze in the car, a guy asked me, you know, Do you
2 need any help?

3 And I was like, Nah, I'm good.

4 And he was like, Well, I've got a decent mechanic for
5 you if you need one. And we got into the discussion about
6 what was going on with my Cadillac, and things of that
7 nature. And he told me -- he gave me a reference.

8 Q What happened after that?

9 A After that, you know, I contacted the reference. And
10 it turns out he was in my old area where I grew up at,
11 which is Poe Mill.

12 And so, you know, I scheduled a date to meet with
13 him. And, you know, I took my car up there and I left it
14 up there to be serviced. And, you know, what we came to
15 the conclusion was that it might need a radiator. So he
16 told me he'd put the radiator in. So I was like, Sure,
17 okay.

18 So around that time, we had the Crown Vic. So, you
19 know, I just dropped the car off over there and I left it
20 over there.

21 Q On November 27th, 2014, which car did you have?

22 A November 27th? Oh, I was driving the Crown Vic.

23 Q And what color is the Crown Vic?

24 A Green, like, a dukey green.

25 Q Did you drive that to your mother's house?

1 A Yes, sir.

2 Q And who was with you?

3 A Tiara.

4 Q Okay. Let's talk about the night in question. Did
5 you -- did you know the two gentlemen that were killed in
6 this case?

7 A No, sir.

8 Q Okay. Did you have any dealings with them at all?

9 A Never.

10 Q Okay. I'm sorry. Now, let's talk about -- at some
11 point, did you move into the Quality Inn?

12 A Yes, sir, I did.

13 Q Okay. And where is this Quality Inn located?

14 A South Pleasantburg, I believe.

15 Q Okay. And did you go there with Tiara?

16 A Yes, sir.

17 Q Okay. And, at some point, did the police knock on
18 your door?

19 A Yes, sir.

20 Q And did they arrest you?

21 A Yes, sir.

22 Q Okay. What type of gun did you have at that time?

23 A I had a Taurus 45 Millennium.

24 Q A Taurus Millennium?

25 A Yes, sir.

1 Q Did you have a 380?

2 A No.

3 Q Did you have a 40?

4 A No, sir.

5 Q Now, let's talk about Quante Davis. Do you remember
6 him? He came in yesterday.

7 A Yes, sir, I do.

8 Q How do you know him?

9 A Through a mutual acquaintance.

10 Q And tell me about Quante. What you know about Quante
11 Davis just in terms of your personal dealings with him?

12 A I mean, you know, Quante, he's -- he's a thief, first
13 of all.

14 Q Okay. What was -- what was the -- you had some --
15 did you have some disagreement with him at some point?

16 A Yes, sir.

17 Q What was that about?

18 A It was, actually, over some drugs that he was
19 supposed to pay me for.

20 Q And did he ever pay for the drugs?

21 A No.

22 Q And how much was that?

23 A It came up to around about, like, \$180.

24 Q And he did not pay you?

25 A No, sir.

1 Q Okay. And did you want to find him and talk to him
2 about it?

3 A Yes, sir. I, actually, called our friend, our mutual
4 acquaintance and asked him, Have you seen him?

5 Q Who's that? Who was your mutual acquaintance?

6 A Pashe Nicholson.

7 Q Who?

8 A Pashe Nicholson.

9 Q Okay.

10 A He's our mutual acquaintance.

11 Q Okay.

12 A And I, actually, asked him, you know, has he seen
13 him. And he was like, Nah. He told me he had, actually,
14 put him out because Quante had broke into his house and
15 stole some clothes and, I think, a TV.

16 But, you know, he said, No.

17 I told him, Well, if you see him, tell him I'm
18 looking for him. I need to talk to him. And I told him I
19 was going to beat him up. I did say that.

20 Q Okay. Brad, you've been placed under oath.

21 A Yes, sir.

22 Q You took that oath. Did you have anything to do with
23 the killing of these two gentlemen?

24 A No, sir, absolutely not.

25 Q Where were you at the time?

1 A I was in my bed.

2 MR. ROBINSON: I beg the Court's indulgence.

3 THE COURT: Yes, sir.

4 (Pause.)

5 MR. ROBINSON: Please answer any questions the
6 Prosecutor has for you.

7 THE WITNESS: Yes, sir.

8 CROSS-EXAMINATION

9 BY MR. GREGORY:

10 Q Just briefly. You had a 2009 possession of crack
11 cocaine --

12 A Yes, I did.

13 Q -- conviction?

14 A Yes, sir.

15 Q And a possession with intent to distribute --

16 A Yes, sir.

17 Q -- cocaine base?

18 A Yes, sir.

19 Q You said that was -- did you plead to that at the
20 same time?

21 A Yes, sir.

22 Q And just for clarification. That was an assault and
23 battery first degree?

24 A Yes, it was.

25 Q Not first offense; correct?

1 A No, sir, first degree.

2 Q Assault and battery first degree. Okay.

3 You were living at the Savannah Suites on
4 November 27th; is that correct?

5 A Yes, sir.

6 Q Does that sound about right?

7 A Yes, sir.

8 Q The pictures, do you recognize those pictures?

9 A Yes, sir. That's my car.

10 Q That's your Cadillac?

11 A Yes, sir, it is.

12 Q No question about the fact that you had a Cadillac?

13 A No question about the fact.

14 Q Okay. No question it was a light-colored silver
15 Cadillac?

16 A No. That's it right there.

17 Q Okay. At the time of this incident, you say you were
18 driving a Crown Vic. Is that what you're saying?

19 A Yes, sir.

20 Q Now, the -- when you moved to the Quality Inn, whose
21 name was that motel room under?

22 A Tiara's.

23 Q All right. And she was unemployed at that time;
24 correct?

25 A Yes, sir.

1 Q When did she lose her job?

2 A She lost her job October -- about October 20th.

3 Q At Savannah Suites, whose name was that under?

4 A My name.

5 Q When you were arrested, were you released on bond at
6 any point?

7 A Yes, sir. Probably like 13 months later.

8 Q 13 months later?

9 A Yes, sir.

10 Q And one of the conditions for your bond was to be
11 placed on house arrest or home incarceration; is that
12 correct?

13 A Yes, sir.

14 Q You put -- they put a GPS ankle monitor on you?

15 A Yes, sir, they did.

16 Q And that was a condition of your bond?

17 A Yes, sir.

18 Q And you cut that ankle monitor off, didn't you?

19 A Yes, sir, I did.

20 Q And you fled to Georgia, didn't you?

21 A Yes, sir, I did.

22 MR. GREGORY: I have no further questions, Your
23 Honor.

24 MR. ROBINSON: I've got one on redirect, Your Honor.

25 THE COURT: Very well.

REDIRECT EXAMINATION

BY MR. ROBINSON:

Q Brad, when you cut your monitor off, and so forth, why did you do that?

A Because, to be honest, I, actually, did 13 months in jail, you know. And even though, you know, I knew I wasn't guilty of what I had been accused of, I was really -- not only was I, like, ashamed to walk back down the cat walk because I had had so many positive conversations with individuals that I had run across, you know. They really expected more of me. Not only did I disappoint myself, but I disappointed my mother, you know. It was really kind of shameful.

So -- and then, you know, I had just -- like, I was only out 45 days, at the most. I'm about to go right back and who knows how long, you know. Like, you see how long it took me to get back in court now.

So I was like -- I wasn't ready to go in there and just have to sit and rot. Because it's, like, depressing. Nobody wants to be there. It's depressing. It's filthy. And you're around the worst of the worst, you know. I wasn't in a rush to go back.

Q But you were on HIP, so you were out at that time?

A Yes, sir, I was.

Q So why -- you could just be on your HIP?

1 A I failed a drug test. And, you know, I was scared
2 they were going to just revoke my bond. They told me to
3 go turn myself in.

4 But I was thinking, you know, because of my charges,
5 they would be prejudiced against me. And they was -- you
6 know, they was just going to revoke my bond, you know.
7 And I was, like, man, I'm not ready to just go sit in
8 there and rot right now, you know. I want to taste a
9 little bit of freedom.

10 Actually, while I was on the run, I, actually, talked
11 to my brother a couple of times. And he was supposed to
12 come and get me. I never told him exactly where I was at.
13 But, actually, it was, to be honest, like, the day before
14 I was supposed to be coming back to Greenville, they,
15 actually, found me.

16 So, you know, I guess it was meant for them to find
17 me and not for me to find them.

18 MR. ROBINSON: Okay. That's all the redirect I have,
19 Your Honor.

20 MR. GREGORY: I have no further questions, Your
21 Honor.

22 THE COURT: You may step down.

23 Thank you, sir.

24 THE WITNESS: All right.

25 THE COURT: You may call your next witness.

1 MR. ROBINSON: Judge, I have one matter -- a
2 scheduling matter, if I could talk about that.

3 THE COURT: All right. Do you need some time?

4 MR. ROBINSON: Yes. I would ask that we go to lunch
5 first.

6 THE COURT: All right. It's about that time, I
7 guess. How much time do you think they need, in other
8 words, for lunch?

9 MR. ROBINSON: Just an hour and a half, two hours.

10 THE COURT: All right. 2:00, again, if that will be
11 all right. Again -- all right. 2:00, and come back and
12 we'll continue the trial at that time.

13 Again, do not undertake discussion of the case among
14 yourselves in any way.

15 Thank you very much.

16 (WHEREUPON, the jury was excused from open court at
17 approximately 12:23 p.m.)

18 MR. ROBINSON: Your Honor.

19 THE COURT: Mr. Robinson.

20 MR. ROBINSON: I have two more witnesses coming at
21 2:00. And I wanted to --

22 THE COURT: Oh, I understand. Very good.

23 All right. So we'll stand in recess until 2:00.

24 (WHEREUPON, a lunch break was taken.)

25 THE COURT: Is there anything from the State before

1 we bring the jury back?

2 MR. GREGORY: No, Your Honor.

3 THE COURT: From the Defense?

4 MR. ROBINSON: No, sir.

5 THE COURT: Very good. Ask the jury to join us,
6 please.

7 (WHEREUPON, the jury came into open court at
8 approximately 2:11 p.m.)

9 THE COURT: All right. Let the record reflect the
10 jury and alternate are in the jury box.

11 Mr. Foreman, and, ladies and gentlemen, we'll
12 continue with the State -- excuse me, the Defense's case.

13 MR. ROBINSON: May it please the Court.

14 THE COURT: Mr. Robinson.

15 MR. ROBINSON: Your Honor, the Defense calls Keith
16 Ellison.

17 THE CLERK: Mr. Ellison, step over and place your
18 left hand on the Bible and raise your right hand.

19 WHEREUPON,

20 WILLIAM KEITH ELLISON,
21 after first having been duly sworn, testified as follows:

22 THE CLERK: Thank you.

23 Please state your full name for the record and spell
24 it as well.

25 THE WITNESS: William Keith Ellison, W-I-L-L-I-A-M,

1 K-E-I-T-H, E-L-L-I-S-O-N.

2 THE CLERK: Thank you.

3 You may be seated.

4 DIRECT EXAMINATION

5 BY MR. ROBINSON:

6 Q Good afternoon, Mr. Ellison.

7 A Good afternoon.

8 Q Mr. Ellison, do you reside in Greenville?

9 A Yes, I do.

10 Q Are you married?

11 A No, I'm not.

12 Q Do you have children?

13 A Yes.

14 Q Okay. How many kids have you got?

15 A Four.

16 Q Four kids. All right. Mr. Ellison, were you ever in
17 the military?

18 A Yes.

19 Q And which branch were you in?

20 A Navy.

21 Q What was your rank?

22 A E-6.

23 Q What is E-6 exactly?

24 A The Navy goes from, like, E-1, which is one of the
25 lowest ranks, and it will go all the way -- in enlisting

1 ranks, it will go all the way up to E-9. And then the
2 officer ranks get a little bit different.

3 Q And how long were you in the military?

4 A 13 and a half years.

5 Q I want to take you back to November 26th and 27th of
6 2014. Are you familiar with the Bugatti Grand club?

7 A Yes, sir.

8 Q Is that the right name for that club? Is it Bugatti
9 Grand club or Bugatti club? What is it?

10 A Club Bugatti Grand.

11 Q So it's Club Bugatti Grand. Okay. And how do you
12 know about the Bugatti club?

13 A I was the owner.

14 Q Okay. And were you there on the night of
15 November 26th through the morning of November 27th, 2014?

16 A Yes, sir.

17 Q What time did you get there?

18 A I really don't know what time I got there. It's been
19 so long ago.

20 Q Sure. Would it be fair to say that you got there
21 sometime on the 26th?

22 A Yes, sir, I did.

23 Q Okay. And you left sometime in the morning; is that
24 right?

25 A Yeah. In the wee hours of the morning.

1 Q Okay. Do you -- why don't you tell the jury what
2 happened that night at the Bugatti?

3 A In reference to the shooting?

4 Q This incident, correct. The incident we're here for
5 today.

6 A Right. We were just closing. I don't remember what
7 time it was. I know it was maybe after 2:00 in the
8 morning.

9 Q Yes, sir.

10 A And it was a slow night. So we, you know, kind of
11 decided to go ahead and close up early. And we let the
12 last few customers out of the door. And I would say maybe
13 15 minutes -- I don't know -- maybe 30 minutes later,
14 somebody started beating at the door.

15 Q And how hard are we talking about?

16 A Very, very hard, like, really, really wanted to get
17 in that door.

18 Q Okay.

19 A And one of the employees walked around and opened up
20 the door. And there was a guy out there waving a gun
21 saying that someone just shot his friends.

22 Q Okay. And who was this guy?

23 A Can I say his street name?

24 Q Yes, sir.

25 A I know him as Forty.

1 Q Forty?

2 A Yes, sir.

3 Q Did you find out his name later?

4 A Yes, I did.

5 Q What was that?

6 A When did I find out?

7 Q What was the name?

8 A Forty.

9 Q What was his real name?

10 A Oh, Quante.

11 Q Now, as far as that time of night when you were
12 closing and you say it was slow, did you -- was the music
13 loud?

14 A Yeah. It was -- you know, most of the time, the
15 music is loud in the club. I don't know if the music was
16 on or not at the time. Like I said, you know, everybody
17 heard the door because it was a loud bang. So maybe the
18 music was off. I don't know if it was on or off, to be
19 honest with you.

20 Q Did you hear any shots yourself?

21 A No, sir. We didn't hear anything.

22 Q Okay. And what color was the gun?

23 A Black.

24 MR. ROBINSON: I beg the Court's indulgence.

25 THE COURT: Certainly.

1 (Pause.)

2 BY MR. ROBINSON:

3 Q I want you to do me a favor, Mr. Ellison. Beside me
4 is the gentleman in this case, and I'm going to have him
5 stand.

6 MR. ROBINSON: Why don't you stand up, Bradford?

7 (WHEREUPON, Defendant Bradford Hester Williams
8 stood.)

9 BY MR. ROBINSON:

10 Q Did you see this gentleman at the club that night?

11 A I've never ever seen him ever in my life.

12 MR. ROBINSON: Thank you.

13 That's all I have for this witness, Your Honor.

14 THE COURT: Cross-examination.

15 MR. GREGORY: Briefly, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. GREGORY:

18 Q As the owner, what were your responsibilities at the
19 club that night?

20 A That night, we were just -- like I said, we were
21 closing, you know, counting money, paying everybody, and
22 trying to get everybody home. It was Thanksgiving.

23 Q And where did you count the money and pay everybody?

24 A Behind the bar.

25 Q And where is the bar located in Bugatti?

1 A It's -- well, the bar is -- actually, it goes around
2 when you first enter the club right by the door.

3 Q Okay. So you were working that night at the club?

4 A Yes, I was.

5 Q Okay. The individual you said -- did you see this
6 individual outside?

7 A Who?

8 Q The individual that you called Forty?

9 A Forty. Yeah, we seen him. Pretty much everybody who
10 was at the -- around the bar area seen him when he opened
11 up the door. He didn't, actually, come in, I don't think.

12 Like I say, it was so long ago. And he was ranting,
13 and raving, and telling that -- he was screaming at us,
14 telling us to call the paramedics and waving his gun
15 around saying that somebody had killed his friends.

16 Q You say he was ranting and raving?

17 A Yes, sir.

18 Q All right. And he said someone had killed his
19 friends, is that what you said?

20 A Yeah. Someone shot his friends, yeah.

21 Q And you saw a gun in his hand?

22 A Yes, sir. A black gun.

23 Q Do you remember giving a statement to police on that
24 night?

25 A No. I don't remember that at all. Like I say, it's

1 been so long ago. I probably -- I think I probably gave a
2 statement the next day, or maybe a couple days later. I
3 don't remember it, to be honest with you.

4 Q Do you remember not telling the police about the man
5 with the gun at that time?

6 A No. I don't remember it at all.

7 MR. GREGORY: I have no further questions, Your
8 Honor.

9 MR. ROBINSON: I have no redirect, Your Honor.

10 THE COURT: All right. You may step down.
11 Thank you, sir.

12 MR. ROBINSON: Your Honor, can we take a short break,
13 Judge?

14 THE COURT: Yes. We'll take a little --

15 I'm going to have to ask you to retire to the jury
16 room for just a minute. And we'll call you back soon.

17 Thank you.

18 (WHEREUPON, the jury was excused from open court at
19 approximately 2:20 p.m.)

20 THE COURT: All right. Stand at ease.

21 How long do you think this is going to take,
22 Mr. Robinson?

23 MR. ROBINSON: Five minutes, Your Honor.

24 (WHEREUPON, a break was taken.)

25 THE COURT: All right. You say you have a rebuttal

1 witness?

2 MR. GREGORY: Yes, Your Honor. Investigator Fortner.

3 THE COURT: Anything else from the State before we
4 bring the jury back?

5 MR. GREGORY: No, Your Honor.

6 THE COURT: From the Defense?

7 MR. ROBINSON: No, sir, Judge.

8 THE COURT: All right. Ask the jury to join us,
9 please.

10 (WHEREUPON, State's Exhibit No. 54 was marked for
11 identification only.)

12 (WHEREUPON, the jury came into open court at
13 approximately 2:42 p.m.)

14 THE COURT: Let the record reflect the jury and
15 alternate are in the jury box.

16 Mr. Foreman, and, ladies and gentlemen, the --

17 I understand that the Defense rests at this time.

18 MR. ROBINSON: With leave to call our last witness,
19 Your Honor.

20 THE COURT: Very well. But we will proceed with the
21 rebuttal case of the Defendant -- I mean, the Plaintiff.

22 MR. GREGORY: Yes, Your Honor.

23 THE COURT: I recognize the State for his case.

24 MR. GREGORY: The State calls Investigator Fortner to
25 the stand, Your Honor.

1 THE COURT: Investigator, you understand, of course,
2 you're still under oath?

3 THE WITNESS: Yes, sir, I do.

4 THE COURT: All right. Very good.

5 DIRECT EXAMINATION

6 BY MR. GREGORY:

7 Q Investigator Fortner, during the course of the
8 investigation, did you speak with Tiara Washington?

9 A Yes, I did.

10 Q When did you speak with her?

11 A December 12th, the day after Mr. Williams was
12 arrested.

13 Q And how did that meeting come about?

14 A She was interesting in getting the green Ford Crown
15 Vic back. Unfortunately, it wasn't registered in her
16 name, so I couldn't turn it over to her.

17 Q Where did the meeting take place?

18 A At the law enforcement center.

19 Q And who was in the room with you at the time?

20 A Myself, and Investigator Wayne Campbell was with me,
21 too.

22 Q Did you discuss at that meeting this case?

23 A Yes.

24 Q Did you ask her if she knew any information about
25 this case?

1 A Yes, I did.

2 Q Was that conversation -- did she respond to you?

3 A She did. She said she knew nothing about it and was
4 not aware of any information regarding it.

5 Q And you were in here when she said the Defendant was
6 home with her the entire time; correct?

7 A Yes, I was.

8 Q Did she say that to you in the meeting?

9 A No, she did not.

10 Q If she had told you that, would that have been
11 pertinent information to you?

12 A Yes. It, certainly, would be.

13 Q I'm going to show you what's been marked as State's
14 Exhibit No. 54. Do you recognize that?

15 A Yes, I do.

16 Q How do you recognize it?

17 A It's got my initials up here at the top.

18 Q And is that -- is it a fair and accurate
19 representation of what it depicts to be?

20 A Yes.

21 MR. GREGORY: Your Honor, at this time, the State
22 would seek to introduce State's Exhibit No. 54.

23 MR. ROBINSON: Without objection.

24 THE COURT: Without objection, State's Exhibit No. 54
25 is admitted into evidence.

1 (WHEREUPON, State's Exhibit No. 54 was admitted into
2 evidence.)

3 MR. GREGORY: Your Honor, at this time, the State
4 would request permission to publish it to the jury.

5 THE COURT: Very well.

6 BY MR. GREGORY:

7 Q All right. Investigator Fortner, it's still warming
8 up. I apologize. What are we looking at here,
9 Investigator Fortner?

10 A That's Ms. Washington seated in the seat facing this
11 way. It's myself right here in the kind of blue-colored
12 shirt. And Investigator Campbell, he'll be sitting off to
13 my right here.

14 Q And is this the interview you were just talking
15 about?

16 A It is. And this is taking place in the interview
17 room in the CID office where I worked at the time.

18 (WHEREUPON, State's Exhibit No. 54 was played in
19 open court.)

20 BY MR. GREGORY:

21 Q The card you gave her, what card are we talking
22 about?

23 A My business card with my phone number on it --

24 Q Did she --

25 A -- name and number --

1 Q I'm sorry.

2 A I'm sorry. Just name and phone number.

3 Q Did she ever contact you after that?

4 A No, sir, she did not.

5 MR. GREGORY: I have no further questions, Your
6 Honor.

7 THE COURT: Cross-exam.

8 CROSS-EXAMINATION

9 BY MR. ROBINSON:

10 Q Officer Fortner, if I'm listening to that -- if we
11 listened to that tape correctly, you asked her, You are
12 Brad's girlfriend?

13 She says, Yes.

14 When is the last time you saw the Cadillac?

15 I don't know. It's been a long time.

16 She talks about three months. Now, you interviewed
17 her on 12/12; is that right?

18 A Yes, it is. Yes.

19 Q And that would put the time -- she said three months,
20 something like that. So that's a shorter period of time.
21 You asked her what he drives.

22 She said, He doesn't really drive. She lets him
23 drive the Crown Vic.

24 Is that right?

25 A That's what she said, yes.

1 Q She tells you -- you asked her, Do you know anything?

2 She says, I have no idea what's going on.

3 Is that right?

4 A That's correct, yes.

5 Q Have you ever seen him with a gun?

6 She says, No.

7 You asked, Do you need an attorney?

8 She says, No.

9 Then you say -- you or Wayne Campbell's say, The door
10 is open. You're not under arrest.

11 Then you say at the end, Your friend's wife will have
12 to come down here and get it because she is the registered
13 owner.

14 Those are the only questions you asked, I think, if
15 I'm listening to that correctly. What other questions
16 didn't she answer? Tell me. You're a rebuttal witness.
17 And you're -- you're, basically, saying she didn't answer
18 a question in this case that you asked her. What question
19 didn't she answer?

20 A She answered all the questions.

21 Q Then why in the world are you putting yourself up
22 here as a rebuttal witness when she answered all your
23 questions that you asked?

24 A Because she didn't answer honestly earlier.

25 Q You didn't ask every single question. These are the

1 questions you asked and she answered these questions?

2 A Yes, sir.

3 Q You and Mr. Campbell had this young woman in an
4 interview room by herself while you were questioning her.
5 You asked these questions. She answers the questions.
6 You come back into court today as a rebuttal witness and
7 you say, oh, she didn't answer all my questions. I
8 thought she was being dishonest. Where in the world was
9 she dishonest? Where?

10 A When I asked her if she knew anything about what took
11 place, she said, No.

12 Q You asked the question. You asked -- she didn't know
13 anything about it. How would she know about a murder that
14 took place when she was at home in bed when this happened?
15 How do you know she doesn't know anything about it?

16 A I didn't say she knew about the murder. I just said
17 that I asked her about the murder.

18 Q ~But you just said a second ago she didn't know
19 anything -- now, you're saying that she didn't know
20 anything. But when you asked her the question if she knew
21 anything and she said that, then she was being dishonest.
22 That makes no sense, Officer.

23 A If she -- when he was arrested for two murders at
24 Club Bugatti, if she was with him that night when that
25 happened, that would have been the opportune time for her

1 to say him and I were together the whole night in a hotel
2 room. And she did not say that.

3 Q According to you -- according to you, you've got a
4 young woman sitting in there answering your questions in
5 this case. How is she to know she has to answer them a
6 certain way, according to how you want her to answer them?

7 A I guess I was just hoping that she would answer me
8 honestly.

9 Q Because if she had -- if you had asked the question
10 of her, where were you when these things happened, and she
11 had said, I was home with Brad in bed at the Savannah
12 Suites, you would have had nothing more to do with him,
13 would you?

14 A I would have had nothing more to do with?

15 Q Bradford Williams.

16 A I, certainly, would have continued the investigation,
17 yes.

18 Q But if she had told you that, that would have told
19 you -- if you had asked the question, that particular
20 question, you're saying that that would have absolved him
21 of any responsibility in this case; is that right?

22 A No. I'm not saying that at all, no.

23 Q So you're saying that if he was home sitting in bed
24 with her on Thursday night, Friday morning, that you'd
25 still be charging him with murder, even though he has an

1 alibi that he wasn't there? You'd still charge him with
2 murder?

3 A Based on the statements from Quante Davis, what he
4 witnessed that night, and then, of course, Mitchell Sloan,
5 who gave us the information he gave us that he says he got
6 from Mr. Williams, yes, sir, I would have.

7 Q And Quante Davis, the same guy that -- you would
8 agree with me not one person ever saw Bradford Williams at
9 that club that night, other than Quante Williams -- Quante
10 Davis, the guy with the gun?

11 A I would agree that nobody remembers seeing him there,
12 yes. Whether or not they recognized him that night or if
13 he would have stood out to them when they did see him, I
14 don't know. But nobody remembers seeing him. But that
15 does not mean that they did not see him there.

16 Q Okay. Let me -- let me get the verbiage down here.
17 I'm just trying to understand this. You're saying that
18 they didn't see them, but they may have seen him. Now,
19 tell me -- no one -- you were here in the courtroom, as
20 the investigator in this case, when I had the manager of
21 this institution -- of this institution, the Bugatti, look
22 at Mr. Williams, stood him up and he said, I did not see
23 him there that night. And he was there from the night to
24 the morning in this case. You have no other witnesses
25 that can say -- other than Quante Davis, that Mr. Bradford

1 Williams was there, do you?

2 A That would be correct, yes, sir.

3 MR. ROBINSON: That's all the questions I have of
4 this witness.

5 MR. GREGORY: I have no further questions, Your
6 Honor.

7 We would ask that Investigator Fortner be excused.

8 THE COURT: Well, he won't be excused.

9 MR. GREGORY: From the stand, Your Honor.

10 THE COURT: You may step down.

11 THE WITNESS: Yes, sir.

12 MR. GREGORY: And that's the State's case, Your
13 Honor.

14 THE COURT: Anything further from the Defense?

15 MR. ROBINSON: One minute, Your Honor.

16 THE COURT: Yes, sir.

17 (Pause.)

18 MR. ROBINSON: Your Honor, at this time, the Defense
19 rests.

20 THE COURT: Very well.

21 Mr. Foreman, and, ladies and gentlemen, before we
22 begin -- continue, I need to take some matters up with the
23 attorneys. So I'm going to ask you to retire to the jury
24 room for a few minutes.

25 Again, do not undertake the discussion of the case.

1 It's not completed yet until you get the arguments by
2 counsel and then the charge on the law. Very good. But
3 do not undertake discussions at this time.

4 Everyone else, remain seated while the jury retires
5 from the courtroom.

6 (WHEREUPON, the jury was excused from open court at
7 approximately 3:06 p.m.)

8 MOTIONS

9 MR. ROBINSON: May it please the Court.

10 At this time, I would renew my motion for a directed
11 verdict of acquittal in this case on the grounds that the
12 State has not presented evidence that my client, Bradford
13 Williams, committed these murders. They have presented
14 one witness that -- that, obviously, had a gun that night,
15 that came in with a gun, knocked on the door.

16 And one of the witnesses, Brittany Lane, had seen him
17 go outside with these victims in this case. He was the
18 last person to see them. He didn't make a phone call
19 because the records show he did not make a phone call,
20 although he said he did in this matter. He leaves a gun
21 some place. Officer Fortner said it was some place at
22 Boulder Creek, or something like that.

23 Then you have Mitchell Sloan put up Bradford
24 Williams' cell phone records, not a call from this guy,
25 other than those two calls in the afternoon in this case.

1 The State has not presented a case. They presented a
2 mere suspicion possibly in this matter. But -- or -- but
3 that's it. That's all they've done. I think that the
4 evidence -- I think that the evidence in this case is
5 scant, at best. There's no -- there's no physical
6 evidence, obviously. There's no witness -- no actual
7 witness at the Bugatti, other than a person that possibly
8 may be the actual murderer himself. But, Your Honor, I
9 think on the basis of --

10 THE COURT: Would that be the --

11 MR. ROBINSON: Quante Davis, Forty, Your Honor.

12 THE COURT: Oh, I thought you were talking about the
13 gentleman who was picking up the trash in the parking lot.

14 MR. ROBINSON: No, sir. The person -- he saw -- he
15 never saw Brad. He saw a guy --

16 THE COURT: He saw a Cadillac.

17 MR. ROBINSON: He saw --

18 THE COURT: Brown or tan --

19 MR. ROBINSON: He saw a brown, tan Cadillac.

20 THE COURT: -- leaving.

21 MR. ROBINSON: And he saw a 40-to-50-year-old man.

22 THE COURT: I beg your pardon?

23 MR. ROBINSON: He saw a 40-to-50-year-old man in the
24 parking lot. That's what he saw. Which my client was
25 only 22 at the time.

1 But, Judge, I would renew my motion for a directed
2 verdict.

3 THE COURT: All right. What do you say, Solicitor?

4 MR. GREGORY: Judge, as you previously stated, the
5 motion for directed verdict is not to the weight of the
6 evidence, but whether it exists or not. I think there's
7 enough evidence in the record that it should go to the
8 jury.

9 THE COURT: What sort of evidence in the record?

10 MR. GREGORY: Quante Davis was there, saw the
11 Defendant, ran around the corner, saw him leaving, saw his
12 two friends, one of them was his cousin, the other was a
13 friend dead.

14 We, also, have Mitchell Sloan, who the Defendant
15 called and said exactly what happened with shooting them
16 three times each with a 380. The only people that would
17 have known that are going to be the person that shot the
18 gun and the police at that time. Because the scene was
19 secured.

20 And we, also, have numerous witnesses that saw a
21 Cadillac -- a Cadillac matching the description of the
22 Cadillac that he was driving at the time. All that
23 circumstantial evidence put him at the scene, Your Honor.

24 THE COURT: All right. Any response, Mr. Robinson?

25 MR. ROBINSON: May it please the Court.

1 As far as Quante Davis, he didn't see Brad Williams
2 ever shoot anybody. He said he didn't see a gun. He saw
3 him get into his car. That's all he saw that night.

4 And the other gentleman, it was obvious that --
5 honestly, in the years I've been in practice, I have never
6 had a State's witness on the stand tell the jury that he
7 lied. I have never had that happen the whole time I've
8 been practicing. I think both sides were surprised at
9 that.

10 But I -- I renew it. I don't -- I don't see that
11 they have -- that they have established a case in the
12 matter, I really don't. And I ask the Court, again, for a
13 directed verdict of acquittal.

14 THE COURT: Well, I think it's Rule 19 that says I'm
15 not to weigh the evidence, but only determine whether
16 there is sufficient evidence to go forward with the
17 jury -- to the jury for their determination. And the
18 determination in this case is credibility. This case and
19 all of those cases that you tried in your years of
20 experience, that all of us have -- because I've yet to
21 come into the courtroom where a trial goes to -- or a case
22 goes to a jury for a verdict where everybody agrees. If
23 they did, there wouldn't be any trial.

24 So, obviously, this is one of those cases where all
25 the testimony doesn't necessarily agree. But there is

1 testimony and evidence sufficient to go to the jury.

2 Your motion is denied.

3 MR. ROBINSON: Thank you, Judge.

4 THE COURT: All right. Let's look at the charge. I
5 didn't get any charges from anybody, but let's see what we
6 have. Standard charges on witnesses, expert witnesses,
7 credibility, presumption of innocence, reasonable doubt,
8 reasonable doubt undermining -- reasonable doubt is the
9 kind of doubt that would cause a reasonable person to
10 hesitate to act. If they should ask for a more specific
11 definition, then I give State v. Adams. Direct and
12 circumstantial evidence, intent, charge, arrest, and
13 indictment are not evidence.

14 The two charges here are in indictment number
15 2015-GS-23-2941, murder, count one; count two, possession
16 of a weapon during the commission of a -- or attempt to
17 commit a violent crime as to Jamal Justice.

18 Indictment number 2015-GS-23-2942, count one, murder;
19 count two, possession of a weapon during the commission or
20 attempt to commit a violent crime as to Sylvester Fuller.

21 Each indictment and each count of each indictment
22 charges a separate and distinct defense. The Defendant
23 must be convicted or acquitted on all -- any or all of the
24 charges charged -- or all of the offenses charged. You
25 will be asked to write a separate verdict of guilty or not

1 guilty for each indictment.

2 The murder definition, generally, the Defendant is
3 charged with murder, that the State must prove beyond a
4 reasonable doubt that the Defendant killed another person
5 with malice aforethought. And then the definitions of
6 malice and the like. There is no lesser included charge
7 in this. No self-defense charge.

8 What do you say about evidence? Maybe -- I mean,
9 malice may be inferred from the conduct showing a total
10 disregard for human life, may, also, arise when the deed
11 is done with a deadly weapon.

12 Do you have any objection to it?

13 MR. GREGORY: No, I do not, Your Honor.

14 I don't think there's any evidence in the record that
15 would require a self-defense charge or any lesser included
16 charge.

17 MR. ROBINSON: I agree, Judge.

18 THE COURT: Very good. Well, of course, obviously,
19 being charged in the second count of each indictment of
20 possession of a weapon during a violent crime would
21 support the charge as to a deadly weapon. And the
22 Defendant is charged with possession of a weapon during
23 the commission or attempt to commit a violent crime. The
24 State must prove beyond a reasonable doubt that the
25 Defendant was in possession of a firearm and physically

1 displayed during the commission of a violent crime.

2 Do I need to define the firearm as being any machine
3 gun, automatic rifle, revolver, pistol, or any weapon
4 which is designed to or made to be readily converted to
5 expel a projectile?

6 MR. GREGORY: I think we should, Your Honor.

7 THE COURT: All right. Well, I'm not going to use
8 any example that has not been discussed in this case. A
9 firearm means any revolver, or pistol, or any weapon which
10 is designed to or made to be readily converted to expel a
11 projectile.

12 In order to find the Defendant guilty of possession
13 of a weapon during the commission of a violent crime, you
14 must first find the Defendant guilty of either committing
15 a violent crime or attempting to commit a violent crime.
16 And under our statute, murder is a violent crime.

17 All right. The Defendant has raised the defense of
18 alibi. In order to establish an alibi, it must be shown
19 that the Defendant was at another specified place at the
20 time the crime was committed and it was, therefore,
21 impossible for the Defendant to have been at the scene of
22 the crime. Mere denial of presence at the scene of a
23 crime does not constitute an alibi. There is no burden on
24 the Defendant to prove an alibi. The burden is on the
25 State to prove beyond a reasonable doubt that the

1 Defendant was, actually, present at the scene of the
2 crime, actually, participated in it, and was not somewhere
3 else.

4 In other words, the State has the burden of proving
5 the Defendant's alibi -- or disproving, excuse me. And
6 then, of course, the conclusion.

7 Now, I have prepared proposed verdict forms.

8 Madam Clerk, give one to each party.

9 THE CLERK: Yes.

10 THE COURT: To each party.

11 All right. As you'll notice, these are proposed
12 verdict forms. I take each indictment -- indictment
13 number 2015-GS-23-2941, count one, we, the jury,
14 unanimously find the Defendant, Bradford Hester Williams,
15 guilty of the murder of Jamal Justice, or not guilty.
16 Count two, guilty as to possession of a weapon during the
17 commission of a violent crime, or not guilty.

18 Then on indictment number 2015-GS-23-2942, count one,
19 we, the jury, unanimously find the Defendant, Bradford
20 Hester Williams, guilty of the murder of Sylvester Fuller,
21 or not guilty. Count two, guilty of possession of a
22 weapon during the commission of a violent crime, or not
23 guilty.

24 All right. Any comment about the proposed verdict
25 forms from the State?

1 MR. GREGORY: Not from the State, Your Honor.

2 MR. ROBINSON: Nothing from the Defense, Your Honor.

3 THE COURT: All right. And, also, the way I'll do
4 this, when I complete my instructions to the jury, I'll
5 hand a copy of both of the indictments to the Foreman and
6 go over it with him. And then I will ask him to return
7 the verdict form and see if there's any objection from
8 either party. And, of course, send the jury out and tell
9 them not to begin deliberations until they get all of the
10 evidence and the verdict forms.

11 All right. Any exceptions to the proposed procedure
12 from the State?

13 MR. GREGORY: Your Honor, the only thing the State
14 has, Your Honor, the last piece of evidence we put in,
15 State's Exhibit No. 54 --

16 THE COURT: You put, also, the audio in, too, didn't
17 you, on the other exhibit?

18 MR. GREGORY: I did, Your Honor.

19 THE COURT: All right. Both of those. If the jury
20 has any question about either one of those, audio or
21 video, they'll tell me. And I'll bring them out and then
22 I'll play the portion they want.

23 The reason I don't send audio or video back to the
24 jury room, all of y'all are too young to remember, but it
25 was Marie Woods during the Watergate that was the

1 secretary for the President of the United States. And she
2 was supposed to be transcribing some audio recordings of
3 what had transpired. And somehow, she hit the delete
4 button and it was something like 16 pages deleted. So I
5 don't want to take the chance that back there, they may
6 hit the delete button.

7 So what they -- and, also, I want to know what
8 they're interested in. So if they have any questions, I
9 can respond to it.

10 All right. Anything else from the State?

11 MR. GREGORY: Not from the State, Your Honor.

12 THE COURT: And from the Defense?

13 MR. ROBINSON: No, sir, Judge. I'm good.

14 THE COURT: Thank you very much.

15 All right. Ask the jury to -- all right.

16 By the way, I haven't asked, are there any exceptions
17 to the charge?

18 MR. GREGORY: Not from the State, Your Honor.

19 THE COURT: From the Defense?

20 MR. ROBINSON: No, sir, Judge.

21 THE COURT: I'll tell you what, hold on just a
22 second. We've been in here a while ourselves. So we --
23 why don't we take about five minutes real quick.

24 (WHEREUPON, a break was taken.)

25 THE COURT: Mr. Robinson, what are you saying?

1 MR. GREGORY: Your Honor, I was just reading that
2 last sentence. I was making sure --

3 THE COURT: That's on the first page.
4 Do you want it on the second page?

5 MR. GREGORY: I was asking if there was a second
6 page, Your Honor.

7 THE COURT: Well, the Defendant's alibi defense is
8 how it finished.

9 MR. GREGORY: Okay.

10 THE COURT: And then under that is coercion or
11 distress.

12 MR. GREGORY: Okay. We're fine. That's all I wanted
13 to know.

14 THE COURT: All right. Any exceptions to the
15 requests for -- excuse me, my charges?

16 MR. GREGORY: Not from the State, Your Honor.

17 THE COURT: From the Defense?

18 MR. ROBINSON: No, sir, Judge.

19 THE COURT: Very good.

20 Ask the jury to join us, please.

21 MR. GREGORY: Judge, I do have one quick question as
22 far as the order of the closing. I know there's that new
23 Supreme Court that came out. What's the Court's position
24 on the order of closing?

25 THE COURT: Well, I agree with Mr. Chief Justice

1 Pleicones because there is nothing that says it's
2 appropriate now. Under the old law, that was repealed by
3 the code of civil procedure and criminal procedure. Now,
4 both parties in civil, as well as a criminal case, having
5 the burden of proof opens fully on the law and the facts.
6 No sandbag.

7 MR. GREGORY: Okay.

8 THE COURT: Do you agree, Mr. Robinson?

9 MR. ROBINSON: I do.

10 THE COURT: All right.

11 MR. ROBINSON: I do.

12 MR. GREGORY: And then the State gets a rebuttal on
13 the end of that as well?

14 THE COURT: Oh, yes, sir. Only your rebuttal is
15 limited to what they bring out.

16 MR. GREGORY: Correct.

17 THE COURT: No sandbagging again. All right.

18 (WHEREUPON, the jury came into open court at
19 approximately 3:34 p.m.)

20 THE COURT: All right. Mr. Foreman and ladies and
21 gentlemen of the jury, this is the conclusion of the trial
22 of the case. First, we'll have the argument by counsel.
23 The State, having the burden of proof, will go first. And
24 then the Defendant will respond. And then the State will
25 close. Then we'll have a charge on the law by the Court.

1 After that, the case will be given to you for your
2 deliberations.

3 Therefore, I'll recognize the Solicitor for his
4 closing argument.

5 CLOSING ARGUMENTS

6 MR. GREGORY: Thank you, Your Honor.

7 May it please the Court.

8 Mr. Robinson.

9 Ladies and gentlemen, you have heard all the
10 evidence. There is no more evidence in this case. In a
11 couple of minutes, the Judge is going to instruct you on
12 the law and send you back to the room to deliberate. You
13 will reach a unanimous verdict. But before that happens,
14 the State gets a chance to talk to you about the law in
15 the case, and the facts of the case, and what we think the
16 facts show, and what we think the facts prove in the case.

17 The Defendant, as you have heard, is being charged
18 with murder, possession of a weapon during the commission
19 of a violent crime for the killing of Sylvester Fuller.
20 He's, also, being charged with murder and possession of a
21 weapon during the commission of a violent crime for the
22 killing of Jamal Justice.

23 In criminal cases in South Carolina, the State has
24 the burden of proof. At the beginning of the case, I
25 talked about that burden of proof, about firmly convinced.

1 The law does not require me to prove beyond a hundred
2 percent certainty that this Defendant committed this
3 crime. That's not what's required. There are very few
4 things we know in life with a hundred percent certainty.
5 What is required is that it leaves you firmly convinced,
6 or a reasonable person would hesitate to act.

7 So if you hear all the evidence, you review the
8 evidence, and you look at the law of the case and you are
9 firmly convinced that this Defendant committed this crime,
10 then I have met my burden of proof.

11 Let's talk about the possession of a weapon during
12 the commission of a violent crime. That's associated with
13 each one of the victims, with Sylvester Fuller and Jamal
14 Justice.

15 Possession of a weapon during the commission of a
16 violent crime is exactly how it sounds. It's the
17 possession of a weapon. It's using a deadly weapon. And
18 in the case we have here, a pistol during the commission
19 of a violent crime.

20 The Defendant is charged with murder. And murder,
21 according to South Carolina, is a violent crime. If you
22 find the Defendant guilty of murder, then you, also, find
23 that he committed that murder with a gun, with a pistol,
24 then he has committed a violent crime with possession of a
25 weapon.

1 Let's talk about murder. Murder is the killing of
2 another with malice aforethought. And, in this case, as
3 Mr. Robinson said when he got up at the very beginning,
4 this is an alibi case. This is a case of it wasn't me.
5 There's no doubt we have two individuals that were killed
6 on November 27th, 2014. No one is denying that.

7 On the night of November 27th, 2014, in the early
8 morning hours, Jamal Justice and Sylvester Fuller were
9 killed. They were killed with a 380 handgun. We know
10 that because during the autopsy, projectiles were removed,
11 two projectiles were removed from Sylvester Fuller and two
12 were removed from Jamal Justice.

13 James Armstrong said they were 380 projectiles. We,
14 also, know that it was 380 shell casings that were found
15 there. Five were found at the scene, and one was found
16 the next day on a car. All the shell casings came from
17 the same gun, according to James Armstrong. That's what
18 he said, one gun.

19 There was some testimony about the shell casings and
20 whether or not there was fingerprints on there. You heard
21 James Armstrong say that when a gun is fired, the heat is
22 a very delicate -- latent prints are very delicate. There
23 were none found -- there were none tested for. I
24 apologize. There were none tested for. That's the scene.
25 That's the killing. There's no doubt that they died as a

1 result of that shooting.

2 Dr. Fulcher got on the stand and said Jamal Justice
3 was shot three times, once in the shoulder, once in the
4 chest, and once in the arm. Sylvester Fuller was shot
5 twice, once in the chest, and once in the back. And he
6 said both of them died as a result of that shooting.

7 The question is, was it with malice aforethought? In
8 South Carolina, malice is the -- is the intent element.
9 It's -- malice is ill will. It's hatred. And
10 aforethought means when did it occur?

11 In South Carolina, there doesn't have to be a plan.
12 As long as the malice is there the split second before the
13 killing, you have malice aforethought, a split second
14 before the time of the killing. When he raised the gun,
15 did he have hatred? Did he have ill will towards those
16 two victims? That's malice aforethought.

17 Malice aforethought can be proved two ways. There's
18 expressed malice, which is telling somebody, I'm going to
19 kill you. I'm coming after you. I'm going to kill you.
20 Also, by laying in wait, ambushing someone. That's the
21 expressed action of we can tell he had malice here.

22 There's, also, inferred malice, which is what we have
23 in this case. Inferred malice is -- malice can be
24 inferred by the fact that he used a deadly weapon. The
25 fact that a handgun was used can infer malice. There was

1 a lack of -- a total disregard for human life by using
2 that handgun. And he acted in such a way based on all the
3 circumstances -- did the Defendant act in such a way to
4 have a total disregard for human life?

5 And I submit to you, when you pull up a 380 handgun,
6 level it at somebody, fire it at them, three times at
7 Jamal Justice, three times, hitting him twice, Sylvester
8 Fuller twice, there was malice aforethought there.

9 Ultimately, what this case comes down to, though, is
10 not malice aforethought. I think we would all agree in
11 this courtroom there was -- whoever killed them had malice
12 aforethought. It was a killing. And there was malice
13 aforethought.

14 The question is, who killed them? You heard from
15 multiple witnesses saying that -- saying that during the
16 course of that night on November 27th, a silver Cadillac
17 was seen right there. Jesse Barksdale said, I walked out
18 of the club. I came right out. I parked right at the
19 sign. I heard six to eight gunshots. Six gunshots were
20 fired. He ducked down, looked up. The next thing he
21 knows, a silver Cadillac was pulling out.

22 Bobby Snoddy, the janitor, the man that came to clean
23 up the parking lot, he said, I was coming out that night.
24 I was cleaning up. I saw some guys standing next to a
25 Cadillac. He called it a tan Cadillac, a light-colored

1 Cadillac. It was seen right here with multiple men. A
2 couple of them tall, a couple of them were short. We know
3 one of our victims was under six feet. And Quante Davis
4 said he was under six feet.

5 Bobby Snoddy said he walked down across the street
6 and started walking in front of this club when he heard
7 the same thing. He heard gunshots. He looked back. And
8 what did he see? A gray Cadillac pulling out in that
9 direction. I don't think there's any doubt that a gray
10 Cadillac was there that night pulling out right after the
11 shootings.

12 Quante Davis. Clearly, Bradford -- Mr. Williams, the
13 Defendant, has some animosity towards Quante. He told us
14 that. He said, Quante is a thief. Quante stole my drugs.
15 Quante owed me \$180. I was looking for him. The
16 Defendant said that. The Defendant said, I was looking
17 for him. I was going to beat him up. That's exactly what
18 Quante said. Quante said he had been receiving phone
19 calls, threats from the Defendant. He was threatening
20 him.

21 According to Quante, Quante's in the bar. He's in
22 the bar with Jamal Justice and Sylvester Fuller. Quante
23 said the Defendant came in. Now, you heard Mr. Ellison,
24 the owner of the bar, say, I didn't see him there that
25 night. But Mr. Ellison, also, said, I'm the owner of the

1 bar. I'm working at the bar. I'm counting money. I'm
2 paying things. I'm -- he's working there. Is it a big
3 surprise that he doesn't see everybody that walks into his
4 bar that night? He's working there.

5 Quante said he was there. And as soon as Quante saw
6 him, Quante motioned for his friends, one of which is his
7 cousin, and the other individual to walk outside to
8 apprise them of, hey, this is what's going on. They go
9 back inside. Quante stays outside. And they come out a
10 few minutes later with the Defendant.

11 And, according to Quante, at this point, he's back
12 here. Bradford Williams, the Defendant, is here in the
13 silver Cadillac with Sylvester and Jamal Justice. He
14 hears gunshots. He said he immediately came around the
15 corner. He saw Sylvester Fuller laying on the ground,
16 Jamal Justice on the ground, Sylvester Fuller face down.
17 And he saw the Defendant leaving in his Cadillac, in the
18 gray Cadillac that he was with him when he bought it.

19 Then Mitchell Sloan. Mitchell Sloan got on the
20 stand. And, as the jury, it is your job to view every
21 witness to determine the credibility of each witness. Do
22 you believe what they're saying? Do you not believe it?
23 The Judge is going to tell you that you can believe
24 everything a witness says, or you can believe half of what
25 a witness says, or none of it.

1 Mitchell Sloan got on that stand. He looked down the
2 entire time. And he said -- first, he said, I made it up.
3 Then he said, I heard it on the street. I asked him, Who
4 did you hear it from? I don't know. I don't know
5 anybody's name. You know why he doesn't know anybody's
6 name? Because that's not where he lives. That's not
7 where he's from. That's not his area.

8 He even says on his disk, he doesn't go to the
9 district. His wife won't let him. He laughed about that
10 as he was talking to Investigator Fortner. My old lady
11 won't let me out. He was so busy taking care of his kids,
12 he didn't go out there. He didn't hear that. He heard
13 that from the Defendant.

14 Why did he change his story? Why did he wait until
15 the eleventh hour to change his story? I don't know. Why
16 did he walk in and say that everything I've said up to
17 this point to the investigators -- I've helped the
18 investigators out. I've attempted to call Bradford
19 Williams. I've talked to the Solicitor multiple times in
20 preparation for the trial. All that was false. He felt
21 pressured.

22 I submit to you, if you go back there and if you
23 listen to this again, ask yourself, did he feel pressured?
24 Did he feel pressured by Investigator Fortner to make a
25 statement against this Defendant? Was he threatened?

1 Quante was threatened. The Defendant even admitted to
2 threatening Quante. He told Quante he was going to beat
3 him up.

4 Now, let's look at some of the witnesses the Defense
5 called. The first one was regarding phone records. This
6 is one phone. And you heard Investigator Fortner say, I
7 pulled out five or six phones out of that hotel room that
8 the Defendant was living at, the Quality Inn on
9 December 11th when he was arrested. Five or six phones.
10 One phone record.

11 What did the Defendant do the morning after the
12 shooting? He was staying at Savannah Suites. And
13 according to the Defendant, and according to Tiara
14 Washington -- and we will get back to her in a second --
15 we left on Thanksgiving Day. We checked out because that
16 place was a dump. It wasn't safe to be there. The door
17 wouldn't close, and all kinds of bugs came in. This is
18 November 27th, 2014. In November -- it starts cooling off
19 in November. How many bugs are really coming in at that
20 time of the year?

21 And it's convenient that on November 27th, 2014, the
22 day of this murder, hours later, he's checking out. He
23 checked out of a hotel room with his name on it. And
24 where did he go? The next known place is the Quality Inn.
25 And the testimony in court was Tiara Washington rented

1 that room. Tiara Washington, the one that did not have a
2 job, rented that room. But she wanted to leave this place
3 because she couldn't afford it. That is what she said.

4 Tiara Washington, the Defendant's girlfriend. That's
5 the only alibi witness. Make no mistake, that is the only
6 alibi witness.

7 You heard his mother testify. The mother said, Well,
8 he was there shortly before noon. We ate and then I left
9 and went to the family -- the family dinner, and he didn't
10 come with me. So he wasn't there. That gives him enough
11 time to check out of the hotel room and then go and talk
12 to Mitchell Sloan later. Mitchell Sloan, in his
13 statement, said he came by the next day. He came by on
14 Thanksgiving Day, and that's when he told me about it.
15 That's when he told me about the 380 shell casings.
16 That's when he told me about shooting them three times
17 each.

18 And what did Mitchell Sloan say? What did he pull up
19 in in Mitchell Sloan's testimony? A Cadillac. He pulled
20 up to his house in a Cadillac. The Cadillac wasn't gone
21 then. They didn't get rid of that Cadillac.

22 Even Tiara Washington doesn't know when she got rid
23 of that Cadillac. Today, in court, she says they didn't
24 get rid of it. They sent it off to be fixed in November.
25 In her statement on December 11th, oh, I haven't seen that

1 Cadillac in three months. It's inconsistent, ladies and
2 gentlemen. Credibility of the witness.

3 Tiara Washington, also, sat on the stand today and
4 said, I did not tell police that he was with me in bed
5 because they didn't ask. They didn't ask me about this
6 case. I was going there to get my car back. I wanted
7 that Crown Vic back.

8 She went to the police station. She was asked
9 questions about this incident. They asked her, Do you
10 know anything about it? Investigator Fortner said it
11 would be pertinent information if he knew the Defendant
12 was in bed with Tiara Washington that night. That's --
13 that's pertinent information.

14 A reasonable person if they were in bed with their
15 boyfriend, who is now being accused of murder and was in
16 bed with them, don't you yell that? Don't you scream that
17 from the roof tops? Don't you tell the police that? She
18 grabs the business card. Yeah, I've got your card. I'll
19 call you, and try to get this car back.

20 Why did she not tell him? Why did she not tell him
21 over and over again? Credibility. Is that reasonable?
22 Is that credible? Or is that like her statement was here
23 today in court? It wasn't accurate. It wasn't what she
24 had said previously.

25 Quante and Bradford Williams had a problem. They had

1 an issue. And that issue reaches the boiling point on
2 Thanksgiving morning when the Defendant shot Jamal Justice
3 and Sylvester Fuller because they were sticking up for
4 him.

5 They walked out, just as you heard in
6 Mitchell Sloan's statement, they confronted him. Leave
7 him alone. Leave Quante alone. Bradford wouldn't leave.
8 He pulled out a 380. He fired three times at Jamal, three
9 times at Sylvester Fuller and fled the scene. He left in
10 his Cadillac. He checked out of the hotel the next
11 morning.

12 Listen to Mitchell Sloan's statement on the video
13 when he said -- he asked what kind of gun was used. Well,
14 it wasn't my 45. It was the 380. I used a 380, I got rid
15 of it.

16 Who would know it was a 380 at that time? The person
17 shooting the 380, Investigator Fortner, and maybe one or
18 two other forensic guys that collected the shells. At
19 that time, no one knew about that. That's not something
20 you're going to find out on the streets, hear about
21 somehow. And that's not something you're going to make
22 up.

23 He told us he made it up. He made up the story. He
24 made it up while sitting at the Oconee County Detention
25 Center. And then he changed it to, that's what I heard on

1 the streets. The only person that knew that was the
2 Defendant, Bradford Williams.

3 Back to that 45. He said, I used a 380. I got rid
4 of the 380, but not my 45. He said -- Mitchell said, He
5 showed me the 45. Where was the 45 found? December 11th,
6 2014, when he was arrested in his hotel room. That's
7 where the 45 was found.

8 Ladies and gentlemen, this is an alibi case. And I
9 think the evidence that we presented to you in the last
10 two days and especially today shows that their alibi does
11 not hold up. It doesn't hold water. I ask you to find
12 the Defendant guilty of two counts of murder, murder for
13 the death of Jamal Justice, and murder for the death of
14 Sylvester Fuller.

15 Thank you.

16 THE COURT: Mr. Robinson.

17 MR. ROBINSON: May it please the Court.

18 Ladies and gentlemen, I am -- I'm not really able to
19 walk very well. And I can't really walk around very much.
20 So I'm going to sit here. And if you can't hear me --
21 I've tried to get the microphone so y'all can hear me. So
22 okay. As I said before, my name is Scott Robinson. I
23 practice here in Greenville.

24 This is an alibi case. And the Judge in a few
25 minutes is going to read to you what an alibi is. We

1 talked about that when I first, initially, spoke to you on
2 Tuesday.

3 In South Carolina, it's a complete defense to -- to
4 murder. And it's not up to me or up to the Defense to put
5 this big -- if I put a case up, they have to show -- they
6 have to establish beyond a reasonable doubt all the
7 elements of their case. And if there is a reasonable
8 doubt that exists, the Defendant must be acquitted.

9 And I want to just respond to a couple of things that
10 Mr. Gregory said. First of all, I didn't realize that
11 Mr. Gregory was an expert on entomology, which is the --
12 which is the study of -- I believe it's the study of bugs.
13 And he would know that bugs actually -- actually, November
14 is a very common time for stink bugs to be around in this
15 area.

16 Secondly, a point that he made, and I think that
17 Officer Fortner made the same statement as far as how
18 could anyone know the type of bullets that were used and
19 the type of cartridges. Well, it would be pretty easy.
20 The people at the club. They saw a gun -- the owner of
21 the club and one of the bartenders saw Mr. Davis with a
22 black gun. And they could assume that was a 380.

23 But, also, in this case, we talked about -- or their
24 different people talked about cartridges, and things of
25 that nature. It was pretty apparent that you could walk

1 around and see what was out there. It's not a secret that
2 that's a common firearm on the street. And there was a
3 lot of information out there between the time of the
4 interview, which was in December, and the time of the
5 incident, which was November 27th.

6 But I want you to think about that when you're --
7 when you're deliberating. Because a lot of people could
8 have had an idea of the type of gun or type of bullets
9 that were used there. But, again, here -- here's -- a lot
10 of you have -- or I don't know if many of you have been in
11 court before and you've been in a criminal trial. The
12 State has to establish every element of their case beyond
13 a reasonable doubt to your satisfaction.

14 But I want to go through some indisputable facts that
15 we have in this case. You saw the owner of the club, who
16 was Keith Ellison, come in. He had been there all night.
17 He was there from the time -- late evening to the time of
18 the bar closing early, about 2:00 in the morning, or a
19 little after on the 27th, the morning of Thanksgiving.

20 And I had Mr. Williams stand up, and he looked at
21 him. And he said, I've never seen him before in my life.
22 Now, that would be indisputable factors. Not only did
23 Mr. Ellison, the owner, say that, but every other witness,
24 Raymond Briggs, Bobby Snoddy, Brittany Lane. No one ever
25 said they ever saw Bradford Williams at this club,

1 nothing.

2 And, also, too, there was a question about the
3 cartridge. Did the cartridge have any sort of
4 fingerprints on it? Well, it didn't have Bradford
5 Williams' prints on it. But, you know what's interesting
6 is I asked the officer, Did you -- did you take the time
7 to send it to the lab to check it out?

8 He said, No, they probably wouldn't do anything
9 anyway.

10 He didn't take the time to check it. Maybe it could
11 produce something, who knows? But he never took the time
12 to do that. So we don't know. What we do know is that's
13 not Bradford Williams' bullets, or anything of that
14 nature.

15 Another indisputable fact, this is number two, the
16 only person that was ever seen with a gun there was Quante
17 Davis. That is it. No one else was seen with a gun. You
18 heard Mr. Ellison testify that Quante Davis came through
19 that door with a black gun waving it around, and so forth.
20 You saw [sic] that.

21 You heard testimony from -- from Fortner that the gun
22 was dropped, and that they were looking for this gun. I
23 think he once said, at one point, it was up at Boulder
24 Creek, or something of that nature. But no one disputes
25 the fact that Quante Davis was the only person with a gun

1 out there.

2 And you, also, would remember and you have the --
3 Defendant's Exhibit No. 1 is the phone records for
4 Bradford Williams for the 26th and the 27th. You can see
5 it there that there were no calls either to or from Quante
6 Davis. Nothing.

7 And you heard Quante Davis say, Oh, yeah, he was
8 calling me left and right threatening me and blah, blah,
9 blah, and so forth. But there was not one bit of proof or
10 evidence that he ever called him. Look at that record
11 when you go back there, which is Defendant's Exhibit
12 No. 1. But, also, too, think to yourself, if that's true,
13 where is that evidence the State is talking about? Where
14 is this record from Quante Davis? It doesn't exist. It
15 doesn't exist. It's a story.

16 The third fact in this case is this, and you remember
17 Brittany Lane in this case. She was there that night.
18 And she testified that Quante Davis left the club with the
19 two victims before they were killed. That's what she
20 said. She said he left with them that night. So he was
21 outside with them with that gun that he had in his hand
22 when he came to that door. And he, conveniently, loses
23 that gun or drops it so no one can find it.

24 And, you know, there's -- there's a Shakespearian
25 saying, I'm not sure which sonnet it was from, but -- and

1 I'm not really -- I wasn't an English major in college.
2 But I think it goes something like, the lady doth protest
3 too much.

4 And Quante Davis when he came through that door
5 waving his gun around -- and we're not sure if it was a
6 380, a 40. We don't know what it was. But it was a gun,
7 a big -- a big black gun. And what does he do? He starts
8 waving it around saying, oh, my blah, blah, and stuff like
9 that. Well, think about that old saying the lady doth
10 protest too much.

11 But think of what he does. He does not stay there at
12 that scene. He leaves that scene. If he's so close to
13 these folks, why did he leave that scene and take off like
14 he did? As far as he says, at one point, he was on the
15 phone with someone talking and then he heard the shots.

16 Well, folks, he testified on the stand in response to
17 one of my questions that he couldn't prove that he was on
18 the phone with anybody. Because there's not one record,
19 not one piece of evidence in this case like I have with
20 Mr. Williams with his cell phone record, nothing in there
21 that says he was calling anybody.

22 And I think Mr. Gregory mentioned Bobby Snoddy in
23 this case. I think his name is Bobby Snoddy. He didn't
24 testify it was a gray car. He testified it was a tan car,
25 a tan dark color, not a gray car, a tan dark color. He,

1 also, testified that one of the guys was 40 to 50 years
2 old, not 21, not 22, 40 to 55 years old.

3 But, again, he never saw Brad. He was in the
4 courtroom. He never identified Brad as being out there,
5 not one witness did. And, folks, there are hundreds -- I
6 would submit to you that there are hundreds, if not
7 thousands, silver or gray 2005 Cadillacs out there.
8 They're not unusual cars, I would submit.

9 And you heard Officer Fortner testify that he learned
10 that their witness -- their witness, Quante Davis, may
11 have been in an argument with two -- the two victims in
12 the club that night. You heard that.

13 So you put that together with the fact that he was
14 the only person that anyone ever saw with a gun. You put
15 the fact he may have been arguing with these victims with
16 a gun and he leaves. He takes off, drops the gun. Common
17 sense would tell you there's a real good possibility he
18 may be part of this. He may have done this killing, or
19 helped with it.

20 Those are the facts right now of this case. Those
21 are the facts as we have them. Those are -- those are
22 facts that the State can't dispute.

23 Let's talk about Quante Davis in terms of -- in terms
24 of his role here. He's currently being held in York
25 County. Why? Because he is a felon. And he was found

1 with a gun pointing and presenting at somebody. What's
2 his motive for lying in this case? What's the motive for
3 this? He's trying to help himself get out of a mess that
4 he created for himself.

5 And it's very lucky for him that he did toss that
6 gun, or lost that gun. Because that would show that at
7 that time -- he had a 380 at that time and he killed those
8 people. Because no one else had a gun. Bradford Williams
9 wasn't there.

10 But what's more interesting -- I'm going to put this
11 little caveat out there. He talks about all this stuff
12 about Brad being this and Brad being that, but he never
13 saw Brad with a gun. He never saw him with a gun. He
14 just saw him leaving in a car maybe. No one else saw him.
15 That's what he said. He never saw a gun.

16 Now, let's talk about Mitchell Sloan. And this is
17 where I think you need to do a little bit of investigation
18 when you get back there. Look at the phone records of
19 Bradford Williams. Look at the calls that were made to
20 Mitchell Sloan at that time. They were both made in the
21 afternoon or early evening, not in the morning like
22 Mr. Sloan talked about in the -- in the afternoon or early
23 evening.

24 Secondly, he tells -- he told you that he got picked
25 up on bench warrants. He gave this statement. He felt

1 pressured. He got this information from the street and
2 that information would help him. According to Mr. Sloan,
3 that would help him get out for Christmas to be with his
4 family. That's what he said. And he got out.

5 But you heard him -- in all the time -- it's very,
6 very unusual for a State's witness -- he's not my witness,
7 he's their witness -- a State's witness getting on the
8 stand and saying, guess what? I lied. I wanted to get
9 out for Christmas. I made up a story, and I lied. You
10 could have heard a pin drop when the Prosecution heard
11 that. Why? Because he lied. He said he lied. He was
12 trying to get out of jail. He made up a story in this
13 case.

14 Ladies and gentlemen, we have two sides to this whole
15 thing. We have two basic -- two sides. We have truth,
16 which are the facts that -- indisputable facts that the
17 State would have to acknowledge in this case based on the
18 evidence. That's coming from people like the owner, the
19 people that were there. You heard the indisputable facts
20 that exist in this case.

21 No one ever saw Bradford Williams at that club that
22 night. No one ever saw him. You heard the officer -- the
23 owner. You have the truth. That's the truth.

24 The truth from Bradford Williams and his girl at that
25 time is they were home. She's a light sleeper. And the

1 door was defective. And they had to slam the door in this
2 case. That's the truth. You can see the receipt there
3 from when he checked out. That's the truth.

4 The other side, the dark side we call it, is Quante
5 Davis. He's the guy with the gun, the liar, the guy who
6 has made up a story to protect himself in this case so
7 he's not charged with murder. He's the only guy out there
8 that night that had a gun, the only person anyone ever saw
9 with a gun.

10 Then you have Mitchell Sloan. He wanted to get out
11 of jail. He gave them what they wanted. They let him
12 out. You heard him on the stand, he lied. He made up the
13 story. He made up that story. That's the dark side, the
14 lies, the story. The truth is the truth.

15 The truth in this case and justice is that Bradford
16 Williams was wrongfully accused of this crime. And our
17 laws are set up a certain way for the State to have to
18 prove beyond a reasonable doubt that Bradford Williams was
19 not there, was not at home that night. They can't do it.

20 This is not a case of could have, would have, should
21 have, and so forth. It's not like that. It's got to be
22 beyond a reasonable doubt. And there is a ton of
23 reasonable doubt in this case for you to look at, a ton.

24 You have nobody to reward or favor, nobody to punish.
25 This is a search for the truth, a search for justice in

1 this case. And justice, I submit to you, is a verdict of
2 not guilty.

3 Thank you very much.

4 THE COURT: Mr. Solicitor.

5 MR. GREGORY: Briefly, Your Honor.

6 Ladies and gentlemen, Mr. Robinson talked about
7 indisputable facts. I have some disputes with those
8 facts. The first one was Keith Ellison said, I've never
9 seen this man before in his life, didn't see him in the
10 bar that night. That does not mean the Defendant was not
11 there. That means Mr. Ellison did not see him there that
12 night. Mr. Ellison is the owner. He works there. It's a
13 club. It wasn't busy, but there are people coming in and
14 out at that time of night. I submit to you that's not an
15 indisputable fact.

16 Number two indisputable fact was Quante had a gun
17 there that night. Brittany Lane said he did not have a
18 gun that night. Brittany Lane said he was hanging out
19 with me earlier. We decided to go to the club. We rode
20 separately, but I did not see a gun. When he came in and
21 said, Call 911, somebody has been shot, my boys have been
22 shot, he did not have a gun. That is not an indisputable
23 fact.

24 Number three, Brittany Lane -- Quante Davis left the
25 club, loses a gun. The evidence was that Quante said he

1 dropped a gun -- dropped a BB gun at Boulder Creek. That
2 was -- the gun was never recovered. Nobody ever saw that
3 gun. Quante did not drop a gun at the scene. That is not
4 an indisputable fact.

5 Ladies and gentlemen, I ask you to find the Defendant
6 guilty of two counts of murder.

7 CHARGE ON THE LAW

8 THE COURT: Let's see. Could we move the...

9 Mr. Foreman, ladies and gentlemen of the jury, as
10 jurors in this case, you have certain functions and
11 responsibilities to perform, which are entirely separate
12 and distinct from mine as the trial judge. I am
13 prohibited by the Constitution of the State of South
14 Carolina from charging you on the facts of this case.

15 I'm, also, prohibited from discussing the facts of
16 the case with you, or in any way intimating what my
17 feelings might be about the facts. It is your
18 responsibility and yours alone to pass upon all issues of
19 fact presented in the case.

20 I will, therefore, charge you that if during the
21 course of this trial or during my charge, if you are given
22 or left with an impression or feeling that I do have a
23 personal feeling about the facts of this case, I would,
24 specifically, instruct you to disregard that feeling or
25 impression.

1 Moreover, you are the sole judges of what the
2 testimony was, and not the argument of counsel.

3 It is, also, your duty and yours alone to weigh the
4 testimony and evidence in the case and to pass upon the
5 credibility or believability of the witnesses. In this
6 connection, you have the right to believe all that a
7 witness tells you, or disbelieve all that a witness tells
8 you. You have a right to believe a part of what a witness
9 tells you, or to disbelieve a part of what a witness tells
10 you.

11 You have the right to take into consideration any
12 bias, or prejudice, or interest you feel that a witness
13 might have in the case. I say this merely to emphasize
14 the weight you see fit to give to the testimony, to the
15 credibility of the witnesses, as well as all issues of
16 fact are for your sole determination.

17 As judges of the facts, you are the sole judges of
18 the credibility, that is the believability of the
19 witnesses who have testified in the case. In passing upon
20 their credibility, you may take into consideration many
21 things, such as the appearance and manner of the witness
22 on the stand, sometimes referred to as the demeanor of the
23 witness.

24 Was the witness forthright or hesitant? Was the
25 witnesses testimony consistent, or did it contain

1 discrepancies? What was the ability of the witness to
2 know the facts about which he or she testified? Did the
3 witness have a cause or reason to be bias or prejudice in
4 favor of the testimony he or she gave? Was the testimony
5 of the witness corroborated and made stronger by other
6 testimony and evidence, or was it made weaker or impeached
7 by such other testimony and evidence.

8 As jurors, you have the right to believe a small
9 portion of a witnesses testimony and disregard the larger,
10 or vice versa. You may believe all of a witnesses
11 testimony or not. You may believe the testimony of a
12 single witness against that of many witnesses, or the
13 other way around. Most certainly, you do not determine
14 the amount of credibility or believability by counting up
15 the number of witnesses who may have testified on behalf
16 of the parties.

17 Now, the rules of evidence ordinarily do not permit
18 witnesses to testify to opinions or conclusions. An
19 exception to this rule exists with witnesses we call
20 expert witnesses, a witness who by education and
21 experience has become an expert in some art, science,
22 profession, or calling may state an opinion as to the
23 relevant and material matter in which the witness claims
24 to be an expert and may, also, state the reasons for the
25 opinion.

1 You should consider any expert opinion received in
2 evidence in this case and, like any other evidence, give
3 it the weight you think it deserves. If you decide that
4 the opinion of an expert is not based on sufficient
5 education or experience or if you conclude that the
6 reasons given in support of the opinion are not sound or
7 that the opinion is outweighed by other evidence, you may
8 disregard the opinion entirely.

9 An expert's testimony is to be given no greater
10 weight than any other witness simply because the witness
11 is an expert. Further, you're not required to accept an
12 expert's opinion, even though it is not contradicted.

13 Now, by the same Constitution and law which makes you
14 the finders of the facts and evidence, as I've discussed
15 with you, I am, as the Judge, made the sole and only
16 instructor of the law. You may accept -- you must accept
17 as correct the law which I charge, and apply to it the
18 evidence as you find it, and reach a verdict.

19 If I should make an error in the law as I instruct it
20 to you, there's another time and place that error can be
21 considered and, if necessary, corrected. But for the
22 purposes of this case today, you must accept the law as I
23 charge it to you to be the correct law.

24 And, finally, I charge you in this regard that you
25 nor, for that matter, I should not be concerned with what

1 the law ought to be, but rather what I charge you the law
2 to be.

3 Now, the Defendant has pled not guilty to the
4 indictment. And that plea puts the burden on the State to
5 prove the Defendant guilty. A person charged with
6 committing a criminal offense in South Carolina is never
7 required to prove his innocence.

8 I charge you that it is an important rule of the law
9 that a defendant in a criminal trial, no matter what the
10 seriousness of the charge may be, will always be presumed
11 innocent for the crime for which the indictment was
12 issued, unless that guilt has been proven by evidence
13 satisfying you of that guilt beyond a reasonable doubt.

14 Now, this presumption of innocence does not end when
15 you begin your deliberations. But it accompanies the
16 Defendant throughout the trial until you reach a verdict
17 of guilt based upon evidence satisfying you of that guilt
18 beyond a reasonable doubt.

19 The presumption of innocence is like a robe of
20 righteousness placed upon the shoulders of the Defendant,
21 which remains with the Defendant until it has been
22 stripped from the Defendant by evidence satisfying you of
23 the guilt -- the Defendant's guilt beyond a reasonable
24 doubt. Presumption of innocence is not a mere legal
25 theory. It's not just a legal phrase. It is a

1 substantial right to which every defendant is entitled,
2 unless you, the jury, are satisfied that the evidence of
3 the Defendant's guilt is beyond a reasonable doubt.

4 Now, what is a reasonable doubt in the law? A
5 reasonable doubt is the kind of doubt that would cause a
6 reasonable person to hesitate to act.

7 Now, there are two types of evidence which are,
8 generally, presented during the trial, direct evidence and
9 circumstantial evidence.

10 Direct evidence is the testimony of a person who
11 claims to have actual knowledge of a fact, such as an
12 eyewitness. It is evidence that immediately establishes
13 the main fact to be proven and does not require deduction.

14 Circumstantial evidence is proof of a chain of facts
15 and circumstances that exist -- indicating the existence
16 of a fact. It is evidence which immediately establishes
17 collateral facts from which the main fact may be inferred.
18 Circumstantial evidence is based on inference and not on
19 personal knowledge or observation.

20 Crimes may be proven by circumstantial evidence. The
21 law makes no distinction between the weight or value to be
22 given either direct or circumstantial evidence. However,
23 to the extent the State relies on circumstantial evidence,
24 all of the circumstances must be consistent with each
25 other and when taken together point conclusively to the

1 guilt of the accused beyond a reasonable doubt. If these
2 circumstances merely portray the Defendant's behavior as
3 suspicious, the proof has failed.

4 The State has the burden of proving the Defendant
5 guilty beyond a reasonable doubt. The burden rests upon
6 the State, regardless of whether the State relies on
7 direct evidence, circumstantial evidence, or some
8 combination of the two. You should weigh all of the
9 evidence in the case. After weighing all of the evidence,
10 if you are not convinced of the guilt of the Defendant
11 beyond a reasonable doubt, you must find the Defendant not
12 guilty.

13 Now, in order to establish criminal liability, intent
14 is required. Criminal intent must be proven by the State
15 beyond a reasonable doubt.

16 Now, criminal intent is always a matter that must be
17 determined by the jury from the circumstances surrounding
18 the situation. There is no way to prove intent to a
19 mathematical certainty. There is no way medical science
20 can dissect a person's brain and determine what the person
21 had in mind.

22 So the law says that criminal intent may be inferred
23 from the circumstances shown to have existed. This is how
24 you make a determination of whether or not the element
25 requiring intent was present.

1 It is not necessary to establish an intent by direct
2 and positive evidence. But the intent may be established
3 by the inference in the same way as any other fact, by
4 taking into consideration the acts of the parties and all
5 the facts and circumstances of a case.

6 Criminal intent is a mental state of conscious
7 wrongdoing. It is up to you to determine what the
8 Defendant intended to do based on the circumstances shown
9 to have existed. Criminal intent is a state of mind that
10 operates jointly with an act or commission -- in the
11 commission of a crime. Criminal intent is a mental state.

12 Criminal liability is normally based upon the
13 concurrence of two factors, an evil-meaning mind and
14 evil-doing hand. A person who causes a particular result
15 is said to act purposely if he consciously disregards or
16 desires the result, whatever the likelihood of that result
17 happening from his conduct.

18 A person is said to act knowingly if he is aware that
19 the result is particularly certain to follow from his
20 conduct whatever his desire may be to that result.

21 Suspicion, however strong, is not enough to sustain a
22 conviction. The evidence presented by the State must --
23 must be substantial evidence that tends to prove the guilt
24 of the Defendant beyond a reasonable doubt.

25 Now, I remind you that the fact that the Defendant

1 was arrested, charged, and indicted in this case is not
2 evidence in this case. And it cannot be considered by you
3 as evidence of guilt in this case, nor does it create any
4 presumption or inference of guilt.

5 This -- the document of -- the indictment is simply
6 the formal written instrument which contains the charge or
7 charges made against the Defendant. It is the formal
8 document in which the case is brought into this Court.

9 And the indictments in this case allege several
10 different offenses against the Defendant. The charges are
11 in indictment number 2015-GS-23-2941, count one, murder;
12 count two, possession of a weapon during the commission of
13 or attempt to commit a violent crime as to Jamal Justice.

14 And indictment number 2015-GS-23-2942, count one,
15 murder; count two, possession of a weapon during the
16 commission of or attempt to commit a violent crime as to
17 Sylvester Fuller.

18 Each indictment and each count of each indictment
19 charges a separate and distinct offense. You must decide
20 each indictment and each count thereof separate on the
21 evidence and the law applicable to it uninfluenced by your
22 decision as to any other indictment.

23 The Defendant may be convicted or acquitted on any or
24 all the offenses charged. You will be asked to write a
25 separate verdict of guilty or not guilty for each

1 indictment.

2 Now, murder is charged in both indictments -- the
3 Defendant is charged with murder in both indictments. The
4 State must prove beyond a reasonable doubt that the
5 Defendant killed another person with malice aforethought.

6 Malice is hatred, ill will, or hostility towards
7 another person. It is the intentional doing of a wrongful
8 act without just cause or excuse with an intent to inflict
9 an injury, or under the circumstances that the law would
10 infer evil intent.

11 Malice aforethought does not require that malice
12 exists for any particular time before the act is
13 committed. But malice must exist in the mind of the
14 Defendant just before and at the time the act is
15 committed. Therefore, there must be a combination of a
16 previous evil intent and the act.

17 Malice aforethought may be expressed or inferred.
18 These terms "expressed" and "inferred" do not mean
19 different kinds of malice, but merely the manner in which
20 malice may be shown to exist. That is either by direct
21 evidence or by inference from the facts and circumstances
22 which are proved.

23 Expressed malice is sworn -- excuse me, expressed
24 malice is shown when a person speaks words which express
25 hatred or ill will for another, or when the person

1 prepared beforehand to do the act which was later
2 accomplished. For example, lying in wait for a person or
3 any other acts of preparation going to show that the deed
4 was within the Defendant's mind would be expressed malice.

5 Malice may be inferred from conduct showing a total
6 disregard for human life. Inferred malice may arise when
7 the deed is done with a deadly weapon. A deadly weapon is
8 any article, instrument, or substance that would cause
9 death or great bodily harm. Whether an instrument has
10 been used as a deadly weapon depends on the facts and
11 circumstances of each case.

12 Now, the Defendant is, also, charged with possession
13 of a weapon during the commission or attempt to commit a
14 violent crime. The State must prove beyond a reasonable
15 doubt the Defendant was in possession of a firearm or
16 visibly displayed one that appeared to be a firearm during
17 the commission of a violent crime. A firearm means any
18 machine gun, automatic rifle, revolver, pistol, any weapon
19 which is designed or may be readily converted to expel a
20 projectile.

21 In order to find the Defendant guilty of possession
22 of a firearm during the commission of a violent crime, you
23 must, first, find the Defendant is guilty of committing a
24 violent crime or attempting to commit a violent crime.
25 Under the law of South Carolina, murder is a violent

1 crime.

2 Now, the Defendant has raised the defense of alibi.
3 In order to establish an alibi, it must be shown that the
4 Defendant was at another specified place at the time the
5 crime was committed. And that it was, therefore,
6 impossible for the Defendant to have been at the scene of
7 the crime. Mere denial of presence at the scene of a
8 crime does not constitute an alibi.

9 There is no burden on the Defendant to prove an
10 alibi. The burden is on the State to prove beyond a
11 reasonable doubt that the Defendant was, actually, present
12 at the scene of the crime and, actually, participated in
13 it and was not somewhere else. In other words, the State
14 has the burden of disproving the Defendant's alibi
15 defense.

16 Now, ladies and gentlemen of the jury, you have been
17 selected as fair and impartial jurors sworn to impartially
18 try and determine the facts of this case. When you comply
19 with your oath to do so, then no one will have a right to
20 criticize your verdict, and you will have fully discharged
21 your duties as jurors.

22 You should not be influenced by opinions or
23 expression of opinions, if any, which you may have heard
24 on the outside. But you are to decide the case -- but you
25 are to decide this case according to the testimony that

1 you have heard from the lips of the sworn witnesses, along
2 with the other evidence that may have been introduced.

3 You must not consider as evidence any statement
4 counsel made during the trial. However, if the parties
5 have stipulated to anything or any fact has been admitted
6 by counsel, you will regard that fact as being
7 conclusively proven as to the party or parties making the
8 stipulation or omission.

9 As to those questions which an objection was
10 sustained, you must not speculate as to what the answer
11 may have been or as to the reason for the objection. You
12 must not consider any person, any offer of evidence which
13 was rejected, or evidence that was stricken by the Court.
14 Such matters will be treated as if you would have never
15 known it. You must not speculate to be true any
16 insinuation suggested by a question asked of a witness.
17 The question is not evidence and it may be considered only
18 as it supplies meaning to the answer.

19 Now, in this case, Mr. Foreman, and, ladies and
20 gentlemen of the jury, there are two indictments. And
21 each indictment has two counts.

22 Mr. Bailiff, if you will hand the proposed verdict
23 forms to the -- Mr. Foreman.

24 Now, I've prepared these verdict forms. You'll
25 notice there are two separate forms. Each is for an

1 indictment -- a separate indictment. On the first
2 indictment is 2015-GS-23-2942 -- excuse me, 2941. And
3 that indictment has two counts. Count one states that,
4 We, the jury, unanimously find the Defendant, Bradford
5 Hester Williams, is either guilty of the murder of Jamal
6 Justice, or not guilty. Count two, guilty of possession
7 of a weapon during the commission of a violent crime, or
8 not guilty.

9 Now, whatever is your verdict as to each of these
10 counts, you would -- it has to be a unanimous verdict,
11 that is, all 12 members of the jury have to agree to it.

12 But once you have reached a unanimous verdict, then,
13 Mr. Foreman, you will check the particular verdict for
14 each count. And once both verdicts have been completed,
15 date it, and sign your name on the line provided.

16 Now, the -- as I say, there are two indictments. The
17 second indictment is 2015-GS-23-2942. In count one, we,
18 the jury, unanimously find the Defendant, Bradford Hester
19 Williams, guilty of the murder of Sylvester Fuller, or not
20 guilty. In count two, guilty of possession of a weapon
21 during the commission of a violent crime, or not guilty.

22 Again, you have to have a verdict for each count.
23 But once you've decided unanimously what that verdict is,
24 Mr. Foreman, you check the appropriate line and then date
25 it, and sign your name on the line provided.

1 Now, as I've said, I'm going to ask you now to return
2 to your jury room. But do not begin the deliberations
3 until I -- you're told to do so by the clerk or the
4 bailiff.

5 There are some matters I must take up with the
6 attorneys before the case is, finally, given to your --
7 given to you for your decision in the matter. And once
8 the bailiff returns to you the verdict forms together with
9 all of the evidence and -- that's been admitted into the
10 trial of this case, then you begin your deliberations.

11 And once you've reached a verdict and the verdict
12 form has been completed, just knock on the door and we'll
13 return and receive your verdict.

14 Again, do not begin your deliberations until you
15 receive the verdict forms and the evidence. I'll excuse
16 every member of the jury, except the alternate at this
17 time.

18 So if you would, please, retire to the jury room.

19 (WHEREUPON, the jury was excused from open court at
20 approximately 4:32 p.m.)

21 THE COURT: All right. Let me ask the questions of
22 the attorneys first so they can maybe get started here.

23 Any exceptions to the charge or request for the
24 charge from the State?

25 MR. GREGORY: Not from the State, Your Honor.

1 THE COURT: From the Defense?

2 MR. ROBINSON: Your Honor, the only -- the only
3 objection I have is, maybe I didn't hear it right, but did
4 the Court tell the jury that their verdict had to be
5 unanimous in this case? That's what I was wondering. I
6 don't know if I heard that.

7 THE COURT: Yes. Otherwise, it's a hung jury.

8 MR. ROBINSON: Yes, sir. Just making sure.

9 THE COURT: All right. Is that an exception or --

10 MR. ROBINSON: No. It's just my -- I wanted to make
11 sure I was hearing.

12 THE COURT: I charged unanimous three times, and the
13 verdict form says "unanimous."

14 MR. ROBINSON: Yes, Judge.

15 THE COURT: All right. Collect the evidence and the
16 verdict forms and have the -- take them to the jury so
17 they can start deliberations.

18 If the attorneys would, please go through the
19 exhibits and be sure everything that's supposed to go back
20 goes back, and nothing that is not supposed to go back
21 doesn't.

22 Madam Alternate, I think you see why you were
23 selected. Because, as you saw, there was an unfortunate
24 situation that developed that was necessary to excuse one
25 of the jurors. So your service is complete.

1 And, Madam Clerk, as I understand, this will be the
2 last trial this week?

3 THE CLERK: Yes, sir.

4 THE COURT: In other words, this will complete your
5 service. You will be excused.

6 But I will say this, although it looks like I'm doing
7 everything in the world except paying attention, I've
8 developed a knack for being able to keep up with what's
9 going on in the courtroom. And I've noticed that
10 throughout this trial, you paid very careful and close
11 attention to all the testimony, and the evidence, and the
12 discussions by the attorneys and the Court, and all that.
13 So I'm confident that if you had to sit on the jury, you
14 would be a very valuable member of that jury.

15 But, as I say, this does complete your service. I do
16 hope that you understand that service on a jury is
17 absolutely essential to our system of justice. To have
18 citizen participation is the thing that makes our system
19 so unique in the world. Thank you for accepting that
20 responsibility.

21 Now, as far as anything I can do for you, if you'll
22 remember when they qualified the whole jury -- I think
23 Judge Miller did, that he asked if any member of the jury
24 panel had served on a jury in the last three years. So
25 you will not have to serve if you're called for, at least,

1 three years.

2 Madam Clerk, do you have anything for the alternate?

3 THE CLERK: If you'll just wait one second. I just
4 sent an e-mail to Judy Olson downstairs. And I'm going to
5 wait until she e-mails me back and lets me know what to
6 do. Okay.

7 JUROR #191, MICHELE GREGG: Thank you.

8 (Pause.)

9 THE CLERK: The other bailiff has your statement. So
10 you can leave when you get your things.

11 JUROR #191, MICHELE GREGG: Thank you so much.

12 THE COURT: Thank you, ma'am.

13 Have a good weekend.

14 (WHEREUPON, Juror #191, Michele Gregg, exited the
15 courtroom.)

16 THE COURT: Gentlemen, I want to thank you for your
17 patience with the Court during the case, but, also, your
18 obvious commitment to your particular cause. And you did
19 a very professional job.

20 Whenever I advise that I finish a case and I don't
21 feel like I'm as fresh as I was when I began, that means I
22 probably have been tested. Y'all did test me. But I do
23 want to thank you for your commitment to your cause. As I
24 say, that's what our profession is all about. And I thank
25 you both, both the State and the Defendant.

1 All right. The case is in the jury's hands. So
2 we'll just wait for the verdict.

3 (WHEREUPON, the proceedings were recessed at
4 approximately 4:39 p.m.)

5 (WHEREUPON, Court's Exhibit No. 4 was marked for
6 identification and admitted into evidence.)

7 THE COURT: All right. I've received a message from
8 the jury. The jury would like to hear the recordings of
9 Mitchell Sloan and Tiara Washington. Now, I understand
10 that's about an hour.

11 MR. GREGORY: Are you talking about the video
12 recordings, because those are about 10 minutes each, or
13 are you talking about the recording of the whole
14 testimony?

15 THE COURT: I don't know -- well, I mean, I think
16 they're talking about the recordings.

17 Now, it's 6:00 -- 15 until 6:00. I understand that
18 in order to get lunch -- I mean, excuse me. I hadn't
19 gotten lunch. But for supper, it takes about an hour.
20 And it has to be in by 7:00.

21 So, I mean, in other words, we've got to do something
22 now one way or the other. I would propose bringing the
23 jury out -- or I don't know.

24 Madam Clerk, have you done this before?

25 THE CLERK: The dinner, yeah.