

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Charleston County

Deidre L. Jefferson, Circuit Court Judge

2019-001193

THE STATE,

RESPONDENT

V.

TERRELL L. MCCOY,

PETITIONER

APPENDIX

II

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S.C. SUPREME COURT

1 A. Me and him was -- his last name, no, I didn't care
2 to know his last name. Me and him was off and on. I
3 wouldn't call it --

4 Q. In your first statement you gave, you said you was
5 watching TV and Travis came in. Y'all had a
6 conversation. You asked him if he was coming back. You
7 stated if you come -- in your first statement you gave
8 you said you was watching TV and Travis came in. Y'all
9 had a conversation. You asked if he was coming back.
10 You stated if you come back, you come back, if you don't,
11 you don't. Travis closed the door, you heard the toilet
12 flush, then you went back to sleep. You stated that,
13 right, in your first statement, correct?

14 A. Yeah.

15 Q. Then you stated in your first statement you fell
16 asleep around 2:00 a.m. and you was woken by a few
17 gunshots, maybe two or three; is that correct?

18 A. That's what it says.

19 Q. You stated earlier you heard shots around 5:00
20 a.m. How is that?

21 A. Because, as I said, my first statement wasn't
22 true.

23 Q. You also stated you heard some voices of people
24 arguing, correct?

25 A. Because my first statement wasn't true.

1 Q. But that is what you stated in your statement,
2 correct?

3 A. Because I lied in my first statement.

4 Q. But if the defendant was shooting at you, why
5 would you lie? If you said the defendant was shooting at
6 you, why would you lie? Why wouldn't you go to the
7 police and tell the police the defendant was shooting at
8 you if he was shooting at you? Why would you give two
9 other statements saying you didn't know who committed
10 this crime? If the defendant was shooting at you, why
11 would you lie and say you didn't know what was going on?

12 A. The second statement, I told him it was you. The
13 third statement I told him it was you again, and I didn't
14 go because at the time I was afraid of you.

15 THE COURT: Mr. McCoy, you got to let her
16 answer the question you asked.

17 MR. TERRELL MCCOY: This is my first time.
18 I'm sorry.

19 THE COURT: Go ahead and finish your answer,
20 ma'am.

21 THE WITNESS: You was the one that was
22 shooting and I identified you, the second time, as well
23 as the third time, and I'm identifying you now.

24 BY MR. TERRELL MCCOY:

25 Q. Let me show you what is marked as Defense Exhibit

1 3. In your second statement you stated earlier this
2 morning, Detective Elmore took my statement, and I was
3 not completely honest. I told Detective Elmore that I
4 saw a guy in a black hoody running away from the area
5 when I looked out my house. The guy who was running away
6 from my house was my friend's brother. His name is
7 Sleezie Boy. He had a hoody on. I could see him
8 running. But you said you stated that you -- in your
9 second statement that you saw Sleezie shooting at the
10 victim, but you never stated that in the second
11 statement.

12 A. I saw you shoot --

13 Q. Ma'am, I'm asking you about your second statement.
14 Did you state -- did you not state in your second
15 statement you did not see who shot the victim?

16 A. My second statement wasn't even true. The only
17 truth that I told was that you was the shooter.

18 Q. My question is to you, in your second statement
19 that you gave to North Charleston police department, what
20 did you tell them?

21 A. I told them a lie.

22 Q. And why did you tell a lie?

23 A. Because I was afraid of you. I was confused. I
24 just witnessed a person die in my arms by you. I get
25 grazed by a bullet by you. And I have North Charleston

1 questioning me. I lied, and I apologize to the Courts
2 and anyone else, but I'm telling the truth today, and on
3 the third statement, I've told the truth, and I'm
4 continuing to tell the truth. You, the defendant,
5 Sleezie, shot Antwan and grazed me.

6 Q. Ma'am, why -- if I shot at you and I was shooting
7 at you and Antwan, why didn't you go to the police right
8 then and tell the police that the defendant shot at you?
9 Why would you tell them you didn't see who shot at you?
10 Why would you say that somebody kicked in your door if I
11 was shooting at you? Wouldn't it be right for you to go
12 to the police and say this guy was shooting at me and
13 this guy put a gun to my head and this guy shot the
14 victim? You didn't do that.

15 A. My first statement, because I was afraid. That
16 the first time I ever experience something like that, you
17 would be afraid, and I never experienced nothing like
18 that, ever, in my life. And I have lied the first time.
19 I partially told the truth the second time, and the third
20 time, I told the truth, and I'm telling the truth now.

21 Q. Your bedroom window, was it open or closed?

22 A. My bedroom window was closed. Before I went to
23 sleep, I remember them being closed.

24 Q. And how many bedrooms were in this house?

25 A. Two bedrooms.

1 Q. And both bedrooms have curtains hanging up, right?

2 A. Both bedrooms -- yeah.

3 Q. You have a child bedroom and you have your
4 bedroom, right?

5 A. But my daughter never used her bedroom.

6 Q. But you have two bedrooms.

7 A. Yes.

8 Q. And you have curtains hanging up in both rooms,
9 right?

10 A. Yes.

11 Q. And both rooms -- in one of the bedrooms there was
12 a bed with a headboard that blocks the window, correct?

13 A. Yes.

14 Q. Now, you state in your first statement you went
15 back to sleep but heard banging on your front door and
16 you heard a boom. Somebody kicked the door in and ran in
17 and you heard some gunshots, correct?

18 A. Yes.

19 Q. And when you came out the room, you saw a body
20 lying on the living room floor. You freaked out. You
21 stated you didn't know what to do, so you tried from
22 getting blood on your hands, correct?

23 A. I said -- that is in my first statement?

24 Q. That's in your first statement, ma'am. Do you see
25 it?

1 A. It says I ran over.

2 Q. It said you ran over it and touched him?

3 A. It said I ran over to the guy and grabbed him.

4 Q. Grabbed and touch is the same thing, do you not
5 understand that?

6 A. No, it's not the same thing.

7 Q. So you grabbed him and touched him; is that right?

8 A. I grabbed him.

9 THE COURT: Let her finish the question.

10 THE WITNESS: You went so fast, I don't know
11 what you just said.

12 BY MR. TERRELL McCOY:

13 Q. You stated in your second statement that you ran
14 out your room. You saw a dead guy lying on the floor.
15 You freaked out, but you ran up to him and you touched
16 him or you grabbed him, correct?

17 A. The statement says here that I grabbed him.

18 Q. Then you state you ran out the front door and saw
19 somebody with a black hoody running down the street,
20 correct?

21 A. Yes.

22 Q. But before you ran out the front door, you stated
23 you ran into the room and opened your window to jump out,
24 correct?

25 A. That's what it says. This is a false statement.

1 Q. And that is what you said and that is what you
2 did, right?

3 A. That is not what I did, because this is a false
4 statement.

5 Q. Well --

6 MR. WETMORE: Objection.

7 THE COURT: Repeat it slowly so the court
8 reporter can hear you.

9 MR. TERRELL McCOY: Blood was found on the
10 raised window and curtains in your bedroom.

11 MR. WETMORE: Objection.

12 THE COURT: What is your objection?

13 MR. WETMORE: He's testifying. He's not
14 asking a question.

15 THE COURT: You need to ask ask your question
16 in the form of a question. Okay? So you can preface
17 your question, but you need to put it in the form of a
18 question ultimately.

19 BY MR. TERRELL McCOY:

20 Q. Can you tell me how blood got on your curtains?

21 A. I can't tell you that because I wasn't in the room
22 at the time.

23 Q. But in your first statement, you did state that
24 you ran and you saw this guy lying on your floor and you
25 touched him and you ran back into your room; is that

1 correct?

2 A. My first statement was false. I was sitting right
3 there when Antwan was getting shoot by you.

4 Q. You heard a boom. Somebody kicked the door open,
5 correct? The police found the front door kicked open?

6 A. First statement. False again.

7 Q. On March 25, you stated you didn't know who
8 committed this crime, correct?

9 A. March 25 was the date that he had got killed.
10 March 25th was the same day I gave my second statement
11 identifying you as the shooter.

12 Q. Then you stated none of this was true, correct?

13 A. Yes, but I know you being the shooter was true.

14 Q. And in the second statement you gave, you said,
15 well, none of this in the first statement is true, but
16 gave another statement. You gave a second statement and
17 you said none of that is true, then you gave a third
18 statement, correct?

19 A. I called the detectives to give the third
20 statement because whether what happened to me or not I
21 know I'm not going to have Antwan's death on my
22 conscience for something that you did.

23 Q. Did you ever escape from the house? How did you
24 escape from this house?

25 A. I wasn't held captive. I didn't escape.

1 Q. Well, how did you leave from out this house?

2 A. When Antwan died in my arms by you, I went to the
3 next door neighbor's house.

4 Q. The reason why I'm asking is because there were
5 blood found on your curtains. Now, you stated in the
6 first statement that you ran out -- you came out your
7 room. You noticed a dead guy on your floor. You freaked
8 out. You touched him, getting blood on you. You ran
9 into your room to raise the window. Can you please --

10 A. Your brother was also -- after the shooting, your
11 brother also -- your brother went into my bedroom. That,
12 I do know. I don't know what he did in there, but I know
13 for a fact -- I was not in there. The statement that I
14 wrote is false, and I admitted that, and I keep admitting
15 that, but I don't know how the blood got there. I cannot
16 answer that. I know I was not in there because I was in
17 the living room the whole time.

18 Q. But you stated in your first statement you ran
19 into that room and grabbed this window and you opened
20 this window. Why would you go into details saying that
21 you ran into this room and opened this window if you
22 didn't go in this room and open this window? Why would
23 you say that?

24 A. Because at first I was lying. I never raised a
25 window. I held a dead person in my arms from you, of

1 what you did. I did not do that.

2 Q. My question is, ma'am, why did you state you ran
3 into that room and opened that window if you never opened
4 that window?

5 A. Because I lied.

6 Q. Then how did the window get open with blood on it?

7 A. I can't answer that. I wasn't there in that room,
8 so I can't answer that question.

9 Q. Let me show you what has been marked as Defense
10 Exhibit 2. This is your third statement. Now, you just
11 stated that Travis Johnson or Travis whatever his name
12 may be ran into that room.

13 Can you please turn to the second page in your
14 third statement. At the very bottom it says Sleezie ran
15 out the door. I told Travis to call 911 and him, Travis
16 and Bizzy ran out the door. I laid the guy on the floor.
17 Blood was coming out of his mouth. Didn't you state
18 that? Second page, last sentence.

19 A. Just give me a minute, please. Yeah, I see it.

20 Q. Now, but you just stated that the defendant ran
21 into your room, but then your third statement, what you
22 said is the final truth, you stated that Travis ran out
23 your front door but now you're saying he ran into your
24 room and he touched this guy that he had blood on him and
25 he touched this guy.

1 You never stated that in your third statement.
2 The only thing you stated in your third statement was
3 Travis and Bizzy ran out your front door..

4 A. And I didn't say how long it took Travis to leave
5 out the door, but I know you left out the door after you
6 shot Antwan and grazed me, and Bizzy left behind you.
7 Then Travis, after Travis -- he touched Antwan. I don't
8 know what he took off him, but he went into the room. I
9 don't know what he did in the room, and I can't see what
10 he did in the room.

11 Q. Let me ask you this question. What was in the
12 middle of your floor?

13 A. What was in the middle of my floor?

14 Q. Yes.

15 A. Nothing was in the center of the floor.

16 Q. And you stated that Antwan flicked the cigarette
17 and ashtray?

18 A. That's not the center of the floor.

19 Q. What was in the center of the floor?

20 A. Nothing in the center of the floor. That is the
21 middle floor. Where the ashtray was at was in front of
22 me which that single chair was up against the wall, far
23 closer to the corner as well as the left seat. The
24 ashtray was in front of me. There was nothing in the
25 center of the floor, but Antwan walk in front of you to

1 flick the ashes and the ashtray.

2 Q. Can you tell me how a curtain got in front of
3 you -- can you tell me how the curtain from off your bed
4 in one of your bedrooms got in the middle of the floor
5 under his body?

6 A. It was the curtain folded up. That was on the
7 love seat of the couch. I do remember that.

8 Q. But how did it get under Antwan's body?

9 A. I don't know how it got underneath Antwan's body,
10 but I know at that time there was no curtain under
11 Antwan's body because I was holding Antwan while were you
12 shooting him. There was not no curtain there.

13 Q. So you got one curtain in your bedroom, right?

14 A. No. I have two curtains. I cannot explain how
15 the curtain got there, but I can explain there was a
16 curtain folded up, but at the time, from the time when
17 the police arrived there, I don't know, because I didn't
18 go back in the house, but I do know that I was holding
19 him bleeding and I would remember if there was a curtain
20 because I probably would have wrapped him up in it, but I
21 didn't. I held him in my hands from something that you
22 did.

23 Q. So when you held the victim in your arms. Was
24 there anything under him?

25 A. No.

1 Q. All right.

2 A. Not that I remember, no. There wasn't nothing
3 underneath him but me.

4 Q. So you have a curtain in your bedroom, correct?

5 A. I have two windows in my bedroom and I also had
6 two windows in my living room.

7 Q. So you have two curtains in your bedroom. How
8 many curtains do you have in your child's bedroom?

9 A. Very four.

10 Q. You have four curtains in your child's bedroom?

11 A. Uh-huh.

12 Q. And you stated that none of your windows were
13 open?

14 A. Monday much my windows as far as I know, no.

15 Q. Now, your first statement you stated you didn't
16 witness the victim getting shoot, correct?

17 A. Because I lied on my first statement.

18 Q. And you gave a third statement approximately 24
19 hours later, correct?

20 A. Yes.

21 Q. How did this third talk come about with law
22 enforcement?

23 A. Because I decided to dot right thing for something
24 you did that was a cowardly move and I called detectives
25 and I explained to them I wanted to tell the truth

1 because it was not right and it wasn't fair for a victim
2 to die the way that he did, knowing that they didn't do
3 nothing and you did that.

4 Q. Now, when you talk to detectives the third time,
5 did they mention anything about a warrant?

6 A. No.

7 Q. For arrest.

8 A. A warrant on arrest, no.

9 Q. Do you remember a statement of a previous
10 proceeding, page 39, question 6? Well, question 5, it
11 was asked how did the third talk come about with police,
12 and you stated I called the detectives and he told me. I
13 was like this is Carinda. I was saying I need to talk to
14 you and he was like that is fine because I was on my way
15 to come pick you up on a warrant anyway. Can you please
16 tell me what that want was for anyway?

17 A. That's where you asked me -- you confused me. I
18 thought you said did I have a warrant. The officer meant
19 by saying that because he knew for sure that I knew

21 Q. So what was the warrant for?

22 A. To come bring me in because I was refusing to
23 question. I guess I didn't give them the correct
24 answers, in which I didn't, and he knew that much was
25 true.

1 Q. And when you met with Detective Hill and Detective
2 Jourdan, did they tell you to meet them -- where did you
3 meet them?

4 A. I met them at the -- we had meet them at the
5 battery, I think you called -- I call it the -- I'm not
6 familiar, Your Honor, with downtown. But it's -- it's
7 Waterfront -- whichever one that you want to call it.

8 Q. And when they picked you up, where did y'all go?

9 A. We had to stop -- I think we came, like when you
10 go to your statement, I stopped at a garage.

11 Q. You stopped at a garage?

12 A. Yeah.

13 Q. What garage? Why did y'all stop at a garage?

14 A. I don't know. You have to ask them that.

15 Q. When y'all was in this garage conversating (sic),
16 was this conversation recorded? Did you give a third
17 statement?

18 A. As far as I know it wasn't recorded.

19 Q. Did you give a third statement in this garage?

20 A. Yes, I did. I explained to them -- I explained to
21 them it wasn't actual statement. I explained to them,
22 let them know what really took place, but when I did give
23 a third statement I gave a third statement in the police
24 department.

25 Q. But you say you stated you just did it now you

1 gave a statement in the garage?

2 A. I gave a verbal statement in the garage.

3 Q. You gave a verbal statement in the garage?

4 A. Yes, sir.

5 Q. Was this conversation recorded?

6 A. As far as I know, no.

7 Q. Did you get arrested?

8 A. No, because I didn't do anything.

9 Q. So you mean to tell me -- okay. They state -- you
10 said you called them, right? Did you tell them you would
11 met them at water front park or did they tell you to meet
12 them at Waterfront park?

13 A. I told them where I was but I'm not going to give
14 the address where I was but I told them where I was and
15 that is where they chose to me at the Waterfront.

16 Q. So they picked you up from Waterfront park and
17 instead of going to North Charleston police department --
18 Waterfront park is downtown Charleston, right?

19 A. Yeah.

20 Q. So instead of them taking you to the North
21 Charleston police department, they took you to a garage
22 and y'all have this conversation, right?

23 A. Because they explained to me that they hope what
24 I'm going to say to them is going to be the truth which
25 they pretty much was, like, they knew that I was lying

1 because the bits and pieces wasn't adding up and I told
2 them that I would tell them and I know exactly, again,
3 who did the shooting.

4 Q. When you left this garage, where did you go?

5 A. To North Charleston police department.

6 Q. And that is when you gave your third statement,
7 correct?

8 A. Identifying you, correct.

9 Q. And you called this your true statement, correct?

10 A. Yes, that you did it, yes.

11 Q. In your statement you never mentioned being drugs
12 being found in your house?

13 A. I don't remember drugs.

14 Q. You don't remember drugs being found in your
15 house?

16 A. I didn't remember at the time. At the time I
17 wasn't thinking about drugs.

18 Q. But if you was holding the victim in your arms
19 like you said, you would have saw if there was drugs
20 underneath his head?

21 A. I didn't see no drugs underneath his head, and at
22 the time I wasn't searching for had the drugs at the time
23 I was holding his bullet holes that he got from you.

24 Q. So you said you never saw the drugs that was under
25 Antwan?

1 A. I said I don't remember any drugs.

2 Q. But you're holding him in his arms?

3 A. I'm holding Antwan from gunshot wounds that they
4 established from you.

5 Q. And drugs were found under his head?

6 A. How am I supposed to know that.

7 Q. So you're holding a dead guy in your amounts and
8 you don't see drugs under him?

9 A. No, no. You know what I had saw, I saw a whole
10 bunch of bullet holes that he established from you.

11 Q. That's not the question.

12 A. That's the answer.

13 Q. When you held Antwan, did you see a curtain under
14 him?

15 A. I didn't -- again I'm going to answer that
16 question I don't remember seeing a curtain.

17 Q. That's all I need to know?

18 A. At the time I was holding Antwan. I was holding
19 him. I want think going was there any drugs, I wasn't
20 think going was there any curtain. That was a human
21 being and that was somebody's child, and I held him the
22 best way that I could and it's not my fault that he died,
23 but it's your fault that he died. And I identified you
24 and the only thing I can do was hold Antwan until he took
25 his last breath.

1 THE COURT: I just need you to answer the
2 direct question that he asked okay.

3 BY MR. TERRELL McCOY:

4 Q. Did you see drug scale laying on the couch?

5 THE COURT: Give her a second. Do you need a
6 glass of water? Do you need a glass of water.

7 THE WITNESS: Yeah.

8 THE COURT: Ms. Parker, would you help her
9 get a glass of water there.

10 BY MR. TERRELL McCOY:

11 Q. Did you see drug scale laying on the couch in your
12 living room?

13 A. There was something on the couch.

14 Q. Did you see drug scales laying on the couch?

15 A. I didn't know it was a drug scale.

16 Q. So you stated today that everybody is laying or
17 sitting or standing around your house, but you never saw
18 no drugs. You never saw no scale. You stated you saw
19 something laying on your couch but never saw a curtain
20 laying on your floor.

21 A. It wasn't -- why would a curtain be laying in the
22 middle of my floor?

23 Q. You claim everything in the third statement is
24 true, that anything in your third statement -- are you
25 saying that you talked to Antwan while he was dying?

1 A. Repeat that?

2 Q. In your third statement, when you stated today
3 that you held Antwan in his arms while he was dying and
4 you talked to him, did you state that anywhere in your
5 third statement, what you said is the final truth? You
6 never stated that in your third statement; is that
7 correct?

8 A. That he was talking to me? Is that what you're
9 asking me?

10 Q. Yes.

11 A.. No, I didn't.

12 Q. When you gave your third statement, you didn't say
13 he said anything to you. As a matter of fact, when they
14 asked you said he was choking but you never said when
15 they asked?

16 A. I can't even understand him.

17 THE COURT: You got to slow down.

18 BY MR. TERRELL McCOY:

19 Q. When you gave your third statement, you didn't
20 tell them he said anything to you. As a matter of fact,
21 you said when they asked you, he was choking, but you
22 never said when they asked you he said anything, as a
23 matter of fact, you said he didn't say anything at all.

24 A. I didn't say that he didn't say anything in the
25 statement, no I, didn't.

1 Q. But you stated that today?

2 A. Yes, I did.

3 Q. But you never stated that in your third statement
4 what you're saying is your final truth?

5 A. No.

6 Q. You come here describing a very dramatic scene.
7 He died in her arms but you don't see the drugs or the
8 curtain under him and now you state today he said please
9 don't leave me and you never said that in your third
10 statement which I claim is the truth.

11 THE COURT: Let me make a suggestion. When
12 you normally ask a question like that, you would say,
13 isn't that true. That way it puts it in the form of a
14 question as opposed to just making a statement because
15 she really has nothing to respond to. So put that in the
16 form of a question.

17 BY MR. TERRELL McCOY:

18 Q. Isn't it true that you said that Antwan never said
19 nothing in your third statement?

20 A. Yes. That's what it says. And it's not a
21 dramatic -- it's not a dramatic statement three years
22 later. The only thing dramatic is that you shot.

23 Q. Today you claim that a couple of times Antwan
24 tried to stop them from fighting.

25 A. He tried to stop you and your brother, yes.

1 Q. But in this third statement that you said was the
2 final truth, you said only thing Antwan did was flick a
3 cigarette in an ashtray.

4 THE COURT: You want to step back in front of
5 mike so I can hear you.

6 THE WITNESS: Yeah. When your brother was
7 arguing with you.

8 BY MR. TERRELL McCOY:

9 Q. So how did he bend over and flick a cigarette in
10 an ashtray when a curtain is covering up the floor? I
11 mean --

12 A. I need to see -- there was not no curtain there.
13 That was false. Anywhere you got that, that was false.
14 There was not a curtain there laying in the middle of the
15 floor, and the ashtray was not in the middle of the
16 floor. That was -- you all the cuffs were seated that is
17 how it was seated on this diagram here. There was no
18 curtain in the middle of the floor. None.

19 MR. TERRELL McCOY: Let me show you what I
20 have marked as Defense Exhibit 13, if I'm correct, 14 --

21 THE COURT: You want to offer those
22 statements into exhibit? Any objection?

23 MR. WETMORE: To the statements, I do. To
24 this photograph, I do not. No objection to the
25 photograph, though.

1 (Photograph marked for identification and
2 admitted into evidence as Defendant's Exhibit No. 14.)

3 BY MR. TERRELL McCOY:

4 Q. Let me show you what is marked as Defense Exhibit
5 14. Is that a picture of your house, and Antwan, the
6 victim, laying on the floor? Do you need a tissue? Is
7 that a picture of your house and Antwan, and can you tell
8 me what that is under?

9 A. This is the curtain that was folded that was on
10 the couch, and this curtain is not sprawled out in the
11 middle of the floor like you said. Was not laid out.

12 Q. Did I ask you how did the curtain get under the
13 body, correct?

14 A. From when you was shooting at him, the curtain was
15 right there.

16 Q. So how --

17 A. And by you shooting at him, I don't know how the
18 curtain had got there, maybe all of us, me and him was
19 basically right here in between these two chairs. So how
20 the curtain got there, I don't know, but the curtain is
21 not in the middle of the floor. Look at this picture
22 yourself.

23 Q. You stated earlier that the curtain was on the
24 couch when Antwan got shot?

25 A. First when you was like fussing or whatever the

1 case may be. Look at this picture and you tell me if
2 it's in the middle of the floor.

3 MR. WETMORE: Judge, Your Honor --

4 THE COURT: Why don't we put the picture
5 up --

6 BY MR. TERRELL MCCOY:

7 Q. That is the victim Antwan Bryant and that is the
8 curtain. You state that curtain was on that couch?

9 A. The curtain was folded. I know the curtain was
10 folded here during the day. That curtain had been right
11 there. How this curtain got right here, like you said,
12 it was laid out in the middle of the floor that was your
13 statement a few minutes ago, that it was laid out in the
14 middle of the floor. Laid out means that it was sprawled
15 out covering the middle of the store floor.

16 Q. But I asked you did you see a curtain under
17 Antwan's body when he was getting shot.

18 A. You asked me did I see a curtain laid out
19 underneath Antwan on the floor.

20 Q. Yes, laid out. The picture is right there laid
21 out, however it might be, I asked you was the curtain
22 under Antwan Bryant's body when you witnessed this
23 murder.

24 A. I did not see no curtain laid out underneath him,
25 which is not a curtain laid out underneath him now.

1 Q. Now, after Antwan died you stated you went over to
2 injury room Sierra's house to call the police, correct?

3 A. Yes, I did.

4 Q. And you changed clothes. Who did you give the
5 close?

6 A. Sierra had took my clothes and she placed them --
7 I don't know where she placed them but North Charleston
8 got them.

9 Q. Can you tell me what you had on that night.

10 A. I had on a jean dress -- not a dress, like a
11 jersey thing.

12 Q. And you had on some jeans. Was color was these
13 jeans?

14 A. Blue.

15 Q. And you had shoes too, correct?

16 A. I don't remember if I had shoes on when I went
17 over there. That start I don't remember.

18 Q. So you don't remember having on no shoes?

19 A. I don't remember, no, I don't.

20 Q. Did you ever go back into your house after you ran
21 to the neighbor's house?

22 A. No, I did not.

23 Q. Can you tell me how your flip flops ended up pack
24 inside this house?

25 A. What do you mean -- I can't answer that because I

1 didn't go back. How did you know I had flip flops on?

2 Q. It stated in these statements, in the witness
3 statement that you had on a red jersey shirt, blue jeans,
4 and some flip flops?

5 A. I don't remember having on no flip flops.

6 Q. Do you remember giving detectives your red and
7 white jersey striped shirt?

8 A. I didn't give the detectives anything. I did not
9 take my clothes. I -- Sierra helped me remove my
10 clothings off me because his blood and brains on me but I
11 did not give anything to the detectives.

12 Q. And what did she do with those clothing?

13 A. I don't remember. I know she didn't get rid of
14 them because North Charleston police department have
15 them.

16 Q. Okay. You said you got grazed on the left side
17 behind your ear; is that correct?

18 A. Yeah.

19 Q. Let me show you what is marked as Defense Exhibit
20 1. You said earlier this was the layout of your house,
21 correct, the den, correct?

22 A. Yes.

23 Q. And can you please mark wish you were sitting at.

24 A. Can you please figure that.

25 Q. Sorry.

1 A. I was sitting right there where the ashtray was
2 at.

3 Q. You were sitting right there. So you were sitting
4 where?

5 A. You know I was sitting right there where that
6 single chair is at, where the ashtray is at.

7 Q. Now, where was the defendant standing, or sitting?

8 A. Where was you standing? You was standing right
9 here.

10 Q. Right here in this area?

11 A. Yeah, you were standing right there behind the
12 door.

13 Q. You stated you got grazed in the left side of your
14 head, behind your ear. Can you tell me how you got
15 grazed, the left side of your head, behind your ear,
16 sitting down right there in that area?

17 A. I got grazed on -- right here, above my hair, and
18 as you was shooting, as you were pointing and you
19 shooting at Antwan, Antwan falls on me. I'm like this.
20 You still shooting. That is how I was able to look you
21 in your face while you were shooting Antwan.

22 Q. My question is, can you demonstrate -- can you
23 tell me how you got grazed in your left side of your
24 head, behind your ear? You stated you got grazed behind
25 your ear.

1 A. I got grazed right here.

2 Q. How can you get grazed from sitting right there?
3 In order for you to get grazed, you would have had to
4 have been standing or your left side, would have had to
5 have been facing the defendant for you to --

6 A. No, my left side -- I was sitting in a chair. I
7 was sitting in a chair just like this. When I was
8 sitting in the chair, I was sitting in a chair like this.
9 When you first fired that first shot and hit Antwan in
10 the back, he was facing me, putting his ashes into the
11 ashtray. That is when Antwan's body reached up. He fall
12 on me as you kept shooting and shooting.

13 Q. My question is --

14 A. I'm going to answer the question. Let me answer
15 the question. When you kept shooting and shooting, I
16 went like this, holding Antwan up, like this, holding
17 Antwan on top of me. I'm just trying -- I didn't know
18 which way to go, but I can't say you was a marksman
19 because you did graze me and you did shoot him.

20 Q. So you saying you got grazed on the left side of
21 your head behind your ear when somebody is standing right
22 here shooting at me?

23 A. You wasn't that far from me and you know it.

24 Q. And you didn't get -- you stated I was behind the
25 front door. You just marked --

1 A. You're asking me a question. Could you please let
2 me answer it.

3 THE COURT: You got to let her answer the
4 question.

5 THE WITNESS: Because you wasn't standing
6 that far from me. You know where you was standing at,
7 and when you started shooting, when you started shooting,
8 it's not of an angle of you trying to dodge a bullet.
9 There is no way you're going to dodge a bullet. I don't
10 know why I'm not laying in a body bag too, but I guess
11 it's by the grace of God that you did not kill me
12 neither.

13 BY MR. TERRELL McCOY:

14 Q. When I put this diagram up on this projector, I
15 asked you where you were sitting. And you stated right
16 here.

17 A. Right there.

18 Q. And I asked you where the defendant was standing
19 or sitting, and what did you state?

20 A. You was standing right here.

21 Q. I'm going to ask you, how did you got grazed on
22 the left side of your ear?

23 A. You have to ask yourself that.

24 Q. I'm asking you. How did you get grazed on the
25 left side of your ear if the defendant was standing

1 behind that door?

2 A. Because you was aiming towards us. You was aiming
3 at us. Your gun, you, your right hand, you was aiming at
4 us. You did that.

5 Q. Ma'am, can you please tell me how you got grazed
6 behind your left ear.

7 A. Because of you.

8 THE COURT: We need to move on to another
9 question.

10 BY MR. TERRELL McCOY:

11 Q. You just stated the defendant had the gun in his
12 right hand, right? Do you remember testifying in a
13 previous proceeding that the defendant had a gun in his
14 left hand?

15 A. I don't remember.

16 Q. You don't remember.

17 A. I don't remember. But I know you had the gun.

18 Q. Page 33 in the previous proceeding, you was asked,
19 do you know if he had it in his right hand or his left
20 hand, talking about the gun, and you stated he had it in
21 his left hand. I believe it was his left hand. Correct?

22 A. I don't remember. I don't remember. I do
23 remember --

24 THE COURT: Ms. Parker?

25

1 (Page of transcript marked for identification
2 as Defendant's Exhibit No. 15.)

3 BY MR. TERRELL McCOY:

4 Q. Let me show you what has been marked as Defense
5 Exhibit 15.

6 A. It says he has to have it in his left: I can't
7 remember.

8 Q. But then you rephrase it. Keep on reading. He
9 stated he had the gun in his left hand. You stated yes,
10 he had the gun in his left hand, right? But today you're
11 saying he had it in his right hand.

12 A. Wait a minute. What I said was he had to have it
13 in his left hand. I can't remember which. I believe it
14 would have been the left hand. When you said I answered
15 yes, I answered yes to you having a gun when you left.
16 That's what I answered yes to.

17 Q. But you stated he had the gun in his left hand; is
18 that correct? The question was asked, did he have the
19 gun in his left hand or did he have it in his right
20 hand --

21 A. You have the gun in your right hand when you were
22 shooting.

23 THE COURT: Stop, stop. You have to read the
24 entire question and the entire answer, all right? What
25 she said in there, it had to be the left hand. I don't

1 remember. Okay.

2 MR. TERRELL McCOY: But then she was asked
3 again.

4 THE COURT: All right. We've gone over this
5 now several times, so you need to move on to a new
6 subject area.

7 BY MR. TERRELL McCOY:

8 Q. Can you tell me how many times Antwan got shot?

9 A. I believe you shot him five or seven times. I
10 don't know how many times he got shot but I know you
11 fired the gun at least five to seven times. If I could
12 remember clearly, it was loud and I just kept shooting,
13 but I can't say, per se, how many times Antwan got shot.

14 Q. Do you remember stating in a previous proceeding,
15 page 31, 14, you remember Antwan getting shot five times
16 because you covered all five holes, trying to help him?

17 A. Just that I believe he probably got shot five
18 times, but I don't know how many times, but I believe
19 that you shot at least between five to seven times.

20 Q. But you stated you tried to cover all the holes,
21 trying to help him, correct?

22 A. You shot him so many times.

23 Q. So you're stating -- I'm asking you a question.
24 Are you saying that --

25 A. Tried to cover whatever hole was visible that you

1 put there.

2 Q. Can you demonstrate when you say he got shot in
3 right jaw, right groin, left buttock, his chest, and his
4 back? How can you hold five holes with two hands?

5 A. The way that he was bleeding was that he had a
6 hole in his head.

7 Q. And how many bedrooms do you have in this house
8 again?

9 A. I have two bedrooms.

10 Q. When --

11 A. A bathroom and a kitchen.

12 Q. When you open the front door you're in the living
13 room, right?

14 A. Yes.

15 Q. Now, I have a shirt and a towel in evidence and
16 there is only splatters on the shirt.

17 MR. WETMORE: Objection, Your Honor.

18 THE WITNESS: That's not true.

19 THE COURT: What is your objection?

20 MR. WETMORE: He's just testifying about what
21 he believes to be in evidence, and the only thing he has
22 put in evidence is a photograph.

23 BY MR. TERRELL MCCOY:

24 Q. It was stated that they collected a blood stained
25 shirt --

1 THE COURT: There has been no evidence of
2 that.

3 MR. TERRELL McCOY: Sir?

4 THE COURT: There has been no evidence. You
5 said it has been stated. There is no evidence. She's
6 the first witness.

7 MR. TERRELL McCOY: Okay. All right. I
8 understand.

9 BY MR. TERRELL McCOY:

10 Q. Okay. You stated Sleezie, Travis, Bizzy ran out
11 your front door. And can you tell me how your front door
12 got kicked open?

13 A. Your brother did it.

14 Q. But you never stated that in your third statement.
15 You stated that Travis -- Bizzy ran out your front door.
16 So now today you're saying that he kicked the door open.

17 A. After you got finished shooting him, the storm
18 door, which is tied to a wire which you already know
19 that, you pushed that door -- you unlocked that -- the
20 regular door, the regular house door, and you know it was
21 also a storm door outside that regular door. You pushed
22 that storm door open, after everything that happened,
23 Travis was the one that had kicked the door open to make
24 it seem like Antwan for some reason, I don't know --

25 Q. But you never stated that in your third statement.

1 You stated that Travis ran out your front door.

2 A. Yeah.

3 Q. You stated Travis and Bizzy ran out your front
4 door?

5 A. Uh-huh.

6 Q. And you stated that Travis called the police,
7 right?

8 A. I stated that Travis called the police?

9 Q. You stated earlier that Travis called the police.

10 A. No, I said I told Travis to call 911. I never
11 stated that Travis did call 911. Please show me where I
12 said that.

13 MR. TERRELL McCOY: If the court reporter
14 could bring that up.

15 (Record read back.)

16 BY MR. TERRELL McCOY:

17 Q. You told Travis to call 911.

18 A. You said Travis had called 911.

19 Q. I'm asking you, you told Travis to call 911,
20 right?

21 A. Yeah.

22 Q. Then you stated you was laying there with Antwan
23 and he had all his brains and blood on you, correct?

24 A. Yeah.

25 Q. Let me show you what is marked as Defendant's

1 Exhibit -- .

2 MR. WETMORE: Judge, I don't have any
3 objection.

4 THE COURT: All right. Let me see it.

5 (Defendant's Exhibit 16 was marked for
6 identification and admitted into evidence.)

7 BY MR. TERRELL McCOY:

8 Q. Let me show you what is marked for identification
9 as Defense Exhibit 16. You stated that Antwan's brains
10 were all over you, right?

11 A. Yeah, from you, yeah.

12 Q. And what is on that picture there?

13 A. Some of his brains from you.

14 THE WITNESS: Your Honor, I do have to keep
15 seeing these pictures?

16 THE COURT: Go ahead and give that back to
17 Ms. Parker.

18 BY MR. TERRELL McCOY:

19 Q. Now, you stated that you held the victim in your
20 arms while he was dying and brains were all over you, but
21 all the brains are on the floor.

22 A. I didn't say all his brains. Listen, Antwan had
23 some of his brains on me, as well as his blood that you
24 shot him.

25 Q. So if you held the victim in his arms, then all

1 that blood should be on your clothing, right?

2 A. All that blood, but do you know how much blood a
3 human being hold? It's going to be on the carpet as well
4 too.

5 Q. I'm asking you, if you held the victim in your
6 arms, his blood should be on your clothing too.

7 A. His blood is on my clothing.

8 Q. Brains and --

9 A. It's on my clothing.

10 Q. Can you tell me what is this, right here?

11 A. You know what it is.

12 Q. I'm asking you. Did you know what that is?

13 A. Yeah, you tell me.

14 MR. TERRELL McCOY: Your Honor --

15 THE COURT: If she don't know, she's not a
16 medical expert.

17 BY MR. TERRELL McCOY:

18 Q. You stated you held the victim in your arms,
19 right? That was the crack cocaine that was found under
20 his head. That is a plastic baggy containing crack. You
21 stated you held the victim in his arms. If you held the
22 victim in your arms, you had to see the crack cocaine,
23 right?

24 A. I didn't see that. I wasn't thinking about
25 looking for drugs. I'm sorry.

1 MR. TERRELL McCOY: Your Honor, I have no
2 further questions at this time.

3 THE COURT: All right. Any redirect?

4 MR. WETMORE: Yes, Your Honor.

5 REDIRECT EXAMINATION

6 BY MR. WETMORE:

7 Q. I'm sorry. I know you're ready to be done. I am
8 too. Mr. McCoy, the defendant, hit on, first off, he
9 came out with questioning you about your name. You've
10 already explained to you us you have two last names. Why
11 is that?

12 A. I was married in New York City.

13 Q. You're not using a different name to try to cover
14 who you are?

15 A. No, because everything states who I am. I have
16 documentation support proving who I am.

17 Q. You're not trying to hide. We're here today to
18 tell the truth.

19 A. Yes, I am.

20 Q. Now, you didn't tell the truth, though, in your
21 first statement to North Charleston.

22 A. No, I didn't.

23 Q. Tell us again, you have to be very honest, why
24 would you lie to the police.

25 A. I was -- when it first happened, for one, I just

1 experienced something like that. Two, I was afraid of
2 him. It's just so messed up. That was going through my
3 mind. I didn't intentionally mean to lie to anyone or to
4 hurt anyone or to gain anything from this or to lose
5 anything from this. I just gave a statement at the time
6 to say whatever came to my mind, just as long as I was
7 left alone, and I just wanted to be alone. And I was
8 afraid of him at the time. I didn't know how me and his
9 brother was, or how he was going to be, and that is it.
10 That's the only answer I have for me lying, and I
11 apologize for it. But today it's the truth and I know
12 the truth.

13 Q. He made a big deal about this first statement?

14 A. Yes, he did.

15 Q. And you're telling us that you admit making it,
16 but it's not true.

17 A. I admit it, and it's not true.

18 Q. And you didn't tell the truth because you were
19 afraid of him and his brother?

20 A. Yeah.

21 Q. Now, the second time, a short while after, you
22 told the detectives a little bit more; is that correct?

23 A. Yes.

24 Q. The second statement is very short, and in it, did
25 you name the defendant?

1 A. Yes, I did.

2 Q. So a few hours later, you told them who did it.

3 A. Yes.

4 Q. But you didn't give them all the details.

5 A. No.

6 Q. Why not?

7 A. I was just -- I don't know. I don't know why I
8 did it. I was -- I wasn't confused, because I was --

9 Q. Were you in shock? Were you scared?

10 A. I'm still in shock today. I was scared and I was
11 in shock. I would say that, very much so.

12 Q. So you didn't give him the full story at the
13 second statement?

14 A. No, but I did identify Sleezie.

15 Q. But you told them who did it.

16 A. Yes.

17 Q. Now, your third statement, which is the longest,
18 most detailed, that is the truth.

19 A. Yes.

20 Q. And that is the truth that you've told us today.

21 A. Yes.

22 Q. Now, you're the one that initiated this third
23 statement, correct?

24 A. Yes.

25 Q. And North Charleston came and picked you up

1 downtown.

2 A. Yes.

3 Q. And you said you went to a parking lot, or parking
4 garage, and talked to them?

5 A. Yes.

6 Q. Kind of told them what was going on.

7 A. Yes.

8 Q. But you didn't write anything down until you got
9 back to the station?

10 A. Yes, we went to the North Charleston station.

11 Q. The police department wrote down this third
12 statement; is that right?

13 A. Yes.

14 Q. And that was the next morning.

15 A. Yes, it was Sunday morning.

16 Q. Why did you come to them? Why did you come to
17 them the next morning and give them this third statement?

18 A. Because, for one, at first I was, like, not to
19 tell, not to say anything, and even though I didn't know
20 the victim, but then he still is somebody's child, and it
21 was me, I would want somebody to do the same thing for me
22 or my daughter, God forbid.

23 So I tossed and turned the prior night, confused
24 on whether I should just come clean, no matter what
25 happened, and it's not to say who or hurt because the

1 only person that they get hurt is the victim's family,
2 and me, I can live on. But that is why I really called
3 the detectives and told them, actually, what really
4 happened and was willing to go through everything that
5 I'm going through and still going through.

6 Q. Because you wanted to make it right, as best as
7 you could.

8 A. Yeah.

9 Q. Wanted to tell the truth.

10 A. Yeah. I didn't want this on my head.

11 Q. And this third statement, you gave them the whole
12 truth?

13 A. Yes.

14 Q. The best as you could -- now, obviously you can't
15 mention every detail?

16 A. Yes.

17 Q. But you gave them as much of the truth as you
18 could?

19 A. The best that I could, which is --

20 Q. And that is what you've done for this jury today?

21 A. Yes, I did.

22 Q. The defendant has questioned you about certain
23 things in your statement.

24 A. Yes.

25 Q. Inconsistencies. The one I think is important is

1 where the gun was.

2 A. Yes.

3 Q. Any doubt in your mind who had that gun?

4 A. No. Sleezie had that gun. Sleezie did the
5 shooting.

6 Q. Now, where did he have the gun?

7 A. He had it -- he had it in his right hand.

8 Q. Okay.

9 A. And he was pointing it towards -- I can say me,
10 because Antwan was right there, and he was pointing it at
11 us and he just kept shooting.

12 Q. No doubt he had it, no doubt he was the shooter.

13 A. No doubt Sleezie is the shooter. He is.

14 Q. Now, he brought up some points about there being
15 drugs or some sort of drug paraphernalia in the room,
16 right there where the body was. Do you have any idea
17 what that was, how it got there, anything?

18 A. I didn't remember. I know Travis had got
19 something off Antwan, but I don't remember what it was.
20 I wasn't thinking about drugs or anything like that. I
21 wasn't even thinking about that. I wasn't really
22 thinking about anything at the time.

23 Q. All right. The defendant also made a point about
24 blood on some curtains. Okay? You testified there was
25 no blood in your bedroom before this happened.

1 A. No.

2 Q. Okay. After the defendant shot over and over and
3 over and the victim fell on you, did you go back into the
4 bedroom?

5 A. No.

6 Q. Was Travis the only one that went back in the
7 bedroom?

8 A. Yes.

9 Q. You don't have any idea what he was doing?

10 A. I don't know what he was doing because I couldn't
11 see. It's impossible to see into the bedroom.

12 Q. So you don't have any idea how blood got on the
13 curtains?

14 A. I know Travis -- I don't know. I can't say.

15 Q. Did Travis have any blood on his hands?

16 A. Yes, he did.

17 Q. From touching the victim?

18 A. Yes.

19 Q. And he went back in the bedroom?

20 A. Yes.

21 Q. But you don't know what he did and what he touched
22 with his bloody hands.

23 A. No.

24 Q. Because you couldn't see. You were laying on the
25 floor?

1 A. You can't see the bedroom from the living room.

2 Q. Now, that is the curtain that's in the bedroom.
3 He also mentioned a curtain that was in the den. I'm
4 going to have to show it again, real quick. Is this --
5 Your Honor, is this the one that was admitted by the
6 defendant, No. 14?

7 THE COURT REPORTER: Yes.

8 BY MR. WETMORE:

9 Q. This is the one that the defendant admitted, the
10 picture. I know nobody wants to look at it. But he
11 asked you a lot of questions about this kind of pattern,
12 fabric that is right there where the body is. What is
13 that? How did it get there? To the best of your
14 knowledge, I know it's not what you are focussed on, I
15 understand that, but what happened with that?

16 A. That was folded up because I do have other, like,
17 in the house --

18 Q. Do you have the laser point up there? You could
19 use that and describe.

20 A. This right here, was right there, it was folded
21 up. My curtains, it's the curtain that was right there,
22 that goes right there. This was folded up, right here.
23 So how did this get there, the only thing I could assume
24 is -- I don't know. I don't know.

25 Q. Well, I understand it's certainly not what you

1 were focussed on, but that piece of fabric, that curtain
2 was folded up on the arm of that couch?

3 A. Yes.

4 Q. That is where you thought it was supposed to be?

5 A. That is where it was supposed to be. That is
6 where it was during the day.

7 Q. You and were sitting in that little chair right
8 there beside the flowers and the bike and all that.

9 A. Yes, yes.

10 Q. And when the victim fell on you, did you guys fall
11 down in that kind of corner there?

12 A. I fell right there. The reason why he was laid
13 out like that because when he had died I got up and I put
14 him -- I didn't put him, but I just moved myself from
15 underneath him.

16 Q. So did the two of you fall over against that
17 couch?

18 A. In between right here, that is right here. I was
19 sitting. Where he got shot at his back, he kind of
20 like -- when he got shot, he went like this and went over
21 me. He was over me. And then he just -- his body just
22 kept jerking while he was got -- while Sleezie was
23 shooting him. His body, it was just moving.

24 . So me and him -- it looks small right here, but
25 it's actually kind of big. We were actually right here

1 when I came down.

2 Q. So you fell down between that smaller couch and
3 that chair?

4 A. Yes.

5 Q. And where you were falling is right where that
6 curtain had been folded?

7 A. Yeah.

8 Q. That is the curtain that is in this picture?

9 A. Yes.

10 Q. I just wanted to clarify that because there is two
11 curtains. Sorry to have to make you look at them again.

12 Finally, in your final statement, your true
13 statement, the defendant asked you about your description
14 of the victim talking, trying to talk as he was dying.

15 A. Yes.

16 Q. And he questioned your testimony today, because he
17 indicated it wasn't in your statement.

18 A. Yes..

19 Q. Do you remember telling the police it looked like
20 he was trying to talk. I kept telling him to hold on.

21 A. Yes.

22 Q. So that is what you described in your statement?

23 A. Yes.

24 Q. That is what took place.

25 A. Yes, because he's -- I told him -- he told me

1 don't leave him. I just told him to hold on. I just
2 holded him. I just held him, and it seemed like it was a
3 long time, but it really wasn't. And I just held him. I
4 held him as much as I could until he died.

5 Q. Last question: The defendant made a point in his
6 cross-examination to ask you about your testimony today
7 and what he said is you're making a very dramatic
8 statement, drama here in the courtroom. Now, did you
9 testify today to be dramatic, to create some sort of
10 dramatic scene for these folks or is this how you feel?
11 Describe what that --

12 A. No, because that's not -- I don't know anyone that
13 would create a scene like that. And I wish I didn't even
14 have to go through it, but I'm going through it because
15 of him, because of the defendant. So I understand what
16 he's trying to do. But I also know what he did, so it's
17 not being dramatic and that is anyone's opinion, but it
18 was reality.

19 Q. The emotions we've seen today are certainly real.
20 They're not contrived or fake?

21 A. I cry so much. And as long as it's out of sight,
22 it's out of mind, but I know, no matter what I feel, or
23 what I say, I know Sleezie shot and killed Antwan and
24 grazed me. That, I do know.

25 MR. WETMORE: I have no further questions.

1 THE COURT: Recross.

2 MR. TERRELL McCOY: Yes, sir.

3 RECROSS-EXAMINATION

4 BY MR. TERRELL McCOY:

5 Q. Now, you stated you got two bedrooms, correct, in
6 your house?

7 A. For the fourth time, yes.

8 Q. You got curtains in that bedroom, correct?

9 A. Fourth sometime, yes.

10 THE COURT: Just answer the question, yes or
11 no.

12 BY MR. TERRELL McCOY:

13 Q. Let me show you what is marked as Defendant's
14 Exhibit 8.

15 THE COURT: Is this one that is already in
16 evidence?

17 MR. TERRELL McCOY: No, sir, not yet.

18 THE COURT: Well, you can't put new evidence
19 in on recross. You're limited to asking questions that
20 got asked during redirect.

21 BY MR. TERRELL McCOY:

22 Q. You never testified at the scene Travis kicked
23 open the door or ran into your bedroom. You never stated
24 that in your second statement either -- or your third
25 statement, either, so you come in here today and now

1 you're saying that Travis --

2 MR. WETMORE: Objection.

3 THE COURT: What is your objection?

4 MR. WETMORE: He's testifying. He's talking
5 about stuff that wasn't covered.

6 THE COURT: Sustained. You got to ask a
7 question first of all, not testify, and, again, this is
8 recross, so you're limited to bringing up matters that he
9 addressed in redirect.

10 BY MR. TERRELL McCOY:

11 Q. You never testified until after the proceeding
12 that Travis kicked in your door, correct?

13 A. No.

14 Q. And you never mentioned that in your third
15 statement either, right?

16 A. Huh-uh, no.

17 Q. Now, you stated that the victim -- you stated that
18 the defendant was shooting at you and Antwan, but you
19 never got hit by the bullet?

20 A. I don't know if you was intending on to shoot me,
21 but I know you did shoot Antwan, and I know I did get
22 grazed.

23 Q. And you stated you got grazed where?

24 A. Right above my left ear, by you.

25 Q. You stated behind your ear, correct?

1 A. It was right here. That is what you want to call
2 it.

3 Q. You know the difference between front and behind,
4 right?

5 A. I know the difference between front, behind, and
6 above.

7 THE COURT: Let's give each other a chance to
8 ask a question and answer the question.

9 BY MR. TERRELL McCOY:

10 Q. You stated you got grazed behind your ear,
11 correct?

12 A. I stated I got grazed behind my ear, above my ear
13 right here.

14 MR. WETMORE: Objection, Your Honor. This
15 wasn't brought out in redirect. This is --

16 THE COURT: All right. That is correct.
17 That matter was not addressed on redirect.

18 BY MR. TERRELL McCOY:

19 Q. I'm sorry. You stated the curtain was on the
20 couch, correct?

21 A. I stated that before, yes.

22 Q. Was that curtain under Antwan when you left out
23 the house?

24 A. I don't remember seeing that curtain. I wasn't
25 thinking about a curtain. I really wasn't.

1 Q. But did you see a curtain under his body?

2 A. I didn't see nothing. I got up and ran outside to
3 my next door neighbor's house.

4 Q. You didn't see the drugs?

5 A. I never -- again, I answered that.

6 Q. You state he stated, Don't leave me, but in your
7 statement you said he didn't say anything.

8 A. I said he was trying to talk, yes.

9 Q. But your third statement you stated he said
10 nothing?

11 A. He was trying to talk, and I told him to hold on,
12 yes.

13 Q. You said he was choking. He never said nothing?

14 A. He was trying to talk but --

15 Q. You said now he said, Please don't leave me,
16 please don't leave me.

17 A. I never said he stated it twice.

18 Q. But you stated that he said, Please don't leave
19 me?

20 A. I did say that.

21 Q. But in the statement you said he didn't say
22 anything, he was just choking?

23 A. So what do you want me to answer? What is the
24 question?

25 Q. That is my question. You stated --

1 A. What is the question?

2 Q. Did he say anything to you?

3 A. Yes, he did.

4 Q. So why didn't you state that in your third
5 statement?

6 A. I made the statement to the best of my ability.
7 I'm not going to name every little grain of detail. I
8 mean -- what do you want me to say? The most important
9 thing is that I know that you shot him.

10 Q. So you're saying he was choking, but then you said
11 he said, Please don't leave me? Which one?

12 A. Both, because he did choke. He was choking on his
13 blood.

14 MR. TERRELL McCOY: Your Honor, I have no
15 further questions.

16 THE COURT: All right. Folks, we are going
17 to break then for lunch. Let's see. It's about 20
18 minutes to 1:00 right now. Let's have you back at 2:15
19 in the jury room, and we'll get started at that time.
20 Now, y'all can go each with each other if you want to or
21 stroll about, do whatever you want to do, but you can't
22 talk about the case, can't discuss what you've heard
23 today, can't begin deliberations in any way. If you come
24 across a newspaper or anything, don't read the newspaper
25 today. We'll see you back in the jury room at 2:15.

1 All right? Thank you for your patience.

2 A F T E R N O O N S E S S I O N

3 THE COURT: All right. Be seated. Okay,
4 folks. We're going to resume now with the state calling
5 their next witness, and that is this gentleman standing
6 here?

7 MR. WETMORE: That is correct. His name is
8 Brandon Cuttino.

9 BRANDON CUTTINO,
10 having been first duly sworn,
11 was examined and testified as follows:

12 DIRECT EXAMINATION

13 MR. WETMORE: Thank you, Judge.

14 BY MR. WETMORE:

15 Q. Now, Brandon, last time we spoke, I know you
16 weren't real happy about coming to court, so I'll be as
17 quick as I can.

18 You are currently serving a prison sentence; is
19 that correct?

20 A. Yes, sir.

21 Q. Now, tell the Court, be honest, tell them what
22 that sentence is for.

23 A. Accessory to a felony.

24 Q. Now, tell the jury how many times you and I have
25 actually met and talked.

1 A. Two or three.

2 Q. And you're testifying here in court today because
3 you were served with a subpoena; is that correct?

4 A. Yes, sir.

5 Q. Have you and I discussed any kind of deals, any
6 kind of promises?

7 A. No, sir.

8 Q. Nothing like that for your testimony?

9 A. No, sir.

10 Q. Have I threatened you in any way to make you
11 testify?

12 A. No, sir.

13 Q. So you're testifying today because of your
14 subpoena, without any deals, promises, threats, nothing.

15 A. Yes, sir.

16 Q. So do you know the defendant in this case, Terrell
17 McCoy?

18 A. Yes, sir.

19 Q. If you would, just very briefly, tell us what your
20 relationship with him is. How do you know him?

21 A. Friend.

22 Q. So he's a friend of yours. How long has he been a
23 friend of yours?

24 A. Grew up together.

25 Q. So you guys grew up. Same neighborhood?

1 A. Yes, sir.

2 Q. Same area?

3 A. Yes, sir.

4 Q. All right. Let me take you back to when this
5 happened, the night of March 25, 2006. And it was
6 Friday, gotten really late, turned into Saturday morning,
7 really early. Were you with the defendant and a bunch of
8 other people hanging out on the street?

9 A. Yes, sir.

10 Q. That was out on Delta Street?

11 A. Yes, sir.

12 Q. Okay. So when you were with the defendant out in
13 the street that night, early morning, did you see or did
14 you hear him do anything unusual?

15 A. No, sir.

16 Q. You don't remember him doing anything at all
17 unusual?

18 A. No, sir.

19 MR. WETMORE: Your Honor, if I may approach.
20 If I may approach the witness, Your Honor.

21 THE COURT: You may.

22 (Statement marked for identification as
23 State's Exhibit No. 29.)

24 BY MR. WETMORE:

25 Q. I'm going to show you what has been marked State's

1 Exhibit 29 for identification. Can you tell me what that
2 is, Brandon. Do you recognize that exhibit?

3 A. Yes, sir.

4 Q. Now, is that a statement that you gave to North
5 Charleston police department?

6 A. I didn't exactly give no statement to North
7 Charleston police department. They had a statement
8 there.

9 Q. So you didn't make that statement?

10 A. Not exactly.

11 Q. Okay. Why don't you tell us what you remember
12 happening.

13 A. A lot happened that night.

14 Q. Okay. So let's start. Where were you when this
15 statement took place? Were you at the police department?

16 A. Yes, sir.

17 Q. Okay. So you're at the police department. Do you
18 remember -- or can you tell from looking at the statement
19 what date it took place on?

20 A. Yes, sir.

21 Q. What does it say? Can you see where it says March
22 30, 2006?

23 A. Yeah.

24 Q. So five days after the murder happened. Do you
25 remember being at the police station, giving a statement?

1 A. Yes, sir.

2 Q. Okay. So do you admit this statement, or do you
3 deny making this statement?

4 A. I signed on it.

5 Q. At the bottom, it says, I have read the forgoing
6 statement. I've had it read to me, and it is true and
7 correct to the best of my knowledge. I have given this
8 statement freely, voluntarily, have been provided a copy
9 of my statement. Did you see that at the bottom?

10 A. No. I just signed.

11 Q. Well, did you sign the statement?

12 A. Yes, sir.

13 Q. Okay. Did they explain to you what I just read to
14 you?

15 A. No, sir.

16 Q. Okay. So you just signed it.

17 A. Yes, sir.

18 Q. So you deny making the statement, you just signed
19 it.

20 A. I did not -- I didn't write the statement. It was
21 read to me, not exactly the way it's written.

22 Q. Okay.

23 A. And I signed.

24 Q. So you were talking, and a police officer was
25 writing; is that right?

1 A. Yes, sir.

2 Q. Okay. Let me ask you about a part in this
3 statement that is on the second page, and you were
4 describing how you were out in the street, which you've
5 just testified you were out in the street with the
6 defendant. Next thing, Sleezie shot a gun up in the air.
7 Once Sleezie shot up in the air, everybody started
8 calling him dumb.

9 Do you remember telling them that?

10 A. I remember him telling me that, and I agreeing to
11 it, yeah.

12 Q. Okay. So you agreed to that statement.

13 A. Yeah.

14 Q. Now, did you hear the gunshots going off?

15 A. Yeah.

16 Q. So you heard them going off out in the street.
17 Now, did you run with the defendant and other people?
18 Did you run with them into Carinda's house?

19 A. Yeah.

20 Q. That was the little house right there on the
21 street where you were?

22 A. Yes, sir.

23 Q. And when you guys go into the house, did you go in
24 the side door?

25 A. Can't remember.

1 Q. Into the kitchen?

2 A. Can't remember.

3 Q. Don't remember? I'm going to direct you to your
4 statement. Do you remember in the statement, it says me,
5 Travis, Sleezie, and Cell went to Carinda's house. We
6 went in the side door.

7 Do you remember that is part of the statement?

8 A. Yes, sir.

9 Q. Is that the first time you had been in Carinda's
10 house, or had you been in there before?

11 A. Before.

12 Q. Did you usually go in that side door into the
13 kitchen?

14 A. Go in all doors.

15 Q. I didn't understand what you said.

16 A. Go in all doors, front and side.

17 Q. Okay. Once you got in this house, was he
18 arguing -- was the defendant arguing with his brother?

19 A. Yes, sir.

20 Q. What were they arguing about?

21 A. Can't remember.

22 Q. Don't remember. Now, did the defendant have a gun
23 in the house?

24 A. Can't -- I saw it, but I can't --

25 Q. You said -- what did you say? I didn't hear your

1 answer.

2 A. I didn't see no gun in the house.

3 Q. You remember him having the gun outside, but you
4 don't remember seeing a gun inside.

5 A. Yeah, yeah, yeah, yeah. He had a gun. There was
6 a gun inside.

7 Q. So you do remember him having a gun inside.

8 A. Yeah.

9 Q. Do you remember the defendant having a gun outside
10 and then inside?

11 A. Yeah.

12 Q. Okay.

13 A. And after that I ain't see it no more.

14 Q. Okay. Now, did you try to calm him down from
15 arguing? Did you try and tell him to cut it out?

16 A. Yeah.

17 Q. What did you do to try to calm him down?

18 A. Talked to him.

19 Q. What did you tell him?

20 A. Told him to chill.

21 Q. You told him just to chill. Now, did Carinda, the
22 girl that owned the place, lived there, did she try to
23 tell him to chill?

24 A. I don't remember. I was in my zone.

25 Q. You don't know what she was doing. Did you see

1 the victim, Antwan Bryant, did you see what he was doing?

2 MR. TERRELL McCOY: Objection.

3 THE COURT: What is your objection?

4 MR. TERRELL McCOY: Leading.

5 THE COURT: That doesn't lead. Go ahead.

6 BY MR. WEIMORE:

7 Q. Did you see what the victim, Antwan Bryant, was
8 doing?

9 A. No.

10 Q. So you don't know what he was doing. All you
11 remember is that you tried to calm the situation down.

12 A. Yeah. Yes, sir.

13 Q. Now, the victim, Antwan Bryant, did he have any
14 other names that you called him or knew him of?

15 A. Cell Block.

16 Q. Cell Block, that's how you knew him, Cell, Cell
17 Block? Do you remember giving a statement that said me,
18 meaning you, Carinda, and Cell kept asking Travis and
19 Sleezie to chill because Sleezie kept pointing the gun at
20 Travis.

21 Do you remember that part of the statement?

22 A. No.

23 Q. You deny that part of the statement?

24 A. I don't remember that.

25 Q. Did you see the defendant pointing the gun inside

1 the house?

2 A. No.

3 Q. So you deny the part of your statement where it
4 says Sleezie kept pointing the gun at Travis. Sleezie
5 was acting strange. He pointed the gun so much at
6 Travis.

7 You don't remember that part of the statement?
8 You deny that part of the statement?

9 A. I ain't said that like that.

10 Q. What did you say? I couldn't hear you.

11 A. I said I ain't said that like that.

12 Q. You didn't say it like that.

13 A. No.

14 Q. Why don't you tell us what you experienced in that
15 room. What did you see?

16 A. I said after the incident outside, I seen the gun
17 one more time, and then I left.

18 Q. I'm sorry. Were you concerned about them
19 fighting, there being a gun in his hand? Were you
20 concerned that things were going to get out of control?

21 A. Not exactly. I mean, they brothers, and everybody
22 took guns. Everybody probably had a gun that night. I
23 can't remember, probably I had one, but all I know is I
24 been in my own zone, and that night there, I been under
25 the intoxication of Ecstasy, marijuana, I been drinking.

1 Q. That is the things you had been doing, right?

2 A. Yeah.

3 Q. Well, did you see anybody else with a gun in that
4 room besides the defendant?

5 A. I can't remember.

6 Q. Did you have a gun with you that night? Earlier
7 that night, did you have a gun in that den, in that room?

8 A. I don't remember.

9 Q. So the only gun that you saw was with the
10 defendant?

11 A. Yeah.

12 Q. All right. Tell me how you came to leave that
13 room. How did you come to leave that den? What made you
14 leave that den?

15 A. Arguing.

16 Q. So because of the argument, you left. Now, as you
17 were leaving, did you hear anything unusual?

18 A. I heart one shot.

19 Q. You heard a gunshot?

20 A. One.

21 Q. You heard a gunshot. Where were you when you
22 heard that gunshot?

23 A. On the street.

24 Q. In your statement, I read, I left, and as soon as
25 I got out to the back of Carinda's yard, I heard gunshots

1 coming from the house.

2 Do you remember that? Do you admit that or deny
3 that part of the statement?

4 A. Only one shot. Only time I heard multiple
5 gunshots is when we all first got on the street.

6 Q. Okay. So you deny then that part of the
7 statement, I left, and as soon as I got out to the back
8 of Carinda's yard, I heard gunshots coming from the
9 house.

10 A. Back in Carinda's house and on the street.

11 MR. WETMORE: At this point, I move the
12 statement into evidence pursuant to 613(b), prior
13 inconsistent statement.

14 MR. TERRELL McCOY: Your Honor, I object.

15 THE COURT: Let me send the jury out for a
16 minute so we can talk about this. I'm going to send you
17 out for a couple minutes so we can take up a law matter.

18 (Jury excused.)

19 THE COURT: Okay. You want this admitted
20 for --

21 MR. WETMORE: Judge, I would argue to you
22 that he denied making the statement. This isn't the same
23 situation as we had with Carinda.

24 THE COURT: He doesn't -- let's see. Read me
25 back what he says in response to his question.

(Record read back.)

MR. TERRELL McCOY: If you go to the beginning of the testimony, he admitted to making the statement, otherwise -- being that he admitted that he wrote that statement, under descriptive evidence that prior statement was made would be inadmissible in court -- I mean, he would not be able to submit that statement into evidence. He admitted that he signed those statements.

MR. WETMORE: Judge, if you're ready to hear arguments, I'll make mine.

THE COURT: I want to hear what you have to say.

MR. WETMORE: This is not the same situation as with Carinda this morning. She admitted every -- she admitted saying everything in her prior statements. She said that they were not true, but she admitted making them. Mr. Cuttino here has admitted to being present and somehow involved in the statement but has denied most every bit of the statement, and as he has denied it, this is admissible as the prior inconsistent statement. It's extrinsic evidence, because he has denied making the statement. He admits being there and simply just passively signing his name. He denies making the statement, and this should be able to come in as

1 extrinsic evidence.

2 MR. TERRELL McCOY: He never denied making
3 the statement.

4 THE COURT: The point is, he doesn't deny
5 that he made the statement to the police. That's really
6 not the substance of what is in the statement, what
7 they're referring to as statement here. So it's the
8 content is what's at issue.

9 He admitted that he gave a statement to the
10 police. The question is whether or not he's testifying
11 to something different than he says in the statement.
12 It's confusing to me what his answer is here.

13 MR. WETMORE: My understanding of his
14 testimony today is that he doesn't have much memory of
15 anything. He doesn't remember telling anybody this
16 statement, and he has denied just about every part of it,
17 short of being there, and I think that it's proper in
18 that and, Judge, to be honest with you, this was admitted
19 at the first trial --

20 THE COURT: Let's do this, because, really,
21 the way you laid the foundation for this, you probably
22 wouldn't have gotten away with it with a lawyer. You ask
23 him something, and then if he has said something
24 different in a prior statement, then you say, look, on
25 such and such a date you made this statement to this

1 person at this place. Isn't that true?

2 If he says, Yeah, that's true, then you ask
3 him, But didn't you say this? And if he says, No, I
4 didn't say that, then you get to show by extrinsic
5 evidence that he said something different, or if he
6 denied he ever made the statement, then you can show he
7 did something different. But what you did was you
8 started asking him questions relating to his statement,
9 which is really not a proper way to have asked those
10 questions in the first place.

11 You should just start out with, You were
12 there, tell me what you saw, and then if he says
13 something different than he said in his previous
14 statement, then you impeach him with the prior
15 inconsistent statement. So it kind of got a little
16 jumbled around here the way you actually did it.

17 So what I would like you to do is go back,
18 and if he has said something different in that statement
19 than he said on his direct, direct his attention to that,
20 ask him, Now, did you make that statement or did you not
21 make that statement?

22 If he says, I made that statement, then
23 you're bound by it. If he says, I didn't make that
24 statement, then you get the statement in, that he said
25 something different.

1 MR. WETMORE: Yes, sir.

2 THE COURT: But you have to identify the
3 time, the place it was made, the person who it was made,
4 and give him the opportunity to deny or explain. Okay?
5 So let's bring the jury back in, and ask him what it is
6 that you want to ask. If he says something different,
7 then you lay the foundation that way for the impeachment
8 stage.

9 All right? Go ahead. Bring the jury back
10 in.

11 (In open court, jury present.)

12 THE COURT: Okay. Be seated. All right,
13 Mr. Wetmore. Go ahead. Resume.

14 MR. WETMORE: Thank you, Judge.

15 BY MR. WETMORE:

16 Q. Mr. Cuttino, I'm going to ask you very
17 specifically, do you remember the defendant being inside
18 the house pointing a gun?

19 A. I remember seeing him with the gun, but I don't
20 remember pointing it.

21 THE COURT: Okay.

22 BY MR. WETMORE:

23 Q. Do you remember giving this statement March 30,
24 2006, five days after the murder, to North Charleston
25 police department at the police station? Do you remember

1 giving that statement?

2 A. I remember giving the statement. It say at the
3 top it was written by Detective James Hill. This man had
4 already had an idea of what happened that night, so,
5 really, it really wasn't -- I mean, I would have wrote my
6 own statement, but he said he had it, and he was running
7 things out to me, like asking, So from what I hear,
8 you've been doing such and such, which I was saying was
9 true.

10 So the question that he been asking, if it was
11 true, I would let him know it was true. But I was really
12 telling my own story, but he was writing, and some of the
13 stuff that I read that is in the statement, I mean, I
14 don't remember giving a statement this long.

15 Q. So specifically what I asked you about was the
16 defendant pointing a gun. Did you see him pointing a
17 gun?

18 A. No. I saw him with a gun, but not pointing.

19 Q. So you deny in this statement where it says me,
20 Carinda, and Cell kept asking Travis and Sleezie to chill
21 because Sleezie kept pointing the gun at Travis. Sleezie
22 was acting strange. He pointed the gun so much at
23 Travis.

24 Do you deny making that statement?

25 A. No -- some of it. I asked them to chill.

1 Q. But not the gun, pointing the gun.

2 A. After he put the gun up, but all that, pointing
3 the gun and the rest of them asking, I ain't concerned
4 about that.

5 Q. So you deny that part of the statement, about
6 pointing the gun.

7 A. Yes, sir.

8 Q. Also, tell me again how many shots you heard when
9 you left the house. How many shots?

10 A. One.

11 Q. You heard one shot.

12 A. One.

13 Q. And you deny the part of the statement that says I
14 left, and as soon as I got out to the back of Carinda's
15 house, I heard gunshots, plural, coming from the house.
16 Do you deny that part of the statement?

17 A. Yes, sir.

18 MR. WETMORE: I once again ask you to admit
19 the statement.

20 THE COURT: All right.

21 MR. TERRELL McCOY: Objection.

22 THE COURT: He has given the witness the
23 opportunity to explain it, gave the circumstances to
24 which he was giving it, and he has denied making it, so
25 under 613(b), it will come in, so it's admitted. That is

1 State's Exhibit --

2 MR. TERRELL McCOY: Can we approach?

3 THE COURT: I've overruled. I know what your
4 statement is, and I've overruled it.

5 (Statement admitted into evidence as State's
6 Exhibit No. 29.)

7 BY MR. WETMORE:

8 Q. Tell me about the victim, Antwan Bryant. How long
9 had you known him?

10 A. For a long time.

11 Q. Did you grow up with him?

12 A. You could say that.

13 Q. Did y'all live in the same neighborhood?

14 A. No.

15 Q. How long -- have you known him since you were a
16 child?

17 A. He used to stay in the neighborhood my grandma
18 used to stay in, so when I go around there.

19 MR. WETMORE: If I could have just a second,
20 Your Honor.

21 THE COURT: All right. Do you have any
22 questions you want to ask him?

23 MR. WETMORE: Nothing further, Judge.

24 MR. TERRELL McCOY: Yes, sir.

25 CROSS-EXAMINATION

1 BY MR. TERRELL McCOY:

2 Q. How are you doing, Mr. Cuttino?

3 A. I'm doing all right.

4 Q. Your last name is Cuttino, correct?

5 A. Yes.

6 Q. In your statement you said you went to the Club
7 Good Time?

8 A. Yeah.

9 Q. And what time did you go to the bar?

10 A. Me, you, Travis, and Cell.

11 Q. And what time did you go to the -- what time did
12 you leave the bar Good Time?

13 A. I can't remember the exact time.

14 Q. Before or after midnight?

15 A. It would have been after midnight.

16 Q. You don't even know what time?

17 A. No.

18 Q. When you left Good Time, where did you go?

19 A. Went on Delta Street.

20 Q. So when you left bar Good Time, you went straight
21 to Delta Street?

22 A. No. I can't remember all the other stuff, but
23 that is where we end up at.

24 Q. So when you left bar Good Time, you went to Delta
25 Street?

1 A. Yes.

2 Q. Do you remember testifying in a previous
3 proceeding, page 17, and it was asked of you, you went to
4 the Sunoco gas station off Montague and you said, Yes,
5 ma'am. You stated y'all went to the Sunoco off Montague?

6 A. I don't remember that.

7 Q. With Terrell?

8 A. No.

9 Q. That is the Sunoco? Was the defendant at Sunoco?

10 A. No.

11 Q. So when you left club -- when you left the bar
12 Good Time, who was with you?

13 A. Me, Travis, and Cell.

14 Q. So the defendant wasn't with you when you left the
15 bar Good Time?

16 A. No.

17 Q. But he was with you when you went to bar Good
18 Time. Is that what you said?

19 A. Yeah.

20 Q. So when you left bar Good Time, you stated you
21 went on Delta Street?

22 A. We made a couple stops, but we being up there.

23 Q. Was you driving or was Terrell driving or was
24 Travis driving or was Terrell driving, anybody was
25 driving?

1 A. Travis was driving.

2 Q. So when you left bar Good Time and you was riding
3 around, you said Terrell wasn't with you, right?

4 A. Yes, sir.

5 Q. So how did the defendant meet up with you guys?

6 A. On Delta Street.

7 Q. So -- and was he driving or was he walking?

8 A. Can't remember.

9 Q. Do you know him from walking or driving?

10 A. Sometimes you was walking, sometimes you driving.

11 Q. Do you know Mr. McCoy -- or if the defendant owns
12 the car or --

13 A. No, I have no notification of that.

14 Q. There was a lot of people out there on Delta
15 Street that night, right?

16 A. Yeah.

17 Q. How much people would you say was out there on
18 Delta Street that night?

19 A. I mean, a lot. I didn't study it all, though.

20 Q. So there was a lot of people out there on Delta
21 Street? Would you say four, five, six? What is the
22 amount of people you would say without thinking that was
23 out there on Delta Street that night?

24 A. I mean, I can't give a definite number. I know it
25 was at least more than five of us.

1 Q. Did you see Terrell with a gun, the defendant?

2 A. I heard shots and been notified that that is where
3 they came from.

4 Q. So when you heard shots and you was notified that
5 that is where he came from, that night or afterwards
6 or --

7 A. No, as soon we got out there.

8 Q. As soon as you got out there. So as soon as you
9 got out there, you heard shots, you heard shots, and they
10 said that the defendant shot the gun?

11 A. Yes, sir.

12 Q. So when you got out there, he was already out
13 there?

14 A. Yes, sir.

15 Q. So he went -- so y'all went to club Good Time
16 together, right?

17 A. Yes, sir.

18 Q. And you stated when you left Club Good Time -- who
19 left Club Good Time with you?

20 A. Me, Trav, and Cell Block.

21 Q. So you left the defendant at the club, is that
22 what you're saying?

23 A. Yeah.

24 Q. So how long would you say it took you to get from
25 the bar Good Time to Delta Street? You say you made a

1 couple stops. How long did it take you to get from the
2 bar Good Time to Delta Street?

3 A. I mean, probably about 45 minutes.

4 Q. So about 45 minutes. And did you see -- did you
5 see the defendant shoot a gun in the air that night?

6 A. Not exactly saw it. I was notified that that was
7 who shot the gun.

8 Q. Did you see Terrell point at gun at Travis?

9 A. No.

10 Q. What time did you leave off Delta Street?

11 A. I don't know what time. I know it was in the
12 morning, though.

13 Q. Like, what time? Do you know a time? You don't
14 know what time you left Delta Street? It was in the
15 morning, so would you say the sun was out?

16 A. No, but it ain't too far from coming.

17 Q. Did you hear shots coming from Carinda's house?

18 A. Right behind Carinda house is a -- was a gate. I
19 take that gate to get on to the next street, which is
20 Butler Street. After I got through the cut and gone, I
21 go up Butler Street, I heard a shot, one single shot.

22 Q. So you heard one shot coming from that area.

23 A. Yes, sir.

24 Q. All right. Why did you give a statement?

25 A. Actually, I got locked up for another charge and

1 they came to get me to take me down there, ask me for
2 questions, that is where I was really supposed to have
3 been, but it end up being a statement because somehow
4 they say I was involved with the murder, and they had the
5 evidence that I was at the scene.

6 Q. Now, you stated when you were shown this statement
7 these words were already written.

8 A. This -- like, it's as if when the detective talked
9 to me as of -- he knew, he just know, I mean, that I was
10 going to give him a statement at the time.

11 I mean, he already had the papers. He already,
12 like -- and the statement, I signed the statement. See,
13 I'm not too sure about it, how it goes on. That's why
14 the Singleton -- my name was Brandon Cuttino.

15 Q. You signed the name Brandon Singleton?

16 A. And then I put -- I mean, 'cause Singleton been --
17 really showed that I ain't writing this statement. The
18 statement was written by him, and he was asking questions
19 at the same time, telling me what's going on, and I'm
20 just filling in blanks and agreeing.

21 Q. Right. Did they say they was charging you with
22 anything?

23 A. No. He told me I could be charged with something.

24 Q. Do you remember testifying in a previous
25 proceeding on page -- hold on one second.

1 Do you remember stating in a previous proceeding,
2 page 29, question 18 was asked, Why did you give a
3 statement? And you said at that time, Because I was
4 being charged. And then they said at the time they was
5 charging you with murder, and you stated no, but
6 accessory.

7 A. Yeah, accessory.

8 Q. So when they picked you up from -- before you gave
9 the statement, where were you?

10 A. County jail.

11 Q. And what were you charged with?

12 A. Crack possession.

13 Q. And they picks you up from Charleston County
14 Detention Center and takes you where?

15 A. City Hall.

16 Q. Is that North Charleston or downtown?

17 A. North Charleston.

18 Q. So they take you to North Charleston, and they
19 said -- so they picked you up from the Charleston County
20 Detention Center, and they brings you to the City Hall
21 for what reason?

22 A. Evidence that I may be a part of a murder.

23 Q. And do you remember the officer who said he was
24 charging you with accessory? It was the same officer you
25 gave a statement to?

1 A. See, it been three officers that come and get me,
2 and we -- three detectives.

3 Q. Do you remember their names?

4 A. No.

5 Q. So when you gave the statement, you was really
6 just letting them know that you didn't have nothing to do
7 with this, and you say it was already written. You just
8 was going through it.

9 A. The way it came at me, I mean, the way he came at
10 me was, We already know -- we got enough information so
11 just -- we got enough information to know, and he just
12 started breaking things down, in a situation to know my
13 involvement and all of that. And, basically, he asked me
14 if I wanted to tell him what exactly what happened, in my
15 own words.

16 Q. So on that night, you didn't see Terrell shoot a
17 gun?

18 A. Not exactly shoot him, but --

19 Q. It was there?

20 A. Yeah.

21 Q. Do you know the victim, Antwan Bryant?

22 A. Yeah.

23 Q. And he's referred to on the street as Cell?

24 A. Yeah.

25 Q. And did you see the defendant shoot Antwan Bryant?

1 A. No.

2 Q. Did the defendant put a gun at you, point a gun at
3 you?

4 A. No.

5 Q. Did the defendant point a gun at Travis?

6 A. No.

7 MR. TERRELL McCOY: Your Honor, I have no
8 further questions.

9 THE COURT: Okay. Redirect?

10 REDIRECT EXAMINATION

11 BY MR. WETMORE:

12 Q. Mr. Cuttino, in your statement that is now in
13 evidence, you do talk about some of these things that he
14 asked you. The defendant asked you if you had any
15 knowledge of him shooting a gun up in the air, and you
16 said that you didn't know anything about that; is that
17 correct?

18 A. Yes, sir.

19 Q. In your statement, do you remember saying, Sleezie
20 shot a gun up in the air. Once Sleezie shot up in the
21 air, everybody started calling him dumb.

22 A. Yeah. I remember that, but then, like I say, I
23 was notified that that is who did it.

24 Q. Now, the defendant asked you about pointing a gun.
25 I don't know anything about that. But in your statement,

1 you remember saying, Me, Carinda, and Cell asking Travis
2 and Sleezie to chill because Sleezie kept pointing the
3 gun at Travis. Sleezie was acting strange. He pointed
4 the gun so much at Travis.

5 A. I ain't made that statement. I said he had a gun.
6 I seen him with a gun.

7 Q. Finally, he asked you about the shots, or the
8 shot. You described one gunshot.

9 A. When I was leaving, yes, sir.

10 Q. When you were leaving. And you described -- or
11 after you had gotten aways away; is that right?

12 A. I mean, not too far. We all were on the next
13 street, but I was right by the house, behind the house.

14 Q. In your statement, it says I left, and as soon as
15 I got out to the back of Carinda's yard, I heard
16 gunshots, plural, coming from the house.

17 A. It was one shot.

18 Q. Okay. Obviously, there is no question about it.
19 You're serving a prison sentence now.

20 A. Yes, sir.

21 Q. And you had drug charges, I think you said they
22 were, back when this happened, and there is no hiding the
23 fact that you have a criminal record, that you at certain
24 times have been involved in committing crimes; is that
25 right?

1 A. Yes, sir.

2 Q. When this statement was taken, were there any
3 deals, any sort of promises made to you?

4 A. No, sir.

5 Q. Any kind of threats made to you?

6 A. I mean, I wouldn't call it a threat, but he was
7 letting me know that I could be charged.

8 Q. If you didn't tell the truth, you didn't
9 cooperate?

10 A. Yes, sir.

11 Q. Now, once again, same question, today, do you have
12 any kind of deals, any kind of promises, that I have made
13 you or the state has made you?

14 A. No, sir.

15 Q. Any kind of threats?

16 A. No.

17 Q. Now, when the police came and talked to you and
18 got this statement, were they talking to you as a witness
19 or as a suspect that they thought might have done the
20 shooting?

21 A. See, that have me confused because when they came
22 to get me, they said they was coming to get me for
23 questioning, but then it turned out that I didn't -- I
24 could have end up being charged for an accessory.

25 Q. If you didn't cooperate?

1 A. Yeah, and they had evidence that I was there.

2 Q. Sure. So they believed that you were there, and
3 they were doing their best to make you say what you saw.

4 A. Yeah.

5 Q. Now, at the bottom of this statement, and the jury
6 can read it, I've read the forgoing statement. I've read
7 through it. It is true and correct to the best of my
8 knowledge, giving this statement freely, voluntarily, and
9 have been provided a copy.

10 Did you sign below that?

11 A. Yes, sir.

12 MR. WETMORE: I have no further questions.

13 THE COURT: Recross?

14 RECROSS-EXAMINATION

15 BY MR. TERRELL McCOY:

16 Q. You just stated that they said -- so they told you
17 they had evidence -- excuse me. They said that they had
18 evidence that you were there, right?

19 A. Yes, sir.

20 Q. And what type of evidence was this?

21 A. I don't know. They didn't present that to me.

22 Q. And they said they was charging you with accessory
23 to a murder?

24 A. I could be charged with accessory.

25 Q. And this was five days after the defendant's face

1 was on the news or four -- when did you get this last
2 statement?

3 A. Ask the question again.

4 Q. When did you get -- when did they come pick you up
5 from the North Charleston -- I mean, Charleston County
6 Detention Center?

7 A. On the 30th.

8 Q. On the 30th, so that is five days after the
9 defendant's face -- well, three days after the
10 defendant's face was on the news?

11 A. See, I ain't seen the defendant's face on the
12 news.

13 Q. So when they came and got you from the Charleston?
14 Detention Center, they took you to City Hall, and they
15 said they had evidence that you was there, but he never
16 showed you or told you anything about this evidence.

17 A. No, and they never told me that they had a suspect
18 either.

19 Q. So they never told you they had a suspect?

20 A. No.

21 Q. And you never saw the defendant's face on the news
22 or heard --

23 A. Until after that.

24 Q. Until after when?

25 A. Until after I bond out of the county jail.

1 Q. When did you bond out of the county jail?

2 A. I bond out the exact same date.

3 Q. On the 30th?

4 A. Either that day or the next. Can't remember.

5 Q. So you gave these -- you give this statement so
6 you wouldn't be charged with accessory. You was letting
7 them know that you didn't have nothing to do with this.

8 That was the reason why you gave the statement?

9 A. Yes, sir.

10 Q. And when you gave the statement, it was already
11 wrote, like, kind of already written, right?

12 A. Yeah, like, and, really, what it was, was the
13 detective really telling me what all they had and,
14 really, he's asking me, like, he know I was at the club.
15 What club, what club name? I give them the club name.
16 He already know what all happened, but he asked me to
17 state who I was with, and he already knew I came on Delta
18 Street and knew I came on Delta Street.

19 Q. So when they told you they had evidence that you
20 were there, what type of evidence was this?

21 A. They did not tell me that.

22 Q. So they just told you they had evidence to scare
23 you up and make you agree to this statement so you
24 wouldn't be charged with this crime, correct?

25 A. Yeah, but --

1 Q. You got out of jail that same day, correct?

2 A. Yeah, or the next, but what I really think the
3 evidence came from that they are saying that they had
4 against me is when the shots been fired, I had a 12 pack
5 in my hand, a six pack in my hand, and I dropped it when
6 I heard the gunshot. That is where I really think the
7 evidence came from.

8 Q. Say that again.

9 A. I said when I first got -- when I got on the
10 street, I had a six pack of beer in my hand, but when I
11 heard the multiple gunshots, when I first get out there,
12 I dropped it.

13 Q. So when you heard the gunshots, was the defendant
14 around you?

15 A. Yeah. You could say that, yeah.

16 Q. But you're saying you didn't see him shoot the gun
17 in the air.

18 A. No, I ain't seen him shoot the gun.

19 MR. TERRELL McCOY: Your Honor, I have no
20 further questions.

21 THE COURT: Okay. All right, folks. We're
22 going to take about a ten-minute break right here and
23 we'll do some housekeeping, figure out where we're going
24 for the rest of the day. Don't begin deliberations or
25 discussions about the case. See you in about ten

1 minutes.

2 (Recess taken.)

3 (State's Exhibits 30 through 38 marked for
4 identification.)

5 THE COURT: All right. Are you ready?

6 MR. WETMORE: Yes, Your Honor.

7 THE COURT: Let the record reflect the
8 defendant is in the room. Bring the jury in.

9 (In open court, jury present.)

10 THE COURT: Call your next witness.

11 MR. WETMORE: State calls James Hill.

12 JAMES MICHAEL HILL, JR.,

13 having been first duly sworn,

14 was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. WETMORE:

17 Q. How long have you been with North Charleston?

18 A. Nine years this year.

19 Q. And do have you any responsibility with any other
20 federal agency as well?

21 A. Yes, I do.

22 Q. What is that?

23 A. ATF.

24 Q. What are your responsibilities with the ATF?

25 A. I review state gun arrests made by North

1 Charleston police department to see if they meet criteria
2 for federal prosecution.

3 Q. And in addition to that, you're also a detective
4 with the North Charleston police department.

5 A. Yes, sir.

6 Q. Have you had any kind of training or experience
7 that helps you do these jobs?

8 A. Yes, sir. I've been in investigations for five,
9 six years now, gone to several investigative courses,
10 interview courses, and just basic knowledge of doing it
11 for so long now. I've gone to several classes.

12 Q. So your job, does it require you to talk to people
13 who may be witnesses to a crime?

14 A. Yes, sir.

15 Q. Okay. Does it require you to take statements from
16 them?

17 A. Yes, sir.

18 Q. And that happens pretty frequently --

19 A. Yes.

20 Q. -- or rarely?

21 A. No.

22 Q. So you frequently take statements from witness?

23 A. No, I take frequent statements. Frequently, I
24 take statements.

25 Q. Now, obviously, you talk to people and get their

1 statements. That happens often?

2 A. Yes.

3 Q. And then sometimes they're put down in writing.
4 Does that happen often?

5 A. Yes.

6 Q. Okay. If you would, just briefly describe to the
7 jury how you typically take a written statement.

8 A. Generally, when I take a written statement from an
9 individual, whether it be a witness or a defendant, I sit
10 down, talk to the individual for a little while, try to
11 personalize myself with the individual as far as a little
12 bit of background about them, where they grew up,
13 children, family, and stuff like that, and then I get
14 into what I'm investigating.

15 Q. Now, back in March, March 30th, 2006, did you take
16 a written statement from Brandon Cuttino, the witness we
17 just heard from?

18 A. Yes, sir.

19 MR. WETMORE: May I approach, Your Honor?

20 THE COURT: You may.

21 BY MR. WETMORE:

22 Q. Detective Hill, if you would, take a look at
23 State's Exhibit 29, admitted into evidence. Can you
24 identify this.

25 A. Yes. This is a North Charleston police department

1 witness state from Brandon Cuttino, a/k/a Brandon
2 Singleton.

3 Q. Okay. Now, did you take that statement?

4 A. Yes, sir.

5 Q. Okay. If you would, just tell us how that process
6 took place for this particular statement that you took
7 for Brandon Cuttino.

8 A. Yes, sir. At the top of the statement form is the
9 information pertaining to the individual that I'm
10 interviewing, the name, date of birth, home address, home
11 phone, business phone, the crime which I'm investigating,
12 where the crime occurred and the date and time,
13 approximate time of the crime being investigated.

14 When I take statements, I talk to the individual
15 first. I generally give them the option to write their
16 own statements, or I give them the option that I write
17 the statement for them. In this case, Mr. Cuttino wanted
18 me to write the statement for him, for which I did that,
19 and I usually write it in their own words, moving at a
20 slow pace, so I can keep up what what they're saying so
21 that I write exactly what they want to say.

22 Q. So the way that this statement took place, Brandon
23 Cuttino would talk, tell his story, and you would try to
24 capture everything as best as you could, as he said it.

25 A. Correct, and as I write the statement, when it's

1 all finished, I go through the statement with the
2 individual, make sure that they don't want to add,
3 correct, or delete anything from the statement, and we
4 make those corrections.

5 Q. Okay. So you were at this point talking to him, I
6 guess -- let me just let you say, what were you talking
7 to him about when you got this statement?

8 A. This statement was in reference to the murder that
9 had occurred at 5061 Delta Street.

10 Q. Okay. Now, it looked like you also read him his
11 rights.

12 A. That wasn't pertaining to the murder.

13 Q. Okay. You read him his rights because he was also
14 charged with a drug case.

15 A. He was currently in custody when he was brought --
16 he was brought over for questioning for two things. Of
17 course, because I have collateral duties with the ATF and
18 narcotics violations, I wanted to talk to him about the
19 particular community that he was from, and then, of
20 course, we had information that he might be a potential
21 witness to this, so then we moved into this.

22 Q. So this statement deals with the murder, and in
23 your conversation with him about the murder, was he a
24 witness, or a suspect?

25 A. The information that I have was that he was

1 potentially a witness.

2 Q. So he at this point wasn't being charged with
3 anything in conjunction with the murder?

4 A. Correct.

5 Q. He had some other drug charges. That is why you
6 read him his rights, but for this case, the murder case,
7 you took this statement from him as a witness?

8 A. Correct. The rights were read to him so that I
9 could ask him about his narcotics dealing and his
10 firearms adventures.

11 Q. But in terms of this case, he's a witness?

12 A. Correct.

13 Q. Okay. Now, I think the way you described it is he
14 tells the story in his own words and you write it. Was
15 that his choice or your choice?

16 A. His choice.

17 Q. He's obviously talking, and you're trying to
18 capture it. In looking at the state's exhibit right
19 there in front of you -- I don't remember what number it
20 is. Is it 29?

21 A. 29, correct.

22 Q. Looking at State's 29, you know, are those all the
23 words that he told you that you wrote down?

24 A. Yes, sir, as he told it to me.

25 Q. And did you make any of that stuff up?

1 A. No, sir.

2 Q. Did you add anything, delete anything from what
3 he's telling you?

4 A. No, sir, only what he wanted corrected, if there
5 was any corrections made. That's all his words.

6 Q. These are all his words?

7 A. Yes, sir.

8 Q. These are not your words, this is you basically
9 writing down what he's saying?

10 A. Exactly.

11 Q. Now, it looks like at the bottom, it says, I've
12 read the forgoing statement, or had it read to me, and
13 it's true and correct to the best of my knowledge. I've
14 given this statement freely and voluntarily and been
15 provided a copy of my statement.

16 Was he advised of that phrase?

17 A. Yes. When we're finished with the statement, I go
18 back over the statement with the individual that I'm
19 interviewing, reading that last clause, and making sure
20 that they don't want to add or change anything.

21 Q. So he was advised that this would be taken as his
22 true and correct statement?

23 A. Yes.

24 Q. And did he go ahead and sign there in your
25 presence beneath that phrase?

1 A. On both pages, yes, sir.

2 Q. He signed it on both pages?

3 A. Yes, sir. It's a two-page statement.

4 Q. And in looking at it, there are a few places where
5 the writing is scratched through. Describe to us what
6 that is all about.

7 A. Well, at the top of page two, he wanted that
8 sentence above where I had wrote a sentence added, so I
9 added that, and then I made an arrow midway through and
10 on two lines, and I'm not sure if it was -- I made a
11 grammatical error or he wanted a word changed, but either
12 way, when it's lined through, I initial and then they
13 initial as to the correction on the line through.

14 Q. Okay. So these places where it's scratched out,
15 you have initialed, Brandon Cuttino initialed, that is
16 just to authenticate the change?

17 A. Correct.

18 Q. But those are changes that he's making as he's
19 saying them to you.

20 A. Correct.

21 Q. So based on your experience, this statement
22 accurately reflects what he was telling you.

23 A. Exactly.

24 Q. Certainly nobody forged his signature, his
25 initials, in your presence?

1 A. No, sir.

2 Q. Now, I guess it's important, I would like to ask
3 you, when you're talking to him, when you're getting this
4 statement from him, are you making him any kinds of
5 promises, any deals?

6 A. No, sir.

7 Q. Are you making him any kinds of threats?

8 A. No, sir.

9 Q. So this is his voluntary statement as he's saying
10 it to you?

11 A. Yes.

12 MR. WETMORE: May I just have one second,
13 Your Honor?

14 BY MR. WETMORE:

15 Q. After making this statement with you on March 30,
16 2006, did Mr. Cuttino come back and talk to you about the
17 case, change anything, add anything?

18 A. No, sir.

19 MR. WETMORE: I have no further questions.

20 CROSS-EXAMINATION

21 BY MR. TERRELL McCOY:

22 Q. Detective Hill, Brandon Cuttino, when he was
23 arrested, he was arrested under Brandon Singleton,
24 correct?

25 A. I believe so.

1 Q. And when he was arrested, he was arrested for two
2 drug charges, correct?

3 A. I'm not sure.

4 Q. And this was approximately five days after the
5 murder?

6 A. I have no idea.

7 Q. All right. How did you find out Brandon Cuttino
8 was in jail?

9 A. I was approached by my supervisor and asked to go
10 talk to him about drugs and guns in that community that
11 he's from.

12 Q. And when you found out he was in jail, you went
13 and picked him up, correct?

14 A. I did.

15 Q. And you took him to the North Charleston police
16 department, right?

17 A. I did.

18 Q. You told him you were going to talk to him about
19 narcotic violations when you picked him up, but then when
20 you got to the precinct, you started to talk to him about
21 a murder that happened five days earlier, correct?

22 A. We talked about drugs and guns first, and then we
23 talked about him having any knowledge of the murder that
24 occurred on Delta Street.

25 Q. Excuse me?

1 A. I talked to him about drugs and guns first, and
2 then after we finished that, I asked him if he knew
3 anything about the murder on Delta Street, and that is
4 when he gave me this statement.

5 Q. Did you ever tell Brandon he was going to be
6 arrested for accessory to murder?

7 A. No.

8 Q. Did you have anything to do six weeks later with
9 those drug charges being dismissed on him?

10 A. No.

11 Q. Did you have anything to do with him getting out
12 of jail the same day he talked to you when he was
13 arrested for those drug charges?

14 A. I didn't know he got out of jail that day.

15 Q. You didn't know he got out of jail. So you picked
16 him up on March 30th, take him to the North Charleston
17 police department, you tell him -- you was questioning
18 him about narcotics violation. Why was you going to
19 question him about narcotic violation?

20 A. Because he is from that community and he sells
21 drugs.

22 Q. So what was this conversation going to be about,
23 in relating to what?

24 A. What conversation, the conversation about the
25 drugs?

1 Q. Yes, sir.

2 A. I wanted to know if he would give me information
3 on who was selling drugs in that community.

4 Q. So you picked him up. You wanted to know if he
5 knew anybody who was selling drugs in that community?

6 A. Yes. I'm trying to make a safer living
7 environment for the residents of North Charleston.

8 Q. So when you picked him up and took him to the
9 precinct, you said, I'm going to question you about
10 drugs, but then you end up talking about a murder that
11 happened in that same community?

12 A. I did.

13 MR. TERRELL McCOY: I don't have any further
14 questions.

15 THE COURT: Redirect?

16 MR. WETMORE: I have nothing.

17 THE COURT: You may step down. Thank you.
18 All right. Call your next witness.

19 MR. WETMORE: The state calls Doug Armstead
20 of the North Charleston police department.

21 We ask he be released from his subpoena.

22 MR. TERRELL McCOY: No, sir. I would like
23 him to stay because I subpoenaed him too, and I need to
24 cross-examine him.

25 THE COURT: Okay. All right.

1 THE WITNESS: I haven't been subpoenaed.

2 MR. TERRELL McCOY: You have one from me.

3 MS. PROCTOR: May we approach?

4 (Discussion held at sidebar.)

5 ARTHUR DOUGLAS ARMSTEAD,

6 having been first duly sworn,

7 was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. WETMORE:

10 Q. How long have you been with North Charleston
11 police department?

12 A. A little over five years, sir.

13 Q. If you would, briefly tell the jury basically what
14 are your duties or responsibilities.

15 A. Right now I'm currently assigned to North
16 Charleston's intelligence SLED policing team. What we do
17 is we locate and track down violent offenders throughout
18 the city of North Charleston.

19 Q. Now, were you on duty back March 25, 2006, early,
20 early morning, Saturday morning?

21 A. Yes, sir, I was.

22 Q. Tell us what you were doing.

23 A. I was on routine patrol, and I got dispatched to
24 an unknown situation at 5061 Delta Street.

25 Q. So you were called out to the scene of this crime

1 at 5061 Delta Street?

2 A. Yes, sir.

3 Q. Okay. Now, you got the call from the station,
4 from dispatch?

5 A. Yes, sir.

6 Q. And about what time did you get that call, can you
7 tell from your --

8 A. I was dispatched at 5:48 a.m.

9 Q. And can you tell what time you arrived, or can you
10 give us an estimate?

11 A. Shortly thereafter, I -- 5:50.

12 Q. So two minutes later, you were there on the scene.
13 And this location, 5061 Delta Street, is that in
14 Charleston County?

15 A. Yes, sir, it is.

16 Q. Within the city of North Charleston?

17 A. Yes, sir.

18 Q. Now, if you would, tell us what you saw when you
19 arrived there and what you did.

20 A. Upon my arrival, myself and a couple other
21 officers, we went to -- we observed the front door of the
22 residence had been forced open. We entered the
23 residence, and lying on the floor was the victim. He was
24 lying on his back with a large amount of blood in the
25 room.

1 We checked the residence to make sure there was no
2 one else there, for our safety, and then we checked him
3 for vital signs, and there was no vital signs noted.
4 Once we got finished with the residence, exited the
5 residence, and also taped off the scene with crime scene
6 tape and I began the crime scene log.

7 Q. Okay. So you secured the crime scene with crime
8 scene tape, that yellow tape?

9 A. Yes.

10 Q. Why is that important?

11 A. Maintain the integrity of the crime scene so that
12 no one can come in or out without us, maintain that.

13 Q. To make sure nothing is moved?

14 A. Yes, sir.

15 Q. So you're one of the first police officers on the
16 scene.

17 A. Yes, I was.

18 Q. And you mentioned, obviously, that you noticed the
19 victim, who was lying there dead?

20 A. Yes, sir.

21 Q. And you also mentioned that you looked around and
22 saw there was nobody else in the house?

23 A. There was no one else in the house.

24 Q. And you mentioned that the front door had been
25 broken, cracked, in some fashion?

1 A. Yes, sir.

2 Q. If you would, just describe exactly what you saw.

3 A. The door was open, and the door frame had been
4 cracked, and it was forced open.

5 Q. Now, was it your responsibility and did you feel
6 compelled to call in the crime scene investigators?

7 A. They were -- actually, I believe, they were
8 notified the same time we were notified. I made sure
9 that the crime scene was notified and were responding,
10 and, actually, I believe when we were taping off the
11 crime scene, they were pulling up.

12 Q. And those folks respond and investigate scenes of
13 more major cases?

14 A. Yes, sir.

15 Q. And how soon did they arrive after you got there
16 and secured the scene?

17 A. It was approximately five minutes from the time of
18 the call, five minutes. They were there very quickly.

19 Q. So, now, as one of the first police officers on
20 the scene, did you have the opportunity to observe the
21 homeowner, Carinda Snowden?

22 A. She was next door at the neighbor's residence.
23 While I was taping off the crime scene, I observed her
24 next door.

25 Q. What did you observe in seeing her?

1 A. She was visibly shaken, very distraught, crying.
2 She was just real shaken up.

3 Q. Did she appear to be very upset to you?

4 A. Yes, sir.

5 Q. You didn't actually have a conversation with her?

6 A. No, sir.

7 Q. Now, finally, there is one other thing I wanted to
8 ask you about. We heard from a witness, Brandon Cuttino.

9 A. Yes, sir.

10 Q. And we heard from him today, and that person, was
11 he arrested by you on March 30th, just a few days later?

12 A. Yes, sir, he was.

13 Q. Now, you made that arrest right there in the same
14 area; is that correct?

15 A. Yes, sir.

16 Q. Do you happen to know where it was?

17 A. I believe it was 5065.

18 Q. Delta Street?

19 A. Yes, sir.

20 Q. So you arrested Brandon Cuttino in that same area
21 a few days afterwards?

22 A. Yes, sir, I did.

23 Q. And what was he charged with at that point?

24 A. I believe it was possession with intent to
25 distribute crack cocaine and possession with intent to

1 distribute crack within proximity of a school.

2 Q. So you arrested him for some drug charges a few
3 days after this happened in this same area?

4 A. Yes, sir.

5 Q. Now, that was your case?

6 A. Yes.

7 Q. You were the arresting officer. Do you have any
8 idea how that case was disposed of?

9 A. Yes, sir. It was dismissed on the insufficient
10 evidence at that time. There was several subjects
11 involved in that incident. I couldn't pinpoint whose the
12 drugs were, so I didn't feel like it was fair to arrest
13 all of them, especially without the evidence being --

14 Q. So the drug case you made on Brandon Cuttino was
15 eventually dismissed after you took a hard look, I guess,
16 at the evidence.

17 A. Yes, sir.

18 Q. Did it have anything to do with any kind of deal,
19 with any kind of promise to Brandon Cuttino?

20 A. No, sir.

21 Q. Any sort of deal that you had or you made with
22 him, you took any part in, to get him to make a
23 statement?

24 A. No, sir.

25 Q. Any deal, any promise that you took part in to

1 make him testify?

2 A. No, sir.

3 MR. WETMORE: I don't have any further
4 questions.

5 THE COURT: Cross?

6 CROSS-EXAMINATION

7 BY MR. TERRELL McCOY:

8 Q. Officer Armstead, in your report you stated
9 approximately 5:40 you responded to 5061 Delta Street in
10 reference to an unknown situation; is that correct?

11 A. Yes, sir.

12 Q. And while en route, the North Charleston police
13 dispatcher advised the responding unit that the subject
14 had run into a residence and had been shot several times,
15 correct?

16 A. Yes, sir.

17 Q. What time did you get that dispatch?

18 A. The dispatch time was at 5:48.

19 Q. What time did you arrive on the scene?

20 A. 5:50.

21 Q. 5:50? Do you remember testifying at a previous
22 proceeding that you responded -- that you received a
23 dispatch at 5:54?

24 A. I do not recall.

25

1 (Page of transcript marked for identification
2 as Defendant's Exhibit No. 17.)

3 BY MR. TERRELL McCOY:

4 Q. Let me show you what has been marked
5 as Defendant's Exhibit 17, page of transcript. On the
6 top of that page I think is -- refer to line 3, 4, and 5
7 that says, And you received a dispatch call at 5:54. You
8 were there at 5:50, so you were there for about two
9 minutes before the dispatch contacted you, right?

10 A. No. I arrived on the scene at 5:50.

11 Q. But you stated in a previous trial -- previous
12 proceeding that you received the dispatch at 5:54, and
13 you say -- you reported you was already at the scene at
14 5:48, so you was already at the scene six minutes before
15 you received the dispatch, right?

16 A. Here it says you received a dispatch call at 5:54.

17 Q. Right, and you responded you was already on the
18 scene at 5:48, correct?

19 A. If you look here at number six, it says yes, I
20 believe the report was at 5:48, I believe was my answer.

21 Q. Yes, that is when you arrived on the scene, 5:48,
22 correct?

23 A. No. In here, it says my answer was, Yes, I
24 believe the report was 5:48, I believe.

25 Q. But then you -- and you said you received the

1 dispatch call at 5:54. Look at three. It says, You
2 received a dispatch call at 5:54, and you were there at
3 5:50. That's what you said.

4 A. No. I did not state that at all.

5 Q. Did you observe the homeowner of this residence?

6 A. Yes, I did.

7 Q. Was she covered in blood?

8 A. I observed her being visibly shaken. I did not.
9 see blood or anything about her at the time. I just saw
10 her all shook up.

11 Q. So when you arrived at the scene, she was not
12 covered in blood or nothing like that, she was next door?

13 A. There was another officer talking to her at that
14 time.

15 Q. And your report stated when you arrived at the
16 scene, it looked like the front door had been kicked
17 open. Can you explain that?

18 A. How do you mean?

19 Q. You said the front door was forced open, kicked
20 open.

21 A. Yes. It appeared that the door had been forced
22 open, which means that the door frame is cracked, where
23 apparently some force had been given to crack the door
24 frame, knocking the door in.

25 Q. Did you do a walk through of this house when you

1 arrived?

2 A. Yes, sir.

3 Q. Did you go in any of the bedrooms?

4 A. Yes, sir.

5 Q. So you went -- how many bedrooms are there?

6 A. I can't recall. I believe there is maybe two.

7 Q. In one of the bedrooms, there is a bed in front of
8 a window, correct?

9 A. I believe so.

10 Q. I have a picture with you in the bedroom with a
11 bed in it. Is it all right to mark that as Defendant's
12 Exhibit 8? Let me show you Defendant's Exhibit 8. Do
13 you recognize that picture? Is that you?

14 A. Yes, sir, that's me.

15 MR. TERRELL McCOY: Your Honor I move
16 Defendant's Exhibit 8 into evidence.

17 THE COURT: Any objection?

18 MR. WETMORE: Could I see it, please? No
19 objection.

20 THE COURT: It's admitted.

21 (Photograph admitted into evidence as
22 Defendant's Exhibit No. 8.)

23 BY MR. TERRELL McCOY:

24 Q. Was you aware that there was blood on that curtain
25 in the bedroom?

1 A. Yes, sir.

2 Q. So you went to the other bedroom too?

3 A. Yes, cleared the residence.

4 Q. Let me show you what has been marked as

5 Defendant's Exhibit --

6 THE COURT: What I want you to do is before
7 you show them to the witness, show them to opposing
8 counsel.

9 MR. WETMORE: Let me see specifically which
10 one -- we haven't seen all these, but --

11 BY MR. TERRELL McCOY:

12 Q. Defendant's Exhibit 5 and 7. Do you recognize all
13 these pictures?

14 A. Yes, sir.

15 MR. TERRELL McCOY: At this time I move
16 Defendant's Exhibit 5 and 7 into evidence.

17 THE COURT: Any objection?

18 MR. WETMORE: No.

19 (Photographs admitted into evidence as
20 Defendant's Exhibit Nos. 5 and 7.)

21 BY MR. TERRELL McCOY:

22 Q. Can you tell me what that is? Excuse me.

23 THE COURT: Which exhibit is that?

24 MR. TERRELL McCOY: This is is Exhibit 7.

25 THE COURT: Okay.

1 BY MR. TERRELL McCOY:

2 Q. Now, you say you recognize this picture, correct?

3 A. Yes.

4 Q. Now, can you tell me -- can you see it? Can you
5 tell me what is those markings on those curtains?

6 A. These here?

7 Q. Yes, sir, there and there.

8 A. I believe that's blood stains.

9 Q. Blood stains?

10 MR. TERRELL McCOY: Your Honor, may I publish
11 this Exhibit 8 to the jury?

12 THE COURT: You have to show it to him.

13 MR. WETMORE: I thought that was already in,
14 but I don't have any objection to it.

15 THE COURT: It's already in. You can publish
16 that if you want.

17 BY TERRELL McCOY:

18 Q. Now, is these the same curtains?

19 A. No, it's not the same curtains with the blood
20 stains on it.

21 Q. So there are no blood stains on these curtains,
22 correct?

23 A. Not on these.

24 Q. What room did these curtains come out of?

25 A. The other bedroom.

1 Q. And was -- let me show you -- let me show you what
2 has been marked as --

3 THE COURT: Can this witness identify it?

4 MR. WETMORE: My opinion is probably not, but
5 he can ask him.

6 THE COURT: Ask the witness if he can
7 identify what it is.

8 BY MR. TERRELL McCOY:

9 Q. Let me show you what has been marked as
10 Defendant's Exhibit 18. Do you recognize that picture?

11 A. No, sir.

12 Q. You don't recognize that picture? How many
13 bedrooms were in that residence?

14 A. I'm not certain, but I believe there was two.

15 Q. So you walked through the whole house?

16 A. Yes, sir.

17 Q. So you walked through the whole house, you didn't
18 notice this blood on this window sill?

19 A. No, sir. When I walked through that residence, I
20 was looking for people. I wasn't looking for evidence at
21 this point.

22 Q. There is reports saying that blood was found on a
23 curtain in front of an open window.

24 A. Yes, sir.

25 Q. And this is the open window, correct?

1 A. I'm not certain.

2 Q. What happened to the curtain that was on it? Are
3 those the curtains?

4 A. I didn't take that picture.

5 Q. You didn't take this picture? I understand you
6 didn't take the picture, but you said you did a walk
7 through of the crime scene.

8 A. Yes, sir.

9 Q. Are you the one that marked -- ran the yellow tape
10 through the crime scene, and if you did a walk through,
11 that means you should have seen the blood. It's a bloody
12 fingerprint.

13 A. Sir, I haven't see that picture before. I wasn't
14 looking for blood. I was looking for people in the
15 residence.

16 Q. So as a police officer, you're telling me you
17 don't look for blood at a murder scene? There is a guy
18 laying in the middle of the floor, and you're telling me
19 you're not looking for blood? What was you looking for?

20 A. When I entered that residence, sir, I was
21 looking -- I noticed the subject laying on the floor, so
22 then I went through the residence, looking for people
23 throughout the residence, other possible victims or a
24 possible subject that may be in the residence that
25 committed the crime. I secured the scene, and I allowed

1 the crime scene to take care of that.

2 Q. Now, when you first arrived when you walked in
3 this residence and you saw the victim, he was lying on
4 his back, correct?

5 A. I believe so, yes, sir.

6 Q. And was there anything under him?

7 A. I did not move him.

8 Q. So you did not move him?

9 A. No, I did not move him.

10 Q. My question was, did you see anything under him?

11 A. No, sir.

12 Q. Let me show you what has been marked as
13 Defendant's Exhibit 19. Do you recognize this picture?

14 A. That is the subject.

15 Q. And that is the crime scene, correct?

16 A. Yes, sir.

17 MR. TERRELL McCOY: At this time I move
18 Defendant's Exhibits 18 and 19 into evidence.

19 MR. WETMORE: No objection.

20 THE COURT: Admitted.

21 MR. TERRELL McCOY: May I publish the
22 picture?

23 THE COURT: You may.

24

25

1 (Photographs marked for identification and
2 admitted into evidence as Defendant's Exhibit Nos. 18 and
3 19.)

4 BY MR. TERRELL McCOY:

5 Q. You stated when you arrived on the scene that
6 those curtains wasn't under the victim, correct?

7 A. Correct.

8 Q. So how did these curtains get under him?

9 A. I don't know.

10 Q. When you first arrived on the scene, you said that
11 these curtains wasn't under the victim, so you mean to
12 tell me when y'all were doing the murder scene, y'all lay
13 out your yellow tape, correct? What is the reason for
14 putting yellow tape around the crime scene?

15 A. To keep the scene secure.

16 Q. To keep the scene secure. So that means nobody is
17 allowed in the crime scene but North Charleston police
18 department, right?

19 A. And the investigators, yes, sir.

20 Q. So if you didn't see those curtains under that
21 victim when you first arrived, you mean it was put under
22 him by one of your law enforcement officers, correct?

23 A. No.

24 Q. So how did it get under the body?

25 A. He landed on them.

1 Q. But you just told me that it was not there when
2 you first arrived on the scene.

3 A. I did not recall seeing -- I do not recall what
4 was underneath him.

5 Q. So did he get killed when you was there? You said
6 he landed on it. Was you there when he got killed?

7 A. No, sir.

8 Q. But you just stated he landed on that curtain.

9 A. I don't recall.

10 Q. But when you first arrived on the scene, it was
11 not there, correct?

12 A. Sir, I could not answer that question because I
13 could not remember what was underneath him. I did not
14 see that picture before you asked me that question.

15 Q. But you remember the crime scene. When you say
16 you walked into the crime scene, you said you saw nothing
17 underneath the victim, correct?

18 A. Nothing that stuck out in my mind, no.

19 Q. So you mean to tell me that curtain doesn't stick
20 out?

21 A. No, sir. I do not remember that.

22 Q. So that means one of your fellow officers put that
23 curtain under him?

24 A. No, sir.

25 Q. Was the victim laying in that spot when you first

1 arrived?

2 A. Yes, sir.

3 Q. And that testimony is the truth? Was he laying in
4 that spot when you first arrived on the crime scene?

5 A. Yes, sir. I never moved him.

6 Q. You never moved him?

7 A. Never.

8 Q. And you never observed that curtain on top of him?

9 A. I didn't remember it. I didn't remember seeing
10 it. I couldn't tell you that -- to this day, that was
11 two years ago, three years ago now. It's hard to
12 remember what happened. If you would have shown me that
13 picture beforehand, I would have remembered seeing
14 something underneath him. It could have been a blanket,
15 it could have been anything.

16 MR. TERRELL MCCOY: Your Honor, I have no
17 further questions.

18 THE COURT: Okay. Any redirect?

19 REDIRECT EXAMINATION

20 BY MR. WETMORE:

21 Q. Officer Armstead, Mr. McCoy made an issue about
22 timing when you were dispatched versus the timing when
23 you responded. Obviously, you had to be dispatched
24 before you responded, or you wouldn't have known where to
25 go, correct?

1 A. Yes, sir.

2 Q. It makes no sense that you would respond to a
3 location unless you had been dispatched, is that correct?

4 A. Correct.

5 Q. Now, as the first officer on the scene, it's the
6 middle of the night, and you see this person right here
7 in a pool of blood.

8 A. Yes, sir.

9 Q. What is the first thing that you did that night?

10 A. When I entered the residence?

11 Q. Correct.

12 A. Made sure there were no other victims and no other
13 residents in the house.

14 Q. Is that what you reference to when you say clear
15 the residence?

16 A. Yes.

17 Q. So the first thing is, I got to make sure there is
18 nobody else in this house, meaning nobody else is going
19 to hurt me, or nobody else has been here?

20 A. Yes, sir.

21 Q. Now, when you're going through the house, doing
22 this task, is it a pretty quick process? Are you looking
23 quickly, or are you studying, looking for evidence,
24 looking for clues?

25 A. It's a quick process. I'm just looking for

1 people.

2 Q. So your walk through of the house was simply to
3 secure the residence, make sure that there was nobody
4 else in there, either trying to hurt somebody or had been
5 hurt?

6 A. Yes, sir.

7 Q. Now, part of the, you know, initial checking of
8 the house, was it your job to collect evidence?

9 A. No. Not while I'm checking the house, no, sir.

10 Q. Was it your job to, you know, secure the evidence
11 and make a note of what's there and what is not there?

12 A. No, sir.

13 Q. That is what the crime scene people did; is that
14 correct?

15 A. Yes, sir.

16 Q. And that is who you called in to do that job,
17 correct?

18 A. Yes.

19 Q. So based on your being the first officer and your
20 doing a quick walk through the residence, are you able to
21 testify about every piece of evidence, everything that
22 happened, you know, in collecting the evidence in this
23 case?

24 A. No, sir.

25 Q. In fact, is that your role at all?

1 A. No, sir.

2 Q. Now, certainly, you indicated you put up crime
3 scene tape to secure the residence. Did you do anything
4 yourself to tamper with the evidence inside?

5 A. No, sir.

6 Q. Did you move this body? Did you move any of this
7 evidence at all?

8 A. No, sir.

9 Q. You left it just as you found it?

10 A. Yes, sir..

11 Q. Now, did you take pictures yourself, or is that
12 what the crime scene did?

13 A. The crime scene takes pictures. I did not take
14 any pictures.

15 Q. You didn't take any pictures?

16 A. No, sir.

17 Q. Didn't collect any evidence. All you did was
18 secure the house, secure the crime scene?

19 A. Yes, sir, and began the crime scene.

20 Q. Which details who is coming in and coming out?

21 A. Yes, sir.

22 Q. And that is, once again, to preserve the crime
23 scene?

24 A. Yes, sir.

25 MR. WETMORE: No further questions.

1 THE COURT: Recross?

2 RECROSS-EXAMINATION

3 BY MR. TERRELL McCOY:

4 Q. Now, you just testified to say you did a quick
5 walk through of the crime scene, correct?

6 A. Yes, sir.

7 Q. Let me show you what is already in evidence. I
8 have a picture with you in one of the bedrooms putting on
9 some blue gloves. You just didn't do a quick walk
10 through. You was actually -- you testified that is you
11 right there, right?

12 A. That is me.

13 Q. And you're putting on rubber gloves?

14 A. Could have been taking them off.

15 Q. So you didn't do a quick walk through; you was
16 actually looking for something, right?

17 A. No. I wasn't looking.

18 Q. So why was you taking off your gloves, or putting
19 gloves on?

20 A. I may have been showing the crime scene tech in
21 the bedrooms if there was anything in the bedroom. I do
22 not recall.

23 Q. So as you were showing the crime scene, you didn't
24 see --

25 MR. TERRELL McCOY: No further questions.

1 THE COURT: Okay. You can step down. Thank
2 you. Do you need this witness?

3 MR. TERRELL McCOY: No, sir.

4 THE COURT: All right. Mr. Wetmore, he
5 doesn't need this witness. Do you need this witness?

6 MR. WETMORE: I do not, Your Honor. I ask he
7 be excused.

8 THE COURT: You're free to go. Thank you.

9 THE WITNESS: Thank you, Your Honor.

10 THE COURT: You want to go for another one or
11 do you want to resume in the morning?

12 MR. PETER McCOY: Your Honor, for planning
13 purposes, I would like to give you a heads up. Our next
14 witness is the first crime scene investigator, where the
15 bulk of our evidence will come from. It will be lengthy.

16 THE COURT: Okay. Well, we'll just break for
17 the day then, and we'll start back tomorrow morning at
18 9:30. Folks, if you could be in the jury room by about
19 9:20, we'll get started right at 9:30 then in the
20 morning.

21 Again, same thing I talked to you about last
22 night. Can't talk with anybody about the case, including
23 your loved ones or family members or any friends or
24 hanging out at the bar or anything like that. Just go
25 home and enjoy the evening. Don't try to find out

1 anything about the case. Again, everything you need to
2 know to make your decision you'll get here in the
3 courtroom.

4 Again, there was an article about this in the
5 newspaper. I would ask you not to read the paper or the
6 Internet and try to find anything, and tomorrow morning,
7 I don't know if there will be anything in it, but, again,
8 just don't read the newspaper for this week while we're
9 here and in this trial.

10 If anybody approaches you about the case or
11 talks to you about it or anything like that, please
12 report that to me immediately. So y'all go and have a
13 good evening, and we'll start tomorrow morning at 9:30,
14 so if you would, try to be in the room by about 9:20.

15 See you in the morning. Thanks for your
16 patience today.

17 (Jury recessed.)

18 THE COURT: All right. Do we need to take up
19 anything before we leave for the day?

20 MR. TERRELL McCOY: At this time, I would ask
21 you to give me a final ruling on the motion to in limine
22 that I filed.

23 THE COURT: Which one was that?

24 MR. TERRELL McCOY: That was the one about
25 all the evidence being destroyed and lost and tampered

1 with. That was the motion in limine.

2 THE COURT: Okay. Refresh my memory.

3 MR. TERRELL McCOY: I asked you if you would
4 give me a final ruling.

5 THE COURT: Which one is he talking about
6 there, Ms. Proctor?

7 MS. PROCTOR: I think the motion to compel.
8 Is that it?

9 MR. TERRELL McCOY: No, the motion in limine,
10 on prejudice.

11 MS. PROCTOR: Oh, I think he means whether or
12 not -- what is it? I'm not sure what it is he wants
13 you --

14 MR. TERRELL McCOY: It was the motion in
15 limine that I filed stating that the crime scene
16 investigators tampered with the evidence, plus
17 investigators moved the body and evidence was destroyed
18 and sort of -- stuff like that. The evidence that -- you
19 just heard testimony saying that he witnessed blood being
20 on the curtain. Those curtains are not in evidence. I
21 do not have those curtains. Now, they took a picture.
22 That means they collected the evidence. Now, we don't
23 have the curtains.

24 THE COURT: Well, the problem is, Mr. Wetmore
25 says he doesn't have that evidence; is that correct,

1 those things that -- I mean, I've heard it referred to as
2 a curtain, but the first witness said it was something
3 that was on the couch.

4 MR. WETMORE: My understanding is that what
5 was in evidence is that floral print pattern thing that
6 was under the body. I don't believe the curtains hanging
7 were ever collected, and I know that the crime scene
8 technician in the morning first thing is going to be
9 talking about it, and he can certainly ask her why they
10 weren't collected.

11 THE COURT: So when you say curtain, are you
12 talking about the one hanging on the window or the one
13 underneath the body?

14 MR. TERRELL McCOY: I'm talking about the
15 ones that is hanging up on the window. Those curtains
16 were never -- we don't have those curtains. Now, we're
17 dealing with a murder. They took pictures. That means
18 they took the evidence, but they tried to -- they
19 destroyed the evidence because it shows my innocence.
20 They put that curtain under the victim's body, that is
21 why --

22 THE COURT: As I understand it, the thing
23 that you're calling a curtain, which I got the impression
24 was more of a towel or a doily, or whatever it was on the
25 side of the couch --

1 MR. TERRELL McCOY: Can I show you?

2 MS. PROCTOR: I think it's a valance. The
3 thing that was underneath the guy's body, that is what
4 you're talking about?

5 MR. TERRELL McCOY: It looks like the same
6 curtain that is hanging up --

7 THE COURT: But this right here that is
8 underneath him, you're calling it a curtain. She said it
9 was on the side of the couch.

10 MR. TERRELL McCOY: She says that, but --

11 MS. PROCTOR: They have that in evidence.

12 THE COURT: You're saying you have that?

13 MR. WETMORE: The thing underneath his body
14 we have in evidence.

15 THE COURT: Let's stop for a second. This
16 thing that is underneath his body right there in Exhibit
17 14, Defendant's Exhibit 14, he says he has it.

18 MR. TERRELL McCOY: Right, but we don't have
19 this one here.

20 THE COURT: This one here that is in
21 Defendant's 7 and in Defendant's 5?

22 MR. TERRELL McCOY: Yes, sir.

23 THE COURT: He says he didn't take those.

24 MR. TERRELL McCOY: Why didn't they collect
25 them at the crime scene?

1 THE COURT: You ask that tomorrow when you're
2 talking to the crime scene investigator.

3 MR. TERRELL McCOY: The curtains that was
4 hanging up in here, so all together, it was four
5 curtains. We only have one curtain in evidence.

6 THE COURT: Well, that is an argument you can
7 make, but he's saying they didn't take those. As far as
8 I know, they might still be hanging in there, but he's
9 saying they did not take them. Now, you can ask the
10 crime scene guys tomorrow, did you take them, and if they
11 say yeah, then we'll deal with that then, but right now,
12 what Mr. Wetmore is stating to me is those curtains shown
13 in Defendant's Exhibit 5 and Defendant's Exhibit 7 were
14 not taken down by the police. As far as he knows, or I
15 know, it's still hanging on.

16 MR. TERRELL McCOY: We're dealing with a
17 murder scene, Your Honor.

18 THE COURT: I understand that, and you can
19 ask the question, why didn't you take them down if they
20 had blood on them? And then you can make an argument
21 that they should have, and I don't know.

22 MR. TERRELL McCOY: But to my understanding,
23 it looks like the same curtains that is under the victim.

24 THE COURT: It's hard for me to make that --
25 because it's not a close-up, and, frankly, I can't tell

1 if that is a floral -- it looks to me like a different
2 floral print, but I could be wrong because it's got so
3 much blood on it.

4 MR. TERRELL McCOY: It's the same curtain.

5 THE COURT: Well, it might be, but I can't
6 say that. It's just not -- it's beyond my capabilities
7 to say that the one that is in Defendant's Exhibit 14 is
8 either the same either curtain or type of curtain that is
9 shown in 5 or 7. It may or may not be. I can't make
10 that call.

11 You got to pull it out, hold it up, and see
12 what the print looks like, but from that photograph, I
13 can't tell, and I'm not a witness, so to make a ruling on
14 that, if it exists and they have it in evidence,
15 obviously, they have to turn it over to you, but at this
16 point, Mr. Wetmore says he doesn't have it, and as far as
17 he knows, the police did not take those ones that were
18 hanging on the wall off the wall.

19 The one that is laying underneath the
20 victim's body, he has that, and you are welcome to look
21 at it. I assume you did yesterday.

22 MR. TERRELL McCOY: But we don't have the
23 picture with blood on the curtains itself.

24 THE COURT: We don't have those.

25 MR. TERRELL McCOY: They took pictures of

1 them. Why would you take pictures of them and not take
2 them with you?

3 THE COURT: That is a good question to ask
4 the witness when you come up tomorrow. All right.
5 Anything else?

6 MR. TERRELL McCOY: I'm still asking you
7 about the final ruling on the motion in limine.

8 THE COURT: What is the issue that you want
9 me to rule on?

10 MR. TERRELL McCOY: Unfair prejudice, unfair
11 prejudice under Rule 403. This whole case is unfair.

12 THE COURT: What is unfair? If they didn't
13 have it, then it's not for me to say they have to go get
14 it: I mean, if they had it -- well, let's put it this
15 way. If they had it in and you didn't want to have it
16 in, then we would argue the 403 prejudice. You're kind
17 of taking an argument, 403, and putting it in the wrong
18 context, because they're not trying to put anything in,
19 and you're trying to argue that they should put something
20 in that they don't have that maybe they normally would
21 have.

22 That's a different argument. So the 403
23 doesn't apply to the motion that you're asking me to rule
24 on. What I'm saying is the motion that you're -- you
25 asked me to rule on that. Again, it's an oddly stated

1 motion, the way you're phrasing it, but I'm trying to
2 rule on what you're saying as a lay person having filed
3 this.

4 I can't make them produce something that they
5 don't have. If their witnesses say they didn't take it
6 down, then you can ask them why they didn't take it down,
7 and you can argue to the jury, well, they should have
8 taken it down and maybe that would have prejudiced you in
9 some way. But if they didn't take it down, there is
10 nothing that I can do to make them go take it down, and
11 if they had it, then I could order them to produce it to
12 you. You see? But as far as I know, it's still hanging
13 on the wall over there.

14 MR. TERRELL McCOY: Yes, and they took a
15 picture of it. That means they collected it.

16 THE COURT: That does not mean that. That
17 does not mean that. All that means is they took a
18 picture of it.

19 MR. TERRELL McCOY: Yesterday, when I gave
20 you a motion, you never gave me an answer for the motion
21 to dismiss. You didn't give -- you never gave me an
22 answer --

23 THE COURT: A motion to dismiss --

24 MR. TERRELL McCOY: I filed a motion to
25 dismiss, the one they contaminated evidence and tampered

1 and destroyed evidence.

2 THE COURT: Well, we have no evidence that
3 they destroyed exculpatory evidence.

4 MR. TERRELL McCOY: We have the contaminated
5 evidence. We have proof. We have testimony by Officer
6 Armstead those curtains were not under the victim when he
7 first arrived.

8 THE COURT: But that piece of evidence, it's
9 right over there, in a box.

10 MR. TERRELL McCOY: But it wasn't there when
11 he first arrived on the scene, so those curtains wasn't
12 laying there -- that curtain wasn't under the victim when
13 we first arrived on the scene. That means North
14 Charleston police department put those curtains under the
15 victim.

16 THE COURT: You can make that argument. I
17 don't know how that helps you, but you can make that
18 argument, but that is not exculpatory evidence.

19 MR. TERRELL McCOY: Yes, it is, sir.

20 THE COURT: How is it?

21 MR. TERRELL McCOY: The curtain that is under
22 the victim is the curtain that came off the window that
23 Rae Wooten saw, and he took it down and put it under the
24 victim. That's why I showed you the picture with the
25 blood on the curtain, and in the report, she states that

1 she saw blood in front of a curtain, in front of an open
2 window. It was a curtain with an open window. The
3 curtain is moved if you look at the picture.

4 THE COURT: It's right over there in
5 Mr. Wetmore's box.

6 MR. TERRELL McCOY: I understand that, but it
7 was not there. When the first on scene officer arrived
8 on the scene, it was not there.

9 THE COURT: And how does that help you?

10 MR. TERRELL McCOY: Because they contaminated
11 evidence. They tampered with evidence. They destroyed
12 evidence.

13 THE COURT: That is an argument that you make
14 to the jury.

15 MR. TERRELL McCOY: But that is unfair
16 prejudice.

17 THE COURT: It's not unfair. I don't know
18 how it's unfair. It's damaging to you that you got a
19 lady who said you shot her, but that fact that that -- or
20 you shot the victim in her residence, that's damaging,
21 and that -- well, it's not unfair. That is just
22 damaging, but this whole curtain thing, I'm not really
23 sure at this point how it helps you or it hurts you.

24 It's kind of evidence that doesn't add up,
25 right now, but I don't understand the significance of it,

1 under your theory of the case, but they've got enough
2 right now to keep moving forward. They have an
3 eyewitness who identified you as the shooter, and they
4 have a dead body, but the significance of that curtain
5 laying underneath his body and how it got there, I don't
6 know what it means at this point.

7 MR. TERRELL McCOY: She also gave two other
8 statements saying she didn't know who shot this guy, and
9 her last statement came after she was taken to a garage
10 and was, you know --

11 THE COURT: So what? I guess so what if
12 somebody else puts that curtain underneath him after he
13 was moved --

14 MR. TERRELL McCOY: That is the police
15 officer's statement.

16 THE COURT: It might be a police officer's
17 mistake, but it still doesn't mean -- it has no bearing
18 on the fact that they have an eyewitness to the shooting
19 who identified you as the shooter.

20 MR. TERRELL McCOY: After she gave two other
21 statements saying she didn't know who committed this
22 crime.

23 THE COURT: And she explained that. The
24 reason that she said she did that was because she was
25 scared of you. That's what she said.

1 MR. TERRELL McCOY: That's what she said, but
2 that is not the truth.

3 THE COURT: Well, that is for the jury to
4 determine whether or not to give her testimony
5 credibility.

6 MR. WETMORE: Judge, for planning purposes --

7 THE COURT: So officially for the record,
8 that motion to dismiss the indictment with prejudice on
9 the grounds that they are withholding exculpatory
10 evidence, or you have pictures, possession of exculpatory
11 evidence, there is no exculpatory evidence that I'm aware
12 of that they possess nor are they trying to put in.

13 MR. TERRELL McCOY: Those curtains, because
14 she stated in her first statement she ran into that room
15 and lifted that window up. That is what she stated in
16 her first statement. She stated she ran into this room
17 and lifted this window up.

18 THE COURT: Okay.

19 MR. TERRELL McCOY: And tried to jump out.

20 THE COURT: If you can tie that into some
21 theory, then you can argue that to the jury, but that is
22 something for the jury to determine how much weight to
23 give the first statement, the second statement, third
24 statement, and testimony today. That is totally the
25 jury's call. Okay? So your motion is denied.

1 MR. WETMORE: Judge, before we leave, I was
2 just going to kind finalize our plans for tomorrow. He
3 just went through this whole rigamarole about it, asking
4 if the defendant stipulates to the chain of custody.

5 MS. PROCTOR: We'll stipulate.

6 THE COURT: You will stipulate to the chain
7 of custody so that they don't have to call those
8 witnesses down?

9 MR. TERRELL McCOY: Yes, sir.

10 MS. PROCTOR: Your Honor, I think his
11 argument is going to be that their SLED person is going
12 to testify that he can tell that the shell casings in the
13 house match the shell casings outside the house. His
14 argument is science on that is like junk science. He
15 cannot testify those are the same thing. That is what
16 his argument is, not -- I don't think it's who took them
17 up to Columbia. We did a counsel hearing on this ahead
18 of time, and that is what his argument is.

19 THE COURT: Okay.

20 MS. PROCTOR: He can't testify to that.

21 MR. WETMORE: For our purposes, then, we will
22 stipulate to the chain of custody, but we'll be required
23 to have counsel hearing --

24 MR. TERRELL McCOY: That is only --

25 MR. WETMORE: We'll have a stipulation to the

1 chain of custody. We'll avoid those three witnesses, and
2 it sounds like he does require a counsel hearing to
3 challenge the science of the tool marking.

4 MR. TERRELL McCOY: That is not stipulating
5 nothing on the chain of custody. That is not stipulating
6 that.

7 MR. WETMORE: We're talking about the chain
8 of custody for the shell casings and projectiles, but you
9 do need a counsel hearing for the scientific aspect of
10 your testimony?

11 MR. TERRELL McCOY: No, I'll just
12 cross-examine him.

13 MR. WETMORE: So he doesn't require a counsel
14 hearing. Thank you.

15 (Recess taken.)

16 (February 4, 2009.)

17 THE COURT: Let the record reflect the
18 defendant is in the courtroom. Anything we need to take
19 up before the jury comes in?

20 MR. TERRELL McCOY: Yes, sir.

21 THE COURT: What do you need?

22 MR. TERRELL McCOY: Yesterday I made a timely
23 objection when Brandon's statement was made, admitted
24 into evidence. According to Rule 613(b), it has been --
25 additional language was added to subsection B, to set

1 forth that the rule to have the witness admits making a
2 prior statement, the witness has been impeached, and no
3 further extrinsic evidence of that statement, including
4 the statement itself, is admissible. I made a timely
5 objection when that evidence was being admitted into
6 evidence.

7 THE COURT: All right. Mr. Wetmore?

8 MR. WETMORE: Judge, obviously, you already
9 heard our arguments. You've already ruled. We believe
10 that exactly like you said yesterday, he did deny making
11 the statement and he said something different, so it
12 would be admissible as extrinsic evidence. Your Honor
13 already heard the argument, I believe correctly ruled on
14 it yesterday.

15 MR. TERRELL McCOY: He never denied making a
16 statement. He said that was his signature, and he --

17 THE COURT: It's not that they made --

18 MR. TERRELL McCOY: No, he stated --

19 THE COURT: Here's the deal: You're looking
20 at it as a piece of paper being a statement. He admits
21 that he gave a statement, but it's the statements
22 contained within the written piece of paper that is what
23 the --

24 MR. TERRELL McCOY: And he admitted he said
25 both things. He admitted he said both things to the

1 officer. He admitted that.

2 THE COURT: I'll tell you what: It hasn't
3 gone back to the jury yet, and so it hasn't been
4 published to them. I will look at it, look at what he
5 actually did say before I make a final ruling and let it
6 go back to the jury, but I seem to recall the basis of my
7 ruling was is that he admitted he gave a statement to the
8 police, but he denied making particular statements within
9 the statement.

10 That is what 613 refers to, as whatever it
11 was that Mr. Wetmore asked him about. He said, No, I
12 didn't say that. That's what triggers being able to
13 prove that he said something else and it was in writing,
14 and that is what could be published.

15 Now, I'll go back and look at that, and,
16 again, it has not been published to the jury yet, but
17 we'll look at that during a lunch break or in the evening
18 before it goes to the jury.

19 MR. TERRELL MCCOY: He also admitted that he
20 was saying those words and Detective Hill was writing --

21 THE COURT: I think he said, I didn't say
22 exactly that, I said something else, so that is the basis
23 of the whole rule, is if you get to say -- you get to
24 prove that they said something else. If they admit that
25 they said something else, then there is no reason to put

1 that writing in before the jury.

2 MR. TERRELL McCOY: Yes, he admitted that he
3 made those statements and the witness has been impeached
4 by the solicitor. So those statements was not -- those
5 statements are not allowed into evidence.

6 THE COURT: I'll go back and look at the
7 transcript. We'll not publish that to the jury before I
8 have a chance to look at it again.

9 MR. TERRELL McCOY: Thank you.

10 THE COURT: Okay. Anything else?

11 MR. TERRELL McCOY: No, sir.

12 THE COURT: All right. You have your
13 witnesses ready, Mr. Wetmore?

14 MR. WETMORE: Yes, sir.

15 THE COURT: All right. Bring the jury in.

16 (In open court jury present.)

17 THE COURT: All right, folks. Welcome back.
18 We're going to get started with the state resuming their
19 presentation of the case in chief. Before we begin, let
20 me ask you, did any member of the jury panel see the
21 article that was newspaper this morning? Good.

22 I appreciate y'all doing it, because what
23 happens is when you go and look at that stuff or you go
24 and you talk to somebody else, if we find out that you
25 did, then that taints the verdict, and then we would

1 probably have to redo this, and I would hold you in
2 contempt of court, so that is not a good thing, but I
3 appreciate y'all abiding by my instructions on that, and
4 that way we have a nice, clean trial and we don't have to
5 redo that later on down the road because we have a
6 tainted verdict, whatever it is. Thank you so much.

7 Mr. Wetmore, whenever you're ready, you may
8 resume.

9 MR. PETER McCOY: State is going to call
10 Angela Bunker from North Charleston police department.

11 ANGELA SUE BUNKER,
12 having been first duly sworn,
13 was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. PETER McCOY:

16 Q. How long have you been with North Charleston
17 police department?

18 A. Since 2000.

19 Q. What are been your duties at the North Charleston
20 police department?

21 A. I was a duty officer, currently at the forensics
22 division.

23 Q. And how long have you been with the forensic
24 division?

25 A. Since 2005.

1 Q. Have you received any training or gone to any
2 classes or seminars that have helped you in your job as a
3 forensic investigator?

4 A. Yes, sir.

5 Q. And tell the jury what those classes entail.

6 A. Few major classes I've been to are crime scene
7 reconstruction, shooting reconstruction; I've been to
8 approximately 10 DNA courses and also latent development.

9 Q. And in your time as a forensic investigator, how
10 many crime scenes would you say, rough estimate, have you
11 had a chance to visit?

12 A. I've been to approximately 70 homicides and then
13 also many burglaries and other crime scenes.

14 Q. Now, is a forensic unit called to every type of
15 crime?

16 A. No, sir.

17 Q. What type of crime does the forensic unit normally
18 respond to?

19 A. Forensic unit normally responds to anything that
20 has known evidence on it, such as a sexual assault,
21 assault, homicides, burglaries, some thefts.

22 Q. Can you give the jury a brief idea or
23 understanding of what it involves and what it means to be
24 a forensic investigator.

25 A. As a forensic investigator, you go to a scene to

1 locate the evidence that has been left behind. You mark
2 the evidence, you also photograph the evidence and the
3 area to show how it is upon your arrival and also after
4 you've marked it and collected it and secured it,
5 according to policies.

6 Q. And when you are on a crime scene, Officer Bunker,
7 how do you mark evidence? How do you show in a
8 particular room where a certain piece of evidence lies?

9 A. North Charleston forensics unit uses numbered
10 placards placed beside the evidence to locate the
11 evidence and also identify it within photographs.

12 Q. When you get to a scene, do you typically
13 photograph everything that you see?

14 A. We try.

15 Q. So you document by photographing. You also look
16 for certain pieces of evidence, and you mark certain
17 pieces of evidence once you find them. Do you also try
18 to locate or identify fingerprints or anything that might
19 be on the scene?

20 A. Yes, sir. We photograph everything that we can,
21 and we also start processing using different chemicals
22 and powders and attempt to gain latent details from
23 different items.

24 Q. Now, where do you look for a -- at a crime scene,
25 where do you look for certain items such as a

1 fingerprint? Can a fingerprint be found on everything?

2 A. No.

3 Q. Where do you look for a fingerprint?

4 A. The most common areas are going to be doorways and
5 glass doors, doorknobs; anything with a flat surface
6 would be the most common areas. After that, we probably
7 take it back to process it with maybe something we have
8 in our vehicle.

9 Q. Now, also, we've heard a little bit of testimony
10 earlier from other witnesses how important it is that a
11 crime scene is secure. When you arrive on a crime scene,
12 do you usually secure a crime scene, or do other people
13 secure the crime scene?

14 A. No, sir, I have to make sure the crime scene is
15 either in the process of being secure or already is, but
16 patrol does the securing. They also start the log.

17 Q. And why is it important for a crime scene to be
18 secure?

19 A. That way we know who has been inside the crime
20 scene and who has not been, and we can take evidence, any
21 fibers or anything, that someone else might have brought
22 in.

23 Q. And we also heard a little bit yesterday about a
24 crime scene log, and can you tell the jury what a crime
25 scene log is.

1 A. Crime scene log is maintained by a patrol officer,
2 and it logs every person that has gone in and out of the
3 crime scene.

4 Q. So it monitors who comes in; also monitors who
5 comes out?

6 A. Yes, sir.

7 Q. And that is what helps to keep a crime scene
8 secure?

9 A. Yes, sir.

10 Q. Now, Officer Bunker, as a forensic investigator,
11 did you have an opportunity to arrive and investigate a
12 homicide that occurred on 3/25/2006?

13 A. Yes, sir.

14 Q. Where did you respond?

15 A. I responded to 5061 Delta Street.

16 Q. Officer Bunker, were you already on duty that
17 evening, or how did you receive this dispatch call?

18 A. I received it via call-out. I was just leaving my
19 normal duty, so I was paged out to it.

20 Q. Were you close by when you happened to get this
21 call?

22 A. Yes, sir.

23 Q. And how long do you think it took you to respond
24 to the scene?

25 A. Within minutes. I was responding when EMS was

1 still there, and they were securing the scene upon my
2 arrival.

3 Q. And I just talked about it a little bit earlier.
4 When you arrived on the scene, were any other officers
5 there?

6 A. Yes, sir.

7 Q. Who was there, do you remember?

8 A. Officer Jason Roy, Officer Doug Armstead, and
9 Officer Mitchell Wilson.

10 Q. Okay. And once you arrived on the scene, were the
11 proper procedures being taken in terms of securing a
12 crime scene?

13 A. Yes.

14 Q. And was there a crime scene log established?

15 A. Yes, sir.

16 Q. So once you arrived on the scene, it's safe to say
17 it was being monitored who was entering and who was
18 exiting the crime scene?

19 A. Yes, sir.

20 Q. And you just told the jury this was 5061 Delta
21 Street.

22 A. Yes, sir.

23 Q. Is this in Charleston County?

24 A. Yes, sir.

25 Q. And within the city of North Charleston?

1 A. Yes, sir.

2 Q. And can you tell the jury, just give them a little
3 bit of an idea of what the house looked like, what the
4 layout from the outside looked like.

5 A. It's just a single story residence, and to the
6 right of the road, if you're traveling down, a single
7 door with a glass screen, and just a common little house.

8 Q. Do you remember how many bedrooms there were?

9 A. There is two bedrooms, I believe.

10 Q. And was there a living room type area?

11 A. Yes, sir.

12 Q. And was the living room area toward the front of
13 the house, toward where the front door would be?

14 A. Yes, sir. As soon as you opened up the front
15 door, you were able to see the common living area.

16 Q. Once you arrived on the scene and you are now the
17 forensic investigator on the scene, you are now the crime
18 scene unit, do you begin an investigation? Do you start
19 looking outside of the house as well as inside of the
20 house for pieces of evidence?

21 A. Yes, sir.

22 Q. Did you find anything or note anything important
23 that you found outside of 5061 Delta Street?

24 A. Yes, sir. A little later, through the
25 investigation, there were shell casings located at 5051

1 Delta Street.

2 Q. Okay. On 5061, did you notice anything outside,
3 such as pieces of evidence that you observed, or did you
4 observe blood outside or anything like that at this
5 house?

6 A. At the initial residence?

7 Q. At 5061.

8 A. At 5061, there was -- I did not locate any trail
9 of blood on the exterior of the residence, on the
10 exterior door. I didn't locate any blood trail or
11 anything until entering into the residence.

12 Q. Okay. And, Officer Bunker, you just testified
13 that through the front door, there is a living room type
14 area, and there is a lot of evidence in this case. There
15 is a lot to be broken down into this case, so I'm going
16 to take you kind of room by room through this house. And
17 the first one I want to take a look at and talk to you
18 about is the living room, the front room. Once you
19 walked into this living room, what did you see?

20 A. As soon as you walked into the living room, I was
21 able to see the victim lying on the ground.

22 Q. Can you tell the jury how he was lying, or how he
23 was positioned in the room?

24 A. I need to look at the pictures.

25 MR. PETER McCOY: Your Honor, may I approach

1 the witness?

2 THE COURT: You may.

3 BY MR. PETER McCOY:

4 Q. I'm going to show you what has been marked as
5 State's Exhibit 4 through 13, if you could take a look at
6 those -- actually, take a look at those and tell me if
7 you recognize those before we go any further.

8 A. Yes, sir.

9 Q. Officer Bunker, do you recognize those photos?

10 A. Yes, sir.

11 Q. Are those photos of the living room as you saw
12 them once you came here?

13 A. Yes, sir.

14 Q. And did you actually take these photographs?

15 A. Yes, sir.

16 MR. PETER McCOY: Your Honor, at this point I
17 would move 4 through 13 into evidence.

18 THE COURT: Any objection?

19 MR. TERRELL McCOY: No, sir.

20 THE COURT: All right.

21 (Photographs admitted into evidence as
22 State's Exhibit Nos. 4 through 13.)

23 MR. PETER McCOY: And I'm going to publish a
24 couple pictures for the jury so we can kind of understand
25 the layout of this room.

1 BY MR. McCOY:

2 Q. Okay, Officer Bunker. I'm going to use this laser
3 pointer to kind of help you explain some of things in the
4 room. You testified this is the main room. This is the
5 living room area where you came into, correct?

6 A. Yes, sir.

7 Q. Where did you enter? Did you enter through this
8 front door?

9 A. Yes, sir.

10 Q. Once you come in, you observe the victim lying in
11 the room.

12 A. Yes, sir.

13 Q. Could you tell the jury kind of how he's lying and
14 how he's positioned in the room.

15 A. He was lying on his back, but semi on his right
16 side.

17 Q. And can you tell me, Officer Bunker, what this is
18 that is underneath the victim?

19 A. It appeared to be a floral curtain.

20 Q. Was this floral curtain there once you arrived on
21 the scene?

22 A. Yes, sir.

23 Q. And was this photograph taken as you observed the
24 scene untouched by anyone?

25 A. Yes, sir.

1 Q. Officer Bunker, you also heard a little bit of
2 testimony earlier about how you mark evidence and how you
3 collect evidence. What are these yellow things that are
4 positioned in the room?

5 A. Those are the placards that we were discussing
6 earlier on, how we represent the evidence in the
7 photograph and locate that and compare it to other
8 evidence.

9 Q. And when you use these placards, are you marking
10 evidence as you find it in the room?

11 A. Yes, sir.

12 Q. Undisturbed?

13 A. Yes, sir.

14 Q. Is this the first room you began your analysis in?

15 A. Yes, sir.

16 Q. I see that you have started your crime scene log
17 at the lowest number of placard number 14, which is up
18 against the wall right here. Is there a reason why you
19 started with number 14 as opposed to number one?

20 A. Yes, sir. As I was saying, I was just getting off
21 of my regular shift when this occurred, and I had
22 previously had another scene earlier in the evening that
23 had contaminated my numbers 1 through 13, so I didn't
24 want to contaminate any of the blood on this scene from
25 the prior scene, so I started with number 14.

1 Q. So you started with 14. You did not want to mix
2 any evidence from a prior scene with this current scene?

3 A. Correct, sir.

4 Q. There is no 1 through 13 evidence that is out
5 there that pertains to this case?

6 A. No, sir. Number 14 is technically the number one
7 for this scene.

8 Q. And, Officer Bunker, it might be tough to tell
9 from this overlay of this picture. Can you tell me kind
10 of what this is right here? And if you need me to take
11 the picture down and show you closely, I can do that.

12 A. Please. It's a cigarette, sir.

13 Q. And you see a cigarette that is on the floor in
14 the middle of the room?

15 A. Yes.

16 Q. Okay. Officer Bunker, can you tell the jury kind
17 of -- you said this is the doorway you came through.

18 A. Yes, sir.

19 Q. Now, was there a door there? Were there two doors
20 there? What was the setup there?

21 A. Upon my arrival, the large wooden door, entry
22 door, was already open, and the glass door that would
23 normally be our screen door was closed.

24 Q. So there were two doors.

25 A. Yes, sir.

1 Q. There is a normal door, and there is a glass type
2 of door.

3 A. Yes, sir.

4 Q. Okay. And, Officer Bunker, I don't know if you
5 can tell -- and if you need me to put photos up there, I
6 can. Can you tell the jury what 14, 15, 16, and 17 are
7 in terms of evidence?

8 A. 14 through 17 were shell casings, 9 millimeter
9 Lugar shell casings, that were located.

10 Q. And I know it seems obvious, but can you explain
11 to the jury where these were in the room? Were they
12 located close to the door?

13 A. Yes, sir.

14 Q. And can you tell the jury also what 18 is? And 18
15 is behind this arm of the sofa right here.

16 A. Number 18 is also a nine millimeter Lugar shell
17 casing.

18 MR. PETER McCOY: Your Honor, may I approach
19 the witness?

20 THE COURT: Yes, sir.

21 BY MR. PETER McCOY:

22 Q. Officer Bunker, I'm going to show you what has
23 been marked as State's 30 through 34, if you could take a
24 look at those and tell me what those are.

25 A. These were the nine millimeter shell casings that

1 were labelled 14 through 18.

2 Q. Had they been marked to correspond with the
3 individual placards on this sheet here?

4 A. Yes, sir.

5 Q. Can you take a look at 14 for me, please. That
6 would be placard number 14. Do you have that in your
7 hands?

8 A. Yes, sir.

9 Q. What is that in your hands?

10 A. This is the nine millimeter shell casing that was
11 located with the number 14.

12 Q. Can you tell the jury, just what is a shell
13 casing?

14 A. A shell casing is what is left after a bullet has
15 been shot. It's what actually contains bullet
16 mechanisms, so to speak.

17 Q. It's not the projectile?

18 A. No. It's not the projectile. It's strictly the
19 case that contains everything.

20 Q. Okay. And looking at 14, which is right here,
21 nine millimeter shell casing, you have that in your
22 hands. Now, is that fair to say that is what you
23 collected as number 14?

24 A. Yes, sir.

25 MR. PETER MCCOY: Your Honor, I would move

1 for State's Exhibit 30 into evidence.

2 THE COURT: Without objection?

3 MR. TERRELL McCOY: No, sir.

4 THE COURT: It's admitted.

5 (Shell casing admitted into evidence as
6 State's Exhibit No. 30.)

7 BY MR. PETER McCOY:

8 Q. And also, we're going to take a look at 15, 16,
9 17, and 18, each one of those shell casings that you hold
10 in your hand, they correspond with the individual
11 placards found in the photos?

12 A. Yes, sir.

13 Q. And those are also nine millimeter shell casings?

14 A. Yes, sir.

15 Q. That you collected?

16 A. Yes, sir.

17 MR. PETER McCOY: Your Honor, I'll move 14
18 through 18 into evidence, and 31 through 34.

19 THE COURT: Any objection?

20 MR. TERRELL McCOY: No, sir.

21 THE COURT: Admitted.

22 MR. PETER McCOY: Thank you, Your Honor.

23 (State's Exhibit Nos. 14 through 18 and
24 Exhibit Nos. 31 through 34 were admitted into evidence.) (

25 BY MR. PETER McCOY:

1 Q. So there is also another placard located on this
2 sofa, kind of hidden behind here, and I can show you what
3 that is. It's already been admitted as State's Exhibit
4 15. I'm going to put this up here, and can you tell the
5 jury what that is.

6 A. It's a digital scale that had a white powder
7 substance on it.

8 Q. When you see a digital scale, do you do further
9 testing on that to see if there were fingerprints or
10 anything on that?

11 A. Yes, sir.

12 Q. Did you do that with this particular piece of
13 evidence?

14 A. Yes, sir. It was fumed for latent details.

15 Q. What were the results? Were you able to lift any
16 prints off that?

17 A. There were no useable prints off it.

18 Q. And what does it mean if you don't have a useable
19 print?

20 A. All the latent details that are collected, even if
21 they're not useable, we can -- if there is any latent
22 detail at all, we take them over to the latent division,
23 who are experts at looking at the prints and identifying
24 them, and that is what happens in this case, is they were
25 poured over there.

1 Q. We heard a little bit about latent prints or
2 lifting prints. Were there any other places in this room
3 that stuck out in your mind to try to find a lift?

4 A. Yes. The front door entry, the interior of the
5 door, and the exterior of the door.

6 Q. Okay. And were you able to take any prints off of
7 either the interior or exterior door?

8 A. Yes. I lifted several latents from both the
9 interior and exterior, and one of the interiors was able
10 to be identified.

11 Q. Okay. So you were able to lift off the interior?

12 A. Yes, sir.

13 Q. And just to be straight for the jury, this isn't
14 the main door, this is the glass door.

15 A. Yes, sir.

16 Q. The storm door. Okay. Now, were you able to also
17 locate any kind of projectile or anything?

18 A. Yes, sir.

19 Q. Where did you locate those?

20 A. Exhibits No. 21 and 22 were also projectiles.

21 Q. Were those also marked and collected into evidence
22 by yourself?

23 A. Yes, sir.

24 Q. I'm going to take you out of this room, and we're
25 going to move into one of the bedrooms now that are

1 located inside this house. I'd like to show you what has
2 been marked for ID as State's 18, 19, 20, and 21, if you
3 could take a look at those and tell me what they are.

4 A. They're photographs that I took as I was entering
5 into the hallway bedroom area.

6 Q. And this is heading out of the living room area
7 and into the bedroom area?

8 A. Yes.

9 Q. Were you able to see any other type of trails of
10 blood that would lead into the living room from either a
11 side door or from a front door?

12 A. No, sir. All the blood was pretty much contained
13 in the area where the photographs were taken.

14 Q. 18 through 21 were photos that you had taken, and
15 they were as the room was portrayed to you, as you
16 observed it when you came to the scene; is that correct?

17 A. Yes, sir.

18 MR. PETER McCOY: Your Honor, at this point I
19 would move 18 through 21 into evidence.

20 THE COURT: Any objection?

21 MR. TERRELL McCOY: No, sir.

22 THE COURT: Admitted.

23 (Photographs admitted into evidence as
24 State's Exhibit Nos. 18 through 21.)

25 BY MR. PETER McCOY:

1 Q. I'm going to show you this first photograph here,
2 and this is State's 21. Can you tell the jury kind of
3 what this is right here and where this is going.

4 A. This photograph is taken pretty much directly from
5 the entranceway. It's leading into the hall, to the
6 right of the bedroom. Number 22 was a single projectile.

7 Q. Okay. And, Officer Bunker, if you're standing in
8 the living room here, which way do you head to go to a
9 bedroom?

10 A. To the right.

11 Q. I mean, you come through this way and off to the
12 right?

13 A. Yes, sir.

14 Q. What happens if you head out this way and off to
15 the left?

16 A. I don't recall.

17 Q. You don't recall?

18 A. No, sir.

19 Q. Is there a kitchen area and maybe another bedroom
20 that is off to the left?

21 A. Yes, sir.

22 Q. Okay. And, Officer Buker, I'm also going to show
23 you what is in evidence as State's Exhibit 18. Can you
24 tell the jury kind of what this is.

25 A. That is a blood smear that was located on the door

1 frame, entering into the bedroom.

2 Q. This is entering into the bedroom you just
3 testified that is off to the right?

4 A. Yes.

5 Q. And this area is the bedroom; is that correct?

6 A. Yes.

7 Q. And I'm going to show you what is identified as
8 State's 19. Is this one of the bedrooms that you
9 observed in the house?

10 A. Yes, sir.

11 Q. Are these curtains that are hanging up on the
12 wall, are they similar or do they appear to be similar
13 from your observations of this house of the curtains that
14 were found underneath the victim's body in the living
15 room?

16 A. The ones that were located under the victim in the
17 living room appeared to be a brighter floral pattern than
18 the ones that were in the actual -- hanging in the
19 bedroom.

20 Q. So they're not the same curtain?

21 A. They do not appear to be, no.

22 Q. I'm going to show you an up-close picture of the
23 curtain in this room, and that is State's 20. And can
24 you tell the jury what this is right here, this marking
25 and what this marking is on here?

1 A. They are blood stains that are located on the
2 curtains.

3 Q. Now, the blood stains are located on the curtain.
4 Do you have any idea how this blood got on these
5 curtains?

6 A. No, sir.

7 Q. Do you have any idea if this blood is even related
8 to the homicide that occurred in the living room?

9 A. No, sir.

10 Q. Did you happen to take these curtains into
11 evidence?

12 A. No, sir.

13 Q. And why did you not take these curtains into
14 evidence?

15 A. I was unable to identify that they were related to
16 this scene and that they had anything to do with the
17 incident that occurred.

18 Q. Were you primarily focussed on the living room and
19 the homicide and collecting the evidence, observing the
20 evidence in that room?

21 A. Yes, sir.

22 Q. Now, Officer Bunker, there came a time -- did you
23 ever hear from another sergeant that was on the scene
24 that led you to another area down the street where other
25 evidence may be located?

1 A. Yes, sir.

2 Q. And where did you go?

3 A. At the time the sergeant told me he located some
4 shell casings at 5051 Delta Street.

5 Q. And do you remember how close in proximity 5051 to
6 5061 Delta Street?

7 A. I believe there is only one or two residences
8 between them.

9 Q. So it's your testimony today it's within two
10 houses down?

11 A. Yes, sir.

12 Q. Okay.

13 MR. PETER MCCOY: Your Honor, may I approach
14 the witness?

15 THE COURT: You may.

16 BY MR. PETER MCCOY:

17 Q. Officer Bunker, I'm going to show you what has
18 been premarked as 22, 23, 24, 25, and 38. Could you take
19 a look at those photos and tell me what that is.

20 A. They're photographs of the scene at 5051 Delta, on
21 the side of the residence, where the shell casings were
22 located.

23 Q. Can you describe to the jury kind of what those
24 pictures portray.

25 A. The pictures portray the placards that the shell

1 casings represent and where they were located.

2 Q. Okay. So the shell casings, they were marked by
3 placards?

4 A. Yes, sir.

5 Q. And they were marked as evidence. Could you tell
6 the jury what kind or what caliber those shell casings
7 were?

8 A. These shell casings were also nine millimeter
9 Lugar shell casings.

10 Q. Are these photographs that you took of that on
11 5061 Delta Street?

12 A. Yes, sir.

13 MR. PETER McCOY: At this point I would move
14 these items into evidence.

15 THE COURT: Any objection?

16 MR. TERRELL McCOY: No, sir.

17 THE COURT: All right.

18 (Photographs admitted into evidence as
19 State's Exhibit Nos. 22, 23, 24, 25, and 38.)

20 BY PETER McCOY:

21 Q. I'm going to have you now take a look at 35
22 through 37, and can you tell me what those are.

23 A. These are the shell casings that were located in
24 the yard at 5051 Delta Street.

25 Q. Are those also the shell casings that you

1 photographed in the previous photograph that we just
2 placed into evidence?

3 A. Yes, sir.

4 Q. And they were collected as they were found in
5 relation to the car that was on the scene and the
6 placards that were placed down?

7 A. Yes, sir.

8 MR. PETER McCOY: Your Honor, at this point I
9 move these items into evidence.

10 THE COURT: Any objection?

11 MR. TERRELL McCOY: No, sir.

12 THE COURT: Admitted.

13 (Photographs admitted into evidence as
14 State's Exhibit Nos. 35, 36, and 37.)

15 BY MR. PETER McCOY:

16 Q. Officer Bunker, you had many tasks as your role as
17 a crime scene investigator on this scene. Did you learn
18 anything about this investigation at all? Did you learn
19 if there were any other -- were there any other people
20 with guns that you heard about in this case?

21 A. No, sir.

22 Q. Did you find or retrieve any other guns or weapons
23 inside either 5051 or 5061 Delta Street?

24 A. No, sir.

25 Q. And, Officer Bunker, also, one final thing: As

1 you were investigating this crime, you happened to come
2 into contact with the -- there is a lady on the scene.
3 Did you happen to come into contact with any of her
4 clothes or anything that she had with her that day?

5 A. Yes, sir. Officer Mitchell Wilson provided me
6 with a shirt dress that she had on during the incident
7 and also a towel that she had wiped up -- that she had
8 wiped herself off with.

9 Q. Do you remember if these items were recovered at
10 5061 Delta Street, or were they recovered elsewhere?

11 A. They were recovered elsewhere.

12 Q. Did you happen to take these items into evidence
13 as well?

14 A. Yes, sir.

15 MR. PETER McCOY: Court's indulgence, Your
16 Honor.

17 BY MR. PETER McCOY:

18 Q. Officer Bunker, just briefly, I want to go back
19 again to when you examined, from the outside, 5061, the
20 scene of the homicide, Delta Street. Were you able to
21 locate any sort of blood trail outside this residence?

22 A. No, sir.

23 Q. And was there any blood or blood spatter located
24 on the exterior of either of the storm glass door?

25 A. No, sir.

1 Q. And, again, we also spoke about shell casings that
2 were found in the door, in the front door pathway of this
3 residence. How are shell casings -- how do they -- do
4 they come from bullets that have been fired?

5 A. Yes.

6 Q. And how do they typically land, once they've been
7 fired out of a gun?

8 A. When a gun is fired, on an automatic weapon, it
9 ejects either from the right or the left, depending on
10 make and model of the gun, and they just fly wherever
11 they land. There is no particular rhyme or reason on
12 where they go after that point.

13 Q. And do you recall finding any sort of blood
14 spatter at all on any of the walls of the living room
15 area?

16 A. Yes, sir.

17 Q. And where was that located?

18 A. There was a chair up against the wall that is
19 parallel to the front door, and there was some blood
20 splatter on that.

21 Q. Now, is this the far side of the room?

22 A. Yes, sir, the opposite of the front door.

23 Q. Can you explain to the jury what blood splatter
24 is.

25 A. Blood splatter means there is impact at that

1 location.

2 Q. And we also heard a little bit of testimony from
3 you about lifting, or being successful in lifting, some
4 prints, latent prints, off of the interior of the storm
5 glass door. What did you do with these lifts once you
6 got them?

7 A. All the latent lifts were forwarded to the latent
8 division. In this particular incident, they were
9 forwarded over to Sergeant Hallman.

10 Q. Now, why do you take these lifts, and why do you
11 send them off for further investigation?

12 A. I'm personally not certified in identifying latent
13 prints, and so they get forwarded to somebody who is.

14 MR. PETER MCCOY: Thank you. Please answer
15 any questions the defense may ask you.

16 THE COURT: All right. Mr. McCoy?

17 CROSS-EXAMINATION

18 BY MR. TERRELL MCCOY:

19 Q. How you doing, Ms. Bunker?

20 A. Good, thank you.

21 Q. Now, you stated you collected five shell casings
22 inside the residence and three shell casings outside the
23 residence, correct?

24 A. Yes, sir.

25 Q. And these are -- you said these are nine

1 millimeter shell casings?

2 A. Nine millimeter Lugars, yes, sir.

3 Q. Did you retrieve a gun at this crime scene?

4 A. No, sir.

5 Q. And these shell casings are said to be nine
6 millimeter shell casings, correct?

7 A. Yes, sir.

8 Q. Now, you said you found three projectiles inside
9 the house also, correct?

10 A. No, sir. I had two projectiles that were
11 located --

12 Q. And one was in the wall that you retrieved?

13 A. Yes, sir.

14 Q. So that is three projectiles inside the house,
15 correct?

16 A. Yes, sir, but I didn't collect them.

17 Q. But you couldn't collect one of them, so that
18 means that two projectiles on the floor, and one
19 projectile in the wall that you couldn't collect, that
20 you couldn't retrieve, correct?

21 A. Yes, sir.

22 Q. Can you tell the jury, what are shell casings?

23 A. Shell casings are the case that contains all of
24 the bullet matter, such as the gunpowder and the
25 projectile.

1 Q. And can you tell them what are projectiles.

2 A. Projectiles are actually the lead part that would
3 fly from the casing that would actually do any of the
4 damage.

5 Q. In your report, you stated you found four shell
6 casings on the floor, correct, and one in the threshold
7 of the door, correct, and you marked these as 14 through
8 18, correct?

9 A. 14 through 17 were located near the front door,
10 and number 18 was located in the couch cushion, near the
11 armrest.

12 Q. Let me show you what has been marked --

13 THE COURT: Have you had it marked yet? Are
14 they ones you already put? If they're already in, you
15 don't need to put them in. What he's saying is, there
16 are some similar already in evidence, maybe the same
17 ones. You want to look at those?

18 MR. TERRELL McCOY: I saw those.

19 THE COURT: And they're different?

20 MR. TERRELL McCOY: They're the same, but I
21 want to mark them.

22 THE COURT: Why do you need to have them
23 marked for evidence if they're already in? He's saying
24 the same things that you want to put in are already in,
25 so you don't need to duplicate them. You're protected

1 on that if they're in. If it's in, you can use it.

2 If they're different ones, I'll let you put
3 them in, but if they're the same ones, you can use what
4 they have.

5 BY MR. TERRELL McCOY:

6 Q. I just want to show you Exhibit 16, and that is
7 the shell casing in the threshold of the door, correct?

8 A. Yes, sir.

9 Q. And could this shell casing land in this door when
10 the door is closed?

11 A. With the glass door, yes, sir.

12 Q. I'm saying the front main door, the door that was
13 kicked open, the front main door.

14 A. Most likely not, sir.

15 Q. Okay. How many shell casings did you find in the
16 house?

17 A. There were five located in the house.

18 Q. And you found two projectiles on the floor, and
19 one was in the wall that you couldn't retrieve, correct?

20 A. Yes, sir.

21 Q. And which wall was that on?

22 A. As soon as you walk into the residence, there was
23 a black couch, and then there was another, and on that --

24 Q. And that is off to the left, or the far right?

25 A. Far right, yes, sir.

1 Q. Not to the front of the house, but to the far
2 right?

3 A. Yes, sir.

4 Q. Let me show you what has been marked as
5 Defendant's Exhibit -- let me show you what has been
6 marked as defense exhibits 20, 21, and 22 for ID. Did
7 you take those pictures?

8 A. I believe so, yes, sir.

9 MR. TERRELL McCOY: Your Honor, may I
10 approach the witness?

11 THE COURT: Has she been able to identify
12 them yet? You can identify them?

13 THE WITNESS: I believe so, yes.

14 MR. TERRELL McCOY: Your Honor, at this time
15 I move Defendant's Exhibits 20, 21, 22 into evidence.

16 THE COURT: Any objection?

17 MR. PETER McCOY: No objection, Your Honor.

18 THE COURT: They're admitted.

19 (Photographs marked for identification and
20 admitted into evidence as Defendant's Exhibit Nos. 20,
21 21, and 22.)

22 BY MR. TERRELL McCOY:

23 Q. Now, you have Defendant's Exhibit 20 marked as
24 placard 22, correct?

25 A. Yes, sir.

1 Q. And that is a shell casing that was found in the
2 hall, right by the hallway of the door, going into both
3 rooms?

4 A. No, sir. That was a projectile.

5 Q. Projectile going into -- heading into that hallway
6 that leads to both bedrooms in the hall?

7 A. Yes, sir.

8 Q. And Defendant Exhibit 21 is a hole in the wall
9 where one of the projectiles went in, correct?

10 A. Yes, sir.

11 Q. And Defendant's Exhibit 22 is another projectile
12 that was found by the couch, by the far right wall,
13 correct? Where was this projectile found?

14 A. If it's number 22, then it was located by the hall
15 entrance.

16 Q. No, I think it would be 21.

17 A. 21? On the floor near the couch.

18 Q. So that is three projectiles, correct?

19 A. Yes, sir.

20 Q. So you got five shell casings on the floor,
21 correct?

22 A. Yes, sir.

23 Q. You got three projectiles that landed on -- two
24 landed on the floor, and one went into the wall, correct?

25 A. Yes, sir.

1 Q. Now, it was stated that Antwan, or the victim, got
2 shot four times, correct? You retrieved four bullets?

3 A. I did not, no, sir.

4 Q. Let me show you --

5 MR. TERRELL McCOY: Your Honor, may I
6 approach the witness?

7 THE COURT: Yes.

8 BY MR. TERRELL McCOY:

9 Q. Do you recognize this? That is four projectiles
10 that were found -- that were found inside --

11 THE COURT: Speak up.

12 BY MR. TERRELL McCOY:

13 Q. They were four projectiles that were found inside
14 the victim's body. Do you recognize them?

15 A. No, sir. I didn't respond to the autopsy.

16 Q. But you know he got shot four or five times,
17 correct?

18 A. Not until right now, sir, no, I did not. I didn't
19 respond to the autopsy. Officer Wyant did.

20 Q. But as a crime scene investigator, you
21 investigated this crime, you didn't know how many times
22 he got shot?

23 A. Not until later on in the investigation, sir.

24 Q. So you never did an investigation on him to find
25 out where he was bleeding or -- you took pictures of his

1 body so you would have to know he was bleeding from some
2 type of area.

3 A. I'm not certified to say what is a gunshot wound
4 or entrance or exit or how many times he's been -- I
5 can't -- I'm not qualified to say so.

6 Q. All right. Well, it was stated that he was shot
7 four times --

8 MR. PETER MCCOY: Your Honor, I object. He's
9 testifying.

10 THE COURT: Yeah. It hasn't been stated, so
11 you can argue that later on to the jury, but it's got to
12 come into evidence first. She stated she didn't do the
13 autopsy or count how many bullet wounds the victim had on
14 the scene.

15 BY MR. TERRELL MCCOY:

16 Q. You stated that you found three shell casings at
17 5051 Delta Street, correct?

18 A. Yes, sir.

19 Q. And you found five shell casings at 5061 Delta
20 Street, correct?

21 A. Yes, sir.

22 Q. And these are nine millimeter shell casings,
23 correct?

24 A. Yes, sir.

25 Q. How many shell casings will a nine millimeter

1 hold?

2 A. It all depends on the make and model of the gun,
3 sir.

4 Q. So you got five, that's -- collected eight shell
5 casings altogether, correct?

6 A. Yes, sir.

7 Q. Now, you stated that the curtains that was
8 collected inside one of the bedrooms, one of them -- let
9 me show you what I already have marked as Defendant's
10 Exhibit 8, 7, 6, and 5. These are already in evidence,
11 Your Honor.

12 THE COURT: All right.

13 BY MR. TERRELL McCOY:

14 Q. Did you take these pictures?

15 A. Yes, sir.

16 Q. Now, you just testified a little while ago that
17 this picture, right here, blood stains on the curtains --

18 THE COURT: When you put that picture down,
19 just say for the record, this is defendant's or state's.

20 MR. TERRELL McCOY: For the record, this is
21 Defendant's Exhibit 5. It's blood stains on the curtain.
22 See that?

23 THE WITNESS: Yes, sir.

24 BY MR. TERRELL McCOY:

25 Q. This is Defendant's Exhibit 7. Sorry. Do you see

1 that?

2 A. Yes, sir.

3 Q. This is Defendant Exhibit 8. This is a bed with
4 the curtains behind the bed and headboard. Do you see
5 that?

6 A. Yes, sir.

7 Q. Now, you testified just now that blood was on all
8 three of these curtains, and you said these were the same
9 curtains, correct?

10 A. Those are the curtains that were located in the
11 bedroom, yes, sir.

12 (Photograph marked for identification and
13 admitted into evidence as Defendant's Exhibit No. 23.)

14 BY MR. TERRELL McCOY:

15 Q. Now, let me show you what has been marked as
16 Defendant's Exhibit 23. Do you recognize this picture?

17 A. Yes, sir.

18 Q. And please look at that, please. Is there any
19 blood stains on that curtain there?

20 A. Yes, sir.

21 Q. Can you please show me where?

22 A. I can't tell on this picture, actually, sir.

23 Q. How about this one?

24 A. It's the same picture, sir.

25 Q. But you just testified earlier that these are the

1 same pictures, and blood was on these pictures.

2 A. I testified those were all the same curtains from
3 the bedroom, yes, sir.

4 Q. So these two curtains -- well, this one curtain
5 right here, Defendant's Exhibit 8 and 23 doesn't contain
6 blood, but you're saying these are the same curtains, and
7 now all of a sudden 5 and 7 contain blood? Can you tell
8 me how that come about?

9 A. No. What I'm saying is in the picture that was
10 taken further back, I cannot see in that picture the
11 bloodstains. I can see it in the close-up shots.

12 Q. Ma'am, please take a look at this picture one more
13 time. Examine that picture. There are no signs of blood
14 on that curtain, correct?

15 A. Once again, sir, these are all curtains from the
16 bedroom.

17 Q. This is a blow-up picture.

18 MR. PETER McCOY: Your Honor, I think she
19 answered the question.

20 THE COURT: Let her answer the question
21 before you ask her another one.

22 THE WITNESS: I'm not able to identify a
23 blood stain in this photograph, no, sir.

24 BY MR. TERRELL McCOY:

25 Q. Can you take a look at Defendant's Exhibit 23 one

1 more time. Are there any blood stains in that curtain?

2 A. That is the exact same photograph, sir.

3 Q. It's a bigger picture. It's blown up.

4 A. No, sir. I cannot tell the difference.

5 Q. Cannot?

6 MR. TERRELL McCOY: Your Honor, can these
7 pictures be passed around to the jury box?

8 THE COURT: Sure. They've in evidence,
9 right? You can present them to the jury.

10 BY MR. TERRELL McCOY:

11 Q. Now, you said there was some blood smears on the
12 doorway leading into one of the bedrooms, correct?

13 A. On the the door frame, yes.

14 Q. Let me see if Defendant 6 is already in evidence.
15 Those are blood smears, right?

16 A. Yes, sir.

17 Q. And can you see the fingerprints and the blood
18 smears?

19 A. No, sir.

20 Q. You cannot see the fingerprints and the blood
21 smears?

22 A. No, sir.

23 Q. May I approach the witness, Your Honor?

24 THE COURT: You may.

25 BY MR. TERRELL McCOY:

1 Q. Can you see the fingerprints on those blood
2 smears? Those are bloody fingerprints, right?

3 A. No, sir.

4 Q. Those are not bloody fingerprints?

5 A. No, sir. They're smear marks, sir. They have no
6 detail to them.

7 Q. So can you not see the fingerprints in that blood?
8 Can you not tell those are bloody fingerprints?

9 A. They don't have any detail, which means they're
10 not prints. It's hand markings, perhaps, but there is no
11 latent detail in there.

12 Q. So you're telling me those are not a palm print?

13 A. Whenever you lay your hand down and it smears,
14 like so, it will not leave any detail, so you might be
15 able to tell that there is a hand that was there at one
16 point.

17 Q. Correct?

18 A. But it would not be any latent details there.

19 Q. So if they put their hand down -- if somebody put
20 their hand on the glass, they leave a print with no blood
21 or nothing on it, but are you telling me when they put
22 their hand on the wall with blood on their fingers it
23 didn't leave a print?

24 A. The same thing can happen with any kind of sweat,
25 any kind of liquid that might be on a door, a glass. It

1 could happen on any kind of material, not necessarily
2 just a door frame, or just because it had blood. In this
3 instance, it had -- the blood had smeared, leaving no
4 latent details.

5 Q. You say sweat, correct?

6 A. Yes, sir.

7 Q. And can you please tell the jury, what is DNA?

8 A. DNA is the makeup of our body that distinguishes
9 us from each other.

10 Q. And DNA is often find in biological evidence,
11 including blood, saliva, sweat, semen, hair, and skin,
12 correct?

13 A. Yes, sir.

14 Q. And each person's genetic code is inherited and
15 unique, so each DNA profile is distinct, except in
16 identical twins, correct?

17 A. I'm not positive, but I believe so, yes, sir.

18 Q. But DNA is found in biological evidence, including
19 blood, saliva, sweat, semen, hair, and skin, correct?

20 A. Yes, sir.

21 Q. Now, you said that those blood smears contained
22 sweat, correct? Did you do any type of DNA on that?

23 A. No, sir, I didn't say that.

24 Q. So you didn't do any type of DNA test on that
25 blood?

1 A. No, sir.

2 Q. May I see that picture?

3 MR. TERRELL McCOY: Your Honor, can I please
4 pass it around to the jury?

5 THE COURT: Sure.

6 BY MR. TERRELL McCOY:

7 Q. Now, you said you was over at 5051 Delta Street,
8 you found three shell casings, correct?

9 A. Yes, sir.

10 Q. Again, let me show you what has been marked as
11 Defendant Exhibit 24. Did you take this picture?

12 A. Yes, sir.

13 Q. And this is at 5051 Delta Street; is that correct?

14 A. Yes, sir.

15 MR. TERRELL McCOY: Your Honor, I move
16 Defendant Exhibit 24 into evidence.

17 THE COURT: Any objection?

18 MR. McCOY: No objection. I believe it's
19 already in evidence.

20 (Photograph marked for identification and
21 admitted into evidence as Defendant's Exhibit No. 24.)

22 BY MR. TERRELL McCOY:

23 Q. Now, those were found at 5051 Delta Street,
24 correct?

25 A. Yes, sir.

1 Q. Let me show you what has been marked as
2 Defendant's Exhibit 25, 26, and 27. Let me show you
3 Defendant Exhibits 25, 26, and 27. Do you recognize
4 those pictures?

5 A. Yes, sir.

6 Q. Did you take those pictures?

7 A. Yes, sir.

8 MR. TERRELL McCOY: Your Honor, I move
9 Defendant's Exhibit 25, 26, and 27 into evidence.

10 THE COURT: Any objection?

11 MR. PETER McCOY: No objection, Your Honor.

12 (Photographs marked for identification and
13 admitted into evidence as Defendant's Exhibit Nos. 25,
14 26, and 27.)

15 BY MR. TERRELL McCOY:

16 Q. And this is 5051 Delta Street, correct?

17 A. One of those pictures is, yes, sir.

18 Q. Now, let me show you -- what is this picture right
19 here?

20 A. That picture is the rear of 2215 Margaret Street.

21 Q. Now, let me show you 5051 one more time. Is that
22 not the same residence?

23 A. No, sir, it's not.

24 Q. You said that is 2215 Margaret?

25 A. Yes, sir.

1 Q. Let me show you what has been marked as Defendant
2 Exhibit 28 for ID. Do you recognize this picture?

3 A. Yes, sir.

4 Q. And that is at 2215 Margaret Street, correct?

5 A. Yes, sir.

6 Q. Now, you just stated that this picture right here
7 is at 2215 Margaret Street, correct?

8 A. Yes, sir.

9 Q. Now, this is the residence at 2215 Margaret
10 Street. How could that be the same residence?

11 A. Because the bottom of the residence was cemented
12 in.

13 Q. That is not the same residence, ma'am.

14 A. The only photographs I took of any blood smears
15 were at 2215 Margaret Street.

16 Q. Let me show you 5051 Delta Street. Now, do you
17 see -- can you see that stripping right there, that same
18 stripping right here is right here on this residence, on
19 5051 Delta Street? Do you not see that?

20 A. Yes, sir.

21 Q. And this is the same residence, correct?

22 A. Sir, the only photographs that I took of any mud
23 or shoe prints of that kind was at 2215 Margaret Street.

24 Q. This is not blood -- this is not mud, this is
25 blood on the residence of 5051 Delta Street.