

24352

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM EDGEFIELD COUNTY  
Court of General Sessions

Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No. 2017-002224

Case Nos. 2017-GS-19-01817, 2017-GS-19-01818, 2017-GS-19-01819 and  
2015-GS-19-00351

RECEIVED  
MAR 08 2019  
SC Court of Appeals

The State, .....Respondent,

v.

Montrell Deshawn Troutman, .....Appellant.

RECORD ON APPEAL

Wm. Grayson Lambert  
BURR & FORMAN LLP  
Post Office Box 11390  
Columbia, SC 29211  
(803) 799-9800

Robert Michael Dudek  
Chief Appellate Defender  
Post Office Box 11589  
Columbia, SC 29211

ATTORNEYS FOR APPELLANT

Alan Wilson  
ATTORNEY GENERAL

William M. Blicht, Jr.  
ASSISTANT ATTORNEY GENERAL  
OFFICE OF THE ATTORNEY GENERAL  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

S.R. Hubbard, III  
Solicitor, Eleventh Judicial Circuit

ATTORNEYS FOR RESPONDENT

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WITNESSES  
EPD  
PICA

ARREST WARRANT NUMBER  
2015A1910200080

ACTION OF GRAND JURY  
**TRUE BILL**  
*Patricia H. Harris*  
Foreperson of Grand Jury  
Date: **AUG 26 2015**

VERDICT  
*Voluntary Manslaughter*  
*Guilty*  
*[Signature]*  
Foreperson of Petit Jury  
Date: **10/20/17**

DOCKET NO. 2015-GS-19- 351  
**The State of South Carolina**  
County of EDGEFIELD  
COURT OF GENERAL SESSIONS  
SEPTEMBER TERM 2015

THE STATE  
vs.  
MONTRELL DESHAWN TROUTMAN

CDR#0116

Indictment for

MURDER

**DONALD V. MYERS, SOLICITOR**

**RECEIVED**  
OCT 25 2017  
SC Court of Appeals

THE ABOVE IS A TRUE COPY OF THE ORIGINAL WHICH IS ON FILE IN THE OFFICE OF THE CLERK OF COURT OF EDGEFIELD COUNTY, SC

*Charles L. Reel*  
CHARLES L. REEL, CLERK OF COURT OF GENERAL SESSIONS AND COMMON PLEAS, E.C.S.C.

10-20-17  
DATED

STATE OF SOUTH CAROLINA )  
COUNTY OF EDGEFIELD )

INDICTMENT FOR  
MURDER

At a Court of General Sessions, convened on August 26, 2015 the Grand Jurors of Edgefield County present upon their oath:

That MONTRELL DESHAWN TROUTMAN, did in Edgefield County on or about June 6, 2015, feloniously, willfully and with malice aforethought, kill Leric Merriweather, the victim, by means of a gunshot in his left upper chest with a handgun and that the said victim died in Edgefield County as a proximate result thereof, in violation of the Common Law and §16-3-10, South Carolina Code of Laws, 1976, as amended, with penalties provided for in §16-3-20, South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
ASSISTANT SOLICITOR

*(Circular stamp: CLERK OF COURT, EDGEFIELD COUNTY, SOUTH CAROLINA)*

STATE OF SOUTH CAROLINA

COUNTY OF Edgefield
STATE VS.
Montrell Deshawn Troutman
AKA:
Race: Sex: M Age: 36
DOB: SS#
Address:
City, State, Zip: Edgefield, SC 29824
DL#: SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS190083
A/W#: 2015A1910200080
Date of Offense: 6/6/2015
S.C. Code §: 16-03-0010
CDR Code #: 0116

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OCT 25 2017
SC Court of Appeals

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Voluntary Manslaughter

CONVICTED OF or LEADS

in violation of § of the S.C. Code of Laws, bearing CDR Code # 0217
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted; Lesser Included Offense; Defendant Waives Presentation to Grand Jury; (defendant's initials)
The plea is: Without Negotiations or Recommendation; Negotiated Sentence; Recommendation by the State.

Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center.
for a determinate term of 30 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$ provided that upon the service of days/months/years and/or payment
of \$ plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2017 05-19-1318
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections: 808 days
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Table with columns for description, amount, and total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$

Clerk of Court/ Deputy Clerk
Court Reporter
SCCA/217 (03/2011)

Charles Reed
Stacy Shippard

days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge
Judge Code: 2160
Sentence Date: 10-20-17

WITNESSES

Edgefield Police Department

Sgt. Mark Pica

Law Enforcement Case #:

SR

ARREST WARRANT NUMBER

E17-STR-0018

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: OCT 4 2017

VERDICT

Assault + Battery 1st Degree

Guilty

Foreperson of Petit Jury

Date:

10/20/17

DOCKET NO. 2017GS1901818

The State of South Carolina

County of Edgefield

COURT OF GENERAL SESSIONS

OCTOBER TERM 2017

THE STATE

vs.

Montrell Deshawn Troutman

CDR #: 3410

Indictment for

Attempted Murder

§ 16-03-0029

S.R. Hubbard III, SOLICITOR

RECEIVED  
OCT 25 2017  
SC Court of Appeals

THE ABOVE IS A TRUE COPY OF THE ORIGINAL WHICH IS ON FILE IN THE OFFICE OF THE CLERK OF COURT OF EDGEFIELD COUNTY, SC.

Charles L. Reel  
CHARLES L. REEL, CLERK OF COURT  
OF GENERAL SESSIONS AND  
COMMON PLEAS, E.C.S.C.

10-20-17  
DATED

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF EDGEFIELD )  
 )

INDICTMENT FOR  
Attempted Murder

§ 16-03-0029

At a Court of General Sessions, convened on October 2017, the Grand Jurors of Edgefield County present upon their oath:

That **Montrell Deshawn Troutman** in Edgefield County, South Carolina, on or about June 6, 2015, did, with the intent to kill, attempt to kill another person with malice aforethought, either express or implied, to wit: the Defendant did shoot at Keith Mathis, in violation of §16-03-0029 of the Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Edgefield VS. STATE

INDICTMENT/CASE#: 2017GS1907318 A/W#: E17-STR-0018 Date of Offense: 6/6/2015 S.C. Code §: 16-03-0029 CDR Code #: 3410

Montrell Deshawn Troutman

AKA:

Race: Sex: M Age: 38

DOB: SSN:

Address:

City, State, Zip: Edgefield, SC 29824

DL#: SID#:

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: A 20 157

RECEIVED OCT 25 2017 SC Court of Appeals SENTENCE SHEET

CONVICTED OF or PLEADS

Violation of § of the S.C. Code of Laws, bearing CDR Code # 3412 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1st or Lewd Act)

The charge is: Indicted; Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] Solicitor SC Bar# [Signature] Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$ plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2015 GS 19-351 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 808 2015 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP days/hours Public Service Employment. Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol testing Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund Other:

Table with columns for description, amount, and total. Rows include: \*Fine, § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI/Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ca, 3% to County (if paid in installments) \$, TOTAL \$

Clerk of Court/ Deputy Clerk Court Reporter: [Signature] SCCA/217 (07/2016) Presiding Judge Judge Code: 2180 Sentence Date: 10-20-17

WITNESSES

Edgefield Police Department

Sgt. Mark Pica

Law Enforcement Case #:

SR

ARREST WARRANT NUMBER

E17-STR-0017

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury  
Date: 10/20/17

VERDICT

Assault + Battery High + Aggravated Nature  
Guilty

Foreperson of Petit Jury  
Date: 10/20/17

DOCKET NO. 2017GS1901817

The State of South Carolina

County of Edgefield

COURT OF GENERAL SESSIONS

OCTOBER TERM 2017

THE STATE

vs.

Montrell Deshawn Troutman

CDR #: 3410

Indictment for

Attempted Murder

§ 16-03-0029

S.R. Hubbard III, SOLICITOR

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SC Court of Appeals

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CLERK OF COURT OF EDGEFIELD COUNTY, SC

Charles L. Reel  
CHARLES L. REEL, CLERK OF COURT  
OF GENERAL SESSIONS AND  
COMMON PLEAS, E.C.S.C.

10-20-17  
DATED

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF EDGEFIELD )

INDICTMENT FOR  
Attempted Murder

§ 16-03-0029

At a Court of General Sessions, convened on October 2017, the Grand Jurors of Edgefield County present upon their oath:

That **Montrell Deshawn Troutman** in Edgefield County, South Carolina, on or about June 6, 2015, did, with the intent to kill, attempt to kill another person with malice aforethought, either express or implied, to wit: the Defendant did shoot at Carlo Harris, in violation of §16-03-0029 of the Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Edgefield
STATE VS.

INDICTMENT/CASE#: 2017GS1901817
A/W#: E17-STR-0017
Date of Offense: 6/6/2015
S.C. Code §: 16-03-0029
CDR Code #: 3410

AKA: Montrell Deshawn Troutman
Race: Sex: M Age: 38
DOB: SS:
Address:
City, State, Zip: Edgefield, SC 29824
DL#: SID#: SC02211243

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: A. GHAN

CONVICTED OF or PLEADS

in violation of § of the S.C. Code of Laws, bearing CDR Code # 3411
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS §17-25-45 (CSC w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] Solicitor, [Signature] SC Bar#, [Signature] Defendant, [Signature] Attorney for Defendant, SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 20 days/months/year or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2017 GS 19 1818 + 2015 GS 19 351
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections. 818 days

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms: Obtain GED
Set by SCDPPS Attend Voc. Rehab. or Job Corp.

Recipient: May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing

\*Fine:
§ 14-1-206 (Assessments 107.5 %) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 61.6 (Public Def/Probation) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114 (BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
3% to County (if paid in installments) \$

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning:
\$ paid to Public Defender Fund
Other:

TOTAL \$
Clerk of Court/Deputy Clerk
Court Reporter: Stacy Shipp

Appointed PD or appointed other counsel,
§ Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge
Judge Code: 2100
Sentence Date: 10-20-17

SCCA217 (07/2016)

WITNESSES

Edgefield Police Department

Sgt. Mark Pica

Law Enforcement Case #:

SR

ARREST WARRANT NUMBER

E17-STR-0019

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 10/20/17

VERDICT

Guilty

Foreperson of Petit Jury

Date:

Tahar 10/20/17

DOCKET NO. 2017GS1901819

The State of South Carolina  
County of Edgefield

COURT OF GENERAL SESSIONS

OCTOBER TERM 2017

THE STATE  
vs.

Montrell Deshawn Troutman

CDR #: 0549

Indictment for

Possession of a Weapon During the  
Commission of a Violent Crime

§ 16-23-0490

S.R. Hubbard III, SOLICITOR

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OCT 25 2017  
SC Court of Appeals

THE ABOVE IS A TRUE COPY OF THE ORIGINAL  
WHICH IS ON FILE IN THE OFFICE OF THE  
CLERK OF COURT OF EDGEFIELD COUNTY, SC

Charles L. Reel  
CHARLES L. REEL, CLERK OF COURT  
OF GENERAL SESSIONS AND  
COMMON PLEAS, E.C.S.C.

10-20-17  
DATED

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF EDGEFIELD )

INDICTMENT FOR  
Possession of a Weapon During the  
Commission of a Violent Crime

§ 16-23-0490

At a Court of General Sessions, convened on October 2017, the Grand Jurors of Edgefield County present upon their oath:

That **Montrell Deshawn Troutman** did, in Edgefield County, South Carolina, on or about June 6, 2015, knowingly and willfully, possess a firearm during the commission of a violent crime or attempt to commit a violent crime, to wit: Murder and/or Attempted Murder, such weapon described as a firearm in violation of § 16-23-490 of the Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Edgefield
STATE VS.
Montrell Deshawn Troutman
AKA:
Race: Sex: M Age: 38
DOB: SS#:
Address:
City, State, Zip: Edgefield, SC 29824
DL#: SID#: SC02211243

INDICTMENT/CASE#: 2017GS1901819
A/W#: E17-STR-0019
Date of Offense: 6/6/2015
S.C. Code § 16-23-0490
CDR Code #: 0549
RECEIVED
OCT 25 2017
SC Court of Appeals
SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: possession of a weapon

CONVICTED OF or PLEADS

in violation of § of the S.C. Code of Laws, bearing CDR Code # 0549
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
ATTORNEY: [Signature] 100730

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 368 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$ provided that upon the service of days/months/years and/or payment
of \$ plus costs and assessments as applicable\*, the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.
CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State
Department of Corrections: 368 days
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.
SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Recipient:
\*Fine:
§ 14-1-206 (Assessments 107.5%) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 61.6 (Public Def/Probation) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114 (DUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
3% to County (if paid in installments) \$

TOTAL \$
Clerk of Court/ Deputy Clerk: Charles Reed
Court Reporter: Stacy Shappard
SCCA/217 (07/2016)

days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:
Appointed PD or appointed other counsel.
§ Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.
Presiding Judge: [Signature]
Judge Code: 2160
Sentence Date: 10-20-17

1 State of South Carolina Court of General Sessions  
2 County of Edgefield

3  
4  
5 State )  
6 )  
7 v. ) Transcript of Record  
8 ) 15-GS-19-0351  
9 ) 17-GS-19-1817  
10 ) 17-GS-19-1818  
11 ) 17-GS-19-1819  
12 )  
13 Montrell Deshawn Troutman )  
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October 16 - 20, 2017  
Edgefield, South Carolina

B E F O R E:

The Honorable D. Craig Brown, Judge; and a jury.

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

Sutania A. Radlein, Assist. Solicitor  
Alton H. Eargle, Jr., Assist. Solicitor  
Attorneys for the State

Erik J. Drylie, Assist. Public Defender  
Bennett E. Casto, Assist. Public Defender  
Attorneys for the Defendant

Stacy L. Sheppard, RPR  
Official Court Reporter

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1 saying that?

2 **A** Not right offhand. I remember him saying that  
3 anything you say will, you know, can only help you.

4 **Q** Now, were you there when Sergeant Pica told  
5 Mr. Troutman that he could go to prison forever,  
6 that he would be sure to see him in prison forever?

7 **A** I don't recall that, no, sir.

8 **MR. DRYLIE:** No further questions.

9 **THE COURT:** Any redirect?

10 **MS. RADLEIN:** No redirect, Your Honor.

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

12 **MS. RADLEIN:** No further witness from the  
13 State, Your Honor.

14 **MR. DRYLIE:** We call Montrell Troutman for the  
15 limited purposes of this hearing.

16 MONTRELL DESHAWN TROUTMAN,  
17 having been duly sworn, testified as follows:

18 **THE CLERK:** Please be seated. State your full  
19 name and spell your last name for the record.

20 **THE WITNESS:** Montrell Troutman,  
21 T-r-o-u-t-m-a-n.

22 DIRECT EXAMINATION

23 BY MR. DRYLIE:

24 **Q** Now, Montrell, I just want to talk to you for a  
25 minute about the second hearing. Okay? Now, did

1 Q Around what time was that?

2 A I don't know exactly what time, ma'am.

3 Q You mentioned the gun. When did you get the  
4 gun?

5 A After I woke up.

6 Q Okay. When?

7 A That was -- it had to be 7:00, 7:30, something  
8 like that.

9 Q All right.

10 A Eight o'clock, around that time.

11 Q I'm going to try to keep up. So you know you  
12 were at the cookout around 3:30, 4:00. Now you're  
13 saying around 7:00, 8:00?

14 A Yeah, because another dude, Raymond Harris,  
15 came to my house, too.

16 Q Why did Raymond Harris come to your house?

17 A Told me they was riding around in the car with  
18 guns looking for me.

19 Q You told law enforcement that?

20 A Yes.

21 Q You did? You told law enforcement that?

22 A Well, no, I told my -- the investigator.

23 Q But back on June 7th and June 15th, twice  
24 speaking with law enforcement, you told them that?

25 A No, ma'am.

1           The other side of that, what you argue, defense  
2 counsel, Without your help, nothing we can really  
3 do. I do believe at that point -- I don't like the  
4 choice of words; however, I do not believe that that  
5 rises to the level that would prohibit the  
6 introduction or the admissibility of his statement,  
7 but your objection is so noted for the record.

8           **MR. DRYLIE:** Judge, I just ask -- I've got  
9 extra copies that we make Peake, as well as State v.  
10 Corns court's exhibits.

11           **THE COURT:** Yes, sir. Go ahead.

12                   (Court's Exhibit Numbers 5 and 6, case  
13 cites, marked for identification.)

14           **THE COURT:** Are there any other matters,  
15 pretrial matters, that we need to take up today?

16           **MS. RADLEIN:** Yes, Your Honor, in terms of my  
17 motion in limine. I have one that is not in  
18 writing, Your Honor. It will be in reference to --  
19 I apologize.

20           **THE COURT:** The victim's criminal record?

21           **MS. RADLEIN:** What did you say, Your Honor?

22           **THE COURT:** The victim's criminal record?

23           **MS. RADLEIN:** That's correct, Your Honor. I  
24 was just trying to get to my notes. I apologize.

25                   It's the State's position that the deceased

1 victim's criminal record in this case is not  
2 admissible, Your Honor. I believe any attempts to  
3 paint the two --

4 **THE COURT:** Well, let me ask this question:  
5 Does not the rule -- well, go ahead. Let me hear  
6 from you.

7 **MS. RADLEIN:** Okay.

8 **THE COURT:** Then I'll ask. Go ahead.

9 **MS. RADLEIN:** It's the State's position that  
10 the criminal record of the defendant does not have a  
11 tendency to make any fact at issue in this matter --

12 **THE COURT:** You mean the victim.

13 **MS. RADLEIN:** The deceased victim.

14 **THE COURT:** You said defendant. I'm sorry. Go  
15 ahead.

16 **MS. RADLEIN:** I apologize, Your Honor.

17 **THE COURT:** That's all right.

18 **MS. RADLEIN:** I'm probably tired. I'll just  
19 read.

20 **THE COURT:** Go ahead.

21 **MS. RADLEIN:** It's the State's position that  
22 the criminal record of the deceased victim does not  
23 have any tendency to make any fact at issue in this  
24 matter more or less probable than would be the case  
25 if the evidence did not exist and neither it proves

1 nor it disproves any of the elements of any of the  
2 crimes with which the defendant is charged.

3 I also would argue that the prior record does  
4 not go to credibility since the victim is deceased  
5 in this case and will not be a witness whose  
6 credibility will be judged by the jury at trial.

7 The prejudicial effect of permitting the  
8 defendant to admit these records would far outweigh  
9 any probative value they may have under Rule 403,  
10 Your Honor.

11 **THE COURT:** What about 404(a)(2)?

12 **MS. RADLEIN:** Again, I think that would go  
13 towards -- if the defendant testifies in his claim  
14 for self-defense in terms of saying that the victim  
15 was the first aggressor, I will say that there can  
16 be some parameters. If he says he has a reputation,  
17 I think it should be limited to that.

18 If he can't make showing that any of the  
19 specific conducts, which would be his criminal  
20 record, which none of them are any actual crimes of  
21 violence, but if he can't make a showing that he was  
22 present during those specific acts of conduct and  
23 they were directed towards him, then I don't believe  
24 he should be able to testify to them; therefore, his  
25 prior record would not be admissible.

1           In terms of any previous disagreements, Your  
2 Honor, the rules are clear on that. He can talk  
3 about it if he goes directly related to this issue.

4           In terms of comments that he's a known killer  
5 or a beast of the streets or he's an OG or in a  
6 gang, I do not believe that is admissible. I  
7 believe he would be limited to reputation and  
8 opinion. And I believe the case law is very clear  
9 in terms of limiting. I believe State versus Day,  
10 that case even allowed the witness to talk about  
11 because he had a prior dealing. And I believe, in  
12 that case, my understanding, there was an in camera  
13 hearing, so the judge was able to judge the  
14 credibility of it, determine that this person did  
15 have a previous encounter with the victim in that  
16 case, but, again, that court said it was proper to  
17 actually limit that to his reputation, not go into  
18 specific acts.

19          In this case, the victim's record, just so Your  
20 Honor is well aware of it, no convictions for a  
21 crime of violence in this case, Your Honor. What I  
22 believe defense counsel may try to go into would be  
23 a 2011 possession of a sawed-off shotgun. And in  
24 that case, just the nature of the circumstances,  
25 there was a shooting incident. He was shot at and

1           then he pulled a gun and shot back. So he was  
2           listed as a victim in that case as well.

3           **THE COURT:** All right.

4           **MS. RADLEIN:** And other than that, Your Honor,  
5           his magistrate offenses would not even be admissible  
6           should he have been able to testify. And so I  
7           believe his prior record shouldn't be admissible.  
8           And in terms of any other act that he may know that  
9           formed his opinion as known killer, because we have  
10          no evidence that he's a known killer, so there's no  
11          conviction for it; therefore, I don't believe it's  
12          admissible.

13                 He can testify all he wants that he was in fear  
14                 for his life. I will not be objecting to limiting  
15                 that, but, Your Honor, I would definitely be  
16                 objecting if he tries to go into anything to put the  
17                 victim on trial today. It's not his trial.

18                 In terms of -- while we're taking this up, Your  
19                 Honor, I'll also take up the actual audio that you  
20                 were able to listen to. In terms of the defendant's  
21                 statements, defense and I were able to somewhat  
22                 agree on the redactions. I believe there was one  
23                 particular one that I told them that I would take  
24                 up, but I'm now consenting to. So I'm essentially  
25                 consenting to all of his requested redactions in

1           this case, which I believe there were about a dozen  
2           of them.

3           In addition, I didn't give him specific,  
4           because I didn't make them until yesterday, the  
5           final numbers, but the additional references I did  
6           tell him that I would be redacting from the --  
7           should they actually be played during the course of  
8           this trial, redacting any reference to beast of the  
9           street, redacting any reference to known killer,  
10          redacting any reference to gang in this case, Your  
11          Honor. And I would request that it be limited as  
12          well on the stand.

13          Any specifics I can present to the defense  
14          should he wish, but any -- we agree to any hearsay,  
15          and so I would say it cut both ways, whatever  
16          benefits and what doesn't. I've now consented to  
17          all of that being redacted as well and have prepared  
18          the redactions. And I can give him a copy of it  
19          tomorrow so he can listen to prior to the State  
20          actually seeking introduction of it during the  
21          trial.

22          I just want to make sure I've covered  
23          everything. We've agreed to redact anything talking  
24          about the actual process, him getting a lawyer, him  
25          being in jail, in both statements, redact any

1           hearsay.

2                   And there's also a reference to Pooh, which is  
3           the second -- the third victim in this case, Keith  
4           Mathis, ordering some young followers to jump him,  
5           which again he didn't testify to here today, but to  
6           jump him some weeks prior. But you saw my -- I  
7           elicited that as best as I could, When were the last  
8           threats made? And he said he couldn't remember.  
9           But he still went to this person's house. I would  
10          even question the credibility of that.

11                   But, Your Honor, in terms of suggesting that  
12          the victims in this case put other people up to it,  
13          I would also request to redact that since it  
14          suggests gang activity, which there's no proof of  
15          that.

16                   But the State's position is, based on the case  
17          law in this case, the State intends to give the  
18          defendant a fair trial. And I believe that the  
19          victim, the deceased victim in this case, should not  
20          be put on trial. So I don't believe the nature of  
21          any prior dealings that did not involve the  
22          defendant should come into -- should come in before  
23          the jury.

24                   **MR. DRYLIE:** Judge, addressing the redaction  
25          issue, I think I need to see what exactly she's

1 redacting before I can answer it.

2 **THE COURT:** Okay. Well, look at that  
3 overnight.

4 **MR. DRYLIE:** I can.

5 **THE COURT:** And we can address that first thing  
6 in the morning.

7 **MS. RADLEIN:** I apologize, Your Honor. It was  
8 being -- I didn't finish going through it. It's  
9 really lengthy. It's 37 pages of transcript and it  
10 was about 32 spots. And they just finished it today  
11 in Lexington. So I don't know if I'll be able to  
12 get it to him tonight. I will tell you that I  
13 don't --

14 **THE COURT:** You're talking about in writing or  
15 a typed out transcript?

16 **MS. RADLEIN:** Well, it's not a real transcript.  
17 Someone -- our law clerk did it, but I went through  
18 and highlighted that portion. But the actual  
19 recorded audio I won't be able to give it to him  
20 till tomorrow. But I can tell you, Your Honor, I  
21 don't believe I'm introducing it actually tomorrow.  
22 So if we can take it up Wednesday morning or if he  
23 has --

24 **THE COURT:** Is that sufficient?

25 **MR. DRYLIE:** That's fine with me. I wouldn't

1 mind a copy of the highlighted stuff today so I can  
2 start going through it.

3 **MS. RADLEIN:** It's work product.

4 **THE COURT:** Well, that's what you intend to  
5 take out, isn't it? We ain't playing hide the ball  
6 here.

7 **MS. RADLEIN:** I'm not trying to hide the ball.  
8 It's just a lot of work.

9 **THE COURT:** I understand, but I mean, you're --  
10 how is it work product when it's exactly what you're  
11 intending to take out or redact?

12 **MS. RADLEIN:** Yes, Your Honor.

13 **THE COURT:** Isn't that what you're proposing?

14 **MS. RADLEIN:** That's correct, Your Honor. I  
15 apologize.

16 **THE COURT:** I'm just asking. I mean, it may  
17 be. I just don't understand it. If it is, further  
18 explain it to me.

19 **MS. RADLEIN:** Your Honor, it was performed in  
20 our office by listening to the audios. It was very  
21 extensive. It may not even be entirely accurate. I  
22 haven't completely -- I listened to it in terms of  
23 the transcripts. I've handwritten, edited what  
24 was --

25 **THE COURT:** Anything you handwrote and that

1 kind of -- have you transcribed the statements?

2 **MR. DRYLIE:** I have not transcribed these  
3 statements. I've listened to them numerous times,  
4 but I have not transcribed them.

5 **THE COURT:** You don't have to give him anything  
6 where you've written on stuff and et cetera. I  
7 mean, I agree with that.

8 **MR. DRYLIE:** I'm just trying to get an idea,  
9 but --

10 **THE COURT:** Well, why don't y'all sit down and  
11 talk about it when we break here today.

12 **MS. RADLEIN:** Yes, Your Honor, but just so  
13 we're clear, it's literally any reference that I  
14 just put on the record, the gang stuff, the known  
15 killer, beast of the streets, however many times it  
16 was repeated, and then the stuff that we agreed to  
17 stipulate.

18 **THE COURT:** Well, I mean, we're going to listen  
19 to it or he's going to have a chance to listen to it  
20 before -- when I make a decision on it, before he  
21 agrees or disagrees on it. All right?

22 **MS. RADLEIN:** Yes, Your Honor.

23 **MR. DRYLIE:** And then, Judge, with regard to  
24 the victim's prior criminal history and prior -- you  
25 know, I'm under the impression that specific acts of

1           conduct aren't admissible, but the character and  
2           reputation evidence is somewhat. There's also --  
3           Judge, the 2011 shooting incident that involved  
4           Leric Merriweather also involved Lamont Mathis. And  
5           out of that --

6           **THE COURT:** Well, let me ask you this and then  
7           I'll let you say: I mean, I've looked at some case  
8           law on it. Does not the rules and the case law  
9           specifically address, for instance, threats by the  
10          victim against him and whether or not they were in a  
11          certain time period as to whether or not that is  
12          admissible?

13          **MR. DRYLIE:** It does. Now --

14          **THE COURT:** I mean, you just can't -- and if  
15          you want me to look at some different case law, I'll  
16          be happy to. You can e-mail it to me tonight, but  
17          certainly the victim's not on trial here.

18          **MR. DRYLIE:** And, Judge, I understand that and  
19          that's what I was trying to get to real quick.

20          **THE COURT:** I'm sorry. Go ahead.

21          **MR. DRYLIE:** You know, there are certain things  
22          that I think the door could be opened to at some  
23          point during the trial and that's -- that's what I'm  
24          saying to cover --

25          **THE COURT:** I mean, if the State paints him as

1 a, you know, pure as the day is long, I mean that,  
2 you know, I don't know what the -- what may come  
3 out. I mean, many doors in a trial can be opened as  
4 to anything, you know.

5 **MR. DRYLIE:** I don't want to lock myself into  
6 an answer right there.

7 **THE COURT:** I understand.

8 **MR. DRYLIE:** The case law, you know, my  
9 understanding for prior acts of violence against  
10 other people is it has to be within a certain  
11 timeframe. I know one case says 23 years is too  
12 long, one says about six months was okay. You know,  
13 we've got something in the middle here.

14 But there is one issue that we might as well  
15 just go ahead and take up today because the 2011  
16 incident -- and it's not so much about the victim in  
17 this case, but -- well, one of the -- not so much  
18 about the deceased, but about another victim. He  
19 pled to giving false information to the police out  
20 of that incident. And the false information that he  
21 gave was covering up for Leric Merriweather, who's  
22 the deceased in this case.

23 Now, that normally would stop us there. It's  
24 just Mr. Mathis, that night he left the scene and  
25 from my understanding, he didn't talk to law

1 enforcement until May of 2017 of this year. And so  
2 I think bias is always an issue and I think there  
3 could be some elements of bias that come into that.

4 **THE COURT:** Is that not a jury issue as far as,  
5 you know, the length of time in which he failed to  
6 talk to law enforcement versus -- I mean, are you  
7 not jumping kind of from A to Z that so and so,  
8 whoever it may be, was covering for Leric  
9 Merriweather?

10 **MR. DRYLIE:** But I think I can ask the question  
11 that he's covered for him before.

12 **THE COURT:** What relevant -- I mean, I'm not  
13 sure -- help me out here. And I'm not saying you  
14 can't, I'm just asking you to further help me out a  
15 little bit because I don't see it right now.

16 I'll hear from you in a minute. I know you've  
17 got an objection, but it's his turn now.

18 Yes, sir.

19 **MR. DRYLIE:** You know, the relevance of it  
20 would be -- it's my understanding from this is that  
21 law enforcement tried to contact him and he didn't  
22 want to talk at some point. And so, you know, this  
23 has happened before with these same two people and  
24 it involved a shooting. And so, you know, it would  
25 be our argument that, to present a complete defense,

1 the jury should be able to hear that.

2 **THE COURT:** That he's covered for Merriweather  
3 before?

4 **MR. DRYLIE:** Yes. Because, obviously,  
5 Mr. Troutman's position is that, you know, Leric  
6 started this confrontation.

7 You know, quite honestly, I don't expect  
8 Mr. Mathis to testify to that on the stand. Now,  
9 there might be some other people that testify at  
10 something closer to that and I think that goes to  
11 his bias, his personal bias. These guys were  
12 friends and went back a long ways is my  
13 understanding. And so, you know, the fact that he  
14 has lied to law enforcement about Leric shooting at  
15 someone before and why wouldn't he lie about Leric  
16 starting this altercation?

17 **THE COURT:** Was he charged with giving false  
18 information?

19 **MR. DRYLIE:** He was charged with accessory to a  
20 felony. And then they nol prossed that and he pled  
21 to giving false info.

22 **THE COURT:** Okay. Which would go to his  
23 credibility?

24 **MR. DRYLIE:** It would.

25 **THE COURT:** Under what rule are you allowed to

1 go into the facts and circumstances of that?

2 **MR. DRYLIE:** And, Judge, I believe it was -- in  
3 looking at 608, all it says is that it's in your  
4 discretion and that there's no South Carolina case  
5 law that allows us to go into that.

6 **THE COURT:** I'm telling you, in federal court,  
7 they go into it all day long. State court is  
8 different.

9 **MR. DRYLIE:** And at the very least, Judge, I'd  
10 like to be able to proffer that at the appropriate  
11 time.

12 **THE COURT:** Okay.

13 All right. Let me hear from you, ma'am.

14 **MS. RADLEIN:** Thank you, Your Honor. I think  
15 you hit it right on the head. There is no rule or  
16 case law that allows the defendant in this case to  
17 go into the nature of any criminal conviction, which  
18 that is what it is. I don't think he's allowed to  
19 go into the facts and circumstances of it, just how  
20 I wouldn't be allowed to go into the facts and  
21 circumstances of the defendant's prior record. I'm  
22 left with what I have, which is the conviction.

23 And so I think barring any rule, statute or  
24 case law, I don't believe it's permissible in this  
25 case. Fair game, I would even concede he's allowed

1 to ask him, would you cover up for him now? And  
2 he's left with that answer. I don't believe he can  
3 go into --

4 **THE COURT:** Extrinsic information.

5 **MS. RADLEIN:** Exactly, Your Honor. I don't  
6 believe the rules allow it.

7 Additionally, in terms of -- I was going to get  
8 to that, but in terms of Keith Mathis when he  
9 testifies as to that 2011 conviction, I think  
10 another reason that would keep out the facts and  
11 circumstances of it, because that defendant will not  
12 have any knowledge of it nor was he there. He  
13 testified, I believe, he'd only been living here for  
14 six months at the time and so anything that he knows  
15 that happened in 2011, if he knew, I'm sure he knew  
16 once he got discovery in this case, but prior to  
17 then, I doubt he had it. And it wouldn't go to any  
18 state of mind. It wouldn't go to anything -- that  
19 specific incident would not go to state of mind  
20 because he didn't witness it and no rule or case law  
21 allows it in.

22 **MR. DRYLIE:** And, Judge, sorry, to rebut one  
23 thing real quick, we didn't get this in discovery.  
24 We went out and subpoenaed this report and got it  
25 last Thursday. And, actually, his conviction for

1 the giving false info wasn't showing on his rap  
2 sheet. I walked up to the magistrate court because  
3 I found it on the public index and got it there. So  
4 it wasn't some scheme that it seems like they're  
5 trying make up, but I think it goes to bias.

6 **THE COURT:** Okay. All right. Well, if you  
7 want to get me anything, any case law to look at,  
8 I'll be happy to, but I will, at a minimum, let you  
9 proffer whatever you so desire.

10 **MS. RADLEIN:** And, Your Honor, additionally,  
11 the motion in limine does request that -- depending  
12 on your ruling, I would request that before any  
13 questions are asked where we know we're going into  
14 it, for example, I open up the door, which I don't  
15 intend to, before he's allowed to cross-examine any  
16 witness, that we take that up outside the presence  
17 of the jury. Because once it's out there, it's out  
18 there.

19 **THE COURT:** You know, if one of your witnesses  
20 opens the door and you believe they've opened the  
21 door, you certainly can get up and let me know that  
22 you believe we have a matter of law we need to take  
23 up and I'll send the jury out and we'll deal with  
24 it.

25 **MS. RADLEIN:** Thank you, Your Honor.

1           **MR. DRYLIE:** Can I just respond real quick?

2           **THE COURT:** Yes.

3           **MR. DRYLIE:** My one concern is with the way the  
4 motion's phrased is that, you know, she has in  
5 there, Any question regarding prior acts and  
6 repetition of the deceased, I think reputation of  
7 the deceased is fair game. I don't think I have to  
8 ask that outside the presence of the jury.

9           **MS. RADLEIN:** Your Honor, if it's limited to  
10 just do you know -- are you familiar with reputation  
11 of the defendant -- I mean, of the deceased in this  
12 case, are you -- and if they say no --

13           **THE COURT:** You're stuck with it.

14           **MS. RADLEIN:** -- you're stuck with it. I don't  
15 think he can specifically start initially with, Are  
16 you familiar with the victim's reputation for  
17 violence? I don't think there should be a  
18 suggestion prior to that.

19           **THE COURT:** I agree with that.

20           **MR. DRYLIE:** And I understand that. That's not  
21 where I was going with that. But I don't want to  
22 have to telegraph every question that I'm going to  
23 ask before I ask it. And so that's, you know, I  
24 think that there are some things where his  
25 reputation comes in, especially with this being a

1 homicide case where we're talking about self-defense  
2 and him, you know, obviously our defense. And our  
3 right to present a complete defense is that he's the  
4 first aggressor here. And so I do think that there  
5 are some potential witnesses where there is some  
6 reputation stuff that is completely fair game that  
7 I'm allowed to ask.

8 **MS. RADLEIN:** Your Honor, I don't want to  
9 suggest I'm limiting something, that's not what I  
10 want. That's not what my motion is suggesting.  
11 It's just once he's stuck with no, it's no and it's  
12 not blurting out he's a violent person, suggesting  
13 it from the front end.

14 **THE COURT:** You understand that, what she's  
15 arguing here?

16 **MR. DRYLIE:** Yes, I think so.

17 **THE COURT:** All right. Rule 404(a)(2) that's  
18 the applicable rule here. All right? Period.

19 Any other questions on that?

20 **MR. DRYLIE:** Not at this time.

21 **MS. RADLEIN:** Not on that issue, Your Honor.

22 **THE COURT:** All right. Anything else?

23 **MS. RADLEIN:** One -- probably two more things;  
24 I apologize, Your Honor. I know it's getting late.  
25 I do want -- another quick motion in limine, I did

1 not put this one in writing, just for the record, in  
2 terms of the defendant's testimony and any questions  
3 or comments made, that there be no mention of the  
4 penalty in this case, the potential penalty in this  
5 case to the jury.

6 **THE COURT:** That's improper.

7 **MS. RADLEIN:** That there be no comments  
8 regarding -- no personal comments throughout the  
9 trial or in openings in this case, Your Honor, and  
10 that I would move to limit any openings to the facts  
11 defense counsel actually intends to prove and not  
12 comment on anything improper to appeal to the jury,  
13 Your Honor.

14 **THE COURT:** I mean -- all right.

15 **MS. RADLEIN:** I'm not suggesting that it's this  
16 counsel, but I've been in cases before. I just want  
17 to put that on the record.

18 And one last thing I don't believe is an issue  
19 in this case, which is an in-court identification of  
20 the defendant, but I did want to go ahead and put  
21 that in the record that we're not having -- there is  
22 no police suggestiveness in this case, but several  
23 victims will identify him as the suspect, the  
24 defendant in this case.

25 **THE COURT:** Anything?

1           **MR. DRYLIE:** Nothing.

2           **THE COURT:** All right. Are we clear on  
3 everything?

4           **MS. RADLEIN:** Yes, Your Honor.

5           **MR. DRYLIE:** I believe so.

6           **THE COURT:** All right. Y'all be back here at  
7 nine o'clock in the morning, give us 30 minutes to  
8 address anything we might need to address before I  
9 bring the jury out. All right?

10          **MS. RADLEIN:** Thank you, Your Honor.

11          **THE COURT:** Thank you.

12                   (The proceedings were concluded for October  
13 16, 2017.)

14                   (The following proceedings were held on  
15 October 17, 2017.)

16                   (State's Exhibit Numbers 2 through 27 were  
17 marked for identification.)

18          **THE COURT:** All right. Is the State ready to  
19 proceed?

20          **MR. EARGLE:** Yes, sir, Your Honor.

21          **THE COURT:** Defense counsel?

22          **MR. DRYLIE:** We are.

23                   Judge, I just want to put one thing on the  
24 record that we've agreed upon, that yesterday when  
25 Ms. Radlein was questioning some witnesses, she used

1 he'll swear you-all as jurors in this case and then  
2 we're going to proceed.

3 (The jury was duly sworn at 9:36 A.M.)

4 **THE CLERK:** Was any member of the jury panel  
5 unable to take the oath, please stand?

6 No one's stood.

7 **THE COURT:** All right. Ladies and gentlemen,  
8 we are about to try the case of the State of South  
9 Carolina versus Mr. Montrell Deshawn Troutman.  
10 Before we begin the trial of this case, I want to  
11 tell you that this trial will probably be different  
12 from what you might expect. Many people do not have  
13 the chance to attend actual court sessions as you're  
14 doing now and may think, from watching television or  
15 movies or reading books, that trials are always full  
16 of high drama, intense action and riveting  
17 circumstances.

18 Now, while all of those things may be true at  
19 times, this trial, ladies and gentlemen, is not for  
20 entertainment. It is a fundamental part of our  
21 democracy, an effort to make sure that justice is  
22 done between the parties before the court.

23 In making sure that justice is done between the  
24 parties, the process is often slow, deliberate and  
25 repetitive, the opposite of what you may have seen

1 on television, in movies or read in books. This  
2 courtroom is a place of honor dedicated to the  
3 protection and preservation of citizens' rights  
4 through what many have called the greatest justice  
5 system ever created.

6 The attorneys, ladies and gentlemen, appearing  
7 before you are advocates for the parties that they  
8 represent, but first and foremost, they are officers  
9 of the court sworn to uphold the integrity and  
10 fairness of our judicial system. You should expect  
11 them to be professional, competent and ethical in  
12 the representation of their client's interest.

13 Now, what I will now say to you, ladies and  
14 gentlemen, is intended to serve as an introduction  
15 to the trial of this case. These remarks are not a  
16 charge on the law in this case. I will instruct you  
17 on the law applicable to this case at the end of the  
18 trial before you retire to consider your verdict.  
19 This is merely an explanation of the procedure that  
20 we will follow in the trial of the case so that you  
21 may better understand what may be happening.

22 The defendant, ladies and gentlemen, in this  
23 case is charged by indictments filed in this court  
24 with the offense -- or the crimes of murder, two  
25 counts of attempted murder and possession of a

1           weapon during the commission of a violent crime.  
2           The elements of those offenses will be explained to  
3           you later.

4           The indictments, ladies and gentlemen, that I  
5           told you yesterday are simply the charging documents  
6           which bring this case into this court and they are  
7           not in any sense evidence in this case.

8           The defendant, ladies and gentlemen, has pled  
9           not guilty to the indictments; therefore, the State  
10          of South Carolina bears the burden of proving his  
11          guilt beyond a reasonable doubt. It will be your  
12          duty, ladies and gentlemen, to decide whether the  
13          State has met that burden.

14          Your purpose as jurors is to find and determine  
15          the facts. You, ladies and gentlemen, are the sole  
16          judge of the facts. If, at any time, I make any  
17          comments regarding the facts, you must disregard it.  
18          You are to determine the facts from the testimony  
19          that you hear and other evidence that is introduced  
20          in this courtroom during the trial of this case. It  
21          is up to you to determine the inferences which you  
22          feel may properly be drawn from the evidence.

23          It is especially important, ladies and  
24          gentlemen, that you perform your duty of determining  
25          the facts diligently and conscientiously because,

1 ordinarily, there is no way to correct an erroneous  
2 determination of the facts by a jury.

3 On the other hand, and with equal emphasis, the  
4 same law that makes you the judge of the facts makes  
5 me the judge of the law. The law as given by the  
6 Court is the only law that you may consider. You  
7 must accept and follow it even though you may  
8 disagree with it.

9 I cannot tell you, ladies and gentlemen, what  
10 the facts are and you cannot disagree with me about  
11 what the law is or should be. Your job is to take  
12 the law as I give it to you and apply it to the  
13 facts as you find them from the testimony of the  
14 witnesses and other evidence that is introduced.  
15 After doing that, you will render your verdict under  
16 the solemn oath that you just took as jurors.

17 Now, until I tell you, ladies and gentlemen, to  
18 begin your deliberations, you must not discuss this  
19 case with anyone, including your fellow jurors,  
20 friends, family members and anyone involved in the  
21 case. The attorneys and parties in this case have  
22 been advised that they are not to talk to you at  
23 all. So if you see anyone involved in this case and  
24 they don't speak to you, they are not being  
25 unfriendly, they're simply following this Court's

1 instructions.

2 Now, during your deliberations, ladies and  
3 gentlemen, you may only discuss the case in the jury  
4 room with your fellow jurors because they have seen  
5 and heard the same evidence that you have. You must  
6 not discuss the case with anyone other than your  
7 fellow jurors until you have returned a verdict and  
8 the case is at an end.

9 I remind you that you must decide this case,  
10 ladies and gentlemen, you must decide this case  
11 based solely on the evidence presented here in this  
12 courtroom. This means that during the trial, you  
13 must not conduct any independent research about the  
14 case, the facts of the case, the evidence presented  
15 in the case or the people or organizations involved  
16 in any way in the case. Please do not try to find  
17 out information from any source outside of this  
18 courtroom.

19 In other words, you must not look at  
20 dictionaries or other reference materials, search  
21 the Internet, web sites or blogs or use any other  
22 electronic tools to get information about the case  
23 to help you decide the case. You may not use  
24 computers, telephones, cell phones, smart phones,  
25 smart watches, tablets, the Internet or other tools

1 of technology with communication capabilities at any  
2 time while you are in the courtroom or during your  
3 deliberations.

4 Now, during your breaks for meals or overnight,  
5 if necessary, you may use those devices; however,  
6 you must not use those devices to communicate with  
7 anyone about the case until the case is over. This  
8 means you must not use phone calls, e-mails, text  
9 messages, instant messages, Twitter or any blog,  
10 chat room or web site, including Facebook, Google  
11 Plus, MySpace, LinkedIn, YouTube or any social media  
12 web sites to send or receive information about a  
13 party, a witness, an attorney or court officer, news  
14 accounts about the case, research on topics raised  
15 or any topics that you may think would be helpful in  
16 deciding the case or any testimony presented by any  
17 witness.

18 During the trial, I'm not sure you'll see any,  
19 but you're instructed not to read, listen to or  
20 watch any news reports about the case, if there are  
21 any. This includes anything that may be in the  
22 newspapers or on the Internet, radio or television.

23 You must not, ladies and gentlemen, consider  
24 anything that you may hear or read about the case  
25 outside of this courtroom whether before or during

1 trial. Information on television, radio, the  
2 Internet or from other sources might be wrong or  
3 incomplete.

4 In our judicial system, it is important that  
5 you are not influenced by anything or anyone outside  
6 of this courtroom. If you become aware of another  
7 juror's violation of these instructions, please  
8 inform the Court immediately.

9 Now, it is important, ladies and gentlemen,  
10 that you keep an open mind and not decide any issue  
11 in this case until all of the evidence has been  
12 presented, the parties have made their closing  
13 arguments and I have instructed you on the law  
14 applicable to this case. It is your solemn  
15 responsibility to determine the guilt or innocence  
16 of the defendant. And your verdict must be based  
17 solely on the evidence as it is presented to you in  
18 this trial and on the law as I instruct you during  
19 and at the close of the trial.

20 Now, in just a moment, the solicitor, the  
21 prosecutor, will make what is called an opening  
22 statement in which the solicitor will explain to you  
23 the issues in this case or at least what they  
24 believe the issues are in this case. The attorney  
25 for the defendant may also make an opening

1 statement, although they are not required to do so.

2 What the attorneys tell you during their  
3 opening statements, ladies and gentlemen, is not  
4 evidence in this case. It is only their contention  
5 as to what the issues are. The evidence in this  
6 case will be presented to you by the testimony of  
7 sworn witnesses from the witness stand and/or by  
8 exhibits that may be introduced into evidence during  
9 the course of the trial.

10 Now, from time to time, ladies and gentlemen,  
11 during the trial, you may hear one of the attorneys  
12 say something like, Your Honor, I believe that we  
13 have a question of law or a matter of law to discuss  
14 with you, or, Your Honor, may we approach the bench?  
15 Or sometimes I myself might find it necessary to  
16 excuse you-all from the courtroom for a short while  
17 so the attorneys and I can discuss a matter of law.  
18 The reason for this, ladies and gentlemen, is  
19 because you are the judge of the facts in this case  
20 and sometimes when I am discussing matters of law  
21 with the attorneys, it may be necessary for me to  
22 make some comment as to the facts in connection with  
23 ruling whether or not a particular law applies. I  
24 am not supposed to tell you-all what I think the  
25 facts are, so I will excuse you from the courtroom

1 so that in no way will you be influenced by anything  
2 that I might say or do in connection with the facts.

3 Now, in determining the facts, ladies and  
4 gentlemen, you must decide whether or not the  
5 testimony of the witnesses is believable. It will  
6 be my responsibility to rule as a matter of law as  
7 to whether certain testimony is admissible or not,  
8 but once the testimony is admitted, whether or not  
9 you believe it is solely for you to determine.

10 Now, in deciding whether to believe a witness,  
11 you have the right to consider the interest of any  
12 witness, the bias of any witness, the prejudice of  
13 any witness, the opportunity for the witness to have  
14 seen the matters and things about which the witness  
15 may testify and the way the witness acts on the  
16 witness stand. You have the right to consider  
17 anything that is in the record that will help you  
18 evaluate the testimony of the witnesses. That means  
19 that it is your duty to pay close attention to these  
20 witnesses, to observe the witnesses, to listen to  
21 the witnesses and to pay close attention to the  
22 attorneys and to the Court.

23 Please do not let your thoughts wander, but  
24 give strict attention to the testimony in the case  
25 so that at the end of all the testimony, after the

1 arguments of counsel and the charge on the law by  
2 the Court, you will then be in a position to  
3 determine what the facts are in this case, apply  
4 those facts to the law as I give it to you and thus  
5 render a verdict.

6 Now, later in this case, ladies and gentlemen,  
7 a foreperson will be selected to preside over  
8 deliberations in the jury room. It will be the  
9 foreperson's added duty to be the jury spokesperson  
10 here in court. It will also be the foreperson's  
11 duty to write the verdict, but I will give the  
12 foreperson further instructions about that at the  
13 conclusion of the case.

14 Now, in order to preserve everyone's rights, I  
15 will give the attorneys an opportunity to object to  
16 anything that I have said to the jury.

17 Are there any objections or exceptions to  
18 anything that I have said to the jury by the State?

19 **MR. EARGLE:** Nothing from the State, Your  
20 Honor.

21 **THE COURT:** Defense counsel?

22 **MR. DRYLIE:** Nothing from the defense, Your  
23 Honor.

24 **THE COURT:** All right. Ladies and gentlemen,  
25 we will now begin the trial of the case. The State

1 is so recognized for opening statements.

2 **MR. EARGLE:** Thank you, Your Honor. May it  
3 please the Court.

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

5 OPENING STATEMENT

6 **MR. EARGLE:** Saturday, June the 6th, 2015,  
7 Leric Merriweather, 29 years of age, father of two  
8 small sons, decided to have a cookout at his home on  
9 Rosa Hill Drive here within the town limits of  
10 Edgefield. Rosa Hill Drive, approximately where  
11 we're sitting and where we're standing here in this  
12 courthouse, approximately a mile, a little over a  
13 mile from here. It was to be a peaceful gathering,  
14 a small gathering of family, friends. Leric had  
15 gone out and purchased a Slip 'N Slide for his young  
16 sons to play on that day, that afternoon, that  
17 evening.

18 Now, some time during the course of the  
19 gathering, there was a confrontation in Leric's  
20 front yard. A gun was presented, verbal arguments  
21 ensued. Leric intervened. He didn't want his  
22 family, his young sons to be exposed with that type  
23 of behavior. Leric Merriweather demanded those  
24 individuals to leave his home, leave his yard, get  
25 away from his family, his children.

1           Now, one of those individuals who was told to  
2           leave was Montrell Troutman. Montrell Troutman  
3           became angered by this. You might say he felt  
4           disrespected. It was an anger he couldn't let go of  
5           on June the 6th, 2015. He left, but he left a man  
6           on a mission.

7           Later that evening, Leric called one of his  
8           good friends, one of his best friends, Carlo Harris,  
9           one of the victims in this case. He, Leric, Carlo  
10          and Keith Mathis, another one of Leric's good  
11          friends, got together over at Leric's house. Leric  
12          was explaining to them what had happened. They  
13          decided to basically pull back, chill out, if you  
14          will. They decided to go to the store, buy some  
15          beer and then ride around, go back to the  
16          neighborhood -- the neighborhood, a little over a  
17          mile from where we are.

18          They're on Morange Street which runs off of  
19          Buncombe. It's in this neighborhood down here. And  
20          as they're driving, Leric is the driver; Carlo, the  
21          front seat passenger; and Keith is in the back seat.  
22          They're going down Morange Street and as they're  
23          going by ■ Morange Street, they get flagged down.  
24          There are some acquaintances of Leric that are  
25          flagging him down. Leric goes down to the end of

1 the roadway, turns around and drives back up and  
2 parks onto the grass area in front of the home of  
3 Santonio Ryans. Also, there was an acquaintance of  
4 Leric: Kendrick Nicholson.

5 They began to talk. They're having  
6 conversation, ladies and gentlemen. They're not  
7 bothering anyone. They're talking as friends. Then  
8 they notice a green car coming down Morange Street.  
9 They noticed that it stopped, that a man got out.  
10 And you'll hear testimony to this, ladies and  
11 gentlemen, some 15, 20, 25 feet from where they are  
12 minding their own business and out of that car  
13 stepped the man on a mission: Montrell Troutman.

14 Montrell Troutman makes it a point to walk up  
15 where they are, walk past Leric's vehicle, turn  
16 around and come back by. He and Leric have words.  
17 There's a verbal confrontation, not physical,  
18 between Montrell Troutman and Leric Merriweather  
19 stemming from what happened earlier at Leric's home.  
20 During this verbal confrontation, Montrell Troutman  
21 pulls out a pistol, racks a round, puts it back in  
22 his pocket. The confrontation, a verbal  
23 confrontation, continues.

24 Then Montrell Troutman, the man with anger, the  
25 man on a mission, pulls out that pistol and standing

1 basically arm's length away bam, shoots Leric  
2 Merriweather right here {indicating}, left side of  
3 his chest right above his heart. Leric Merriweather  
4 runs -- turns and runs around Santonio Ryans' home.  
5 Keith Mathis, he's out of the car, he turns and  
6 runs. There's a man with a gun. He just shot one  
7 person. They're running. Carlo Harris is standing  
8 there frozen, frozen. And Montrell Troutman bam,  
9 bam, bam, bam at men who are running away, backs to  
10 him.

11 Carlo Harris suffers a gunshot wound to his  
12 leg. Leric Merriweather, wounded in the chest,  
13 comes around Santonio's home and pretty much  
14 collapses in the driveway, mortally wounded. And  
15 for all practical purposes, Leric died right there  
16 at ■ Morange Street here in the town of Edgefield.  
17 And the man with the gun -- the man with the gun,  
18 calmly, doesn't run, walks away, walks away. Man on  
19 a mission. Mission accomplished. Thank you.

20 **MR. DRYLIE:** Good morning.

21 On June 6th, 2015, Leric and his boys were out  
22 looking for a fight when Leric was fatally shot.  
23 You see, for a while leading up to this incident,  
24 Leric had been picking on and threatening Montrell  
25 Troutman. Montrell was the new guy in town. He

1 wasn't from Edgefield. He moved up here from Miami  
2 about six months prior to this incident. And he was  
3 trying to get along with everybody, but some people  
4 didn't like him because he was the new kid.

5 Now, on that day, when Montrell woke up, he  
6 hung around his house. He then went to a friend's  
7 house. He had no intention of going over to Leric's  
8 barbecue, but a friend rode by and asked if he  
9 wanted to ride to the gas station to get some  
10 cigarettes. He rode to the gas station to get some  
11 cigarettes and that friend stopped at Leric's on the  
12 way back.

13 And you're going to hear testimony that when  
14 Montrell was at Leric's, he was hanging out in the  
15 roadway listening to music. He did go to the yard  
16 and say hi to people, but he wasn't there looking  
17 for a fight and he wasn't there looking for an  
18 altercation.

19 A fight did break out, but it didn't involve  
20 Montrell Troutman. Leric Merriweather was in the  
21 middle of that fight. When Leric got mad, a lot of  
22 times he turned his attention towards Montrell. And  
23 that's what happened this day. After he got mad, he  
24 started yelling at Montrell saying, You can get it,  
25 too.

1           Montrell knows he's not wanted and so he leaves  
2           and he goes back to his house. He's at his house  
3           for a little while and he decides to go talk to a  
4           friend about what's been going on. He just wants to  
5           vent and get some steam off his chest. He walks up  
6           to his friend's house. There's a cut-through the  
7           woods and that's the cut that he goes up to.  
8           However, his friend's not home.

9           He goes down Morange Street to head back to his  
10          house. He's trying to get back to his house when he  
11          sees a car, and inside that car is Leric  
12          Merriweather, Carlo Harris and Keith Mathis, who  
13          goes by Pooh. They get out of the car.

14          Now, Montrell says he was trying to walk by on  
15          the other side of the street when Leric started  
16          confronting him. He was loud and he was boisterous  
17          and he was threatening him. Montrell doesn't want  
18          to get in a fight. All he's trying to do is get  
19          back to his house. He does take out a gun that he  
20          had on him for protection. He was scared of these  
21          people. And he shows them the gun thinking that  
22          they would just let him go by at that point. That  
23          only makes Leric more angry.

24          Leric says something, he gets in his car and he  
25          gets back out. Pooh is standing over there and he

1 has a bottle in his hand. And the testimony is  
2 going to show that when Montrell fired those shots,  
3 Leric was coming at him angry, yelling and  
4 threatening him trying to fight him, and Pooh is  
5 standing there with a bottle getting ready to throw  
6 it. And Montrell was scared. He was in fear for  
7 his life. He was worried about these people beating  
8 him up and causing him great injury or even killing  
9 him. And he fired in self-defense. He was  
10 defending himself.

11 Now, Montrell goes away from the scene and he  
12 was going home. And then he thinks, I can't go  
13 home. I can't go home. These people, I'm scared of  
14 them. My girlfriend's there. Her kids are there.  
15 Her mom's there.

16 And he doesn't want to bring this trouble on  
17 them. So he goes off into a wooded area. He hears  
18 the sirens. He calls his girlfriend and he calls  
19 his girlfriend's mom. They say, The police are  
20 here. He says, Put the police on the phone. He  
21 says, I want to come turn myself in. I'm not  
22 running. I just don't want to get hurt.

23 The police officers will tell you he complied  
24 with them and he did what he was supposed to do. He  
25 came up and he turned himself in. He knew he needed

1 to talk to the police about what had happened.

2 Now, at 12 o'clock that night, when he is  
3 nervous and scared, Montrell made a horrible  
4 decision. The police put him in a room down in the  
5 detention center and they start talking to him. And  
6 Montrell lied about what happened the first time he  
7 talked to the police. We're here to tell you that  
8 right upfront. We're not trying to hide the ball on  
9 anything. We're asking that you reserve judgment on  
10 Montrell. Do not judge him just because he lied the  
11 first time he talked to the police.

12 You know, he's always said that when he fired  
13 those shots, he was in fear for his life and he was  
14 scared. He wasn't trying to murder anyone. He  
15 wasn't trying to hurt anyone. He just wanted to go  
16 home.

17 I want to talk to you about Montrell for a  
18 minute. As Montrell sits over there right now,  
19 there's a presumption of innocence that surrounds  
20 him. And, you know, that's not just legal theory.  
21 What that is is like a robe of righteousness that  
22 surrounds him during the course of this trial and  
23 the only way to strip that is for all 12 of you to  
24 return a verdict of guilty beyond a reasonable  
25 doubt.

1           Now, what's guilt beyond a reasonable doubt?  
2           You know, it sounds like a really complicated  
3           theory, but what it really is is do you have a doubt  
4           and do you have a reason for that doubt? The way  
5           that I like to kind of think of it is a three-story  
6           courthouse, you know. And on the first floor of  
7           that courthouse, you have civil court. And what  
8           happens in civil court is that money exchanges hands  
9           most of the time. The jury or the judge decides  
10          who's going to pay the other person money.

11          But, you know, money is important and, you  
12          know, we all need it to live and get by. Well, the  
13          standard of evidence that's used there is a  
14          preponderance of the evidence, and it's just more  
15          likely than not. But that's the first floor.

16          On the second floor of the courthouse, we have  
17          family court. And family court it's really  
18          important because a judge can order someone's kids  
19          to be taken away and we have a higher standard of  
20          evidence there. There's not necessarily percentages  
21          that go with it, but it's more evidence than what's  
22          required in civil court.

23          And at the top of that courthouse, we have  
24          criminal court. And criminal court is the highest  
25          court that we have in this land because it talks

1           about taking away people's freedom. And guilt  
2           beyond a reasonable doubt is the highest standard of  
3           evidence that we have.

4           Now, we think that there are plenty reasons for  
5           doubt in this case. We think that Montrell was in  
6           fear for his life and he was scared of these people.  
7           I will just ask you to keep an open mind and listen  
8           to the testimony.

9           My name is Erik Drylie and that's Bennett Casto  
10          and we represent Montrell Troutman. At the close of  
11          this case, we're going to ask you to return a  
12          verdict of not guilty. Thank you.

13                   **THE COURT:** Call your first witness.

14                   **MS. RADLEIN:** Thank you, Your Honor. May it  
15          please the Court. The State calls Abigail Carter.

16                                   ABIGAIL CARTER,

17                   having been duly sworn, testified as follows:

18                   **THE CLERK:** Please be seated. State your full  
19          name, spell your last name for the record, and make  
20          sure you speak loudly.

21                   **THE WITNESS:** Abigail Carter, C-a-r-t-e-r.

22                                   DIRECT EXAMINATION

23                   BY MS. RADLEIN:

24                   **Q**     Good morning, Ms. Carter.

25                   **A**     Good morning.

1 Q How are you doing this morning?

2 A All right.

3 Q Do you currently live in Edgefield?

4 A Yes, ma'am.

5 Q How long have you lived in Edgefield?

6 A All my life.

7 Q Do you currently work as well?

8 A Yes, ma'am.

9 Q And where do you work?

10 A It's a cleaning company called BriTen.

11 Q Is that also here in town?

12 A Yes, ma'am.

13 Q Do you have any children?

14 A Two boys.

15 Q What are their names?

16 A L.M. and O.M.

17

18 Q And how old are they?

19 A Eight and five.

20 Q And you said one is L.M.

21 Would that be Leric -- would Leric Merriweather be

22 his father?

23 A Yes, ma'am.

24 Q I want to talk to you a little bit about Leric

25 Merriweather. How long have you been with Leric

1 Merriweather?

2 **A** For about 11 years.

3 **Q** And Leric Merriweather is the deceased victim  
4 in this case?

5 **A** Yes, ma'am.

6 **Q** And how long have you lived together?

7 **A** For about ten.

8 **Q** And did you live here in Edgefield?

9 **A** Yes, ma'am.

10 **Q** How old are you now?

11 **A** Twenty-eight.

12 **Q** And back in 2015, how old were you?

13 **A** Twenty-six.

14 **Q** And back in 2015, how old was Leric  
15 Merriweather?

16 **A** Leric was, like, 28, something like that.

17 **Q** I want to talk specifically about June 6 of  
18 2015. Do you recall that day?

19 **A** Yes, ma'am.

20 **THE COURT:** Ma'am, I need you to speak up.

21 Can y'all hear in the back row?

22 I need you to speak up, please.

23 **MS. RADLEIN:** Permission to approach.

24 **THE COURT:** Yes.

25 BY MS. RADLEIN:

1           **Q**     So I want to speak to you about June 6th, 2015.  
2           Do you remember that day?

3           **A**     Yes, ma'am.

4           **Q**     And go ahead and take me through that day. Do  
5           you remember what you were doing that morning?

6           **A**     Yes, ma'am. Well, we was at home and Dwayne  
7           Jones stopped by. And him and Leric went to the  
8           store to put some meat on the grill. And when they  
9           got back, Leric put the kids on the water slide.  
10          And then after people, like, seen us cooking on the  
11          grill, a few more people stopped by. And that's  
12          when, like, a couple minutes -- that's when  
13          Montrell, he was, like, walking down the road and  
14          when he walked in the yard. And Wayne Jones was  
15          like --

16          **Q**     I want to stop you for a second. Let's back up  
17          just a little bit. You said you were at the house.  
18          Where do you live?

19          **A**     [REDACTED] Rosa Hill Street, Edgefield.

20          **Q**     And is that the same location where you lived  
21          with the victim -- the deceased victim, Leric  
22          Merriweather?

23          **A**     Yes, ma'am.

24          **Q**     Okay. And is that where you lived with your  
25          two sons as well?

1           **A**     Yes, ma'am.

2           **Q**     And you mentioned that that day you -- that  
3           Leric went to get food for the grill?

4           **A**     Yes, ma'am.

5           **Q**     And you mentioned that he put your sons on the  
6           water slide. What exactly -- what type of water  
7           slide was this?

8           **A**     It was just, like, was a -- one you just lay on  
9           the ground and you just slide down.

10          **Q**     Would that have been inside the house or  
11          outside the house?

12          **A**     Outside.

13          **Q**     And you mentioned, To get meat on the grill.  
14          Would that have been inside the house or outside of  
15          the house?

16          **A**     Outside.

17          **Q**     And then you also mentioned that some people  
18          came by. Do you recall who came by?

19          **A**     Yes. Rachel Carter, Frederick Turner and  
20          Johnny Martin.

21          **Q**     And who is Rachel Carter?

22          **A**     That's my mother.

23          **Q**     And who is Johnny Martin?

24          **A**     Just someone talk to my mother.

25          **Q**     And then Fred Turner?

1           **A**     Friend of the family.

2           **Q**     So for all intents and purposes, your family  
3           came over?

4           **A**     Yes, ma'am.

5           **Q**     Okay. And, at this point, do you remember what  
6           time of day was this?

7           **A**     Like, around three o'clock, something like  
8           that.

9           **Q**     All right. So these were daylight hours as  
10          well?

11          **A**     Yes, ma'am.

12          **Q**     Now, take me through, you said some people were  
13          -- saw that you were having, out there on the grill,  
14          a cookout, so to speak. Do you recall who else came  
15          over?

16          **A**     Yes. That's when Carlo and Pooh, they came by  
17          there, but they had left. And a few minutes later,  
18          Montrell and some other guys came in the yard and  
19          they was -- everybody was just out there talking at  
20          first. And then Dwayne had, like, a few words with  
21          Montrell and Wayne just -- he pulled out a gun and  
22          that's when Leric got upset.

23          **Q**     So you mentioned Dwayne. What's Dwayne's last  
24          name?

25          **A**     Jones.

1           **Q**     And who is Dwayne to you?

2           **A**     My cousin.

3           **Q**     All right. So he was at the cookout and you  
4           said he pulled out a gun?

5           **A**     Yes, ma'am.

6           **Q**     And where were you? Where were you when this  
7           all happened?

8           **A**     Sitting on my front porch.

9           **Q**     Would you say that your front yard is big or is  
10          it small?

11          **A**     Small.

12          **Q**     So if anything was happening in the front yard,  
13          you would have seen it?

14          **A**     Yes, ma'am.

15          **Q**     And you said that Wayne and, referring to the  
16          defendant, Montrell Troutman, in this case exchanged  
17          some words and then what happened next?

18          **A**     He was just -- he had the gun out and that's  
19          when Leric was telling Dwayne, like, to put up the  
20          gun because his kids out here. And Leric went to  
21          put on his shoes and he came back out there. And he  
22          was steadily telling them to leave; they wouldn't  
23          leave. So he pushed Wayne -- tried to push Wayne  
24          out the yard, but Wayne fell on the ground and  
25          that's when Wayne, like, finally got up and he was

1 walking up the road.

2 Q And after that, do you recall anything that  
3 happened with the gun that he had?

4 A Johnny -- well, Johnny had pushed Wayne and got  
5 the gun and gave Wayne his money back, \$150.

6 Q Okay. What -- why was -- why did Johnny give  
7 him \$150?

8 A Because Wayne had -- I heard Wayne supposed to  
9 have bought the gun from him --

10 MR. CASTO: Objection; hearsay.

11 THE COURT: Sustained.

12 BY MS. RADLEIN:

13 Q So after that, what happened next?

14 A That's when every -- they just started leaving.  
15 And we were still cooking on the grill and that's  
16 when Carlo and Pooh had came back down there.

17 Q And you mentioned Pooh. Are you referring to  
18 Keith Mathis in this case?

19 A Yes, ma'am.

20 Q And you mentioned Carlo. Are you referring to  
21 Carlo Harris?

22 A Yes, ma'am.

23 Q Okay. And you said they came back and then  
24 what happened next?

25 A That's when -- they was out there for a little

1 while and they say they was going to the store to  
2 get some more beers. And then, a little while  
3 later, that's when we had heard gunshots.

4 **MS. RADLEIN:** Permission to move around --  
5 about the courtroom, Your Honor.

6 **THE COURT:** Yes.

7 BY MS. RADLEIN:

8 **Q** I'm going to hand you what's been previously  
9 marked as State's Exhibit 25 for ID purposes. Do  
10 you recognize this?

11 **A** Yes, ma'am.

12 **Q** And what do you recognize it to be?

13 **A** A road with streets on it.

14 **Q** Okay. Would that be a map of the area?

15 **A** Yes, ma'am.

16 **Q** Okay. Do you see your residence on this map?

17 **A** Yeah, Rosa Hill Street.

18 **Q** Okay. And what other street do you see on  
19 there?

20 **A** Morange.

21 **Q** Okay. And what was your address again?

22 **A** [REDACTED] Rosa Hill Street.

23 **Q** I'm going to hand you what's been previously  
24 marked as State's Exhibit 24. Do you recognize  
25 that?

1       **A**     Yes, ma'am.

2       **Q**     Okay. And what do you recognize that to be?

3       **A**     My house.

4       **Q**     Okay. And does that fairly and accurately  
5       depict your house?

6       **A**     Yes, ma'am.

7       **Q**     And is that how your house looked back in June  
8       of 2015?

9       **A**     Yes, ma'am.

10       **MS. RADLEIN:** At this time, Your Honor, the  
11       State would seek to move State's Exhibit 24 and 25  
12       into evidence.

13       **MR. CASTO:** Without objection.

14       **THE COURT:** Without objection, so admitted.

15               (State's Exhibit Numbers 24 and 25,  
16       photographs, admitted into evidence.)

17       **MS. RADLEIN:** Permission to publish.

18       **THE COURT:** Yes.

19       BY MS. RADLEIN:

20       **Q**     Do you know approximately how far this area is  
21       from the courthouse? How long did it take you to  
22       get here this morning?

23       **A**     About three minutes.

24       **Q**     And you mentioned that at your house --

25       **MS. RADLEIN:** Permission for the witness to

1 step down.

2 **THE COURT:** Yes, ma'am.

3 (Witness leaves the witness stand.)

4 BY MS. RADLEIN:

5 **Q** When everything was happening in your yard, can  
6 you point out for the jury where you were sitting?

7 **A** Right here by my door.

8 **MS. RADLEIN:** Let the record reflect that she's  
9 pointing to State's Exhibit 24, the front door.

10 **Q** And when things were going on in the yard,  
11 where were they taking place?

12 **A** Right here beside the {indicating} --

13 **Q** And you have to keep your voice up.

14 **A** Right here beside the walkway.

15 **Q** Okay. All right. Thank you. You can take  
16 your seat.

17 **A** (Witness resumes the witness stand.)

18 **Q** You mentioned that you heard the gunshots in  
19 this case?

20 **A** Yes, ma'am.

21 **Q** Can you tell the jury whether or not you know  
22 where the gunshots were coming from?

23 **A** No, ma'am.

24 **Q** Did you come to learn where the gunshots were  
25 coming from?

1           **A**     No. I had got a phone call from Carlo Harris.

2           **Q**     Okay. And in response to that phone call,  
3           what, if anything, did you do next?

4           **A**     I had got in the car with my sister and we rode  
5           up the road. And I had called the ambulance while I  
6           was going up the road.

7           **Q**     Okay. And when you said, Rode up the road, you  
8           went up the road, do you know what road you drove up  
9           on? What road did you have to go on when you leave  
10          your house?

11          **A**     Going up Morange Street.

12          **Q**     So your house is on what street?

13          **A**     Rosa Hill Street.

14          **Q**     Okay. And so you said, when you go up to  
15          Morange Street, you're saying that you went towards  
16          Morange Street?

17          **A**     Yes, ma'am.

18          **Q**     Okay. And did you learn where the shooting  
19          took place?

20          **A**     Yes, ma'am.

21          **Q**     Okay. And is that -- tell me what happened.  
22          You went there. What happened next?

23          **A**     When I went there, I was just hollering, like,  
24          could I put him in the car? And then the officers  
25          was, like, I couldn't move him until the ambulance

1 get there.

2 Q Do you remember the address of that location  
3 that you went to?

4 A I can't remember the address, but I know it was  
5 Santonio Ryans' house.

6 Q I'm going to show you what's been previously  
7 marked as State's Exhibit 21. I'm going to ask you  
8 if you recognize it?

9 A Yes.

10 Q And how do you recognize it? How do you  
11 recognize the photograph?

12 A That's Santonio Ryans' house.

13 Q Okay. And do you know if this is in Edgefield  
14 County?

15 A Yes, ma'am.

16 Q Okay. Is this, essentially, still in your  
17 neighborhood?

18 A Yes, ma'am.

19 Q And does this photograph fairly and accurately  
20 depict Santonio Ryans' house?

21 A Yes, ma'am.

22 MS. RADLEIN: At this time, the State seeks to  
23 move into evidence State's Exhibit 21.

24 THE COURT: Any objection?

25 MR. CASTO: No objection.

1           **THE COURT:** Without objection, it's so  
2 admitted.

3                   (State's Exhibit Number 21, photograph,  
4 admitted into evidence.)

5           **MS. RADLEIN:** Permission to have the witness  
6 step down.

7           **THE COURT:** All right.

8                   (Witness leaves the witness stand.)

9 BY MS. RADLEIN:

10          **Q**     In looking at this photograph, do you recognize  
11 where you saw the father of your children back then?

12          **A**     Yes, ma'am.

13          **Q**     Okay. If you can just go ahead and point,  
14 where did you see him?

15          **A**     Right here on the pavement {indicating}.

16          **THE COURT:** And that's Exhibit 21?

17          **MS. RADLEIN:** Let the record reflect that the  
18 witness is pointing on State's Exhibit 21. She  
19 referred to the pavement on the driveway.

20 BY MS. RADLEIN:

21          **Q**     And, at that point, you said when -- earlier  
22 you testified that Leric, Carlo and Keith left,  
23 driving?

24          **A**     Yes, ma'am.

25          **Q**     Okay. Did you see the car there when you got

1 there?

2 **A** Yes, ma'am.

3 **Q** Okay. I'm going to hand you what's been marked  
4 as State's Exhibit 22. I'm going to ask you if you  
5 recognize this image?

6 **A** Yes, ma'am, Dodge Charger car.

7 **Q** Okay.

8 **MS. RADLEIN:** The State will seek to move into  
9 evidence State's Exhibit 22.

10 **MR. CASTO:** Without objection.

11 **THE COURT:** Without objection, so admitted.

12 (State's Exhibit Number 22, plastic car,  
13 admitted into evidence.)

14 BY MS. RADLEIN:

15 **Q** If you'll step down to here and place where you  
16 recall seeing the car.

17 **A** (Witness complies.)

18 **MS. RADLEIN:** Let the record reflect that the  
19 witness is placing State's Exhibit 22 on State's  
20 Exhibit 21 beside the tree.

21 **Q** You can take your seat.

22 **A** (Witness resumes the witness stand.)

23 **Q** Were you able to actually speak with Leric  
24 Merriweather at that time?

25 **A** No, ma'am.

1 Q What, if anything, did you do next?

2 A Just sat out there and Santonio Ryans' mama  
3 told me to come in the house until the ambulance  
4 came.

5 Q And did you see the ambulance come?

6 A Yes, ma'am.

7 Q And then what did you do after that?

8 A They asked me did I want to get in there and I  
9 was just so nervous, I told them I didn't want to  
10 get in there. So my sister, Retrell Carter, she got  
11 in the ambulance with him. And I got -- me and my  
12 little sister, Leveny Mathis, drove behind the  
13 ambulance.

14 Q And what car did you drive then?

15 A My Dodge Charger, but she drove my Dodge  
16 Charger.

17 Q And that will be the same vehicle you saw when  
18 you got to the residence?

19 A Yes, ma'am.

20 MS. RADLEIN: Beg the Court's indulgence.

21 (Pause.)

22 MS. RADLEIN: No further questions at this  
23 time.

24 THE COURT: Cross-examination?

25 MR. CASTO: Yes, sir, Your Honor.

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CROSS-EXAMINATION

BY MR. CASTO:

**Q** Hi, Abigail. How are you?

**A** Hello.

**Q** Just so that I'm clear about everything that you said, you had mentioned -- you started off your testimony about the cookout; is that right?

**A** Yes, sir.

**Q** And, basically, just so we get our time right, that the cooking started, you estimated, about three o'clock in the afternoon that day?

**A** Yes.

**Q** That other people in the community, that they saw that y'all were cooking out, y'all were grilling out, and slowly started to come by, right?

**A** Yes.

**Q** Among those folks was Dwayne Jones, right?

**A** Yes.

**Q** Johnny Martin also came by, right?

**A** Yes.

**Q** And, eventually, you saw Montrell come by as well; is that right?

**A** Yes.

**Q** Okay. You said that -- that you saw arguing there; is that correct?

1           **A**     Yes.

2           **Q**     And that you saw -- specifically, you saw Leric  
3           arguing with Dwayne, correct?

4           **A**     No. He wasn't arguing. He was just telling  
5           him to get out the yard. I didn't see him arguing.

6           **Q**     Okay. You saw him telling him to get out of  
7           the yard, not arguing, but you saw that; is that  
8           right?

9           **A**     Yes.

10          **Q**     And, as a matter of fact, you said that you saw  
11          him telling some others to leave, including, you  
12          know, Dwayne, Johnny Martin and Montrell; is that  
13          right?

14          **A**     Yes.

15          **Q**     Okay. And at this cookout, there was eating.  
16          There was also drinking; is that right?

17          **A**     Yes.

18          **Q**     And so since there was -- by drinking, I mean  
19          drinking alcoholic beverages; is that right?

20          **A**     Yes.

21          **Q**     And because Leric is there, he's drinking  
22          alcohol that day, too; is that right?

23          **A**     Yes.

24          **Q**     And so Leric is trying to get Dwayne and the  
25          others to leave; is that right?

1           **A**     Yes.

2           **Q**     And he's upset, correct?

3           **A**     Yes.

4           **Q**     And he had a bit of a temper, didn't he?

5           **A**     No.

6           **Q**     Okay. Your testimony today is that -- that  
7           Leric did not have a bit of a temper when he felt  
8           disrespected or anything like that?

9           **A**     No.

10           **MR. CASTO:** Your Honor, we have a matter of  
11           law.

12           **THE COURT:** I'm going to have to ask you to  
13           step to the jury room. Do not discuss the case.  
14           I'll get you back out in a moment.

15                     (The jury retires to the jury room.)

16           **THE COURT:** Yes, sir.

17           **MR. CASTO:** Yes, sir, Your Honor. We had asked  
18           on cross did Leric Merriweather have a bit of a  
19           temper and the answer was no. Your Honor, we would  
20           ask that we be allowed to impeach this witness with  
21           instances where he exhibited that he did have a  
22           temper, Your Honor.

23                     Because of the witness' answer, we don't, you  
24           know, she is the mother of his children. We think  
25           it also goes to bias. Your Honor, bias is never --

1 and/or truthfulness that this witness can testify.  
2 In those issues, Your Honor, bias is never  
3 collateral. We'd ask that we be allowed to ask  
4 about that at this time.

5 **THE COURT:** Ask what you want to proffer. Let  
6 me hear what you want to ask her.

7 **MR. CASTO:** Yes, sir, I will.

8 **THE COURT:** I mean, I'm just not going to give  
9 you a blank card if that's -- I want to know what  
10 you're going to ask, proffer it.

11 **MR. CASTO:** Yes, sir.

12 IN CAMERA EXAMINATION

13 BY MR. CASTO:

14 **Q** Just to pick up where we left off, Ms. Carter  
15 you said that Leric did not have a temper, did he?

16 **A** No, sir.

17 **Q** And there was an incident that occurred back on  
18 August 8th of 2009 where you called law enforcement,  
19 correct?

20 **A** Yes, sir.

21 **Q** And you called law enforcement on Leric  
22 Merriweather?

23 **A** Yes, sir.

24 **Q** It was an incident where you called law  
25 enforcement because Leric was knocking on your door

1 and harassing you and he would not leave; is that  
2 correct?

3 **A** Yes. He just was knocking on my door and  
4 wouldn't leave.

5 **Q** And because of all of that, because of his  
6 behavior, you called law enforcement; is that  
7 correct?

8 **A** Yes, sir.

9 **Q** I want to turn your attention to an incident  
10 that occurred May 23rd of 2012 where you had called  
11 law enforcement again, correct?

12 **A** Yes, sir.

13 **Q** And, ultimately, this was in regard to Leric  
14 Merriweather again; is that right?

15 **A** Yes, sir.

16 **Q** That he had showed up and that he would not  
17 leave; is that correct?

18 **A** Yes, sir.

19 **Q** And, ultimately, you called law enforcement  
20 because he would not leave; is that right?

21 **A** Yes, sir.

22 **Q** And if I could direct your attention to May --  
23 I'm sorry -- March 19th of 2014. This is an  
24 incident where you called law enforcement again; is  
25 that correct?

1           **A**    Yes, sir.

2           **Q**    And, ultimately, you called because of Leric  
3           Merriweather's behavior; is that right?

4           **A**    No. He just wouldn't leave. He wanted to see  
5           his kids. And we just had an altercation because he  
6           was talking to other women, that's it. It wasn't  
7           nothing violent.

8           **Q**    And, ultimately, I believe in that instance,  
9           that he asked questions with regard to why you come  
10          home from work late; is that right?

11          **A**    Yes, sir.

12          **Q**    And, ultimately, accusing, you know, you of  
13          unfaithfulness, that kind of stuff; is that right?

14          **A**    Yes, sir.

15          **Q**    And there were some objects thrown that  
16          evening. That's what you told law enforcement,  
17          correct?

18          **A**    I can't remember.

19          **Q**    Okay. Do you recall if the side mirror on the  
20          vehicle of the car was damaged because something was  
21          thrown at it?

22          **A**    Yes, sir.

23          **Q**    It was?

24          **A**    Yes, sir.

25          **Q**    And it was because something was thrown at it;

1 is that right?

2 **A** Yes, sir.

3 **Q** And it was thrown by Leric Merriweather?

4 **A** Yes, sir.

5 **MR. CASTO:** Your Honor, that would be what we  
6 would intend to get into.

7 **THE COURT:** Anything from the State?

8 **MS. RADLEIN:** Your Honor, the State, of course,  
9 will object to that line of questioning. I believe  
10 -- I guess, it's twofold what the defense is  
11 attempting to do in terms of this witness'  
12 credibility for truthfulness. I believe he asked  
13 her the question does he -- it's her belief and her  
14 opinion and the answer is, no, he doesn't have a  
15 temper. I believe he is stuck with that. I don't  
16 believe there's a rule that allows him to go into  
17 extrinsic evidence with that answer.

18 In terms of the collateral issue of -- in  
19 asking her that question, wanting to go into that  
20 line of questioning, is, again, mischaracterizing or  
21 putting the victim, the deceased victim, on trial  
22 and I don't believe that it's permissible under 404  
23 or 405. It's kind of like what we discussed  
24 yesterday in the pretrial motion. The purpose of  
25 that is you can question the victim on -- I mean,

1 the witnesses on cross regarding the victim's  
2 reputation or an opinion and you're left with that,  
3 whatever the response is if there's a, yes, I'm  
4 familiar with it or no. But going into the specific  
5 instances of conduct, and I believe that's the  
6 attempt in this case, I believe it's not allowed  
7 under our rules. So I would completely object to  
8 this line of questioning.

9 **THE COURT:** All right. Anything?

10 **MR. CASTO:** Your Honor, we'd ask that we be  
11 allowed to get into this. It's part of fundamental  
12 fairness and our right to present a complete defense  
13 and it's part of due process.

14 **THE COURT:** Under what rule or case law do you  
15 think it's admissible? Do you got some case law  
16 that says it's admissible? I'm looking at State v.  
17 Douglas, 411 S.C. 307. And I'm looking at State v.  
18 McCray, 413 S.C. 76. It absolutely, I believe,  
19 prohibits you from going into that. So, at this  
20 point, I'm denying your request to go into it. I've  
21 allowed you to proffer it.

22 **MR. CASTO:** Yes, sir.

23 **THE COURT:** The record is protected for your  
24 client. If I'm wrong, I don't think I am, but if I  
25 am, you've got a protected record there if you need

1 to be.

2 **MR. CASTO:** Yes, sir, and thank you very much.  
3 The only thing I can add just to -- and just  
4 briefly, that we respectfully object, just so the  
5 record's clear, that we respectfully object under  
6 the Fifth and Sixth Amendments also respectively.  
7 That's all I'm going to add. We understand the  
8 Court's ruling. We're not quibbling with it.

9 **THE COURT:** So noted for the record.

10 All right. Since the jury's out, we're going  
11 to take a break right now.

12 Ms. Carter, you may step down, but you're not  
13 allowed to discuss your testimony at all with  
14 anyone. When I come back in here, we'll bring you  
15 back in here and you'll be seated there when the  
16 jury comes back in, so they'll -- they won't know  
17 anything had been changed. Okay? They'll think  
18 you've been sitting there the whole time. Okay?  
19 But you can step down if you need a glass of water  
20 or anything, need to go to the restroom. We'll be  
21 back in just a few minutes.

22 We'll stand down for about ten minutes.

23 (Brief Recess.)

24 **THE COURT:** All right. Ms. Carter, come back  
25 around, please.

1 Anything before I bring the jury back out?

2 **MR. DRYLIE:** I don't think so.

3 **MR. CASTO:** No, sir, Your Honor.

4 **MS. RADLEIN:** Nothing, Your Honor.

5 **THE COURT:** Bring the jury, please.

6 **MS. RADLEIN:** Our victims were not back in the  
7 courtroom before you took the bench and the deputy  
8 won't let them in.

9 **THE COURT:** Let them in the back, please.

10 (Pause.)

11 **THE COURT:** Bring the jury, please.

12 (The jury returns to the courtroom.)

13 **THE COURT:** You may continue cross-examination.

14 **MR. CASTO:** Yes, sir, Your Honor.

15 CROSS-EXAMINATION cont.

16 BY MR. CASTO:

17 **Q** Abigail, where we left off, you were telling us  
18 about the cookout, right?

19 **A** Yes.

20 **Q** And at that cookout, that you actually saw  
21 Leric put his hands on Dwayne and shove him,  
22 correct?

23 **A** Yes.

24 **Q** And, you know, Leric did this to get Dwayne to  
25 leave; is that right?

1           **A**     Yes.

2           **Q**     All right.  Ultimately, after this happens,  
3           Dwayne does leave, right?

4           **A**     Yes.

5           **Q**     Johnny Martin is there.  He leaves in a car  
6           with Rachel Carter and Frederic Turner; is that  
7           right?

8           **A**     Yes.

9           **Q**     Montrell also leaves and he's seen walking or  
10          he's seen -- I believe, he's headed back to his  
11          home; is that right?

12          **A**     Yes.

13          **Q**     Okay.  Now, earlier in the afternoon, two  
14          guests that you said were there was Carlo Harris and  
15          Keith Mathis.  Throughout the trial, he'll be called  
16          Pooh, right?

17          **A**     Yes.

18          **Q**     Okay.  You had Carlo Harris and you had Keith  
19          Mathis or Pooh, right?  They were there for a little  
20          while and they left, correct?

21          **A**     Yes.

22          **Q**     In relation -- well, those are friends of  
23          Leric; is that correct?

24          **A**     Yes.

25          **Q**     I think they're all from the same area,

1 correct?

2 A Yes.

3 Q They grew up together?

4 A Yes.

5 Q Correct? Do anything for one another, that  
6 type of thing, correct?

7 A I don't know that.

8 Q But they grew up together. They're all from  
9 the same area, right?

10 A Yes.

11 Q They live around there is my point, right?

12 A Yes.

13 Q Okay. And after this incident happens at the  
14 cookout, Leric makes a phone call to Carlo; is that  
15 right?

16 A I didn't see who -- I didn't see him call  
17 Carlo. I don't know if he called him or not. I  
18 just seen them when they came down the road. I was  
19 on the porch; they was in the yard.

20 Q Okay. So you're not sure who called who; is  
21 that right?

22 A No.

23 Q But, at some point, did you see Carlo and Keith  
24 come back over?

25 A Yes.

1           **Q**     Okay.  After this incident at the cookout,  
2           right?

3           **A**     Yes.

4           **Q**     And I think that it might have been not too  
5           much longer after that incident at the cookout  
6           happened; is that correct?

7           **A**     Sir?

8           **Q**     They came back over not that much time later  
9           after this incident at the cookout, right?

10          **A**     Yes.

11          **Q**     And then what you see, what you're there for,  
12          is that they all three get in a car together,  
13          correct?

14          **A**     Yes.

15          **Q**     And they drive off.  It's Leric, right?

16          **A**     Yes.

17          **Q**     It's Carlo, right?

18          **A**     Carlo, uh-huh.  Yes.

19          **Q**     And it is Keith, correct?

20          **A**     Yes.

21          **Q**     And then they all drive off; is that correct?

22          **A**     Yes.

23          **Q**     Okay.  And you didn't go with them, so you  
24          don't know what they were up to, right?

25          **A**     No.  They just left, said they was going to the

1 store.

2 **Q** Okay. And it's about 30 minutes to an hour,  
3 your guesstimation, that you heard some shots; is  
4 that right?

5 **A** Yes.

6 **Q** Okay. And that day you're sure that you saw  
7 Leric put his hands on Dwayne, correct?

8 **A** I just seen him pushing him out the yard, yeah,  
9 trying to get him out the yard.

10 **MR. CASTO:** Thank you.

11 Beg the Court's indulgence.

12 No further questions for this witness, Your  
13 Honor.

14 **THE COURT:** Any redirect?

15 **MS. RADLEIN:** None from the State, Your Honor.

16 **THE COURT:** Ma'am, you may step down.

17 Call your next witness.

18 **MR. EARGLE:** Thank you, Your Honor. State  
19 calls Retrell Carter Chinn.

20 RETRELL CARTER CHINN,

21 having been duly sworn, testified as follows:

22 **THE COURT:** Thank you, ma'am. Please be  
23 seated. State your full name and spell your last  
24 name for the record.

25 **THE WITNESS:** My full name is Retrell Carter

1 Chinn. My last name is C-h-i-n-n.

2 DIRECT EXAMINATION

3 BY MR. EARGLE:

4 Q Ms. Chinn, would you tell the jury where you're  
5 from?

6 A I'm from Edgefield, South Carolina.

7 Q Were you born and raised here?

8 A Born and raised.

9 Q Where did you go to school?

10 A I went to Strom Thurmond High School. I  
11 graduated from Aiken Academy. And I did college at  
12 Virginia College and also at Kenneth Shuler School  
13 of Beauty.

14 Q Let me take you back to June the 6th, 2015.  
15 What were you doing that day?

16 A I went to work at Elegance Hair Studio, which  
17 is located on Highway 25. When I got off, I stopped  
18 by my grandmother's house, which is located by Bi  
19 Rite, a grocery store up here in Edgefield. And she  
20 told me that they was doing something over at my  
21 sister, Abigail, house. So I proceeded over there,  
22 which was located on Rosa Hill Street.

23 Q Okay. You said your sister, Abigail. Is that  
24 Abigail Carter?

25 A Yes, sir.

1 Q And when you received that information, I  
2 believe you said it was from your grandmother?

3 A Yes, sir.

4 Q Did -- what did you do?

5 A She told me they was cooking out, so I went  
6 over Abigail Carter's house.

7 Q Okay. And once you got to Abigail Carter's  
8 house, can you tell the jury who was there?

9 A Abigail Carter; her two kids, L.M. and  
10 O.M. ; Leric Merriweather was there; my mother,  
11 Rachel Carter; Johnny Martin; Carlo Harris; and  
12 Pooh, I don't know his real name; Dwayne Jones;  
13 Frederic Turner; Nikki Gordon; and myself.

14 Q And who is Johnny Martin to you?

15 A Actually, he's nothing to me. He's -- he was a  
16 friend of Rachel Carter's.

17 Q He was a friend of Rachel Carter and Rachel  
18 Carter is related to you how?

19 A That's my mother.

20 Q What was the atmosphere like at this cookout?

21 A Excuse me?

22 Q The atmosphere, what was it like? How would  
23 you describe it, the individuals there?

24 A Well, as I proceeded to get out the car, I  
25 heard a lot of commotion going on. I stopped for a

1 minute and decided whether I wanted to get out or  
2 stay in the car, but I proceeded along to get out  
3 the car, and -- it was just a lot of commotion going  
4 on.

5 **Q** Now, where was this commotion occurring?

6 **A** Right here at, I don't know the address, but  
7 Abigail Carter's house on Rosa Hill Street.

8 **MR. EARGLE:** If I may, Your Honor.

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

10 **MR. EARGLE:** Your Honor, if I may have the  
11 witness step down?

12 **THE COURT:** Ma'am, you may step down.

13 (Witness leaves the witness stand.)

14 BY MR. EARGLE:

15 **Q** Ms. Chinn, I'm going to show you what's been  
16 marked as State's 24. When you say there was a lot  
17 of commotion -- first, do you recognize this house?

18 **A** Yes, sir, I do.

19 **Q** What house is that?

20 **A** It's Abigail Carter's house.

21 **Q** Okay. And is this the location of the cookout?

22 **A** Yes, sir.

23 **Q** Okay. When you said, There was a lot of  
24 commotion going on, could you take this pointer and  
25 on Exhibit 24 here, can you show the jury where the

1 commotion was going on?

2 **A** Actually, I can't because it was behind the  
3 tree.

4 **Q** It was behind which tree?

5 **A** This tree right here {indicating}. It was on  
6 the other side.

7 **Q** It was on the other side of that tree?

8 **A** Yes, sir.

9 **Q** So it was in the yard?

10 **A** Yes, sir.

11 **Q** Okay. You can have a seat. Thank you.

12 **A** (Witness resumes the witness stand.)

13 **THE COURT:** Mr. Drylie, if y'all need to get up  
14 and see when things are -- if you can't see from  
15 there, you're free to get up and move around so you  
16 can see.

17 **MR. DRYLIE:** Thank you, Judge. I can see  
18 pretty good from right here.

19 **BY MR. EARGLE:**

20 **Q** When you say there was commotion, Ms. Chinn,  
21 what do you mean by that?

22 **A** It was a lot of arguing going back and forth.

23 **Q** Who was doing the arguing?

24 **A** Leric Merriweather and, I don't know his name,  
25 Troutman. Miami is what they call him.

1 Q So Leric was arguing with the person you knew  
2 as Troutman or Miami?

3 A Yes, sir.

4 Q Where were they arguing?

5 A Leric was in the yard behind the tree and  
6 Troutman, he was walking towards -- to the little  
7 flats coming from Abigail house going up into New  
8 Buncombe.

9 Q Okay. When you say flat, what are you  
10 referring to?

11 A It's like a little slightly hill you're going  
12 down to get into New Buncombe.

13 Q Is that part of Rosa Hill Road?

14 A Yes, sir, it is.

15 Q Okay. In relation to the house, if I'm  
16 understanding you correctly, the road dips down and  
17 then kind of flattens out?

18 A Yes, sir.

19 Q Is that what you're referring to as the flat?

20 A Yes, sir.

21 Q And so the person you knew and saw was Troutman  
22 or Miami?

23 A Yes, sir.

24 Q Leric is in his yard?

25 A Yes, sir.

1 Q Miami is in the flat?

2 A Yes, sir.

3 Q Am I tracking you correctly?

4 A Yes, sir.

5 Q Okay. And they're arguing?

6 A Yes, sir.

7 Q Is there anything else you remember about the  
8 location at Leric's home there on Rosa Hill?

9 A As I proceeded to get out the car?

10 Q Yes, ma'am.

11 A I proceeded to get out. And I seen Dwayne  
12 Jones standing up beside the car and he was getting  
13 money out of the car putting it in his pocket,  
14 saying that Johnny had -- Johnny Martin had --

15 MR. DRYLIE: Objection; hearsay.

16 THE COURT: Sustained.

17 BY MR. EARGLE:

18 Q Just say what you saw.

19 A Okay. I seen Dwayne Jones putting money in his  
20 pocket.

21 Q Okay. How long did you stay at Leric's home?

22 A Until we got a call that said Leric  
23 Merriweather had been shot.

24 Q Until Leric Merriweather had been shot?

25 A Yes, sir.

1           **Q**     Can you give me your best estimate of how much  
2           time had elapsed from when you were at Leric's home  
3           to when you received that phone call?

4           **A**     I can't really -- probably estimate 20 minutes.

5           **Q**     Okay.

6                   **MR. EARGLE:** Your Honor, if I may have the  
7           witness step down.

8                   **THE COURT:** All right.

9                           (Witness leaves the witness stand.)

10           BY MR. EARGLE:

11           **Q**     Ms. Chinn, once you received that phone call,  
12           what did you do?

13           **A**     I told Abigail to let's go. Abigail Carter to  
14           let's go. And me, her and Nikki Gordon, we got in  
15           my vehicle and I rode over to New Buncombe.

16           **Q**     Okay. So where were you when you received the  
17           call?

18           **A**     I was at Abigail Carter's house.

19           **Q**     You were still at the house?

20           **A**     Yes.

21           **Q**     Okay. And it was you, Abigail and who else did  
22           you say?

23           **A**     Nikki Gordon.

24           **Q**     Nikki Gordon. Who is Nikki Gordon?

25           **A**     She's a friend of Abigail's.

- 1 Q Okay. And y'all rode to where?
- 2 A To New Buncombe.
- 3 Q To New Buncombe?
- 4 A At Santonio Ryans' house.
- 5 Q Santonio Ryans' house.
- 6 State's Exhibit 21, do you recognize that home?
- 7 A Yes, I do.
- 8 Q And whose home do you know that to be?
- 9 A Santonio Ryans'.
- 10 Q And what did you do when you got there?
- 11 A I parked my vehicle in front of Abigail
- 12 Carter's car. And we got out and went -- it was up
- 13 on a sidewalk where a gentleman was holding him in
- 14 his arms.
- 15 Q You can point where you're referring to the
- 16 sidewalk.
- 17 A It was right here {indicating}.
- 18 Q Right up there?
- 19 A Yes, sir.
- 20 Q Okay. And I believe you just mentioned Abigail
- 21 Carter's car. Do you remember what type of car that
- 22 was?
- 23 A It was the gray Charger.
- 24 Q Gray Charger.
- 25 And do you remember or recall where it was

1 parked?

2 **A** Yes, sir.

3 **MR. EARGLE:** Your Honor, I believe this is  
4 State's Exhibit 22.

5 **THE COURT:** I think so.

6 BY MR. EARGLE:

7 **Q** If you would take this cutout of the Dodge  
8 Charger and place it on this photograph of where you  
9 remember it being parked.

10 **A** (Witness complies.)

11 **Q** So it was to the right of the driveway going up  
12 into the -- or towards the home of Santonio Ryans'?

13 **A** Yes.

14 **Q** Is that correct?

15 **A** Yes, sir.

16 **Q** Okay. You can have a seat. Thank you very  
17 much.

18 **A** (Witness resumes the witness stand.)

19 **Q** And, Ms. Chinn, will you tell the jury once you  
20 arrived there at Mr. Ryans' home and you -- I --  
21 believe you testified, and correct me if I'm wrong,  
22 that you walked up the driveway towards -- there's a  
23 sidewalk?

24 **A** Yes, it's a --

25 **Q** Towards the front of the home?

1           **A**     Yes.

2           **Q**     And what did you observe there?

3           **A**     I observed a young man holding Leric in his

4           arms.

5           **Q**     I apologize. I didn't hear you.

6           **A**     I witnessed a young man holding Leric

7           Merriweather in his arms.

8           **Q**     All right. Thank you.

9           How long did you stay there on the scene?

10          **A**     Probably about 15 minutes.

11          **Q**     Were you there when the ambulance arrived?

12          **A**     Yes, I was.

13          **Q**     Do you recall seeing Mr. Merriweather being

14          attended by the EMS personnel?

15          **A**     What you mean -- you say attended?

16          **Q**     Yes, ma'am. Cared for?

17          **A**     Yes.

18          **Q**     Was Mr. Merriweather taken away from the scene?

19          **A**     Yes, he was.

20          **Q**     And by what means?

21          **A**     I mean, we left in an ambulance.

22          **Q**     So you -- you left in the ambulance?

23          **A**     Yes, sir.

24          **Q**     With Leric Merriweather?

25          **A**     Yes, sir.

1 Q And where was he taken?

2 A He was taken to Edgefield County Hospital, but,  
3 at first, they didn't know what they wanted to do.  
4 They was prolonging saying that they was going to  
5 take him to the open field in Edgefield Hospital and  
6 then they said they was going to take him to Billy's  
7 Super Store for the helicopter.

8 Q Where eventually was he taken?

9 A Edgefield Hospital.

10 Q And do you recall or do you know what happened  
11 with the Dodge Charger that was parked there?

12 A I don't because I left in the ambulance.

13 Q All right.

14 MR. EARGLE: Beg the Court's indulgence.

15 THE COURT: Yes, sir.

16 (Pause.)

17 BY MR. EARGLE:

18 Q Ms. Chinn, if I can backtrack with you for just  
19 a minute.

20 A Yes, sir.

21 Q While you were at the cookout over on Rosa  
22 Hill --

23 A Yes, sir.

24 Q Can you describe the conversation between Leric  
25 and Troutman, or the person you know as Miami?

1           **MR. DRYLIE:** I'd object to hearsay if she's  
2 going into anything that was said.

3           **THE COURT:** That's not what he asked.  
4 Overruled at this point.

5           Restate your question.

6 BY MR. EARGLE:

7           **Q**     While you were at Leric's home, I believe your  
8 previous testimony was that Leric was in the yard,  
9 Troutman was down in what is the flat area?

10          **A**     Yes, sir.

11          **Q**     And there was communication going on between  
12 the two?

13          **A**     Yes, sir.

14          **Q**     Can you describe, without going into what was  
15 said, the tenure of that conversation?

16          **A**     Leric was -- kept pointing his hand, telling  
17 Troutman to go ahead.

18          **Q**     Go ahead meaning to you...

19          **A**     As leave the house, go on wherever he was  
20 going.

21          **Q**     And without going into what was said, was  
22 there, if there was, any response from Troutman?

23          **A**     Yes. He was talking back and forth.

24          **Q**     Back and forth. Was it low conversation?

25          **A**     I can't really say if it was low conversation

1 because I wasn't really focusing on really what was  
2 being said when they was going back and forth.

3 Q But you could hear them?

4 A Yes.

5 Q And it was going back and forth between the  
6 two?

7 A Yes, sir.

8 Q All right.

9 MR. EARGLE: Thank you. Answer any questions  
10 the defense attorney may have.

11 CROSS-EXAMINATION

12 BY MR. DRYLIE:

13 Q Good morning.

14 A Good morning.

15 Q You stated when you pulled up to Abigail's  
16 house, you heard a commotion, correct?

17 A Yes, sir.

18 Q Okay. But you didn't see what started the  
19 commotion?

20 A I didn't.

21 Q Okay. Now, you stated you were there for about  
22 20 minutes before you heard gunshots?

23 A Yes.

24 MR. DRYLIE: No further questions.

25 THE COURT: Any redirect?

1           **MR. EARGLE:** None, Your Honor. Thank you.

2           **THE COURT:** Ma'am, you may step down. Thank  
3 you.

4           Call your next witness.

5           **MS. RADLEIN:** Thank you, Your Honor. The State  
6 calls Darius Ross.

7                               DARIUS ROSS,  
8           having been duly sworn, testified as follows:

9           **THE CLERK:** State your full name, spell your  
10 last name for the record. Make sure you speak up.

11           **THE WITNESS:** Darius Ross, R-o-s-s.

12                               DIRECT EXAMINATION

13           BY MS. RADLEIN:

14           **Q**     Good morning, Darius. How's it going?

15           **A**     Good.

16           **Q**     How are you doing this morning?

17           **A**     I'm all right.

18           **Q**     Darius, how old are you?

19           **A**     Eighteen.

20           **Q**     And where do you live?

21           **A**     Edgefield.

22           **Q**     I'm going to ask you to speak up so everyone in  
23 the jury can hear you.

24           **A**     Edgefield.

25           **Q**     And what's your address?

1           **A**     █ Rosa Hill Street.

2           **Q**     And is that in Edgefield County?

3           **A**     Yes, ma'am.

4           **Q**     I want to speak to you about June 6th of 2015.  
5           Do you recall that day?

6           **A**     Yes, ma'am.

7           **Q**     Can you tell the jury as it relates to this  
8           case -- well, let me ask you this: Do you know the  
9           defendant in this case?

10          **A**     Yes.

11          **Q**     And how do you know him?

12          **A**     He was my neighbor.

13          **Q**     And when you say neighbor, was he just a --  
14          like, in the neighborhood or did he live close to  
15          you?

16          **A**     He lived right next to me.

17                   **MS. RADLEIN:** Permission to approach this  
18          witness.

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

20                           (State's Exhibit Number 28, photograph,  
21          marked for identification.)

22          BY MS. RADLEIN:

23          **Q**     I'm going to ask you if you recognize this  
24          photograph?

25          **A**     Yes.

1 Q Go ahead and speak up. Okay?

2 A Yes.

3 Q And how do you recognize it?

4 A That's my house and that's where he live.

5 Q And keep your voice up. Okay?

6 And you said he. Who are you referring to as  
7 he?

8 A Miami. I don't know his real name.

9 Q Okay. Is that the defendant?

10 A Yes.

11 Q Okay.

12 MS. RADLEIN: Permission to publish, Your  
13 Honor.

14 THE COURT: What exhibit number is it?

15 MS. RADLEIN: I apologize, Your Honor.

16 BY MS. RADLEIN:

17 Q Does this fairly and accurately represent your  
18 house and the defendant's house in this case?

19 A Yes, ma'am.

20 MS. RADLEIN: Your Honor, at this time, the  
21 State seeks to move State's Exhibit 28 into  
22 evidence.

23 MR. DRYLIE: Without objection.

24 THE COURT: Without objection, State's Exhibit  
25 28 admitted.

1 (State's Exhibit Number 28, photograph,  
2 admitted into evidence.)

3 **MS. RADLEIN:** Your Honor, the State requests  
4 permission for the witness to step down.

5 **THE COURT:** Yes.

6 Sir, you may step down.

7 (Witness leaves the witness stand.)

8 BY MS. RADLEIN:

9 **Q** I'm going to hand this to you and can you point  
10 on here and show the jury where you live?

11 **A** (Witness complies.)

12 **Q** Go ahead and keep your voice up for the court  
13 reporter and the jury. Okay?

14 **MS. RADLEIN:** Let the record reflect he's  
15 pointing on State's Exhibit 28 to the house on the  
16 right:

17 **Q** And go ahead and show the jury where the  
18 defendant lived.

19 **A** Right there {indicating}.

20 **Q** Go ahead and keep your voice up.

21 **A** Right there.

22 **MS. RADLEIN:** Let the record reflect he's  
23 pointing on State's Exhibit 28 to the house on the  
24 left.

25 **Q** Go ahead and take your seat.

1           **A**       (Witness resumes the witness stand.)

2           **Q**       So back on June 6th, 2015, what, if anything,  
3 do you recall about the defendant on that day?

4           **A**       I went to -- I was walking my dogs with my  
5 friends and we had stopped by Leric's house because  
6 he wanted me to look at some puppies.

7           **Q**       I'm going to ask you to keep your voice up.  
8 Okay?

9           **A**       And he wanted us to look at some puppies, so I  
10 stopped and I looked at the dogs. And he wanted to  
11 look at my dogs. And then they started arguing in  
12 the yard, so I went home.

13          **Q**       Okay. And when you say Leric's house, I'm  
14 going to show you what's been previously admitted  
15 into evidence as State's Exhibit 24. Do you  
16 recognize it?

17          **A**       Yes, ma'am.

18          **Q**       Go ahead and speak up.

19          **A**       Yes, ma'am.

20          **Q**       Are you a little nervous here this morning?

21          **A**       Uh-huh.

22          **Q**       You don't really want to be here?

23          **A**       No.

24          **Q**       Okay. I won't keep you much longer.

25                   And you recognize State's Exhibit 24 as Leric

1 Merriweather's home?

2 **A** Yes, ma'am.

3 **Q** And you mentioned you had dogs?

4 **A** Yes, ma'am.

5 **Q** How many dogs did you have back in 2015?

6 **A** Eight.

7 **Q** What kind of dogs?

8 **A** American Bullies.

9 **Q** Okay. Do you just love dogs?

10 **A** Uh-huh.

11 **Q** Okay.

12 **THE COURT:** I need a yes or no.

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

14 BY MS. RADLEIN:

15 **Q** Just a little less nervous, right?

16 **A** Uh-huh.

17 **Q** So when you -- you mentioned that you went to

18 Leric's house to look at his dogs?

19 **A** Yes, ma'am.

20 **Q** And what kind of dogs did he have?

21 **A** Pit Bulls.

22 **Q** Okay. And so after you -- you mentioned when

23 you got there, there was a -- you said it was

24 arguing?

25 **A** Yes, ma'am.

1 Q What type of arguing?

2 A Just going back and forth, cussing.

3 Q Sorry?

4 A Just cussing.

5 Q Okay. Did you see who was arguing?

6 A Leric and Miami, they were arguing. I don't  
7 know what about. I just know they were arguing.

8 Q And you indicated Miami. Are you referring to  
9 the defendant in this case, Montrell Troutman?

10 A Yes, ma'am.

11 Q Okay. What, if anything, did you do next?

12 A I left and went home.

13 Q Okay. And when you say home, how did you get  
14 back home?

15 A I walked.

16 Q I'm going to ask you if you recognize State's  
17 Exhibit 25?

18 A Yes, ma'am. I'm trying to find my house.

19 Q Okay. What intersection do you live on?

20 A Looks like this {indicating}, the biggest one.

21 Q Okay. Go ahead. What streets?

22 A I stay on Rosa Hill Street.

23 Q Go ahead and keep your voice up. The jury --

24 A I live on Rosa Hill Street.

25 Q Okay. And what's the other street you live off

1 of?

2 **A** It connects to Morange Street.

3 **Q** Okay. And then you said you went to Leric's  
4 house. Where is Leric's house?

5 **A** Going towards Old Buncombe.

6 **Q** Okay. And off of what street would that be?

7 **A** That's connected to Rosa Hill Street.

8 **Q** Okay. And do you see the direction you would  
9 have -- what direction would you have walked leaving  
10 your house going to Leric's house?

11 **A** Going to my house? I would go left around the  
12 curve, back up the hill and my house is right on the  
13 right.

14 **Q** Okay. Keep your voice up. Maybe if I move  
15 further away.

16 Okay. So you said you would leave your house  
17 and you would leave out of your house and go left?

18 **A** Uh-huh. To get to Leric's house, I go left.

19 **Q** All right. And how long does it take you to  
20 get to Leric's house?

21 **A** Two minutes. His house not far.

22 **Q** Okay. And you said the defendant's house was  
23 right next door to yours?

24 **A** Yes, ma'am.

25 **Q** Okay. Is there anything else on the property

1 with your house -- with your house and the  
2 defendant's house? Is there other houses?

3 **A** Oh, that was around?

4 **Q** Yes.

5 **A** Yes, ma'am.

6 **Q** Okay. Where do you keep your dogs?

7 **A** In a fenced-in area. It used to be a cow  
8 pasture. Like, it's on the other side of his house.

9 **Q** Okay. So on the photograph of your house and  
10 the defendant's house, where would your dogs be?

11 **A** The left.

12 **MS. RADLEIN:** Permission for him to step down,  
13 Your Honor.

14 (Witness leaves the witness stand.)

15 **Q** Go ahead on this map and show the jury where  
16 would the dogs be.

17 **A** There's a --

18 **COURT REPORTER:** I can't hear --

19 **BY MS. RADLEIN:**

20 **Q** You have to keep your voice up, okay, because  
21 she has to hear you as well.

22 **A** There's a whole pasture on this side of the  
23 house {indicating}.

24 **MS. RADLEIN:** Let the record reflect he's  
25 pointing on State's Exhibit 28 to the -- looking at

1 the photograph, to the left of the house.

2 **THE COURT:** All right. So noted.

3 BY MS. RADLEIN:

4 **Q** So you stated that there was an argument and  
5 you left and went back home.

6 **A** (Witness resumes the witness stand.)

7 **Q** What did you do when you got home?

8 **A** I was cleaning my dog kennels and feeding my  
9 dogs.

10 **Q** Okay. And where would you be cleaning them?

11 **A** (No response.)

12 **Q** Where at your house?

13 **A** Oh, in the pasture where I keep my dogs at.

14 **Q** Okay. Did you see the defendant again after  
15 you left Leric's house?

16 **A** Yes, when he was walking home, he came back  
17 home.

18 **Q** Okay. And what, if anything, did you say to  
19 the defendant when he got back home?

20 **A** Nothing.

21 **Q** Okay. What, if anything, did you hear him say  
22 when you got back home?

23 **A** He was cursing. He was mad, to be honest.

24 **Q** Okay. Would you describe him as upset or calm?

25 **A** Upset.

1           **Q**     Okay.  Is there anything else about his  
2           demeanor or his -- how he was acting that you can  
3           describe for the jury?

4           **A**     He was just walking around the yard angry until  
5           his girlfriend came outside.

6           **Q**     Okay.  Go ahead and tell me about that.  What  
7           happened next?

8           **A**     Then she was -- I can't cuss.  I can't say what  
9           she said.

10           **MR. DRYLIE:**  I'd object to the hearsay if he's  
11           going into anything she said.

12           **THE COURT:**  Objection's -- he's not going into  
13           that.

14           Go ahead.

15           **THE WITNESS:**  All right.  Well, she was cursing  
16           and then some words were said and then he had called  
17           someone.

18           BY MS. RADLEIN:

19           **Q**     Okay.  And then what happened next?

20           **A**     The guy named Johnny had drove by and took a  
21           right at the stop sign on Morange Street and left,  
22           and then he had went into the house.  And then when  
23           I got about on my third kennel cleaning with my  
24           third dog, Johnny had rode back through and went  
25           down back towards Leric's house.  And then he left

1 the yard going back towards Leric house. And then I  
2 heard more arguing, because you can hear what's  
3 going on, you hear more arguing. And then when he  
4 came back, he just went in the house and then I went  
5 in the house.

6 Q Okay. And then just to be clear, you mentioned  
7 Johnny's name and you mentioned he. When you were  
8 speaking about he, are you talking about the  
9 defendant, Montrell Troutman?

10 A Yes, ma'am.

11 Q Okay. And you said Johnny. Do you know who  
12 Johnny is?

13 A I know of him.

14 Q Okay. Do you know of his relationship with the  
15 defendant?

16 A They were friends.

17 Q Okay. And you said you saw the defendant come  
18 back to the house?

19 A Yes, ma'am.

20 Q All right. Do you know if it was daylight or  
21 nighttime at this time?

22 A It was daylight.

23 Q Okay. Was it late in the evening or early in  
24 the afternoon?

25 A Like, late in the evening.

1 Q Okay. And did you get to see the defendant  
2 again that night?

3 A No. When I went in the house, I didn't come  
4 out until I heard gunshots.

5 Q Okay. Now, you mentioned you heard gunshots.  
6 Where did you hear gunshots?

7 A Me and my friend, Zack, was in the living room  
8 watching TV.

9 Q Okay. And did you know where the gunshots were  
10 coming from?

11 A Uh-huh. I could tell.

12 Q Okay. You went uh-huh. You have to --

13 A Yes, ma'am.

14 Q How old were you back then in 2015?

15 A Sixteen.

16 Q Okay. And so you're in the house with your  
17 friend, Zack, and you hear gunshots and you said you  
18 can tell where they're coming from. Okay. Did you  
19 determine where they actually came from?

20 A (No response.)

21 Q Did you figure out where it was coming from?

22 A Yes, ma'am. We ran up there.

23 Q Where was it coming from?

24 A My friend, LJ, house.

25 Q Okay. And LJ's house, who else lives at LJ's

1 house?

2 **A** His brother, Tony Ryans, and his sister and  
3 mom.

4 **Q** Okay. We're going to keep our voices up so  
5 everyone can hear you clearly. Okay?

6 Do you know what LJ, your friend, LJ's house  
7 looks like?

8 **A** Yes, ma'am.

9 **Q** Okay. I'm going to show you State's Exhibit  
10 21. Do you recognize it?

11 **A** Yes, ma'am.

12 **Q** And what do you recognize this to be?

13 **A** The crime scene. That's where Leric got shot  
14 at.

15 **Q** Okay. And when you went up there, you said --  
16 the last time you saw the defendant was in the house  
17 and then you went in the house. So you don't know  
18 anything after that, correct?

19 **A** No, ma'am.

20 **Q** And did you have an opportunity to see the  
21 defendant again?

22 **A** We ran past him, but we didn't say anything.  
23 Like, we didn't know what was going on. And then  
24 when we made it to the yard, we just seen LJ holding  
25 Leric. He was just bleeding on the sidewalk.

- 1 Q Okay.
- 2 A Coughing up blood. That was it.
- 3 Q Okay. I'm going to clarify some of that. You  
4 said when you were going towards LJ's house, you saw  
5 the defendant. Where did you see him?
- 6 A Beside LJ's house in Mr. Martin's yard.
- 7 Q Okay. Would that be the house right next door?
- 8 A Yes, ma'am.
- 9 Q Okay. And what, if anything, was he doing?
- 10 A Walking off.
- 11 Q Okay. Where did he go?
- 12 A I don't know.
- 13 Q So the last time you saw him, what direction  
14 was he walking in?
- 15 A Away from the house, like, going past my  
16 granddaddy's house, cutting through the yard.
- 17 Q Okay. And when you say your granddaddy's  
18 house, where is your granddaddy's house in relation  
19 to your house?
- 20 A Right across the street.
- 21 Q Okay. So on the left side of the street?
- 22 A Yes, ma'am.
- 23 Q Okay. At any point, did you see the defendant  
24 go home where you guys live?
- 25 A No, ma'am.

1           **Q**     Okay.

2           **MS. RADLEIN:** Beg the Court's indulgence.

3           **THE COURT:** Yes, ma'am.

4                     (Pause.)

5           **MS. RADLEIN:** No further questions at this  
6     time.

7                     Go ahead and answer any questions the defense  
8     might have for you.

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

10          **MR. DRYLIE:** No questions, Judge.

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

12          **MS. RADLEIN:** Request that this witness be  
13     excused, Your Honor.

14          **THE COURT:** Any objection?

15          **MR. DRYLIE:** Without objection.

16          **THE COURT:** Sir, you may step down. You're  
17     free to go. You have no further responsibility.  
18     Have a nice day.

19                     Call your next witness, please.

20          **MS. RADLEIN:** Thank you, Your Honor. The State  
21     calls Santonio Ryans.

22                                     SANTONIO RYANS,

23                     having been duly sworn, testified as follows:

24          **THE CLERK:** Please be seated. State your full  
25     name, spell your last name for the record and pull

1 up to the mic.

2 **THE WITNESS:** Santonio Ryans, R-y-a-n-s.

3 DIRECT EXAMINATION

4 BY MS. RADLEIN:

5 **Q** Good morning, Mr. Ryans.

6 **A** Good morning.

7 **Q** How are you doing this morning?

8 **A** I'm all right.

9 **Q** Okay. I'm going to go ahead --

10 **MS. RADLEIN:** Permission to approach this  
11 witness, Your Honor.

12 **THE COURT:** Yes.

13 BY MS. RADLEIN:

14 **Q** Go ahead and put this microphone -- I need you  
15 to speak clearly so everyone on the jury can hear  
16 you. Okay?

17 **A** Yes, ma'am.

18 **Q** Is it all right if I call you Antonio?

19 **A** Yes.

20 **Q** Antonio, where do you live?

21 **A** [REDACTED] Morange Street.

22 **Q** Is that in Edgefield?

23 **A** Yes, ma'am.

24 **Q** And here in Edgefield County as well?

25 **A** Yes, ma'am.

- 1 Q Okay. And how long have you lived there?
- 2 A All my life.
- 3 Q All your life at [REDACTED] Morange Street?
- 4 A (Witness nodded head.)
- 5 Q All right. And are you currently employed?
- 6 A Yes, ma'am.
- 7 Q And where do you work?
- 8 A Satterfield.
- 9 Q And how often do you work?
- 10 A Seven days a week.
- 11 Q And what hours do you work?
- 12 A 10:00 to 6:00.
- 13 Q At [REDACTED] Morange Street, who else do you live
- 14 there with?
- 15 A My brother, Ryan Williams; Ashley, my sister;
- 16 and my mother.
- 17 Q I want to speak to you about June 6th of 2015.
- 18 Do you recall that day?
- 19 A Yes, ma'am.
- 20 Q Do you recall what you were doing on that day?
- 21 A Just at home chilling, watching TV.
- 22 Q Go ahead and speak up for me. And what, if
- 23 anything, happened later on that day? What else
- 24 were you doing?
- 25 A Sitting outside talking to my homeboy, Ken,

1 when he came by the house.

2 Q And you mentioned your friend, Ken. What's  
3 Ken's full name?

4 A Kendrick Nicholson.

5 Q Do you remember what time of day this was when  
6 he came by?

7 A I can't remember the exact time.

8 Q Was it daylight or nighttime?

9 A It was still daylight a little bit.

10 Q Was it late in the evening or early in the  
11 afternoon?

12 A It was a little late in the evening.

13 Q Did you have an opportunity to see Leric  
14 Merriweather on that day?

15 A Yes, I did.

16 Q Go ahead and tell the jury where you saw him.

17 A He rode past my house when me and Ken was out  
18 talking close to my backyard, and he rode by, threw  
19 his hand up and said he'll be right back. And he  
20 went up the road for probably about three to five  
21 minutes, came back. He pulled right in front of my  
22 yard in front of the tree and he was talking to us,  
23 telling us what went on at his house.

24 Q All righty. I'm going to clear up some things.

25 MS. RADLEIN: Permission to move about the

1 courtroom, Your Honor.

2 **THE COURT:** Yes.

3 BY MS. RADLEIN:

4 **Q** I'm going to show you what's been, I believe,  
5 admitted into evidence as State's Exhibit 21. Do  
6 you recognize this photograph?

7 **A** Yes, ma'am.

8 **Q** And what do you recognize it to be?

9 **A** My house..

10 **MS. RADLEIN:** Request permission for the  
11 witness to step down, Your Honor.

12 **THE COURT:** Yes.

13 Sir, you may step down.

14 (Witness leaves the witness stand.)

15 BY MS. RADLEIN:

16 **Q** I'll ask that you keep your voice up for the  
17 court reporter and all of the members of the jury.

18 **A** All right.

19 **Q** Looking at this photograph, you said you were  
20 kind of in the backyard, the side of the house. Can  
21 you point on there where you were when you first saw  
22 Leric?

23 **A** Right here in this area. Right in this area  
24 right here {indicating}.

25 **MS. RADLEIN:** Let the record reflect he's

1 pointing on State's Exhibit 21 to the left of the  
2 house if you're looking at the photograph.

3 Q And on that picture, do you see the driveway?

4 A Yes, ma'am.

5 Q Would that area you're pointing at be beyond  
6 that driveway?

7 A Yes, ma'am.

8 Q So you mentioned that Leric turned around and  
9 came back, correct?

10 A Yes, ma'am.

11 Q Do you recall what kind of car he was driving  
12 that day?

13 A A dark blue Dodge Charger.

14 Q All righty. I'm going to show you what's been  
15 entered into evidence as State's Exhibit 22. You  
16 mentioned that he pulled in front of your house.  
17 Can you place this Dodge Charger where you recall  
18 Leric pulling that vehicle?

19 A (Witness complies.)

20 MS. RADLEIN: Let the record reflect he's  
21 placing State's Exhibit 22 on top of State's Exhibit  
22 21 just in front of the tree on the photograph.

23 THE COURT: So noted.

24 BY MS. RADLEIN:

25 Q Where were you standing when he pulled into --

1 into your yard?

2 **A** Well, we walked to the driver's side of his  
3 window.

4 **Q** And as you were walking, did he come out the  
5 car?

6 **A** No, ma'am. He was sitting in the car with all  
7 three of them.

8 **Q** And you mentioned all three of them. Who else  
9 was in the vehicle?

10 **A** Keith and Carlo.

11 **Q** And do you recall where they were sitting in  
12 the vehicle?

13 **A** Carlo was on the passenger side and Keith was  
14 in the back on the passenger side.

15 **Q** And you mentioned that you were there with Ken.  
16 Did Ken walk up there with you?

17 **A** Yes, ma'am.

18 **Q** And when you walked up to the vehicle, do you  
19 recall how close you were standing to the vehicle?

20 **A** Maybe two feet away from the driver window.

21 **Q** Were any of them outside of the car when you  
22 walked up to --

23 **A** No, ma'am.

24 **Q** Approximately how long would you say you were  
25 out there speaking to them?

1           **A**     Maybe 10 minutes, 10 to 15 minutes.

2           **Q**     And can you tell the jury what do you recall  
3           happening next?

4           **A**     Well, we was talking about what went on at his  
5           house. And while he was talking, I look up and I  
6           seen the guy, Miami, walking down the road.

7           **Q**     And when you say the guy, Miami, are you  
8           referring to the defendant in this case, Montrell  
9           Troutman?

10          **A**     Yes, ma'am.

11          **Q**     And when you say walking down the road, what  
12          direction was he walking in?

13          **A**     Coming from the bypass going, like, walking  
14          towards Rosa Hill way, Rosa Hill Street.

15          **Q**     I'm not sure if everyone is familiar with the  
16          bypass and Rosa Hill, so I'm going to go ahead and  
17          show you what's marked as State's Exhibit 1 for ID.  
18          Do you recognize this?

19          **A**     Yes, ma'am.

20          **Q**     And how do you recognize it?

21          **A**     The bypass and Rosa Hill Street and my house.

22          **Q**     And is this a fair and accurate representation  
23          of the area?

24          **A**     Yes, ma'am.

25                **MS. RADLEIN:** Your Honor, at this time, the

1 State requests to move into evidence and publish  
2 State's Exhibit 1.

3 **THE COURT:** Any objection?

4 **MR. DRYLIE:** No objection.

5 **THE COURT:** Without objection, State's Exhibit  
6 1 admitted.

7 (State's Exhibit Number 1, map, admitted  
8 into evidence.)

9 BY MS. RADLEIN:

10 **Q** Looking at State's Exhibit 1, can you show the  
11 jury where your house is on there?

12 **A** Right here {indicating}.

13 **Q** And you mentioned the bypass to them. Where is  
14 the bypass?

15 **A** Right here {indicating}.

16 **Q** And then you mentioned Rosa Hill. Where is  
17 Rosa Hill?

18 **A** (Witness indicating.)

19 **Q** And, again, using that map, what direction did  
20 you see the defendant in this case walking?

21 **A** He was in this area coming towards my house  
22 area.

23 **Q** And when you saw him, did you see where he was  
24 coming from before that?

25 **A** No, ma'am.

1           **Q**     And is that because you were speaking to people  
2           in the car?

3           **A**     I was talking to Leric.

4           **Q**     Go ahead and tell the jury what happened next.

5           **A**     When I seen him, I told Leric to calm down so  
6           maybe he'll just walk past the house.  And --

7           **Q**     Let me stop you for one second.  You told him  
8           to calm down.  Is -- you mentioned that you guys  
9           were talking about what happened earlier.  Without  
10          saying exactly what was said, did you come to know  
11          that the individual walking down the road is the  
12          situation that was being discussed?

13          **A**     Yes, ma'am.

14          **Q**     Okay.  So go ahead.  So after you mentioned it  
15          to Leric, what happened next?

16          **A**     After I mentioned it to Leric, Leric calmed  
17          down, he didn't talk as loud.  And the guy,  
18          Montrell, he was walking past -- well, getting ready  
19          to walk past my house, but he cut behind Leric car,  
20          the trunk of the car, came towards the driver's side  
21          of the car in the grass and walked all the way in  
22          front of the car to the tree in my yard and turned  
23          back around and walked the same path that he walked  
24          in my yard to the tree.  He walked the same path  
25          right back to the road behind the car again.

1           **Q**     I'm going to clarify that, but I want to back  
2           up and make sure it's clear initially as well.  When  
3           you first saw him walking down the road, can you  
4           tell the jury if he was on the left side of the  
5           road, the center of the road or on the right side of  
6           the road?

7           **A**     The right side of the road.

8           **Q**     And the right side of the road would be on the  
9           opposite side of the street of your house?

10          **A**     Yes, ma'am.

11          **Q**     Let's go back to State's Exhibit 21 and 22.  
12          You mentioned that he walked by the driver's side of  
13          Leric's house.  Can you show the -- driver's side of  
14          Leric's car.  Can you show the jury his path of  
15          travel?

16          **A**     Came from the right side of the road coming to  
17          the left.  He walked from behind the car, came all  
18          the way around to the tree.

19          **Q**     All right.  Once he got to the tree, what did  
20          he do next?

21          **A**     Turned right back around and walked the same  
22          path right back out to the road.

23          **Q**     Did he say anything as he was walking by?

24          **A**     No, ma'am.

25          **Q**     What did you say?

1           **A**    No, ma'am.

2           **Q**    Where were you standing when he walked by  
3           you -- walked by?

4           **A**    Still right there at the driver's side of the  
5           window.

6           **Q**    So did he walk behind you or did he walk in  
7           between you and Leric?

8           **A**    Behind.

9           **Q**    And where was Ken standing?

10          **A**    Right beside me.

11          **Q**    And so he -- did he walk behind Ken or in front  
12          of Ken?

13          **A**    Behind.

14          **Q**    Is it safe to say he walked in your grass to do  
15          that?

16          **A**    Yeah, he was in the grass.

17          **Q**    What, if anything, was he doing as he was  
18          walking?

19          **A**    Just walking, listening -- he was listening to  
20          his music, walking by. He had his headphones out  
21          being you could hear the music a little bit. And  
22          when he turned back around, he didn't really make no  
23          actions or nothing, just kept walking and walked  
24          back into the road.

25          **Q**    And then go ahead and tell the jury what

1 happened next.

2 **A** When he walked back into the road, that's when  
3 Leric got out the driver's side of the car. And we  
4 seen -- seen him go in his back pocket, pull the gun  
5 out, cock the gun back, put it back in his back  
6 pocket.

7 **Q** And you mentioned you saw the gun. Do you  
8 recall what color the gun was?

9 **A** It was black.

10 **MS. RADLEIN:** Beg the Court's indulgence.

11 **THE COURT:** Ladies and gentlemen of the jury,  
12 this is not a real gun, if you were wondering.  
13 Okay?

14 (State's Exhibit Number 29, previously  
15 marked Court's Exhibit Number 4, plastic gun, marked  
16 for identification.)

17 **MS. RADLEIN:** Your Honor, at this time, the  
18 State is marking a replica gun as State's Exhibit  
19 29.

20 **THE COURT:** Any objection by defense counsel?

21 **MR. DRYLIE:** To them marking it, no.

22 **MS. RADLEIN:** For demonstrative purposes.

23 BY MS. RADLEIN:

24 **Q** Can you tell the jury whether or not the gun  
25 that you saw was fairly similar to this one?

1           **A**     Yes, ma'am.

2           **Q**     And who had that gun?

3           **A**     Montrell.

4           **Q**     And did you know what type of gun it is -- it  
5           was?

6           **A**     Not really --

7           **THE COURT:** Sir, I need you to speak up.

8           **THE WITNESS:** No. I don't know really what  
9           type it was.

10          BY MS. RADLEIN:

11          **Q**     But you knew it was a small gun?

12          **A**     Yes, ma'am.

13          **Q**     Okay. And after he -- you described that he  
14          cocked the gun. Approximately, where was he  
15          standing when he did that?

16          **A**     Back in the road, about in the middle --

17          **COURT REPORTER:** I can't hear him.

18          **THE WITNESS:** In the middle ways of the road.

19          BY MS. RADLEIN:

20          **Q**     And where was Leric at that time?

21          **A**     Right by the driver door. He was just getting  
22          out his car.

23          **Q**     And you mentioned that Carlo, Keith were in the  
24          vehicle?

25          **A**     Yes, ma'am.

1           **Q**     What, if anything, did they do?

2           **A**     They got out after Leric said, That was the  
3           same gun that was at my house; it don't have no  
4           bullets in it.

5           **Q**     So they got out of the vehicle and what, if  
6           anything, happened next?

7           **A**     They were just going back and forth. Leric  
8           said, That's the same gun that was at my house. It  
9           don't have no bullets. Why did you pull a gun out  
10          on me that don't have no bullets in it?

11                   And Keith was getting out -- well, he was out  
12          of the car, got out the car, too. And they were  
13          just -- him and Leric were still -- Leric was still  
14          talking about the gun. And Leric said, I'll be  
15          back; I'm going to go get my gun. But he didn't get  
16          to make it nowhere. He didn't even get a chance to  
17          really get in his car. He got right back out and  
18          they was -- Leric came to the back side of his car  
19          and they was going back and forth just having words.

20          **Q**     Okay. And then what happened next?

21          **A**     Montrell came over there. They was talking,  
22          talking for a while. And Leric, like, he got a  
23          little loud again, getting mad. Montrell put his  
24          phone, iPad, I don't know what it was with the  
25          earphones in it, he had it sitting on Leric's trunk

1 of his car, and he threw it off.

2 Q When you say he, who are you talking about?

3 A Leric.

4 Q Okay. Where did he throw it?

5 A In my driveway area about right up in here in  
6 my driveway.

7 Q Okay. And then what happened next?

8 A Montrell went to pick it up and didn't say  
9 nothing else after that. He picked it up, put it in  
10 his back pocket and walked back, like, two or three  
11 steps backwards.

12 Q Okay. And then go ahead and tell the jury what  
13 happened.

14 A Pooh -- well, Keith was over closer towards my  
15 mailbox that was still like in the --

16 **COURT REPORTER:** I couldn't hear that.

17 **THE WITNESS:** Keith was by my mailbox, closer  
18 to my mailbox as more in the road area. And Leric  
19 had -- he walked over closer to my driveway. He was  
20 in the driveway where Montrell was at and Carlo was  
21 in the grass area. And they was going -- him and  
22 Leric was going back and forth -- well, he really  
23 didn't say too much. Leric was still talking kind  
24 of loud and he got within about two feet to -- about  
25 two, three feet within Leric and he pulled the gun

1 out his back pocket.

2 BY MS. RADLEIN:

3 Q Okay. And then what happened?

4 A He shot Leric in the chest.

5 Q And then what happened?

6 A He went towards Pooh shooting -- well; Keith,  
7 shooting towards the road area.

8 Q Okay. And then?

9 A He was walking towards the road area shooting  
10 at Keith. And when he got about up in this area of  
11 the dirt in the road, he turned the gun towards  
12 Carlo and shot twice.

13 Q All righty. After that, where did Leric go?

14 A When he shot Leric in the chest about right up  
15 in this area, Leric fell back and took off running  
16 and ran behind my house.

17 Q And then where did Keith go?

18 A He took off running out in the road and ran,  
19 like, going down the hill.

20 Q And then where did Carlo go?

21 A Carlo was on the driver's side of the Charger  
22 in the front area by the hood.

23 Q And what were you doing while this was  
24 happening?

25 A In the driveway just watching.

1 Q You just stood there?

2 A Yes, ma'am.

3 Q Why didn't you run?

4 A I was shocked.

5 Q And where was Ken?

6 A Ken was behind me. He was right there where my  
7 brother car was at in the driveway.

8 Q And was there anyone else out there with you  
9 and Ken?

10 A Ken and his son.

11 Q And how old was his son?

12 A Five at the time.

13 Q And what, if anything, did his son and Ken do?

14 A Well, when he shot Leric, his son started  
15 hollering and Ken turned -- Ken turned around, ran  
16 -- I mean, picked his son up and ran to put his son  
17 in the house.

18 Q Now, you testified that he shot at Leric and  
19 then turned. Was -- can you tell the jury, just to  
20 clarify, was the defendant standing stationary at  
21 that time?

22 A Yes, ma'am.

23 Q And when you said he turned, can you describe  
24 to the jury how he turned?

25 A Him and Leric was, like, right in this area.

1 And when he shot Leric, he went and turned towards  
2 the road.

3 Q So he moved his hand?

4 A Yes, ma'am.

5 Q And then when he shot at Carlo, what, if  
6 anything, did he do to shoot at him?

7 A Well, after he got finished shooting at Keith,  
8 he turned it at Carlo on the front side of the Dodge  
9 Charger.

10 Q And can you tell the jury if you know whether  
11 or not Carlo was shot?

12 A Yeah, grazed him on the leg.

13 Q And then go ahead and tell the jury what  
14 happened next.

15 A After he shot twice at Carlo on the side of the  
16 Dodge Charger, it wasn't no more bullets in the gun  
17 and it went to clicking. So he kept going like it  
18 was still bullets in it, but the gun was just click,  
19 click. And he looked at the gun and looked at --  
20 looked around in the yard and he walked up the road  
21 towards Rosa Hill Street.

22 Q Okay. When you said that he -- it was  
23 clicking, is it because you heard something or saw  
24 something when you said he was clicking on the gun?

25 A It was clicking that means, I guess, there

1           wasn't no more bullets.

2           **Q**     So you were close enough to actually hear that?

3           **A**     Yes, ma'am.

4           **Q**     And when he -- you said he turned and walked,  
5           was that gun still in his hand when he turned and  
6           walked?

7           **A**     Yes, ma'am.

8           **Q**     Go ahead and keep your voice up for the court  
9           reporter.

10          **A**     Yes, ma'am.

11          **Q**     And looking at State's Exhibit 1, what  
12          direction did he go walking in?

13          **A**     Walking in this area going towards Rosa Hill.

14          **Q**     And then did you see where he went after that?

15          **A**     I can't -- I can't remember if he was walking  
16          towards Buncombe Road or Rosa Hill. I don't know  
17          which way he went after I seen him. Like, last time  
18          I seen him was right up in here. That's when Leric  
19          came from running behind my house. And Leric said,  
20          Call 9-1-1, call 9-1-1; it hurt. So we called  
21          9-1-1.

22          **Q**     And I just want to clarify this real quickly.  
23          When you said you saw the defendant walking on --  
24          when you pointed on State's Exhibit 1, you're  
25          pointing towards Rosa Hill Road. Did you later come

1 to find out where he went?

2 **MR. DRYLIE:** Objection; hearsay.

3 **THE COURT:** Overruled.

4 BY MS. RADLEIN:

5 **Q** Did you later come to find out where he went?

6 **A** Yes. Yes, ma'am.

7 **Q** And who did you find out that information from?

8 **MR. DRYLIE:** Judge, I've got a matter of law  
9 real quick.

10 **THE COURT:** Can y'all approach over here a  
11 minute, please?

12 (Whereupon, a bench conference was held off  
13 the record, in the presence of the jury, but out of  
14 the hearing of the jury.)

15 **THE COURT:** You may continue.

16 BY MS. RADLEIN:

17 **Q** And after -- after you last saw the defendant,  
18 what did you do next?

19 **A** When I last saw him, he was, like, right up on  
20 the Rosa Hill area. That's when I turned around.

21 That's when Leric was looking, saying, Is he gone?

22 And come from running around the house saying, Call

23 9-1-1, call 9-1-1; it hurts. He was spitting up

24 blood out of his mouth and holding on his chest.

25 And when he moved his hand, you can see the gunshot.

1           **Q**     And looking at State's Exhibit 21. Can you  
2           point out for the jury where he -- where Leric was  
3           the next time you saw him?

4           **A**     Coming from -- he was on the back side on the  
5           corner of the house. And when we turned around and  
6           looked, he was coming from back there. He was  
7           asking was he gone. And he was running from back  
8           there spitting up blood and he said, Call 9-1-1,  
9           call 9-1-1; it hurt. And that's when he was going  
10          towards the ground just spitting up blood.

11          **Q**     And what, if anything, happened next? What  
12          else did you observe?

13          **A**     I mean, we called 9-1-1 and tried to tell him  
14          not to lay down or anything to keep trying to  
15          spitting blood up so he won't choke on his blood or  
16          whatnot. And my little brother and them came out  
17          and held him up there on the concrete trying to  
18          apply pressure to his chest where the hole was at.

19                 **MS. RADLEIN:** Beg the Court's indulgence.

20                 **THE COURT:** Mr. Ryans, you can come back and  
21          take the stand.

22                         (Witness resumes the witness stand.)

23                         (Pause.)

24                 BY MS. RADLEIN:

25          **Q**     I'm going to hand you several exhibits, State's

1 Exhibit 2, 3, 4, 5, 6, 18, and 19. Go ahead and  
2 take your time and look through them. I'm going to  
3 ask you if you recognize them.

4 **A** (Witness reviewing documents.)

5 **Q** And do you recognize those photographs?

6 **A** Yes, ma'am.

7 **Q** And what do you recognize them to be?

8 **A** Driveway of our house.

9 **Q** And are these a fair and accurate  
10 representation of how your house looked back on June  
11 6th of 2015?

12 **A** Yes, ma'am.

13 **MS. RADLEIN:** At this time, Your Honor, the  
14 State seeks to move into evidence State's Exhibit 2,  
15 3, 4, 5, 6, 18 and 19.

16 **THE COURT:** Any objection?

17 **MR. DRYLIE:** No objection.

18 **THE COURT:** Without objection, so admitted.

19 (State's Exhibit Numbers 2 through 6, 18 and  
20 19, photographs, admitted into evidence.)

21 **MS. RADLEIN:** Permission for the witness to  
22 step down again, Your Honor.

23 **THE COURT:** Yes.

24 (Witness leaves the witness stand.)

25 **BY MS. RADLEIN:**

1           **Q**     Looking at State's Exhibit 2, can you tell the  
2           jury what they're looking at in this picture?

3           **A**     Our mailbox, driveway, the house, my brother  
4           car, my mother's car and my car.

5           **Q**     And looking at State's Exhibit 3, a slightly  
6           different angle, can you go ahead and tell the jury  
7           what they're looking at?

8           **A**     Mother car, my brother car, my car, driveway  
9           and house.

10          **Q**     Okay. And on this photograph, would it be  
11          depicted where you said your brother was tending to  
12          Leric Merriweather?

13          **A**     Yes, but it'd be in front of his car.

14          **Q**     Looking at State's Exhibit 18, do you see that  
15          area on this photograph?

16          **A**     Yes, ma'am.

17          **Q**     And looking at State's 19, do you see that area  
18          on this photograph as well?

19          **A**     Yes, ma'am.

20          **Q**     I'm going to show you just a few more. Looking  
21          at State's Exhibit 4, can you tell the jury what  
22          they're looking at in this photograph?

23          **A**     The driveway and the front part of my yard and  
24          the road area.

25          **Q**     Okay. You mentioned earlier, while you were

1       testifying, a tree. Do you see the tree in this  
2       photograph?

3       **A**     Yes, ma'am.

4       **Q**     And is that tree where you testified on a  
5       previous exhibit where the car was parked?

6       **A**     Yes, ma'am.

7       **Q**     And looking at State's Exhibit 5, a different  
8       angle, can you tell the jury what they're looking at  
9       here?

10      **A**     House, driveway, that's a tree and the road.

11      **Q**     And looking at State's Exhibit 6, a slightly  
12      different angle.

13      **A**     A road, you see the driveway, the house, the  
14      cars and the tree ain't in that one.

15               **COURT REPORTER:** What was the last part?

16               **THE WITNESS:** Oh, the tree, the tree wasn't in  
17      this picture.

18               **MS. RADLEIN:** No further questions of this  
19      witness at this time.

20               **THE COURT:** Sir, you may return to the witness  
21      stand.

22                       (Witness resumes the witness stand.)

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

24                                       \*\*\*\*\*

25                                       \*\*\*\*\*

1 CROSS-EXAMINATION

2 BY MR. DRYLIE:

3 Q Good morning, Santonio. Now, you grew up here  
4 in Edgefield, right?

5 A Yes, sir.

6 Q Okay. And you lived here your whole life?

7 A Yes, sir.

8 Q And you were friends with Leric Merriweather,  
9 weren't you?

10 A Yes, sir.

11 Q Okay. And with Pooh and Carlo?

12 A Yes, sir.

13 Q Okay. Now, I just want to talk to you a minute  
14 about some of the things that you said were  
15 happening. Now, when Leric got out of his car, he  
16 was angry, wasn't he?

17 A I can't really say that.

18 Q Okay. Well, you stated he was talking loud,  
19 right?

20 A Yes, sir.

21 Q Okay. And he was yelling things?

22 A He wasn't really yelling. He was just talking  
23 loud so we can hear it.

24 Q Now, you gave a statement to the police in this  
25 case, correct?

1           **A**     Yes, sir.

2           **Q**     Back in May?

3           **A**     Yes, sir.

4           **Q**     All right. And you stated that he was  
5           overtalking, correct?

6           **A**     That's when he was out -- that's after he had  
7           done pulled a gun out and cocked the gun back and  
8           put it back in his back pocket, that's when they was  
9           back there both of them was talking. Montrell and  
10          Leric was talking back there, that's when he started  
11          overtalking.

12                    When he was in the car, when he first was in  
13          the car and it was just all three of them sitting in  
14          the car and me and Kendrick Nicholson outside the  
15          car, he wasn't overtalking.

16          **Q**     When it was just them, but when he got out of  
17          the car, he started talking loud, right?

18          **A**     Yeah. When he got out of the car, he said,  
19          That gun -- that's been the same gun that was at my  
20          house; it don't have no bullets. Why you pull out  
21          the gun -- why you pulling a gun out on me that  
22          don't have bullets?

23          **Q**     Okay. And now you say Leric said that he was  
24          going to go get his gun, right?

25          **A**     Yes, sir.

1           **Q**   And then he walked back to his car, didn't he?

2           **A**   No. He was already at his car.

3                   When he first got out of his car, he looked  
4           over his car, that's when Montrell pulled a gun out,  
5           cocked the gun back, put it back in his back pocket.  
6           Leric seen the gun. He never walked away from his  
7           car. He was right there at the driver door area.

8           **Q**   Now, on May 21st, you met with Lieutenant  
9           Cockrell, right?

10          **A**   Yes.

11          **Q**   On May 21st of this year, you met with  
12          Lieutenant Cockrell of the Edgefield Police  
13          Department?

14          **A**   Yes, sir.

15          **Q**   Okay. And you wrote a statement for him,  
16          correct?

17          **A**   Yes, sir.

18          **Q**   All right. And I'm going to pass this up to  
19          kind of refresh your memory. We've got the bottom  
20          of the statement here. If you would just read over  
21          that real quick.

22          **A**   (Witness complies.)

23          **Q**   So now on May 21st of this year when you met  
24          with Lieutenant Cockrell --

25          **A**   Yes.

1           **Q**     -- you stated that Leric said he was going to  
2           get his gun and got back in his car, correct?

3           **A**     Yes. But like I said, when he was right there  
4           by it, he had his driver door open. When Montrell  
5           walked past -- back past the trunk, he got out his  
6           car. He never took a step anywhere. He was still  
7           right there by the driver door.

8                     So when Montrell cocked the gun back and put it  
9           back in his back pocket, he seen the gun and that's  
10          when he said, That's the same gun that's been at my  
11          house, and all that. And after all that passed by,  
12          he said he was going home to get his gun. He sat  
13          down in the car, got back out the car.

14                    So, I mean, it was never like he closed the  
15          door, like, getting ready to leave or anything. He  
16          had the door open, got right back out the car  
17          because Carlo was trying to get both of them to come  
18          on. Carlo was trying to put Leric in the car and --

19          **Q**     I understand that, but I'm just asking you,  
20          what you stated on that day was that he said he was  
21          going to get his gun, he got in his car and then got  
22          back out. I'm not saying he closed the door, but he  
23          sat down and was in that area, correct?

24          **A**     He said he was going to go home to get his gun.

25          **Q**     Okay. But he got back in his car and he was

1 sitting down there, correct?

2 **A** He sat down.

3 **Q** Okay. And then he got back out?

4 **A** Yes, sir.

5 **Q** And when he got back out, that's when he was  
6 being really loud towards Montrell, correct?

7 **A** No. They went to the back end of the car.  
8 They was talking at first and I guess he wasn't  
9 agreeing to what Montrell said, that's when he got  
10 loud. He started overtalking Montrell then at that  
11 point.

12 **Q** And now you stated when Montrell fired the  
13 shots, he was standing still, correct? Montrell  
14 was?

15 **A** Yes, sir.

16 **Q** Okay. And what was Leric doing? Was Leric  
17 coming at him?

18 **A** Leric was in the spot, like, two to three steps  
19 away from Montrell. He wasn't coming at him.

20 **Q** But did he have his fists up?

21 **A** He had his fists balled up, but he --

22 **Q** Like he was going to fight him, right?

23 **A** Like he wanted to fight him.

24 **Q** Okay. And did Pooh have a bottle in his hands  
25 while this was going on?

1           **A**     Yes. He was drinking a beer.

2           **Q**     Okay. How far was Pooh away from Montrell?

3           **A**     Probably about 10 to 15 steps away. Pooh was  
4           at my mailbox. They was in my driveway.

5           **Q**     Okay. Somebody at the mailbox -- was Montrell  
6           in the driveway or in the road?

7           **A**     Montrell was in my driveway.

8           **Q**     Now, you didn't see a car drop Montrell off,  
9           correct?

10          **A**     I mean, I didn't see none of that, no.

11          **Q**     And I'm just asking you if you saw that?

12          **A**     No, I didn't see that.

13          **MR. DRYLIE:** Beg the Court's indulgence.

14                   (Pause.)

15          **MR. DRYLIE:** No further questions, Judge.

16          **THE COURT:** Any redirect?

17          **MS. RADLEIN:** Yes, Your Honor.

18                                 REDIRECT EXAMINATION

19          BY MS. RADLEIN:

20          **Q**     When you first saw the defendant walk up, can  
21           you tell the jury whether or not Leric Merriweather  
22           immediately got out of the vehicle?

23          **A**     Leric was still in his car when he walked up.

24          **Q**     Okay. And then when the defendant walked up,  
25           can you clarify was he walking in your grass?

1           **A**     Yes, he walked in the grass.

2           **Q**     And when he initially was walking up, was he on  
3           the other side of the road?

4           **A**     Yes. He was on the right-hand side of the  
5           road.

6           **Q**     Can you tell the jury whether or not Keith  
7           Mathis, Carlo Harris or Leric Merriweather yelled at  
8           the defendant to walk over to the car?

9           **A**     No one said nothing to him.

10          **Q**     And I believe on direct you testified that you  
11          guys were talking about what happened earlier?

12          **A**     Yes, ma'am.

13          **Q**     And you indicated that you told Leric to lower  
14          his voice?

15          **A**     Yes, ma'am.

16          **Q**     Did he, in fact, lower his voice?

17          **A**     Yes, ma'am.

18          **Q**     If the defendant had just kept walking on the  
19          right side of the road, what, if anything, do you  
20          think would have happened?

21          **A**     Nothing.

22                   **MR. DRYLIE:** Objection; speculation.

23                   **THE COURT:** Objection sustained.

24                   BY MS. RADLEIN:

25           **Q**     When the defendant was walking on the road

1           towards your house, did any of those three  
2           individuals go to him and threaten him in any way?

3           **A**     No, ma'am.

4           **Q**     You testified that he had -- was drinking a  
5           beer?

6           **A**     Yes, ma'am.

7           **Q**     Did Keith -- can you tell the jury whether or  
8           not Keith threatened the defendant with the bottle  
9           of beer?

10          **A**     No, ma'am.

11          **Q**     What, if anything, was Keith doing with the  
12          bottle?

13          **A**     Drinking a beer, had it in his hand.

14          **Q**     And you testified that Leric -- you saw Leric  
15          go into -- was still by his door?

16          **A**     Yes, ma'am.

17          **Q**     Did you ever see him with a gun?

18          **A**     No, ma'am.

19          **Q**     Do you recall what he was wearing that day?

20          **A**     Shorts and I don't think he had a shirt on.

21          **Q**     And what -- and how do you remember whether or  
22          not he had a shirt on?

23          **A**     Because I know as when he came from around the  
24          house, he didn't have on a shirt. He was holding  
25          his hand over the hole where he'd been shot at.

1 Q So you actually saw the gunshot hole?  
2 A Yes.  
3 Q And it wasn't through a shirt?  
4 A No.  
5 Q Okay. And on his bottoms, what did he have on?  
6 A Shorts.  
7 Q And on his feet, do you recall if he had --  
8 whether he was wearing shoes or not?  
9 A I can't recall. I know he had -- I think he  
10 had on shoes, but I can't recall.  
11 Q So when he got out of the vehicle, just you  
12 seeing him, can you tell the jury whether or not if  
13 he had a gun in his hand?  
14 A No, ma'am.  
15 Q You would have seen it?  
16 A Yeah, I would have seen a gun.  
17 Q If he got out his vehicle and had a knife in  
18 his hand, would you have seen it?  
19 A I would have seen it.  
20 Q And if he got out of the vehicle with any other  
21 thing to threaten the defendant with, would you have  
22 seen it?  
23 A Yes, ma'am.  
24 Q Now, you mentioned Carlo. Did Carlo have a  
25 gun?

1           **A**     No, ma'am.

2           **Q**     If Carlo had a gun, would you have seen it?

3           **A**     Yes, ma'am.

4           **Q**     And you mentioned Keith. He had the beer in  
5 his hand. What, if anything else, did he have in  
6 his hand?

7           **A**     That was it.

8           **Q**     If he had a gun in his hand, would you have  
9 seen it?

10          **A**     Yes, ma'am.

11          **Q**     Can you tell the jury whether or not you saw  
12 anyone physically touch Montrell Troutman?

13          **A**     No one touched him.

14          **Q**     Can you tell the jury if anyone threatened  
15 Montrell Troutman?

16          **A**     No one threatened him.

17          **Q**     Can you tell the jury whether or not anyone  
18 threatened to kill Montrell Troutman?

19          **A**     No one did.

20          **Q**     Was there only one gun involved in this case?

21          **A**     Yes, ma'am.

22          **Q**     And who left the scene with that gun?

23          **A**     Montrell.

24          **Q**     And had there been another gun or the gun was  
25 at your house in your yard would you have seen it?

1           **A**     Yes, ma'am, I would have seen it.

2           **MS. RADLEIN:** No further questions at this  
3 time.

4           **THE COURT:** Any recross?

5           **MR. DRYLIE:** None, Your Honor.

6           **THE COURT:** Sir, you may step down. Thank you.  
7 All right. Ladies and gentlemen, we've been  
8 going about an hour and a half. Does anyone need a  
9 break?

10           Can the lawyers approach over here at side bar  
11 a minute?

12           (Whereupon, a bench conference was held off  
13 the record, in the presence of the jury, but out of  
14 the hearing of the jury.)

15           **THE COURT:** All right. Ladies and gentlemen,  
16 I'm going to give you a break right now. I'm going  
17 to let you go ahead and go to lunch rather than --  
18 if all of you had to go to the restroom, it would  
19 probably take about 15 minutes to get everybody in  
20 and out. And rather than bring you back in here for  
21 20 minutes and then to go to lunch, I'm just going  
22 to let you go to lunch now.

23           Be back at 1:45 and we'll resume at 1:45. Do  
24 not discuss the case. Do not discuss the case at  
25 all with anyone. Don't do any independent

1 investigation. As I've told you from the outset,  
2 you're going get tired of hearing me say it, you're  
3 to decide this case based solely upon the testimony  
4 and evidence that's presented in this courtroom and  
5 nowhere else.

6 You-all have a nice lunch. I'll see you back  
7 at 1:45.

8 Everybody else remain seated while the jury  
9 exits the courtroom.

10 (The jury was excused for lunch.)

11 **THE COURT:** All right. Anything before we  
12 stand down for lunch?

13 **MS. RADLEIN:** Your Honor, there's one thing  
14 that we wanted to discuss, but it's in your  
15 discretion if you want to do it now or when we get  
16 back from lunch. It's regarding a witness this  
17 afternoon. We disagree in terms of -- or we need  
18 some clarity in terms of a prior record, whether or  
19 not it's admissible or not.

20 **THE COURT:** Have y'all gone through the record?

21 **MS. RADLEIN:** Yes, Your Honor.

22 **THE COURT:** What's the issue?

23 **MS. RADLEIN:** The issue is whether or not a  
24 term of probation is considered confinement by the  
25 rules. That will put the conviction within that

1 ten-year limit.

2 **MR. DRYLIE:** I think it's an '06 conviction for  
3 criminal conspiracy.

4 **THE COURT:** It's a what?

5 **MR. DRYLIE:** 2006 conviction for criminal  
6 conspiracy.

7 **MS. RADLEIN:** And, Your Honor, just to be  
8 candid with the Court, I've had judges go either way  
9 on this because there isn't any clear --

10 **THE COURT:** It's clearly a ten-year rule, but  
11 the rule -- and I've seen -- hold on just a second.

12 (Pause.)

13 **THE COURT:** It's clearly a discretionary call.  
14 When does probation end?

15 **MS. RADLEIN:** Your Honor, I believe --

16 **MR. DRYLIE:** In 2008. I think it was a  
17 two-year term of probation. I believe it was three  
18 years suspended on two; is that correct?

19 **MS. RADLEIN:** It was five years suspended on  
20 two years probation, Your Honor.

21 **THE COURT:** And he got sentenced to probation  
22 when? In two-thousand what?

23 **MR. DRYLIE:** '6.

24 **THE COURT:** I'll allow it. I'll allow you to  
25 ask him.

1           **MR. DRYLIE:** Thank you, Judge.

2           **THE COURT:** Anything else?

3           **MS. RADLEIN:** Nothing, Your Honor.

4           **THE COURT:** 1:45.

5                   (Whereupon, there was a luncheon recess.)

6           **THE COURT:** Anything from the State before I  
7 bring the jury out?

8           **MR. EARGLE:** No, sir, Your Honor.

9           **THE COURT:** Defense counsel?

10          **MS. RADLEIN:** No, Your Honor.

11          **THE COURT:** You can bring them.

12                   (The jury returns to the courtroom.)

13          **THE COURT:** All right. Call your next witness.

14          **MR. EARGLE:** Thank you, Your Honor. The State  
15 calls Keith Mathis.

16                               KEITH LAMONT MATHIS,

17                   having been duly sworn, testified as follows:

18           **THE CLERK:** Please be seated. State your full  
19 name, spell your last name for the record.

20           **THE WITNESS:** My name is Keith Mathis, Keith  
21 Lamont Mathis, M-a-t-h-i-s.

22                               DIRECT EXAMINATION

23           BY MR. EARGLE:

24           **Q**     Keith, where are you from?

25           **A**     From Johnston, South Carolina.

1 Q Now, is that in Edgefield County?

2 A Yes, sir.

3 Q Born and raised?

4 A Yes, sir.

5 Q Still live in Edgefield County?

6 A Yes, sir.

7 Q Let me take you back to June the 6th of 2015.

8 Do you remember that day?

9 A Yes, sir.

10 Q Can you please tell the jury what you were  
11 doing that day?

12 A Well, earlier that day, I wasn't even out yet.  
13 I was just -- had took a shower, came home, walked  
14 around the street. I was just chilling, like, by  
15 the projects. And I think -- I think somebody said  
16 something about Mr. Leric Merriweather was cooking  
17 on his grill. I don't think it was for a lot of  
18 people to come. I think it was just for his family,  
19 a little get-together.

20 Q Okay. And when you said you had just gotten  
21 up, you were kind of hanging out, where were you  
22 living at that time?

23 A I was living at Country Manor in Edgefield,  
24 South Carolina.

25 Q And Country Manor is -- is that a --

1           **A**     Apartment complex down the road from Edgefield  
2           Hospital.

3           **Q**     Okay. Did you have the occasion to go over to  
4           Leric's home that day?

5           **A**     Yes, sir.

6           **Q**     And do you recall who all was at Leric's house?

7           **A**     When I got there, it was Leric Merriweather,  
8           Abigail Carter, his kids, Johnny -- Johnny Martin,  
9           Retrell Carter, Carlo, Wayne -- Wayne Jones and  
10          Miami.

11          **Q**     Okay. And, Keith, just when you're speaking,  
12          if you would, just so -- I know I'm having a little  
13          bit of a difficult time. I'm older, I have a  
14          problem hearing anyhow, but I want to make sure the  
15          jury's hearing everything you're saying, so just  
16          kind of slow it down if you don't mind.

17                 So you showed up over at Leric's home. How  
18          long did you stay?

19          **A**     Approximately about 15 minutes probably.

20          **Q**     Okay.

21          **A**     Twenty minutes.

22          **Q**     Okay. Did you leave?

23          **A**     Yes, sir.

24          **Q**     Did you leave by yourself?

25          **A**     No, sir.

1 Q Who left with you?

2 A Carlo Harris.

3 Q Carlo Harris?

4 A Carlo Harris.

5 Q Okay. Why did y'all leave Leric's home?

6 A Well, we left -- we left his home because he  
7 was cooking on the grill and I wanted to smoke some  
8 weed and then we couldn't smoke around his kid. So  
9 me and Carlo, we walked around the street to Carlo'  
10 mother house to smoke.

11 Q Okay. So if I'm hearing you correctly, you and  
12 Carlo left Leric's to smoke some weed?

13 A Yes, sir.

14 Q Y'all went -- did you walk?

15 A Yes, sir, we walked.

16 Q To Carlo's mother's home?

17 A Yes, sir.

18 Q And where is her house located?

19 A Her house is located down, not even half a mile  
20 down the road on Morange Street from Santonio Ryans'  
21 house.

22 Q Okay. How long were y'all down there?

23 A It couldn't have been five, seven minutes. I  
24 mean, I never did -- I never did get a chance to  
25 even light what I had fixing to smoke. I never did

1 get a chance to light it.

2 Q You never got a chance to light what?

3 A The blunt.

4 Q The blunt being?

5 A Marijuana.

6 Q The marijuana?

7 A Yes, sir.

8 Q And why didn't you get a chance to light the  
9 marijuana if that's why you and Carlo went to his  
10 mother's home?

11 A Well, about the time I got through rolling it,  
12 the blunt, and I was fixing to, Carlo got a phone  
13 call.

14 Q Okay. And as a result of that phone call, what  
15 did you and Carlo do?

16 A We ran around to Leric house. We didn't walk,  
17 we ran. We ran -- we ran around to Leric house to  
18 see what was going on.

19 Q Okay. And when you and Carlo got there, what,  
20 if anything, was going on?

21 A What, if anything, was going on?

22 Q Yes, sir.

23 A I don't know. We just -- just coming to see.  
24 I mean, it just -- we were just going to see what  
25 was going -- what was happening to Leric in his

1 house, in his home, around his family.

2 Q Okay. Was anything going on?

3 A Well, about the time me and Carlo ran around  
4 the street, we don't -- we don't hear nothing but  
5 cars leaving out the yard. We hear Johnny Martin  
6 car flying up the road. I mean, we really didn't  
7 see nobody leaving out the yard because everybody  
8 had done jumped in their cars and was {indicating}.  
9 We just hear pipes, cars' motors and everybody  
10 leaving. By the time me and Carlo get to the yard,  
11 Leric was running out to the road to us. He was  
12 telling us what had happened:

13 Q Was he upset?

14 A Yes, sir.

15 Q When y'all got there -- and if I'm  
16 understanding you correctly, y'all ran back there  
17 and people were leaving?

18 A Yes, sir.

19 Q And Leric was upset?

20 A Yes, sir.

21 Q Did he tell you what he was upset about?

22 A He said -- he said Johnny --

23 **MR. DRYLIE:** Objection to hearsay.

24 **THE COURT:** Overruled.

25 BY MR. EARGLE:

1           **Q**     Answer the question, please, sir. Did he tell  
2           you what he was upset about?

3           **A**     Yes, sir.

4           **Q**     Okay. What was he upset about?

5           **A**     Miami.

6           **Q**     What about Miami?

7           **A**     Miami and Johnny was trying to fight him in his  
8           yard. He was trying to tell them to leave his yard  
9           from around all that, around his kids. And he felt  
10          like he was getting disrespected in his yard. I  
11          mean, I know Leric for a long time. I mean, he love  
12          his family and he wouldn't let nothing come around  
13          his family or harm his family or nothing.

14          **Q**     Did that play a part in your decision and  
15          Carlo's decision to leave the home earlier to go  
16          smoke marijuana?

17          **A**     No. No, sir.

18          **Q**     Once he told you what was going on, what did --  
19          what, if anything, did y'all do?

20          **A**     What did we do?

21          **Q**     Yes.

22          **A**     I told him to chill out. I told him, Man,  
23          don't worry about it unless they come back around  
24          here. I told him, Let's go to the store and get  
25          some beer and don't worry about it.

1           **Q**     Okay.  And what did y'all do?

2           **A**     We went to Amoco, got some beer.

3                     Remind you, Leric never did have a shirt on the  
4     whole day.  He was cooking on the grill without his  
5     shirt on.  He had basketball shorts on, black and  
6     red shorts.  He had black and red shoes on with no  
7     shirt.  He was cooking on the grill.  We jumped in  
8     his car and went to the store.  He wanted to go get  
9     some beer.

10                    He had the money.  I didn't have no money at  
11     the time, so he went in the store.  You can't go in  
12     the store without a shirt on.  He used Carlo Harris'  
13     shirt.  Carlo took his shirt off and gave it to  
14     Leric and he went in the store and got some beer.  
15     Leric took that shirt back off and gave it to Carlo.  
16     Carlo put his shirt back on.  We ride.  We went  
17     around the street, down Morange Street.

18           **Q**     Okay.  Do you recall what car y'all were in?

19           **A**     We was in -- it's like dark blue, dark gray, a  
20     little blue Dodge Charger.

21           **Q**     Who was driving?

22           **A**     Leric Merriweather.

23           **Q**     And where were you seated?

24           **A**     I was seated behind the passenger side, Carlo  
25     Harris -- behind Carlo Harris.

1           **Q**     In the back seat?

2           **A**     In the back seat.

3           **Q**     And how about Carlo?

4           **A**     Carlo was sitting in the front passenger side.

5           **Q**     Okay. And I believe you said y'all headed back  
6           down to the neighborhood?

7           **A**     Yes, sir.

8           **Q**     And where did you go when you were in the  
9           neighborhood?

10          **A**     Well, we was -- we was headed -- we was headed  
11          to Ms. Annie Perry house, Carlo Harris mama, but  
12          Leric seen Santonio Ryans in the yard and I guess he  
13          wanted to holler at Santonio. So we went down the  
14          road, passed Santonio house, by Annie Perry house,  
15          and turned around. When we turned around, Leric  
16          pulled up in front of Santonio Ryans' house in front  
17          of the tree.

18          **Q**     Okay.

19                   **MR. EARGLE:** Your Honor, may I approach?

20                   **THE COURT:** Yes.

21                   **MR. EARGLE:** Your Honor, if I can have the  
22          witness to step down.

23                   **THE COURT:** All right.

24                               (Witness leaves the witness stand.)

25                   **BY MR. EARGLE:**

1 Q Do you recognize what's been entered as State's  
2 21?

3 A Yes, sir.

4 Q Could you please tell the jury what this  
5 picture represents?

6 A It represents Santonio Ryans' house.

7 Q Let me hand you what is State's 22, which is a  
8 small picture of a car or decal of a car. Could you  
9 put on State's 21 exactly where Leric pulled into or  
10 in front of Santonio Ryans' home?

11 A It was, like, two tires on the grass and the  
12 two right tires, like, was on the road just a little  
13 bit, just like right up here somewhere.

14 Q Okay. Between the driveway and the tree; is  
15 that correct?

16 A Yes, sir.

17 Q All right. If you would, just have a seat,  
18 please.

19 A (Witness resumes the witness stand.)

20 Q And once y'all pulled back into that location,  
21 what did y'all do?

22 A Well, we was sitting in the car. I mean, I  
23 haven't -- I haven't said anything to Santonio  
24 Ryans. Leric and Santonio was talking to each  
25 other. Carlo on the passenger side. I was in the

1 back. The only ones was talking was Leric and  
2 Santonio Ryans.

3 Q Do you recall or remember what they were  
4 talking about?

5 A They was talking -- Leric was telling him about  
6 what had happened in the yard.

7 Q What was Leric's demeanor like?

8 A I mean, he was kind of upset, a little bit  
9 still, but I could tell that he had calmed down  
10 because --

11 Q He was talking -- I apologize. You go ahead  
12 and answer.

13 A Well, I know he had done been calmed down  
14 anyway after I had told him, Let's go get some beer,  
15 don't worry about it no more. I know he had done  
16 calmed down. But he was talking to Santonio Ryans.  
17 He was kind of calm. He was talk -- just telling  
18 him, man, he can't believe that Johnny and Miami  
19 disrespected him in his yard and stuff like that.  
20 They was just talking.

21 Q Now, do you recall was there anyone else in  
22 Santonio Ryans' yard besides Santonio?

23 A Ken Nicholson. He was standing beside Santonio  
24 Ryans.

25 Q So if I'm understanding you correctly, we have

1 Santonio and Kendrick outside of your vehicle, Leric  
2 driving, Carlo in the front passenger seat and you  
3 in the rear seat?

4 **A** Yes, sir.

5 **Q** Is that correct?

6 **A** Yes, sir.

7 **Q** At some point, did you have an occasion to see  
8 Montrell Troutman?

9 **A** Yes. I think Leric was asking Santonio  
10 something and Santonio bent down a little bit and  
11 was talking to Leric in the window. That's probably  
12 why he didn't see Troutman get out the car. He got  
13 out of --

14 **Q** You said, See Troutman get out of the car.  
15 What car are you referring to?

16 **A** He got out of a green Honda. I don't know who  
17 was driving.

18 **Q** Okay. And in relation to where y'all were  
19 parked, where did he get out of a green Honda?

20 **A** Where we was parked at, I was in the back seat.  
21 When I looked out the back seat, I was -- our car --  
22 our car, like, on the side of the grass, right? His  
23 car was in the road, on the regular side of the road  
24 where it supposed to be coming down. From that back  
25 end of the Dodge Charger, it was about 10 feet or 15

1 feet away where they stopped at. He got out the  
2 back seat and that's when he walked up into the  
3 yard.

4 **Q** Okay. So what you're saying is he was in a  
5 green Honda. He got out. He came from the rear of  
6 the Charger that y'all were in?

7 **A** Yes, sir.

8 **Q** And what did he do at that point?

9 **A** He got out the car. I was still in the back  
10 seat. Carlo still in the front seat. Leric was  
11 still in the driver's seat. Santonio talking to  
12 Leric like he was. Kendrick was standing beside  
13 him. When Montrell got out that car, he walked up  
14 to the back end, like, where I was, but he made,  
15 like, around because he know Mr. Merriweather was  
16 driving that car.

17 **Q** Okay. When you say around, are you saying he  
18 went around towards the roadway or towards the  
19 driver's side that was facing Santonio's home?

20 **A** No. He stepped on the grass. He came in  
21 Santonio Ryans' yard and pointed like this  
22 {indicating} at Leric through that window and that's  
23 when Leric got mad.

24 **Q** Okay. So he walked up and he pointed at Leric?

25 **A** Yes, sir.

1 Q Did he say anything to him?

2 A He didn't say nothing. He didn't say nothing  
3 at all. He just pointed and came back that same way  
4 he came in the yard, back around the car and back to  
5 the road.

6 Q So he went past Leric around and then back by  
7 the car again?

8 A When he got out of that car, he walked to the  
9 back end by -- well, like, where I was in the back  
10 seat passenger and he walked around the car. He  
11 didn't go in the front way around the car. He came,  
12 like, the back of the trunk and he walked in the  
13 grass, and, like, he did something like a little  
14 point at Leric through the window. And he made that  
15 same way he walked in the yard, he make that same  
16 way back out to the road.

17 Q So he did a U-turn, came back the same --

18 A Same way -- same route that he took in that  
19 yard, same route he came back out.

20 Q And what happened next?

21 A That's -- I think Mr. Merriweather said  
22 something to him and got out the car.

23 Q Okay. What happened? Tell the jury.

24 A He was standing by the door, the doorway. Him  
25 and Miami was saying something. About the time

1 Mr. Merriweather was standing, he got out the car,  
2 he was standing by the door, Mr. Troutman had  
3 grabbed his gun or whatever. He had grabbed his gun  
4 and -- I call it cock, y'all call it slide -- he  
5 slid it back to put a bullet in the head of the  
6 chamber and he threwed it back in his back pocket.

7 **MR. EARGLE:** May I approach, Your Honor?

8 **THE COURT:** Yes.

9 BY MR. EARGLE:

10 **Q** Keith, let me show you State's 29. Does the  
11 gun somewhat look like this one?

12 **A** Yes, sir. Yes, sir.

13 **Q** About the same size?

14 **A** Yes, sir.

15 **Q** Same color?

16 **A** Yes, sir.

17 **Q** So you have Leric facing the defendant?

18 **A** Yes, sir.

19 **Q** Or a person we know as Troutman or Miami?

20 **A** Yes.

21 **Q** And Miami has the gun?

22 **A** Yes, sir.

23 **Q** And he does this motion right here

24 {indicating}?

25 **A** Yes, sir.

1 Q Accurate in saying that?

2 A Yes, sir.

3 Q Okay. What happens from that point?

4 A Leric was telling him, That's the same gun that  
5 you had from my yard earlier; it ain't got no  
6 bullets in it. And I was trying to tell  
7 Mr. Merriweather, Man, you don't know if it's -- do  
8 he even got bullets or not.

9 Q At that point in time, Keith, where were you?  
10 Were you still inside the car or were you outside  
11 the car?

12 A I was still inside the car. He had done scared  
13 me. I was just getting out. After he put it back  
14 in his pocket, I was getting out. I was getting out  
15 the car. I was trying to get Leric back in the car.

16 Q Okay. And how about Carlo? Where was Carlo?

17 A Carlo out the car, too.

18 Q Okay. So you're out the car; Carlo's out the  
19 car; Leric's out the car?

20 A Yes, sir.

21 Q And Leric and Miami are face-to-face?  
22 Accurate?

23 A Yeah. They face-to-face. They closest to each  
24 other than anybody else was.

25 Q And Leric, based on what you just said, was

1 under the belief, based on what he said, was -- he  
2 didn't believe the gun had any bullets in it; is  
3 that accurate?

4 **A** Yes, sir.

5 **Q** What happened then?

6 **A** Well, Leric was -- they was steady talking,  
7 talking, talking, talking. And I guess Leric --

8 **Q** When you say talking --

9 **A** Arguing.

10 **Q** -- was it like you and I talking here?

11 **A** No. No, sir.

12 **Q** What were they doing?

13 **A** They were fighting words, fighting words.  
14 Leric was telling him, Put the gun down and let's  
15 fight, and all this and this and that. And about  
16 that time, I was trying to tell Mr. Merriweather to  
17 get back because I didn't know if he had gun -- or  
18 had bullets in the gun or not. He scared me when he  
19 first cocked it and put it back in his pocket. You  
20 know what I'm saying.

21 Mr. Merriweather was still wanting to fight him  
22 because Mr. Merriweather was thinking that he had no  
23 bullets because they were playing with the gun with  
24 no bullets earlier in his yard. So me knowing  
25 Leric, Leric had his hands up like this

1           {indicating}, he was wanting to fight Miami,  
2 Troutman.

3           **Q**     He had his fists closed?

4           **A**     Yeah, in fighting stand. He wanted to fight  
5 Troutman I guess. And Troutman just pulled out the  
6 gun.

7           **Q**     Did Leric, while he was standing there like  
8 this {indicating}, attempt to punch?

9           **A**     Nah, he never did swing. I mean, he never did  
10 get the chance to do this {indicating} or nothing.  
11 By the time he did this, Troutman was already ready  
12 for him.

13          **Q**     So he's standing like this. Did he have a gun  
14 in his hand?

15          **A**     No, sir.

16          **Q**     Did he have a knife in his hand?

17          **A**     No, sir.

18          **Q**     Did he have any type of weapon in his hand?

19          **A**     He had no weapon. Remind you, he got  
20 basketball shorts on. You can't not put no gun like  
21 that around basketball shorts. He had red, black  
22 shoes on. I remember this like it happened  
23 yesterday.

24          **Q**     And what happened as Leric was standing there  
25 in front of Montrell Troutman?

1           **A**     I'm a little -- I'm a little further behind  
2           Leric because I was trying to grab Leric back, but  
3           Leric didn't want to get back; Leric wanted to fight  
4           the man. And I was trying to tell Mr. Merriweather,  
5           Man, come on, man, get back. And that when Leric  
6           threw his hands up to fight, Troutman pulled out the  
7           gun, shot one time. First shot hit him dead in the  
8           chest pointblank range. They were close up to him.  
9           He shot him one time.

10                    I couldn't even move after that first shot  
11           because when Leric turned to the side, I realized  
12           that the bullet went all the way through his chest.  
13           Because when he turned to the side, remind you he  
14           didn't have no shirt on all day, so when he turned  
15           to the side, I could see the hole in the back, you  
16           know what I'm saying. I couldn't even move.

17           **Q**     What did Leric do at that point in time?

18           **A**     Leric realized he was hit and he grabbed his  
19           chest. And I believe his adrenaline was rushing so  
20           much that he just took off. He took off --

21           **Q**     Took off in which direction?

22           **A**     He ran around Santonio Ryans' house. He ran  
23           before I did.

24           **Q**     Was he running towards Montrell Troutman?

25           **A**     He was running away from Montrell Troutman.

- 1 Q He was running away from him?
- 2 A Yes, sir.
- 3 Q And how about you?
- 4 A Well, after I seen the gunshot, I was shocked.
- 5 I mean, I was frozed {sic} up for a little second.
- 6 I believe he shot at me, like, one time before I
- 7 even started running. I just stand there like God
- 8 came and swept the bullet down.
- 9 Q But before you started running -- you ran also?
- 10 A Yes, sir.
- 11 Q Which way did you run? Did you run --
- 12 A I ran the same way Mr. Merriweather. I run
- 13 away from this man.
- 14 Q You run away from Montrell Troutman?
- 15 A Yes, sir.
- 16 Q Did you continue to hear gunshots?
- 17 A Oh, yeah. He shot three more times at me.
- 18 Q So if I'm hearing you correctly, one shot,
- 19 Leric?
- 20 A Yes, sir.
- 21 Q Hit in the chest?
- 22 A Yes, sir.
- 23 Q Another shot towards you?
- 24 A Yes, sir.
- 25 Q And then you heard three more shots while you

1 and Leric were running away back --

2 **A** Running away trying to get away from  
3 Mr. Troutman. We're trying to get around some  
4 cover. I ran around the little tree that's in  
5 Santonio Ryans' yard, and I ran around Santonio  
6 house. And Carlo Harris was running behind me. And  
7 I saw Carlo Harris get hit in the leg. He was  
8 running behind me.

9 **Q** So Carlo got hit also?

10 **A** Yes, sir.

11 **Q** Do you recall what happened after y'all ran  
12 around Santonio Ryans' house?

13 **A** Well, we ran around the house and that's when  
14 I -- Carlo kind of fell and I looked down like, Man,  
15 damn. I was like -- excuse my language. I was  
16 like, Carlo, you done got hit, man. And he was  
17 like, I know, man; I know; I felt it. But his  
18 adrenaline was rushing so much, he just kept running  
19 with me. And by the time me and Carlo got around  
20 the corner, all the way around Santonio Ryans'  
21 house, that's when Leric had done made it around  
22 there already and he just collapsed in the driveway.

23 **Q** And what did you do?

24 **A** I sat there with Mr. Merriweather for a second.  
25 I'm sitting here, no gun, no nothing still, and I'm

1 watching Mr. Troutman walk down the road like ain't  
2 nothing happened. He just --

3 Q Which way did Montrell Troutman walk? From the  
4 direction he initially approached y'all from the  
5 rear or did he go -- did he walk this way, towards I  
6 believe it's Rosa Hill or did he go back from the  
7 way he came?

8 A He didn't go back the way he came. When he hit  
9 Leric, when he shot at Mr. Merriweather, he walked  
10 past Santonio Ryans' house. The way he was shooting  
11 them bullets, he walked that way to his house.  
12 That's the way he go to his house.

13 Q Was he running?

14 A He didn't run. He walked down the road with  
15 the gun in his hand still. And like Mr. Ryans said,  
16 he was clicking at me because they said he wanted to  
17 get me worser {sic} than anybody else, but the gun  
18 was clicking. When I was around Santonio Ryans'  
19 house, I was checking on Carlo's leg. When we  
20 stopped, I was telling Mr. Harris, You're hit. I  
21 could hear his gun clicking. He was trying to make  
22 like -- he was trying to make bullets in it before  
23 he can finish me off.

24 Q Let me ask you this, Keith: Did you have a gun  
25 on you?

- 1           **A**    No, sir.
- 2           **Q**    Did you have a knife on you?
- 3           **A**    No, sir.
- 4           **Q**    Did you have any type of weapon on you?
- 5           **A**    No, sir. I never do -- I never had a weapon.
- 6           **Q**    Did Carlo?
- 7           **A**    No, sir.
- 8           **Q**    Have a knife?
- 9           **A**    No, sir.
- 10          **Q**    A weapon?
- 11          **A**    No, sir.
- 12          **Q**    A gun?
- 13          **A**    No, sir.
- 14          **Q**    Did you or Carlo or Leric threaten to kill
- 15          Montrell Troutman?
- 16          **A**    No, sir.
- 17          **Q**    Did Leric Merriweather, when he was out there
- 18          standing face-to-face with Montrell Troutman, have a
- 19          gun?
- 20          **A**    No, sir.
- 21          **Q**    Did he have a knife?
- 22          **A**    No, sir.
- 23          **Q**    Did he threaten to kill Montrell Troutman?
- 24          **A**    No, sir.
- 25          **Q**    Keith, you've got a criminal history, don't

1           you?

2           **A**     It ain't that bad. I mean, I done got -- ain't  
3           nobody perfect. I got in trouble before, yes, sir.

4           **Q**     You've been in trouble before with the law?

5           **A**     Yes, sir.

6           **Q**     And, in fact, back in 2006, you got a  
7           conviction for criminal conspiracy; is that correct?

8           **A**     Yes, sir.

9           **Q**     And also in 2011, you have a conviction for  
10          giving false information to law enforcement?

11          **A**     Yes, sir.

12          **Q**     That's correct?

13          **A**     Yes, sir.

14          **Q**     Do you see the person who killed Leric?

15          **A**     Yes, sir.

16          **Q**     Who shot at you?

17          **A**     Yes, sir.

18          **Q**     And who shot at Carlo --

19          **A**     Yes, sir.

20          **Q**     -- in this courtroom today?

21          **A**     Yes, sir.

22          **Q**     Would you point him out for the jury, please?

23          **A**     Montrell Troutman {indicating}.

24                 **MR. EARGLE:** Your Honor, let the record reflect  
25          that this witness has identified Montrell Troutman

1 as the individual who killed Leric Merriweather,  
2 shot at Keith Mathis and shot Carlo Harris.

3 **THE COURT:** So noted for the record.

4 **MR. EARGLE:** Thank you, Your Honor.

5 Please answer any questions the defense  
6 attorney may have.

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

8 **MR. DRYLIE:** Thank you, Judge.

9 CROSS-EXAMINATION

10 BY MR. DRYLIE:

11 **Q** Afternoon. You and Leric had known each other  
12 a long time, right?

13 **A** Yes, sir.

14 **Q** Y'all were really good friends?

15 **A** Yes, sir.

16 **Q** Closer than brothers would you say? Pretty  
17 close?

18 **A** Yeah, you can say that.

19 **Q** Okay. And you'd do anything for Leric?

20 **A** Not anything. We had each other back, but we  
21 wouldn't do anything. We knew better.

22 **Q** But you had each other's backs, right?

23 **A** Yeah.

24 **Q** Okay. You know, you were so close that Leric  
25 called you that afternoon and you went running over

1           there, correct?

2           **A**     Correct.

3           **Q**     Okay. And would you lie for Leric?

4           **A**     No, sir.

5           **Q**     Okay.

6           **MR. DRYLIE:** And, Judge, I have a matter of  
7 law. Or can we approach?

8           **THE COURT:** Yes.

9                     (Whereupon, a bench conference was held off  
10 the record, in the presence of the jury, but out of  
11 the hearing of the jury.)

12           **THE COURT:** You may continue.

13           BY MR. DRYLIE:

14           **Q**     Now, when Leric -- y'all left to go get beer,  
15 correct?

16           **A**     Yes, sir.

17           **Q**     Okay. And then you're coming back and you stop  
18 at Santonio Ryans' house, right?

19           **A**     Yes, sir.

20           **Q**     And that's not very far from where Montrell  
21 Troutman lives, correct?

22           **A**     It's a little bit down the road.

23           **Q**     Okay. Can you see Troutman's place from there?

24           **A**     No, sir.

25           **Q**     Okay. Now, when y'all were there, you say you

1 saw a green Honda and Montrell got out of it,  
2 correct?

3 **A** Yes, sir.

4 **Q** But you were sitting in the back seat, correct?

5 **A** Yes, sir.

6 **Q** Okay. So you're saying that you were looking  
7 back at the time that green Honda was there and  
8 that's how you saw that?

9 **A** Yes, sir.

10 **Q** Okay. Now, you state that Leric -- when Leric  
11 and Montrell started arguing, Leric got his fists  
12 up, correct?

13 **A** Yes, sir.

14 **Q** And that he wanted to fight?

15 **A** Yes, sir.

16 **Q** You seen Leric fight?

17 **A** No, sir.

18 **Q** Okay. Now, you stated on direct examination  
19 that Leric was wearing basketball shorts, right?

20 **A** Yes, sir.

21 **Q** And you said you can't put a gun in basketball  
22 shorts, correct?

23 **A** Yes, sir.

24 **Q** How do you know you can't put a gun in  
25 basketball shorts?

1       **A**     It just -- I mean, it just -- I mean, it really  
2       -- you just can't put a gun in basketball shorts.  
3       It's just a point that if you got basketball shorts  
4       on with no shirt, you're going to -- obviously,  
5       you're going to see a gun around some kind of way.  
6       Basketball shorts, they're real limber. I mean,  
7       they can't hold too much. You're going to see  
8       something around his waist.

9       It ain't like he had pants on, jeans on, a  
10      shirt on. He didn't even have a shirt on to cover  
11      up a gun if he had it in basketball shorts. He's  
12      wide open. You can see everything. You can see  
13      everything. He had basketball shorts on and shoes.  
14      You can see his whole waistline. This man didn't  
15      have no gun.

16      **Q**     Okay. Now, after the shooting takes place, you  
17      state you ran around the house with Carlo, correct?

18      **A**     Yes, sir.

19      **Q**     Okay. And so you're running around the house  
20      and then you get back up to where Leric is, right?

21      **A**     Yes, sir.

22      **Q**     And you're checking on Leric and you're  
23      checking on Carlo?

24      **A**     I checked on Carlo from before I even got to  
25      Leric, Mr. Merriweather. Carlo had a good little

1 graze. I know Carlo was going to be all right. My  
2 most concern was Leric.

3 Q Okay. That's fine. But if you're checking on  
4 them, how did you see Montrell walking away?

5 A Because I'm in the driveway. I'm in the  
6 driveway of Santonio Ryans' yard. You can see  
7 Montrell walking down to the yard until he get to  
8 that tree. When he get to that tree, that's when  
9 everything block off. I seen Montrell walk down the  
10 road like it was just a regular day, nothing  
11 happened, with the gun in his hand.

12 Q Okay. Now, you stated in 2011, that you were  
13 convicted of giving false information to police,  
14 correct?

15 A It wasn't false -- I just ain't know what  
16 happened. I couldn't say what happened.

17 Q But you were convicted of that?

18 A Yes, sir.

19 Q Okay. Now, let me ask you this: When was the  
20 first time you talked to police about this incident?

21 A (No response.)

22 Q Was it May of this year?

23 A No, no. Actually, it was a couple -- about a  
24 month or two actually after the scene, after it had  
25 happened.

1 Q Oh, who did you talk to?

2 A Well, I really didn't talk to nobody. Me and  
3 Carlo went to Mike house and we just left our phone  
4 number and address, and they said they were going to  
5 get in touch with us.

6 Q Okay. But you didn't talk to anybody then,  
7 right?

8 A No, sir.

9 Q You didn't talk to anybody the night that this  
10 happened?

11 A No, sir.

12 Q Okay. Where did you go the night that this  
13 happened?

14 A They tried to get in touch with me. I was  
15 stressed out, you know what I'm saying. It was a  
16 month, two later. I was losing weight. I was  
17 crying. Man, it messed me up. So I moved to  
18 Augusta where my baby mama at.

19 Q Okay. But the first time you actually gave a  
20 statement to the police, was it May of this year?

21 A Yes, sir.

22 Q Okay.

23 **MR. DRYLIE:** Beg the Court's indulgence.

24 (Pause.)

25 Q Now, Keith, I just have a couple more questions

1 for you real quick. The night that this happened,  
2 how long did you stay at the scene?

3 **A** I stayed at the scene probably about, like,  
4 five minutes. I mean, when the ambulance was  
5 coming, I was walking down the road.

6 **Q** So when the ambulance was coming, when you hear  
7 the sirens, you walked down the road?

8 **A** Yes, sir.

9 **Q** And when the police were coming, you walked  
10 down the road?

11 **A** Yes, sir. I was already down the road when the  
12 police got there and the ambulance.

13 **Q** Okay. So when the police and the ambulance  
14 were there, you had already gone?

15 **A** Yes, sir.

16 **MR. DRYLIE:** No further questions.

17 **THE COURT:** Any redirect?

18 **MR. EARGLE:** Yes, sir, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. EARGLE:

21 **Q** What was your primary concern when you came  
22 around the house and you saw one of your best  
23 friends, Leric Merriweather, lying in that driveway?

24 **A** I didn't want to lose him. He kept -- he kept  
25 begging me for the ambulance.

1           **Q**     What was his condition like?

2           **A**     Well, I had him at first and he was bleeding  
3           and blood kept coming out of his throat. So I  
4           couldn't take it no more. I couldn't see him like  
5           that. So LJ came and got him.

6           Man, it hurt me, man. I known him since -- we  
7           played in the sandbox together.

8           **Q**     So you were upset?

9           **A**     Yes, sir.

10          **Q**     Was there anything else you could do for your  
11          friend Leric?

12          **A**     I couldn't do nothing. I couldn't do nothing  
13          for him.

14          **MR. EARGLE:** I have nothing further, Your  
15          Honor.

16          Thank you.

17          **THE COURT:** Any recross?

18          **MR. DRYLIE:** No, Your Honor.

19          **THE COURT:** All right. Sir, you may step down.

20          Ladies and gentlemen, I'm going to ask you to  
21          step to the jury room for just a minute, just a  
22          minute. Do not discuss the case. I'll get you back  
23          out here as soon as I can.

24          (The jury retires to the jury room.)

25          **THE COURT:** Mr. Mathis, would you come back

1 around to the stand, please, sir? I'll remind you  
2 you're still under oath. Okay?

3 **MR. MATHIS:** Yes, sir.

4 **THE COURT:** Mr. Drylie, I'm going to allow you  
5 to ask a few questions pertaining to what I had  
6 ruled was not coming in a minute ago, to proffer it  
7 on the record in case -- I don't think I'm wrong,  
8 but I want your client protected.

9 **MR. DRYLIE:** Thank you, Judge.

10 IN CAMERA EXAMINATION

11 BY MR. DRYLIE:

12 **Q** In 2011, you were convicted of giving false  
13 information to the police, correct?

14 **A** Yes, sir.

15 **Q** And that incident involved a shooting that --  
16 and involved a shooting of Leric Merriweather,  
17 correct?

18 **A** Yes, sir.

19 **Q** And the false information that you were  
20 convicted of giving was covering up for Leric  
21 Merriweather being involved in that shooting,  
22 correct?

23 **A** No, sir.

24 **Q** Okay.

25 **MR. DRYLIE:** That's pretty much all we intended

1 to do.

2 **THE COURT:** Does the State have any questions  
3 pertaining to this issue?

4 **MR. EARGLE:** No, sir, Your Honor.

5 **THE COURT:** Mr. Mathis, you may step down, sir.  
6 All right. We'll stand down just for --

7 **MR. DRYLIE:** Judge, I'm sorry. Just for the  
8 record, we'd object to not being allowed to --  
9 obviously, I think we're protected; I'm just making  
10 sure.

11 **THE COURT:** Your objection's noted. And I've  
12 let you proffer what you need to proffer or what you  
13 wanted to proffer. How about that?

14 **MR. DRYLIE:** Thank you, Judge.

15 **THE COURT:** All right. We'll stand down.

16 (Brief recess.)

17 **THE COURT:** All right. Anything from the State  
18 before I bring the jury back out?

19 **MR. EARGLE:** No, sir, Your Honor.

20 **THE COURT:** Defense counsel?

21 **MR. DRYLIE:** No, Your Honor.

22 **THE COURT:** Bring me the jury, please.

23 (The jury returns to the courtroom.)

24 **THE COURT:** Hope y'all had a nice break and  
25 ready to proceed.

1           At this time, I'm going to recognize the State.  
2           Call your next witness, please.

3           **MS. RADLEIN:** Thank you, Your Honor. The State  
4           calls Carlo Harris.

5                                   CARLO HARRIS,  
6           having been duly sworn, testified as follows:

7           **THE CLERK:** Please be seated. State your full  
8           name, spell your last name for the record. Make  
9           sure you speak up.

10           **THE WITNESS:** Carlo Harris. Harris,  
11           H-a-r-r-i-s.

12                                   DIRECT EXAMINATION

13           BY MS. RADLEIN:

14           **Q**    How are you doing today, Carlo?

15           **A**    I'm all right.

16           **Q**    Can you tell the jury where you're from?

17           **A**    Edgefield, South Carolina.

18           **Q**    And is this where you were born and raised?

19           **A**    Yes, ma'am.

20           **Q**    And where did you go to school?

21           **A**    Strom Thurmond.

22           **Q**    And do you know the victim -- the deceased  
23           victim in this case, Leric Merriweather?

24           **A**    Yes, ma'am.

25           **Q**    And how long have you known him?

1           **A**     For a long time.

2           **Q**     You guys go to high school together?

3           **A**     Yes, ma'am.

4           **Q**     Did you go to middle school together?

5           **A**     Yes, ma'am.

6           **Q**     Do you know the defendant, Montrell Troutman,  
7           in this case?

8           **A**     Yes, ma'am.

9           **Q**     And how do you know him?

10          **A**     He the one pulled the trigger.

11          **Q**     Where do you live?

12          **A**     I stay on [REDACTED] Morange Street, Edgefield.

13          **Q**     I want to take you to June 6 of 2015. Do you  
14          remember that day?

15          **A**     Yes, ma'am.

16          **Q**     Do you remember what you were doing that  
17          morning?

18          **A**     Yes, ma'am.

19          **Q**     Go ahead and tell the jury what you did that  
20          morning.

21          **A**     I was at the house. And later on that evening,  
22          Leric had came by the house and said he was doing  
23          something at his house. He was throwing something  
24          on the grill for his kids and everything like that.  
25          So I had rode down there with him. We was in the

1 yard for a little while. Then it was some more  
2 people came over there. Pooh Bannon came over  
3 there, that's Keith Mathis. All them came over  
4 there.

5 And we had left, had walked -- we had walked to  
6 my house, like me, Pooh Mathis -- Keith Mathis. And  
7 I'll say about five, seven minutes later, I got a  
8 phone call from Leric saying he was about to fight.  
9 So me and Pooh had went back down there. And when  
10 we had got back down there, everybody else was gone.  
11 It was just me, Pooh and Leric now still in the  
12 yard. And I told Leric, Let's go to the store, buy  
13 some beer. And that's when everything had happened.

14 **Q** Okay. I want to now take you back and clarify  
15 some things. I think you said Pooh Bannon?

16 **A** Mathis.

17 **Q** And you're referring to Keith Mathis in this  
18 case?

19 **A** Yes, ma'am.

20 **Q** And you said you received a phone call and  
21 determined something had happened?

22 **A** Yes, ma'am.

23 **Q** Did you learn where this incident occurred, I  
24 guess?

25 **A** Yes, ma'am.

1 Q And where did it happen?

2 A Down at Leric house.

3 Q So when you said you left, you're referring to  
4 leaving your house and going back to Leric's house?

5 A Yes, ma'am.

6 Q And how did you and Keith get to Leric's house?

7 A We had walked.

8 Q About how long of a walk is it?

9 A It ain't about -- about a five-minute walk up.  
10 It ain't even -- ain't that long probably.

11 Q And once you got there, was anyone else there?

12 A No.

13 Q And you said that you went to -- you decided  
14 to -- you told Leric that you were just -- Let's  
15 just go get some beer. What was the purpose of  
16 telling him that?

17 A I mean, I just thought we had just wanted to,  
18 you know, drink some beer, you know, to just ease  
19 everything down.

20 Q So take me through what happened next.

21 A Well, we had rode through New Buncombe and Rosa  
22 Hill Street and we had made that left. We was going  
23 down by Santonio Ryans and them house. And he had  
24 seen a longtime friend and he threwed his hand up at  
25 him. And he had went up the road, made a little

1 U-turn and he came on back down and he had parked on  
2 the side of the road.

3 Q Okay.

4 MS. RADLEIN: Permission to move about the  
5 courtroom and permission for the witness to step  
6 down.

7 THE COURT: Yes, ma'am.

8 (Witness leaves the witness stand.)

9 BY MS. RADLEIN:

10 Q Carlo, I'm going to hand you what's been  
11 entered in evidence as State's Exhibit 22. Let me  
12 ask you this: When you left, who was driving?

13 A Leric Merriweather.

14 Q Okay. And what car were you driving?

15 A We was in that dark blue Charger.

16 Q Okay. And so do you recognize this?

17 A Yes, ma'am.

18 Q I'm going to go ahead and -- looking at State's  
19 Exhibit 21, and place State's Exhibit 22 where you  
20 pulled up in front of Santonio Ryans' house?

21 A Yes, ma'am.

22 Q And then, just to be clear, you do recognize  
23 State's Exhibit 21?

24 A Yes, ma'am.

25 Q And what do you recognize that to be?

1           **A**     Santonio Ryans' yard.

2                   **MS. RADLEIN:** Let the record reflect that he  
3 placed the Dodge Charger, State's Exhibit 22, on  
4 State's Exhibit 21.

5                   **THE COURT:** So noted.

6           BY MS. RADLEIN:

7           **Q**     And you can take your seat.

8           **A**     (Witness resumes the witness stand.)

9           **Q**     Once you pulled up -- once Leric parked the  
10 car, where were you in the vehicle?

11          **A**     The front, the passenger side.

12          **Q**     And you said Keith was with you. Where was  
13 Keith?

14          **A**     He was in the back.

15          **Q**     And you said he saw a longtime friend. Was  
16 that Santonio?

17          **A**     Ken.

18          **Q**     And what's Ken's name; do you know?

19          **A**     Nicholson, Ken Nicholson.

20          **Q**     And where did he see Ken?

21          **A**     Standing in Santonio Ryans' yard.

22          **Q**     And then tell the jury what you recall  
23 happening next.

24          **A**     Well, him and Santonio Ryans was talking and I  
25 looked out my rearview mirror and I seen a green car

1 stop down the road a little bit. And I seen  
2 Montrell, he get out and he come up on the side of  
3 the car, on the driver's side. He walk up in the  
4 grass. He walked by the car. Then he -- he turned  
5 back around and he stood on the -- at back of the  
6 car, and that's when everything had started.

7 **Q** When you saw -- you said a green car. Do you  
8 recall what kind of car it was?

9 **A** It was a Honda.

10 **Q** And what direction was it coming from when you  
11 saw it?

12 **A** The back way.

13 **Q** And on the back way, would it be coming from  
14 the Rosa Hill side or the other side?

15 **A** The other side, from my side.

16 **Q** And you said you saw the defendant. Could you  
17 tell what part of the car he was coming out of?

18 **A** I think he got out the back -- out the back  
19 seat.

20 **Q** And if you don't recall something, I don't want  
21 you to guess. You can just say you don't remember.

22 **A** Yes, ma'am.

23 **Q** Okay. But you know you saw him get out of the  
24 car?

25 **A** Yes, ma'am.

1           **Q**     And you indicated that he walked down the road.  
2           When he first started walking, what side of the road  
3           was he walking on?

4           **A**     The right-hand side.

5           **Q**     And if you're -- you're talking about the  
6           right-hand side. Was Santonio Ryans' house on the  
7           left or the right?

8           **A**     Santonio Ryans' house on the left.

9           **Q**     So he was on the opposite side of the road?

10          **A**     Yes, ma'am.

11          **Q**     And then you described that he started walking.  
12          Tell me what his next step was.

13          **A**     His next step was he had come in Santonio  
14          Ryans' yard.

15          **Q**     And when you say his yard, looking at State's  
16          Exhibit 21, are you referring to the grass area?

17          **A**     Yes, ma'am.

18          **Q**     By where you were parked?

19          **A**     Yes, ma'am.

20          **Q**     And go ahead and take me through what his next  
21          step was after that.

22          **A**     And he had stopped by the trunk of the car and  
23          they would start arguing. I mean -- and I'm telling  
24          Leric the whole time, Hey, bro, I see him, you know,  
25          because he was, you know, pulling for something. I

1 didn't know what it was. And then the third time,  
2 that's all I seen was fire come from the barrel, I  
3 mean, you know.

4 Q When -- let's clarify some things. When he  
5 walked up initially, were you inside the car or  
6 outside the car?

7 A We was inside the car at first.

8 Q All right. And then you said he had stopped at  
9 the trunk of the car?

10 A Yes, ma'am.

11 Q Were you inside the car then or outside the  
12 car?

13 A We were still inside the car I think.

14 Q At what point did you get out of the car?

15 A When Leric had got out.

16 Q Okay. Where was -- had the defendant,  
17 Montrell, had he done anything else when he  
18 approached the car before you got out of the car?

19 A I can't remember.

20 Q All righty. And so the next thing you remember  
21 is when Leric got out the car, you got out the car?

22 A Yes, ma'am.

23 Q And then -- I know you said that's when  
24 everything started happening, but let's see if we  
25 can state it for the jury. Okay?

1           **A**     Yes, ma'am.

2           **Q**     So the next thing you remember, was Keith in  
3           the car or outside of the car at that point?

4           **A**     He got out, too.

5           **Q**     And where -- where was the defendant standing  
6           at that point?

7           **A**     He was, like, in the grass-way by the driveway.

8           **Q**     And then what happened next?

9           **A**     They was passing back words for words. And  
10          like I said, I had told him, Hey, bro, I see him  
11          reaching for something, you know. And the third  
12          time, we was fixing to go back to the car and  
13          Montrell had said something else to him and that's  
14          when he had turned around. And when he had turned  
15          around, it's -- all I had heard was, You ain't got  
16          no bullets in the gun. And the next thing I know he  
17          had shot him.

18          **Q**     And where were you standing when you saw him  
19          pull the trigger?

20          **A**     I was right there. I was right beside Leric  
21          Merriweather. I literally seen the fire come from  
22          the gun.

23          **Q**     Do you remember what Leric was wearing?

24          **A**     He had on some shorts, some shoes and no shirt  
25          on.

1           **Q**     And after you -- you described seeing the fire  
2           come from the gun, what, if anything, did you  
3           witness then?

4           **A**     All I seen when he had hit Leric in the chest,  
5           Leric had fell down and started running, ran around  
6           the house, and that's when he had turned his gun at  
7           Mathis and started shooting at Mathis. Mathis ran  
8           around the house. I couldn't move. I was  
9           shell-shocked because I ain't never seen nothing  
10          like that before, and that's when, I guess, the  
11          bullet had caught me, too.

12          **Q**     And when you said the bullet caught you, do you  
13          know where it caught you?

14          **A**     In my right leg.

15          **Q**     What, if anything, do you recall happening  
16          next? What did you do?

17          **A**     I had went over there to check on Leric because  
18          he was down on the pavement. And I had went over  
19          there to talk to him. And all he kept saying to me  
20          was, Hey, bro, tell them to hurry up, tell them to  
21          hurry up. And that's when I had fell down because I  
22          had felt -- I had been shot, too. I was grazed. I  
23          mean, you know, I was grazed.

24          **Q**     Let me back up for a little bit. After the  
25          defendant was pulling the trigger and he was

1 shooting, can you tell the jury whether or not  
2 anyone was going towards him?

3 **A** No, ma'am.

4 **Q** Okay. For all intents and purposes, when Keith  
5 and Leric were running, were their backs toward the  
6 defendant at this time?

7 **A** Yes.

8 **Q** And after he was finished shooting, can you  
9 tell the jury if you saw what direction the  
10 defendant left in?

11 **A** He was going back up towards, like, Rosa Hill  
12 Street.

13 **Q** Did you see where he went from there?

14 **A** All I seen was he had -- he walked up the road  
15 and he had turned to the left. He turned to the  
16 left.

17 **Q** And do you know where the defendant lives?

18 **A** Yes, I know where he stay.

19 **Q** And where does he live?

20 **A** He stay down on the right-hand side.

21 **Q** So when you say he turned to the left, is it  
22 safe to say he didn't turn towards his house?

23 **A** No, ma'am, he didn't.

24 **Q** When you realized you were shot, what, if  
25 anything, did you do?

1           **A**     I couldn't do nothing. I mean, all I kept  
2           seeing him doing was like this here, shaking the  
3           gun, I mean, just like this here {indicating}. I  
4           was like this here {indicating}. He was just  
5           shaking the gun and he just walked on up the road  
6           like nothing ain't never happened.

7           **Q**     Do you remember what kind of gun it was?

8           **A**     No, ma'am.

9           **Q**     And you said you went over to Leric. What, if  
10          anything, did you see when you went over to Leric?

11          **A**     I seen a hole in the chest, seen blood coming  
12          up out of his mouth. And I seen meat, you know.  
13          And that's when he had told me, Hey, bro, tell them  
14          to hurry up. He say that about four or five times.  
15          I couldn't take it no more. I just fell down, I  
16          mean.

17          **Q**     You said you saw -- I didn't understand. You  
18          said you saw meat?

19          **A**     Yes, ma'am. Meat came up out of his mouth. He  
20          was, like, choking on his own blood. So he was  
21          spitting up, a whole lot of stuff coming up out of  
22          his mouth.

23          **Q**     Did you ever see -- when he was down there, did  
24          Leric have a gun in his hand?

25          **A**     No, ma'am.

- 1 Q Did he have a gun in the car?
- 2 A No, ma'am.
- 3 Q Did you have a gun?
- 4 A No, ma'am.
- 5 Q Did Keith have a gun?
- 6 A No, ma'am.
- 7 Q Did you have a knife?
- 8 A No, ma'am.
- 9 Q Did Keith have a knife?
- 10 A No, ma'am.
- 11 Q When Leric walked behind the vehicle where the  
12 defendant was standing, can you tell the jury if he  
13 had anything whatsoever in his hands?
- 14 A No, ma'am.
- 15 Q When the defendant left the scene walking, can  
16 you tell the jury whether or not he left the gun at  
17 the scene or he left walking with the gun?
- 18 A He left walking with it.
- 19 Q When you were there, did you hear anyone  
20 threaten Montrell Troutman's life?
- 21 A No, ma'am.
- 22 Q Did you threaten him?
- 23 A No, ma'am.
- 24 Q Did you threaten to kill him?
- 25 A No, ma'am.

1 Q Did Keith threaten him?

2 A No, ma'am.

3 Q Did Keith threaten to kill him?

4 A No, ma'am.

5 Q Did Leric threaten him?

6 A No, ma'am.

7 Q Did Leric threaten to kill him?

8 A No, ma'am.

9 Q Did you get treated for your gunshot wound?

10 A Well, I had -- no, ma'am. I went to the  
11 hospital, but I ain't go'in.

12 Q Okay. Did anyone -- and do you recall if  
13 anyone at the scene assisted you with your gunshot  
14 wound?

15 A Yes, ma'am.

16 Q Do you remember who that was?

17 A No, ma'am.

18 Q And what, if anything, do you remember on how  
19 they assisted you at the scene?

20 A All I had knew was they had -- they seen my leg  
21 and they had wrapped it up. They wrapped it up for  
22 me. That's about it.

23 Q And did the ambulance come?

24 A Yes, ma'am.

25 Q Was it one ambulance or more than one?

- 1           **A**     It was two.
- 2           **Q**     Okay. And do you recall if any of the EMS
- 3           workers came to you?
- 4           **A**     Yes, ma'am.
- 5           **Q**     And did you -- did they also treat you?
- 6           **A**     Yes, ma'am.
- 7           **Q**     And what, if anything, did they do?
- 8           **A**     They had wrapped my leg up for me.
- 9           **Q**     They wrapped it again?
- 10          **A**     Yes, ma'am.
- 11          **Q**     And did you go with the ambulance?
- 12          **A**     Yes, ma'am.
- 13          **Q**     And did they determine that you were okay?
- 14          **A**     Yes, ma'am.
- 15          **Q**     Now, Carlo, do you have a 2014 marijuana
- 16          conviction?
- 17          **A**     Yes, ma'am.
- 18          **Q**     And that would be for distribution?
- 19          **A**     Yes, ma'am.
- 20          **Q**     Do you have any doubt in your mind who pulled
- 21          the trigger that day?
- 22          **A**     No, ma'am.
- 23          **Q**     And do you see that person in the courtroom?
- 24          **A**     Yes, ma'am.
- 25          **Q**     And who is that person?

1           **A**     Montrell {indicating}.

2           **Q**     And is that the person that pulled the trigger  
3           on Leric?

4           **A**     Yes, ma'am.

5           **Q**     And is that the person that shot you?

6           **A**     Yes, ma'am.

7           **Q**     And is that the person that shot at Keith  
8           Mathis?

9           **A**     Yes, ma'am.

10           **MS. RADLEIN:** No further questions at this  
11           time.

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

13           **MR. DRYLIE:** Thank you, Judge.

14                                   CROSS-EXAMINATION

15           BY MR. DRYLIE:

16           **Q**     Afternoon.

17           **A**     All right.

18           **Q**     You and Leric were really close, right?

19           **A**     Yes, we was.

20           **Q**     And you've been friends for a long time?

21           **A**     Yes.

22           **Q**     You went to school together?

23           **A**     Yes.

24           **Q**     Okay. And, in fact, y'all were such good  
25           friends, he called you when he was going to get in a

1 fight, right?

2 **A** Yes.

3 **Q** Okay. Y'all were his boys?

4 **A** Yes, we was.

5 **Q** Okay. Now, you were at Leric's house that day  
6 during the barbecue, right?

7 **A** Yes, sir.

8 **Q** And you didn't really see any fighting there,  
9 did you?

10 **A** No, sir.

11 **Q** Okay. And then you left and went to your  
12 house, correct?

13 **A** Yes, sir.

14 **Q** All right. And then y'all come back, correct?

15 **A** Yes, sir.

16 **Q** And when y'all come back, Leric was upset?

17 **A** I mean, he was kind of hot.

18 **Q** He was what?

19 **A** He was kind of hot.

20 **Q** He was kind of hot. Okay.

21 And so you tell him, Let's go get some beer and  
22 calm down?

23 **A** Yes.

24 **Q** Okay. And y'all go to the gas station?

25 **A** I don't recall going to the gas station. I

1 mean, because it'd been a while. We probably did go  
2 to the gas station, but I don't recall.

3 Q Okay. That's fine.

4 Now, you ended up talking with law enforcement  
5 that night, correct?

6 A Yes.

7 Q What does LB mean?

8 A L Burner.

9 Q L Burner. And that's what you called Leric?

10 A Yes. That's what we called him.

11 Q What?

12 A Yes, sir, that's what we called him.

13 Q That's what you called him. I'm sorry. I just  
14 couldn't hear you.

15 A Yes, sir.

16 Q And he had that tattooed on his neck, didn't  
17 he?

18 A I can't recall.

19 Q All right. Now, you talked to police again and  
20 that was almost two years after the shooting,  
21 correct?

22 A I can't recall.

23 Q You can't recall?

24 A No.

25 Q Okay. And you were close with Leric, right?

1           **A**     Yes.

2           **MR. DRYLIE:**   Beg the Court's indulgence.

3                     (Pause.)

4           **MR. DRYLIE:**   No further questions.

5           **THE COURT:**   Any redirect?

6           **MS. RADLEIN:**   No, Your Honor.

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

8           **THE WITNESS:**   Yes, sir.

9           **THE COURT:**   Call your next witness, please.

10          **MR. EARGLE:**   Thank you, Your Honor.   State  
11          calls Ken Nicholson.

12                                KENDRICK NICHOLSON,  
13          having been duly sworn, testified as follows:

14          **THE CLERK:**   Please be seated.   State your full  
15          name, spell your last name for the record.

16          **THE WITNESS:**   Kendrick Nicholson,  
17          N-i-c-h-o-l-s-o-n.

18                                DIRECT EXAMINATION

19          BY MR. EARGLE:

20          **Q**     Mr. Nicholson, where did you grow up?

21          **A**     Edgefield, South Carolina.

22          **Q**     If you would, kind of lean toward -- or pull  
23          that mic toward you.   We need the jury to be able to  
24          hear you real well.   Thank you, sir.

25                     You said you grew up in Edgefield?

- 1       **A**     Yeah, Edgefield.
- 2       **Q**     Okay. Did you attend schools here?
- 3       **A**     Yeah.
- 4       **Q**     What schools?
- 5       **A**     JET and Thurmond.
- 6       **Q**     Where?
- 7       **A**     JET and Thurmond -- Strom Thurmond.
- 8       **Q**     Where do you live now, Mr. Nicholson?
- 9       **A**     In Sumter, South Carolina.
- 10      **Q**     Do you have a job?
- 11      **A**     Uh-huh.
- 12      **Q**     Who do you work for?
- 13      **A**     Eden Electrical.
- 14      **Q**     And what's your job with Eden's Electrical?
- 15      **A**     I'm an electrician.
- 16      **Q**     You're an electrician?
- 17      **A**     Uh-huh.
- 18      **Q**     Let me take you back to June the 6th of 2015.
- 19      Do you recall that day?
- 20      **A**     Uh-huh.
- 21      **Q**     Did you answer?
- 22      **A**     Yes, sir.
- 23      **Q**     Were you in Sumter or were you here in
- 24      Edgefield?
- 25      **A**     Nah, I was in Edgefield -- I was staying in

1 Columbia at the time.

2 Q You were staying where?

3 A In Columbia.

4 Q In Columbia?

5 A Uh-huh.

6 Q But you were in Edgefield that day?

7 A Yeah.

8 Q Were you visiting anyone?

9 A Uh-huh. I had came down to visit my dad.

10 Q Visit your dad?

11 A Uh-huh.

12 Q Do you know Leric Merriweather?

13 A Yes, sir.

14 Q How do you know Leric?

15 A Went to school together.

16 Q And was he younger than you or older than you?

17 A He was younger than me, right about two years

18 younger, something like that.

19 Q How would you describe your relationship with

20 Leric?

21 A Me and Leric pretty cool, you know. We went to

22 school, you know, but we didn't hang out or nothing

23 like that, but he was a pretty cool fellow.

24 Q Would you consider yourself friends?

25 A Yeah.

1           **Q**     But y'all just didn't hang out together?

2           **A**     No, we never hung out.

3           **Q**     Okay. On this particular day, did you have a  
4 chance to see Leric Merriweather?

5           **A**     Yes, I saw him earlier that day.

6           **Q**     Will you tell the jury about that encounter?

7           **A**     Well, I had stopped over my dad's house. He  
8 was out there sitting on the porch and I had told  
9 him I was going to go holler at my homeboy, Antonio.  
10 So I went around the curve --

11          **Q**     I'm sorry. I didn't hear you. You were going  
12 where?

13          **A**     I had left from my dad's house and I was going  
14 over to Santonio house to go holler at him.

15          **Q**     Who is Antonio?

16          **A**     Santonio.

17          **Q**     Okay. What's his last name?

18          **A**     Ryans.

19          **Q**     Okay. Go ahead.

20          **A**     And I was going around the curve to his house  
21 and I seen Leric standing in the yard, him and Pooh  
22 and Carlo. They was out cooking on the grill. So I  
23 stopped and hollered at him and ask him, you know,  
24 just messing with him, ask him was he having a  
25 party. So he was like, No, I ain't having no party.

1 And I was like, How are you having a party and you  
2 ain't invite me? So he was like, I ain't having no  
3 party, but, you know, you're more than welcome, you  
4 know, to come by. So I told him, I was going to go  
5 holler at Tony and I'll come back later. So that's  
6 what I did, I went and hollered at Tony.

7 Q So you briefly stopped at Leric's house, he was  
8 cooking out and you said you were on your way to  
9 Antonio Ryans' house?

10 A Uh-huh.

11 Q And that you had planned on coming back over  
12 there later?

13 A Yeah.

14 Q Did you go on over to Antonio Ryans' house?

15 A Yeah, I went over there.

16 Q How long were you there?

17 A Probably -- I mean, for the rest of the day. I  
18 was over there for the rest of the day.

19 Q And what were y'all doing over there?

20 A I was just -- I had stopped and hollered at  
21 him. I asked him did he want to go back over to  
22 Leric house because Leric had, you know, they was  
23 having a cookout, but he said he didn't want to go  
24 back, so I just stayed over there. I was going to  
25 go back, but I never did get a chance to go back.

1 Q Okay. While you were at Antonio's house, did  
2 you have a chance to see Leric again?

3 A Yeah. He came through probably about 45  
4 minutes after that.

5 Q Was he walking?

6 A No, he was driving.

7 Q He was driving. Driving a car?

8 A Uh-huh.

9 Q Okay. Which way was he headed?

10 A He was coming up by Tony house, passing us.  
11 And he went up and did a loop and came back around,  
12 stopped behind me.

13 MR. EARGLE: Permission to approach the  
14 witness, Your Honor.

15 THE COURT: Yes.

16 MR. EARGLE: Permission for the witness to step  
17 down.

18 (Witness leaves the witness stand.)

19 BY MR. EARGLE:

20 Q Mr. Nicholson, if you'll look here at State's  
21 21, can you tell the jury if you recognize this  
22 photograph?

23 A Yeah. That's Tony house.

24 Q That's whose house?

25 A Santonio.

1           **Q**     You have to say it loud enough so the court  
2           reporter can hear.

3           **A**     Oh, Santonio's house.

4           **Q**     That's Santonio's house?

5           **A**     Uh-huh.

6           **Q**     And this was the house you went to after you  
7           left Leric's?

8           **A**     Yes, sir.

9           **THE COURT:** All right. Hold on. I need you to  
10          speak up. You've got your back to my court  
11          reporter. She's trying to take down what you say.  
12          I can't hear you; I guarantee you she's having  
13          difficulty hearing you. So I need you to speak up.  
14          Okay?

15          **THE WITNESS:** Okay.

16          **THE COURT:** It makes it harder, especially when  
17          your back and head is turned to us. Your voice is  
18          going towards the jury, but I need you to speak loud  
19          and clear. Okay? Thank you.

20          BY MR. EARGLE:

21          **Q**     Do your best to talk as loud as I do.

22                 So you're there at Santonio Ryans' house and my  
23          understanding is that you saw Leric pass by and then  
24          turn around and come back down; is that right?

25          **A**     Yes, sir.

1           **Q**     And let me show you what's State's 22, which is  
2           this vehicle. Can you show the jury on this State's  
3           21 where the -- Mr. Leric parked his vehicle?

4           **A**     By the bush and the tree.

5           **THE COURT:** Speak up.

6           **THE WITNESS:** By the bush and the tree.

7           BY MR. EARGLE:

8           **Q**     Thank you, sir. You can go have a seat now.

9           **A**     (Witness resumes the witness stand.)

10          **Q**     Now, when Leric pulled up, was anybody in the  
11          car with him?

12          **A**     Yeah. Carlo and Pooh was in the car with him.

13          **Q**     And Pooh?

14          **A**     Yeah. Yes, sir.

15          **Q**     And do you know Pooh's real name?

16          **A**     No, sir.

17          **Q**     You just know him as Pooh?

18          **A**     Yes, sir.

19          **Q**     Okay. Do you recall what was being said, what  
20          y'all were talking about?

21          **A**     He stopped by and he was just telling us about  
22          -- well, when he stopped, I had asked him, you know,  
23          I was like, What's going on with the cookout? So he  
24          was, like, telling us what was going on at his  
25          house. He had a little verbal altercation at his

1 house and, you know, he was just telling us about  
2 it.

3 Q What did Leric tell you?

4 A He said that it was a guy at his house that had  
5 been flashing a gun around his family and he was  
6 upset about it.

7 Q What was Leric's demeanor like?

8 A He was mad.

9 Q He was mad?

10 A Oh, yeah.

11 Q Okay. While y'all were talking, was anyone  
12 else -- tell the jury who all was there while y'all  
13 were talking.

14 A Me, Tony, Carlo, Pooh, Leric, my son was out  
15 there, Ashley -- I think they might have been in the  
16 house.

17 Q Okay. You said your son was out there?

18 A Yeah, my son was out there.

19 Q What's your son's name?

20 A Jonathan Nicholson.

21 Q Jonathan?

22 A Jonathan Nicholson.

23 Q And how old is Jonathan?

24 A He'll be seven in January.

25 Q How old was he back in 2015 on June the 6th?

1           **A**     He was five.

2           **Q**     He was five years old?

3           **A**     Yes, sir.

4           **Q**     And he was out there in the yard with y'all?

5           **A**     Yes, sir.

6           **Q**     Did anyone else come up on the scene?

7           **A**     Not at the time. Later.

8           **Q**     Okay. Who came up later?

9           **A**     The guy that shot Leric.

10          **Q**     And do you know who that was?

11          **A**     That -- that was my first time ever seeing him.

12          I ain't never seen him before.

13          **Q**     Did anyone tell you who he was?

14          **A**     Yeah. When he was walking up towards the road  
15          after Leric had told us about what had happened,  
16          Tony was like, Oh, there goes Miami right there. So  
17          that's when I looked down the road and I saw him,  
18          like, walking towards us.

19          **Q**     Now, when you were talking, you and Antonio  
20          were talking with Leric and Carlo and Pooh, where  
21          were they? Were they inside the car?

22          **A**     I can't remember if they were inside the car or  
23          not.

24          **Q**     Okay. But y'all were outside?

25          **A**     Uh-huh.

1           Q     Correct?

2           A     Yes, sir.

3           Q     Okay. And y'all were facing each other?

4           A     Yes, sir.

5           Q     Were y'all, you and Antonio, facing --

6           A     Leric in the car.

7           Q     -- Leric in the car?

8           A     Yes, sir.

9           Q     And from which direction did this person who

10          was identified to you as...

11          A     Miami.

12          Q     Miami?

13          A     Yes, sir.

14          Q     Miami. Which way did he approach y'all?

15          A     He was coming from down the road, like, from

16          the other end.

17          Q     So if this is the driveway here --

18          A     Uh-huh.

19          Q     -- was he coming from that way?

20          A     Yes. He was coming from that way.

21          Q     Okay. Can you tell the jury, as he approached

22          y'all, what was he doing?

23          A     He just had some headphones on listening to

24          music. He was, you know, like, bopping real hard.

25          Q     And where did he come -- did he stay in the

1 roadway?

2 **A** Well, he came -- I can't remember if he stayed  
3 in the roadway or not.

4 **Q** Do you remember if he passed y'all?

5 **A** He passed us. He turned around, but I can't  
6 remember, like, if he stayed in the roadway or not,  
7 but he passed us.

8 **Q** Okay. So he passed where the car was?

9 **A** Uh-huh.

10 **Q** Went on down the street towards Rosa Hill?

11 **A** Yeah, and made a U-turn, just like made a real  
12 quick U-turn.

13 **Q** So he made a U-turn and came back?

14 **A** Uh-huh.

15 **Q** Now, do you recall when he came back after  
16 making that U-turn, was he in the street or was he  
17 on the other side of the car?

18 **A** I can't remember that either.

19 **Q** You can't remember that. That's fine. If you  
20 don't remember, you don't remember.

21 Please tell the jury what you observed after he  
22 came back.

23 **A** After he came back, him and Leric just started,  
24 you know, arguing about, you know, like, what was  
25 going on, whatever. And Leric would say, That's

1           what I want to talk to you about. And, you know,  
2           him and Leric was just, you know, talking and  
3           arguing, whatever. So that's when, you know, like,  
4           they was up in each other's face. And I seen him  
5           pull a pistol out. So when he -- when I seen him  
6           pull the pistol out --

7           **Q**     You saw who pull the pistol out?

8           **A**     The dude that shot Leric.

9           **Q**     Okay.

10          **A**     So when I seen him pull the pistol out, that's  
11          when I told Tony and them to back up because my son  
12          was right there. I told everybody to back up  
13          because, you know, I had heard Leric say, That's the  
14          same gun you had earlier this week, but it ain't got  
15          no bullets in it. So I told Tony, You don't know if  
16          it got bullets in it or not. So I told him to back  
17          up. Plus my son was right there, you know what I'm  
18          saying.

19          **Q**     Right. And what happened next?

20          **A**     They were still arguing or whatever.

21          **Q**     Was it a verbal argument? Was it a physical  
22          confrontation?

23          **A**     No. They was just, you know, going back and  
24          forth talking to each other, you know, arguing.

25          **Q**     Just mouthing back and forth?

1           **A**     Yeah.

2           **Q**     What happened then?

3           **A**     After that, I mean, they might have came a  
4           little closer over there where we was, so we were  
5           still backed up and that's when he shot at him. So  
6           when he shot him, my son was right there, so I,  
7           like, I grabbed my son because I thought -- I wanted  
8           to make sure he wasn't shot. So that's when I  
9           started looking at him, you know, like, looking  
10          around at his body, make sure he wasn't shot.

11          **Q**     Let me ask you this, Mr. Nicholson: What was  
12          your five-year-old son Jonathan's reaction to  
13          hearing gunshots?

14          **A**     He started hollering and he ran to me. That's  
15          what made me think that he was shot.

16          **Q**     He started hollering?

17          **A**     Yeah.

18          **Q**     And ran?

19          **A**     And he ran to me.

20          **Q**     And you said you grabbed him?

21          **A**     Yeah. I grabbed him and I looked at his body  
22          to make sure he wasn't, you know, shot. And I ran  
23          him in the house.

24          **Q**     You ran him in the house?

25          **A**     After I looked at his body and found out he

1 wasn't shot, I took him in the house.

2 Q Okay. Do you recall how many gunshots you  
3 heard?

4 A No, sir.

5 Q One?

6 A I seen him when he shot Leric in the chest and  
7 I heard gunshots after that, but my focus was more  
8 on my son, so I couldn't really tell you how many  
9 gunshots it was.

10 Q But it was more than one?

11 A Oh, yeah, it was more than one.

12 Q Okay. But your main concern, and  
13 understandably so, was the safety of your child?

14 A Yeah, because I wanted to, you know, make sure  
15 he wasn't, you know, shot.

16 Q Now, while y'all were standing out there  
17 talking and the person who was identified to you as  
18 Miami was there, did you see Leric Merriweather with  
19 a gun?

20 A No, sir.

21 Q A knife?

22 A No, sir.

23 Q Any type of weapon?

24 A No, sir.

25 Q How about Carlo Harris?

1           **A**    No, sir.

2           **Q**    No gun, no knife, no weapon?

3           **A**    No, sir.

4           **Q**    How about Pooh?

5           **A**    No, sir.

6           **Q**    No gun, no knife, no weapon?

7           **A**    No, sir.

8           **Q**    Did they ever threaten this man named Miami?

9           **A**    I didn't hear them threaten him, no, sir.

10          **Q**    Did they try to attack him?

11          **A**    No, sir.

12          **Q**    It was a verbal altercation?

13          **A**    Yes, sir. Him and Leric, they were just

14          arguing.

15          **Q**    Just between he and Leric and they were

16          arguing?

17          **A**    Yes, sir.

18          **Q**    And that's when this man, Miami, pulled out a

19          pistol and shot Leric?

20          **A**    Yes, sir.

21          **Q**    Did you happen to see what Miami did once he

22          shot Leric?

23          **A**    He walked down the street like ain't nothing

24          happen.

25          **Q**    I'm sorry?

1           **A**     He walked down the street like didn't anything  
2           happen. Like, after he shot, he just walked down  
3           the road.

4           **Q**     And when he walked down the road, was he  
5           walking back from where he came or in the other  
6           direction?

7           **A**     The other direction.

8           **Q**     The other direction?

9           **A**     Yes, sir.

10          **Q**     Did you come to have a chance to come back out  
11          of the house?

12          **A**     Yes, sir. After I took my son in the house, I  
13          just quickly put him in the house and I came back  
14          out to go around the house, but that's when Leric  
15          ran, he ran around the house. So I went around to  
16          meet him. And so when I was coming around, he had  
17          his hand on his chest. And that's when I got --  
18          when I got to him, he took his hand down and I seen  
19          the hole in his heart and that's when he fell. He  
20          was coughing up blood.

21          **Q**     Did he say anything?

22          **A**     He was like, Call the ambulance; this shit  
23          hurts. Excuse my language.

24                   **MR. EARGLE:** That's all the questions I have.  
25          Please answer any questions the defense may have.

1 Thank you, sir.

2 **THE WITNESS:** You're welcome.

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

4 CROSS-EXAMINATION

5 BY MR. DRYLIE:

6 **Q** Afternoon.

7 **A** How are you doing?

8 **Q** So you grew up in Edgefield, correct?

9 **A** Yes, sir.

10 **Q** And you don't live here anymore?

11 **A** No, sir.

12 **Q** But when you were growing up here, you went to  
13 school with Leric, right?

14 **A** Yes, sir.

15 **Q** And y'all were close?

16 **A** No, sir, we wasn't close. I mean, I just knew  
17 him from school.

18 **Q** You were friends with him, right?

19 **A** Yes, sir.

20 **Q** Because you asked him, You can't have a party  
21 without me, right?

22 **A** Yes, sir.

23 **Q** Now, when Leric got out of the car, was he mad?

24 **A** Yes, sir.

25 **Q** Okay.

1           **MR. DRYLIE:** Beg the Court's indulgence.

2                   (Pause.)

3           **MR. DRYLIE:** No further questions.

4           **THE COURT:** Any redirect?

5           **MR. EARGLE:** Just one, Your Honor.

6                               REDIRECT EXAMINATION

7           BY MR. EARGLE:

8           **Q**     Mr. Nicholson, would you describe your  
9           relationship with Leric Merriweather as that of a  
10          real close friend or a casual friend?

11          **A**     Just a casual friend.

12          **MR. EARGLE:** Thank you.

13                   Thank you, Your Honor.

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

15                   Call your next witness.

16          **MS. RADLEIN:** Thank you, Your Honor. The State  
17          calls Alexander Mack.

18                               ALEXANDER MACK,

19                   having been duly sworn, testified as follows:

20          **THE CLERK:** Please be seated. State your full  
21          name and spell your last name for the record and  
22          make sure you scoot up to the mic.

23          **THE WITNESS:** First name Alexander Mack.

24                   Alexander, last name Mack.

25          **THE CLERK:** How do you spell it?

1           **THE WITNESS:** A-l-e-x-a-n-d-e-r M-a-c-k.

2           **THE CLERK:** Thank you.

3                                 DIRECT EXAMINATION

4           BY MS. RADLEIN:

5           **Q**     Alexander Mack, where are you from?

6           **A**     Edgefield.

7           **Q**     And how long have you been in Edgefield?

8           **A**     All my life.

9           **Q**     So you were born and raised here?

10          **A**     Yes, ma'am.

11          **Q**     And do you have a nickname?

12          **A**     Elliott.

13          **Q**     Is that your middle name?

14          **A**     Nick -- they just call me nickname.

15          **Q**     So everyone -- if anyone was saying Alexander,  
16 they would know that you were referring to Elliott?

17          **A**     Yes, ma'am.

18          **Q**     And can I call you Elliott?

19          **A**     Yes, ma'am.

20          **Q**     Elliott, do you want to be here testifying  
21 today?

22          **A**     Yes, ma'am.

23          **Q**     You do? Okay. But you are under subpoena by  
24 the State?

25          **A**     Yes, ma'am.

1 Q Do you know the defendant, Montrell Troutman?

2 A Yes, ma'am.

3 Q And how do you know him?

4 A I met him when he first moved down here.

5 Q For all intents and purposes, are you friends

6 with the defendant?

7 A Yes, ma'am.

8 Q I want to take you to the night of June 6th,

9 2015. Do you recall that day?

10 A Yes, ma'am.

11 Q Can you tell the jury if you recall seeing the

12 defendant on that day?

13 A Yes, ma'am.

14 Q And where did you see him?

15 A I think he came by my house.

16 Q And -- you said you think he came by your

17 house. Did he come by your house?

18 A Yes, ma'am.

19 Q And do you recall around what time he came by

20 your house?

21 A No, ma'am.

22 Q Was it daylight or nighttime?

23 A Daylight.

24 Q It was daylight?

25 A Yes, ma'am.

1 Q Okay. Was it early in the afternoon or late in  
2 the evening?

3 A Late in the evening.

4 Q And when he came by your house, what, if  
5 anything, did he say to you?

6 A Well, he referred to me as he believed he had  
7 just -- he had just got two.

8 Q Let me make sure I understand that. He said, I  
9 believe I just got two?

10 A Yes, ma'am.

11 Q And what did you take that to mean?

12 A That he had just shot two.

13 Q And why did you take that to mean he shot two  
14 people?

15 A Because, like, streetwise it's got when, like,  
16 you just -- just shot.

17 Q And I apologize. I said the word people. When  
18 he said got two, what did the two mean to you?

19 A He had just did something to two people.

20 Q What, if anything else, did he say to you; do  
21 you recall?

22 A No, ma'am.

23 Q Do you recall what he did next?

24 A Shortly after that, we heard sirens. And he  
25 walked back towards my house, towards the railroad

1 tracks.

2 **MS. RADLEIN:** Permission to move about the  
3 courtroom, Your Honor.

4 **THE COURT:** Yes.

5 BY MS. RADLEIN:

6 **Q** I'm going to show you State's Exhibit 1. Do  
7 you see your house on this map?

8 **A** (Witness reviewing document.)

9 **Q** Let me ask you this: What's your address?

10 **A** [REDACTED] Rosa Hill.

11 **Q** Okay. Do you see Rosa Hill Street?

12 **A** Yes, ma'am.

13 **Q** Okay. And looking at Rosa Hill Street, how far  
14 up Rosa Hill do you live?

15 **A** As soon as you come on Rosa Hill, cross over to  
16 Rosa Hill Street.

17 **Q** Okay. And do you know where the defendant  
18 lived back then?

19 **A** If you -- before you get to my house, his house  
20 would be on the right.

21 **Q** Okay. So would that be down Rosa Hill Street?

22 **A** Yes, ma'am, be on Rosa Hill.

23 **Q** On Rosa Hill. So coming from Morange Street,  
24 do you see Morange Street on this map?

25 **A** Yes, ma'am.

1           **Q**     To get to your house, do you go left or right  
2           on Rosa Hill?

3           **A**     You go straight across.

4           **Q**     But if you're at the intersection, do you make  
5           a left onto Rosa Hill or a right onto Rosa Hill?

6           **A**     If you're coming off Rosa Hill, you go straight  
7           across the road.

8           **Q**     And if you're coming off of Morange? If you  
9           were driving down this street, would you go left or  
10          right to your house?

11          **A**     Be on the left.

12          **Q**     Okay. And if you were coming down this street  
13          to get to the defendant's house, would it be a left  
14          or a right?

15          **A**     His would be on the right.

16          **Q**     And then that would be at the intersection of  
17          Rosa Hill?

18          **A**     Yes, ma'am.

19          **Q**     And Morange Street?

20          **A**     Yes, ma'am.

21                   **MS. RADLEIN:** Your Honor, permission for the  
22          witness to step down.

23                   **THE COURT:** Yes.

24                   (Witness leaves the witness stand.)

25                   BY MS. RADLEIN:

1 Q Just so the jury can see what you just showed  
2 me. So you're coming this way on Morange Street to  
3 Rosa Hill. Which way do you go to your house, left  
4 or right?

5 A It would be on the left.

6 Q Okay. If you can point on here.

7 A It --

8 COURT REPORTER: I didn't hear that.

9 THE COURT: Speak up.

10 BY MS. RADLEIN:

11 Q Keep your voice up so the court reporter can  
12 hear you and the Judge as well.

13 A It will be on the left.

14 Q Okay. And if you're coming, again, down this  
15 street towards Rosa Hill, where would the  
16 defendant's house be?

17 A On the right.

18 Q Okay. You can take your seat.

19 A (Witness resumes the witness stand.)

20 Q And when he came to your house -- when he came  
21 to your house, you indicated -- which is on the left  
22 on Rosa Hill, where exactly did he go after he left?

23 A After he left, he went behind my house.

24 Q And what is behind your house?

25 A A railroad track.

1 Q Okay. And what else is back there? What do  
2 you refer to the back behind your house?

3 A The backyard?

4 Q Yes. Where exactly -- what area is that? Was  
5 it another house?

6 A No, ma'am.

7 Q What is it?

8 A Just like a little railroad track.

9 Q Okay. And what's beyond the railroad track?

10 A Nothing.

11 Q Okay. Can you tell the jury whether or not  
12 there's woods back there?

13 A Yes, ma'am.

14 Q So did he go towards the woods?

15 A Yes, ma'am.

16 Q Now, Elliott, do you recall speaking to law  
17 enforcement about this case? Did the police come  
18 and ask you if you saw the defendant that night?

19 A Yes, ma'am.

20 Q And what did you tell them?

21 A Yes, ma'am.

22 Q No. What did -- what did you initially tell  
23 them, initially?

24 A That -- did I tell them?

25 Q Did you tell the police you saw the defendant

1 that night?

2 **A** Yes, ma'am.

3 **Q** Back on -- back on May 24, 2017, do you  
4 remember speaking to Lieutenant Cockrell about this  
5 case -- of the Edgefield Police Department?

6 **A** Yes, ma'am.

7 **Q** Okay. And did he ask you if you saw the  
8 defendant that night?

9 **A** Yes, ma'am.

10 **Q** And what did you -- do you recall what you told  
11 him?

12 **A** Yes, ma'am.

13 **Q** What did you tell him?

14 **A** I told him he had come by and after we were --  
15 that's when he left.

16 **MS. RADLEIN:** Permission to approach the  
17 witness, Your Honor.

18 **THE COURT:** Yes.

19 **MR. DRYLIE:** Can we approach, Judge?

20 **THE COURT:** Yes.

21 (Whereupon, a bench conference was held off  
22 the record, in the presence of the jury, but out of  
23 the hearing of the jury.)

24 **MR. DRYLIE:** I'm withdrawing. I'm sorry.

25 BY MS. RADLEIN:

1           **Q**     I just want to make things clear for the jury  
2           and they have a full picture of what happened.  So I  
3           want you to just read this.  You don't have to read  
4           it out loud.

5           **A**     (Witness complies.)

6           **Q**     Did that refresh your memory?

7           **A**     No, ma'am.

8           **Q**     So if you spoke to the police, you don't  
9           remember what you said?

10          **A**     No, ma'am.

11          **Q**     If I told you that you didn't initially  
12          coöperate with the police, do you remember if that's  
13          true or not?

14          **A**     No, ma'am.

15          **Q**     Did you want to be involved in this case in the  
16          beginning?

17          **A**     No, ma'am.

18          **Q**     Was it until recently that you disclosed what  
19          you remember?

20          **A**     Yes, ma'am.

21                 **MS. RADLEIN:**  No further questions at this  
22          time.

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

24                 **MR. DRYLIE:**  Beg the Court's indulgence for  
25          just a second.

1 (Pause.)

2 **MR. DRYLIE:** No questions, Judge.

3 **THE COURT:** Sir, you may step down.

4 Call your next witness, please.

5 **MS. RADLEIN:** Thank you, Your Honor. The State  
6 calls Deputy Eddie Lyell.

7 EDDIE RAY LYELL,

8 having been duly sworn, testified as follows:

9 **THE CLERK:** Please be seated. State your full  
10 name and spell your last name for the record.

11 **THE WITNESS:** My first name is Eddie,  
12 E-d-d-i-e, Ray Lyell, L-y-e-l-l.

13 DIRECT EXAMINATION

14 BY MS. RADLEIN:

15 **Q** Thank you. Where are you currently employed?

16 **A** The Edgefield County Sheriff's Office, ma'am.

17 **Q** And what is your current rank?

18 **A** Current rank, I'm a patrol deputy.

19 **Q** Okay. And how long have you been in law  
20 enforcement?

21 **A** Total years 35.

22 **Q** And how long have you been with the Edgefield  
23 County Sheriff's Office?

24 **A** Over nine years.

25 **Q** And -- and back in June of 2015, were you also

1 with the Edgefield County Sheriff's Office?

2 **A** Yes, ma'am, I was.

3 **Q** What was your position back then?

4 **A** I was a school resource officer at Strom  
5 Thurmond High School.

6 **Q** I want to speak to you on -- regarding June 6th  
7 of 2015 --

8 **A** Yes, ma'am.

9 **Q** -- and the nature of your involvement in this  
10 actual shooting incident. Do you recall responding  
11 to a call as it relates to this case?

12 **A** Yes, ma'am.

13 **Q** Do you recall where the call came from or what  
14 was the incident location?

15 **A** I believe they put out the call to [REDACTED] Morange  
16 Street.

17 **Q** And did you know whether or not that was in  
18 Edgefield County?

19 **A** Yes, ma'am. It's in the city limits of  
20 Edgefield.

21 **Q** And can you go ahead and tell the jury what  
22 time did that call come out?

23 **A** I remember that we -- that I was working at  
24 Strom Thurmond High School on a security detail and  
25 about 20 -- excuse me -- I say 2043 hours, I

1 apologize, about 17 minutes before nine o'clock on  
2 that evening, a call came out in reference to a  
3 shooting and on Morange Street.

4 Q And so you said 17 minutes before 9:00, so that  
5 would be 8:43?

6 A 8:43, yes, ma'am.

7 Q So you said it was a shooting incident?

8 A Yes, ma'am.

9 Q And when I refer to the time of the call, would  
10 that be the time you were dispatched or would that  
11 be the time law enforcement was notified of  
12 something happening?

13 A I believe -- I heard the call go out on the  
14 radio, so that was around 2043 -- I apologize --  
15 8:43 P.M.

16 Q And so that would be a time that someone called  
17 9-1-1?

18 A That's what I understood, yes, ma'am.

19 Q So that if I -- if I say the 9-1-1 call came in  
20 at 8:43, would be that be accurate based on the  
21 records that you have?

22 A From what I understand, yes, ma'am.

23 Q And that was in the P.M., correct?

24 A Yes, ma'am.

25 Q You did say 2043?

1           **A**     Yes, ma'am. I apologize using military time.

2           **Q**     And do you know what time you arrived on scene?

3           **A**     I did not look at my watch, but when I arrived  
4           on the scene -- it's normal when we go on scene,  
5           that we call the radio dispatcher, our dispatcher,  
6           and notify them. And I went on scene at about 8:58,  
7           about two minutes to 9:00.

8           **Q**     And you said you were at Strom Thurmond that  
9           day?

10          **A**     Yes, ma'am.

11          **Q**     So how long does it normally take you to get  
12          from Strom Thurmond to just a mile down the street  
13          here?

14          **A**     Actually, Strom Thurmond may be a little bit  
15          further from Morange Street, so it took a little  
16          bit. There were two of us working the security  
17          detail, so -- at Thurmond, so I talked to the other  
18          officer and we decided that he would stay at  
19          Thurmond and I would go to the scene. So it took,  
20          apparently, about -- by the time that I went on the  
21          radio saying I was there and the time there,  
22          approximately 15 minutes to get there.

23          **Q**     So about 15 minutes after the call came in, you  
24          were on scene?

25          **A**     Yes, ma'am.

1           **Q**     And were you traveling lights and sirens to the  
2           scene?

3           **A**     I was, yes, ma'am.

4           **Q**     And why would you have been traveling -- going  
5           lights and sirens?

6           **A**     Because we were notified there was a suspect  
7           that was not in custody and that the shooting had  
8           occurred and somebody who was injured and I didn't  
9           know to the extent of the injuries at that time, but  
10          -- so with that, we -- I expedited at a safe, you  
11          know, a safe precautionary, but I did go lights and  
12          sirens to get down there as quick and as safe as I  
13          could.

14          **Q**     So based on the nature of the call, it's  
15          standard protocol to go lights and sirens depending  
16          on the nature of the call?

17          **A**     Yes, ma'am.

18          **Q**     And you said that -- you said also because  
19          there were a suspect?

20          **A**     We were -- it came over the radio there was a  
21          suspect, yes, ma'am.

22          **Q**     And would that have been pretty immediately  
23          after the shooting occurred?

24          **A**     I'm not sure when the dispatcher gave the exact  
25          -- I know that we heard the call go out, then our

1 mind goes into responding, to assisting. And in my  
2 case, because that was not my actual duty, position,  
3 we went as a -- as a backup or as a -- assisting the  
4 Edgefield City Police Department. So I don't know  
5 if I answered your question directly. I apologize.

6 **Q** I think you did.

7 So in terms of a suspect being known prior to  
8 you arriving on scene, were you a -- can you tell me  
9 whether or not you were aware of a suspect, a main  
10 suspect?

11 **A** I was aware there was a suspect, yes, ma'am.

12 **Q** And go ahead and tell me what was the nature of  
13 your involvement. I believe you said you arrived  
14 roughly before nine o'clock, a minute till 9:00?

15 **A** Yes, ma'am, approximately.

16 **Q** What was the -- what was your next course of  
17 action?

18 **A** To meet with other officers there to get as  
19 much information as we could in reference to the  
20 suspect. And then we began gathering information,  
21 where the suspect may be, what area he could have  
22 been, where he was last seen running, trying to get  
23 all of this information so we could try and locate  
24 the suspect.

25 **Q** And did you determine where the suspect could

1 possibly be?

2 **A** We had, talking to the other officers who were  
3 a bit more familiar with Edgefield City because they  
4 were Edgefield officers, kind of -- we teamed up and  
5 went looking for the suspect and we went to a  
6 location off Morange Street.

7 **MS. RADLEIN:** Your Honor, I'm sorry. May we  
8 approach?

9 (Whereupon, a bench conference was held off  
10 the record, in the presence of the jury, but out of  
11 the hearing of the jury.)

12 **Q** I apologize. Tell me what's the next thing you  
13 did once you were briefed on the situation.

14 **A** We began searching the area. We went to a  
15 location where we were advised he could have  
16 probably -- possibly have gone to.

17 **Q** And do you recall what that location was?

18 **A** I don't recall the address, ma'am. It was  
19 right in the area on the corner of Rosa Hill and  
20 Morange Street, and I believe that would be the  
21 southeast corner approximately.

22 **Q** So leaving the crime scene, would you say it  
23 was on the left corner of Morange and Rosa Hill or  
24 the right corner? And I can show you a map.

25 **A** Yes, ma'am.

1           **MS. RADLEIN:** Permission to approach. I  
2 apologize, Your Honor.

3           **Q**     Looking at State's 1 and Morange Street and  
4 Rosa Hill.

5           **A**     Yes, ma'am. This is Morange. This is Rosa  
6 Hill. The residence was right in this area here  
7 {indicating}.

8           **Q**     Okay.

9           **MS. RADLEIN:** Permission for the witness to  
10 step down, Your Honor.

11           **THE COURT:** All right.

12                     (Witness leaves the witness stand.)

13           BY MS. RADLEIN:

14           **Q**     Looking at State's Exhibit 1, I'm going to put  
15 on here for the jury, and if you can go ahead and  
16 show the jury what you just showed me.

17           **A**     Yes, ma'am. The area that we received  
18 information where he was possibly staying was right  
19 -- this is Rosa Hill. This is Morange. If you go  
20 this direction down Morange, we come to Buncombe  
21 Street. If you go this way, this here is the bypass  
22 of Bauskett Street. So this was the area we were  
23 focusing on right in here {indicating}.

24           **Q**     And while you're down here, I'm going to go  
25 ahead and show you State's Exhibit 28 and ask you if

1           you recognize it?

2           **A**     Yes, ma'am, that's very familiar to me right  
3           there.

4           **Q**     And why is it familiar to you?

5           **A**     Because this is where we went to try and to see  
6           where the suspect may be.

7           **Q**     Can you tell the jury whether or not you  
8           received information that this could possibly be his  
9           residence?

10          **A**     Yes, ma'am. We received that possibly could be  
11          his residence. I believe we received information  
12          his girlfriend lived there.

13          **Q**     And tell me what, if anything, you did once you  
14          started searching that area?

15          **A**     We did not find him in the house. We were  
16          allowed to check the house. We did not find him in  
17          the house.

18          **Q**     I want to stop you there. You said you were  
19          allowed to check the house?

20          **A**     Yes, ma'am.

21          **Q**     Who gave you --

22          **A**     The girlfriend.

23          **Q**     Okay. All righty.

24          **A**     So we began searching around the house. There  
25          was a -- I think that's the dog -- I can't tell, but

1 there was a dog cage back there. And there's -- if  
2 you went back to the other one, you see there's a  
3 lot of woods right in this area behind the house.  
4 So we were looking in there to see if we could see  
5 any indication that anybody was running through  
6 there or looking for indications that we like to  
7 look at when we're trying to track. And we didn't  
8 see anything, nothing to indicate where he may be.

9 **Q** Nothing looked as if it was disturbed?

10 **A** Not that we could tell.

11 **Q** And then tell me -- and you did mention you  
12 went in the residence. Did you go throughout the  
13 entire residence searching for the defendant?

14 **A** Yes, ma'am, we did. We did. We went in the  
15 residence.

16 **Q** All right. And then tell me -- tell the jury  
17 what you did next.

18 **A** As I said, we were checking the perimeter of  
19 the home looking for anything. At some point in  
20 time, we walked back this way. We didn't have any  
21 success in locating. So I walked back this way here  
22 {indicating}. And, at that point, the girlfriend  
23 was on the cell phone and she said, Here, he's on  
24 the phone.

25 **Q** Okay. And not going into exactly what was

1           said, but were you able to actually -- were you able  
2           to determine that you were on the phone with the  
3           suspect, to the best of your ability?

4           **A**     I took it was him because she had said, He's on  
5           the phone. And so -- and she knew we were, you  
6           know, looking for him.

7           **Q**     So you understood that to be when he, being the  
8           suspect, was on the phone?

9           **A**     Yes, ma'am.

10          **Q**     And, at that point, were you able to determine  
11          roughly or generally where he was located?

12          **A**     At that time, no, ma'am, we did not.

13          **Q**     All right. And what was your next course of  
14          action?

15          **A**     This started getting a conversation with him to  
16          get himself to turn himself in. We were -- we were  
17          really worried about his safety, her safety, you  
18          know, all the officers' safety. Everybody is a  
19          concern, the victim's family, you know. We didn't  
20          know what emotions were really high. So we had a  
21          lot of concerns on the scene.

22          **Q**     And at this point, to the best of your  
23          knowledge, before locating the suspect, did you know  
24          whether or not the gun was actually recovered?

25          **A**     I did not know.

1 Q Was that also a concern for you on this day?

2 A Absolutely. Always, when we're dealing with  
3 things like that, we are very concerned.

4 Q And can you tell the jury whether or not the  
5 suspect was taken into custody on that night?

6 A He was. Would you want me to expound on that?

7 Q Yes. And I can show you another exhibit, if  
8 that would help as well, marked for ID as State's  
9 Exhibit 27. Do you recognize this?

10 A Yes, ma'am. That's Morange Street. And that's  
11 the -- if you go this direction here, that goes  
12 toward Buncombe Street toward the middle of town.

13 MS. RADLEIN: At this time, Your Honor, the  
14 State would seek to move State's Exhibit 27 into  
15 evidence and publish as well.

16 MR. DRYLIE: Without objection.

17 THE COURT: Without objection, so admitted.

18 (State's Exhibit Number 27, photograph,  
19 admitted into evidence.)

20 BY MS. RADLEIN:

21 Q Go ahead and point that out to the jury again.

22 A This right here is Morange Street and there's a  
23 lot of woods on this side. And over here, there's  
24 an old railroad ravine down in this area right here.  
25 And on the other page, the house that we were at was

1 right over in this area here.

2 Q I'll flip back for a second so you can continue  
3 to explain that to the jury.

4 A You see this tree, this is kind of the border  
5 that I was talking about on the other picture. This  
6 is where the house is. So once I got on the phone  
7 talking, I come to the road. We didn't know where  
8 he was other than we understood he was in some  
9 woods, but because there's woods here and woods back  
10 there, we did not know which woods. So I began  
11 talking to him, telling him to give himself up. He  
12 told me --

13 Q And so, at that point, did he actually turn  
14 himself in?

15 A He did. He -- like I said, I talked to him and  
16 I said, You need to come out, you know, come out  
17 wherever you're at. I've got officers on that --  
18 and what I did was I called on the police radio and  
19 I told the dispatcher to limit all traffic, all  
20 radio traffic, because it was, you know, a serious  
21 situation and that I had him on the phone. And so  
22 they did.

23 And then I told other -- tell the other  
24 officers we need to, you know, I got him on the  
25 phone and we want, you know, we're trying to get him

1 to come out wherever he was. We still didn't know  
2 where he was.

3 Q And, at that point, did you see other officers  
4 come and take him into custody?

5 A We had other officers -- when he came out, we  
6 saw him come out from right around these woods here  
7 in this area {indicating}. And I told him, Lay on  
8 the ground, get on the road, lay on the ground, no  
9 weapons. You know, we didn't want to see a weapon  
10 because of our safety and everything. I don't think  
11 I said, don't want to see a weapon. I said, you  
12 know, we want you to give yourself up.

13 Q Because that was a concern?

14 A It's always a concern, yes, ma'am.

15 Q And going to touch on that a little bit. You  
16 mentioned the weapon. Did you ever see the gun that  
17 night?

18 A Never did, no, ma'am.

19 Q Did you assist in searching for the gun?

20 A Yes, ma'am.

21 Q Looking at this, do you know what area you  
22 searched looking for the gun?

23 A Since he came out of this area here  
24 {indicating} and after he was in custody and I had  
25 an officer immediately -- I was down in this area

1 here when he actually came out of the woods here, so  
2 I told an officer -- Officer Jackson, I think -- Go  
3 get your car, let's get him in custody and get him  
4 away from the scene.

5 **Q** Okay.

6 **A** So after we got him in custody and we began  
7 trying to check this area all around in here for --  
8 it's really overgrown and at night, so it's very  
9 difficult to see, but we were still trying to see  
10 what we could find. There's a house you can't see  
11 over across the street here. We went behind the  
12 home looking -- looking just everywhere, in trash  
13 bins and things like that, just to see if we could  
14 locate the weapon, but we never -- I never had and I  
15 don't know --

16 **Q** So, to the best of your knowledge, the weapon  
17 was never recovered?

18 **A** Not that I'm familiar with.

19 **Q** And you can take your seat.

20 **A** (Witness resumes the witness stand.)

21 **Q** And earlier you were referring to some records  
22 in terms of what time you arrived on scene, what  
23 time the call went out. Do you also have records on  
24 what time Montrell Troutman, the defendant in this  
25 case, was actually taken into custody?

1           **A**     According to the records when -- now, again, I  
2           was not looking at my watch because of everything  
3           going on, but we did say 1067.

4           **Q**     And what does 1067 mean?

5           **A**     1067 means we had one in custody.

6           **Q**     And is that standard? Does law enforcement use  
7           codes when it comes to radioing back and forth on --

8           **A**     We do. Other departments may use something  
9           else, but we do. We say 1067.

10          **Q**     And at what time was the suspect 1067?

11          **A**     At 9:45.

12          **Q**     Is there --

13          **A**     Let me, if I could, back up, ma'am. It was at  
14          9:44. We got him out of the area on the way to the  
15          law enforcement center at 9:45. So it took us a  
16          minute to get --

17          **Q**     So at 9:45, 1067, suspect in custody?

18          **A**     Yes, ma'am. 9:44, excuse me.

19          **Q**     I apologize. That's my fault. You did say  
20          that. I misspoke.

21                    So suspect -- and I'm just going to make sure I  
22          didn't get confused. 1067 at 9:44 P.M.?

23          **A**     Yes, ma'am.

24          **Q**     So you arrived on scene one minute to 9:00.

25          And 45 minutes after you were on scene, the suspect

1 was taken into custody?

2 **A** Yes, ma'am.

3 **Q** Just to make sure we're clear on the record,  
4 that suspect ended up being the defendant in this  
5 case, Montrell Troutman?

6 **A** That's -- at that time, ma'am, I didn't know  
7 him by that name. All I knew was a nickname.

8 **Q** But you came to find --

9 **A** Yes, ma'am.

10 **MS. RADLEIN:** No further questions at this  
11 time.

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

13 CROSS-EXAMINATION

14 BY MR. DRYLIE:

15 **Q** Afternoon.

16 **A** Hey. How are you, sir?

17 **Q** Good. How about you?

18 **A** Good.

19 **Q** Now, when you get down there, you go to  
20 Ms. Hatcher's house, correct?

21 **A** If that's the girlfriend.

22 **Q** The girlfriend's house?

23 **A** Yes, ma'am {sic}.

24 **Q** Okay. You're down there and you're checking on  
25 everyone's safety for one thing, correct?

1           **A**     Yes.

2           **Q**     You said you were concerned because tensions  
3           were running high and there was a lot of emotion  
4           down there?

5           **A**     There was, yes, sir.

6           **Q**     Okay. And now, at some point, you're given  
7           this cell phone, correct?

8           **A**     Yes.

9           **Q**     And Montrell was on the other line?

10          **A**     That's what I understood. I did not know him  
11          by that name.

12          **Q**     But it turns out that that was Montrell?

13          **A**     Yes, sir.

14          **Q**     And he was on the other line?

15          **A**     Yes, sir.

16          **Q**     And he tells you he wants to turn himself in,  
17          correct?

18          **A**     Yes, sir. He wants to turn himself in and he  
19          doesn't want to get hurt.

20          **Q**     Correct. And you tell him what to do, right?

21          **A**     Yes, sir.

22          **Q**     You tell him to walk towards the sirens and he  
23          comes towards the lights, right?

24          **A**     I just remember officers being down there. I  
25          don't know if we had a car down there, but we had

1 officers on the street.

2 Q Okay. But you told him to go towards the  
3 officers essentially, correct?

4 A Yes, sir.

5 Q And he does that?

6 A Yes, sir.

7 Q And he gets on the ground and he complies?

8 A Yes, sir. That's -- I'm standing a good way --  
9 I'd have to show it to you again, but I'm not  
10 standing right where he is, but there are officers  
11 that he turns himself in to. I've still got the  
12 phone in my hand and, you know, trying to make sure  
13 he's coming out.

14 Q But he's not running away and he's not  
15 resisting y'all or anything like that?

16 A He did not, no, sir.

17 MR. DRYLIE: No further questions.

18 THE COURT: Any redirect?

19 MS. RADLEIN: No redirect, Your Honor.

20 THE COURT: Sir, you may step down. Thank you.

21 THE WITNESS: Thank you, sir.

22 THE COURT: All right. Anyone on the jury need  
23 a break? Do you need to stand up for a minute and  
24 stretch your legs? If you need a break, raise your  
25 right hand. I'll let you have a break for a few

1 minutes.

2 (Pause.)

3 **THE COURT:** Call your next witness.

4 **MS. RADLEIN:** Thank you, Your Honor. The State  
5 calls Investigator Curtis Morris.

6 CURTIS ALAN MORRIS,

7 having been duly sworn, testified as follows:

8 **THE CLERK:** Please state your full name, spell  
9 your last name for the record.

10 **THE WITNESS:** Curtis Alan Morris. Last name  
11 spelling M-o-r-r-i-s.

12 DIRECT EXAMINATION

13 BY MS. RADLEIN:

14 **Q** Investigator Morris, where are you currently  
15 employed?

16 **A** The Edgefield County Sheriff's Office.

17 **Q** And how long have you been employed there?

18 **A** Since 2005.

19 **Q** And how long have you been in law enforcement?

20 **A** Since 1998.

21 **Q** I'm not great with math. How many years have  
22 you --

23 **A** Nineteen.

24 **Q** Nineteen years. I apologize. Nineteen years  
25 of law enforcement experience.

1           And what is your current position at the  
2           Edgefield County Sheriff's Office?

3           **A**     Crime scene forensic investigator.

4           **Q**     And what exactly are your job responsibilities  
5           as a crime scene investigator?

6           **A**     I investigate all criminal scenes that I'm  
7           called to, as well as maintain evidence.

8           **Q**     And would that be at the sheriff's office?

9           **A**     Yes, ma'am.

10          **Q**     Are there times where you assist other  
11          agencies?

12          **A**     Yes, ma'am.

13          **Q**     And how often would that occur?

14          **A**     Whenever I'm called to a scene.

15          **Q**     So throughout your experience since 2005,  
16          roughly, you would say it's pretty often that you  
17          assisted other agencies?

18          **A**     Yes, ma'am.

19          **Q**     And let's be clear, where would these agencies  
20          be located? Would they be only in Edgefield County?

21          **A**     No, ma'am. I'm occasionally called outside of  
22          Edgefield County.

23          **Q**     Okay. And I want to talk specifically about  
24          this particular incident. On June 6th, 2015, the  
25          reason why we're all here today, do you recall

1 assisting another agency in this case?

2 **A** Yes, ma'am, the Edgefield Police Department.

3 **Q** Did you -- can you go ahead and let the jury  
4 know what the nature of your involvement was,  
5 beginning with the incident location?

6 **A** The incident location originally was called to  
7 assist in processing the crime scene itself on  
8 Morange Street.

9 **Q** In this case -- I know you assist other  
10 agencies outside of the county -- did you determine  
11 that that was actually here in Edgefield County?

12 **A** Yes, ma'am, in Edgefield County within the city  
13 of Edgefield.

14 **Q** I'm not sure your records reflect it, but do  
15 you know what time the -- you arrived on scene?

16 **A** I would have to look real quick.

17 I arrived at approximately 2048 hours.

18 **Q** In standard time?

19 **A** It would be 8:48.

20 **Q** And so we know that the call came in at 8:43.  
21 Do your records reflect that as well?

22 **A** Yes, ma'am.

23 **Q** And so you arrived on scene within five minutes  
24 of the call?

25 **A** Yes, ma'am.

1           **Q**     What did you determine once you arrived on  
2           scene?

3           **A**     That there'd been a shooting at [REDACTED] Morange  
4           Street.

5           **Q**     And was the suspect at the scene when you  
6           arrived?

7           **A**     No, ma'am.

8           **Q**     Well, take me through, what was the first thing  
9           you did when you arrived on scene?

10          **A**     When I arrived on the scene, I asked several  
11          people that were there running around where the  
12          person was that had been shot and they pointed me in  
13          that direction.

14          **Q**     You say they pointed you in that direction. Do  
15          you remember what the residence looked like when you  
16          arrived, if I showed you a photograph of it?

17          **A**     Yes, ma'am.

18                   **MS. RADLEIN:** Your Honor, permission to move  
19          about the courtroom and approach this witness.

20                   **THE COURT:** Yes.

21                   **MS. RADLEIN:** Thank you, Your Honor.

22          BY MS. RADLEIN:

23          **Q**     I'm going to show you several exhibits that  
24          we've introduced into evidence, State's 4, 5, 6, 2,  
25          3, 18, 19 and 21. These are the exhibits we'll be

1 working with. I want to give you an opportunity to  
2 look through them and let me know if you recognize  
3 them.

4 **A** Yes, ma'am, all but the Exhibit 21.

5 **Q** Now, in Exhibit 21 -- let's deal with the first  
6 few that we -- you looked at. How do you recognize  
7 the first few?

8 **A** These were photos I've taken.

9 **Q** So you personally took those photos?

10 **A** Yes, ma'am.

11 **Q** Now, exhibit -- you said 21?

12 **A** Yes, ma'am.

13 **Q** You did not take that photograph?

14 **A** No, ma'am.

15 **Q** Does Exhibit 21 reflect the same images in the  
16 previous exhibit of the house?

17 **A** In general, yes, ma'am.

18 **Q** Just a daylight photograph of it?

19 **A** Yes, ma'am.

20 **Q** Once you arrived on scene, you determined where  
21 the shooting took place?

22 **A** Yes, ma'am.

23 **Q** And you -- I think you were talking about the  
24 victim. Take me through that. Explain to the jury  
25 what's the next step. What did you do?

1           **A**     Upon being pointed to where the victim was --  
2           he was leaning up against a car -- I approached him.  
3           There were some ladies that was attempting to render  
4           first aid to him and had a cloth over what was  
5           believed to be a gunshot wound; there was still  
6           blood coming out from under the cloth itself. And I  
7           told them they had to hold more direct pressure to  
8           that to stop the bleeding itself, and then I showed  
9           them how to do so. And once that was done, the  
10          bleeding slowed down, it wasn't stopped, and EMS  
11          arrived and took care of him after that.

12          **Q**     Looking at State's Exhibit 2 --

13                 **MS. RADLEIN:** Permission for the witness to  
14          step down.

15                 **THE COURT:** Yes.

16                         (Witness leaves the witness stand.)

17          BY MS. RADLEIN:

18          **Q**     And if there's a better exhibit that depicts  
19          it, please let me know. On this particular exhibit,  
20          do you see the area where you went and, I guess,  
21          interacted with the victim in this case?

22          **A**     Approximately, because of the angle -- the  
23          angles are wrong, but it would be on the other side  
24          of this car at the front fender.

25          **Q**     I'm going to go ahead and put State's Exhibit 3

1 down. How about on this exhibit?

2 **A** A little better angle, but it would be where  
3 Officer Butts is standing.

4 **Q** Looking at Exhibit 18?

5 **A** This general area here {indicating}.

6 **Q** And in that general area, is that where you  
7 were describing seeing the victim, as well as two  
8 individuals applying pressure to his gunshot wound?

9 **A** Yes, ma'am.

10 **Q** And then what was your next step? What was  
11 your primary focus after that?

12 **A** After that, another victim walked up to me and  
13 said that he had been shot as well and rendered a  
14 little bit of aid to his, I believe, right lower  
15 leg, but it was a grazing wound.

16 **Q** And do you remember who that individual is?  
17 And if you need to refer to your report, you can as  
18 well.

19 **A** I believe his name was Carlo Harris. Carlo  
20 Harris.

21 **Q** And you indicated that he indicated he was  
22 shot. Were you able to determine that there was a  
23 fresh wound?

24 **A** Yes, ma'am.

25 **Q** And how were you able to determine that it was

1 a fresh wound?

2 **A** It still had blood on it, fresh blood.

3 **Q** So you observed the blood yourself?

4 **A** Yes, ma'am.

5 **Q** And were you able to confirm that it appeared  
6 to be a gunshot wound injury?

7 **A** It appeared to be a grazing wound.

8 **Q** And you said you treated it. What was the  
9 nature -- how did you treat the wound?

10 **A** I applied gauze pad around it to stop the  
11 bleeding, pressure and a gauze pad.

12 **Q** And I apologize; you can take your seat.

13 **A** (Witness resumes the witness stand.)

14 **Q** Now, you mentioned EMS did arrive?

15 **A** Yes, ma'am.

16 **Q** And what, if anything, happened after EMS  
17 cleared the scene, for all intents and purposes?

18 **A** After EMS departed, the other officers on scene  
19 roped off the scene itself.

20 **Q** And you say, Roped off the scene. What exactly  
21 is roping off a scene?

22 **A** I apologize. It is putting up crime scene tape  
23 to secure the scene.

24 **Q** And what is the purpose of that?

25 **A** To keep any bystanders or nonwitnesses, nobody

1 that's supposed to be in the scene, to keep them  
2 out.

3 **Q** And when it comes to investigating a crime,  
4 particularly a shooting incident, why is that  
5 important?

6 **A** You have less contamination of evidence, you  
7 get to secure the scene itself to maintain the  
8 evidence as it is.

9 **Q** And, to the best of your knowledge, was the  
10 crime scene secured?

11 **A** To my knowledge, yes, ma'am.

12 **Q** And how big was the crime scene?

13 **A** (No response.)

14 **Q** And we can look at some exhibits if it helps to  
15 describe it. Was it just where you treated the  
16 victim in this case, the shooting --

17 **A** No, ma'am. It was the front yard area and out  
18 into the street.

19 **MS. RADLEIN:** Permission for the witness to  
20 step down again.

21 **THE COURT:** Yes.

22 (Witness leaves the witness stand.)

23 BY MS. RADLEIN:

24 **Q** Looking at State's Exhibit 6, can you describe  
25 to the jury what they're looking at here?

1           **A**     This area, this is the crime scene tape here  
2           {indicating}. This would have been a roped-off  
3           area, went all the way around here, come around to  
4           this side of the house, as well as to the other side  
5           and around this fence line.

6           **Q**     I'm going to publish State's Exhibit 5.

7           **A**     Another angle as well with the crime scene tape  
8           here, here. And the fence line was where this end  
9           of the crime scene tape was taped off.

10          **Q**     And just one more angle just so it's clear,  
11          looking at State's Exhibit 4.

12          **A**     Again, yes, this is the crime scene tape here.  
13          This was -- this is the crime scene tape here.  
14          Inside this area is where the scene itself was, this  
15          side of the patrol car.

16          **Q**     Thank you. You can take your seat.

17          **A**     (Witness resumes the witness stand.)

18          **Q**     After the scene was secured, what, if anything,  
19          do you recall doing?

20          **A**     Once the scene was secured, I began  
21          photographing what I could.

22          **Q**     And then what was your next course of action?

23          **A**     After the scene was secured and I began  
24          photographing, Deputy Lyell was on the phone with  
25          the suspect in this case.

1 Q Okay. What, if anything, did you do next?

2 A Basically photographing until we got the word  
3 that he was coming out of the woods.

4 Q Did you get to see the defendant?

5 A No, ma'am, not on the scene.

6 Q Okay. Did you interact with him at any point?

7 A Yes, ma'am, after he was taken into custody.

8 Q Go ahead and take me through what the nature of  
9 your interaction was.

10 MR. DRYLIE: Judge, we just ask that this be  
11 subject to our pretrial objections.

12 THE COURT: So noted.

13 BY MS. RADLEIN:

14 Q Go ahead and take me through what the nature of  
15 your interaction was.

16 A Went to the detention center where he was being  
17 held in the holding cell and performed a GSR kit.

18 Q So your sole purpose of going to the suspect  
19 was to collect -- you said perform a GSR kit?

20 A Yes, ma'am.

21 Q And what exactly is GSR?

22 A It's gunshot residue.

23 Q And what is the purpose of collecting gunshot  
24 residue?

25 A It is to determine if a person fired or was

1 within proximity of a fired gun.

2 **Q** How often, approximately, have you collected  
3 GSR?

4 **A** It would be a guess. Ten or more times, if not  
5 more than that.

6 **Q** Did you collect the defendant's GSR -- did you  
7 perform a GSR collection on the defendant that  
8 night?

9 **A** Yes, ma'am.

10 **MS. RADLEIN:** I'm going to go ahead and have  
11 this marked.

12 (State's Exhibit Number 30, GSR kit, marked  
13 for identification.)

14 **Q** State's 30, and I'll hand you a pair of gloves.  
15 If you'll go ahead and open State's Exhibit 30 and  
16 tell me if you recognize it.

17 **A** Yes, ma'am.

18 **Q** And how do you recognize the item?

19 **A** This was the GSR kit that I took from the  
20 suspect.

21 **Q** And how do you recognize that to be the GSR kit  
22 you took from the suspect as it relates to this  
23 case?

24 **A** It has my handwriting on it.

25 **Q** And is there anything that identifies it with

1 the incident on June 6th, 2015?

2 **A** Yes, ma'am. It gives the case number and the  
3 subject name.

4 **Q** And what's the subject's name on that kit?

5 **A** Montrell Troutman.

6 **MS. RADLEIN:** At this time, Your Honor, the  
7 State seeks to move State's Exhibit 30 into  
8 evidence.

9 **THE COURT:** Any objection?

10 **MR. DRYLIE:** No objection.

11 **THE COURT:** Without objection, State's Exhibit  
12 30 -- did you say 30?

13 **MS. RADLEIN:** Yes, Your Honor.

14 **THE COURT:** Is so admitted.

15 (State's Exhibit Number 30, GSR kit,  
16 admitted into evidence.)

17 BY MS. RADLEIN:

18 **Q** I'm going to hand you another item that I'll  
19 mark as State's Exhibit 31 for demonstrative  
20 purposes.

21 (State's Exhibit Number 31, GSR kit, marked  
22 for identification.)

23 I'm going to ask you if you recognize it.

24 **A** Yes, ma'am.

25 **Q** And what do you recognize that to be?

1           **A**     It is an unused sealed GSR kit.

2           **Q**     Is that kit similar to the kit you just  
3 identified as being used in this case?

4           **A**     That's the exact same kit.

5           **MS. RADLEIN:** Permission for the witness to  
6 step down, Your Honor.

7           **THE COURT:** Yes, ma'am.

8           BY MS. RADLEIN:

9           **Q**     I'm going to ask you a series of questions  
10 regarding how you collected gunshot residue from the  
11 defendant in this case.

12          **A**     (Witness leaves the witness stand.)

13          **Q**     If you will take the jury through your normal  
14 process and what it would have been on this day.

15          **A**     In particular when a GSR kit like this is used,  
16 it is sealed with plastic all the way around. You  
17 have to --

18          **THE WITNESS:** Permission to use my pocket knife  
19 to open this up.

20          **THE COURT:** Yes.

21          **THE WITNESS:** You have to use -- open the seal.  
22 Once you break the plastic, there is another seal on  
23 the box itself to show that it has not been tampered  
24 with. You have to break this seal as well.

25          BY MS. RADLEIN:

1           **Q**     And what is the importance of that?

2           **A**     Integrity. To show that this collection kit  
3           has never been used before and to maintain custody.

4           **Q**     And if the seal had been broken, would you have  
5           used it to collect gunshot residue?

6           **A**     No, ma'am.

7           **Q**     Why or why not?

8           **A**     If that seal had been broken, that could have  
9           showed that the contents inside would have been  
10          tampered with -- could have been tampered with and  
11          you wouldn't be able to stand up here in court and  
12          say that it was a sealed kit.

13          **Q**     And, in this case, the actual kit that you used  
14          on this defendant, Montrell Troutman, was it sealed  
15          prior to you using it?

16          **A**     Yes, ma'am.

17          **Q**     Okay. Go ahead tell the jury what's the next  
18          step.

19          **A**     The next step is opening this box which  
20          contains the materials to do the kit. When you open  
21          the kit, you have this form, which is the  
22          instructions, as well as information. The  
23          instructions on how to collect the kit itself is on  
24          one side and the information on the event you have  
25          to record on the other side.

1 Q And in referring to that, do you complete that  
2 form with each and every kit?

3 A To the best of my ability.

4 Q And what is the importance of completing that  
5 form?

6 A This form documents your information as far as  
7 a firearm, where the event occurred at, the possible  
8 suspect, what type of ammunition, who the victim may  
9 be, who it was -- who the GSR kit was conducted by,  
10 as well as other information, such as is the suspect  
11 or victim left or right handed, what their previous  
12 job was, what their -- current occupation, that  
13 information.

14 Q Can you tell the jury if there's any importance  
15 about the time that's recorded on that form?

16 A The time -- the collection information, you  
17 have to give who it was taken by, as well as the  
18 date and the time the collection was taken. The  
19 reason behind the timeframe itself is SLED protocol  
20 requires that it be within three hours of the event.

21 Q And now you mentioned SLED. Who is -- or what  
22 is SLED?

23 A SLED is the State Law Enforcement Division.

24 Q And now you're mentioning them for what  
25 purpose? Do they receive this kit?

1           **A**     They receive the kit for testing.

2           **Q**     And is that standard for gunshot residue kits  
3           to go to SLED for testing?

4           **A**     Yes, ma'am.

5           **Q**     Go ahead. What's the next step once you -- I  
6           guess -- do you complete that form before or after  
7           you begin the process of collecting the evidence?

8           **A**     You collect as much information on the form as  
9           you can and you take the kit -- you complete the  
10          collection kit and if there's some information that  
11          you may not have at the time, you can fill it in  
12          within a few moments of completing the kit. But  
13          once this is done, copies are made and then this  
14          form itself is sealed in the kit after the  
15          collection is done.

16          **Q**     And you said sealed in the kit and then so it's  
17          sealed in the kit that goes to SLED?

18          **A**     Yes, ma'am.

19          **Q**     What's the next step or what would have been  
20          your next step on this particular day?

21          **A**     On this, after the form was filled out, the  
22          contents of the kit itself, if you have an area, can  
23          be removed. In this particular incident, there was  
24          a seat -- a bench to the right-hand side where we  
25          were standing. The contents were put on the little

1 -- the bench itself and then collected from the  
2 suspect and placed back in here.

3 Q And can you take the jury through the process  
4 of actually collecting the evidence?

5 A (Witness demonstrating.)

6 Q What exactly are you doing right now?

7 A Removing -- this is a two-part test here, the  
8 one that was collected from Mr. Troutman. One is an  
9 SEM, which is scanning electron microscope.

10 Q Can I ask you one question?

11 A Yes, ma'am.

12 Q Do you think you would have enough room to work  
13 on here for the jury to see?

14 A Sure. Do you want me to move onto the rail?

15 Q Or on the -- if that's enough room for you.

16 A Well, this is usually freehand, so.

17 Q However you do it.

18 A Gloves.

19 Q And now you mentioned the gloves. What's the  
20 importance of the gloves?

21 A The kit itself contains, as well as the  
22 paperwork, a seal for sealing the box and gloves for  
23 conducting the test. So if I weren't to have my  
24 gloves like I normally carry with me, it comes with  
25 a set that you can use to make sure that there's no

1 contamination.

2 Q So when you collected the evidence from the  
3 defendant in this case, can you tell the jury  
4 whether or not you were actually wearing gloves?

5 A Yes, ma'am, I always wear gloves.

6 Each item here as shown as -- such as this one  
7 right here, it shows where you take the particular  
8 collection from, in this case, being the right back  
9 of the hand, which, on the form, if you follow the  
10 directions on the back, which you should, it tells  
11 you exactly the areas you are taking the collection  
12 from. If it's the right back, it'll be right hand.

13 You open the vial up. It's a sticky substance  
14 on this tab. And in this case, right back,  
15 following the directions here, you would go from the  
16 thumb area pressing down lightly taking the GSR --  
17 collecting for GSR, excuse me. And you do that 10  
18 to 12 times, seal that back in the tube that it  
19 originally come with and place back in the kit. And  
20 you do that for the left and right front and back  
21 hands for the tabs.

22 Then you have the swabs which shows you the  
23 same thing, left palm, right' palm, left back, right  
24 back and so on. And you would use about three drops  
25 of this five percent nitric acid per Q-tip to swab

1 that same area. Once that is done with those, you  
2 have what is called a controlled sample, which will  
3 be these Q-tips here, and you would take that from  
4 something like the back of one of the legs or from  
5 an area that would not have been exposed to the area  
6 where GSR would be at.

7 Then once that's put back in the kit, you  
8 finish your form up, put it in the kit, close your  
9 kit up. And there is a tab on the outside that has  
10 to be snapped off, that is a lock. Once that goes  
11 in, fold over, you have an integrity seal. Once  
12 this integrity seal is stripped and then put over  
13 here, put over the tab itself to make sure nobody  
14 goes inside that box before it's submitted to SLED.

15 **Q** And would that be the procedure you followed on  
16 that night when you collected evidence from the  
17 defendant in this case?

18 **A** Yes, ma'am.

19 **Q** And then, to the best of your knowledge, was  
20 the kit sent off to SLED for testing?

21 **A** To my knowledge.

22 **Q** For this particular case, I'm going to show you  
23 a copy of the information sheet that you were just  
24 referencing.

25 **MS. RADLEIN:** I'll mark it as State's Exhibit

1 32.

2 (State's Exhibit Number 32, GSR information  
3 sheet, marked for identification.)

4 **Q** I'm going to hand it to you and ask you if you  
5 recognize it?

6 **A** Yes, ma'am, I do.

7 **Q** And how do you recognize it?

8 **A** This is just a shrunken version of the form I  
9 done that night.

10 **Q** And how do you know it relates to this case?

11 **A** It has the case number, has Edgefield Police  
12 Department and has my writing.

13 **MS. RADLEIN:** At this time, Your Honor, the  
14 State seeks to move State's Exhibit 32 into  
15 evidence.

16 **MR. DRYLIE:** No objection.

17 **THE COURT:** Without objection, so admitted.

18 (State's Exhibit Number 32, GSR information  
19 sheet, admitted into evidence.)

20 BY MS. RADLEIN:

21 **Q** In looking at the form, can you walk through  
22 the jury completing this form?

23 **A** On this form itself, the agency investigating  
24 the incident would have been Edgefield Police  
25 Department; their address; the case agent at the

1 time would have been Sergeant Mark Pica and his  
2 phone number, that would be the phone number of the  
3 police department; the case number given to this  
4 particular incident; what type of incident, being a  
5 shooting incident, a homicide; the victim being  
6 Leric Merriweather; the suspect, Montrell Troutman;  
7 the event information for the firearm was unknown.  
8 We did not know what type of firearm.

9 Q Quick question: You wrote down as a shooting  
10 incident slash homicide. Did you determine that  
11 there was a homicide by the point -- by the time  
12 that you completed this form?

13 A Yes, ma'am.

14 Q So underneath the event information, you can  
15 pick up there, what's the next information that you  
16 record on the form?

17 A The number of shots fired that we knew of were  
18 five; and then the brief description of the event  
19 itself: In this case, suspect, after verbal  
20 altercation, shoots two persons. Five unknown shots  
21 fired. Suspect left scene, captured approximately  
22 59 minutes later. Then the collection information,  
23 myself, Investigator Curtis Morris, my badge number  
24 is S14; the date, 6/6 of 2015; the time, 2158 hours.

25 Q And in standard time, what is 2158?

1           **A**     2158 would have been 9:58.

2           **Q**     9:58.

3                     So I'm going to write on here that the GSR -- I  
4           guess -- let me clarify this: Would that be the  
5           time that it was actually collected?

6           **A**     That would have been the time it was collected,  
7           yes, ma'am.

8           **Q**     And is that 9:58 P.M.?

9           **A**     Yes, ma'am.

10          **Q**     Is there any other information on the form?

11          **A**     Yes, ma'am. The collection information again,  
12          it's where I started, the name of subject would be  
13          Montrell Troutman. It asked, Is the victim -- is  
14          the victim or a suspect for the kit itself? In this  
15          case, it would have been the suspect that I circled.

16                     Is the person left or right handed? You have  
17          to circle one. He told me he was right handed.

18                     Occupation of the suspect: At this point, I  
19          asked him about that. He said he was a landscaper.

20                     Description of activity of subject between the  
21          time of the incident and the time of collection:

22          And hiding is what we put in here.

23          **Q**     After you collected the gunshot residue -- you  
24          can take your seat -- what's the next thing you did  
25          as it relates to this case?

1           **A**     (Witness resumes the witness stand.)

2                     After the GSR kit was taken, I was called by  
3           Sergeant Pica and asked to mirandize the subject in  
4           this case and ask him where the gun was.

5           **Q**     At that point, did you ever return to the crime  
6           scene?

7           **A**     Say again, please.

8           **Q**     Did you ever return to the crime scene?

9           **A**     Yes, ma'am.

10          **Q**     Go ahead and take me through what's the next  
11          thing you did once you returned to the crime scene?

12          **A**     Upon returning to the crime scene, finished  
13          photographing and marking the particular shell  
14          casings in the area as evidence in the case. And  
15          after doing so, it was just collection.

16          **Q**     And what do you mean by collection?

17          **A**     Actually physically taking into possession the  
18          shell casings themselves.

19          **Q**     I'm going to hand you a series of exhibits,  
20          State's Exhibit 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,  
21          and 17. I'm going to ask if you recognize them?

22          **A**     Yes, ma'am.

23          **Q**     And how do you recognize them?

24          **A**     I took these photographs.

25                     **MS. RADLEIN:** Your Honor, at this time, the

1 State seeks to move Exhibits 7 through 17 into  
2 evidence.

3 **THE COURT:** Any objection?

4 **MR. DRYLIE:** No objection.

5 **THE COURT:** Without objection, so admitted.

6 (State's Exhibit Numbers 7 through 17,  
7 photographs, admitted into evidence.)

8 **MS. RADLEIN:** Permission for the witness to  
9 step down again.

10 **THE COURT:** Yes.

11 (Witness leaves the witness stand.)

12 BY MS. RADLEIN:

13 **Q** Looking at State's Exhibit 7, do you recognize  
14 that?

15 **A** Yes, ma'am.

16 **Q** And State's Exhibit 8, do you recognize that?

17 **A** Yes, ma'am.

18 **Q** And what do you recognize 7 and 8 to be?

19 **A** Shell casings from the scene.

20 **Q** Okay. And I see markers on there. What do the  
21 markers indicate?

22 **A** Those are my markers, indicate which item is  
23 and where they're located.

24 **Q** And what's the importance of that?

25 **A** For triangulation.

1 Q And what exactly is triangulation?

2 A Using fixed points on the scene itself to be  
3 able to take three different points and bring them  
4 to one to show exactly where a particular item was  
5 at the time of recovery.

6 Q And looking at State's Exhibit 5, how many  
7 markers do you see in that image?

8 A Five.

9 Q You can use this if you need to. Looking at  
10 State's Exhibit 9, do you recognize that?

11 A Yes, item number two.

12 Q And 10.

13 A Close-up of item number two.

14 Q And what is depicted in this photograph?

15 A Again, a spent shell casing.

16 Q And looking at State's Exhibit 11.

17 A Item number three.

18 Q And State's 12.

19 A Again, item number three being a shell casing.  
20 Will be item number four.

21 Q And looking at State's Exhibit Number 13. I  
22 apologize. And State's Exhibit 14.

23 A Again, item number four with a spent shell  
24 casing.

25 Q Looking at State's Exhibit 15.

1           **A**     That would be item number five.

2                     A close-up of item number five being a spent  
3           shell casing.

4           **Q**     And that's State's Exhibit 16.  And then  
5           State's Exhibit 17.

6           **A**     A closer version of number five, a spent shell  
7           casing.

8           **Q**     And I'm not sure if you recall, do you recall  
9           what type of shell casings they were?

10          **A**     I believe they were .380s, .380 caliber.

11          **Q**     And looking again at a different angle on  
12          State's Exhibit 6, can you point out to the jury  
13          where, physically, the shell casings are in relation  
14          to the, I guess, the house?

15          **A**     This will be the house itself and each  
16          individual marker here depicts where those shell  
17          casings are.

18          **Q**     When you're marking these exhibits, can you  
19          tell the jury if you -- if you take notes while  
20          you're doing this?

21          **A**     Yes, ma'am.

22          **Q**     And what's the purpose of taking notes?

23          **A**     It's to write down, again, where these  
24          particular items are located while being in  
25          triangulation.

1           **Q**     And the triangulation that we mentioned, do you  
2           do the triangulation while you're there at the  
3           scene?

4           **A**     Yes.

5           **Q**     And what, if anything, is your next step after  
6           collecting the evidence?

7           **A**     After collecting evidence, you go back to your  
8           office and try to do a crime scene sketch.

9           **Q**     I'm going to hand you what's been previously  
10          marked as State's Exhibit 23. And this is just a  
11          copy. I'm going to ask you if you recognize State's  
12          Exhibit 23?

13          **A**     Yes, ma'am.

14          **Q**     And what do you recognize that to be?

15          **A**     My crime scene sketch.

16          **Q**     And do you recognize it as a sketch as it  
17          relates to this particular shooting incident?

18          **A**     Yes, ma'am. This would be a sketch of             
19          Morange Street scene.

20                   **MS. RADLEIN:** At this time, Your Honor, the  
21          State seeks to move State's Exhibit 23 into  
22          evidence.

23                   **THE COURT:** Any objection?

24                   **MR. DRYLIE:** No objection.

25                   **THE COURT:** So admitted.

1 (State's Exhibit Number 23, diagram,  
2 admitted into evidence.)

3 BY MS. RADLEIN:

4 Q , Looking at State's Exhibit 23 --

5 MS. RADLEIN: Beg the Court's indulgence.

6 (Pause.)

7 Q Looking at State's Exhibit 23, can you go ahead  
8 and explain to the jury how you go about, I guess,  
9 creating this?

10 A Okay. Again, this is not to scale from the  
11 scene itself. So, in this particular version, it  
12 shows the house, the driveway, a fence line in which  
13 a post on the fence line was used as a marker for  
14 one of the triangulation areas, also as well as a  
15 very large tree and two very large bushes, which  
16 were the only standing areas that we could use as a  
17 point, reference point.

18 Q You mentioned markers. Those are different  
19 than the place card one, two, three, four, five that  
20 you're referring to. What are these markers?

21 A The markers one, two, three, four and five  
22 indicate on here where the shell casings were  
23 located.

24 Q And looking at this, were those shell casings  
25 located in the roadway?

1           **A**     Four out of the five were.

2           **Q**     And now you mentioned the markers.  What's  
3           the -- what's the purpose of the markers as it  
4           relates to the placement of where the shell casings  
5           were recovered?

6           **A**     Are you talking about these markers?

7           **Q**     That's correct.

8           **A**     Markers A, B, C and C-2 are where I take my  
9           measurements to each one of these items here for  
10          triangulation purposes.

11          **Q**     Thank you, Investigator Morris.

12                   I'm going to now hand you what I will mark as  
13          State's Exhibit 33.

14                   (State's Exhibit Number 33, manila envelope  
15          with shell casings, marked for identification.)

16          **Q**     I'm going to hand you what's been marked as  
17          State's Exhibit 33 and ask you if you recognize the  
18          contents?  And you can...

19          **A**     Yes, ma'am.

20          **Q**     And what do you recognize the contents of  
21          State's Exhibit 33 to be?

22          **A**     These are items one through five being the  
23          shell casings collected that night.

24          **Q**     And how do you recognize them to be the shell  
25          casings recovered on that night?

1           **A**     Because this is my writing on the evidence bag  
2           that they were collected in.

3           **MS. RADLEIN:** Your Honor --

4                     (State's Exhibit Numbers 34 through 38,  
5           shelling casings, marked for identification.)

6           **MS. RADLEIN:** Your Honor, at this time, the  
7           State seeks to introduce State's Exhibit 33, 34, 35,  
8           36, 37 and 38. And for the record, 34 would be item  
9           one shell casing, 35 would be item two shell casing,  
10          36 would be item three shell casing, 37 would be  
11          item four shell casing, and 38 would be item five  
12          shell casing.

13          **THE COURT:** Any objection?

14          **MR. DRYLIE:** No objection.

15          **THE COURT:** So admitted without objection.

16                     (State's Exhibit Numbers 33 through 38,  
17          manila envelope with shell casings, admitted into  
18          evidence.)

19          BY MS. RADLEIN:

20          **Q**     Once you collect -- let me ask you this: Are  
21          you wearing gloves when you collect the evidence?

22          **A**     Yes, ma'am.

23          **Q**     And when you collect -- this is State's Exhibit  
24          34, item one. And how do you know that this is the  
25          shell casing you recovered? If you can explain it

1 to the jury.

2 **A** It has on the evidence bag itself our agency as  
3 well as the item number that corresponds with the --  
4 corresponds with the crime scene sketch item one.  
5 And item one here has my name, date and then  
6 location and a suspect, if possible.

7 **Q** And then looking at State's Exhibit 35?

8 **A** This would be item two, again, my name where it  
9 was collected by me and it corresponds with item  
10 number two on the crime scene sketch.

11 **Q** And State's Exhibit 36?

12 **A** Would be item three, again, my name where I  
13 collected it on the scene that night and it would  
14 correspond with item three on the crime scene  
15 sketch.

16 **Q** And 37?

17 **A** Would be item number four collected by myself  
18 and it would correspond with item number four on the  
19 crime scene sketch.

20 **Q** And 38?

21 **A** Item 38 -- again, item number five, which  
22 corresponds with item number five on the crime scene  
23 sketch, also collected by me.

24 **Q** And what -- at this point, what do you do with  
25 the evidence?

1           **A**     Once the evidence is collected and sealed, it's  
2           turned over to the case investigator.

3           **Q**     You can take your seat.

4           **A**     (Witness resumes the witness stand.)

5           **Q**     Just a couple follow-up questions. I'll ask  
6           you this: Did you do anything else at the crime  
7           scene?

8           **A**     No, ma'am.

9           **Q**     While you were on the crime scene, for all  
10          intents and purposes, was it your crime scene?

11          **A**     Yes, ma'am.

12          **Q**     You controlled that crime scene?

13          **A**     Yes, ma'am.

14          **Q**     Can you tell the jury whether or not a gun was  
15          recovered at the crime scene?

16          **A**     There was no gun recovered.

17          **Q**     And to the best of your knowledge, if a gun was  
18          recovered at the crime scene that you previously  
19          testified was marked off, would you have collected  
20          it?

21          **A**     Yes, ma'am.

22          **Q**     And would you have documented it?

23          **A**     I would have photographed it, yes, ma'am, and  
24          documented it.

25                   (State's Exhibit Number 39, shorts, marked

1 for identification.)

2 **Q** Go ahead and mark as State's Exhibit 39 and  
3 have you look at it and tell me if you recognize it.

4 **A** Yes, ma'am.

5 **Q** And what do you recognize it to be?

6 **A** This is the victim's shorts, Leric  
7 Merriweather's shorts.

8 **MS. RADLEIN:** At this time, the State seeks to  
9 move item 39 into evidence.

10 **THE COURT:** Any objection?

11 **MR. DRYLIE:** I don't have any objection.

12 **THE COURT:** Without objection, so admitted.

13 (State's Exhibit Number 39, shorts, admitted  
14 into evidence.)

15 BY MS. RADLEIN:

16 **Q** You mentioned that it was Merriweather's  
17 shorts. After you did determine it was a homicide,  
18 can you tell the jury whether or not you had any  
19 cause to go to -- do you know if an autopsy was  
20 performed in this case?

21 **A** To my knowledge, there was an autopsy  
22 performed.

23 **Q** And, to the best of your knowledge, do you know  
24 whether or not these shorts were recovered at the  
25 autopsy?

1           **A**     Yes, ma'am.

2           **Q**     If you wouldn't mind taking the shorts out of  
3     the bag:

4           **A**     (Witness complies.)

5           **Q**     And, to the best of your knowledge, were these  
6     the shorts that belonged to the deceased victim in  
7     this case?

8           **A**     Yes, ma'am.

9           **MS. RADLEIN:** No further questions at this  
10     time.

11          **THE COURT:** Can the lawyers approach a minute?

12                   (Whereupon, a bench conference was held off  
13     the record, in the presence of the jury, but out of  
14     the hearing of the jury.)

15          **THE COURT:** All right. Cross-examination?

16                                   CROSS-EXAMINATION:

17     BY MR. DRYLIE:

18          **Q**     Afternoon, Investigator Morris.

19          **A**     Good afternoon, sir.

20          **Q**     So you get the call at 8:43 P.M., correct?

21          **A**     Yes, sir.

22          **Q**     And then you get there at 8:48?

23          **A**     Yes, sir.

24          **Q**     And are there a bunch of people in the yard,  
25     when you get there?

1           **A**    Yes, sir.

2           **Q**    Okay.  Are you the first officer on the scene  
3           or were there already a couple people there?

4           **A**    There were already other officers there.

5           **Q**    Okay.  So you've got officers on the scene and  
6           you've got people milling about in the yard,  
7           correct?

8           **A**    Yes, sir.

9           **Q**    And when you get there, you go over to see  
10          Leric Merriweather, correct?

11          **A**    Yes, sir.

12          **Q**    And then you go and attend to Carlo Harris,  
13          correct?

14          **A**    He come to me.

15          **Q**    He came to you.  I'm sorry.

16          **A**    Yes, sir.

17          **Q**    But you're dealing with them first, correct?

18          **A**    Yes, sir.

19          **Q**    So the crime scene is not roped off immediately  
20          when you get there, correct?

21          **A**    No, sir.

22          **Q**    Okay.  And there's people all around and stuff  
23          like that?

24          **A**    Yes, sir.

25          **Q**    You can't say what happened to anything before

1 you got there, correct?

2 A No, sir.

3 Q Okay. Now, when -- you performed GSR on  
4 Mr. Troutman in this case, correct?

5 A Yes, sir.

6 Q But you never performed any GSR on Leric  
7 Merriweather, did you?

8 A No, sir.

9 Q You never did it on Keith Mathis?

10 A No, sir.

11 Q Okay. Was Keith Mathis even on scene when you  
12 got there that night?

13 A I don't know that name, sir.

14 Q Okay. What about Carlo Harris? Did you ever  
15 do GSR on him?

16 A No, sir.

17 Q Okay. Now -- so the only person you ever did  
18 GSR on was Montrell Troutman, correct?

19 A In this case, yes, sir.

20 Q In this case, that's what I -- I'm sorry.

21 Okay. And now -- so you're at the crime scene  
22 and you start taking photos, correct?

23 A Yes, sir.

24 Q And you started taking some photos. There are  
25 some photos of some shell casings, correct?

- 1           **A**     Yes, sir.
- 2           **Q**     And there's photos of the scene?
- 3           **A**     Yes, sir.
- 4           **Q**     I think there's a photo of a liquor bottle,  
5           correct?
- 6           **A**     Yes, sir.
- 7           **Q**     And a photo of a beer bottle on the ground?
- 8           **A**     Yes, sir.
- 9           **Q**     And so then, at some point, you leave to go do  
10          the GSR, correct?
- 11          **A**     Yes, sir.
- 12          **Q**     And then you come back and you keep taking  
13          photos?
- 14          **A**     Yes, sir.
- 15          **Q**     All right. And that's when you actually mark  
16          off where each of the shell casings were. When you  
17          came back or was it before you left?
- 18          **A**     No, it was when I came back, sir.
- 19          **Q**     It was when you came back?
- 20          **A**     Yes, sir.
- 21          **Q**     And then you kept taking photos and just  
22          documenting the scene?
- 23          **A**     To the best of my ability, yes, sir.
- 24          **Q**     Okay.
- 25          **MR. DRYLIE:** Beg the Court's indulgence.

1 (Pause.)

2 **Q** And just, finally, you don't know if anything  
3 could have been moved before you got there, do you?

4 **A** No, sir.

5 **MR. DRYLIE:** Okay. No further questions.

6 **THE COURT:** Any redirect?

7 **MS. RADLEIN:** Briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MS. RADLEIN:

10 **Q** Is it possible to secure a crime scene when the  
11 ambulance is still on it?

12 **A** Not in general, no, ma'am.

13 **Q** Is it standard protocol to wait till the  
14 ambulance clears the crime scene to actually secure  
15 it and rope it off?

16 **A** If need be. I mean, they can come in and out  
17 as need be.

18 **Q** And, in this case, was it secured after the  
19 ambulance --

20 **A** Yes, ma'am, after EMS departed the scene.

21 **MS. RADLEIN:** No further questions, Your Honor.

22 **MR. DRYLIE:** No recross.

23 **THE COURT:** All right. Sir, you may step down.

24 Thank you.

25 **THE WITNESS:** Thank you, sir.

1 asking what it meant.

2 **THE COURT:** All right. Very well.

3 All right. Bring me the jury, please.

4 (The jury enters the courtroom at 9:50 A.M.)

5 **THE COURT:** Good morning, ladies and gentlemen.

6 I hope you-all had a nice evening last night and are

7 ready to proceed here today. At this time, I'm

8 going to recognize the State to call their next

9 witness.

10 **MR. EARGLE:** Thank you, Your Honor. State  
11 calls Agent James W. Green.

12 JAMES W. GREEN,

13 having been duly sworn, testified as follows:

14 **THE CLERK:** Thank you, sir. Please be seated.

15 State your full name, spell your last name for the  
16 record.

17 **THE WITNESS:** James Green, G-r-e-e-n.

18 DIRECT EXAMINATION

19 BY MR. EARGLE:

20 **Q** Mr. Green, will you tell the jury where you're  
21 employed?

22 **A** I'm employed by the South Carolina Law  
23 Enforcement Division, commonly referred to as SLED.

24 **Q** And what are your job duties at SLED?

25 **A** I'm a forensic firearms investigator -- excuse

1 me -- a forensic firearms examiner. What I do is I  
2 look at firearm's ammunition components, bullets and  
3 cartridge cases, and try to see if they were fired  
4 by the same gun or not and then send the reports to  
5 the submitting agency and then testify in court, if  
6 it ultimately leads to that.

7 Q Let me back up just a little bit, Agent Green.  
8 Where are you from originally?

9 A Charleston.

10 Q Charleston.

11 And did you attend college?

12 A Yes, sir.

13 Q Where did you attend college?

14 A I received my bachelor's and my master's in  
15 criminal justice from Charleston Southern  
16 University.

17 Q Okay. And in reference to firearms  
18 identification, what training have you received  
19 specific to that field?

20 A When I began at SLED, I started a firearm and  
21 tool mark course of instruction. It's an,  
22 approximately, three- to three-and-a-half-year  
23 course of instruction, studying under  
24 court-qualified firearms examiners learning to do  
25 what I do now.

1 Q And that specialty, what does that entail?

2 A Looking at fired ammunition components through  
3 the microscope. Our main tool we use is a  
4 comparison microscope. There's two microscopes  
5 connected by a single optical bridge that lets us  
6 look at two objects simultaneously. And we're  
7 looking for the tiny microscopic striations or  
8 impressions left on the cartridge case or the bullet  
9 as a result of being fired by a firearm.

10 Q And as a firearms identification certified  
11 individual, have you ever been certified in court to  
12 testify as an expert?

13 A Yes, sir.

14 Q Approximately how many times?

15 A Sixty-two, I believe.

16 Q Sixty-two in firearms identification?

17 A Yes, sir.

18 **MR. EARGLE:** Your Honor, at this time, the  
19 State moves to have Agent James W. Green identified  
20 as a expert in firearms identification.

21 **MR. DRYLIE:** No objection. No voir dire.

22 **THE COURT:** Ladies and gentlemen, let me give  
23 you a charge real quickly. Normally, ladies and  
24 gentlemen, a person cannot give opinion testimony.  
25 Normally, when a person testifies, they must testify

1 as to what they saw, heard or sensed by smell or  
2 something of that nature.

3 However, there is an exception. When someone  
4 is qualified because of education or experience,  
5 they are permitted to give opinion testimony in  
6 certain areas if the Court qualifies them to do so.  
7 This witness is going to be qualified as an expert  
8 in the field of firearm identification to give  
9 opinion testimony in that area. That does not mean  
10 that you must accept the opinion, but it is evidence  
11 for you to use in any way that you see fit and give  
12 it the weight and credibility that you believe is  
13 appropriate.

14 You may continue, sir.

15 **MR. EARGLE:** Thank you, Your Honor.

16 BY MR. EARGLE:

17 **Q** Agent Green, let me bring your attention to  
18 SLED lab number L15-07782. Are you familiar with  
19 that document?

20 **A** Which document are you referring to?

21 **Q** It's a SLED -- State Law Enforcement Division  
22 Forensic Services Laboratory Report with a lab  
23 number of L15-07782, incident date of 6/6/2015?

24 **A** Yes, sir. I issued a report in that case.

25 **Q** And would you tell the jury -- just give them

1 an overview of what you received to analyze.

2 **A** I received five fired .380 auto caliber  
3 cartridge cases.

4 **MR. EARGLE:** Your Honor, may I approach the  
5 witness?

6 **THE COURT:** Yes.

7 **MR. EARGLE:** Thank you.

8 BY MR. EARGLE:

9 **Q** I'm going to hand you what's been entered into  
10 evidence as State's Exhibit 33 and the contents  
11 thereof. Do you recognize that and if so, how?

12 **A** Yes, sir. State's Exhibit 33 is SLED  
13 laboratory container L15-07782 container B. It's  
14 the outer packaging that the evidence I received was  
15 submitted in from the agency. And inside State's  
16 Exhibit 33 are the five fired cartridge cases that I  
17 received in this case.

18 **Q** Okay. And did you have the opportunity to  
19 examine those fired casings?

20 **A** Yes, sir, I did.

21 **Q** And would you explain to the jury the process  
22 you went through, what you were looking for and your  
23 conclusions therefrom?

24 **A** Yes, sir. Whenever we get evidence at the  
25 laboratory, specifically the firearms department,

1           what we'll do is we'll look at all the evidence  
2           received, we'll document it as received, the way it  
3           was packaged, we'll fill out the appropriate  
4           departmental worksheets and then we'll look through  
5           our comparison microscope at the evidence. What  
6           we're looking for are tiny microscopic striations or  
7           impressions left on the working surfaces of the  
8           evidence. In this case, it would be the cartridge  
9           cases.

10           Each firearm will mark ammunition differently  
11           than the next. It's kind of like fingerprints for a  
12           gun. There have been studies of 10, 15  
13           consecutively made firearms. And even though  
14           they're made consecutively by the same tools, they  
15           all mark differently so a trained examiner can  
16           differentiate which bullet came from this gun or  
17           which cartridge case came from this gun based on  
18           those markings.

19           Once I got the evidence in this case, I looked,  
20           all of them had the same caliber. They all had the  
21           same general markings as far as the breech face  
22           markings, so I knew I was in the same class of  
23           firearms. I put them on a comparison microscope and  
24           started microscopically comparing them, seeing what  
25           similarities I saw, see if I saw any differences.

1           And immediately what jumped out was three of  
2           the cartridge cases were made by one manufacturer or  
3           CCI. It had aluminum cartridge case bodies and  
4           nickel primers. Two of them were made by Tulammo,  
5           T-u-l-a-m-m-o. That's a Russian manufacturer. They  
6           use steel cartridge case bodies, which is much  
7           harder than the nickel. And they use a brass, like  
8           a heavy primer, which is much harder than the nickel  
9           from the CCI.

10           Through my comparisons, I was able to determine  
11           that the three CCI cartridge cases were fired by the  
12           same gun. The two Tulammo cartridge cases were  
13           fired by the same gun. And when I compared the two  
14           subset groups I had, the three CCIs and the two  
15           Tulas, I saw a lot of similarities between the two,  
16           but not enough to say they were all fired by the  
17           same gun.

18           **Q**    You said you saw similarities between the two  
19           different types. If I'm understanding you  
20           correctly, you had two rounds made by one  
21           manufacturer, three rounds made by another  
22           manufacturer. The type of metal that was used from  
23           the two manufacturers are different; is that  
24           correct?

25           **A**    Yes, sir.

1           **Q**     And you saw similarities between the two, but  
2           there were enough similarities for you to  
3           conclusively say that they were fired from the same  
4           weapon; is that accurate?

5           **A**     The three CCIs cartridge cases were fired by  
6           the same gun. The two Tulammo cartridge cases were  
7           fired by the same gun. And while I saw a lot of  
8           similarities between the two, there was not enough  
9           to say they were all fired by the same gun. They  
10          were fired by a gun with a lot of similarities  
11          between the two.

12          **Q**     And when you make that final determination to  
13          determine if they were fired by the same weapon, is  
14          that a 75 percent chance, a 90 percent chance they  
15          were fired by the same weapon? What percentage do  
16          you use to make that following determination as to  
17          whether or not they were fired by the same weapon?

18          **A**     I'm a hundred percent sure that the three CCI  
19          cartridge cases were fired by the same gun. I'm not  
20          a hundred percent sure that the two Tulammo  
21          cartridge cases were fired by the same gun. If I  
22          wasn't a hundred percent sure, I would not have  
23          reported a positive conclusion on the two subsets.

24          **Q**     One hundred percent doubt -- one hundred  
25          percent certainty no doubt?

1       **A**     Correct.

2       **Q**     Let me ask you this:  Would it have assisted  
3       you if you had the firearm that fired one of these  
4       shell casings that the firearm was in the same  
5       condition at the time it fired one of the shell  
6       casings to examine against the other shell casings  
7       with like ammo, meaning one round Russian  
8       manufacturer, I believe you called it -- is it  
9       Tulammo?

10      **A**     Yes, sir.

11      **Q**     And the other being CCI?  Would that have  
12      assisted you in making a determination as to the  
13      weapon firing or a weapon -- one weapon firing the  
14      same ammo?

15      **A**     Yes, sir.  Whenever a firearm is submitted to  
16      the laboratory and it's used in a crime, or  
17      allegedly used in a crime, we'll look at the  
18      ammunition, the fired bullets, the fired cartridge  
19      cases, submitted and we'll shoot ammunition as close  
20      to that as possible, if not, the exact same  
21      ammunition.  Because it's been proven that the same  
22      gun will mark different types of ammunition slightly  
23      differently.

24             So, yes, sir, if I had a gun, I would have shot  
25      some CCI ammo and I would have shot some Tulammo

1 cartridges to see if the same gun was indeed marking  
2 two different brands of ammunition slightly  
3 differently.

4 **Q** In this case, you didn't have a weapon, did  
5 you?

6 **A** No, sir. All I had submitted to me were the  
7 five cartridge cases.

8 **MR. EARGLE:** Thank you, Agent Green. Please  
9 answer any questions the defense may have.

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

11 CROSS-EXAMINATION

12 BY MR. DRYLIE:

13 **Q** Good morning.

14 **A** Good morning.

15 **Q** Just so I understand your testimony, you can't  
16 say that all five shell casings were fired by the  
17 same gun, correct?

18 **A** Correct.

19 **MR. DRYLIE:** No further questions.

20 **THE COURT:** Anything? Any redirect?

21 **MR. EARGLE:** No, Your Honor. Thank you.

22 **THE COURT:** Sir, you may step down. Thank you.  
23 Call your next witness, please.

24 **MS. RADLEIN:** Thank you, Your Honor. The State  
25 calls Lieutenant Jennifer Nates.

1 JENNIFER NATES,  
2 having been duly sworn, testified as follows:

3 **THE CLERK:** Thank you, ma'am. Please be  
4 seated. State your full name and spell your last  
5 name for the record.

6 **THE WITNESS:** Jennifer Nates, N, as in Nancy,  
7 -a-t-e-s.

8 DIRECT EXAMINATION

9 BY MS. RADLEIN:

10 **Q** Good morning.

11 **A** Good morning.

12 **Q** Where are you currently employed?

13 **A** I'm employed by the South Carolina Law  
14 Enforcement Division in the Trace Evidence Section.

15 **Q** And what is your current position?

16 **A** I am lieutenant of the trace evidence section.

17 **Q** And how long have you been at SLED -- at State  
18 Law Enforcement where we commonly refer to as SLED?  
19 How long have you been employed there?

20 **A** I've been there 20 years.

21 **Q** And how long have you been in your current role  
22 as lieutenant?

23 **A** I think around seven years.

24 **Q** And you mentioned trace evidence. What exactly  
25 is trace evidence?

1           **A**     The trace evidence department is a department  
2           that analyzes several different types of evidence.  
3           The categories of testing that fall under trace are  
4           gunshot residue; fire debris, which is any evidence  
5           from a fire scene; paint evidence, which includes  
6           automotive paint or architectural paint, a lot of  
7           that evidence will come from hit and runs or  
8           burglaries. We also analyze glass evidence, fiber  
9           evidence, tape, bank dye and general unknown  
10          identifications or comparisons.

11          **Q**     Let me ask you this: Do you keep records of  
12          how many times, as it relates to this case, I guess,  
13          -- we're dealing with GSR -- how many times you have  
14          performed a GSR analysis?

15          **A**     A GSR analysis? I don't keep a record of the  
16          GSR analysis, but I have performed in excess of  
17          probably 500 cases or at least 2500 samples of  
18          gunshot residue.

19          **Q**     And what exactly is your education and training  
20          for this job?

21          **A**     I received a Bachelor of Science degree in  
22          chemistry from a small state school in Pennsylvania.  
23          It's called California University of Pennsylvania.  
24          Once I received my degree, I performed an internship  
25          at SLED in the trace evidence section.

1           Upon the completion of that internship, I  
2           applied for and was given a position in the drug  
3           analysis section. I completed their training  
4           program, attended the police academy and began  
5           analyzing drug and poison cases for approximately  
6           one year.

7           At that time, there was an opening in trace  
8           evidence and I applied for a transfer and I was  
9           transferred to that section. I then began a  
10          four-year training program in trace evidence, which  
11          was under the lieutenant of the department and the  
12          senior analyst.

13          This included a lot of shadowing, a lot of job  
14          shadowing, taking courses and classes on the  
15          instrumentation that would be utilized for that job,  
16          also to go into conferences and attending classes on  
17          the types of analyses that would be performed. I  
18          also had to take written tests in each area of  
19          analyses, take competency tests in those areas and  
20          then do a mock court at the end of the training in  
21          order to be deemed competent in the areas of trace  
22          analysis.

23          **Q**     And have you testified in court before?

24          **A**     I have.

25          **Q**     Do you know -- have you been qualified as an

1 expert in this area as well?

2 **A** I have been.

3 **Q** Do you know how many times you've testified in  
4 court and been qualified as an expert?

5 **A** I have testified 112 times.

6 **Q** And how many of those times were regarding GSR  
7 analysis?

8 **A** Approximately 90 were in gunshot residue  
9 analysis.

10 **MS. RADLEIN:** At this time, Your Honor, the  
11 State seeks to move Lieutenant Jennifer Nates as an  
12 expert in trace analysis -- be qualified as an  
13 expert in trace analysis.

14 **THE COURT:** Any objection?

15 **MR. DRYLIE:** We agree she's qualified, Judge.

16 **THE COURT:** All right. Ladies and gentlemen of  
17 the jury, same charge I gave you a minute ago with  
18 regards to expert testimony applies to this young  
19 lady as well.

20 You may continue.

21 **MS. RADLEIN:** Thank you, Your Honor.

22 BY MS. RADLEIN:

23 **Q** Lieutenant Nates, can you explain to the jury  
24 what exactly is gunshot residue?

25 **A** Gunshot residue is the term that is used to

1 describe any of the debris or residue that is  
2 generated when a firearm is discharged. This can  
3 include residue from the primer composition from the  
4 lead bullet, from jacketing on the bullet if it's  
5 present, and from any debris that is present on the  
6 gun itself. It can include rust that may be in the  
7 barrel or lead that is left there from prior  
8 firings.

9 It also includes stippling, which is when a  
10 person is shot, sometimes gunpowder particles will  
11 be embedded in their skin. This falls under that  
12 umbrella definition of gunshot residue. It includes  
13 organic gunshot residue, which is the components of  
14 the cartridge that are found in the smokeless  
15 powder.

16 Our lab specifically analyzes for what we call  
17 primer gunshot residue. We are looking specifically  
18 for the residue that is generated from the primer  
19 composition in the cartridge or the part of the  
20 bullet.

21 **Q** And when you actually, I guess, complete an  
22 analysis on a GSR kit, what exactly are you looking  
23 for?

24 **A** Since we are looking for primer gunshot  
25 residue, we are specifically analyzing for three

1 elements: Lead, barium and antimony. These are the  
2 three elements present in the primer composition of  
3 the cartridge.

4 **Q** And what exactly are you able to determine, I  
5 guess, based on your results? What do your results  
6 actually indicate, whether they're positive or  
7 negative?

8 **A** When we analyze for gunshot residue, we are  
9 looking for the presence of microscopic particles  
10 that contain lead, barium and antimony. These  
11 particles must be molten in appearance. If they are  
12 found, we can decide or we can come to the  
13 conclusion that gunshot residue was present on that  
14 sample. If there is no gunshot residue present or  
15 we don't find any of these microscopic particles  
16 during our analysis, our conclusion would be that  
17 there was no gunshot primer residue found.

18 **Q** I want to talk specifically about gunshot  
19 residue kits done on victims in certain cases. Can  
20 you tell -- tell the jury whether or not it's common  
21 to find GSR on a victim of a shooting incident?

22 **A** It is very common to find gunshot residue on  
23 shooting victims because the gun is usually pointed  
24 in their direction for them to have sustained a  
25 gunshot wound. The majority of the residue comes

1 out of the barrel of the gun, which is pointed  
2 toward the victim. In testing that has been done  
3 from numerous crime labs, approximately 80 percent  
4 of victims have gunshot residue on them from being  
5 shot.

6 **Q** So what, if any, evidentiary value is there if  
7 GSR is found on a victim of a shooting?

8 **A** There is not much value on finding GSR on a  
9 shooting victim. Many of the labs throughout the  
10 United States do not perform this analysis on victim  
11 kits. We are currently in the process of trying to  
12 not do this analysis any longer because if I find  
13 GSR on a victim, I can tell you that they may have  
14 been around a weapon when it was fired, handled a  
15 weapon or fired a weapon, but we already know they  
16 have sustained a gunshot wound, so we know they  
17 should have gunshot residue on them.

18 Usually, there are certain cases, and they're  
19 very rare, if someone is extremely far away from a  
20 shooter when you find -- when they are shot, if  
21 gunshot residue is found on this type of victim,  
22 then part of the scenario can be they may have fired  
23 a gun, but those are the only cases we're able to  
24 come to that conclusion.

25 **Q** And in terms of the individual actually pulling

1 the trigger, where is gunshot residue most commonly  
2 found on the person actually who fires the weapon?

3 **A** On a person who fires a weapon, the GSR kits  
4 are used to collect samples from their hands, the  
5 right palm, right back, left palm and left back of  
6 the hands. It can be found on the hands and it can  
7 be found on their clothing areas that are in close  
8 proximity to that weapon when it is discharged.

9 **Q** Can GSR be easily removed?

10 **A** GSR is very fragile evidence. We like to make  
11 the comparison to when you bake and you have flour  
12 on your hands. Now, you can't see GSR, you can see  
13 the flour on your hands, but you can dust it off.  
14 If you wash your hands, you can remove it.

15 Gunshot residue can be absorbed into your body.  
16 It will also be removed if you sweat, if you touch  
17 anything. Anything you touch can remove the gunshot  
18 residue. Putting your hands in and out of your  
19 pockets, that can remove it.

20 So on a living individual, we do not analyze  
21 any kit that is collected beyond six hours. If we  
22 find gunshot residue on a kit that is collected  
23 beyond six hours, we're not able to link it to that  
24 shooting incident because there is no reasonable  
25 expectation for gunshot residue to remain on your

1 hands that long after a shooting incident.

2 Q You mentioned the six hours. Where does that  
3 six-hour window come from?

4 A That came from numerous testing that was done  
5 at SLED and throughout different agencies in the  
6 United States.

7 Q Is there any, I guess, correlation between the  
8 type of weapon, the caliber of the weapon in terms  
9 of the -- expecting to find gunshot residue on the  
10 person actually pulling the trigger in this case?

11 I'm not sure if that makes sense. Let me try  
12 to clarify. Is there any correlation between the  
13 caliber of the weapon and its production of gunshot  
14 residue?

15 A Okay. In a weapon, smaller caliber weapons  
16 will have less primer residue because it's a smaller  
17 cartridge. You're not going to fire a .44 bullet  
18 out of a .22 weapon. So the larger caliber weapons  
19 need to have a larger round, which will produce more  
20 GSR.

21 The four- to six-hour range for the collection  
22 is to encompass those larger caliber bullets because  
23 a lot of times when an officer goes on the scene, he  
24 may not know what type of weapon was used. So if we  
25 tell them don't collect it after three hours and it

1 was a larger caliber weapon, they should collect it  
2 up to six hours.

3 So the six-hour timeframe is there so that it  
4 will encompass the smaller caliber weapons up to the  
5 larger caliber weapons, but, realistically, we don't  
6 expect to find it more than three to four hours  
7 after the shooting.

8 **Q** I want to make sure I understand this because  
9 I'm not that familiar with firearms. So in terms of  
10 the window, the zero- to six-hour window, are we  
11 expecting gunshot residue on the smaller caliber  
12 weapons in the smaller window and the larger caliber  
13 weapons in a -- more on the larger end? Is that  
14 what you're saying?

15 **A** I expect the smaller caliber weapons that if  
16 gunshot residue is deposited within three to four  
17 hours, it would probably be gone. The larger  
18 caliber weapons, they may go out to the six-hour  
19 range for the deposition and able to collect it at  
20 that time.

21 **Q** Regarding this actual case, did you analyze  
22 evidence?

23 **A** I did.

24 **Q** And I believe the lab number is L15-07782?

25 **A** That is it.

1           **MS. RADLEIN:** Permission to approach the  
2 witness, Your Honor.

3           **THE COURT:** Yes.

4           BY MS. RADLEIN:

5           **Q**     I'm going to hand you what's been entered into  
6 evidence as State's Exhibit 30 and ask you if you  
7 recognize it?

8           **A**     This is the envelope that I received. Whenever  
9 evidence is logged into our laboratory, it is  
10 assigned a laboratory number. It's called the L  
11 number. So this would be the unique lab number that  
12 any evidence submitted after the original submission  
13 will receive this same lab number for tracking  
14 purposes. In this case, it was L15-7782 item one.  
15 And my initials and date are on here from when I  
16 opened it to inventory the evidence.

17          **Q**     Lieutenant Nates, would you need gloves to take  
18 that kit out?

19          **A**     No, ma'am. Do you want me to open it?

20          **Q**     If you don't mind.

21          **A**     This is actually one of the -- if you look, I  
22 have the lab number and the item number. We print a  
23 sticker for them to identify the evidence with my  
24 initials and date. And this contains the actual  
25 particle lifts. Can I open this?

1           **Q**    Yes.

2           **A**    We have several different types of GSR kits  
3           that we analyze. We are currently streamlining it  
4           to accept a certain type of kit and this is one of  
5           the kits that we accepted at that time. Which I may  
6           not be able to open. Do you have a little knife or  
7           some scissors?

8           **Q**    We have scissors.

9                    You mentioned that you're streamlining the  
10           kits. Would these kits be -- I guess, are they  
11           SLED's kits that are sent out to different agencies?

12           **A**    These are not SLED's kits. These were kits  
13           that we would accept because the agencies can order  
14           their own GSR kits or they can take the ones that we  
15           provide. So we have a specific kit that is going  
16           into effect January 1st of next year, so that it  
17           will be streamlined and every agency will use the  
18           same kit.

19           **Q**    So, in this particular case, I believe we --  
20           we've already received testimony that there is --  
21           the contents of the kit. In opening that kit, are  
22           all the contents that would be standard -- that are  
23           standard for a kit present in that kit?

24           **A**    In this kit, it was a two-part kit. There is a  
25           part in here that we do not no longer analyze. So

1 this is -- all the parts are in here. One section  
2 of it we did not perform an analysis on.

3 **Q** And in that particular kit, do you see the  
4 information form that would have been submitted?

5 **A** Yes. It is right here.

6 **Q** And would that be the original?

7 **A** This is the original. All GSR kits should have  
8 an information form that allows the officer to  
9 document the subject's name, any activity that may  
10 have taken place after the shooting incident, the  
11 time of the collection, who collected it and any  
12 information on debris or blood or anything present  
13 on the hands. We take this and scan it so that the  
14 original stays with the evidence.

15 **Q** Is there any information on the actual  
16 information sheet that you're looking for prior to  
17 performing your analysis?

18 **A** The information that we look for is to see if  
19 the victim -- if it's a deceased individual or a  
20 living subject because if it's a living subject, we  
21 have to make certain that the kit was collected  
22 within six hours of the incident. We also look for  
23 the name to make sure it matches what the kit was  
24 submitted as.

25 **Q** And on this particular kit, were you able to

1 actually perform an analysis?

2 **A** I was.

3 **Q** And from your analysis, were you able to  
4 perform an expert opinion as to the results of your  
5 examination?

6 **A** I was.

7 **Q** And what were -- what were those results?

8 **A** On the kit that was submitted for Montrell  
9 Troutman, on the right hand and on the left hand,  
10 particles of gunshot residue were found. Gunshot  
11 residue can come from discharging a firearm, being  
12 in the vicinity to the discharge of a firearm or  
13 coming into contact with a surface that has gunshot  
14 residue on it. So I found gunshot residue on each  
15 sample that was submitted from this kit from each  
16 area of the hands.

17 **Q** I want to ask you a couple of questions and  
18 different scenarios. If the subject in this case  
19 handled the weapon after the shooting prior to  
20 collection, could the, I guess, the presence of  
21 gunshot residue, and in this case the amount that  
22 was actually found, be attributable to the positive  
23 findings?

24 **A** When we find gunshot residue on a person's  
25 hands, I can't tell you the gunshot residue is there

1 from that person firing a weapon because you can  
2 have it deposited on your hands from firing a  
3 weapon, from handling a weapon that has been  
4 recently fired or from being very -- in close  
5 proximity to the discharge of a firearm. In this  
6 case, you asked me if it -- could you repeat that  
7 part?

8 **Q** If -- if it's possible for handling the weapon,  
9 in this case maybe an hour after the actual  
10 shooting, could that impact the actual GSR analysis?

11 **A** Right. I can fire a weapon and then go do  
12 something for three hours and pick up the weapon  
13 again and I can have that residue deposited on my  
14 hands from handling the weapon after the shooting.

15 **Q** Is gunshot residue quantified in any way? You  
16 talked about the particles earlier in terms of -- is  
17 there a threshold amount of particles that you  
18 actually have to find to indicate on your report a  
19 positive finding?

20 **A** We will report if we find a single particle of  
21 gunshot residue because it is present, but two are  
22 needed to report that particles in the plural were  
23 present on a person's hands.

24 **Q** If there are more particles than two present,  
25 is there anything additional that would indicate?

1           **A**     It doesn't indicate anything additional.  
2           Usually, anything more than one rules out transfer  
3           from extraneous forces or I touched something that  
4           had GSR on it. Usually, the more particles that you  
5           have, the more likely it is from potentially firing  
6           or your hands were in contact with that weapon.

7           **Q**     And in this case, based on your analysis, was  
8           there a large quantity of gunshot residue recovered?

9           **A**     We don't quantify, but, in this case, I did  
10          confirm 17 particles on the areas of hands.

11          **Q**     And, in this case, the shooting took place on  
12          June 6th of 2015. The 9-1-1 call came in around  
13          8:43 at night. We have information that the  
14          defendant walked away from the scene and was hiding  
15          in the woods for almost an hour. What, if any,  
16          impact could that have had on the actual presence of  
17          gunshot residue when you mentioned that gunshot  
18          residue is fragile?

19          **A**     Anything the subject would have done after the  
20          alleged shooting could remove the evidence. If he's  
21          sweating, hands in the pockets or touching anything,  
22          that could remove the residue. If there was a gun  
23          on the subject, he could have recontaminated his  
24          hands with that residue. So when I find gunshot  
25          residue, I cannot tell you how it was deposited on

1 the hands other than those scenarios, but it could  
2 have been removed and redeposited due to the  
3 timeframe and to the activity.

4 **Q** And, in this case, it being we know that it was  
5 a .380 caliber pistol used, which is a -- would that  
6 be considered a small caliber firearm?

7 **A** What we consider for gunshot residue for  
8 smaller caliber are the .22s and the .380s. They  
9 are in the smaller range of the calibers.

10 **Q** And then earlier, probably not eloquently, but  
11 I asked about that timeframe of that window. And I  
12 believe your testimony was with smaller caliber  
13 firearms, you're looking at that three- to four-hour  
14 window or less in terms of the presence of gunshot  
15 residue?

16 **A** As opposed to the six hours, yes.

17 **Q** And then just to confirm, there was gunshot  
18 residue present on both of his hands over an hour  
19 after the shooting?

20 **A** Yes.

21 **MS. RADLEIN:** No further questions at this  
22 time.

23 CROSS-EXAMINATION

24 BY MR. DRYLIE:

25 **Q** Good morning.

1           **A**     Good morning.

2           **Q**     Now, just so I'm clear, you stated that if a  
3           gun's fired and someone else or someone picks up  
4           that gun and takes it somewhere else, gunshot  
5           residue could be on them, correct?

6           **A**     Yes.

7           **Q**     Okay. And now, in this case, to the best of  
8           your knowledge, the only person that you -- the only  
9           person that you had gunshot residue tests for were  
10          Montrell Troutman, correct?

11          **A**     That was the only GSR kit I received for  
12          analysis.

13          **Q**     So you didn't receive one for anyone else?

14          **A**     I did not.

15                 **MR. DRYLIE:** No further questions.

16                         REDIRECT EXAMINATION

17           BY MS. RADLEIN:

18          **Q**     What is the range of -- how far can gunshot  
19          residue go depending on the gun?

20          **A**     Depending on the gun, there is so many  
21          variables that affect it. There has been one study  
22          that has shown that it could go 30 to 40 feet in  
23          front of the muzzle, but that's just with a certain  
24          testing and with one gun. So there's such a range  
25          with all of the variables that can affect it, but it

1 has been found up to 30 to 40 feet from the gun.

2 **MS. RADLEIN:** No further questions.

3 **MR. DRYLIE:** Nothing.

4 **THE COURT:** Thank you, ma'am. You may step  
5 down.

6 Call your next witness.

7 **MR. EARGLE:** Thank you, Your Honor. State  
8 calls William James Tyler Nelson.

9 WILLIAM JAMES TYLER NELSON,  
10 having been duly sworn, testified as follows:

11 **THE CLERK:** Thank you, sir. Please be seated.  
12 State your full name, spell your last name for the  
13 record.

14 **THE WITNESS:** William James Tyler Nelson. Last  
15 name, N-e-l-s-o-n.

16 DIRECT EXAMINATION

17 BY MR. EARGLE:

18 **Q** Mr. Nelson, introduce yourself to the jury.  
19 Just give them a little background about yourself,  
20 where you're from, your educational background.

21 **A** I was raised and born in Edgefield County, been  
22 a paramedic now for six years, been in EMS for a  
23 total of ten.

24 **Q** And are you still a paramedic?

25 **A** I am.

1 Q Full time?

2 A I'm part time, just went part time in July,  
3 currently obtaining my RN.

4 Q I'm sorry. I didn't get that last --

5 A I'm currently obtaining my RN license.

6 Q Your RN, registered nurse?

7 A That's correct.

8 Q Let me take you back to June the 6th of 2015.  
9 Do you recall that date?

10 A Yes, sir.

11 Q Where were you working at that time?

12 A Edgefield County EMS.

13 Q And did you have an opportunity to receive a  
14 call for assistance on Morange Street here in the  
15 town of Edgefield?

16 A Yes, sir.

17 Q Do you have your report from that night?

18 A I do.

19 Q If you need it for reference to refresh your  
20 memory, I'm going to ask you a series of questions.  
21 Do you recall when that -- you received a call for  
22 service?

23 A It was 2045.

24 Q 2045 being?

25 A 8:00 P.M.

1 Q 8:45 P.M.?

2 A That's correct.

3 Q Okay. And do you remember what time you  
4 arrived?

5 A 2052, which will be 8:52 P.M.

6 Q And what type of call were you responding to?

7 A I was dispatched for a shooting.

8 Q And when you arrived, did you find a patient?

9 A I did.

10 MR. EARGLE: Permission to approach, Your  
11 Honor.

12 THE COURT: Yes.

13 BY MR. EARGLE:

14 Q I'm handing you what's been marked State's 21.

15 Do you recognize that?

16 A I do.

17 Q You do.

18 MR. EARGLE: Permission for the witness to step  
19 down, Your Honor.

20 THE COURT: Yes.

21 (Witness leaves the witness stand.)

22 BY MR. EARGLE:

23 Q You said you recognize this photo. Can you  
24 tell the jury was the victim present in that  
25 photograph or at what you're looking at as the

1 photograph?

2 **A** He was. There was a car that was parked right  
3 along here and he was laying right in the front  
4 yard. It was really dark that night and there was a  
5 ton of people in the front yard, so -- but from what  
6 I recall, we parked our ambulance -- we actually  
7 pulled in the driveway right here and there was  
8 another ambulance parked here. And we actually had  
9 to get out and walk through the crowd. So there was  
10 tons of subjects out in the front yard.

11 **Q** But he was -- looking at that photograph, he  
12 was near the house toward the sidewalk leading to  
13 the front door?

14 **A** That's correct.

15 **Q** All right. Have a seat, please.

16 **A** (Witness resumes the witness stand.)

17 **Q** And would you tell the jury, when you got to  
18 your patient, what type of condition was he in?

19 **A** In poor condition at the time.

20 **Q** And when you say poor condition, what do you  
21 mean?

22 **A** He had a palpable carotid pulse.

23 **Q** Let me stop you there. What's a palpable  
24 carotid pulse?

25 **A** Whenever you get -- he was unresponsive, no

1 movement whatsoever. He was attempting to breathe  
2 at the time. And I'll explain that. The carotid  
3 pulse we basically feel down to make sure that they  
4 have a carotid pulse, that there is a pulse present  
5 to make sure -- to see what we're dealing with  
6 first.

7 Whenever I say that he was barely breathing at  
8 the time, he was attempting to breathe. He was  
9 breathing anywhere we -- I wrote in my report  
10 agonal. It's anywhere between four to six times a  
11 minute, which is not capable of sustaining life at  
12 that time.

13 Q What does the average -- do you know what the  
14 average pulse in a person's -- what -- palpable --

15 A Carotid pulse.

16 Q Carotid pulse.

17 What's the average person?

18 A Sixty to a hundred.

19 Q Sixty to a hundred.

20 And he was how much again?

21 A Sixty.

22 Q Six?

23 A Sixty.

24 Q Sixty?

25 A Sixty.

1 Q Okay. And your victim?

2 A His respirations?

3 Q Yes.

4 A His respirations -- a normal adult would be 12  
5 to 20 times a minute, which is what we normally  
6 breathe. He was only breathing four to six times a  
7 minute.

8 Q What, if anything, did you do at that time?

9 A At that time, the scene was unsafe. We were  
10 unable to tend to the patient at the time. We had  
11 tons of people falling on top of us and we wasn't  
12 able to work at that time. So we actually -- my  
13 partner had got the stretcher to me. So we just  
14 picked him up, put him on the stretcher so we can  
15 get him somewhere to we -- we could attempt to -- to  
16 save him.

17 Q And where did you take him once you -- you said  
18 you put him on a stretcher?

19 A That's correct.

20 Q And where did you take him from there?

21 A We had to push him through several people in  
22 the front yard to get to the back of our truck which  
23 then we loaded him into our ambulance and closed the  
24 door, so that way we could be in a confined space  
25 where nobody was allowed to be in our way.

1           **Q**     And once you got him in that confined space  
2           where you could administer aid to him, what did you  
3           do?

4           **A**     At that time, we basically follow what we've  
5           been taught over the years, which we follow ABCs:  
6           Airway, breathing, circulation. Airway comes first,  
7           breathing comes second, circulation.

8                     At that time, he had -- his airway was clear,  
9           but as I stated, he was unresponsive, unconscious at  
10          that time. He was not able to control any movement.  
11          We inserted an OPA in his airway. OPA is  
12          oropharyngeal airway. It's basically a piece of  
13          plastic that goes to keep your tongue -- because  
14          even though we sleep at night and we can control our  
15          tongue, he was not able to do that. So we actually  
16          had to insert a piece of plastic that keeps his  
17          tongue off the back of his throat so we can breathe  
18          for him.

19          **Q**     If I can stop you there. Why was he not able  
20          to do that?

21          **A**     Most unlikely deprived of oxygen.

22          **Q**     Oxygen depravation?

23          **A**     That's right.

24          **Q**     And when you saw him -- and you may have said  
25          this, I may not have heard it -- did you notice any

1 type of wounds on him?

2 **A** Bystanders were holding some type of object  
3 over his chest, which we removed. We wasn't able to  
4 do anything then, but we removed it and he did have  
5 a -- what appeared to be a gunshot wound over his  
6 left --

7 **Q** A gunshot wound where?

8 **A** Over his left nipple area.

9 **Q** Okay. Okay. So he's in the back of the  
10 ambulance and take us from where you left off and  
11 what you continued to do.

12 **A** We ended up inserting the OPA and then we ended  
13 up having to breathe for him because four to six  
14 times a minute, you're not able to sustain life at  
15 that point in time, you're not able to oxygenate  
16 your own body. So we actually had to start  
17 breathing for him, which we used what we call a BVM,  
18 Bag-Valve-Mask. We proceeded to give him artificial  
19 ventilations, which we were breathing for him, and  
20 then we listened to lung sounds at that point.

21 **Q** How does that work, that breathing for him?

22 **A** You basically -- it's just a bag that has  
23 oxygen going in one side, a mask on the other. You  
24 place it over their face and you actually -- some  
25 people call it bagging, but we refer to it as

1 artificial ventilation. And you just continue to  
2 breathe for him at a rate of 12 to 20 times a  
3 minute, which is what a normal adult would breathe.

4 Q So what's coming out of that bag into his body?

5 A Oxygen.

6 Q And what did you do then?

7 A At that point in time, once we started  
8 ventilating him, we noticed that he didn't have any  
9 chest rise and fall on the left side. We have -- a  
10 normal human has equal chest rise and fall. He  
11 didn't have any chest rise and fall on the left  
12 side, he did on the right, so we knew that there was  
13 an issue.

14 We listened to lung sounds. You first listen  
15 to the top apexes and then the bases at the bottom.  
16 He didn't have any lung sounds on the left side  
17 whatsoever. At this point in time, we know that  
18 there's an issue. He's not receiving air into his  
19 left lung, so we have to figure out what the problem  
20 is. We go straight to pleural decompression at that  
21 time.

22 Q And what's that?

23 A Pleural decompression is you have -- I don't  
24 know if any of you ever heard of pleurisy, but  
25 basically your lungs sit inside of a sac and around

1 that -- your lungs and between your lungs and that  
2 sac, it's called your pleural space. And there's  
3 some fluid in there that keeps your lungs from  
4 rubbing up against that, which is what leads to  
5 pleurisy.

6 Well, what happens is whenever you have  
7 something that has penetrated through your lung, now  
8 air is escaping out of your lung into that sac and  
9 there's no other way because that sac -- there's no  
10 other way for it to escape. So what happens is air  
11 is leaking out of your lung into that sac and it --  
12 it's basically almost like inflating a tire. Coming  
13 out of your lung, every time you breathe in or we  
14 breathe for him, it escapes out his lung and it  
15 pushes his lung, puts air between the pleural sac  
16 and his lung and it collapses that lung. So he was  
17 not able to -- his lung was collapsed. He was not  
18 able to profuse or exchange oxygen in and out of the  
19 left lung.

20 **Q** And after performing these procedures on your  
21 patient, what was the plan of action to secure  
22 better treatment for him?

23 **A** Having pneumothorax, which is basically what we  
24 call that air trapped into your space, that's a  
25 life-threatening condition. Pleura decompressions

1 is the only thing that's going to be able to revive  
2 him at that time. So we, basically, inserted the  
3 needle into his second -- between his second and  
4 third rib and expelled that air, so that way his  
5 lung reinflated and he was able to exchange oxygen.

6 Now, at this time, you've got to realize he was  
7 without oxygen for six to eight minutes from the  
8 time that we arrived to the time that we were able  
9 to perform this. So, at that time, we started  
10 breathing for him and he was able to exchange  
11 oxygen, but his organs were already without oxygen  
12 for at least ten minutes.

13 Q How would you describe his condition?

14 A Poor, critical.

15 Q Was there a plan to take him to a hospital for  
16 treatment?

17 A With a gunshot victim, because it's an entrance  
18 wound within the body, you never know where that  
19 bullet went or what it destroyed. The only thing  
20 that's going to be capable of fixing him is a trauma  
21 unit. We needed to get him to a trauma center as  
22 soon as possible, which we were attempting to do in  
23 the process. We called for one before we even  
24 arrived on the scene because we knew what we were  
25 dealing with.

1           We attempted to take him from the scene to the  
2 LZ. From the time that we got the call to the  
3 time --

4           **Q**    Let me stop you there. You attempted to take  
5 him from the scene to an LZ. What do you mean by  
6 LZ?

7           **A**    An LZ is a loading zone, basically where a  
8 helicopter lands. We take the patient, we put them  
9 in a helicopter and then they take off.

10          **Q**    He was that critical that y'all felt the need  
11 to get him to a helicopter to get him to a place  
12 where he can be treated?

13          **A**    Absolutely.

14          **Q**    Did you meet the helicopter?

15          **A**    We did not.

16          **Q**    Why not?

17          **A**    He ended up crashing en route. I believe it  
18 was five minutes.

19          **Q**    When you say he ended up crashing en route, who  
20 are you referring -- or what are you referring to?

21          **A**    He went from -- I'm trying to think of the best  
22 term to use. He went from critical to being  
23 severely critical to -- he basically downgraded.  
24 His condition went for the worst. He went from a  
25 heart rate of 60, which we had him on the cardiac

1 monitor, he went from a heart rate of 60 and dropped  
2 straight down to 30 beats per minute, which was not  
3 capable of sustaining life at that point.

4 Q Mr. Nelson, I know you speak fast. If you  
5 don't mind, just slow it down a little bit.

6 A Okay.

7 Q That lady in front of you is recording  
8 everything you say and everyone needs to hear it all  
9 as well. Thank you.

10 So his condition deteriorated quickly?

11 A That's correct.

12 Q What happened with the plan to get him to a  
13 helicopter?

14 A We ended up having to change our plan to get  
15 him -- he needed a doctor right then and right  
16 there. A doctor can do a lot more than what we can  
17 do in the back of our small ambulance. So we had to  
18 take him to the closest appropriate facility at that  
19 time to get him stabilized.

20 Q Were you able to identify who your patient was?

21 A I was not.

22 Q Where did y'all end up taking your patient?

23 A Edgefield County Hospital.

24 Q What did y'all do with him then?

25 A Transferred him over to a doctor.

1 Q From the time you first approached your patient  
2 there on Morange Street to the time you got him to  
3 the hospital, did he say anything to you?

4 A He did not.

5 Q Was he conscious or unconscious?

6 A He was unconscious.

7 Q From the time you first saw your patient to the  
8 time you left him at the hospital, how would you  
9 describe his condition?

10 A Critical.

11 Q I'm sorry. I didn't hear you.

12 A Critical.

13 Q Critical.

14 He didn't say anything?

15 A He did not.

16 Q Did he have any movement about his body?

17 A He did not.

18 Q But you did everything you could to sustain his  
19 life; is that correct?

20 A Absolutely.

21 MR. EARGLE: Thank you. Please answer any  
22 questions the defense may have.

23 THE COURT: Cross-examination?

24 \*\*\*\*\*

25 \*\*\*\*\*

1 CROSS-EXAMINATION

2 BY MR. DRYLIE:

3 Q Good morning.

4 A Good morning.

5 Q Now, when you arrived on scene, you stated that  
6 there were tons of people about?

7 A That's correct.

8 Q Okay. And they were in the yard?

9 A That's correct.

10 Q They're in the roadway?

11 A That's correct.

12 Q And then in the driveway, too?

13 A That's correct.

14 Q Okay. Were you the first ambulance on scene?

15 A I was.

16 Q Okay. And then another ambulance came  
17 afterwards, correct?

18 A That's correct.

19 Q And were police officers on the scene at that  
20 point; do you remember?

21 A They were.

22 Q They were? Okay.

23 Do you remember -- would you mind stepping down  
24 for just a second?

25 A (Witness leaves the witness stand.)

1 Q Okay. Now, you stated you pulled in the  
2 driveway here, correct?

3 A We did.

4 Q And then there was another ambulance here?

5 A That's correct.

6 Q Do you remember was there a Dodge Charger here?

7 A I do not recall.

8 Q Okay. But there were people all throughout  
9 this whole area, correct?

10 A That's correct. They were mainly in this  
11 general area right here {indicating}.

12 MR. DRYLIE: No further questions.

13 (Witness resumes the witness stand.)

14 THE COURT: Any redirect?

15 MR. EARGLE: Yes, sir, just one, Your Honor.

16 Thank you.

17 REDIRECT EXAMINATION

18 BY MR. EARGLE:

19 Q If I remember correctly, you said when you  
20 approached your patient, there were individuals  
21 assisting him, holding his wound?

22 A That's correct.

23 MR. EARGLE: Thank you, Your Honor. That's all  
24 I have.

25 THE COURT: Anything?

1           **MR. DRYLIE:** Nothing.

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

3           **MS. RADLEIN:** Your Honor, may we approach?

4           **THE COURT:** Yes.

5                   (Whereupon, a bench conference was held off  
6 the record, in the presence of the jury, but out of  
7 the hearing of the jury.)

8           **THE COURT:** Ladies and gentlemen, I'm going to  
9 let you step to the jury room for just a few  
10 minutes. Do not discuss the case. Do not discuss  
11 the case. I'll get you back out here as quickly as  
12 possible.

13                   (The jury retires to the jury room.)

14           **THE COURT:** All right. We'll stand down for  
15 just a few minutes.

16                   (Brief Recess.)

17           **THE COURT:** All right. I'm going to bring the  
18 jury out and release them until one o'clock.

19           **MS. RADLEIN:** Yes, Your Honor.

20           **MR. DRYLIE:** Yes, sir.

21           **THE COURT:** All right. Bring me the jury,  
22 please, sir.

23                   (The jury returns to the courtroom.)

24           **THE COURT:** Ladies and gentlemen of the jury,  
25 just come right here. No need to sit down right

1           now; just file in right here, please. I don't want  
2           you to get too comfortable in there yet because I'm  
3           fixing to release you for an early lunch.

4           All right. Ladies and gentlemen, I'm going to  
5           release you for an early lunch right now. I'm going  
6           to ask that you be back here at one o'clock, at one  
7           o'clock, and we will, at that time, resume the trial  
8           of this case. Do not discuss the case. Don't  
9           discuss the case at all. Don't do any independent  
10          investigation. As I've told you from the outset,  
11          you're to decide this case based solely upon the  
12          testimony and evidence that's presented in this  
13          courtroom and nowhere else.

14          You-all are free to go. I'll see you back at  
15          one o'clock. Thank you.

16                         (The jury was excused for lunch.)

17          **THE COURT:** All right. You're going to put the  
18          doctor up at 1:00 and that's -- you said you're  
19          going to rest after that?

20          **MS. RADLEIN:** That's correct, Your Honor.

21          **THE COURT:** Anything before we break or stand  
22          down at this point?

23          **MS. RADLEIN:** Nothing, Your Honor.

24          **MR. DRYLIE:** Not right now, Your Honor.

25          **THE COURT:** All right. If y'all will be back

1 at 12:30, 12:30.

2 (Whereupon, there was a luncheon recess.)

3 (State's Exhibit Numbers 40 through 44  
4 marked for identification.)

5 **THE COURT:** All right. Is the State ready to  
6 proceed?

7 **MS. RADLEIN:** The State is ready, Your Honor.

8 **THE COURT:** Defense counsel?

9 **MR. DRYLIE:** We are.

10 **THE COURT:** All right. Call your next -- well,  
11 let's get the jury in first.

12 (The jury returns to the courtroom.)

13 **THE COURT:** All right. Good afternoon, ladies  
14 and gentlemen. I hope you-all had a nice lunch and  
15 are ready to proceed this afternoon.

16 At this time, I'm going to recognize the State.  
17 Call your next witness, please.

18 **MS. RADLEIN:** Thank you, Your Honor. The State  
19 calls Dr. Janice Ross.

20 JANICE EDWARDS ROSS,

21 having been duly sworn, testified as follows:

22 **THE CLERK:** Thank you, ma'am. Please be  
23 seated. State your full name and spell your last  
24 name for the record.

25 **THE WITNESS:** Janice Edwards Ross, R-o-s-s.

1 DIRECT EXAMINATION

2 BY MS. RADLEIN:

3 Q Good afternoon, Dr. Ross.

4 A Good afternoon.

5 Q Can you go ahead and describe your -- explain  
6 to the jury your educational background?

7 A Yes. I'm a forensic pathologist with Newberry  
8 Pathology Associates. To get to where I am, I did  
9 four years of college at the University of South  
10 Carolina. I received my MD, my Doctorate of  
11 Medicine, from Upstate Medical Center in Syracuse,  
12 New York, where I did further training in the field  
13 of pathology.

14 The field of pathology trains us to identify  
15 cancers and different diseases by using the  
16 microscope and by using laboratories from the  
17 hospital with chemistries and urinalyses or  
18 whatever. We also learned how to do an autopsy to  
19 find a cause of death.

20 I did further training in medical examiners'  
21 offices to learn forensic pathology, which is the  
22 field where we learn how to identify patterns of  
23 injury to find out the causes of death, whether it's  
24 an accident or homicide or whatever, and to document  
25 such injuries for the court of law. We also, during

1 a forensic autopsy, take samples for -- of fluids  
2 for toxicology.

3 **Q** Dr. Ross, approximately how many autopsies do  
4 you believe you performed?

5 **A** Over 11,000.

6 **Q** And that's throughout your entire career?

7 **A** Yes.

8 **Q** And have you ever testified in court before as  
9 an expert?

10 **A** Yes, in South Carolina, almost 200 times.

11 **MS. RADLEIN:** Your Honor, at this time, the  
12 State seeks to offer Dr. Janice Ross as an expert in  
13 forensic pathology.

14 **THE COURT:** Any objection?

15 **MR. CASTO:** No objection. No voir dire, Your  
16 Honor.

17 **THE COURT:** Ladies and gentlemen, my same -- or  
18 prior charge to you with regards to expert witnesses  
19 applies here.

20 You may continue.

21 **MS. RADLEIN:** Thank you, Your Honor.

22 BY MS. RADLEIN:

23 **Q** Dr. Ross, what is the purpose of a forensic,  
24 autopsy?

25 **A** This is to identify the cause of a death as --

1 just what it says, what caused the death, along with  
2 the manner of death. The manner of death, there are  
3 five types: Natural, like heart disease; suicide;  
4 homicide; accident; or sometimes we can't determine,  
5 so we put undetermined. So the forensic autopsy  
6 puts together everything, the cause of death and all  
7 the findings, and concludes with a manner of death.

8 **Q** And, Dr. Ross, can you -- if you would, in  
9 general terms, describe the procedure in actually  
10 conducting an autopsy.

11 **A** Yes. Our autopsies are authorized by the  
12 coroners of different counties. The patients are  
13 brought to us, we do an external examination with  
14 photography and we do an inventory of anything on  
15 the person. We do photographs, clothed and  
16 unclothed. And, in this case, there was evidence of  
17 a gunshot wound, so we did further X-rays to  
18 identify whether or not there were any remaining  
19 bullet or bullet fragments in the body.

20 **Q** You mentioned that there was a gunshot wound in  
21 this case, and so just to confirm, you did conduct  
22 the autopsy of Leric Merriweather in this case?

23 **A** Yes.

24 **Q** And the gunshot wound, can you tell the jury  
25 exactly where it was located?

1       **A**     It was located in the left chest kind of above  
2       and towards the middle of the body as far -- in  
3       relationship to the left nipple. And the bullet  
4       then went to the back, went out of the back, the  
5       left back.

6       **Q**     In describing that, what, if anything, does  
7       that tell you?

8       **A**     Bullets go straight. So this bullet was going  
9       from the front to the back slightly downward. It  
10      went down about an inch from the front to the back,  
11      and it went slightly towards the middle of the body.  
12      In so doing, it went through the -- both lungs,  
13      lobes of the left lung, and caused a lot of  
14      hemorrhage internally.

15      **Q**     And before I get to that, can you describe the  
16      entrance of the gunshot wound? Specifically, was  
17      there any evidence of soot or stippling?

18      **A**     No. There was -- it was a distant shot. When  
19      the bullet comes out of the gun, so does powder and  
20      soot, but the powder and soot only go a certain  
21      distance. So if we just have an entrance wound of  
22      the bullet without the soot or the stippling, which  
23      is caused by the powder, then we call it a distant  
24      wound. And that would be at least -- that would  
25      mean that the gun was at least two feet away from

1 the person.

2 **MS. RADLEIN:** Permission to approach the  
3 witness, Your Honor.

4 **THE COURT:** Yes.

5 BY MS. RADLEIN:

6 **Q** I'm going to show you what's been marked for  
7 identification as State's Exhibit 40, 41, 42, 43 and  
8 44. I'm going to ask you if you recognize them?

9 **A** Yes. These are photographs from the autopsy  
10 along with a diagram that I made myself.

11 **MS. RADLEIN:** Your Honor, at this time, the  
12 State seeks to move State's Exhibit 40 to 44 into  
13 evidence.

14 **THE COURT:** Any objection?

15 **MR. CASTO:** No objection, Your Honor.

16 **THE COURT:** So admitted.

17 (State's Exhibit Numbers 40 through 44  
18 admitted into evidence.)

19 **MS. RADLEIN:** Permission to publish.

20 **THE COURT:** Yes.

21 **MS. RADLEIN:** And permission for the witness to  
22 step down.

23 **THE COURT:** Yes.

24 (Witness leaves the witness stand.)

25 BY MS. RADLEIN:

1 Q Dr. Ross, if you wouldn't mind describing to  
2 the jury what exactly they're looking at in State's  
3 Exhibit 40.

4 A That's the entrance wound in the front of the  
5 chest. It's nice and round and has little abrasion.  
6 When the bullet goes into the skin, it pushes the  
7 skin so the edges are abraded.

8 Q And you mentioned that there was no evidence of  
9 soot or stippling. Would they be apparent in this  
10 photograph if there were?

11 A Yes. Soot would, like soot anywhere, would be  
12 black. The stippling would be little tiny pinpoint  
13 red dots if it were there.

14 Q And then just so I'm clear, can you explain  
15 what exactly stippling is?

16 A Stippling is where the powder hits the skin and  
17 it leaves just a little tiny dot, because some of  
18 it's burning and some is still and some's not.

19 Q And in looking at State's Exhibit 41, Dr. Ross,  
20 if you would explain to the jury what they're  
21 looking at here.

22 A That's the exit wound in the back.

23 Q And looking at State's Exhibit 42?

24 A This is just to demonstrate the front of the  
25 body where the entrance -- the entrance wound was

1 and the back of the body where the exit wound was.

2 Q And looking at State's Exhibit 43?

3 A Just a side view just to further describe how  
4 the bullet goes front to back and slightly downward.

5 Q Is there anything that you can explain that  
6 would indicate such a downward path of travel since  
7 you testified that bullets travel straight?

8 A It just -- it doesn't really give me a position  
9 of the two people. It just means that the gun was  
10 just maybe slightly above the entrance wound and  
11 pointed towards the middle of the body or the person  
12 could be leaning over somewhat if the body -- if the  
13 bullet comes in straight.

14 Q And in looking at State's Exhibit 44, did you  
15 also take this photograph?

16 A Yes.

17 Q And would this be how Leric Merriweather  
18 actual -- the patient actually came to you?

19 A Yes.

20 Q And he would have been wearing those basketball  
21 shorts at the time?

22 A Yes.

23 Q Thank you, Dr. Ross. Just briefly...

24 A (Witness resumes the witness stand.)

25 Q And if you can tell the jury what exactly was

1 your final -- your final cause of death in this  
2 case.

3 **A** It was due to exsanguination, which means to  
4 bleed out, due to laceration of the left lung due to  
5 the gunshot wound to the chest.

6 **Q** And in this particular case, due to the  
7 patient's injuries, can you tell the jury whether or  
8 not there would have been a -- had the patient been,  
9 I guess, at the hospital and actually undergone  
10 surgery, the likelihood of saving his life?

11 **A** It would be possible if he were right there.  
12 When you lacerate a lung, it doesn't stop by itself.  
13 Like sometimes when you've cut your skin, it'll stop  
14 after a few seconds. When you open up a wound in a  
15 lung, it doesn't stop unless you actually go in and  
16 clamp it off. So if he were -- had the opportunity  
17 to get to the operating room within minutes and was  
18 supported with a lot of fluids, he possibly could  
19 have survived.

20 **Q** Dr. Ross, I want to ask you just a question in  
21 your report. In conducting an autopsy, do you  
22 record the dimensions of the patient in terms of his  
23 height and weight?

24 **A** Yes. We measured him at 65 inches. We don't  
25 have a scale, so we don't -- we estimate the weight.

1 Q And so at 65 inches, approximately how many  
2 feet would that be?

3 A That's 5 feet, 5 inches.

4 Q So at the time of his death, he was 5 feet and  
5 5 inches?

6 A Correct.

7 Q And you said the approximate weight?

8 A Approximated it at 180 pounds.

9 Q And one last thing, Dr. Ross: In your report,  
10 did you note whether or not, when you received the  
11 patient, if he was wearing a shirt?

12 A I noted all the clothing, and we have that on  
13 the evidence form also, but there was not a shirt  
14 present.

15 MS. RADLEIN: Thank you, Dr. Ross. No further  
16 questions at this time.

17 THE COURT: Cross-examination?

18 CROSS-EXAMINATION

19 BY MR. CASTO:

20 Q Good afternoon, Dr. Ross.

21 A Good afternoon.

22 Q Just briefly, when you say the trajectory of  
23 the bullet, it doesn't really give you the position  
24 of the parties, does it?

25 A No, it does not.

1           **Q**     In other words, you know, like you said, I  
2           mean, the person could have been slightly bent over  
3           or what have you, possibly; is that right?

4           **A**     That's correct.

5           **MR. CASTO:** All right. Thank you very much,  
6           Doctor.

7           **MS. RADLEIN:** No redirect, Your Honor.

8           **THE COURT:** Doctor, you may step down. Thank  
9           you.

10          All right. Call your next witness, please.

11          **MS. RADLEIN:** Thank you, Your Honor. At this  
12          time, the State rests its case.

13          **THE COURT:** Can the attorneys approach, please?

14                   (Whereupon, a bench conference was held off  
15          the record, in the presence of the jury, but out of  
16          the hearing of the jury.)

17          **THE COURT:** All right. Ladies and gentlemen,  
18          the State has rested its case. There are some  
19          matters of law that I need to take up outside of  
20          your presence that may take a while and rather than  
21          have you sit here and wait for the balance of the  
22          afternoon, I'm going to let you go home for the  
23          balance of the day. Okay? I'm going to ask that  
24          you be back here tomorrow morning at 9:30 A.M., be  
25          back here at 9:30. And we will resume as promptly

1           **THE COURT:** Bring me the jury, please. \

2                   (The jury enters the courtroom at 10:23  
3 A.M.)

4           **THE COURT:** All right. Good morning, ladies  
5 and gentlemen. I hope you-all had a nice evening.  
6 The bailiff handed out to me what I asked you-all to  
7 do yesterday, to select a foreperson.

8                   Ms. Mason, that is your seat. All right?  
9 You're the foreperson. You'll be the jury  
10 spokesperson here in court. It will be your  
11 responsibility, after this case is given to the  
12 jury, for you to write the verdict, sign and date  
13 such, but I'll talk to you about that more as we get  
14 closer.

15                   All right. At this time, we are going to  
16 continue the trial of this case.

17                   Defense counsel is so recognized.

18                           (Court's Exhibit Number 7, jury note, marked  
19 for identification.)

20           **MR. DRYLIE:** Thank you, Your Honor. The  
21 defense calls Montrell Troutman to the stand.

22                           MONTRELL DESHAWN TROUTMAN,  
23 having been duly sworn, testified as follows:

24           **THE CLERK:** Thank you, sir. Please be seated.  
25 State your full name, spell your last name for the

1 record.

2 **THE WITNESS:** Montrell Troutman,  
3 T-r-o-u-t-m-a-n.

4 DIRECT EXAMINATION

5 BY MR. DRYLIE:

6 Q Montrell, where are you from?

7 A Miami, Florida.

8 Q And when did you move to Edgefield?

9 A Almost three years ago.

10 Q Okay. And why did you move to Edgefield?

11 A To be closer to my fiancée mother.

12 Q Okay. And who did you live with here in  
13 Edgefield?

14 A My fiancée.

15 Q Okay. Anyone else live in the house?

16 A Yeah, my stepkids.

17 Q How long after you moved to Edgefield did you  
18 meet Leric Merriweather?

19 A About three weeks to a month.

20 Q Did y'all get along?

21 A Yes.

22 Q Would he pick on you at times?

23 A Yes.

24 Q What would he say to you?

25 A He was always calling me all kind of names and,

1 you know, when he get around certain people, he'd  
2 treat me different. Now, when we're by ourself,  
3 it's different.

4 Q And had he threatened you before?

5 A Yes.

6 Q Now, would this happen all the time? Would he  
7 be predictable?

8 A Well, it don't happen all the time, you know.  
9 Sometime, like I say, when we're by ourself, it's  
10 different. When he's in front of people, he change.

11 Q And did Leric appear to have a temper?

12 A Yes.

13 Q At times, were you scared of Leric?

14 A Yes.

15 Q Now, I want to talk to you a minute about what  
16 happened on June 6th, 2015. Tell me what you did  
17 when you woke up that day.

18 A I woke up and I took a shower. I got dressed.  
19 I went to a friend's house and we barbecued.

20 Q Okay. So were you just hanging out over there?

21 A Yes.

22 Q And who was over there?

23 A Me, Elliott, a couple other people came, I  
24 didn't know their name, and then another friend  
25 named OB came over there.

1           **Q**     Okay.  And how did you end up leaving that  
2           house?

3           **A**     I can't hear you, sir.

4           **Q**     How did you end up leaving that house?

5           **A**     Oh, well, OB.

6           **Q**     And where did y'all go?

7           **A**     To the gas station.

8           **Q**     What for?

9           **A**     To get him some cigarettes.

10          **Q**     Okay.  And where did you go after that?

11          **A**     We was on our way back and then we stopped by  
12          Mr. Merriweather house.

13          **Q**     Okay.  Did you know you were going to Leric's  
14          house that day?

15          **A**     No, sir.

16          **Q**     Now, did you have a gun on you when you went to  
17          Leric's house?

18          **A**     No, sir.

19          **Q**     Were you looking for trouble when you went to  
20          Leric's house?

21          **A**     No, sir.

22          **Q**     What did you do when you got to Leric's house?

23          **A**     I spoke to everybody and I continued to stand  
24          in the road and listen to my music on my phone.

25          **Q**     Did Leric get in a fight with someone while you

1 were there?

2 **A** Yes, sir.

3 **Q** Who did he get in a fight with?

4 **A** A dude named Dwayne.

5 **Q** What did he do?

6 **A** He knocked him down.

7 **Q** After Leric hit Dwayne, did he say something to  
8 you?

9 **A** Yes, sir.

10 **Q** What did he say?

11 **A** You can get it, too.

12 **Q** As a result of what he said, what did you do?

13 **A** I looked; I see a lot of his friends taking off  
14 their shirt and stuff like that, fixing to jump on  
15 me. And so Johnny told me to leave and so I left.

16 **Q** Okay. So after that, you went home?

17 **A** Yes.

18 **Q** What did you do when you got home?

19 **A** Well, me and my mother-in-law, they came over.  
20 We left.

21 **Q** Okay. Where did you go?

22 **A** We went to Johnny house and then we went to the  
23 store.

24 **Q** What did you buy at the store?

25 **A** Some beer and some cigarette.

1 Q And then where did you go?

2 A We went back home.

3 Q Were you upset about what had happened over at  
4 Leric's house?

5 A Yes.

6 Q Were you tired of being picked on for being the  
7 new guy in town?

8 A Yes.

9 Q After you got back home from the store, what  
10 did you do?

11 A I talked to my mother-in-law, sister-in-law and  
12 my fiancée for a little while and I tried to lay  
13 down.

14 Q Okay. What did you do when you got up from  
15 laying down?

16 A Well, I heard somebody out there calling my  
17 name, so I walked to the road.

18 Q Okay. And who was out there calling your name?

19 A Raymond Harris.

20 Q And as a result of what he told you, what did  
21 you do?

22 A What did I do?

23 Q Uh-huh.

24 A Well, I went back in my house, then I went out  
25 my backyard.

1 Q Okay. And what did you do in your backyard?

2 A I went to an abandoned house and retrieved a  
3 gun.

4 Q Okay. Where did you get that gun?

5 A From an abandoned house in my backyard.

6 Q But, originally, where did you get that gun?

7 A Oh, I bought it off the streets.

8 Q Okay. And why did you have that gun?

9 A For protection.

10 Q And then where did you go?

11 A Well, I went to a friend house so I could vent  
12 and talk to him, let him know, you know, what was  
13 going on so I could cool myself down because I  
14 didn't want no problems with nobody.

15 Q Okay. And who is your friend?

16 A TK.

17 Q And what happened when you got to his house?

18 A He wasn't home.

19 Q Where did you go after that?

20 A I put my headphones on and I went around the  
21 corner to go home.

22 Q Okay. So was that on Morange Street?

23 A Yes, sir.

24 Q And you were walking down Morange Street  
25 towards your house?

- 1       **A**     Yes, sir.
- 2       **Q**     And your house was further up Morange Street?
- 3       **A**     Yes, sir.
- 4       **Q**     Okay. Now, did you get dropped off in a green  
5       Honda Accord on Morange Street?
- 6       **A**     No, sir.
- 7       **Q**     Did Constance Martin drop you off in a car on  
8       Morange Street?
- 9       **A**     No, sir.
- 10      **Q**     Now, when you were walking down Morange Street,  
11      what side of the street were you on?
- 12      **A**     I was, like, in the middle.
- 13      **Q**     Okay. And what did you see?
- 14      **A**     I see a car pulls up, like, up the street some  
15      and then it stopped and backed back out.
- 16      **Q**     Did you recognize that car?
- 17      **A**     Yes, sir.
- 18      **Q**     Do you know whose car that was?
- 19      **A**     Yes, sir.
- 20      **Q**     Whose car was that?
- 21      **A**     Leric Merriweather's.
- 22      **Q**     Now, what happens when you get closer to  
23      Leric's car?
- 24      **A**     I seen it's three of them get out the car.
- 25      **Q**     Okay. And who gets out of the car?

1           **A**     Carlo, Keith Mathis and Leric.

2           **Q**     Now, are you trying to go past them?

3           **A**     Yes, sir.

4           **Q**     Did you walk past the car on the driver's side  
5           door?

6           **A**     No, sir.

7           **Q**     Did you walk into the yard?

8           **A**     No, sir.

9           **Q**     Did you do a U-turn and walk back by?

10          **A**     No, sir.

11          **Q**     Were you pointing at Leric Merriweather?

12          **A**     No, sir.

13          **Q**     Were you trying to start a fight?

14          **A**     No, sir.

15          **Q**     Were you trying to start any sort of  
16          altercation?

17          **A**     No, sir.

18          **Q**     Were you just trying to go by them?

19          **A**     Yes, sir.

20          **Q**     And were you still walking in the street?

21          **A**     Yes, sir.

22          **Q**     Now, what happens when you try and go by the  
23          car?

24          **A**     They was yelling all types of stuff, so I told  
25          them, I don't want no trouble. What's going on?

1 You know, I didn't start nothing with y'all, so I  
2 don't know why you're bothering me.

3 Q Who was yelling stuff?

4 A Leric and Keith Mathis.

5 Q Okay. And what is Leric saying to you?

6 A You're not from around here, you know, get from  
7 around here. I'm going to burn your house down with  
8 you and your kids in your house. Stuff in that  
9 manner.

10 Q Is he threatening you?

11 A Yes, sir.

12 Q Okay. Is Pooh saying anything?

13 A Yes, sir.

14 Q What is he saying to you?

15 A He's telling him that, You're going to let him  
16 disrespect us like that?

17 Q Okay. And what are you saying back to them?

18 A I just tell them, I don't want no trouble. I  
19 don't want no problem. Why are y'all picking on me?  
20 Y'all always picking on me when y'all get mad with  
21 me. I didn't do nothing to y'all.

22 Q Now, is Leric threatening you and in front of  
23 you at this time?

24 A Yes, sir.

25 Q And were you scared of him?

1       **A**     Yes, sir.

2       **Q**     Now, you had a gun on you, correct?

3       **A**     Yes, sir.

4       **Q**     At some point, did you show Leric the gun that  
5       was on you?

6       **A**     Yes, sir.

7       **Q**     Why did you do that?

8               **MS. RADLEIN:**  Objection, Your Honor.

9               **THE COURT:**  Overruled.

10       BY MR. DRYLIE:

11       **Q**     Why did you do that?

12       **A**     I tried to scare them off so they can leave me  
13       alone so I can just go home.

14       **Q**     Okay.  And your house was further up the  
15       street?

16       **A**     Yes, sir.

17       **Q**     Did you think that after showing them the gun,  
18       you'd be allowed to pass?

19       **A**     Yes, sir.

20       **Q**     And just so -- at that moment, what did you  
21       want to do?

22       **A**     Just go home.

23       **Q**     Did Leric let you go by after that?

24       **A**     No, sir.

25               **MS. RADLEIN:**  Objection, Your Honor.

1           **THE COURT:** Can you approach, please? What's  
2 the grounds for the objection?

3           **MS. RADLEIN:** Leading.

4           **THE COURT:** Rephrase your question. You didn't  
5 say that a minute ago. Sustained as to leading.

6 BY MR. DRYLIE:

7           **Q**    What happened after you showed Leric your gun?

8           **A**    They got even madder.

9           **Q**    Okay. Were you allowed to pass by them?

10          **A**    No, sir.

11          **Q**    What did Leric do after that?

12          **A**    He told me he's going to get his gun.

13          **Q**    And what did he do?

14          **A**    He get in his car, then he got back out his  
15 car.

16          **Q**    Okay. Did you know if he had a gun on him at  
17 that point?

18          **A**    No, sir.

19          **Q**    Okay. Was he still -- what happened after  
20 that?

21          **A**    He was pretty pissed off.

22          **Q**    Okay. What was he saying?

23          **A**    Like I said again, he was like, You can't live  
24 around here no more. I'm going to burn your house  
25 down with your kids in your house. You're going to

1 have to pack up and leave, you and your family.

2 Q Okay. And what was he doing?

3 A Coming towards me, like, aggressive.

4 Q Okay. And what was Pooh doing?

5 A Getting ready to launch a bottle at me.

6 Q And what's going through your mind at this  
7 point?

8 A I'm scared and nervous. I was in fear of my  
9 life.

10 Q Now, were you scared because he was coming at  
11 you?

12 A Yes, sir.

13 Q Okay. And what was Pooh doing at this time?

14 A Coming closer with a bottle in his hand, fixing  
15 to launch it at me.

16 Q And were you afraid of them?

17 A Yes, sir.

18 **MS. RADLEIN:** Objection, Your Honor.

19 **THE COURT:** Grounds?

20 **MS. RADLEIN:** Leading.

21 **THE COURT:** Sustained.

22 BY MR. DRYLIE:

23 Q What happened next?

24 A That's when everything happened. They was  
25 coming towards me. I panicked and pulled the gun

1 out my back pocket and shot.

2 Q Did you know who you were shooting at?

3 A Well, what you mean I know who I was shooting  
4 at? I mean, I know that people was there, but, you  
5 know, I was shooting in fear. I didn't try to shoot  
6 anybody.

7 Q Okay. Now, where were you standing when you  
8 started shooting?

9 A In the road.

10 Q Okay. Were you in Santonio Ryans' driveway?

11 A No.

12 Q What were you aiming at?

13 A Really don't -- I really don't recall aiming,  
14 you know, I just pulled it out and started shooting  
15 because I was scared.

16 Q And what was going through your mind at that  
17 time?

18 A Just hurry up and get it over with so I can go  
19 home. I was just real nervous and scared, you know.

20 Q Okay. And do you remember how many shots you  
21 fired?

22 A No, sir.

23 Q What did you do after you fired the gun?

24 A I dropped it and I walked up the street real  
25 fast.

1 Q Did you go home?

2 A No, sir.

3 Q Why didn't you go home at that point?

4 A I was still scared and nervous, and I was  
5 scared for my family's safety.

6 Q Where did you go?

7 A In the woods.

8 Q Did you see Alex Mack that night?

9 A No, sir.

10 Q Did you say anything to him?

11 A No, sir.

12 Q Now, at some point, did you call somebody?

13 MS. RADLEIN: Objection, Your Honor.

14 THE COURT: Sustained.

15 BY MR. DRYLIE:

16 Q Who did you call?

17 A My mother-in-law and my fiancée.

18 Q And what happened when you called your  
19 girlfriend?

20 A The police were there and I told her to put the  
21 police on the phone; I want to turn myself in.

22 Q And then what did you do?

23 A I turned myself in.

24 Q Now, that night were you interviewed by the  
25 police?

1       **A**     Yes, sir.

2       **Q**     What did you tell them?

3       **A**     Well, I told them we tussled for the gun.

4       **Q**     Was that true?

5       **A**     No, sir.

6       **Q**     Okay. Why did you tell them that?

7       **A**     Still scared and nervous. I didn't know what  
8       to do, you know.

9       **Q**     Okay. Now, Montrell, when you fired at Leric,  
10       did you know whether or not he had a gun on him?

11       **A**     No, sir.

12       **Q**     Were you afraid?

13       **A**     Yes, sir.

14               **MS. RADLEIN:** Objection, Your Honor.

15               **THE COURT:** Can y'all approach a minute,  
16       please?

17                       (Whereupon, a bench conference was held off  
18       the record, in the presence of the jury, but out of  
19       the hearing of the jury.)

20               **THE COURT:** Objection sustained as to leading.

21       BY MR. DRYLIE:

22       **Q**     When Leric was coming at you that night, what  
23       was going through your mind?

24       **A**     I thought they was fixing to hurt me.

25       **Q**     Why did you pull the trigger?

1           **A**     Out of fear, scared of my life.

2           **Q**     Did you want to hurt anyone?

3           **A**     No, sir.

4           **Q**     Were you trying to hurt Leric?

5           **A**     No, sir.

6           **Q**     What were you trying to do that night?

7           **A**     Just go home.

8           **MR. DRYLIE:** No further questions, Your Honor.

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

10          **MS. RADLEIN:** Yes, Your Honor.

11                                    CROSS-EXAMINATION

12          BY MS. RADLEIN:

13          **Q**     Montrell Troutman, how tall are you?

14          **A**     Six-three.

15          **Q**     Six-three?

16          **A**     Yes, ma'am.

17          **Q**     And how much do you weigh?

18          **A**     Now?

19          **Q**     How much do you weigh?

20          **A**     I hadn't weighed myself in a while.

21          **Q**     How much did you weigh two years ago?

22          **A**     Probably about 175.

23          **Q**     You said you're six-three, approximately 175?

24          **A**     Yes, ma'am.

25          **Q**     Now, on that day, you had a loaded gun, right?

1           **A**     Yes, ma'am.

2           **Q**     You were going kind of fast, so I'm going to  
3     try to get some clarification on some things.  What  
4     time did you wake up on June 6th of 2015?

5           **A**     I don't remember exactly what time I woke up,  
6     ma'am.

7           **Q**     You remember you took a shower?

8           **A**     Yes.

9           **Q**     Around what time do you remember taking a  
10    shower?

11          **A**     It had to be somewhere probably about 11:00,  
12    11:30.

13          **Q**     Okay.  And you said you went to a friend's  
14    house?

15          **A**     Yes, ma'am.

16          **Q**     Elliott's house?

17          **A**     Yes, ma'am.

18          **Q**     What time did you see Elliott that day?

19          **A**     It had to be probably 1:00, 1:30, somewhere up  
20    in that area.

21          **Q**     And how long were you at Elliott's house?

22          **A**     We was there for a while.  I don't know exactly  
23    how long I was there, was there for a while.

24          **Q**     Five minutes?

25          **A**     No, ma'am.

1 Q Ten minutes?

2 A No. We was there for, like, a couple hours,  
3 some hours, because I was cooking on the grill.

4 Q Oh, you were cooking on the grill?

5 A Yes, ma'am.

6 Q Where did you get the food?

7 A Another friend bought it.

8 Q What were you cooking?

9 A Chicken and ribs and hamburgers and stuff like  
10 that.

11 Q And Elliott had a grill?

12 A No, ma'am. We had to go to another friend  
13 house and carry it to his house.

14 Q So when did you go to the other friend's house?

15 A When all the plans -- it had to be probably  
16 about 1:40, 1:30. I don't remember exactly what  
17 time, ma'am.

18 Q And who is this other friend?

19 A Well, his name -- I don't know his real name.  
20 We call him June.

21 Q J-u-n-e?

22 A Yes, ma'am.

23 Q So it's you, June, Elliott, and you mentioned  
24 an OB?

25 A No, June wasn't there. We went to his house

1 and got the grill. That's the dude where we got the  
2 grill from. We went to June house and got the  
3 grill.

4 Q I apologize. And then you go back to Elliott's  
5 house?

6 A Yes, ma'am.

7 Q So now you're -- you're saying it's around  
8 1:00, 1:30?

9 A Yes, somewhere up in there.

10 Q You testified on direct that, at that point,  
11 you left to go to the store; is that correct?

12 A No, we cooked first. We did all the cooking.  
13 I went home and took a shower and everything before  
14 we went to the store. It was later on when we went  
15 to the store. OB came on later. He wasn't there  
16 when we first start cooking.

17 Q I apologize. I didn't realize you left the  
18 house and then went back. I apologize.

19 So you -- at the house, cooking on the grill  
20 for at least a couple hours and then you go home?

21 A Yes, ma'am.

22 Q And then you go back to Elliott's house?

23 A Yes, ma'am. I went home to take a shower to  
24 get the smoke smell off me.

25 Q So you took two showers?

1           **A**     Yes, ma'am.

2           **Q**     And so you went to Elliott's house twice that  
3           day; is that what you're saying?

4           **A**     Yes, ma'am.

5           **Q**     How did you get from your house to Elliott's  
6           house?

7           **A**     I walked.

8           **Q**     And then the second time?

9           **A**     I walked.

10          **Q**     And then when did you get in the car with OB?

11          **A**     It was in like -- it was in the evening time,  
12          the early evening time.

13          **Q**     Early evening?

14          **A**     Yes, ma'am.

15          **Q**     What time is --

16          **A**     I mean, like, it had to be somewhere around  
17          3:30, somewhere up in there, 3:00, 3:30, four  
18          o'clock, somewhere up in there. I don't remember  
19          exactly what time it was.

20          **Q**     So late afternoon?

21          **A**     Yes.

22          **Q**     Okay. So at 3:30, you're saying now that you  
23          went back to Elliott's house; is that your testimony  
24          today?

25          **A**     Yes, ma'am.

1 Q And then you said at what time now did you go  
2 to the store with OB?

3 A Like I said, I don't know exactly what time it  
4 was, ma'am. It had to be somewhere 3:00, 3:30, four  
5 o'clock around that area. I don't know exactly what  
6 time.

7 Q And which store did you go to?

8 A Went to the Amoco uptown.

9 Q And who was driving?

10 A OB.

11 Q And where was Elliott?

12 A In the back seat.

13 Q And so you're saying OB made a decision to go  
14 to Leric Merriweather's house?

15 A Yes. We was on our way back from the store and  
16 he seen all the people out there. So he said he  
17 fixing to stop for a second; we wasn't going to be  
18 there for long.

19 Q And how far is that from your house?

20 A I don't know exactly how far, but it's not that  
21 far from my house.

22 Q So if you didn't want to be there, why didn't  
23 you just go home?

24 A Because I was waiting on them so we could go  
25 back to Elliott house. Elliott wasn't there, so I

1           couldn't go to his house by myself.

2           **Q**     That's not making sense for me. Let me see if  
3           I can figure this out. So you're saying Elliott  
4           wasn't home because Elliott was with you?

5           **A**     Yes, ma'am.

6           **Q**     So if Elliott -- you guys weren't done cooking  
7           on the grill; is that it?

8           **A**     No. We was finished cooking on the grill.

9           **Q**     So you're just hanging out?

10          **A**     Yes. We didn't never get to eat nothing yet,  
11          that's why. We was going back to eat.

12          **Q**     The food would have been cold by then?

13          **A**     We had it in the oven on warm.

14          **Q**     Okay. So you -- so now you're at Leric's  
15          house. And where did you say you're standing? You  
16          said you were in the road?

17          **A**     Yes, ma'am.

18          **Q**     And is it your testimony you didn't go into the  
19          yard?

20          **A**     I went into the yard just to speak to everybody  
21          and came right back out the yard.

22          **Q**     You spoke to Leric, right?

23          **A**     Yes, ma'am.

24          **Q**     What did you say to him?

25          **A**     I just said, What's up; hey, like, you know.

1 Q That's it?

2 A Yes, ma'am.

3 Q But you didn't -- you had problems with him,  
4 but you said what's up to him?

5 A Not at that moment, ma'am. We didn't have  
6 problems yet.

7 Q You didn't previously testify that you had  
8 problems with him a week before?

9 A Oh, you're talking about there. I thought you  
10 said that day. He didn't start with me that day.  
11 Like I say, we always have problems there sometimes.  
12 We either talk it out and say, you know, forgive  
13 each other.

14 THE COURT: I need you to slow down. Okay?

15 THE WITNESS: Okay.

16 BY MS. RADLEIN:

17 Q So you said you always have problems, right?

18 A I didn't say always, ma'am. I say sometimes we  
19 have problems.

20 Q I apologize. Sometimes you have problems?

21 A Yes, ma'am.

22 Q So the week before, you didn't have problems?

23 A Yes, ma'am, we had problems.

24 Q So why are you going to his house?

25 A Like I said, we wasn't supposed to have been

1 there. And I went with a friend and he said we  
2 wasn't going to be there long. Like I said, we have  
3 problems, but at the time we were still, like, kind  
4 of speaking to each other, but we wasn't, like,  
5 really messing with each other. So since I went by  
6 his house, I just spoke to him, you know. I didn't  
7 want to be rude.

8 **Q** Do you recognize this?

9 **A** Yes, ma'am.

10 **MS. RADLEIN:** Permission for the witness to  
11 step down.

12 **THE COURT:** What exhibit number is it?

13 **MS. RADLEIN:** I apologize. State's Exhibit 25.

14 **THE COURT:** Sir, you may step down.

15 (Witness leaves the witness stand.)

16 BY MS. RADLEIN:

17 **Q** Where is your house on here?

18 **A** I can't see that good. Can I step up some?

19 **THE COURT:** I need you to speak up. Okay, sir?

20 (Witness reviewing document.)

21 BY MS. RADLEIN:

22 **Q** I'll help you out. Right here?

23 **A** Yes.

24 **Q** And Leric's house is down here?

25 **A** Yes, ma'am.

1 Q So how long does it take you to walk from here  
2 to here?

3 A Probably about five, seven, ten minutes,  
4 something like that.

5 Q So if you had problems with the man, you could  
6 have just left or not even step foot on his yard and  
7 go home, right?

8 A Like I said, we wasn't supposed to have been  
9 there long.

10 Q But if you said you have problems with someone,  
11 why would you stay at their house?

12 A Like I said, ma'am, we had problems, but at the  
13 same time, we squashed it. So we were still, like,  
14 speaking to each other, but we weren't messing with  
15 each other, so.

16 Q All right. What time do you recall getting  
17 there?

18 A Like I said, ma'am, I don't know exactly what  
19 time it was; I wasn't looking at a clock.

20 Q So one o'clock, you know you were at Elliott's  
21 house, right?

22 A Yes, ma'am.

23 Q Two o'clock, still at Elliott's house?

24 A Yes, ma'am.

25 **THE COURT:** Hold on a minute. Do you still

1 need him standing or can he --

2 **MS. RADLEIN:** I apologize, Your Honor.

3 (Witness resumes the witness stand.)

4 BY MS. RADLEIN:

5 **Q** Two o'clock, still at Elliott's house?

6 **A** Yes, ma'am.

7 **Q** Three o'clock?

8 **A** Probably about 3:00, 3:30, four o'clock, that's  
9 when OB came over.

10 **Q** OB came over after you took your second shower  
11 or before?

12 **A** Yes, ma'am.

13 **Q** Oh, after. So then you leave, go to the store?

14 **A** Yes, ma'am.

15 **Q** How long does it take to get to the store?

16 **A** Like I said, I don't know what time, but it  
17 didn't take us that long.

18 **Q** A minute?

19 **A** Longer than a minute.

20 **Q** Five minutes?

21 **A** I'd say about 15 minutes, 15 to 20 minutes.

22 **Q** Which store?

23 **A** We went to the Amoco uptown, the gas station.

24 **Q** So now we're a little after four o'clock. You  
25 leave there. Do you stop anywhere on the way?

1           **A**     No, ma'am.

2           **Q**     So then you go to Leric's house?

3           **A**     Yes, ma'am.

4           **Q**     So I say around 4:30?

5           **A**     Like I said, ma'am, I don't know exactly what  
6           time it was.

7           **Q**     So you're at his house. You see something  
8           going on?

9           **A**     Yes, ma'am.

10          **Q**     And you're not saying anything?

11          **A**     No, ma'am.

12          **Q**     So your testimony is you had no words exchanged  
13          with Leric Merriweather?

14          **A**     Not at the time, ma'am.

15          **Q**     What does that mean?

16          **A**     Like, at the beginning, I didn't have no words  
17          with him.

18          **Q**     Okay. At the end?

19          **A**     Well, after he got into the altercation, that's  
20          when he started turning his attention towards me.

21          **Q**     So the words coming out of your mouth would  
22          have been?

23          **A**     I didn't do nothing to you. What's going on?

24          **Q**     So someone is saying stuff to you and you're  
25          just --

1           **A**     Yeah. I put my hands up like {indicating}  
2           defense, I don't want no problem. I don't know  
3           what's going on. What's going on? You know.

4           **Q**     And then you just leave? That's your  
5           testimony, you just leave?

6           **A**     Well, like I said, I turned and see the dudes  
7           taking off their shirts and stuff and Johnny Martin  
8           told me just go, just go home, go home. And I  
9           leave.

10          **Q**     I just want to make sure it's clear. Your  
11          testimony is that no words cursing out Leric  
12          Merriweather came out of your mouth?

13          **A**     No, ma'am.

14          **Q**     Okay. So let's clear some things up. We're a  
15          little after 4:30, 5:00 and you say you go home now?

16          **A**     Yes, ma'am.

17          **Q**     And what's the first thing you said you did?

18          **A**     Well, we were sitting on my porch, me and my  
19          fiancée, and her mother and her sister came over.  
20          And her mother asked me to ride to the store with  
21          her. So I got in the car with her and rode to the  
22          store -- well, we went to Johnny house and then we  
23          went to the store.

24          **Q**     So you get home. You tell her about what  
25          happened?

- 1           **A**     Yes, ma'am.
- 2           **Q**     And what do you tell her?
- 3           **A**     I just told them, like, they starting with me  
4           again.
- 5           **Q**     Were you upset?
- 6           **A**     Yes, ma'am.
- 7           **Q**     Pretty upset, right?
- 8           **A**     Not pretty upset, but I was upset.
- 9           **Q**     You were cursing, right?
- 10          **A**     No, ma'am, not like -- not towards them, no. I  
11          wasn't cussing like that, ma'am.
- 12          **Q**     So then you call your mother-in-law?
- 13          **A**     What you mean I called her? She was already at  
14          my house. You talking about when I called her?
- 15          **Q**     You just said your girlfriend was there?
- 16          **A**     Yeah, my girlfriend. Then my mother-in-law and  
17          her sister came over.
- 18          **Q**     So you're saying around 4:30 that day, you  
19          didn't call her?
- 20          **A**     Ma'am, like I said again, I don't know exactly  
21          what time it was.
- 22          **Q**     You said you go to Johnny's house?
- 23          **A**     Yes, ma'am.
- 24          **Q**     And who's Johnny to you?
- 25          **A**     That's my brother-in-law -- well, my fiancée's

1 brother.

2 Q And so Connie Martin is your fiancée's -- or  
3 girlfriend's mom and Johnny Martin's mother?

4 A Yes, ma'am.

5 Q And what kind of car does she drive?

6 A A green Honda.

7 Q And so after that, you go to Johnny's house.  
8 How long are you at Johnny's house?

9 A No more than about 10 or 15 minutes, if that  
10 long. Like I said, I don't know -- I don't be  
11 watching the clock, ma'am.

12 Q And what are you doing there?

13 A Just went over there to get some money so we  
14 can go to the store and get some more beer.

15 Q That's it?

16 MR. DRYLIE: Objection; 403 and 404.

17 THE COURT: Can y'all approach?

18 (Whereupon, a bench conference was held off  
19 the record, in the presence of the jury, but out of  
20 the hearing of the jury.)

21 THE COURT: Objection overruled.

22 BY MS. RADLEIN:

23 Q That's all you did at Johnny's house?

24 A No, ma'am.

25 Q What else did you do at Johnny's house?

1           **A**     I had got some cocaine from him.

2           **Q**     What did you need that for?

3           **A**     You know, every once in a while, I use a little  
4           bit. I just wanted to calm myself down.

5           **Q**     You're saying what happened at Leric's house,  
6           him essentially telling you to leave his house, got  
7           you that upset?

8           **A**     No. It's not actually why I got upset. It's  
9           because he trying to jump on me. Him and all his  
10          friends trying to jump on me.

11          **Q**     Oh, so you're saying he touched you?

12          **A**     No. I didn't say he touched me. I said, they  
13          tried to jump on me. He was telling me I can get  
14          it, too.

15          **Q**     So he's in your face when he's saying that?

16          **A**     Yeah. He was coming up close to me, yes.

17          **Q**     How close did he get to you when he said that?

18          **A**     He was coming from that way {indicating}. He  
19          probably got, like, about -- he probably got about  
20          right up in there.

21          **Q**     And so your testimony today is he got in your  
22          face and said, You can get it, too?

23          **A**     Yes.

24                   **THE COURT:** Let the record reflect it's  
25          approximately four feet -- three to four feet.

1           You can be seated, sir.

2           BY MS. RADLEIN:

3           **Q**     And how long were you at Leric's house?

4           **A**     Ma'am, like I say, I wasn't watching a clock.

5           I don't know exactly how long it was.

6           **Q**     So that lasted, what, a few seconds?

7           **A**     Well, yeah, you can say that, a few seconds.

8           And then they was -- like I said, I was looking --

9           looked to my left and I seen all them getting ready.

10          Then Johnny came to the road, told me to go ahead

11          and go home.

12          **Q**     You previously testified you were there for at

13          least 30, 45 minutes, right?

14          **A**     Like I say, ma'am, I don't know exactly how

15          long I was there.

16          **Q**     Did you previously testify that you were there

17          for 30 to 45 minutes?

18          **A**     Ma'am, like I said again, I don't

19          know exactly --

20          **Q**     It's a yes or no question.

21          **THE COURT:** I don't need both of you talking at

22          the same time. You may proceed.

23          BY MS. RADLEIN:

24          **Q**     It's yes or no.

25          **A**     Yes.

1 Q So now your testimony is you don't remember how  
2 long you were there?

3 A I don't remember, ma'am.

4 Q So at what point in those four hours before you  
5 killed Leric around 8:43 did you go get a gun?

6 A Like I said, I went home after my mother-in-law  
7 went to the store. I tried to take a nap. I was  
8 spinning. And then I heard somebody --

9 Q I'm sorry. You were what?

10 A Trying to take a nap.

11 Q And then you said, I was something --

12 A My head was spinning.

13 Q Why was it spinning?

14 A Because I was drinking.

15 Q Carry on. You tried to take a nap?

16 A Yeah. Then I heard somebody at the road  
17 calling my name real loud. It was Raymond Harris.  
18 So I went to the road and talked to him.

19 Q Okay. So you took a nap. How long was your  
20 nap?

21 A Like I said again, ma'am, I don't know exactly  
22 how long I took a nap.

23 Q At 8:43, you shot someone and you don't  
24 remember what you were doing that day?

25 A I didn't say I didn't remember what I was doing

1 that day. I said I don't know how long I was taking  
2 a nap.

3 Q An hour?

4 A Like I said, ma'am, I don't know exactly if it  
5 was an hour. I don't know --

6 Q So this gun -- what did the gun look like?

7 A It was black and small.

8 Q Was it about the size of this, State's Exhibit  
9 29?

10 A It's smaller.

11 Q Smaller.

12 And when did you get this gun?

13 A After Raymond Harris told me they was riding  
14 around the car with guns.

15 Q When did you get the gun?

16 A Oh, probably about a week or two before this  
17 happened.

18 Q Why did you get it a week or two before this  
19 happened?

20 A For protection.

21 Q But didn't you just testify on direct that you  
22 buried it?

23 A Yes, ma'am.

24 Q How good is a buried gun?

25 A Well, I couldn't keep it in my house around my

1 kids. So I kept it somewhat close so I can, you  
2 know, get to it.

3 Q So four hours after you leave Leric  
4 Merriweather's house, somewhere in between that  
5 time, you get a gun?

6 A Yes, ma'am.

7 Q And somewhere in between that time, you find  
8 Leric down the road?

9 A I didn't find him; they found me.

10 Q They came to your house?

11 A No, ma'am. I was walking up the street. They  
12 was -- like I said, they was proceeding to go up the  
13 street, and they see me, they stopped and they  
14 backed their car back up.

15 Q Let's talk about that a little bit. Looking at  
16 State's Exhibit 21 --

17 MS. RADLEIN: Your Honor, permission for the  
18 witness to step down.

19 THE COURT: Yes.

20 (Witness leaves the witness stand.)

21 BY MS. RADLEIN:

22 Q You testified on direct that you left your  
23 house, which is here, around here?

24 A Yes, ma'am.

25 Q And you -- you've got to keep your voice up.

- 1 You went to -- whose house you went to?
- 2 **A** What time -- what time you said when I left?
- 3 **Q** You told me you don't know what time it was.
- 4 **A** I said what time -- what part of you saying  
5 when I left?
- 6 **Q** After you got the gun?
- 7 **A** Oh, yeah, I left my house. I left my house and  
8 I went behind my house. See, there's a street right  
9 here {indicating}. And this is just a path you go  
10 over through here. It's a path you go through  
11 there. And I went to TK house, his backyard, but he  
12 wasn't there.
- 13 **Q** So then -- so you're saying TK's house is  
14 somewhere over here {indicating}?
- 15 **A** Yes, ma'am, through the path. I told you where  
16 the path was.
- 17 **Q** Right. So after TK wasn't there, why didn't  
18 you just walk back home?
- 19 **A** I just put my headphones on and go on around  
20 the road and go home.
- 21 **Q** You agree that it's a longer route to go up to  
22 Morange, back around and down, correct?
- 23 **A** Yes, ma'am.
- 24 **Q** So why did you do it?
- 25 **A** Because I wanted to put my headphones on,

1 listen to some music and release some steam.

2 Q So you couldn't put your headphones back on and  
3 walk back the same way you went?

4 A I could have, but I didn't, ma'am.

5 Q That's because you knew they were there?

6 A No, ma'am.

7 Q So you get there. Where did you have the gun?

8 A In my back pocket. I put it in there.

9 Q So you're walking down the street and you said  
10 -- your testimony was that you walked down the  
11 middle of the street, correct?

12 A Yes, ma'am.

13 Q And you see their car? You see Leric's car?

14 A Yes, ma'am.

15 Q If you were in that much fear, why didn't you  
16 just turn back where you came from?

17 A Because like I said, I was going down the  
18 street. I figured I'd try to talk my way out of it,  
19 you know, so they can leave me alone, but that  
20 didn't work.

21 Q You went down there armed with a gun?

22 A Yes, ma'am.

23 Q You didn't have any fear at that point, did  
24 you?

25 A Yes, ma'am.

1           **Q**     You had a gun?

2           **A**     Yeah, but that don't mean nothing, ma'am. Like  
3           I -- like I said again, ma'am, I didn't want no  
4           trouble. I just went down there so I can go home.  
5           Like, sometimes we could talk it out sometimes, you  
6           know, so.

7           **THE COURT:** Sir, hold on.

8           Can he have a seat? Do you need him up?

9           **MS. RADLEIN:** Yes, Your Honor.

10          **THE COURT:** All right. Well, continue  
11          questions that relate to him being standing so he  
12          can sit back down. Do you need him up still?

13          **MS. RADLEIN:** Yes, Your Honor.

14          **THE COURT:** All right, sir. If you'll stand --  
15          you may stand right where you were. Okay?

16          BY MS. RADLEIN:

17          **Q**     So you testified that they were in their car,  
18          correct?

19          **A**     Yes, ma'am.

20          **Q**     And as you're walking up, your testimony is  
21          that they got out of their car and walked to you?

22          **A**     Yes, ma'am.

23          **Q**     And where were you when they started walking to  
24          you?

25          **A**     I was coming up the street.

1 Q You can use this.

2 A I don't -- like I said, I don't -- like I said,  
3 I was coming up the street --

4 THE COURT: Mr. Troutman, if you're pointing  
5 out something on there, stand to the side so the  
6 jury can see, please.

7 THE WITNESS: I was coming up this street  
8 {indicating}.

9 BY MS. RADLEIN:

10 Q I'm sorry. I couldn't see you.

11 A I was coming up this street {indicating}.

12 Q All right. And where did you get when you --  
13 when they got out of the car?

14 A Like, a little -- little before Tony -- Tony  
15 Ryans' house.

16 Q And then what did they do?

17 A They got out the car. They was asking me, you  
18 know, they was talking to me like, Boy, what's going  
19 on? I was like, I don't want no problem with y'all.

20 Q So how close were they to you?

21 A Well, like I said, I was coming up the street.  
22 And one was on this side, one was on the other side.  
23 And I got to the back of the -- by the back of the  
24 car and they was, like, on the side of the car.

25 Q So your testimony is that the car was in the

1 middle of the road?

2 **A** No. They was, like, halfway on the grass and  
3 halfway on the road.

4 **Q** All righty. Where was Leric?

5 **A** On the driver's side of the car.

6 **Q** By the trunk?

7 **A** Coming towards that way.

8 **Q** And where was Carlo?

9 **A** I think he was somewhere by the tree.

10 **Q** But when he first got out of the car, he was in  
11 the road, correct?

12 **A** I guess, if he walked -- if he walked towards  
13 the tree.

14 **Q** You said you're watching them?

15 **A** Yeah. I really -- I wasn't watching Carlo  
16 because Carlo really wasn't, you know, threatening  
17 me or nothing like that. I was watching the ones  
18 that was, like, threatening me, talking to --

19 **Q** Oh, so -- I apologize. You're saying as soon  
20 as they got out the car, they started threatening  
21 you?

22 **A** They was talking to me, yeah. They were like,  
23 Man, you know what I'm saying, you ain't from around  
24 here; you're not supposed to be around here. And  
25 I'm like, Man, I don't want no trouble with y'all;

1 y'all please leave me alone. You know, because  
2 sometimes I can talk to them and sometimes they'll  
3 listen to me.

4 **Q** So you have the car here on the side of the  
5 road?

6 **A** Yes, ma'am.

7 **Q** So you have Keith where?

8 **A** On the passenger side, like, towards the back  
9 of the car like.

10 **Q** And where are you standing?

11 **A** Like, behind the trunk. Behind the car,  
12 behind, like, by the trunk.

13 **Q** Could you, like, reach out and touch it?

14 **A** Yeah, because I put my headphones on the trunk.  
15 And I was like, Man, I don't want no problems with  
16 y'all; y'all please stop. And then that's when they  
17 slapped my headphones and stuff off the trunk. And  
18 that's when I went back a little bit and picked up  
19 my headphones and stuff as I'm looking at them at  
20 the same time and I put it in my pocket. I didn't  
21 put it back together or nothing. I just put it all  
22 in my pocket.

23 **Q** You put your headphones on the car of someone  
24 you claim has been threatening you?

25 **A** Yes, because, like I said, sometimes we can

1 talk. Sometimes we can talk it out sometimes, you  
2 know.

3 Q So Leric's here. He doesn't have a shirt on,  
4 correct?

5 A Yes, ma'am.

6 Q He doesn't have a shirt on?

7 A No.

8 Q So you saw that he did not have a shirt on?

9 A Yes, ma'am.

10 Q And then you previously testified that you  
11 remember him wearing basketball shorts, correct?

12 A Yes, ma'am.

13 Q You have Keith over there?

14 A Yes, ma'am.

15 Q And you testified previously that his hands  
16 were down, correct?

17 A Whose hands were down?

18 Q Leric's hands.

19 A When he got out the car?

20 Q Yes.

21 A He came out, then he became aggressive towards  
22 me. That's what I said.

23 Q And how close did he get to you?

24 A Probably, like, right up in this area.

25 Q So you had this gun, right?

1           **A**     Yes, ma'am.

2           **Q**     Before all that happened, didn't you pull the  
3           gun out your pocket and rack a round?

4           **A**     Yes, ma'am.

5           **Q**     You didn't testify to that today on direct, did  
6           you?

7           **A**     Yes, ma'am. I told you -- he asked me -- my  
8           lawyer asked me and I told him I took the gun out  
9           and I racked it and I put it back in my pocket.

10          **Q**     Once you put the gun back in there, you racked  
11          the round. What does racking a round do? Put a  
12          bullet -- you got it ready, right?

13          **A**     Yes, ma'am.

14          **Q**     So then Leric is coming at you?

15          **A**     Yes, ma'am.

16          **Q**     How is he coming at you?

17          **A**     Aggressively.

18          **Q**     Is he in your face?

19          **A**     Almost was in my face, ma'am.

20          **Q**     How close did he get?

21          **A**     Probably a little -- probably up in this range.  
22          And you got Keith Mathis coming from this side with  
23          a bottle, fixing to launch it at me. Both of them,  
24          like, cornered me here and was coming at me like --  
25          Keith was coming at me like at an angle. He was

1 coming, like, this way.

2 **Q** You said they were on the opposite sides of the  
3 car?

4 **A** Keith Mathis was on the other -- on the  
5 passenger side of the car by the trunk, by the back  
6 door, by the back door.

7 **Q** And you have Leric where?

8 **A** Like, coming towards me from where the back --  
9 the back door on the right-hand side -- I mean, the  
10 left-hand side from the driver's side of the car.

11 He was coming towards me. And Keith Mathis was  
12 coming towards me this way with a bottle turned up  
13 like this here, fixing to launch it at me.

14 **Q** Is your testimony today that he only had one  
15 bottle?

16 **A** Like I said, ma'am, I seen one bottle. And  
17 then I didn't see where he got the other bottle  
18 from, but it was another bottle he had in his hand.

19 **Q** Oh, so your testimony today is that he had two  
20 bottles?

21 **A** Yes, ma'am.

22 **Q** But you didn't tell the police that before?

23 **A** No, ma'am. Like I said, all the stuff happened  
24 so fast, I didn't remember every detail of it.

25 **Q** But didn't you speak to the police twice?

1           **A**     Yes, ma'am.

2           **Q**     A week apart?

3           **A**     Yes, ma'am.

4           **Q**     So you have Leric -- today your testimony is  
5           that he's this close, correct?

6           **A**     Yeah. Like I said --

7           **Q**     But previously you had him back here, correct?

8           **A**     He was coming towards me. Like I said, I don't  
9           know exactly how far we was from each other, but he  
10          was pretty -- he was coming close towards me, coming  
11          to me aggressively, both of them was coming at me.

12          **Q**     So Leric's coming at you. At what point do you  
13          pull the gun out a second time?

14          **A**     When they was getting closer to me, I was in  
15          fear of my life and I just pulled the gun out and  
16          just shot.

17          **Q**     You shot at him?

18          **A**     I just pulled the gun out and shot. I don't  
19          know -- like I said, again --

20          **Q**     But, previously, you said you didn't know where  
21          you were shooting?

22          **A**     I didn't. I just --

23          **Q**     But if he's --

24          **A**     -- pulled the gun out and just shot. Like I  
25          said, I was in fear. I was in fear of my life. I

1 was in dan -- my life was in danger. And as they're  
2 coming at me with the bottle and as they're coming  
3 at me, all I did is shot.

4 Q Can you stand down here?

5 A (Witness complies.)

6 Q Thank you.

7 Your testimony is that Leric got this close to  
8 you?

9 A Somewhere up in that range, ma'am.

10 Q No, stay down. I'll move back.

11 You're saying he got this close to you?

12 A That -- probably a little bit farther, but he  
13 was coming towards me aggressively. He was coming  
14 towards me. So I don't know exactly how far -- he  
15 was coming towards me. He was getting pretty close.

16 Q Extend your arm.

17 A (Witness complies.)

18 Q He's coming that close to you and your  
19 testimony is you didn't know you shot him?

20 A I didn't know I shot anybody, ma'am.

21 Q Put your arms up.

22 A (Witness complies.)

23 Q This close to you, rushing at you?

24 A Yes, ma'am.

25 Q And your testimony today is that you didn't

1 know you shot a man?

2 **A** Yes, ma'am, because after that happened, he  
3 took off running.

4 **Q** And you continued shooting, didn't you?

5 **A** Like I said, I was scared. My finger was stuck  
6 on the trigger.

7 **Q** Was he running at you?

8 **A** Not at that --

9 **Q** After you shot him the first time, did he run  
10 towards you?

11 **A** He ran and then he turned around, then he  
12 turned.

13 **Q** So your testimony today is a little different?

14 **A** What you mean a little different?

15 **Q** You're saying he's running towards you?

16 **A** Like I said, when he was running towards me,  
17 then after I shot, they turned around and ran behind  
18 the house.

19 **Q** Maybe it's my fault. I said after you shot him  
20 the first time?

21 **A** Like I said, ma'am, I didn't know I shot  
22 anybody.

23 **Q** My question is a yes or no. After you shot him  
24 the first time?

25 **A** Yes, he ran.

1 Q He turned and ran away from you?

2 A Yes, ma'am.

3 Q Correct?

4 A Yes, ma'am.

5 Q And as he's running away from you -- put your  
6 hands up -- you're still shooting?

7 A Yes, ma'am, scared. My finger's still on the  
8 trigger.

9 Q Yes or no?

10 A Yes, ma'am.

11 Q His back is towards you?

12 A Yes, ma'am. It happened so fast.

13 Q Then you have Keith over here. Now you're  
14 claiming he had two bottles in his hand?

15 A Yes, ma'am. Like I said, I didn't see him pick  
16 up the second one, but he had --

17 Q Now you're claiming he has two bottles in his  
18 hand, yes or no?

19 A Yes, ma'am.

20 Q But two years --

21 **THE COURT:** Hold on. Let him finish his answer  
22 before you start. He's got a right to explain his  
23 answer. Okay? Go ahead.

24 BY MS. RADLEIN:

25 Q But two years ago, you never said that,

1 correct?

2 A No, ma'am.

3 Q Leric's going that way {indicating}, then you  
4 turn -- put your hands up.

5 A (Witness complies.)

6 Q Shot here {indicating} and then you turned.

7 A No, ma'am.

8 Q You said Keith was on this side?

9 A Yeah. He end up coming across. He's running  
10 -- they was like -- when they ran by the house, they  
11 was side to side with each other. He had done came  
12 and ran around the car and kept on going that way.  
13 I didn't never turn the gun that way.

14 Q You pull the trigger at Leric, you keep  
15 shooting {indicating}, and your testimony today is  
16 that Keith ran?

17 A Yes, ma'am.

18 Q In front of the gun?

19 A Yes, ma'am.

20 Q Does that really make sense to you?

21 A That's what happened, ma'am.

22 Q So Keith Mathis, a car. You know how wide a  
23 car is?

24 A Yes, ma'am.

25 Q You put him at the back passenger door?

1           **A**     Yes, ma'am.

2           **Q**     And you're saying a man is going to run toward  
3 shooting bullets. That's your testimony?

4           **A**     Ma'am, like I said again, he ran in front of  
5 me, yes, ma'am.

6           **Q**     So then, at that point, he's running?.

7           **A**     Yes, ma'am.

8           **Q**     And you're still shooting?

9           **A**     Yes, ma'am.

10          **Q**     And then you hit Carlo?

11          **A**     I didn't know I hit him neither, ma'am.

12          **Q**     But you hit Carlo?

13          **A**     I don't know. Like I said, I didn't know I  
14 shot anybody, ma'am.

15          **Q**     So your testimony is that you did not shoot  
16 Carlo?

17          **A**     Like I said, I don't know if I shot anybody,  
18 ma'am.

19          **Q**     Today? Today is October 19th, 2017 --

20          **A**     I told them I didn't --

21                 **THE COURT:** Hold on a minute. I don't need  
22 both of you talking at the same time. My court  
23 reporter can't take down when both of you are  
24 talking at the same time. Ask a question, please,  
25 ma'am. And then let her finish and you answer. And

1 let him finish his answer. Okay?

2 BY MS. RADLEIN:

3 Q Today, as we stand here, is it your testimony  
4 you did not shoot Carlo Harris?

5 A Like I said again, two years ago today, I said  
6 I didn't know if I shot anybody.

7 Q So you didn't shoot Carlo?

8 A Like I said again, ma'am --

9 MR. DRYLIE: Asked and answered at this point.

10 THE COURT: Objection sustained.

11 BY MS. RADLEIN:

12 Q As they're running, you empty your clip, don't  
13 you?

14 A Like I said, it happened so fast, ma'am.

15 THE COURT: Answer the question, please.

16 THE WITNESS: Yes..

17 BY MS. RADLEIN:

18 Q And you keep clicking on the gun, didn't you?

19 A No, ma'am.

20 Q How many rounds were in your gun?

21 A Like I say, I don't know, ma'am.

22 Q How many times did you pull the trigger?

23 A I can't recall that neither, ma'am. It  
24 happened so fast and I was scared, ma'am, like I'm  
25 telling you.

1 Q Okay. How many gunshots -- what did they sound  
2 like?

3 A Like gunshots.

4 Q What do they sound like?

5 A Pow, pow, pow, I guess.

6 Q Okay. Pow, pow, pow, that's three?

7 A Uh-huh.

8 Q Do you remember hearing the sound?

9 A Yes, ma'am -- really, like I said, I was  
10 scared. Everything happened so fast.

11 Q Pow, pow, pow, pow, pow?

12 A I wasn't counting.

13 Q But you just said, yes, ma'am, you remember  
14 hearing the sounds?

15 A I mean, of course, you're going to have to hear  
16 the sounds, but I wasn't counting. I don't know,  
17 you know, like I said again, I'm scared, in fear,  
18 everything is happening so fast, ma'am.

19 THE COURT: Sir, can you come back and sit  
20 down.

21 (Witness resumes the witness stand.)

22 BY MS. RADLEIN:

23 Q After you left the scene, you left walking,  
24 didn't you?

25 A It was, like, a fast walk.

- 1 Q You left walking, didn't you?
- 2 A Fast.
- 3 Q Yes or no?
- 4 A Yes.
- 5 Q And you left walking up Morange Street,
- 6 correct?
- 7 A Yes.
- 8 Q And you didn't go home, correct?
- 9 A No, ma'am.
- 10 Q And you didn't call the police, did you?
- 11 A No, ma'am.
- 12 Q You didn't call -- who did you call?
- 13 A My mother-in-law and my girlfriend.
- 14 Q Mama, right?
- 15 A Yes, ma'am.
- 16 Q And you called Mama at 8:52, correct?
- 17 A I don't know what time it was, ma'am.
- 18 Q And you called her again at 8:54?
- 19 A I don't know what time it was, ma'am.
- 20 Q And again at 8:58?
- 21 A I don't know what time it was, ma'am.
- 22 Q And again at 9:35?
- 23 A Like I said, I don't know what time it was,
- 24 ma'am.
- 25 Q But you did not call the police?

1           **A**     No, ma'am.

2           **Q**     So for an entire hour, you were hiding,  
3           correct?

4           **A**     Yes, ma'am.

5           **Q**     Hiding with that gun, correct?

6           **A**     No, ma'am.

7           **Q**     When you left, you told Elliott that you just  
8           got two, didn't you?

9           **A**     No, ma'am.

10          **Q**     Elliott's your friend, right?

11          **A**     Yes, ma'am.

12          **Q**     You hang out with Elliott, right?

13          **A**     Yes, ma'am.

14          **Q**     He was one of your first friends when you moved  
15          here, right?

16          **A**     Yes, ma'am.

17          **Q**     That night, the officers collected gunshot  
18          residue from your hand, right?

19          **A**     Yes, ma'am.

20          **Q**     And while you were there, you said, My life is  
21          ruined, right?

22          **A**     Like I said, I don't remember that, ma'am.

23          **Q**     And when they asked you about the gun, you told  
24          them that Leric pulled the gun on you, correct?

25          **A**     Yes, ma'am.

1           **Q**     And you told them that you took the gun away  
2           from him, correct?

3           **A**     Yes, ma'am.

4           **Q**     And that's when the shooting happened, correct?

5           **A**     Yes, ma'am.

6           **Q**     Then when you were formally interviewed, you  
7           told them that you guys were scuffling?

8           **A**     Yes, ma'am.

9           **Q**     In fact, you told them, Leric was behind me;  
10          now Leric was grabbing my arm; when Leric grabbed my  
11          arm, that's when Leric had dropped the gun.

12          Correct?

13          **A**     Yes, ma'am.

14          **Q**     And you told them, It fell out of the back  
15          pocket. Correct?

16          **A**     Yes, ma'am.

17          **Q**     And you said, The gun fell and he seen I  
18          grabbed it and he ran, all both of them ran.

19          Correct?

20          **A**     Yes, ma'am.

21          **Q**     You told the police, I think it was the right  
22          pocket, the back, it dropped. Correct?

23          **A**     Yes, ma'am.

24          **Q**     You told them that he started running and you  
25          shot again, correct?

1           **A**     I don't remember, ma'am.

2           **Q**     You told them that he threatened to shoot you  
3           with that gun, correct?

4           **A**     I don't remember, ma'am.

5           **Q**     You told them it was his gun, correct?

6           **A**     Yes, ma'am.

7           **Q**     You did tell them that there was only one gun,  
8           correct?

9           **A**     Yes, ma'am.

10          **Q**     You told them, I didn't even know it was a  
11          bullet in the air?

12          **A**     I don't remember that, ma'am.

13          **Q**     You said, I shot, I shot. I said, oh, shit, so  
14          I shot two more times?

15          **A**     I don't remember that, ma'am.

16          **Q**     You repeatedly told them, It wasn't mine; all I  
17          know is it wasn't mine. Correct?

18          **A**     I don't remember that, ma'am.

19          **Q**     You said, It was already cocked, that's why I  
20          said, oh, shit?

21          **A**     I don't remember that, ma'am.

22          **Q**     I ain't even know I shot nobody because I seen  
23          both of them still running?

24          **A**     Yes, ma'am.

25          **Q**     I never stopped shooting?

1           **A**     I don't remember that, ma'am.

2           **Q**     No, I never stopped shooting.

3                     And then a week later, you met with law  
4           enforcement again, right?

5           **A**     Yes, ma'am.

6           **Q**     Then you said, All right, be honest with you,  
7           listen, Leric didn't have no gun. I bought a gun?

8           **A**     Yes, ma'am.

9           **Q**     You lied to the police that night, didn't you?

10          **A**     Yes, ma'am.

11          **Q**     Over and over again, right?

12          **A**     Yes, ma'am.

13          **Q**     But today you're telling the truth?

14          **A**     Yes, ma'am.

15          **Q**     You left that scene, correct?

16          **A**     Yes, ma'am.

17          **Q**     You didn't call for help?

18          **A**     No, ma'am.

19          **Q**     You just hid?

20          **A**     Yes, ma'am.

21          **Q**     But you were acting in self-defense?

22          **A**     Yes, ma'am.

23          **Q**     You felt disrespected, didn't you?

24          **A**     What you mean?

25          **Q**     You said they were making fun of you. You felt

1 disrespected, didn't you?

2 **A** No, ma'am, not like that. I just felt hurt. I  
3 wasn't dis -- felt disrespected.

4 **Q** So your feelings were hurt?

5 **A** Yes, ma'am.

6 **Q** But when you confronted them in the road that  
7 day, you never saw anyone with a gun, did you?

8 **A** They confronted me, ma'am.

9 **Q** You never saw anyone with a gun, did you?

10 **A** No. He told me he was going to get his gun.

11 **Q** You didn't see anyone with a gun, did you? Yes  
12 or no?

13 **A** No.

14 **Q** Carlo did not have a gun?

15 **A** No.

16 **Q** Leric did not have a gun?

17 **A** He told me he was going to get his gun.

18 **Q** Leric did not have a gun?

19 **A** I don't know.

20 **Q** Yes or no, did he put a gun in your face?

21 **A** No.

22 **Q** Did he point a gun at you?

23 **A** I don't think he had -- they had a chance to,  
24 ma'am.

25 **Q** Leric didn't have a shirt on, correct?

1           **A**     Yes.

2           **Q**     He had on basketball shorts, correct?

3           **A**     Yes.

4           **Q**     Did you see a gun at the front of his body?

5           **A**     Like I said, ma'am, it happened so fast.

6           **THE COURT:** Sir, please answer the question.

7           **THE WITNESS:** No.

8           BY MS. RADLEIN:

9           **Q**     In fact, when you lied to the police about them  
10           touching you, your testimony now is that they never  
11           touched you, correct?

12          **A**     No.

13          **Q**     It's because they never did, correct?

14          **A**     Yes.

15          **Q**     Keith Mathis did not have a gun, correct?

16          **A**     No. He had a bottle.

17          **Q**     A bottle?

18          **A**     Yes, ma'am.

19          **Q**     What's a bottle going to do to a gun?

20          **A**     Ma'am, he was fixing to launch it at me, ma'am.

21          **Q**     What's a bottle in comparison to a gun?

22          **MR. DRYLIE:** Objection.

23          **THE COURT:** Grounds?

24          **MR. DRYLIE:** Judge, I think that that would  
25           call for some speculation on his part. It's not a

1 question that he would necessarily have personal  
2 knowledge of.

3 **THE COURT:** Overruled. If he knows the answer,  
4 he can answer it.

5 BY MS. RADLEIN:

6 **Q** Answer it.

7 **A** It can do -- it can do bodily harm to me,  
8 ma'am.

9 **Q** Bodily harm?

10 **A** Yes, ma'am.

11 **Q** When you spoke to the police two years ago, you  
12 didn't mention that Keith had two bottles in his  
13 hand, did you?

14 **MR. DRYLIE:** Objection; asked and answered  
15 before, several times I believe.

16 **THE COURT:** Objection sustained.

17 BY MS. RADLEIN:

18 **Q** Keith Mathis never threatened to kill you, did  
19 he?

20 **A** Yes, ma'am.

21 **Q** So your testimony is he threatened to kill you?

22 **A** Well, he threatened me, ma'am. That's how I  
23 took it.

24 **Q** Did he threaten to take your life?

25 **A** Yes, ma'am. I mean, that's how I took it. A

1 threat is a threat, ma'am.

2 Q What words did he use to threaten you?

3 A Like I said, he -- well, Leric said he was  
4 going to burn my house down. And he's saying, You  
5 ain't going to be able to live around here; you not  
6 even from around here; you know, we're going to do  
7 such and such things to you.

8 Q That wasn't your testimony.

9 A That's what --

10 Q I asked you what did Keith Mathis?

11 A Like I said again, he was telling me the things  
12 they were going to do. He was saying so much stuff  
13 and both of them was talking at the same time and I  
14 can't tell you word for word.

15 Q So now they're talking at the same time, got  
16 it.

17 THE COURT: Is that a question?

18 MS. RADLEIN: I apologize, Your Honor.

19 BY MS. RADLEIN:

20 Q Leric never had a knife, did he?

21 A No, ma'am.

22 Q Carlo didn't have a knife, did he?

23 A No, ma'am.

24 Q Keith Mathis didn't have a knife, did he?

25 A No, ma'am.

1           **Q**     You essentially shot and killed an unarmed man,  
2           correct?

3           **A**     Like I said, ma'am, he was coming at me  
4           aggressively, and one of them fixing to launch a  
5           bottle at me and coming aggressively. He's told me  
6           he was going to get his gun. I didn't know what to  
7           think, ma'am.

8           **Q**     You shot and killed an unarmed man, correct?

9           **A**     Like I said again, ma'am, they was coming at me  
10          aggressively, one of them had a bottle. They was  
11          fixing to hurt me.

12                   **MS. RADLEIN:** Your Honor, can you instruct him  
13          to answer the question?

14                   **THE COURT:** Sir, answer the question, then you  
15          can explain.

16                   **THE WITNESS:** Yes.

17                   BY MS. RADLEIN:

18           **Q**     When you put that gun in your back pocket, it  
19           was fully loaded, right?

20           **A**     Yes.

21           **Q**     Did you put the bullets in there?

22           **A**     No, ma'am.

23           **Q**     So the gun already had bullets in it?

24           **A**     Yes, ma'am.

25           **Q**     Where did you get the bullets from?

1           **A**     It came with -- it'd came with the gun already.

2           **Q**     A gun you don't know who you bought it from,  
3           right?

4           **A**     Yes, ma'am.

5           **Q**     So you don't even know what type of bullets  
6           were in there?

7           **A**     No, ma'am.

8           **Q**     But you were the only one with a gun?

9           **A**     Yes, ma'am.

10          **MS. RADLEIN:** No further questions at this  
11          time.

12          **THE COURT:** Any redirect?

13          **MR. DRYLIE:** No redirect.

14          **THE COURT:** Sir, you may step down. Thank you.  
15          Call your next witness, please.

16          **MR. DRYLIE:** The defense rests at this time.

17          **THE COURT:** Can the lawyers approach, please?

18                   (Whereupon, a bench conference was held off  
19          the record, in the presence of the jury, but out of  
20          the hearing of the jury.)

21          **THE COURT:** All right. Ladies and gentlemen,  
22          the defense has rested. You have heard all of the  
23          testimony that you're going to hear in this case.  
24          What I need you to do right now, I need you to step  
25          to the jury room. There are some matters of law

1 that we need to take up outside of your presence.  
2 Do not, do not discuss the case at all. We'll get  
3 you back out here as quickly as possible.

4 (The jury retires to the jury room.)

5 **THE COURT:** All right. I'm going to stand at  
6 ease for just a minute. Okay?

7 (Brief Recess.)

8 **THE COURT:** Ma'am, you in the pink, I'm not  
9 sure who you are with the child, this is the second  
10 time I've come in here that you didn't get up. When  
11 he says for you to rise, you don't rise for me, you  
12 rise for what this robe represents out of respect.  
13 If you don't get up again, I'm going to hold you in  
14 contempt of court. Am I clear on that?

15 **MS. CARTER:** (No response.)

16 **THE COURT:** Ma'am?

17 **MS. CARTER:** Yes.

18 **THE COURT:** What's your name?

19 **MS. CARTER:** Abigail Carter.

20 **THE COURT:** Okay.

21 All right. Mr. Drylie, I'm assuming that you  
22 have some motions to make or renew.

23 **MR. DRYLIE:** I do, Judge. At this point, we  
24 renew all previous trial objections, as well as our  
25 pretrial objections. We'd renew our directed

## CLOSING ARGUMENT

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**MS. RADLEIN:** Back on June 6 of 2015, that man, Montrell Troutman, left his house on a mission. We started this case telling you about this mission and we're here now right before you get to go deliberate and remind you of that. He was a man on a mission to find Leric Merriweather, to confront him, and then he took his life. He left children without their father. He left parents without their son, siblings without their brother. That man right there. He accomplished his mission that night.

You heard a lot of testimony. Earlier that day, it started at this cookout. What Leric Merriweather wanted to do was put his two little boys on the Slip 'N Slide. Then he decided, I'm going to put some food on the grill. He wasn't looking for trouble that day, but on that day, trouble found him, not once but twice. It came to his house, and the second time, gunned him down at a friend's house. No regard for human life, none whatsoever.

A verbal altercation earlier that day. Leric didn't want that gun at his house. That's what happened. People started exchanging words and someone pulled out a gun. He gets involved. He

1 shoves him and says, Get out my yard; I don't want  
2 it around my kids. Can you blame him? Then roughly  
3 four hours later, it cost him his life.

4 You heard him testify. For four hours, what  
5 was he really doing? What we know he did was he got  
6 a gun because he didn't have it when he was at the  
7 cookout. He did not have it with him at the  
8 cookout. So for four hours, what was he doing?

9 And then what we know he did was find Leric  
10 Merriweather outside of a friend's house. He walked  
11 by his car. You heard from all of the witnesses  
12 that were there and the two other victims in this  
13 case, and then he walked back by his car.

14 The Judge will tell you, he told you when we  
15 started this case, you guys are essentially the fact  
16 finders. You get to decide the facts in this case.  
17 Each and every one of you are the sole judges, the  
18 only judges of the credibility and the believability  
19 of each and every witness that took that witness  
20 stand. Each of you. Each of you.

21 You got to hear from Santonio Ryans. Santonio  
22 Ryans told you that this is his house right here  
23 {indicating}, about a mile from where we are right  
24 now. He told you that Leric pulled right under that  
25 tree. He told you he was talking to him. He told

1           you that Ken was there. Ken's little son,  
2           five-year-old Jonathan, was there. He said Leric  
3           was in the driver's seat, Carlo was in the passenger  
4           seat, and Keith was in the back.

5           Yeah, Leric was upset, but Santonio testified  
6           that he told him, Hey, the guy you're talking about  
7           is walking up the road. And he testified that Leric  
8           got quiet; he lowered his voice. He testified that  
9           he stayed in the car. It wasn't until that man  
10          {indicating} from Miami, Florida, walked by.

11          Montrell Troutman wants you to believe he was  
12          in fear. If you're in fear, why are you going to  
13          the person that you supposedly are afraid of? Why  
14          do you pass his car not once but twice? He even  
15          testified that he put his headphones on the man's  
16          car. Why? Why were you even that close to someone  
17          else's vehicle on the side of the road at his  
18          friend's house? You're in that much fear that, in  
19          those four hours, you go get armed with a gun and  
20          you walk up to the person you're afraid of? Does  
21          that really make sense?

22          You heard from Carlo Harris and he testified to  
23          what he recalls. And you heard from Keith Mathis  
24          and he testified to what he recalled. And you heard  
25          from Kendrick Nicholson, the other guy standing

1           there next to Antonio, and he testified to what he  
2           recalled. And what all four of them say was that  
3-          man {indicating} walked in the yard by the driver's  
4           side door, walked in the yard by the driver's side  
5           door and walked back mouthing some words, and that's  
6           when they got out the car. They did not go looking  
7           for him; he went looking for them just how he  
8           testified, his feelings were hurt.

9           I submit to you, ladies and gentlemen, he felt  
10          disrespected because he was told to go home, but now  
11          he wants to manufacture some story about what  
12          happened. What happens when you tell so many  
13          different stories? You create a web. You don't  
14          even remember what lie you told, but he wants to  
15          come in this courtroom today and say, well, now I'm  
16          telling the truth. And he wants each of you to  
17          believe him.

18          He's charged with murder. Our South Carolina  
19          General Assembly has codified what murder is and  
20          it's this simple: Murder is the killing of a person  
21          with malice aforethought either expressed or  
22          implied.

23          Some of you may be wondering what exactly does  
24          that mean. Malice is exactly what you think it is.  
25          It's hatred, evil intent, malice.

1           An aforethought, all that really means is that  
2           at the time that the act occurred, that there was an  
3           evil intent formed. There's no long period of  
4           premeditation; it just has to be right at that time.  
5           That's how you get malice aforethought. There  
6           doesn't have to be this long week, two-week,  
7           month-long plan that you may see on TV. Of proving  
8           premeditation, it can exist right at the time of the  
9           murder. And I submit to you, ladies and gentlemen,  
10          Montrell Troutman killed Leric Merriweather with  
11          malice. And in this case, we actually have  
12          expressed and implied malice.

13                 For expressed malice, after he shot and killed  
14          Leric, shot at Keith Mathis and Carlo Harris, he  
15          went to his friend's house. He got up here and told  
16          you that Elliott -- you remember him. Elliott was  
17          the one that said, After the shooting, he came by  
18          and said he got two. I said, What does got mean?  
19          He said, That's street talk for killing. And two,  
20          that meant two people. That's what he understood it  
21          to mean.

22                 Does that sound like a man who was, one, in  
23          fear for his life and then took someone else's life  
24          in self-defense? He thought he killed two people  
25          when he left. That's malice. That is evil.

1           He wants to get up here and tell you that he  
2 never went there, that he went straight down the  
3 road, but he also told you that Elliott was one of  
4 his good friends. He even said he was with him  
5 earlier that day, but you heard me ask Elliott --  
6 Alexander Mack, but he goes by Elliott -- Did you  
7 see him early in the day or late in the day? Late  
8 in the evening. That's his so-called best friend  
9 when he moved up here.

10           That four-hour time period I told you about  
11 where he left and went and got a gun and then walked  
12 over to them with the gun, that's evil, ill hatred,  
13 malice. When he admitted to racking a round in it  
14 and then presenting it, that is expressed malice,  
15 ladies and gentlemen.

16           Now, what do we have for implied malice? That  
17 means you can infer, based on someone's action, that  
18 there was an evil intent.

19           He got up there and told you and admitted that  
20 they were unarmed. He shot at unarmed people.  
21 Leric Merriweather didn't even have on a shirt and  
22 he had on basketball shorts. There was no evidence  
23 of a gun.

24           You heard from Deputy Lyell who testified that  
25 he searched the area and, to the best of his

1 knowledge, a gun wasn't recovered. You heard from  
2 Investigator Curtis Morris who controlled his crime  
3 scene and said there was not a gun found at his  
4 crime scene, but he wants you to believe he just  
5 dropped a gun.

6 Now, someone in fear for their life -- work  
7 this out with me -- in fear for their life that  
8 people are going to attack him, leaves the gun  
9 behind?

10 Implied malice. When he shot Leric, I had him  
11 stand here in front of you -- this was his chance to  
12 explain how this happens -- he pointed that gun and  
13 he put Leric right there in front of him and told  
14 the story several times that he didn't know he shot  
15 someone. That close.

16 But what did he tell the police initially?  
17 That when he shot, he just kept on shooting. Does  
18 that sound like someone in fear for their life or  
19 acting in self-defense? Own it. I shot him. Just  
20 own it, you're in that much fear, you're shooting  
21 because someone is threatening to kill you. But he  
22 couldn't even fully admit to that. It wasn't a  
23 trick question.

24 If you are in self-defense, you have to fear  
25 serious bodily injury or death. That means you can

1 meet force with force. So if deadly force is coming  
2 at you, you use deadly force. He's saying he didn't  
3 know he shot anybody, I was just shooting to scare.  
4 Well, then, that's not self-defense. It can't be.  
5 He continued to shoot at a man running away.

6 He said that Keith Mathis was over here and  
7 Leric was over here. He said the gun was this way,  
8 aiming this way. And he wants you to believe that  
9 another man is running towards the gunshots and  
10 that's how he ended up in the line of fire. Ladies  
11 and gentlemen, I submit to you that is simply not  
12 true.

13 You heard Antonio out there in shock at his  
14 house. He couldn't move. He just stood there.  
15 That man turned that gun and aimed it at another  
16 unarmed man. And he wants you guys to believe him  
17 today, another manufactured story that he couldn't  
18 even make it make sense right here.

19 All five bullets were fired. You heard  
20 Investigator Curtis Morris, five shell casings were  
21 recovered, five. And then you heard Antonio and  
22 Keith testify how they just heard him clicking,  
23 click, click, even after it was empty. Evil, ill  
24 hatred.

25 And he admitted to saying he kept shooting as

1 they were running away. That's not self-defense.  
2 Even if you believe his story, it simply can't be.  
3 They were running away. I intentionally asked him,  
4 So they were running towards you? He should have  
5 said yes, but, no, he said they were running away..  
6 Self-defense says they're running towards you with a  
7 deadly weapon. Murder says they're running away.

8 The shots were not close range. You heard  
9 Dr. Ross. She said there was no evidence of soot or  
10 stippling on Leric Merriweather, that means it was a  
11 distant shot. That was a distant shot. No threat.

12 She even testified that the angle was down and  
13 to the right. What do you do when you see a gun or  
14 something coming at you? You duck and run.

15 I submit to you Leric Merriweather saw that  
16 gun. He just couldn't move fast enough. And like  
17 Keith Mathis testified, he probably had that  
18 adrenaline, instantly put his hand over his heart  
19 and he ran towards the house, towards safety trying  
20 to get away from gunfire. Evil, ill hatred, that's  
21 implied malice, ladies and gentlemen.

22 He even admitted there was never a physical  
23 altercation. That first story he told to the  
24 police, yeah, almost worked, that there was a  
25 scuffle, the gun may have gone off, but even in that

1 first story, he admitted they were running away.

2 Then he comes back to correct himself. He  
3 admits that he lied, probably because the story  
4 wasn't making sense anymore. He admitted that he  
5 was lying that Leric never had a gun. He admitted  
6 there was only one gun. And he admitted on this  
7 stand today that no one ever touched him, no one had  
8 the present ability to do anything. His own words  
9 say they didn't get a chance to. No one touched  
10 him. No one had a gun.

11 He wants you to believe that Keith Mathis was  
12 throwing a bottle. What's a bottle in comparison to  
13 a live bullet? Do you really believe Keith Mathis  
14 is going to, what, throw a bottle and then run  
15 towards the gun? That doesn't make sense.

16 And what he did after, you heard me ask him,  
17 Did you call 9-1-1? No. He calmly walked away, was  
18 the testimony of each credible witness in this case,  
19 with the gun in his hand.

20 And you heard Deputy Lyell. The call comes out  
21 at 8:43. He wasn't in custody till 9:44. If you  
22 just shot someone in self-defense, lights and sirens  
23 are there, Deputy Lyell testified he was arriving  
24 lights and sirens, that's a point of safety. The  
25 police are here; let me go give them this gun, tell

1       them, hey, I just shot people trying to attack me.

2               But, no, he manufactured a story for you guys  
3 here today, for you 12 to decide, hey, he was in  
4 fear of his life. What else can he say? Everyone  
5 knew who he was. Everyone would identify him. His  
6 own friend Elliott's going to say, I just got two.  
7 So what's he going to do? Try to convince a jury.

8               The Judge is going to also charge you on a  
9 lesser-included offense. It's going to be for  
10 voluntary manslaughter. But I submit to you, ladies  
11 and gentlemen, once you find malice, it's murder.

12              Part of the Judge's charge is going to let you  
13 know that words alone are not enough for voluntary  
14 manslaughter. He's going to -- you're going to have  
15 to believe that he was in the heat of passion, that  
16 he couldn't cool down, that he left Leric  
17 Merriweather's house maybe around four o'clock. And  
18 we know approximately four hours later, in that  
19 time, he did what he said he went to do and then  
20 went looking for him armed with a gun. That's not  
21 manslaughter, that's malice and that's murder.

22              He's also charged with two counts of attempted  
23 murder, which is almost identical to the murder  
24 statute. The only difference, it's an attempt.

25              Let's give him the benefit of the doubt and

1 let's say we believe him. I'll show you where it  
2 doesn't work. When he put Keith here and said he  
3 went this way and then went this way, with someone's  
4 back to you, it's no longer self-defense. But the  
5 credible testimony is he turned and aimed.

6 Keith doesn't know how he wasn't shot because  
7 he said that gun was pointed at him. Antonio  
8 testified that that gun was pointed at him. Carlo  
9 we know got hit in the leg. He continued to shoot  
10 with no regard for human life and attempted to kill  
11 two other people that day with that same malice,  
12 same definition applies. In that second, malice is  
13 like that {indicating}. There doesn't need to be a  
14 lengthy premeditation.

15 You're also going to get lesser includeds of  
16 attempted murder. It's going to be assault and  
17 battery of a high and aggravated nature, as well as  
18 an assault and battery in the first degree. It's  
19 the State's position if you believe there was  
20 malice, if you believe all of this existed, it's  
21 attempted murder and nothing less.

22 Finally, he's charged with possession of a  
23 firearm during the commission of a violent crime.  
24 We know he had a knife -- I mean, a firearm. And  
25 violent crime, as defined in South Carolina,

1 includes murder and includes attempted murder. So  
2 if you believe he's guilty of these two, he's guilty  
3 of this, simply being in possession of a firearm  
4 while carrying out a violent crime.

5 The State's burden in this case is proof beyond  
6 a reasonable doubt. People always wonder what is a  
7 reasonable doubt when it comes to the law. There's  
8 a few things in life that we can calculate with a  
9 mathematical certainty. There isn't a number you  
10 can put on it. Reasonable doubt is simply proof --  
11 it's not proof beyond any doubt. It just has to  
12 leave you firmly convinced, that is it, firmly  
13 convinced of the defendant's guilt. And like I told  
14 you guys, you judge the credibility.

15 This is a burden that we have in each and every  
16 case. It's a burden we welcome. It's on us to  
17 prove, not the defense to disprove. It's on us.  
18 And I submit to you we have met our burden in this  
19 case.

20 You're going to get a charge on self-defense.  
21 It's quite lengthy. But it's the State's position  
22 that we have disproved each and every element.

23 First, Montrell Troutman has to be without  
24 fault in bringing on the difficulty. I believe we  
25 have proven to you by credible testimony that he

1 walked to them while they were still in the car,  
2 that he lured them out, that he cocked his gun and  
3 waited. He doesn't get this {indicating}.

4 He must have actually believed he was in  
5 imminent danger of losing his life. This isn't an  
6 "or"; it's an "and". All of this must exist. He  
7 told you no one had a knife. He told you no one had  
8 a gun. No reasonable person will believe that he  
9 was in imminent danger. He doesn't get to see this.

10 And if it's based on his actual belief, a  
11 reasonable prudent person of ordinary firmness and  
12 courage would have entertained the same belief. We  
13 already know he wasn't in actual imminent danger  
14 because he said there was no gun and no knife. So I  
15 don't think he gets this one either.

16 And that he had no other probable means of  
17 avoiding the danger. You heard from our witnesses  
18 that he was in a car. He made it his purpose to get  
19 to them.

20 Now, in the roadway, he could have turned  
21 around. His house is right down the street from  
22 where this happened. Or he could have gone back the  
23 same path, if we believe him, he could have gone  
24 back the same way, but he got a gun and left his  
25 house. He was looking for trouble. He doesn't get

1 any of this.

2 There's no self-defense in this case. He  
3 brought on the difficulty. He was the instigator  
4 through his words and his actions. He left his  
5 house with a loaded gun seeking a confrontation. He  
6 was not in imminent danger of death or serious  
7 bodily injury. His own words gives you that. His  
8 own testimony told you that. And he had a duty to  
9 retreat and he refused.

10 Leric Merriweather, was five foot, five inches  
11 at the time of his death. And you heard that man  
12 tell you he was six-three. That's something you can  
13 consider if you are considering self-defense and you  
14 determine if that's reasonable that someone you  
15 tower over without a weapon with no shirt on was  
16 really harming you when he didn't touch you, he was  
17 not close to you, for the purposes of a close  
18 contact wound, so to speak, that's for you guys to  
19 consider.

20 This was simply a senseless killing because  
21 Montrell Troutman got his feelings hurt. You heard  
22 his words, because -- I submit to you because he  
23 felt disrespected, he had a score to settle, can't  
24 kick him out your yard even if I'm causing trouble,  
25 I'm allowed to stay. So what I'm going to do, I'm

1 going to find you. Wherever you are, I'm going to  
2 come find you. That's what he purposed in his mind  
3 that day.

4 Saturday, June 6 of 2015, Leric Merriweather  
5 was not looking for trouble. He was {indicating}.

6 I submit to you, ladies and gentlemen, that  
7 when you go back to that jury room and you begin  
8 your deliberations, you consider all of the  
9 evidence, you consider it all; you judge the  
10 testimony, judge it, judge it. You have gunshot  
11 powder, GSR, left on his hand over an hour after  
12 this occurred. Hid for an hour. That's not someone  
13 who's out there because he did something in  
14 self-defense.

15 What each and every one of you have, and it's  
16 something you've had with you your entire life, is  
17 common sense. Something I tell every jury, don't  
18 leave your common sense behind. You can take it  
19 with you into that jury room.

20 You can use your common sense and speak justice  
21 in this case, speak a verdict that speaks the truth.  
22 And that verdict is Montrell Troutman is guilty of  
23 murder, Montrell Troutman is guilty of two counts of  
24 attempted murder, and he's guilty of being in  
25 possession of that weapon while committing those

1 crimes. Thank you.

2 **THE COURT:** Defense counsel.

3 **MR. DRYLIE:** In their opening and now their  
4 closing, the State told you that Montrell Troutman  
5 was a man on a mission; that he was out with the  
6 intent to kill Leric Merriweather on June 6, 2015;  
7 that he was trying to accomplish this mission. If  
8 Montrell Troutman was a man on a mission, then why  
9 didn't he just walk up and shoot Leric Merriweather?

10 Ask yourself what makes more sense, that  
11 Montrell Troutman walking home was confronted by  
12 Leric Merriweather and Keith Mathis or that Montrell  
13 Troutman went out that afternoon looking to get into  
14 a fight and then gave them a chance to argue and  
15 defend themselves before shooting? It doesn't make  
16 sense. It surely doesn't sound like Montrell was a  
17 man on a mission based on the testimony that's been  
18 presented in this case. Use your common sense and  
19 ask yourself what's more believable.

20 Let's walk through the sequence of events that  
21 we've learned about. We learned from Montrell that  
22 Leric had been picking on him and threatening him  
23 before this happened. He had been picking on  
24 Montrell because Montrell was the new guy in town.  
25 He wasn't from here.

1           Then we get to the events of June 6, 2015.  
2           Leric Merriweather is having a barbecue. The State  
3           described it as a peaceful gathering in their  
4           opening. However, we learned from Abigail Carter  
5           that at that barbecue, Leric Merriweather put his  
6           hands on Dwayne Jones and knocked him down. And  
7           it's important to note that Abigail didn't say that  
8           Leric Merriweather got in a fight with Montrell  
9           Troutman or that he pushed Montrell Troutman or that  
10          Montrell Troutman pushed him. This fight was  
11          between Leric and Dwayne.

12          The only two witnesses that we hear from that  
13          were at that barbecue were Abigail Carter and  
14          Montrell Troutman. Santonio Ryans wasn't there when  
15          this happened. Kendrick Nicholson wasn't there when  
16          this happened. Darius wasn't there when this  
17          happened. Pooh wasn't there when this happened, and  
18          Carlo wasn't there.

19          We also know that after Leric hit Dwayne, he  
20          threatened Montrell. He told him, You can get it  
21          too, Miami. And that's when Retrell Carter shows  
22          up.

23          And I want y'all to stop and think about her  
24          testimony for a minute. When Retrell Carter gets  
25          there, she testifies that she hears a commotion.

1 She doesn't know what started the commotion. But  
2 what is Montrell Troutman doing? He is walking down  
3 the street towards his house. He's not staying,  
4 looking for an altercation. He's not staying,  
5 looking for a fight. He's walking away. So we know  
6 that Montrell goes back home.

7 And he got up here and he told y'all today that  
8 when he went home, he talked with his mother-in-law,  
9 Constance Martin -- he calls her his mother-in-law,  
10 Ma in his phone -- and that they went over to Johnny  
11 Martin's house and then they went to buy beer. And  
12 he was very honest with y'all, he told y'all what he  
13 did, he went and bought cocaine. He's not proud of  
14 it, but it's something that he did. Now -- he gets  
15 back home and he lays down and he hears someone  
16 calling his name.

17 Now, what is Leric doing in this time? Think  
18 about what we've heard in this case. After Montrell  
19 leaves, who does Leric call? Leric calls his boys.  
20 He calls Carlo and he calls Pooh, and they come  
21 springing over to Leric's house, according to their  
22 testimony. They go and they get beer because  
23 they're going to calm down. And then, according to  
24 them, they were going to go back home, but they  
25 stopped at Santonio Ryans' house. It doesn't make

1           sense.

2                   Leric and his boys were out looking for a fight  
3           for them -- they parked right down the road from  
4           Montrell's house. Montrell's house was about three  
5           or four houses down from Santonio. It's right down  
6           the street. If they're not out looking for a fight,  
7           why are they parked right over there?

8                   And then we get back to Montrell. What's  
9           Montrell doing at this time? He's at home and he  
10          hears something from Raymond Harris. And he does,  
11          he goes and gets a gun for protection and he decides  
12          to walk up back through the woods to his friend TK's  
13          house. Now -- he wants to talk with him about  
14          what's going on, just to vent to get some steam off  
15          his chest.

16                   His friend's not home, and so what does  
17          Montrell do? He walks down Morange Street towards  
18          his house. He's trying to get home. The whole  
19          time, he's just trying to get home.

20                   Now, the State wants you to believe that  
21          Montrell is a man on a mission. If Montrell is out  
22          looking to kill Leric Merriweather, why doesn't he  
23          go up Rosa Hill Street to where Leric Merriweather  
24          lives? Montrell's walking down Morange, heading  
25          home. For all Montrell knows, Leric is still at his

1           barbecue.

2                   Now, when Montrell's walking down Morange, he  
3           sees the Charger with Leric Merriweather in it.  
4           Here's where the testimony differs the most: The  
5           State's witnesses came in here and they told their  
6           side and Montrell came in here and told his side.  
7           But let's look at who we heard from:

8                   Santonio Ryans, friend of Leric Merriweather's,  
9           grew up here in Edgefield and went to school  
10          together. Kendrick Nicholson, friend of Leric  
11          Merriweather's, joked with him about coming to the  
12          party, went to school together. Carlo Harris and  
13          Pooh, essentially Leric's best friends, the one he  
14          called when he was getting ready to go out, they  
15          were there.

16                   Now, these guys are all from Edgefield. They  
17          all grew up together and they were all friends.  
18          They all have an extreme bias in favor of Leric.  
19          They're on Leric's team.

20                   Now, I am sure that they are all very upset  
21          that their friend died; however, that doesn't mean  
22          that they don't have a motive to lie and a bias to  
23          lie in favor of Leric.

24                   Now, two of them state that they saw Montrell  
25          get out of a car up the road on Morange Street, but

1           that doesn't make sense because, you see, according  
2           to the pictures, if the car's parked this way and  
3           Carlo Harris is here in the passenger seat and Keith  
4           Mathis is in the back, how are they looking back  
5           behind them? Were they both looking back behind  
6           them at that exact moment to see Montrell get out of  
7           the car? And if they did see Montrell get out of a  
8           car, why weren't they saying anything to Leric right  
9           then? Neither of them testified that they told  
10          Leric that they saw Montrell get out of the car.

11                 It doesn't make sense. I don't think anyone  
12          ever saw Montrell get out of a car. Montrell didn't  
13          get out of a car. He was walking home.

14                 Think about how they talked about Leric in this  
15          incident. They say he was talking loud, but not one  
16          of them would really say that he was mad or upset.  
17          Now, they'd admit to him having his fist up, but  
18          every time I asked them about being angry or upset,  
19          they would be like, no, not really. They're trying  
20          to cover for their friend.

21                 So Montrell is walking down the street and he  
22          tells you he's walking on the middle of the street.  
23          And according to Montrell, Leric's in front of him  
24          and Keith Mathis is in front of him and they're  
25          blocking his way from getting home.

1           Montrell's not picking a fight. He says, I  
2           don't want to get in a fight with you guys; I'm not  
3           here for that. But Leric's coming at him and Keith  
4           is there coming at him and words are being  
5           exchanged. And Montrell, he showed them his gun.  
6           He was hoping that would allow him to keep walking  
7           and get on home.

8           Now, you heard from Santonio that Leric said,  
9           I'm going home to get my gun, and then walks back  
10          over to his car. There's no way for Montrell to  
11          know whether or not Leric had a gun in that car at  
12          that moment. You heard from Montrell when he said  
13          he heard Leric say that he was going to get a gun,  
14          walked to his car, got in and he got back out.

15          At that moment when Montrell is there, he is  
16          outnumbered. He's outnumbered anywhere from five to  
17          two to two to one, depending on how you want to look  
18          at it. But there's Leric Merriweather, there's  
19          Carlo Harris, there's Keith Mathis, there's Santonio  
20          Ryans and there's Kendrick Nicholson. They're all  
21          there and they're all friends of Leric.

22          Now, Montrell told you when he pulled that  
23          trigger, he was scared. He just wanted to go home.  
24          He was worried these people were going to seriously  
25          injure him or kill him. He's outnumbered. There's

1 Keith Mathis there with a bottle. There's Leric  
2 coming at him. And Montrell doesn't know whether he  
3 has a gun or not.

4 The Judge is going to charge you on the law in  
5 a few minutes and one of the things he's going to  
6 tell you is that when someone is justified shooting  
7 the first shot, they're justified in shooting until  
8 the danger ends. Leric's been threatening him. He  
9 said he was going to get a gun. Montrell thinks  
10 Keith Mathis is about to throw a bottle and hit him.

11 At this moment, Montrell has nowhere to  
12 retreat. He can't retreat. You see, his house is  
13 up the road this way. He can't go back this way at  
14 this moment. Those guys have a car; they can get  
15 him so much easier. He has nowhere to go and he's  
16 justified in firing that first shot.

17 And the State wants to harp on the fact that  
18 Montrell said that he didn't know he shot anybody,  
19 but when Leric gets shot, he starts running and he  
20 runs all the way around the house, and that  
21 testimony is uncontradicted.

22 When Montrell shot, he was in fear of his life  
23 and he was scared. These people are parked right  
24 down the road from his house.

25 Now, Montrell told you the shooting happens and

1 he drops the gun and he leaves. Who else left that  
2 night? Montrell is not the only one who leaves the  
3 scene of the crime. Pooh leaves. Pooh has been --  
4 Pooh's best friends are Carlo Harris and Leric  
5 Merriweather, both have been shot, and he says he  
6 stays around for five minutes. What in the world  
7 can be so important that Pooh has to leave at that  
8 moment? He doesn't talk to police until May of  
9 2017; he told you that.

10 And while we're here talking about the subject  
11 of the police, why didn't we hear from more of them?  
12 The only two we heard from during the course of this  
13 trial was Eddie Lyell, who said Montrell complied  
14 and turned himself in, and Curtis Morris, the crime  
15 scene investigator who took pictures and documented  
16 evidence.

17 The State's alleging that a murder happened and  
18 they haven't called up an investigator to tell you  
19 what they did to try and deduce what happened, who  
20 they talked to, when they talked to them? Why is  
21 that? Now -- and why would Pooh leave after he's  
22 allegedly been a victim of a violent crime and never  
23 talked to police until this year? What in the world  
24 was he trying to hide?

25 After Montrell shoots, he knows he can't go

1        home. He is scared of these people. He doesn't  
2        want to bring this trouble in on his girlfriend, his  
3        girlfriend's kids and his mother-in-law who are all  
4        there at the house.

5                Montrell goes in the woods, he calls his  
6        girlfriend, he calls his girlfriend's mom and he  
7        asked to talk to police and police tell him to turn  
8        himself in and he does. He comes towards them, he  
9        lies down and he turns himself in.

10               Later he's interviewed that night and he lies.  
11        I told you that in my opening. We told you that  
12        from the very beginning that Montrell Troutman lied  
13        to police the first night that he talked to them.  
14        He made a mistake. Don't judge him off of that  
15        mistake, judge him off of the credibility and the  
16        biases and the believability of the people that have  
17        testified here in court.

18               Now, one of the things I want to point out to  
19        y'all, and you're going to have all the evidence  
20        back in the jury room, but right here, we've got a  
21        picture of a bunch of shell casings. And all of the  
22        shell casings with the exception of one, which is in  
23        the grass, are in the road.

24               Now, Santonio Ryans testified, when he was in  
25        here, that when Montrell started shooting in the

1 driveway -- started shooting, he was in the  
2 driveway. How can that be true if all the shell  
3 casings are in the road?

4 We heard from an EMS worker who said when he  
5 got there, there were a whole bunch of people  
6 around, gathering around. I think that one shell  
7 casing that was in the grass was probably on the  
8 road, it's right by the road, and got kicked or  
9 moved. There's tons of people there moving in and  
10 out. But the majority of the shell casings all  
11 there are in the road.

12 Now, the State brought a GSR kit into court  
13 today -- or not today, this week, an empty one, the  
14 blank one, remember, that they opened up and showed  
15 you-all the stuff that was inside. They brought  
16 that GSR kit into court, yet they couldn't bother to  
17 do a GSR kit on anyone but Montrell Troutman. Why  
18 didn't they do one on Leric Merriweather? Why  
19 didn't they do one on Carlo Harris or Pooh? There's  
20 no reason for them not to have to done that.

21 Think about reasonable doubt for a minute and  
22 what I told you about at the beginning of my  
23 opening, you know, that it's like a three-story  
24 courthouse, and criminal court is the highest floor  
25 that we have. What we need in this case is guilt

1           beyond a reasonable doubt.

2           And isn't it a real possibility that someone  
3           involved besides Montrell here had a weapon? And  
4           isn't it a real possibility that Leric and Pooh were  
5           blocking Montrell from getting to his house? And  
6           isn't it a real possibility they had parked right  
7           down the street from where he lived that they were  
8           out trying to start a fight with him? Isn't it a  
9           real possibility that the witnesses called by the  
10          State let their bias for their deceased friend  
11          influence their testimony? Isn't it a real  
12          possibility that Montrell was just trying to get  
13          home that night? And isn't it a real possibility  
14          that every shot Montrell fired was in that roadway  
15          as he was trying to escape? And isn't it a real  
16          possibility that Montrell fired these shots to save  
17          himself from bodily harm?

18                 We think it is. We think it's a real  
19          possibility that this is a case of self-defense.  
20          Doubt abounds in this case. And because of these  
21          real possibilities, we're asking you to return a  
22          verdict of not guilty in favor of Montrell Troutman  
23          on all charges. Thank you.

24                 **MS. RADLEIN:** Smoke screens. Don't lose focus.  
25          I implore you, do not lose focus. Like I told you

1 previously, the defendant's own testimony takes him  
2 out of the realm of self-defense.

3 The defense attorney wants to suggest that we  
4 were hiding something, that's simply not the case.  
5 Simply not the case.

6 Troutman's own words says he kept shooting  
7 unarmed men. That is murder.

8 He wants you to believe that Leric was  
9 threatening him for a week or so, picking on him --  
10 what, calling him names? -- for about a week. But  
11 his own testimony said he went to his cookout.

12 I told you guys about that thing you have your  
13 entire life, common sense. If you're that scared of  
14 somebody, don't go to the man's house. It's plain  
15 and simple. Plain and simple.

16 I submit to you, ladies and gentlemen, that  
17 when he went to that guy's house, when he went to  
18 Leric Merriweather's house, anything he may have  
19 been feeling before then, not considered. Because  
20 if he thought that his life was in danger at four  
21 o'clock on June 6, that danger was gone. So what  
22 we're left with are his actions afterwards. Because  
23 if you're really in fear for your life, you don't go  
24 to someone's house.

25 He wants you to believe, well, he was riding, I

1 didn't know they were going to stay there. They're  
2 in the same neighborhood, the Buncombe area, same  
3 neighborhood. He told you the walk home is five  
4 minutes, maybe five to seven I think that was his  
5 words. But you heard from Darius. He says it takes  
6 him a couple minutes.

7 You saw Darius, 16 at the time. He didn't want  
8 to be here. He's that man's neighbor. His  
9 neighbor. He said he left the cookout, too, because  
10 he heard them arguing. And then what he says  
11 afterwards is when he got home, he was still upset  
12 and cursing, venting to his girlfriend. Then  
13 whatever he did after that, what we know is, because  
14 we're here today, what we know is he got a gun,  
15 plain and simple.

16 This isn't the perfect case. If it was, we  
17 probably wouldn't be here. Is it the perfect story?  
18 There are some things we're just not going to know.  
19 Sure, we would love to if we had a camera following  
20 him for those four hours, but we just don't. And  
21 for the defense to suggest that we need to explain  
22 every little thing, there's only one person in this  
23 courtroom that knows, just one.

24 Darius has no motive to lie. He was nervous.  
25 I told you guys you are the fact finders, not me,

1 not Montrell Troutman and not his defense attorneys.  
2 You-all are. You get to judge each and every  
3 witness that took that seat, put their hand up and  
4 took an oath.

5 The defendant took an oath. Some things now he  
6 can't remember, but on that night -- now he said,  
7 yeah, I lied that night. Okay. He lied. He lied.  
8 It was elaborate. Over and over and over, the gun  
9 wasn't mine. He had the gun in his back pocket.  
10 Oh, the back pocket of his basketball shorts.

11 It was detailed, scuffling. He admitted to it.  
12 Then a week later, yeah, no, be honest with you, I  
13 lied, he didn't have a gun. But he wants you, you  
14 guys, to judge his credibility and say that it  
15 weighs more than all of the witnesses that testified  
16 this week. One man.

17 One thing about Santonio, remember, his house,  
18 Ken, his friend, and his five-year-old son that was  
19 there that was screaming when gunshots rang out, Ken  
20 testified he thought he had been shot the way he was  
21 screaming. No disregard for human -- no regard for  
22 human life, evil intent.

23 But you have Ken, then you have our victims,  
24 Keith, Carlo. They all testified. And one thing  
25 I'm sure you noticed, each time we placed that

1 little car on that picture, they all placed it in  
2 the general same spot, not exactly, each time all  
3 four of them testified. They weren't identical  
4 because you know why? Because we're human..  
5 Everyone has their own life experience, they have  
6 their own perceptions and they remember things the  
7 way they remember things.

8 But one thing was consistent is that that man  
9 walked in front of that car and that man walked back  
10 behind that car and then he took his headphones off  
11 and put it on the trunk of the man's car that you  
12 are scared of, if you're not asking for a fight  
13 then.

14 But what did Leric have? Nothing. His own  
15 words told you that. Montrell Troutman took this  
16 stand and said that Leric did not have a gun.  
17 Because he didn't. He did not. You don't get force  
18 if force isn't given. You don't just do it. It has  
19 to be reasonable before you put someone else's life  
20 in your hands.

21 And he wants to take the stand because things  
22 don't perfectly align and ask you guys to find him  
23 not guilty because things aren't perfect. You know  
24 why they're not perfect? Because he didn't make  
25 them perfect. He's the reason why we're here today.



1 Carolina and the defendant will receive a fair and  
2 impartial trial.

3 I want you to understand that when I use the  
4 word defendant, I refer to Mr. Montrell Deshawn  
5 Troutman.

6 Furthermore, the charges alleged in the  
7 indictment are murder, two counts of attempted  
8 murder and possession of a weapon during the  
9 commission of a violent crime. And to these  
10 charges, the defendant has entered a plea of not  
11 guilty. This plea of not guilty places the burden  
12 of proof on the State to prove the guilt of the  
13 defendant to you, the jury, beyond a reasonable  
14 doubt.

15 Now, during this trial, ladies and gentlemen,  
16 you and I have had separate duties to perform. As  
17 the trial judge, it is my responsibility to preside  
18 over this trial. And I also have the duty to rule  
19 upon the admissibility of the evidence offered  
20 during the process of this trial.

21 In that regard, you're to consider only the  
22 competent evidence before you and you are to  
23 disregard from your mind any testimony ordered  
24 stricken from the record of this case during the  
25 process of this trial, if there was any. And you

1 are to consider only the testimony which has been  
2 presented from this witness stand together with any  
3 exhibits admitted into the record of this case and  
4 any stipulations of counsel made into the record, if  
5 there were any.

6 Furthermore, I have the additional duty to  
7 charge you on the applicable law of this case. And  
8 in that regard, I am the sole judge of the law in  
9 this case. It is your duty to accept and apply the  
10 law as I state it to you. If you have any  
11 preconceived ideas as to what the law is or what the  
12 law ought to be and it does not agree with what I  
13 tell you the law is, you are obligated under your  
14 oath to abandon these preconceptions because you are  
15 sworn to accept the law precisely as I state it to  
16 you.

17 Now, ladies and gentlemen, I remind you that  
18 the fact the defendant was arrested, charged and  
19 indicted in this case is not evidence in this case  
20 and cannot be considered by you as evidence of guilt  
21 in this case nor does it create any presumption or  
22 inference of guilt.

23 The indictment, ladies and gentlemen, is simply  
24 the formal, written instrument which contains the  
25 charges made against the defendant. It is the

1 formal document by which this case is brought into  
2 this court.

3 Now, the indictments in this case allege  
4 several different offenses against the defendant.  
5 The charges, as I told you a minute ago, are murder,  
6 two counts of attempted murder and possession of a  
7 weapon during the commission of a violent crime.  
8 Each indictment charges a separate and distinct  
9 offense. You must decide each indictment separately  
10 on the evidence and the law applicable to it,  
11 uninfluenced by your decision as to any other  
12 indictment.

13 The defendant may be convicted or acquitted on  
14 any or all of the offenses charged. You will be  
15 asked to write a separate verdict of guilty or not  
16 guilty for each indictment.

17 It is vital, ladies and gentlemen, to  
18 understand that the defendant is presumed under the  
19 law to be innocent of the charges against him. The  
20 defendant has no obligation to prove his innocence.  
21 It is a fundamental rule of our law that a  
22 defendant, irrespective of the seriousness of the  
23 charges against him, is always presumed innocent of  
24 the crimes for which he is charged unless and until  
25 his guilt has been proven by evidence that satisfies

1           you, the jury, beyond a reasonable doubt.

2           The presumption of innocence, ladies and  
3 gentlemen, is not a mere legal theory or a legal  
4 phrase. The presumption of innocence is very  
5 important. And you need to understand that this  
6 presumption accompanies the defendant from the time  
7 of his arrest and appearance in this court and  
8 continues with the defendant even after you retire  
9 to the jury room to deliberate. In other words, the  
10 defendant receives the benefit of the presumption of  
11 innocence until the very end of this trial when you,  
12 the jury, will deliberate upon the evidence and  
13 decide whether the State has proven his guilt beyond  
14 a reasonable doubt.

15           Now, what is a reasonable doubt in the law? A  
16 reasonable doubt is the kind of doubt that would  
17 cause a reasonable person to hesitate to act. Proof  
18 beyond a reasonable doubt is proof that leaves you  
19 firmly convinced of the defendant's guilt.

20           Now, there are very few things in this world  
21 that we know with absolute certainty, so even in  
22 criminal cases, the law does not require proof that  
23 overcomes every possible doubt. If, based on your  
24 consideration of the evidence, you are firmly  
25 convinced that the defendant is guilty of the crimes

1 charged, you must find him guilty. If, on the other  
2 hand, you think there is a real possibility that he  
3 is not guilty, you must give him the benefit of the  
4 doubt and find him not guilty.

5 Please understand, ladies and gentlemen, that  
6 reasonable doubt may arise from evidence which has  
7 been presented in the case or from the lack of  
8 evidence in the case. It is your responsibility to  
9 determine whether or not reasonable doubt exists as  
10 to the guilt of this defendant.

11 I charge you that the defendant is entitled to  
12 every reasonable doubt arising in the whole case.  
13 If, upon any issues of fact essential to conviction  
14 and a verdict of guilty, you have a reasonable doubt  
15 as to how that issue should be resolved, it would be  
16 your duty to resolve that reasonable doubt in favor  
17 of the defendant.

18 Thus, in summary, it is important to understand  
19 that a defendant is not required to prove his  
20 innocence. Instead, the State is required by law to  
21 prove every essential element of the offenses  
22 charged against the defendant by evidence which  
23 satisfies you, the jury, of his guilt beyond a  
24 reasonable doubt. Only then can you convict the  
25 defendant and find him guilty.

1           Now, there are two types of evidence which are  
2 generally presented during a trial, direct evidence  
3 and circumstantial evidence. Direct evidence  
4 directly proves the existence of a fact and does not  
5 require deduction. Circumstantial evidence is proof  
6 of a chain of facts and circumstances indicating the  
7 existence of a fact. Crimes may be proven by  
8 circumstantial evidence.

9           The law makes no distinction between the weight  
10 or value to be given to either direct or  
11 circumstantial evidence. However, to the extent the  
12 State relies on circumstantial evidence, all of the  
13 circumstances must be consistent with each other and  
14 when taken together, point conclusively to the guilt  
15 of the accused beyond a reasonable doubt. If these  
16 circumstances merely portray the defendant's  
17 behavior as suspicious, the proof has failed.

18           The State has the burden of proving the  
19 defendant guilty beyond a reasonable doubt. This  
20 burden rests with the State regardless of whether  
21 the State relies on direct evidence, circumstantial  
22 evidence or a combination of the two.

23           Now, ladies and gentlemen, in this trial, you,  
24 you are the sole and exclusive judge of the facts.  
25 And as I told you previously, I am the judge of the

1 law. Do not infer that I have an opinion about the  
2 facts in this case from anything that I have said  
3 during the course of this trial in ruling upon the  
4 admissibility of evidence or otherwise or from  
5 anything that I say during the course of this charge  
6 to you.

7 In this regard, the law simply does not permit  
8 me to have an opinion about the facts. As jurors,  
9 it is your duty alone to determine the effect, value  
10 and weight of the evidence presented during the  
11 course of this trial.

12 Now, in determining what the facts in this case  
13 are, you, ladies and gentlemen, must judge the  
14 credibility, which simply means the believability of  
15 the witnesses, and the value of weight to be given  
16 to their testimony. You alone must decide the force  
17 and effect of the testimony.

18 Now, in making this decision, there are many  
19 things you may and should take into consideration,  
20 such as the appearance and manner of the witness on  
21 the stand, a characteristic often referred to as the  
22 demeanor of the witness; was the witness forthright  
23 or hesitant; was the witness' testimony consistent  
24 or did it contain discrepancies; what was the  
25 ability of the witness to know the facts about which

1 he or she testified; did the witness have a cause or  
2 reason to be biased and prejudiced in favor of the  
3 testimony he or she gave; was the testimony of the  
4 witness corroborated or made stronger by other  
5 testimony and evidence or was it made weaker or  
6 impeached by such other testimony and evidence.

7 As jurors, please understand you have the right  
8 to believe a small portion of a witness' testimony  
9 and discard the larger portion or vice versa. You  
10 may believe all of a witness' testimony or none.  
11 You may believe the testimony of a single witness  
12 against that of many witnesses or the other way  
13 around.

14 In exercising your mental processes in  
15 attempting to decide the verdict, the law simply  
16 requires that you exercise your good judgment, your  
17 common sense, your sense of logic and reason and  
18 your experiences in life. You then apply these  
19 attributes to the evidence and apply the law as I  
20 state it to you and thus arrive at a verdict.

21 Now, ladies and gentlemen, during the course of  
22 this trial, you heard testimony or evidence of an  
23 individual having a past or a prior criminal record.  
24 A person who has a past or a prior criminal record  
25 is competent to testify in a trial. A past record

1 does not affect the ability of that witness to  
2 testify. The past record may only be considered by  
3 you, if at all, in determining the witness'  
4 believability. Remember, you are the sole judges of  
5 the facts in this case and of the believability of  
6 any and all of the witnesses.

7 Now, during the course of this trial, you heard  
8 the testimony of individuals that were qualified as  
9 expert witnesses. The rules of evidence -- and I'm  
10 going to give you this charge again. The rules of  
11 evidence, ladies and gentlemen, ordinarily do not  
12 permit witnesses to testify to opinions or  
13 conclusions. An exception to this rule exists for  
14 witnesses that we call expert witnesses. A witness  
15 who, by education and experience, has become an  
16 expert in some art, science, profession or calling  
17 may state an opinion as to a relevant and material  
18 matter in which the witness claims to be an expert  
19 and may also state the reasons for the opinion.

20 You, ladies and gentlemen, should consider any  
21 expert opinion received in evidence in this case,  
22 and like any other evidence, give it the weight that  
23 you think it deserves. If you decide that the  
24 opinion of an expert witness is not based on  
25 sufficient education and experience or if you

1       conclude that the reasons given in support of the  
2       opinion are not sound or that the opinion is  
3       outweighed by other evidence, you may disregard the  
4       opinion entirely.

5               Furthermore, an expert witness' testimony is to  
6       be given no greater weight than that of other  
7       witnesses simply because the witness is an expert.  
8       Further, you are not required to accept an expert's  
9       opinion even though it is not contradicted.

10              And there's also been evidence presented during  
11       the case or the trial that a witness or witnesses  
12       made prior statements which are not consistent with  
13       the witness' present testimony. You may use this  
14       evidence to decide whether to believe the witness.  
15       You may also use evidence of the earlier  
16       contradictory statements to determine the truth of  
17       those statements. It is up to you to decide whether  
18       to believe the earlier statements or the testimony  
19       given at trial.

20              If a witness is shown to have knowingly  
21       testified untruthfully concerning any material  
22       matter, you may consider this in determining whether  
23       to trust the witness' testimony as to other matters.  
24       You may reject all testimony of that witness or give  
25       all or part of the testimony the weight that you

1 think it deserves.

2 Now, ladies and gentlemen, in order to  
3 establish criminal liability, criminal intent is  
4 required. For example, the mental state required to  
5 be proven by the State for a particular crime might  
6 be purpose, intent, knowledge, recklessness or  
7 criminal negligence.

8 Criminal intent must be proven by the State  
9 beyond a reasonable doubt. Criminal intent is  
10 always a matter that must be determined by the jury  
11 from the circumstances surrounding the situation.

12 There is no way, ladies and gentlemen, to prove  
13 intent to a mathematical certainty. There is no way  
14 that medical science can dissect a person's brain  
15 and determine what the person had in mind. So the  
16 law says that criminal intent may be inferred from  
17 the circumstances shown to have existed. This is  
18 how you make a determination of whether or not the  
19 element requiring intent was present.

20 It is not necessary to establish intent by  
21 direct and positive evidence, but intent may be  
22 established by inference in the same way as any  
23 other fact by taking into consideration the acts of  
24 the parties and all the facts and circumstances of  
25 the case.

1 Criminal intent is a mental state, a conscious  
2 wrongdoing. It is up to you to determine what the  
3 defendant intended to do based on the circumstances  
4 shown to have existed.

5 Criminal intent can arise from action or a  
6 failure to act. It may arise from negligence,  
7 recklessness or an indifference to duty or to  
8 consequences that is considered by the law to be the  
9 equivalent of criminal intent.

10 Now, ladies and gentlemen, the defendant in  
11 this case is charged with the murder of Leric  
12 Merriweather. The State must prove beyond a  
13 reasonable doubt that the defendant killed Leric  
14 Merriweather with malice aforethought.

15 Malice, ladies and gentlemen, is hatred, ill  
16 will or hostility towards another person. It is the  
17 intentional doing of a wrongful act without just  
18 cause or excuse and with an intent to inflict an  
19 injury or under circumstances that the law will  
20 infer an evil intent.

21 Malice aforethought does not require that  
22 malice exist for any particular time before the act  
23 is committed, but malice must exist in the mind of  
24 the defendant just before and at the time the act is  
25 committed. Therefore, there must be a combination

1 of the previous evil intent and the act.

2 Malice aforethought may be expressed or  
3 inferred. These terms, expressed and inferred, do  
4 not mean different kinds of malice, but merely the  
5 manner in which malice may be shown to exist, that  
6 is either by direct evidence or by inference from  
7 the facts and circumstances which are proved.

8 Expressed malice is shown when a person speaks  
9 words which express hatred or ill will for another  
10 or when the person prepared beforehand to do the act  
11 which was later accomplished. For example, lying in  
12 wait for a person or any other acts of preparation  
13 going to show that the deed was within the  
14 defendant's mind would be expressed malice. Malice  
15 may be inferred from conduct showing a total  
16 disregard for human life.

17 Now, ladies and gentlemen, if you find that the  
18 State has failed to prove beyond a reasonable doubt  
19 that the defendant committed the murder of Leric  
20 Merriweather, you must consider whether the State  
21 has proven that the defendant committed the  
22 lesser-included offense of voluntary manslaughter.  
23 To prove voluntary manslaughter, the State must  
24 prove beyond a reasonable doubt that the defendant  
25 took the life of another in the sudden heat of

1 passion based on sufficient legal provocation. Both  
2 heat of passion and sufficient legal provocation  
3 must be present at the time of the killing to  
4 constitute voluntary manslaughter.

5 Sudden heat of passion may, for a time, affect  
6 a person's self-control and temporarily disturb a  
7 person's reason. The sudden heat of passion must be  
8 the type that would make an ordinary person unable  
9 to coolly reflect on his actions and would produce an  
10 uncontrollable impulse to do violence.

11 Sufficient legal provocation must be the type  
12 that would make a person of ordinary reason and  
13 caution become enraged and to lose control  
14 temporarily. The provocation needed for voluntary  
15 manslaughter must come from some act of or related  
16 to the victim.

17 Words alone, however vulgar or insulting, are  
18 not enough to be legal provocation. Where death is  
19 caused by the use of a deadly weapon, the words must  
20 be accompanied by some overt threatening act which  
21 could have produced the heat of passion. The  
22 exercise of a legal right no matter how offensive it  
23 is to another is never sufficient legal provocation  
24 for voluntary manslaughter.

25 If the heat of passion had cooled or if there

1 was enough time between the provocation, if any, and  
2 the killing for the passion of a reasonable person  
3 to cool, the killing would not be voluntary  
4 manslaughter.

5 In deciding whether a reasonable person would  
6 have had enough time to cool off, you should  
7 consider all the circumstances surrounding the  
8 killing. You may consider the nature of the  
9 provocation, if any, the defendant's mental and  
10 physical state, and the circumstances and  
11 relationships between the parties.

12 Now, ladies and gentlemen, the defendant is  
13 also charged with attempted murder of Carlo Harris  
14 and of Keith Mathis. A person who, with the intent  
15 to kill, attempts to kill another person with malice  
16 aforethought, either expressed or implied, commits  
17 the offense of attempted murder. Intent is defined  
18 as I previously defined it for you in this charge.

19 Now, in order to prove this crime, the State  
20 must prove the defendant attempted to kill Carlo  
21 Harris and he attempted to kill Keith Mathis with  
22 malice aforethought, either expressed or implied. A  
23 specific intent to kill is not an element of  
24 attempted murder, but there must be a general intent  
25 to commit serious bodily injury.

1           Intent means intending the result which  
2           actually occurs not accidentally or involuntary.  
3           Intent may be shown by acts and conduct of the  
4           defendant and other circumstances from which you may  
5           naturally and reasonably infer intent. Evidence of  
6           the character of the act, the character of the  
7           instrument used, the manner in which it was used,  
8           the purpose to be accomplished, and the resulting  
9           wounds or injuries may be considered in determining  
10          the intent with which the act was committed.

11          Intent may also be inferred when it is  
12          demonstrated that the defendant voluntarily and  
13          willfully commits an act, the natural tendency of  
14          which is to destroy another's life.

15          Now, ladies and gentlemen, if you find the  
16          State has failed to prove beyond a reasonable doubt  
17          that the defendant is guilty of attempted murder as  
18          to Carlo Harris, you must determine whether the  
19          State has proven beyond a reasonable doubt the  
20          lesser-included offense of assault and battery of a  
21          high and aggravated nature. A person commits the  
22          offense of assault and battery of a high and  
23          aggravated nature if the person unlawfully injures  
24          another person and great bodily injury to another  
25          person results or the act is accomplished by means

1           likely to produce death or great bodily injury.

2           Great bodily injury means bodily injury which  
3 causes a substantial risk of death or which causes  
4 serious permanent disfigurement or protracted loss  
5 or impairment of the function of a bodily member or  
6 organ.

7           Now, ladies and gentlemen, if you find the  
8 State has failed to prove beyond a reasonable doubt  
9 that the defendant is guilty of attempted murder as  
10 to Keith Mathis, you must determine whether the  
11 State has proven beyond a reasonable doubt the  
12 lesser-included offense of assault and battery in  
13 the first degree as it relates to Keith Mathis.

14           A person commits the offense of assault and  
15 battery in the first degree if the person unlawfully  
16 offers or attempts to injure another person with the  
17 present ability to do so and the act is accomplished  
18 by means likely to produce death or great bodily  
19 injury. Great bodily injury is defined as I  
20 previously defined it for you.

21           Ladies and gentlemen, the defendant is also  
22 charged with possession of a weapon during the  
23 commission of a violent crime. The State must prove  
24 beyond a reasonable doubt that the defendant was in  
25 the possession of a firearm during the commission of

1 a violent crime. A firearm means any machine gun,  
2 automatic rifle, revolver, pistol or any weapon  
3 which will, is designed to or may be readily  
4 converted to expel a projectile.

5 In order to find the defendant guilty of  
6 possession of a weapon during the commission of a  
7 violent crime, you must find the defendant guilty of  
8 either committing a violent crime or attempting to  
9 commit a violent crime. Murder and attempted murder  
10 are violent crimes. The State must prove beyond a  
11 reasonable doubt that the weapon further advanced or  
12 helped in the commission of a crime.

13 Now, ladies and gentlemen, the defendant has  
14 raised the defense of self-defense. Self-defense is  
15 a complete defense and if it is established, you  
16 must find the defendant not guilty.

17 The State has the burden of disproving  
18 self-defense by proof beyond a reasonable doubt.

19 If you have a reasonable doubt of the  
20 defendant's guilt after considering all the  
21 evidence, including the evidence of self-defense,  
22 then you must find the defendant not guilty. On the  
23 other hand, if you have no reasonable doubt of the  
24 defendant's guilt after considering all the  
25 evidence, including the evidence of self-defense,

1           then you must find the defendant guilty.

2           The following elements are required to  
3           establish self-defense: One, without fault. First,  
4           the defendant must be without fault in bringing on  
5           the difficulty. If the defendant's conduct was the  
6           type which was reasonably calculated to and did  
7           provoke a deadly assault, the defendant would be at  
8           fault in bringing on the difficulty and would not be  
9           entitled to an acquittal based on self-defense.

10          Two, imminent danger. The second element of  
11          self-defense is that the defendant was actually in  
12          imminent danger of death or serious bodily injury or  
13          that the defendant actually believed he was in  
14          imminent danger of death or serious bodily injury.

15          If the defendant was actually in imminent  
16          danger, it must be shown that the circumstances  
17          would have warranted a person of ordinary firmness  
18          and courage to strike the fatal blow to prevent  
19          death or serious bodily injury. If the defendant  
20          believed he was in imminent danger of death or  
21          serious bodily injury, it must be shown that a  
22          reasonably prudent person of ordinary firmness and  
23          courage would have had the same belief.

24          In deciding whether the defendant actually was  
25          or believed he was in imminent danger of death or

1       serious bodily injury, you should consider all the  
2       facts and circumstances surrounding the crime,  
3       including the physical condition and characteristics  
4       of the defendant and the victim.

5               The defendant, ladies and gentlemen, does not  
6       have to show that he was actually in danger. It is  
7       enough if the defendant believed he was in imminent  
8       danger and a reasonably prudent person of ordinary  
9       firmness and courage would have had the same belief.

10              The defendant has the right to act on  
11       appearances even though the defendant believes --  
12       beliefs may have been mistaken. It is for you to  
13       decide whether the defendant's fear of immediate  
14       danger of death or serious bodily injury was  
15       reasonable and would have been felt by an ordinary  
16       person in the same situation.

17              Words, ladies and gentlemen, accompanied by  
18       hostile acts may, depending on the circumstances,  
19       establish self-defense.

20              Evidence of prior difficulties between the  
21       defendant and the victim may be considered in  
22       deciding whether a threat existed, whether the  
23       defendant had a reason to believe a threat existed  
24       and how serious that threat was.

25              The relative sizes, age and weights of the

1           defendant and the victim may be considered in  
2           deciding the apparent or actual need for force and  
3           self-defense and the amount of force needed.

4           The reputation of the victim as a violent  
5           person may be considered in deciding whether there  
6           was a need for force, whether the defendant had  
7           reason to believe there was a need for force and  
8           whether deadly force was reasonably necessary.

9           Prior instances of violence by the victim may  
10          be considered in deciding whether the defendant  
11          actually believed he was in imminent danger of death  
12          or serious bodily injury or was actually in imminent  
13          danger.

14          Threats made by the victim may be considered in  
15          determining whether the defendant actually was or  
16          believed he was in imminent danger.

17          The final element of self-defense is that the  
18          defendant had no other probable way to avoid the  
19          danger of death or serious bodily injury than to act  
20          as the defendant did in this particular instance.

21          A person, ladies and gentlemen, cannot be  
22          required to make an exact calculation as to the  
23          degree or amount of force which may be needed to  
24          avoid death or serious bodily harm. Therefore, in  
25          self-defense, the defendant has the right to use the

1 force needed to avoid death or serious bodily harm.

2 The force used in self-defense does not have to  
3 be limited to the degree or amount of force used by  
4 the victim. The defendant has the right to use so  
5 much force as appeared to be necessary for complete  
6 self-protection in which a person of ordinary reason  
7 and firmness would have believed to be needed to  
8 prevent death or serious bodily harm.

9 If the defendant is justified in defending  
10 himself or others and in firing the first shot, then  
11 the defendant is also justified in continuing to  
12 shoot until it is apparent that the danger of death  
13 or serious bodily injury has completely ended.

14 Now, ladies and gentlemen, I am now drawing  
15 near the conclusion of my charge to you. And I want  
16 you to clearly understand that you are not partisans  
17 or advocates for the State of South Carolina or the  
18 defendant. It is your duty, ladies and gentlemen,  
19 to determine the facts and then take and apply the  
20 law which has been given to you by this Court and  
21 thus arrive at a verdict.

22 Now, once you retire to the jury room, the  
23 bailiff will give the verdict form to you, Madame  
24 Forelady. When you, the jury, arrive at a verdict  
25 as to the offenses charged in this case, the

1 Forelady will indicate the verdict on the verdict  
2 form.

3 If the State has failed to prove the guilt of  
4 the defendant beyond a reasonable doubt, you will  
5 indicate your verdict by placing an X beside not  
6 guilty. Likewise, if the State has proven the guilt  
7 of the defendant beyond a reasonable doubt, your  
8 verdict will be an X beside guilty. You will do  
9 this for each charge listed on the verdict form.

10 Madame Forelady, once the decision has been  
11 made, you will indicate the verdict of the jury on  
12 the verdict form.

13 The verdict, ladies and gentlemen, that you  
14 render in this case must be the verdict of each and  
15 every juror. It must be your unanimous verdict.  
16 All 12 jurors must agree on the verdict which you  
17 authorize the Forelady to write for the jury.

18 Ladies and gentlemen, I want you to further  
19 understand that the order in which the choices of  
20 verdict appear on the verdict form are not  
21 suggestive of any verdict on the part of the Court.  
22 The verdict in this case is to be determined by you,  
23 the jury, not the Court.

24 Furthermore, please understand that even though  
25 I will give the verdict form to the Forelady, it is

1 not her verdict alone. It is the verdict of all 12  
2 of you. And, again, I emphasize that it must be  
3 unanimous.

4 I'm also going to give you-all a copy of these  
5 instructions in written form. During your  
6 deliberations, you may refer to the instructions to  
7 guide your decision making. You must, ladies and  
8 gentlemen, consider the instructions as a whole and  
9 not follow some and ignore others.

10 Please, Madame Forelady, return these  
11 instructions to the Court at the time that your  
12 verdict is rendered.

13 I am now going to ask you-all to retire to the  
14 jury room, but do not, do not begin your  
15 deliberations until you're instructed to do so. The  
16 law requires, ladies and gentlemen, that I consult  
17 with the attorneys to make sure that I have not left  
18 anything out of these instructions. After I have  
19 spoken with the attorneys, the bailiff will bring in  
20 the items of evidence and a copy of these  
21 instructions, along with the verdict form, and  
22 instruct you to begin your deliberations.

23 Now, during your deliberations -- during your  
24 deliberations, should you have any questions, pen  
25 and pencil or pen and paper or pencil and paper, I'm

1 not exactly sure what they supply back there, a  
2 writing utensil, obviously, and something to write  
3 on will be provided to you should you have any  
4 questions during your deliberations. It will be  
5 your responsibility, Madame Forelady, to reduce such  
6 questions to writing, knock on the door, let the  
7 bailiff know you have a question and they'll get it  
8 to me and I'll answer it how I deem appropriate.  
9 Okay?

10 Likewise, when you-all have reached a unanimous  
11 verdict, filled out the verdict form, signed and  
12 dated it, knock on the door, let the bailiff know  
13 that you-all have reached a verdict and we will get  
14 you back into the courtroom as promptly as possible.

15 Before I let you go to the jury room, does  
16 everyone on the jury feel okay? Anyone not feeling  
17 well?

18 All right. I'm going to ask that you step to  
19 the jury room, but do not, do not begin your  
20 deliberations until you're instructed to do so.

21 (The jury retires to the jury room.)

22 **THE COURT:** Any exception or objection to the  
23 charge by the State?

24 **MS. RADLEIN:** None from the State, Your Honor.

25 **THE COURT:** Defense counsel?

1           **MR. DRYLIE:** No, Your Honor.

2           **THE COURT:** All right. Y'all look and gather  
3 the items of evidence, please.

4           (Pause.)

5           **THE COURT:** Do y'all have any objection to me  
6 excusing the jurors in the back?

7           **MS. RADLEIN:** No objection.

8           **MR. DRYLIE:** No objection.

9           (The judge excused the alternates off the  
10 record.)

11           (The jury commences its deliberations at  
12 2:58 P.M.)

13           (A recess transpired.)

14           (The following occurred during jury  
15 deliberations at 6:10 P.M.)

16           **THE COURT:** All right. It is ten after 6:00.  
17 I'm going to bring the jury out. I'm going to send  
18 them home for the day. I mentioned that I may bring  
19 them out here and see if they were going to get a  
20 verdict in the next 30 minutes or so. I'm going to  
21 just -- I'm going to send them home and come back in  
22 the morning at nine o'clock.

23           Bring me the jury, please, sir.

24           Because if I ask them that question, they're  
25 going to have to just -- send them back out maybe

1           Bring me the jury, please.

2           (The jury enters the courtroom at 9:15 A.M.)

3           **THE COURT:** Good morning, ladies and gentlemen.  
4 I hope you-all had a nice evening. I have to bring  
5 you in here, and what I'm getting ready to do, I'm  
6 getting ready to send you right back and tell you to  
7 continue your deliberations. And you may sit there  
8 and think, well, why didn't you just stick your head  
9 in the door down there and tell us to do that  
10 without bringing us all the way down here? But  
11 everything needs to be on the record, that's why I  
12 have to bring you in here, address everything on the  
13 record and send you right back out. Okay?

14           So what I'm going to do is I'm going to ask you  
15 to return to the jury room and continue your  
16 deliberations. All right? You-all are free to go  
17 back to the jury room.

18           (The jury retires to the jury room to  
19 continue its deliberations at 9:18 A.M.)

20           **THE COURT:** All right. We'll stand at ease.

21           (A recess transpired.)

22           **THE COURT:** All right. It's my understanding  
23 that the jury has a verdict. As I tell -- as I  
24 always say prior to a jury coming back in and  
25 verdict being returned, I remind you-all, regardless

1 of what the verdict is, to keep your emotions in  
2 check. Failure to do so will result in you being  
3 held in contempt of court by virtue of fine and/or  
4 incarceration. If you do not believe that you can  
5 keep your emotions in check, now is your time to  
6 leave the courtroom.

7 All right. Anything from the State before I  
8 bring the jury?

9 **MS. RADLEIN:** Nothing from the State, Your  
10 Honor.

11 **THE COURT:** Defense counsel?

12 **MR. DRYLIE:** No, Your Honor.

13 **THE COURT:** Bring me the jury, please, sir.

14 (The jury returns to open court to report  
15 its verdict at 12:56 P.M.)

16 **THE CLERK:** Madame Foreperson, has the jury  
17 reached a verdict?

18 **FORELADY:** Yes, we have.

19 (The Clerk hands the verdicts to the Judge.)

20 **THE COURT:** You may publish the verdict.

21 VERDICT OF THE JURY

22 **THE CLERK:** Will the defendant please stand?

23 State of South Carolina, County of Edgefield,  
24 the State of South Carolina versus Montrell Deshawn  
25 Troutman, as to the charge of the murder of Leric

1 Merriweather, we, the jury, unanimously find the  
2 defendant, Montrell Deshawn Troutman, not guilty.

3 As to the charge of voluntary manslaughter of  
4 Leric Merriweather, we, the jury, unanimously find  
5 the defendant, Montrell Deshawn Troutman, guilty.

6 As to the charge of attempted murder of Carlo  
7 Harris, we, the jury, unanimously find the  
8 defendant, Montrell Deshawn Troutman, not guilty.

9 As to the charge of assault and battery of a  
10 high and aggravated nature of Carlo Harris, we, the  
11 jury, unanimously find the defendant, Montrell  
12 Deshawn Troutman, guilty.

13 As to the charge of attempted murder of Keith  
14 Mathis, we, the jury, unanimously find the  
15 defendant, Montrell Deshawn Troutman, not guilty.

16 As to the charge of assault and battery in the  
17 first degree of Keith Mathis, we, the jury,  
18 unanimously find the defendant, Montrell Deshawn  
19 Troutman, guilty.

20 As to the charge of possession of a weapon  
21 during the commission of or attempt to commit a  
22 violent crime, we, the jury, unanimously find the  
23 defendant, Montrell Deshawn Troutman, guilty.

24 Madame Forelady and ladies and gentlemen of the  
25 jury, if that is your verdict, please indicate by

1 raising your right hand.

2 All hands were raised.

3 **THE COURT:** All right. Anything from defense  
4 counsel at this time?

5 **MR. DRYLIE:** Judge, we just ask you that you  
6 poll the jury.

7 **THE COURT:** All right. Poll the jury.

8 **THE CLERK:** Do you want me to do the not  
9 guiltyies or just the guiltyies?

10 **THE COURT:** Just the guilty.

11 **THE CLERK:** Just the guiltyies.

12 The verdict of the jury reported to the Court  
13 was guilty of voluntary manslaughter. Jonathan  
14 Durdan -- excuse me, I've got the wrong -- Trinika  
15 Mason, was this your verdict in the jury room and is  
16 this -- is this still your verdict? Please answer  
17 yes or no.

18 **JUROR:** Yes.

19 **THE CLERK:** Jennifer Stevens?

20 **JUROR:** Yes.

21 **THE CLERK:** Evelyn Chanti?

22 **JUROR:** Yes.

23 **THE CLERK:** Carina Riddick?

24 **JUROR:** Yes.

25 **THE CLERK:** Mattie Samuels?

1           **JUROR:** Yes.

2           **THE CLERK:** Albert Jackson?

3           **JUROR:** Yes.

4           **THE CLERK:** Wendell Smith?

5           **JUROR:** Yes.

6           **THE CLERK:** Christina Bailey?

7           **JUROR:** Yes.

8           **THE CLERK:** Jasper Agner?

9           **JUROR:** Yes.

10          **THE CLERK:** Ann Turner?

11          **JUROR:** Yes.

12          **THE CLERK:** Cynthia Buist?

13          **JUROR:** Yes.

14          **THE CLERK:** Margaret Nolletti?

15          **JUROR:** Yes.

16          **THE CLERK:** As of the -- as to the verdict of

17          guilty for assault and battery of a high and

18          aggravated nature of Carlo Harris, was this your

19          verdict in the jury room and is this still your

20          verdict? Trinika Mason?

21          **JUROR:** Yes.

22          **THE CLERK:** Jennifer Stevens?

23          **JUROR:** Yes.

24          **THE CLERK:** Evelyn Chanti?

25          **JUROR:** Yes.

1           **THE CLERK:** Carina Riddick?

2           **JUROR:** Yes.

3           **THE CLERK:** Mattie Samuels?

4           **JUROR:** Yes.

5           **THE CLERK:** Albert Jackson?

6           **JUROR:** Yes.

7           **THE CLERK:** Wendell Smith?

8           **JUROR:** Yes.

9           **THE CLERK:** Christina Bailey?

10          **JUROR:** Yes.

11          **THE CLERK:** Jasper Agner?

12          **JUROR:** Yes.

13          **THE CLERK:** Ann Turner?

14          **JUROR:** Yes.

15          **THE CLERK:** Cynthia Buist?

16          **JUROR:** Yes.

17          **THE CLERK:** Margaret Nolletti?

18          **JUROR:** Yes.

19          **THE CLERK:** As to the guilty verdict of assault

20          and battery in the first degree of Keith Mathis, was

21          this your verdict in the jury room; is this still

22          your verdict? Trinika Mason?

23          **JUROR:** Yes.

24          **THE CLERK:** Jennifer Stevens?

25          **JUROR:** Yes.

1           **THE CLERK:** Evelyn Chanti?

2           **JUROR:** Yes.

3           **THE CLERK:** Carina Riddick?

4           **JUROR:** Yes.

5           **THE CLERK:** Mattie Samuels?

6           **JUROR:** Yes.

7           **THE CLERK:** Albert Jackson?

8           **JUROR:** Yes.

9           **THE CLERK:** Wendell Smith?

10          **JUROR:** Yes.

11          **THE CLERK:** Christina Bailey?

12          **JUROR:** Yes.

13          **THE CLERK:** Jasper Agner?

14          **JUROR:** Yes.

15          **THE CLERK:** Ann Turner?

16          **JUROR:** Yes.

17          **THE CLERK:** Cynthia Buist?

18          **JUROR:** Yes.

19          **THE CLERK:** Margaret Nolletti?

20          **JUROR:** Yes.

21          **THE CLERK:** As to the guilty verdict of  
22          possession of a weapon during the commission of or  
23          attempting to commit a violent crime, was this your  
24          verdict in the jury room and is this still your  
25          verdict? Trinika Mason.

1           **JUROR:** Yes.

2           **THE CLERK:** Jennifer Stevens?

3           **JUROR:** Yes.

4           **THE CLERK:** Evelyn Chanti?

5           **JUROR:** Yes.

6           **THE CLERK:** Carina Riddick?

7           **JUROR:** Yes.

8           **THE CLERK:** Mattie Samuels?

9           **JUROR:** Yes.

10          **THE CLERK:** Albert Jackson?

11          **JUROR:** Yes.

12          **THE CLERK:** Wendell Smith?

13          **JUROR:** Yes.

14          **THE CLERK:** Christina Bailey?

15          **JUROR:** Yes.

16          **THE CLERK:** Jasper Agner?

17          **JUROR:** Yes.

18          **THE CLERK:** Ann Turner?

19          **JUROR:** Yes.

20          **THE CLERK:** Cynthia Buist?

21          **JUROR:** Yes.

22          **THE CLERK:** Margaret Nolletti?

23          **JUROR:** Yes.

24          **THE CLERK:** The jury's been polled, Your Honor.

25          **THE COURT:** Anything further?

1           **MR. DRYLIE:** Judge, at this time, we just renew  
2 all our motions, pretrial and during the trial, and  
3 all objections and renew our motions for a directed  
4 verdict and request a new trial.

5           **THE COURT:** All right. The Court's rulings  
6 remain the same as to each of said motions for  
7 reasons previously stated and the ruling remains the  
8 same as to each.

9           Does the State have sentencing sheets?

10          **MS. RADLEIN:** Beg the Court's indulgence.

11                   (Pause.)

12          **THE COURT:** All right. Ladies and gentlemen,  
13 while the State is providing sentencing sheets to  
14 the Court, I will tell you that you -- at this time,  
15 you have fulfilled your responsibilities as jurors  
16 and you are free to leave if you want to leave at  
17 this point.

18           I told you throughout the trial of this case,  
19 you're not to discuss this case with anyone. Okay?  
20 When I release you here today, you can discuss this  
21 case, you can talk about it all you want to.  
22 However, no one can make you talk about it if you  
23 don't want to talk about it. So when I release you  
24 here today, if somebody approaches you and asks  
25 about it and talk to you about it and you told them

1       you don't want to talk about it and they don't leave  
2       you alone, you let the Court know and it'll be taken  
3       care of. Okay?

4                You-all will receive a check in the mail for  
5       your service this week, the proverbial statement,  
6       the check's in the mail. I will tell you do not  
7       plan on laying any large ticket items aside, that  
8       check's not going to cover it. It might buy your  
9       family, depending on how many's in your family, it  
10       might buy you a Happy Meal or something at  
11       McDonald's. The truth of the matter is we can't  
12       compensate you for what your service is worth.

13               I know that jury service -- I don't know if any  
14       of you were on a jury, I don't remember whether you  
15       stood when I asked the question in qualification  
16       whether or not you've ever served on a jury before,  
17       if this was your first time or not, I hope you  
18       learned this isn't television, this isn't  
19       television. Television, in my opinion, for what  
20       it's worth, has done more to harm our judicial  
21       system than anything. This is real life.

22               I will tell you, as we went through the  
23       qualification process on Monday, you heard me --  
24       each of you, as part of that panel, stood up and  
25       gave just a small glimpse of where you work, if

1           you're married, your spouse, et cetera, just a  
2           little bit of information. I say that to say it  
3           takes different people from different walks of life  
4           to do what you're doing and what you've done this  
5           week.

6                     You would not want me or any other judge walk  
7           in the courtroom on Monday and look at one of the  
8           deputies and say, go find the first 12 people on the  
9           street, bring them up here, let's try this case.  
10          You would not want that nor would you want me or  
11          some panel of judges sitting up here and making  
12          those decisions, the decisions that you-all have  
13          made.

14                    Our system, ladies and gentlemen, our jury  
15          system is not perfect because it's created by man,  
16          but it's the best in the civilized world. I can  
17          promise you that; I can promise you that.

18                    I hope it was a learning experience for you  
19          this week. And if you're ever called upon to serve  
20          again, that you'll be willing to serve like you did  
21          this week. I can promise you whether you are in  
22          civil court or criminal court in any capacity and  
23          you were seated at one of these tables, you would  
24          want people such as yourselves serving on jury,  
25          serving as jurors and not like I said earlier,

1           having deputies go out and finding 12 people and put  
2           them in that box.

3           So what is going to take place now is  
4           sentencing. Okay? You-all are free to stay and  
5           watch, but you don't have to. I would encourage you  
6           to stay. You need to know -- you ought to know what  
7           goes on. You've seen that part of it. But you have  
8           a right to leave at this time if you want to leave.  
9           If any of you wish to leave, I will give you that  
10          opportunity now.

11          Again, I want to thank you for your service.  
12          If you want to leave, you're free to leave at this  
13          point. I will need the Forelady, I need you stay  
14          and sign the indictments.

15          (The jurors were excused.)

16          **MS. RADLEIN:** Your Honor, may I approach?

17          **THE COURT:** Yes.

18          (Pause.)

19          **THE COURT:** All right. Let me hear from --  
20          what I'd like to hear first, from the State, is the  
21          defendant's prior record. Can you give me that for  
22          the record?

23          **MS. RADLEIN:** Thank you, Your Honor. The  
24          defendant's prior record is a 2000 possession of  
25          cocaine; a 2004 two counts of resisting an officer,

1 a damage to property; in 2012, he has a battery and  
2 an aggravated assault with a deadly weapon, as well  
3 as moving traffic violation. And that's the extent  
4 of the defendant's prior record. And the State has  
5 a position on sentencing at the appropriate time, as  
6 well as victim impact.

7 **THE COURT:** All right. Let me hear with  
8 regards to victim impact.

9 **MS. RADLEIN:** Thank you, Your Honor. Standing  
10 next to me is Christa Harris. She is the cousin to  
11 Abigail Carter, which is -- she's also the cousin to  
12 Leric Merriweather's children.

13 **THE COURT:** All right. Let me say this: Any  
14 comments from the victims, victim's family, comments  
15 need to be directed to me, to the Court. All right?

16 **MS. RADLEIN:** Yes, Your Honor. And then we'll  
17 hear from Keshia, Leric Merriweather's sister.

18 **THE COURT:** Tell me your name, please, ma'am.

19 **MS. HARRIS:** My name is Christa Harris.

20 **THE COURT:** Yes, ma'am, Ms. Harris.

21 **MS. HARRIS:** My name is Christa Harris. I'm  
22 speaking on behalf of my cousin, Abigail Carter. I  
23 was also her son's teacher at the Head Start.

24 Since the death of Leric Merriweather, it has  
25 been hard for his two kids, especially the youngest

1           one,           O.M.           , which wherever Leric  
2           went,       O.M.       was right by his side. And the death  
3           has affected him. He still have nightmares to this  
4           day. And he's constantly asking is his dad coming  
5           back home. While in school, if anything is  
6           mentioned about his mother and father, he always  
7           respond by saying, I don't have a dad.

8           I was       O.M.       teacher during the time of  
9           Leric's death and       O.M.       had a hard time napping  
10          during that time. I would have to either rock him  
11          to sleep or either have him sit at the table to  
12          write, draw, where even he would draw pictures of  
13          his father.

14          As a teacher and a cousin, most of       O.M.       time  
15          was spent with me, so I had to be that support  
16          system inside the classroom to help him with his  
17          dad. Sometimes he still have good days and  
18          sometimes he have bad days, but he just wanted his  
19          dad. That's all I have to say.

20          **THE COURT:** Thank you, ma'am.

21          **MS. HARRIS:** You're welcome.

22          **MS. RADLEIN:** Thank you, Your Honor. Just to  
23          add on to that, in speaking with Abigail, she still  
24          indicates that the children still suffer and still  
25          question where their dad is and is asking why this

1 man had to take their daddy's life.

2 And then next you'll hear from his sister,  
3 Keshia, who will speak on behalf of herself and her  
4 parents.

5 **THE COURT:** Tell me your name, please.

6 **MS. MERRIWEATHER:** Nakeshia {phonetic}  
7 Merriweather.

8 **THE COURT:** Yes, ma'am.

9 **MS. MERRIWEATHER:** My name is any Nakeshia  
10 Merriweather and it has affect the family and  
11 friends and -- the only thing I can say, we miss  
12 him. That's all I can say. I can't do it.

13 I still miss him to this day. He was, like,  
14 not only a brother, but he was, like, one of my  
15 sons, too, that came to me for everything. My mama  
16 suffers. She's sick now. It's just a hurtful loss  
17 for everyone.

18 **THE COURT:** Thank you, ma'am.

19 **MS. RADLEIN:** Thank you, Your Honor.

20 **THE COURT:** Anyone else?

21 **MS. RADLEIN:** I believe that's it, Your Honor.

22 **THE COURT:** All right. Anything else from the  
23 State?

24 **MS. RADLEIN:** Yes, Your Honor. In regards to  
25 sentencing, the State is requesting the maximum

1 sentence in this case, which would be 65 years if  
2 all the charges are ran consecutive. I believe it's  
3 appropriate in this case.

4 You've sat through the entire trial, as well as  
5 pretrial, and what the defendant did on that day was  
6 take another man's life. That was his point of  
7 leaving the house that day. And I believe that's  
8 the appropriate sentence in this case. Thank you,  
9 Your Honor.

10 **THE COURT:** All right. Mr. Drylie.

11 **MR. DRYLIE:** Thank you, Judge.

12 Just to tell you a little bit about Montrell,  
13 he's 39 years old. He's from Miami, Florida.  
14 Judge, I've never had any doubts about his  
15 competency, but I will tell you he's been on  
16 disability for most of his life due to some mental  
17 health issues. Judge, I do think he's had a  
18 substance abuse, alcohol and drug, problem for most  
19 of his life.

20 Judge, he came up here with his girlfriend's  
21 family to be closer. They've been e-mailing me  
22 throughout the trial just asking how it's going.  
23 Due to some financial situations, I don't think  
24 they're able -- they haven't been able to be here,  
25 Judge.

1           Judge, you heard his record. There's not a  
2 whole lot on there. I know there's that aggravated  
3 assault that the solicitor brought up, but looking  
4 at that, it looks like he's got 33 days. I don't  
5 believe he's ever been to prison.

6           Judge, I don't think the maximum sentence would  
7 be appropriate in this case. Judge, we'd ask for a  
8 concurrent sentence. And, you know, he exercised  
9 his right to go to trial and we'd ask that there not  
10 be any trial tax associated with that.

11           **THE COURT:** How much time -- how long has he  
12 been in jail?

13           **MR. DRYLIE:** He's been in since June 6, 2015.  
14 I did not add up those days, but I can do that for  
15 you.

16           **THE COURT:** If you'll do that, please. Well,  
17 never mind, my law clerk can do it right here on the  
18 computer.

19           (Pause.)

20           **THE COURT:** Anything further, Mr. Drylie?

21           **MR. DRYLIE:** No, Your Honor.

22           **THE COURT:** Mr. Troutman, anything you want to  
23 tell me, sir?

24           **DEFENDANT:** No, sir.

25           (Pause.)

## 1 SENTENCE OF THE COURT

2 **THE COURT:** All right. On 2017-GS-19-1819,  
3 possession of a weapon, the defendant's hereby  
4 committed to the county detention center for a  
5 period of 868 days, give him credit for 868 days as  
6 to that offense.

7 On 2017-GS-19-1817, defendant's committed to  
8 the State Department of Corrections for a period of  
9 20 years.

10 On the voluntary manslaughter, 2015-GS-19-351,  
11 the defendant's committed to the State Department of  
12 Corrections for a period of 30 years.

13 2017-GS-19-1818, A&B first, the defendant is  
14 committed to the State Department of Corrections for  
15 a period of ten years.

16 The A&B first and the voluntary manslaughter  
17 charge, those sentences are to run consecutive for a  
18 total of 40 years. As to the ABHAN, the 20-year  
19 sentence, that is to run concurrent to  
20 2017-GS-19-1818 and 2015-GS-19-351.

21 **MS. RADLEIN:** Thank you, Your Honor.

22 **MR. DRYLIE:** Thank you, Judge.

23 **THE COURT:** Good luck to you, sir.

24 Madame Forelady, I need you to stay to sign the  
25 indictments.

1           You-all are free to go. I hope you-all have a  
2 nice weekend, relaxing weekend. How about that?

3           Let me say this before you-all leave: Not long  
4 after I got on -- right after I got on the bench,  
5 we'd go and sit with the judges for a couple weeks  
6 in criminal court and a couple weeks in civil court.  
7 And I've had judge -- a judge told me before when I  
8 came into this position that sentencing is the  
9 hardest part of this job. We, as judges, don't  
10 always get them right. We try to. We try to.

11           Part of what you heard going on as part of this  
12 case dealt with drugs and alcohol. About 95-plus  
13 percent of what ends up in criminal courtrooms in  
14 this state and across this country are drugs and  
15 alcohol. Get rid of that, it would shut criminal  
16 courts down in large part, in large part. It is  
17 tragic. I see it day in and day out. These men and  
18 women that work in the sheriff's department see it  
19 day in and day out, terrible decisions that young  
20 people make when dealing with drugs and alcohol that  
21 have tremendous consequences.

22           So I hope you learned something this week. I  
23 hope you had a good experience. It's tough. Jury  
24 service is tough. They're tough decisions. That's  
25 what we deal with in law enforcement, prosecution,

1 defense lawyers. That's what we deal with day in  
2 and day out in this setting. And so I'm glad you  
3 had an opportunity to serve. I know it's tough;  
4 I've been there. So thank you for your service. I  
5 can't tell you how much I appreciate it and I know  
6 the lawyers do. Thank you.

7 (The remaining jury was excused.)

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END OF PROCEEDINGS

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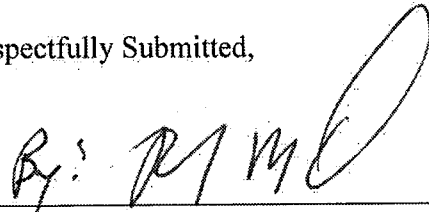
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CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

By: 

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Wm. Grayson Lambert  
BURR & FORMAN LLP  
Post Office Box 11390  
Columbia, S.C. 29211  
(803) 799-9800

Robert Michael Dudek  
Chief Appellate Defender  
Post Office Box 11589  
Columbia, S.C. 29211

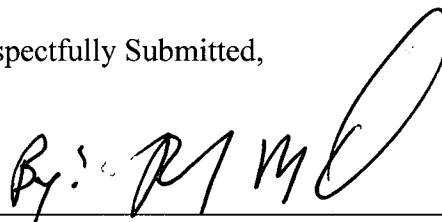
This 8th day of March, 2019.

ATTORNEYS FOR APPELLANT

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Wm. Grayson Lambert  
BURR & FORMAN LLP  
Post Office Box 11390  
Columbia, S.C. 29211  
(803) 799-9800

Robert Michael Dudek  
Chief Appellate Defender  
Post Office Box 11589  
Columbia, S.C. 29211

This 8th day of March, 2019.

ATTORNEYS FOR APPELLANT

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