STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Colleton County

Honorable Perry M. Buckner, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANDRE NICHOLAS CRAWFORD,

APPELLANT

APPELLATE CASE NO 2018-001216

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THE FOLLOWING DOCUMENTS ARE ON FILE WITH THIS COURT:

STATE'S EXHIBIT #31 (INTERVIEW CD);
STATE'S EXHIBIT #33 (INTERVIEW CD);
STATE'S EXHIBITS #40-41 (PHOTO LINE-UPS);
STATE'S EXHIBITS #42-43 (PHOTO LINE-UPS);
STATE'S EXHIBITS #11-12 (PRE-TRIAL PHOTO LINE-UPS)

In the Court of General Sessions for the
State of South Carolina, County of Walterboro

Case No.: 2016GS1500481

State of South Carolina,
Plaintiff(s),
vs.
Andre Crawford,
Defendant(s).

PRE-TRIAL PROCEEDINGS

December 11, 2017
Walterboro, South Carolina

BEFORE:
The Honorable Brooks Goldsmith

that we need to take care of or resolve?

MR. WALKER: I would have one that probably would need to be heard before the jury comes in. I know she has other motions that I don't know if the timing matters so much.

MS. LEGETTE: Yes, Your Honor. Good morning, Your Honor.

THE COURT: Good morning.

MS. LEGETTE: Yes, Your Honor, I believe Mr. Walker has a motion to severe the obstruction of justice charge. Additionally, Your Honor, we have an identification hearing, a Neil V. Biggers, as well as a statement, Jackson V. Denno hearing. There were two statements and there were two identifications made in this case. So, those are not as, I suppose, immediate that we have to hear this morning, although, we do have our witnesses here for those hearings; however, I believe to be able to determine what the State would call at trial this afternoon when the jury comes in, I believe we need to hear Mr. Walker's motion for severance.

MR. WALKER: Your Honor, we probably have a motion to dismiss the obstruction in the

here, yes, sir.

(Other matters were heard in the interim. Proceedings then continue as follows:)

MS. LEGETTE: We will do one hearing, Your Honor, we will go ahead with the Neal V. Biggers hearing. I call Kurt Wallace.

We're ready, Your Honor, ready to be sworn.

Thereupon,

KURT WALLACE

was called as a witness, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. LEGETTE:

Q Good morning.

A Good morning.

Q Please state your full name for the record.

A Kurt L. Wallace.

Q And spell your last name, please, for the court reporter.

A W-A-L-L-A-C-E, Wallace.

Q And your first name is Kurt?

A That's correct.

Q Mr. Wallace, where do you work?

A I currently work at MUSC, public safety officer.

Q For how long?

A I've been there for approximately six months now.

Q What was your former job?

A My former job, I was a detective for the Colleton County Sheriff's Office.

Q And for how many years?

A I worked as a detective -- I worked with Colleton County Sheriff's Office for approximately eight years, as a detective, I worked approximately two and a half, three years.

Q Okay. Were you working for the Colleton County Sheriff's Office in May of 2016?

A Yes, ma'am.

Q Okay. What were your duties during that period of time?

A As a detective, we were assigned cases. And my primary duties as a detective were to take on those cases and try to solve them.

Q So, investigating cases?

A That's correct, yes.

Q Now, did you become involved in the case at bar back in May of 2016?

A That's correct.

Q And tell us about your involvement.

A I was the secondary detective assigned to that case to help with the primary investigator. And again, the duties were the same duties and responsibilities we have with any case we work. We try to go out and get whatever information we need to try to solve the case.

Q Okay. So, at some point, did you become acquainted with the victim in this case?

A That's correct, I did.

Q What was his name?

A His name was Martin.

Q Bruce Martin?

A Bruce Martin, that's correct.

Q Tell us about your first encounter with Mr. Martin.

A My first encounter with Mr. Martin is when -- I live in the Goose Creek area, all right, and due to the fact that some of our cases involve people going to the hospital, the hospital that they normally go to would be MUSC Hospital or Trident Hospital within that area. Due to the fact that I live down there, I was normally the person assigned to make first contact with those persons because

they're at the hospital in the area that I actually live at.

So, I was advised by my captain the night of the incident to not come down to -- because when we have a major incident that takes place, all detectives are to come in and work the cases or to help with the cases. One of my primary duties of that particular were to actually not come down to Walterboro, to go straight to Trident Hospital and meet with the victim, which I did.

Q Now, you said a major case like this, I didn't ask you earlier, but as far as you knew, what was the essence of the major case that you were involved with?

A Well, due to the fact that this case was a shooting, due to the fact that it was a homicide or a case where somebody actually died or somebody got shot, something of that nature, we categorize it as a major case.

Q Okay. So, you said your first duty was to go to the hospital and meet with Mr. Martin?

A Yes, that's correct.

Q Did you do that?

A Yes, I did.

Q What was the nature of that encounter?

A I went to the hospital to meet with him to try to, I guess, get information from him, okay.

Q The first time?

A The first time. Due to the circumstances of his medical condition or his condition, I was not able, at that time, to get anything out of him because he was, you know, heavily sedated. He was in critical condition. But he was aware that I was there and I advised him that I would be back and talk with him later when he's in a better condition to talk.

Q Okay. So, what date was that, was that May 28th? Or as far as you know, was it the night of the incident or the date of the incident?

A May 28th, to the best of my recollection.

Q Okay. Now, at some point, did you show him anything when you were there on that particular day?

A No, I did not. The main thing we want to make sure that when we present anything to anybody that they are in the right frame of mind or they're, you know, in a position where they can recognize our -- us being there in the first place. I felt at that time he was in no condition, you know, to talk about anything.

Q So you didn't even question him?

A No. No.

Q All right. Now, you saw him again?

A Yes, I did. Yes, I did.

Q All right. Would that have been May 30th?

A That would have been May 30th, two days.

Q Okay. So, tell us about that particular encounter?

A That particular encounter, he -- when I approached him, he was in a much better condition. And I felt at that time I would be able to speak with him, which I did.

Q Okay. Where was he when you saw him on May 30th?

A He was still at Trident Hospital.

Q Okay. You said that he was in a much better condition, what does that mean? You mean he was --

A Well, compared to the first time I seen him where he was really not coherent and he was kind of drowsy on medication, compared to the second time, he was kind of up and talking and recognized, you know, what the conversations were about, put it that way.

Q So he seemed more lucid?

A He was definitely more lucid, yes.

Q Okay. Now, at that particular time or on that particular day, was anyone present with him?

A If I'm not mistaken, there was a lady present in the room with him. I can't really remember it was his wife or girlfriend, but yes, there was somebody in the room.

Q Now, when you met with him on this particular day, were you able to ask him any questions?

A Yes, yes, I did.

Q Was he able to answer?

A He was able to answer the questions.

Q Did you also present him with any photographs or any line-ups?

A Yes, I did.

Q Tell us about that particular encounter and what you did to present the line-up to him?

A Okay. We were provided with a photo line-up. And just to kind of tell you the rules and policies we have on photo line-ups, the officer that's presenting the photo line-ups are not familiar with the personnel involved in the photo line-ups, so, you always want to pick somebody who is not familiar with the parties. So, I was

provided a photo line-up to present to him. And the first thing I asked him about the situation --

Q Let me stop you. Let me stop you. I think I made a mistake. Are you familiar with when the line-up was requested, the photo line-ups, when they were requested?

A Right.

Q When were they requested?

A They were requested by the head detective that was involved, which was Detective Kelly Padgett. She requested those photo line-ups, I want to say, a day or two after I met with him originally. I can't remember the exact date and time. I don't have my notes in front of me.

Q Would you like to refer to your notes? Would you like to refer to your report?

A I don't have anything in front of me. I'm trying to go based off of memory. I can barely remember what I had for breakfast this morning.

MS. LEGETTE: Beg the Court's indulgence.

(Pause.)

MS. LEGETTE: May I approach the witness, Your Honor?

THE COURT: Certainly.

THE WITNESS: Okay, I see here that on June 4th, which is on a Saturday, 2016, the victim was presented a photo line-up that I provided to him.

BY MS. LEGETTE:

Q Okay, so, let's go back. When I asked you earlier about May 30th --

A No, on May 30th, he was not presented a photo line-up. On May 30th is when I actually went out there to see his condition where he was in a much better situation, just to elaborate and tell me what happened. So, on that particular day, a photo line-up was not presented. He just basically told me how he saw the incident and what he experienced at the club.

Q Okay. All right. So, then again, you saw him, I believe you said on June 4th?

A The next time I seen him after that, the first time I seen him again, the second time was on May 30th, 2016. The third time I actually seen him was on Saturday, the 4th of June, in which he was presented a photo line-up.

Q Okay, so let's talk about June 4th when you presented the line-up to him.

A Okay. All right.

Q And this is the first line-up you presented to him, correct?

A That's correct.

Q All right. Now, explain to us where he was when you presented the photo line-up to him. Where was he?

A The victim?

Q Yes.

A He was still in Trident Hospital.

Q Okay. What was his condition, did he seem more lucid?

A Yes, he was. Yes, he was. Which is the reason why I proceeded with presenting him. Because if he wasn't in a condition where I felt he was not able to be, like you say, lucid, then I wouldn't have presented it in the first place. I felt at that time he was in a much better condition where he was able to cooperate, put it that way.

Q Okay. So, can you describe for us the procedure you used to show him the photo line-up?

A What we do with -- I presented him, it was a picture of six individuals on one page that had the same type of characteristics. And I advised him --

Q When you say characteristics, what do you

mean?

A Well, for example, whatever person that we are investigating, if we are investigating a white person, then I wouldn't show him a photo line-up of a black person. You know, height, weight, the same, you know, those type of characteristics have to be in the photo line-up, okay. So, I presented him a photo line-up as such based on the victim we were -- the suspect we were investigating, all right.

The photo line-ups can be presented either way, you can have a single picture on each page or you can have one page with six individuals on it. The photo line-up that I presented to him was a page with six individuals on it. I advised him that I'm going to show you a photo line-up and the person of interest might be in the photo line-up or they might not be in the photo line-up, all right. If you should see the person involved in this incident in the photo line-up, I need you to circle it, you initial it and date it.

And I asked him in reference to the photo line-up, I need you to point out the person in the photo line-up, the person that was supposedly involved in the fighting, the one that was actually fighting, the one that you assisted pulling apart.

If that person is in the photo line-up, circle and initial it. If he's not, then he's not, all right.

And then, I, also, showed him another photo line-up stating that okay, I want you to circle this person that was in close proximity or that was in some shape, form or fashion involved in this situation. The person might be there, the person might not be there. If you recognize the person, circle it and date it. And that's how I gave him the photo line-ups.

Q Now, did you structure your questions to Mr. Martin based on what he had previously told you about the actual incident?

A No.

Q What I'm asking you is, had you already learned from Mr. Martin -- had he already told you some of what happened?

A That's correct, yes, he did. Yes, he did. On the first encounter, when I first met with him prior to showing him the photo line-up, he gave me a rundown of what he experienced that day and what happened. Now, if you need me to tell you exactly what he said, I can do that if that's necessary.

Q It's not necessary at this time. So, at this point, you presented him the photo line-ups?

A That's correct, yes.

Q Did you present them to him one at a time or did you give him both at the same time?

A I presented to him one at a time.

Q With regard to the first photo line-up, did he make any selection?

A Yes, he did.

Q And what did he select -- or who did he select?

A I don't have it in front of me, but on the first photo line-up, he did select DaQuan as the person that he actually pulled apart or assisted in pulling apart and fighting, DaQuan Crawford.

Q How did he make the selection?

A He circled it and he initialed it.

Q Now, did anyone in your presence suggest or did you suggest to Mr. Martin who to pick?

A No, I didn't.

Q Did you somehow influence him in any manner in order to get him to make a selection?

A No, ma'am.

Q Did you show him any pictures, like single pictures before you showed him the six-pack line-up?

A No, ma'am.

Q Okay. And once he made a selection, what

did you do next?

A Then I presented him with the second photo line-up in reference to him making that selection on who was involved, who else did you see involved that was in close proximity of the situation. And that's when he actually circled and initialed Mr. Andre Crawford.

Q Okay. Now, how -- well, let's go back to the first one first. How certain did he appear to be? Hesitant at all when you presented the first photo line-up to him when he made his selection?

A No. Basically, upon my presenting him the photo line-up, it took him under 10 seconds to actually circle the picture. So, he didn't show any signs of hesitation.

Q After he made a selection, did he decide to change his mind in any way?

A No.

Q Now, you said you presented the next photo line-up to him and he made a selection in that one as well?

A That's correct, yes.

Q Did you or anyone in your presence influence his decision in any way?

A No, ma'am.

Q Did you suggest to him who to select in that particular photo line-up, the second one?

A No, ma'am.

Q How certain did he appear to be with his selection regarding the second photo line-up?

A Just as certain as he was with the first one, he did not hesitate.

Q Once he made the selection, did he ever indicate to you that he wanted to change his mind and select someone else?

A No, ma'am.

Q Did you ever show him any single photographs prior to showing him the second photo line-up?

A No, ma'am.

Q And as to the second photo line-up, describe for us what the second photo line-up looked like, the nature of it.

A The same as the first one, he had one page of six individuals on it. Same height, weight, characteristics.

Q I'll hand you now what's been previously marked for identification State's Exhibit Nos. 10 and 11. Please take a moment and tell me if you recognize these items.

MS. LEGETTE: May I approach, Your Honor?

THE COURT: You may.

THE WITNESS: Yes, ma'am.

BY MS. LEGETTE:

Q And what are State's 10 and 11?

A These are the photo line-ups that were presented to the victim.

Q And are State's 10 and 11 in substantially the same condition today as when you originally used them on June 4, 2016?

A Yes, ma'am.

Q Have there been any material alterations or deletions on State's 10 and 11?

A No, ma'am.

MS. LEGETTE: Your Honor, I would offer State's Exhibits 10 and 11 for admission into evidence at this hearing.

THE COURT: Motion granted.

MS. LEGETTE: Thank you, Your Honor.

(Whereupon, State's Exhibit No(s). 10-11 marked for identification and received in evidence.)

BY MS. LEGETTE:

Q Now, please tell us as it relates to State's Exhibit No. 10, who did Mr. Martin select in

that -- the photograph in that particular exhibit?

A Andre Crawford.

Q In No. 10?

A No, I'm sorry, this was DaQuan in No. 10, yeah, DaQuan Crawford.

Q And No. 11?

A And 11, Mr. Andre Crawford.

Q Okay. Now, once you presented him with the photo line-ups, did you conclude your interview with Mr. Martin that day?

A Yes.

Q Okay. What did you tell him when you left -- before you concluded, what did you tell him, if anything?

A I told him if there's anything else that he can remember, we're just a phone call away, just to give me a phone call and let me know. That's, basically, all I told him.

Q Okay. Now, in your discussions with Mr. Martin, did he ever tell you that he did not see the shooter or did he indicate something different?

A No, he -- the only thing he initially told me -- he never indicated that he did not see the shooter. He indicated first that he actually saw the gun. And based on the traumatic experience that

he experienced, that's one of the main reasons why I told him that if you remember anything else, you make sure that you let me know about it. Because earlier in speaking with him, when I first initially made contact with him, again, he was in critical condition and he had just experienced a traumatic event. At that point, he really wasn't remembering anything.

As time progressed, as he got better, he appears to remember more and more what happened that night. So, that's the reason why I initially tried to make contact with him as much as possible and advised him, if you remember anything else, you let me know.

Q Did you ever coach him in any way in order to get him to make a selection or identification of anyone?

A Of course not, no, ma'am.

Q Now, once you left him on June 4th, did you see him again?

A Yes, I did.

Q Tell us about that.

A On the 28th of June, he gave me a call and he advised -- in that particular -- the first thing that he said is that I remember who shot me. So, he

was advised to come down to our office so we can document it, have him to write a statement and get it on video and audio.

Q Now, prior to him calling you on June 28th, did he ever -- did you ever stop by his hospital room again or meet him at his house, if you recall?

A I do recall making a visit to his house and speaking with him, mainly, just to see how he was doing, was he out of the hospital. At that particular time, when I actually spoke with him at his house, things were still kind of not a hundred and 10 percent clear, he was kind of fuzzy. So I continued to encourage him and told him, look here, if you remember anything, you let me know.

Q Okay.

A So, basically, when I went -- it was more like a welfare check when I went to his house. We didn't really go into details about anything.

Q At that time, did you show him any photo line-ups?

A No, not at that time.

Q All right. Okay, you said, that June 28th, he called you, indicated that he remembered?

A That's correct.

Q You told him to come down and see you at the investigative unit?

A That's correct.

Q And what happened?

A He came down -- the 29th of June, he came down on the following day to our annex. And at that particular time, we went into our interrogation room, where we can document it on video and audio. And I presented him -- I provided him with a second photo line-up, specifically because he made the statement that I knew who shot me, all right. And the same procedure that we spoke of earlier about presenting the photo line-up, that's the same procedure that was used.

And in this particular presentation of those photo line-ups -- of that photo line-up, he did not hesitate at all to circle Mr. Andre Crawford as the person who actually shot him.

Q Now, that particular interview, you said the same procedure as before; however, did you deviate some? Did you show him both photo line-ups at the same time or were they shown to him one at a time?

A On this particular one, if I recall, I

showed him -- I might have to look back, but had him look at both photo line-ups at the same time.

Q Okay.

A It was an alternate way that we chose to do it on this particular one. But on this particular one, I showed him both photo line-ups at the same time.

Q And these photo line-ups, were they similar in nature to the ones you showed him on June 4th?

A That is correct.

Q Did they have any marking on there when you showed them to him on June 29th?

A No, ma'am. No, ma'am.

Q So they were clean?

A They were clean, fresh photo line-ups, yes.

Q During that particular photo line-up, did anyone accompany him to that particular interview, if you remember?

A Yes, I do recall a young man being with him. I can't recall his name or who he was, but I do recall someone else with him.

Q Okay. So, during that period of time in that interview, did you try to influence Mr.

Mr. Martin to make a decision or a selection?

A No, ma'am.

Q Did you suggest to him anyone to select?

A No, ma'am.

Q Did anyone else present try to influence or suggest to him who to select in those photo line-ups?

A No, ma'am.

Q And during that particular interview, did Mr. Martin actually make a selection?

A Yes, he did. Yes, he did. Again, almost identical to the first presentation, I advised him, again, I need you to -- the person might be in this photo line-up, they might not be in the photo line-up. And I need you to circle and initial the persons involved, which he did.

Q Now, prior to you showing him the photo line-up, did you ever show him any single photos by themselves?

A No, ma'am.

Q And once you showed the photo line-up to Mr. Martin on June 29th, he made a selection?

A That's correct.

Q Who did he select?

A He selected Mr. DaQuan Crawford as the

person involved in the fighting, which he assisted in breaking up. And he selected Andre Crawford as the person that he actually witnessed shooting him.

Q All right. I hand you now what's been previously marked for identification State's 12 and 13. Please take a moment and tell me if you recognize these items.

MS. LEGETTE: May I approach the witness, Your Honor?

THE COURT: You may.

THE WITNESS: Yes, ma'am.

BY MS. LEGETTE:

Q What are State's 12 and 13?

A Exhibit 12 is the photo line-up where he circled, initialed and dated Mr. DaQuan Crawford and Exhibit No. 13 is where he circled and dated Mr. Andre Crawford.

Q Now, once Mr. Martin identified for you the person who was involved in the fight as being DaQuan and the person who shot him as Andre Crawford, did he ever tell you anything else?

A Yes, the main thing that he mentioned in this particular incident, as he brought it back to memory, he specifically said that while he was breaking up the fight or assisting in breaking up

the fight, all right, he remembered a voice saying, That's wrong what you're doing to my brother. That brought -- that person saying that is what made him look back to see where that voice is coming from. And that's when he said that he identified Mr. Andre Crawford. And upon that person saying, That's wrong what you're doing to my brother and the minute that he actually looked back is when shots was fired.

Q Now, did Mr. Martin ever indicate to you that he had actually seen Andre Crawford before or his brother?

A Yes, he did. He said -- because I asked him, you know, how do you know Andre and his brother? He said, They are regulars, they normally come to the club. He's security at -- I don't know if it's only at Leon's or at clubs throughout the Walterboro area, but he said they were regulars and he was familiar with them.

Q Now, other than the two photo line-ups that you showed Mr. Martin on June 4th and June 29th, did you ever show him any other photographs or line-ups?

A No, ma'am.

MS. LEGETTE: Nothing further, Your Honor. Thank you. May I approach and get the

exhibits?

THE COURT: Yes.

Mr. Walker.

MR. WALKER: Thank you, Your Honor.

CROSS EXAMINATION

BY MR. WALKER:

Q Good morning. I just want to get a few things kind of sorted out time line wise. You say the first time that you went and visited Mr. Martin was on the 28th at the time of the incident, correct?

A That would be correct, yes, sir.

Q But you did not prepare an incident report or a supplemental report or anything like that about that visit?

A No, sir. I never went to the office that night.

Q Okay. So, when you were there, you say that you didn't talk to him, but then you also said he wasn't coherent, so, I'm trying -- what was your interaction with him on that first visit?

A Basically, to see his condition, if I would be in a position to actually talk to him. Upon my seeing him, I could visibly see that he was in no condition to actually have a coherent

conversation.

Q So you never addressed him?

A No. No.

Q You never showed him any photographs?

A No, no, no. I was there for approximately, maybe, 10 minutes, if that.

Q Okay. So you said the next visit was the 28th [sic], he was still at the hospital, he was much better?

A That's correct, yes.

Q And you didn't show him any photographs at that visit?

A No, no. We just basically just spoke about the incident.

Q Did you record that incident?

A No.

Q Any reason why not?

A I didn't have a recorder on me and I wasn't going to use my phone. If I'm not mistaken, that was on the -- let's see. I don't know what date.

Q May 30th?

A May 30th, I can't tell you what day that was, as far as calendar day. But no, to answer your question, it was not recorded.

Q Okay. And then the time you did show him the two line-ups was June the 4th?

A That's correct, yes. That was not recorded, also.

Q Okay. And where was -- where did that take place?

A That took place also in the hospital. That was on a Saturday, yes, sir.

Q So, was it between that June 4th and June 29th you said you visited him at his home?

A That's correct, yes. I can't tell you what date or time it was. It was just one of those things that we normally do as a detective, we just go and visit our victims involved. But I can't tell you what date and time. It was more or less a welfare check to see how he was doing.

Q Did you -- the phone call where he called you and said I remember all of this stuff is preserved. Are you the one that downloaded that or put it in evidence?

A I don't recall -- I can't answer that. I don't recall downloading it and putting it in evidence. I have to ask one of the other detectives that. I don't know whether she did --

Q Do you have any reason why it would have a

July date on it?

A Why it would have a July date on it? I couldn't answer that. I couldn't tell you that, no.

Q So, ultimately, Mr. Martin said that he was certain, very certain that Andre Crawford was the person that shot him, correct?

A Yes, sir, that's correct, yes.

Q But that, in your own words, took about over a month of fuzziness and incomplete statements?

A Yes, sir. Yes, sir.

MR. WALKER: I don't have any further questions.

THE COURT: Anything else, Solicitor?

MS. LEGETTE: No, Your Honor.

THE COURT: Thank you. You may step down.

MS. LEGETTE: That's all that we have, Your Honor, for this hearing.

THE COURT: All right. I'll be glad to hear you on it.

MS. LEGETTE: Your Honor, we submit that we believes the statements were not suggestively given -- or not statements, but the actual photo line-up was not suggestively given to the victim, Mr. Bruce Martin, that they were done under procedures that are

recognized throughout the United States, Your Honor, as being police procedure, that they were not unduly suggestive. That Mr. Wallace did not suggest or influence Mr. Martin's decision to choose anyone in any manner, that he was given the photo line-ups and allowed to make the decision himself. He testified that Mr. Martin was able to actually make a selection and was completely coherent at the time and he also made no hesitation and he was very sure about his selection.

He talked about how his memory came back, it was coming back over a period of time and he was able to indicate that Mr. DaQuan Crawford -- each time, he actually indicated that DaQuan Crawford was the person that he selected as being involved in the fight. He was very certain about that. And he indicated that Mr. Andre Crawford was near the fight in his first photo line-up as well as being the person who shot him in the second photo line-up that he saw on June 29th, 2016.

We would ask the Court to allow the in-court identification of Mr. Martin as well as the out-of-court identification photo

line-up that he selected on June 4th as well as June 29th. And we would ask the Court to find that they are not unduly suggestive, Your Honor. Thank you.

THE COURT: Mr. Walker.

MR. WALKER: Thank you, Your Honor. I think we need to look not so much at procedures of any individual interviewer identification under the Neil V. Biggers factors, but rather really where we end up at the June 29th identification.

So, we've gone from can't identify the shooter to oh, I recognize these two guys as having been there, which my client, of course, has admitted the whole time, along with a lot of other people being there, to June 29th, no, I'm certain that this is the guy that shot me.

And I think that when we look at, you know, the factors, I think what we have to look at, really kind of look at are, you know, the opportunity to view, he was there, he either saw it or he didn't. Two, the degree of attention, I think the statement varies as to what he would say the degree of attention he had. Ultimately, they're saying I was fully

zoomed in on it. Others say, I don't remember, I just kind of saw a gun.

THE COURT: One moment.

MR. WALKER: I think we really hit it with number three, which is accuracy of the prior description. You know, I think that says -- well, the actual description of the person changes is kind of what that factor envisions, but I think it also can be envisioned as accuracy of that person's role. He says, well, that person was just there, you know, a week after the event -- or excuse me, yeah, a little over a week after the event, that person was there, but nothing about he shot me or heard all this stuff. So, that description has changed from the same person, from didn't see anything to oh, that person was there and around, but, you know, I can't say that person shot me or didn't shoot me, to oh, I'm one hundred percent sure now.

So, I think that the prior descriptions are not accurate as far as he's picking out the same person. Well, you know, initially, he's got no ID, then he IDs him as merely being present and then, finally, says, oh, no, that

person is the actual perpetrator.

So, I don't think we have an accurate prior description as to the ultimate identification received to admit, which is that my client is the shooter because those prior descriptions were inaccurate.

Number four, his level of certainty. I think that Your Honor is aware of Neil V. Biggers case, but the science is that level of certainty has absolutely nothing to do with the reliability of a statement of eyewitness testimony. And, you know, I think the changing story of the identification kind of bears that out. So, you know, now that he is 100 percent certain a month later, I don't think that should really bear on -- or overbear the inaccuracies of the prior description.

And again, the length of time between the crime and the confrontation. He's first shown an interview a week later -- and all of this actually presupposes a little bit kind of the uselessness of photo line-ups in this case. We often see oh, I'll show you this photo line-up of somebody you've already said you already know. So it's not pick out this random person

you don't know. He knew Andre Crawford, he had seen him at the club before. They were regulars. You know, he could have said that guy that's at the club all the time shot me.

And so, you know -- again, it reinforces the inaccuracy of his description. You know, it's kind of false scientific process in line-ups -- even if you have a clean line-up where he picked them out the first time, you kind of have a false sense of weight given to a line-up when he already knows the person.

While I would say each individual interview was not necessarily done improperly, certainly, we would say that the collective weight of leading up to a final identification of Mr. Crawford is not reliable scientifically. Of course, I don't have an expert here for this hearing, I will have an identification here on Wednesday, Your Honor, to address some of these factor, if the Court were to admit the identification.

So, we would move that just based on the testimony and the way the identification was obtained that it would be inherently unreliable.

THE COURT: Anything in reply, Solicitor?

MS. LEGETTE: Well, Your Honor, we would actually argue that Mr. Wallace testified -- he never testified that the victim said he actually had no idea. Basically, more or less, his testimony was that he simply did not remember at that time because of the traumatic event, Your Honor.

Additionally, accuracy of his prior description, Your Honor, he was always able to testify or, at least, tell Detective Wallace or indicate to him that DaQuan Crawford was the person who was involved in the fight. As his memory evolved and he was remembering more and more, his statement would indicate even in the first meeting, the first photo line-up on June 4th that Andre Crawford was near to the fight. He also testified he did not release the person's names, but he was always consistent with regards to these two people being somewhere involved in the fight or near the fight.

Your Honor, additionally, the level of certainty, Your Honor, according to Detective Wallace, or former Detective Wallace, the

victim testified or told him, at least, that he had seen these gentlemen numerous times in the past. And he actually turned and he actually was able to see the person who actually said to him, That's wrong what you're doing to my brother, looked at Mr. Crawford and is able to identify him.

And we would ask the Court to deny the Defense motion to not allow the identification in court. We would ask the Court to allow the identification as well as photo line-up into evidence. Thank you.

THE COURT: All right. The Court is going to deny the motion. The Court agrees with the position and argument set forth by the State. I find that the photographs were not unduly suggestive. Therefore, as I said, deny the motion.

MS. LEGETTE: Thank you, Your Honor.

MR. WALKER: The last closing of the solicitor was that she wanted to allow the identification and the introduction of the line-ups. I certainly understand the Court's rulings as to the identification, we would object to the line-ups being introduced. Or

maybe I can do that later. I don't think it automatically falls in the Neil V. Biggers hearing that the line-up is in.

THE COURT: Right. Now, you intend on putting the witness up?

MS. LEGETTE: Yes, Your Honor, we do. I'm sorry, I may be premature in that. Yes, Your Honor, we intend on calling as a witness Mr. Martin himself and putting the line-up in between him and Wallace, yes, sir.

THE COURT: I think the arguments made by defense counsel in this case would go to the weight of it, which, obviously, would be brought to the attention of the jury.

MR. WALKER: We would argue as to the identification, but we would argue the line-ups would be more prejudicial than probative since both the detective and the witness will say I picked him out of the line-up, that we don't actually need to see the line-up. I'm not going to argue that he picked him out of the line-up.

THE COURT: Say that again. You're not going to argue what now?

MR. WALKER: I'm not going to argue that

they picked the wrong person in the line-up or that the line-up themselves were unduly suggestive, therefore, I would say the line-ups are more prejudicial than probative when you have both the officer and, presumably, the victim who will testify that they picked him out of a line-up.

MS. LEGETTE: Your Honor, I would have to disagree, respectfully. Your Honor, Mr. Martin did not know the name of Andre Crawford. I think for a full presentation of the State's case, the officer would have to testify about the photo line-up. The victim did not know their names and he was not able to call their names, so the way that he found out the names was through the photo line-ups themselves. So, not allowing us to put photo line-ups into evidence would simply hinder the State's case, Your Honor. It's necessary for a full presentation of the State's case, Your Honor. The victim will testify he can recognize the exhibit. He recognized the exhibit as well as Detective Wallace recognized the exhibit, Your Honor. So, Mr. Walker's motion, I would respectfully ask you to deny.

MR. WALKER: Just in case there's a misunderstanding, I'm not objecting to mention of the line-up or the line-up procedure or that he was selected from the line-up, I'm just objecting to the actual physical line-up being introduced.

THE COURT: Yeah, I understood. I'm going to deny the motion.

MS. LEGETTE: Thank you, Your Honor.

(Wheruepon, the pre-trial proceedings were concluded.)

In the Court of General Sessions for the
State of South Carolina, County of Walterboro

Case No.: 2016GS1500481+
State of South Carolina,
Plaintiff(s),
vs.
Andre Crawford,
Defendant(s).

Transcript of Record

TRIAL TRANSCRIPT

June 18, 2018 - June 20, 2018
Walterboro, South Carolina

BEFORE:
The Honorable Perry N. Buckner

APPEARANCES

REPRESENTING STATE:

Tameaka Legette, Assistant Solicitor

PO Box 546

Hampton, SC 29924

843-549-2192

REPRESENTING DEFENDANT:

Matthew Lee Walker, 14th Circuit Public Defender

319 North Lucas Street

Walterboro, SC 29488

843-549-1633

THE COURT: Proceed.

MS. LEGETTE: Mr. Walker. Ms. Dovell. Ladies and gentlemen, good morning. This is a case about innocent blood. Innocent blood of Bruce Martin and Jesse Guy shed on May 28th, 2016. Bruce Martin and Jesse Guy worked as security guards at Leon's Club out in Round O here in Colleton County. They worked that night as security guards to protect patrons. And as they worked that night to break up a fight of patrons outside, they were shot by one man, Andre Nicholas Crawford. Bruce Martin survived his gunshot wound. Jesse Guy, did not.

And that's why we're here, ladies and gentlemen, the innocent blood of Bruce Martin and Jesse Guy shed on May 28th, 2016.

Now, ladies and gentlemen, this will be a simple case. Almost in some people's minds, too simple. For this case will be about three pieces of evidence that will testify in this case. One speaking witness, Bruce Martin, and two speaking bullets. The bullet from the body of Jesse Guy will speak and say, he was shot and killed. The bullet from Bruce Martin will speak and say he was shot. Bruce Martin will speak and say he was shot by Andre Nicholas Crawford. And these three witnesses agree in this case.

The case is simple. And this case is about what

you believe because if you believe Bruce Martin, you will find Andre Nicholas Crawford guilty. If you do not believe Bruce Martin, you will set Andre Nicholas Crawford free.

For the crimes on May 28th, 2016, Andre Nicholas Crawford has been charged with the attempted murder of Bruce Martin, the murder of Jesse Guy, possession of a weapon during the attempted murder and the murder, and also obstruction of justice. Because when he was brought in for questioning by police, he did not tell the truth. And that, ladies and gentlemen, is what this case is about, what you believe, a simple case, three speaking pieces of evidence.

When all of the evidence is in, I will come back before you and I will ask you to render a verdict, a verdict of justice, a verdict that says, Andre Nicholas Crawford is guilty of murder, is guilty of attempted murder, is guilty of possession of a weapon during commission of a violent crime, and is guilty of obstruction of justice. Thank you.

MR. WALKER: May it please the Court.

THE COURT: Mr. Walker, proceed.

MR. WALKER: I find myself this morning in a situation I rarely do, agreeing largely with the Solicitor. She pretty much gave my opening statement

for me. We do have some disagreements, obviously. Those will become clear.

I'll start first, the defense believes that the case is about something slightly different. It is not about innocent blood. No one is asserting that Mr. Martin or Mr. Guy deserved to be shot that day. What this case is about is who shot them and can the State prove that beyond a reasonable doubt. Mr. Martin says that it was Andre Crawford. And if you find his statement to be reliable, then you should convict him. But I believe that the evidence will show that you cannot trust that statement.

But this is a serious case and a simple case. Serious because two people were shot and one died. We sympathize with them and their families. When you come to court and you watch TV and movies, this is as serious as it gets, murder charges. It's also serious kind of in another way, we're here in a courtroom. As the judge said, we have centuries of legal tradition into this processes that you are now part of. Every crime, small to large is treated with dignity in the courtroom. Everyone has equal access to the courts and is equal under the law. So, in a sense, the processes itself is serious. It's serious for you.

The judge has spent and will continue to tell you

matters of law to consider. You're going to hear facts that you have to consider and sift and sort through. You ultimately are going to have to remember -- render a decision that you will remember for the rest of your lives. You will remember this, I'm sure, for the rest of your lives, this process that you're participating in. Because it's rare, one to be seated on a jury; and two, certainly, in a murder trial. It's also serious for Andre Crawford. He stands here accused of murder. His good name and liberty are at stake and he's waiting to see what decision you will render.

So, we bring these kind of weighty thoughts to us as we consider the evidence and what you hear. And they are weighting. And I think juries -- and you have an internal sense of that just without even having thought through it before. I'm sure that you will give close attention to the evidence.

But because they're serious, we want to -- we want to, of course, focus on the evidence, but be certainly cognizant of the oath you've taken to consider the facts and apply them to the law and render a verdict in accordance with those instructions. But it's also a very simple case, as the State said.

Now, you heard 35ish potential witnesses called out. How can that be simple if I'm hearing from so

many people? And I think that we might want to worry about missing the forest for the trees when we hear all of this testimony. Now, why do we have all of that testimony? Well, as you heard the judge say, the State has to prove the elements of the crime. The elements are like building blocks or parts to a machine. Every crime has certain elements that the judge will describe to you when he charges you on the law.

The -- and each of those elements of each of those crimes, it's the job of the State to prove to you beyond a reasonable doubt each of those elements. Just like if you were to build a toaster, but leave off the handle, you haven't built a toaster, it's useless. So, the State, as they're building their case, if they don't prove an element, they would not have proven that crime.

So, a lot of these witnesses are here to put the handle on the toaster and put in -- testify about things that really aren't in dispute between us. You know, you might here from the coroner or from the person that conducted the autopsy of Mr. Guy say yes, you know, he was dead and he was killed by a gunshot. These are things that the State has to do foundationally as part of their job and are not really in dispute. So that's why you might hear from all of

these things, but -- that's why you have the number. But it's simple because -- in several ways. First of all, it's simple because -- more simple than it might seem because while, as you heard, there are four charges in this case, I think you can simplify that by thinking of them as two.

The evidence will show that the shooting happened at Club Leon, the late hours of the 28th or early morning hours of the 29th of May 2016. Mr. Martin was shot and survived. Mr. Guy was shot and expired. Out of those events, you have the charge of murder, the charge of attempted murder, the charge of possession of a weapon during the commission of a violent crime, which is exactly what it sounds like. But those are all -- can be considered the same. So, if you were to find guilty on murder, then it would follow and be guilty on attempted murder and possession of a weapon. Not guilty of murder, then it would follow not guilty on the others. So, they can kind of be treated and followed as one issue and the questions that you would have to answer the truth on that issue.

And the other issue is, as the Solicitor said, several days later, Mr. Crawford gave statements to the police which they believed were untrue, I believe specifically about how he left the club that night.

And there would be questions that you would have to answer to deal with that. Two kind of separate issues, separated by several days, but separate questions to answer as you're determining your verdicts.

That could be further simplified by answering three questions. I think that ties in very well with the Solicitor's three pieces of evidence talking to you. As to the obstruction of justice, you're going to have to answer two questions. Did Andre Crawford lie to the police and did that obstruct, hinder the administration of justice? Those are the two questions that you are listening to for that charge. Did he lie to the police to obstruct or hinder their -- the administration of justice?

I'm not going to talk a whole lot about that. It's fairly straightforward. It's certainly not -- we've talked about serious things, our mind immediately goes to murder. And there, you just have to answer the one question. Bruce Martin gave a statement saying Andre Crawford shot him. You have to decide if that is a reliable statement. I believe the evidence will show as you hear it that not only is it not reliable to the point that you can decide beyond a reasonable doubt that it's true, I believe the evidence will show that it's a fact probable that it's not.

Thank you for your attention. Again, my name is Matthew Walker, Helen Dovell is my cocounsel, and is Andre Crawford is our client. Please give your attention to the State's witnesses.

THE COURT: Counsel will approach.

(Off-the-record discussion held.)

THE COURT: All right, Solicitor, call your first witness.

MS. LEGETTE: The State calls Angela Stallings.

THE COURT: Come around and be sworn by the clerk, please.

THE CLERK: Place your left hand on the Bible and raise your right.

Thereupon,

ANGELA STALLINGS

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE CLERK: Have a seat on the witness stand.

THE COURT: State your full name, spell your last for the court reporter.

WITNESS: Angela Stallings, S-T-A-L-L-I-N-G-S.

THE COURT: Your witness, counsel, direct examination.

MR. UTSEY: Thank you, Your Honor.

DIRECT EXAMINATION

DIRECT EXAMINATION OF ANGELA STALLINGS BY MR. UTSEY

BY MR. UTSEY:

Q Ms. Stallings, who do you work for?

A The Colleton County Sheriff's Office.

Q And what is your position with the Colleton County Sheriff's Office?

A I am a lieutenant, and I'm over the 911 dispatch center.

Q How long have you worked for the Colleton County Sheriff's Office?

A This last time, I have been there going on three years.

Q Okay. And have you been a lieutenant during that same time -- during that time period of three years?

A Yes, sir, I have.

Q Okay. Can you tell us a little bit about your prior law enforcement experience before you went to the Sheriff's Office three years ago?

A Yes. In 1998, I first got involved in law enforcement at the Walterboro Police Department as a dispatcher. In 1999, June of 1999, I went to the South Carolina Criminal Justice Academy and graduated in August as a class one law enforcement officer. I continued my career at the Walterboro Police Department till 2001. In August 2001, I went to the Sheriff's Office. I was initially assigned to road patrol. I worked up to

supervisor over a team of the road patrol. And January 2003, I was transferred to the criminal investigations division where I became an investigator. I stayed in that position as a supervisor until 2008. And then, I went back -- I worked for a short period for the Cottageville Police Department part time and went back to the Walterboro Police Department as their community police officer. And then, in 2013, I went to the Solicitor's Office as one of their investigators. And then three years ago, I went back to the Sheriff's Office.

Q Can you tell us some of the duties that you do as a lieutenant over dispatch?

A I oversee the day-to-day operations of dispatch. I'm responsible for the scheduling of all of our teams. We work 24 hours in dispatch. Dispatch never closes. So, no matter what time, day or night, we are there. We operate on a 12-hour shift. I have four separate teams that rotate the shifts during the week. I oversee and assist my training officer with the training that our dispatchers receive. We actually dispatch for seven agencies in Colleton County. We don't just dispatch for the Sheriff's Office, we actually cover seven agencies within our county, the Colleton County Sheriff's Office, Colleton County Fire and Rescue, Walterboro Police Department, Walterboro Fire Department, Edisto Police, Edisto Fire and Cottageville Police

Department.

And as well as overseeing the day-to-day operations, when we are shorthanded, I also work the radio as well, so I do the dispatching as my dispatchers on the teams do. And I also, for case purposes, when we have cases that do go to court, I oversee our case review and obtain the calls and radio traffic when it's needed for the cases.

Q And is every call that is made -- I guess when a person calls 911, is every call that comes into the Sheriff's Office recorded?

A Yes.

Q Okay. And how long are these calls, I guess, kept on record for the Colleton County Sheriff's Office, do you know that?

A They are stored for a three-year period on the recording system itself. And during that three-year period, if it does become part of a case, I actually save it from the recorder for the case file. And is if it gets saved for a case file, as long as that case file is maintained, we have it until that case is resolved. But for the recorder itself, they save for three years.

Q And are you familiar with 911 calls that were made in this case on May 28th, 2016?

A Yes, I am.

Q At our request, did you review these 911 calls?

A Yes, I did.

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

THE COURT: You may.

THE COURT:

BY MR. UTSEY

Q Ms. Stallings, do you recognize what I have handed you?

A Yes, I do.

Q How do you recognize that?

A They have my -- each disc, there's a total of four discs, they all have my initials and date.

Q Okay. Can you explain to us what that is you're holding, I guess, what's on the disc?

A These are the 911 calls that came into our dispatch center for this incident.

Q And at my request, you did listen to the discs, correct?

A Yes, I did.

Q And are they a fair and accurate reflection of the calls that were received on May 28th, 2016?

A Yes, they are.

THE COURT: Counsel, have her delineate by exhibit number and date what each one is since there's four of them. You intend to introduce all four?

MR. UTSEY: Yes, Your Honor.

THE COURT: Would you do that for the jury and the Court?

THE WIINESS: Exhibit No. 1 is a 911 call that was received at 3:28:38 a.m. Exhibit No. 2 is a 911 call that was received at 3:28:43 a.m. Exhibit No. 3 is a 911 call that was received at 3:30:06 a.m. And Exhibit No. 4 is a 911 call that was received at 3:34:57 a.m.

THE COURT: As to -- you are offering them?

MR. UTSEY: Yes, Your Honor, at this time, the State would like to offer.

THE COURT: As to State's Exhibits 1, 2, 3 and 4, counselor?

MR. WALKER: No objection.

THE COURT: Very well.

Ladies and gentlemen of the jury, State's Exhibits Numbers 1, 2, 3, and 4 will be admitted into evidence in the trial of this case without objection.

(Whereupon, State's Exhibit No(s). 1-4 marked for identification and received in evidence.)

THE COURT: You may now publish to the jury.

MR. UTSEY: Thank you, Your Honor. May I approach the witness?

THE COURT: You may.

(Audio disc of 911 call published.)

THE COURT: That was number one, Counsel?

MR. UTSEY: Yes, Your Honor.

THE COURT: Do you intend to publish them in order?

MR. UTSEY: Yes, Your Honor. Now I intend to publish Exhibit No. 2, State's Exhibit No. 2.

THE COURT: Very well.

(Audio disc of 911 call published.)

MR. UTSEY: The State is now publishing what has been marked as State's Exhibit 3, Your Honor.

THE COURT: In evidence without objection.

Proceed.

(Audio disc of 911 call published.)

MR. UTSEY: Your Honor, with the State's permission, the State would like to publish audio disc, State's Exhibit No. 4.

THE COURT: Proceed.

(Audio disc of 911 call published.)

MR. UTSEY: Thank you, Your Honor. The State has no further questions for Lieutenant Stallings.

THE COURT: Give the exhibit to the court reporter.

MR. UTSEY: Yes, sir.

THE COURT: Any cross-examination?

MR. WALKER: No, Your Honor.

THE COURT: As to this witness, Solicitor, may she be excused?

MR. UTSEY: She may be excused, Your Honor.

THE COURT: Any objection, Mr. Walker, to the witness being excused?

MR. WALKER: No, Your Honor.

THE COURT: Ma'am, you may step down. You're excused from the trial of this case. You may leave the courtroom.

THE WITNESS: Thank you.

THE COURT: Call your next witness.

MS. LEGETTE: The State calls Eric Bryan.

THE CLERK: Please come forward and be sworn. Place your left hand on the Bible and raise your right.

Thereupon,

ERIC BRYAN

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE CLERK: Have a seat on the witness stand and state your name for the record, please.

THE COURT: Have a seat. Make yourself comfortable. Pull the chair up and adjust the microphone to your height. I want you to state your full name and spell your last name for the court reporter.

THE WITNESS: Eric Bryan. My last name is spelled B-R-Y-A-N.

THE COURT: Your witness, Counsel, direct examination.

MS. LEGETTE: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. LEGETTE:

Q Mr. Bryan, where are you from?

A I'm from Orangeburg, South Carolina.

Q Now, where are you from originally?

A Round O, South Carolina.

Q What county is Round O, South Carolina?

A Colleton County.

Q And how long have you lived in Orangeburg, South Carolina?

A For 15 years.

Q Okay. And your family, do they own a business?

A Yes.

Q What's the name of that business?

A Bryan's Social Club.

Q Is it also known by another name?

A Leon's.

Q Can you tell us where Leon's is?

A It's located in Round O, 8160 Round O Road, Round O, South Carolina.

Q If you don't mind, would you tell us, if we were to leave the courthouse and go to the Leon's Social Club, how would we travel?

A You would take 17, you would take a right here, then take the next right to the first light. Go down until you get to the third right, that would be 17 going towards Cottageville. And you just -- when you get to Round O Post Office, you make a right there and then continue on to Round O Social Club -- or Leon's Social Club in Round O.

Q Okay. Leon's Social Club, okay. So, what kind of establishment is Leon's Social Club?

A It's a non-profit organization. Basically, it's a club. We do shooting matches sometimes. We have parties, we have DJs. So, it's a place where people come together to mingle and to socialize.

Q Now, when you say shooting matches, does that mean like, I guess -- what does that mean?

A Like, we -- sometimes for the Thanksgiving, we would have like -- outside, we have matches, people shoot, target shoot and just, you know, like who's going to get the prize for shooting the best at a target. It's common in South Carolina. It's something that's generally known for the south. So, it's -- but those are some things that we do just to get people to come out and to socialize and just to feel comfortable and just to mingle.

Q Okay. And so, does Leon's Club also sell any food?

A Yes, we sell food. It's a non-profit organization, so we are certified with the Secretary of State. So, we do have a non-profit organization status. And I handle that part for the club.

Q Okay.

A So, we have to sell food because we do serve drinks.

Q The food that you sell, is it like potato chips or is it like --

A Actually, hot food. Chicken, fries, pork chops, so, it's food that will -- commonplace for a restaurant, I'll put it that way.

Q Okay. Now -- and tell us, you may have already said this, but just so I'm clear, what county is Leon's club located in?

A It's Colleton County, I mean, this county.

Q Okay, thank you. Now, when is Leon's Club typically open?

A Typically, we're opened, Thursday, Fridays, Saturday, and sometimes Sunday for a while.

Q Okay. Now, do you work at Leon's Club? I know you said that you handle parts of the business, but do you work there, also?

A I also work as the doorman, so, basically, when I say the doorman, I'm -- it's not really security because we don't have that many people, but I make sure that we -- that if you're not a member, you can't come inside the club, so I stand at the door. We do have a hallway, basically, a short hallway where one door is where you come in at and then I'm standing there, which the other door would be closed behind me until I allow you to come in.

Q Okay. And so you're the doorman and you are the person who lets people in, but do you also take up the money?

A And I take up the money, yeah. I'm responsible for paying everybody. I have security, I have DJs, I have bartenders. So my responsibility is to make sure that we generate enough money to pay everybody in the club. So, my job is to, basically, make sure that at the end of the night, everybody in the facility will be paid. That's my job.

Q Leon's Club, does it also have -- well, does it have a camera system at Leon's Club?

A We do have a camera system. We have cameras. We have approximately 10 cameras around the perimeter of the facility. We also have cameras inside the facility. However, at the time of this incident, the Sheriff's Department came and, basically, took our hard drive because

there was a prior case and they needed it for evidence. It took them a long time to get it back to us. But after this incident, they did come back and bring the hard drive back.

Now, we do have security -- we have cameras up and functional. At that time, it wasn't functional to be totally honest. And the Sheriff's Department, they're well aware and they know me, but it just wasn't functional because they took it because of a prior case they wanted to review some things on the hard drive and download some information.

Q Okay. So, let's see now, the night of May 28th, 2016, the night of this incident, were you working for Leon's Club that night?

A I was, I was the doorman to get in. My job is to make sure that we maintain safety for all of our customers, all of our members. We do membership, so all of our members do have a membership card when they come in. And so -- because it's a non-profit organization, so we have to abide by that. And that's per the department of revenue requires us to do that as well.

Q Now, is it possible for someone to get in that does not have a membership card?

A No. I'm at the door. It's not possible for someone to get in without having -- being a member. You may not have to have a membership card. If I'm familiar with

you, I know that you are a member, you can come in. We do charge a cover charge at the door as well. Members have to pay that as well.

Q Now, you say that you were the person who's responsible for paying the security guards at the end of the day?

A I am.

Q Did you have security that night?

A I did. I had two security guards.

Q Can you tell us their names?

A Jesse and Martin were my two security guards.

Q Were you familiar with Jesse and Martin.

A Yes, they worked for me for a while. Yes, for a long time.

Q Now, tell us -- you said you worked the door that night. Did anyone else work the door with you?

A No, they didn't work the door with me. But Martin and, also, Jesse, the two security guards, they, you know, rotate and check on me just to make sure that everything is okay. My job is to make sure that I maintain all of the income that's coming in, so the funds that we charge or the cover charge.

And so, my main focus is not to go outside, make sure I stay in that area to make sure that we get the funds in to pay my bartenders, pay my security and pay my

DJ. And sometimes I may make a dollar or two for myself, but, typically, I work for the state. So I don't -- you know, I'm just there to support my family, my parents and my sisters, you know, whoever is there. So, typically, I'm not really worried about making money for myself, but I do want to make sure we get security paid, the DJ paid and the bartenders have to be paid. And sometimes I make a couple of dollars. I mean, it's not -- but that's my role.

Q Okay. So, this particular night, you said that you were in charge of making money. Did you have a good night?

A I did have a good night. I think I made around $1,200, maybe a little bit more. It's been a couple of years now, so -- I, typically, make between 1200 and $1,500 a night.

Q Okay.

A And I, typically, pay security, let's just round it, approximately a hundred dollars for each security guard. The DJ, let's just say $300, and I try to give my bartenders a hundred dollars a piece.

Q All right. Now, are you familiar with Mr. Andre Crawford, the man sitting at counsel table?

A Yes, I'm -- I know -- yes, he's from that neighborhood. Yeah, I know him.

Q Was he one of your members?

A No, he doesn't come in the club. I know he wasn't in the club that night, that particular night. So I know -- I see the faces and I know that he wasn't in the club that night.

Q Now, was he actually on the premises?

A Now, I'm not sure because my role is not to go outside and to patrol the premises because with that kind of money and that responsibility, they really don't allow me. And the security guards will tell you they just don't want me -- because if I take that kind of money outside, something could happen and then nobody gets paid.

Q Now, are you familiar with Mr. Crawford's brother?

A I'm familiar with his brother, but I don't see him. But I do know his brother.

Q Did you see him at the club that night?

A I didn't see him at the club that night. And again -- and I know for a fact that he didn't come in the club. Because, you know, my job is to monitor who's coming in the club. So, I make a -- you know, I'm basically looking like who's coming in. So, I know for a fact that they did not come in the club. Now, I don't go outside the club, but I know they didn't come in the club.

Q Are either one of them members as far as you're aware?

A No, I don't think they're members, no. Typically,

our members are a little older, maybe 25 to 40, and members have to pay, you know. And you know, so I just -- I know for a fact they did not come in the club that particular night. And I think I talked to one of the officers after the incident just to let them know, you know, they did not come in the club.

Q All right. Now, so let's talk about the night of May -- I guess that it was May 27th, going into May 28th?

A Right. May 27th going into May 28th.

Q How long does the club normally stay open?

A Typically, that night -- I try to shut down at 3:00 and sometimes, you know, maybe 2:30. But, typically, at 3:00. Once I generate enough -- you know, make sure I have enough income to pay everybody, I'm trying to shut the club down.

THE COURT: Just a moment. Cut the screen off. It's distracting to the jury. Thank you.

Proceed.

MS. LEGETTE: Thank you, Your Honor.

MS. LEGETTE:

BY MS. LEGETTE

Q Now, you typically close around 3:00 a.m.?

A Yes, ma'am.

Q Let's talk about this particular night. Did you close around 3:00 a.m. or what time was it?

A Yes, it was around 3:00 a.m. I mean, I was shutting down around 3:00 a.m. Sometimes it takes a little while to get everybody out, but typically, I'm taking the money. We have a cash box. And I don't go outside, I wait until they let me know, okay, it's safe to come through the club and go in the back. I take the money in the back and I count it. So, typically, around 3:00 a.m., I'm taking the money from the door. And I don't go outside because, again, it's too dangerous for me to have that kind of money going outside. I would, typically, walk --

THE COURT: Sir, cut the screen off.

MS. LEGETTE: I apologize, Your Honor.

THE COURT: Ladies and gentlemen, until there's something on the screen that's in evidence, you will be asked to look at it. Otherwise, please, pay no attention to it. I want you to listen to the testimony and not look at a distracting screen that's not in evidence in this case.

Proceed.

MS. LEGETTE: Thank you, Your Honor.

BY MS. LEGETTE:

Q So you said you walk through the club taking the money?

A Right. I, typically -- there's two doors. One door is where the customers come in, they see me, I verify

that they are a member, make sure they pay, make sure they get patted down, then they come through the second door. And that's where they pass me to go through the second door. So we have two doors.

So, my job is initially come in the first door, pay, verification, who are you, what's your name, ID, date of birth, that kind of stuff. And then, they will pass me and go in the club once I verify that they can come in the club. And sometimes they can't come in the club and they have to leave.

Q All right. Now, this particular night, did you walk through the club with any money?

A Yes, I did.

Q Did anything unusual happen this particular night?

A When I was walking through the club taking the money to the back, there was a commotion and I saw people leaving out. But I do have the money box, so, I have to secure this money. So -- and they said that somebody was outside --

MR. WALKER: Hearsay.

THE COURT: Yes, sir?

MR. WALKER: Objection. Hearsay, Your Honor.

THE COURT: On what grounds?

MR. WALKER: He was telling what people were telling him.

THE COURT: Don't refer to what someone else said.

That objection is sustained.

Just what you saw yourself and not what someone else said, unless I authorize you to do so.

Ask a question, Counselor.

MS. LEGETTE: Thank you, Your Honor.

MS. LEGETTE:

BY MS. LEGETTE

Q Mr. Bryan, so what did you see when you were taking the money box?

A I saw people leaving out. Because I told the DJ to cut off and I saw people going out the front door, you know, leaving, which is fine. That's what they supposed to do. The DJ was shutting down. So, I took the money box in the back and I started to count the money to make sure that we -- you know, just to see how much money we made. And then I started to -- at that time, security is typically -- once people start leaving, they get -- we also provide them with food, basically, they get their chicken wings. I mean, if you guys know about Leon's, we have probably the best chicken wings in the state. So, they typically start to get their wings, they get sodas, water, whatever they want because that's part of their pay as well. They get complimentary food, drinks, whatever they want. So, they start to get their stuff. And I know for a fact that Martin

got his chicken. I think he already had his chicken, he was about to leave. I know they already had their food. And you know -- see, I can't refer --

THE COURT: Don't refer to what someone else said, just what you saw.

WITNESS: Okay.

WITNESS:

BY MS. LEGETTE

Q Did you hear anything, any noises?

A Once I got to the back, I heard a commotion, so I started to secure the money. I was counting the money. I said, you know, let me put the money up. We got a couple of spots we can put the money where nobody else can get to it and I can go back to it later.

Once that happened, you know, I put the money -- secured the money. I checked for my bartenders, looked at them and made sure everything was okay. And I did hear some noise, so I went to the front -- I went back to where my station is in that little hallway. And then I went outside and that's when I witnessed -- I saw -- initially, I saw Martin in the highway. And you know, I'm -- so I'm thinking like, okay, well, you know, that's -- so you know, what's -- so I went over to him. And you know, I grabbed his hand and so we -- you know, I was like, okay, what's going on, then I realized that he was shot.

And so I said, you know -- you know, people started calling 911, I think I called 911. I sat down. I don't -- I -- my main concern at that time, he's in the highway. And I mean, we have -- I mean, if you're familiar with Round O Road, it's heavy traffic with trucks coming through there a lot. Actually, my home boy drive a tractor truck. So, actually, it's a road where you don't want to be in the highway because it's on a curve. And my main concern is the thing, could we get him off of this highway because I don't know what's coming off this curve. The club is located, basically, on a curve, so it would be hard for somebody to see at night that somebody was just laying on -- in the highway. So, it can -- it could be drastic.

And so, my main concern was to try to -- so I did go to the highway, just to stand up because he's laying down. If I'm standing up, they can see me. And then I realized there was another person there that was also shot, which was Jesse. But it was a commotion, they had females around Jesse and kind of -- it's just so sad.

Q So, you are actually -- you said that you saw Bruce -- or Martin in the highway?

A I saw him in the highway.

Q You say, saw him in the highway, what condition?

A He was laying down flat.

Q All right. Did you do anything to help him? I

know you said --

A Yeah, I did, I went over there. I think I took my shirt off. I ended up with no shirt. I think I had two shirts on. One shirt, I think I tried to put on Martin where he was -- trying to get him stable, you know. He did grab my hand and he held my hand, so I knew he was okay. I said, just hold my hand. I said, I'm standing up. I can't move you. You're bigger than me. I mean, I didn't want to move him anyway. But you know, I just tried to give him some comfort.

But it was a bunch -- some females out there and they started calling -- they called 911, I called 911. I think somebody else -- a bunch of people was calling 911 at that time just to the say that we had, you know, two people that was down. Because, once I did that, I went to Jesse first, but then I witnessed some females around -- I went to Martin first, I'm sorry, but I witnessed some females around Jesse, so I'm looking over there like -- but he was up, he was like laying over a truck. So, he wasn't on the ground. He was --

Q When you say he, who was he?

A Jesse, I'm sorry.

Q That's okay.

A Jesse was up. Martin was on the ground in the highway. Jesse was actually in the parking lot leaning over

a truck. I didn't see him initially because it was -- I think that it was some females around. You know, I heard somebody said something about -- because he was responding. I mean, he was talking. So, I think that he told one of the young ladies to call his daughter or somebody, you know.

MR. WALKER: Objection.

THE COURT: Don't refer to what someone else said.

THE WITNESS: Yes, sir, sorry. I'm sorry.

THE COURT: Sustained.

Ask a question, Counsel.

MS. LEGETTE: Yes, Your Honor.

BY MS. LEGETTE

Q Now, Mr. Bryan, you said that you saw Jesse leaning over a vehicle?

A He was leaning over a vehicle.

Q You also saw Mr. Martin lying in the road?

A And I saw Mr. Martin lying in the road.

Q Okay. You said that you had, you believe, two shirts that you --

A Yes, one shirt, I know that I put on Jesse as well, and that was a bloody shirt. I think we left -- I think the police may have taken it. But you know, it was -- yeah, I just -- I was trying to help them out, like, making sure -- I was thinking -- I thought he was more -- I thought -- I mean -- well, personally, I thought he was in a

better condition than Martin, to be honest. And I say, Martin and Jesse, that's what we always called them. So, that's just, you know.

Q Okay. Now, in a moment, I'm going to hand you what has previously been marked for identification as State's Exhibits No. 5, 6 and 11. I want you to take a moment and tell me if you recognize State's 5, 6 and 11.

MS. LEGETTE: May I approach the witness, Your Honor?

THE COURT: You may.

THE WITNESS: Yep. Uh-huh. (Indicating affirmatively.)

BY MS. LEGETTE:

Q You recognize those?

A Yep.

THE COURT: Just a moment. Did you have a chance to look at all three?

THE WITNESS: Yes.

THE COURT: Refer to the exhibit numbers that are on here when you're referring to it for the record.

THE WITNESS: Okay. Exhibit 11 --

THE COURT: Just a moment.

Ask a question, Counsel.

MS. LEGETTE: Thank you, Your Honor.

MS. LEGETTE:

BY MS. LEGETTE

Q Mr. Bryan, do you recognize State's 5, 6 and 11?

A I do.

Q And Mr. Bryan, what are State's 5, 6 and 11?

A Okay, 11 is Jesse leaning over a car and a young lady is trying to help him. And the cops are also there, as well trying -- waiting for the first responders to respond.

Q Before you go any further, as to No. 6, just tell us briefly what you see in the photograph.

A No. 6 is Martin in the highway and it looks like me as well because I had done took one shirt off already.

Q And No. 5?

A And No. 5, again, is me as well trying to support Martin. He's -- he's a friend. I mean, he worked for me for a long time, so I'm still in the highway making sure that there's no cars because if you could see --

Q Yes, sir, before we go into that --

A Okay.

Q Now, Mr. Bryan, I didn't mean to cut you off. But are State's 5, 6 and 11 a fair and accurate depiction of the scene the morning of May 28th, 2016?

A Certainly, yes.

MS. LEGETTE: Your Honor, I would offer State's 5, 6 and 11 for admission into evidence, please.

MR. WALKER: No objection.

THE COURT: Ladies and gentlemen of the jury, State's Exhibits 5, 6 and 11 will be admitted into evidence in the trial of this case without objection.

5, 6 and 11 is now in evidence. You may publish to the jury, Solicitor.

MS. LEGETTE: May I approach, Your Honor?

THE COURT: You may.

(Whereupon, State's Exhibit No(s). 5, 6, 11 marked for identification and received in evidence.)

BY MR. LEGETTE:

Q Now, Mr. Martin -- sorry, not Mr. Martin, Mr. Bryan, I'm going to, hopefully, in a moment direct your attention to the screen here. And if not, then, we will just go through the photographs as they are, but --

THE COURT: Just a moment. Let counsel come around. Give the witness the photographs if you're going to use the screen, Counsel.

Come around so you can see, either way. You can come back here in the door jam.

MR. WALKER: I can see.

THE COURT: All right.

THE COURT:

BY MS. LEGETTE

Q All right. Now, Mr. Bryan, I direct your attention to the screen behind the jury box.

THE COURT: Identify the documents for the record by exhibit number, Counsel.

THE WITNESS: Exhibit 5.

BY MR. LEGETTE:

Q Exhibit No. 5, Mr. Bryan, thank you. Exhibit No. 5. Will you please tell the jury what we're seeing in Exhibit No. 5?

A I'm looking at Martin, basically, he's still in the highway, still on the road. And I'm just trying to make sure that they -- we have first responders there now and just trying to make sure that they give him the proper support and comfort that he needs. And just to let him know that he can see a face that he recognizes because he don't know these folks. So, that's what it is.

Q All right. Now, I direct your attention to State's No. 11. Now, in State's No. 11, what do we see in State's number 11?

A That's Mr. Jesse leaning over a car. That's where he -- and a young lady is behind him. That's why, I guess, I didn't see him at first. I saw -- I went to Martin first. I didn't see Jesse because she was blocking my way. But when I came out the door, I can visibly see Jesse because he's in the highway.

But we're trying to -- the police officers did arrive. EMS wasn't there yet, I don't think, but the

police officers were trying to render some support to him as well. And, you know, so that's basically it. I was still in the road, probably, with Jesse at the time.

Q Now, Mr. Bryan, I want to direct your attention to the fact that State's -- no, no, no, State's 11 still.

A Okay.

Q As we're looking at State's 11, if you look behind Jesse. So, Jesse is here on State's 11. If you look behind Jesse, behind this car and the officer and the young lady, what are we seeing behind -- what is this building?

A So, that's the club. That's the doorway. Right behind him is the doorway right there. Yeah.

Q If I point right here, that's the doorway?

A That's the doorway.

Q Okay. Is that where you normally would stand?

A Yes, that's where I normally would stand. But a female is standing there now, I think.

Q The female right here on State's 11?

A Yes, because I'm outside with Martin at this time.

Q All right. Now, if we turn your attention back to State's No., I believe, 6?

A Okay.

Q Now, in State's No. 6, please tell us what we're seeing in State's No. 6?

A So, you see me --

DIRECT EXAMINATION OF ERIC BRYAN BY MS. LEGETTE

Q Now, tell us what you're wearing. Are you -- I'm going to point here.

A I'm in the white T-shirt.

Q Is that you as you look at the screen?

A Yes, that's me.

Q That's you, okay.

A That should be, yes. That looks like me. I know it's a distance, but it's me because I didn't leave Martin. I was trying to give him some support, trying to tell him to stay awake, don't go -- you know, don't fall asleep, you know, just focus. We've got help coming for you, just -- you know, but I already took one of my shirts off.

Q Okay. If you continue to look at State's No. 6, I notice that the road curves around?

A Right, it curves around. That's why I was so nervous because I was thinking that a car was going to come around that curve. That's why I was in the road with him. Jesse was over the vehicle, he was in the parking lot. He was out of harms way, to me, at that time.

Q If you look at the photograph and you see Jesse -- if you come back to left of the photograph, of State's No. 6, as you move away from where Martin is, do you also see Jesse in this photograph?

A Yes, I do.

Q Leaning over the vehicle?

A Right, with police officers around, yep.

Q Okay. All right. And now, we didn't talk about it prior to putting State's Nos. 5, 6 and 11 into evidence. But at some point, the first responders arrive on the scene?

A They had.

Q Okay. And as you can see them in, I guess, the photographs of 5, 6 and 11. At some point, were the security guards, Mr. Martin and Mr. Jesse, were they loaded into the ambulance and taken away?

A They were. They were.

Q Did you ever speak to the police that night?

A I talked to two of the officers just to, you know, say -- to make sure they get help. They are security here. You know, they didn't go into detail. I think they -- there was a lot of people out there, so they probably didn't get a chance to really talk to me as much. But I also had, the DJ, the disc jockey, whatever, was there as well wanting to get paid. I'm the only person that paid any money out. I don't allow anybody to pay any money out except for me. Just to make sure -- you know, to make sure that it's consistent and, you know, make sure that they get the appropriate fee.

Q Okay.

A And so, I had to handle -- get that straightened out, so that took a while. But anyway, yeah, they didn't

really talk to me as much, but I do know they did talk to a lot -- there was a couple of people out there, so they talked to other folks, but they didn't talk to me as much.

Q Okay.

MS. LEGETTE: Beg the Court's indulgence.

(Pause.)

MS. LEGETTE: Mr. Bryan, I don't have any further questions. Please answer any questions from Mr. Matt -- from Mr. Walker.

THE COURT: Cross-examination.

MR. WALKER: Thank you, Your Honor.

CROSS EXAMINATION

BY MR. WALKER:

Q Good morning.

A Good morning.

Q I want to talk first a little bit about the club that you run that Ms. Legette went over with you. That building that we saw in the photos --

MR. WALKER: Actually, can I retrieve those exhibits from the witness, Your Honor?

THE COURT: You may approach.

THE COURT:

BY MR. WALKER

Q The building we saw in State's Exhibit No. 11 is the club, correct?

A Yes, sir.

Q Does the club occupy the entire building?

A Yes. Basically, the club is from that photo back beyond -- we do have a bar, which has a petition, similar to this. And -- but beyond that, there's the kitchen. But yes, it's all a part of the club.

Q Do you operate a liquor store out of that same building?

A Yes, but it's not the same address. But there is a liquor store to the left, but it closes at 7:00, opens at 9:00.

Q But it's in that same structure?

A It's in the same structure, but it's totally separate because it has a separate door, a separate infrastructure, so a separate facility. Which the door, also, is totally separate. So you can't get to the liquor store from the club, totally separate.

Q Okay. You said that your job is to man the door and verify that members only are coming in, correct?

A Yes.

Q And then you also charge a cover charge?

A I do.

Q What do you charge for cover?

A Typically, if it is before 11:00, I charge five. Any time after 11:00, I charge 10. We don't go above 10

unless there's a special event or if we have like a DJ from the radio station or something and they want to charge a little bit more, we may do that. But, typically, we just charge five dollars on an average night.

Q You said that this was about an average night for y'all?

A Yes. We did have a DJ from the radio station, but it was an average night. We, typically, do around 12, 1200 to 1500.

Q Let me stop you. I think that you told Ms. Legette that you had a good night that night?

A Yes, we had a good night. We had a good night. Average night, good night, yeah.

Q Okay. Now, you did not hear any gunshots, correct?

A No, because -- I didn't hear it because I was in the back trying to get the money situated.

Q And this is a cinder block building, so it has thick walls?

A Right, it has thick walls. It's a cinder block building.

Q So the fight, shooting, all of that had happened before you came outside and saw what was going on?

A Right. So, when I left the door, basically -- this is my interpretation. I don't know if I can give my

interpretation.

THE COURT: As long as it's what you observed.

BY MR. WALKER:

Q I just asked if it was over when you got out there?

A Right, it was over when I got out there, yeah, yeah.

Q And then it didn't start --

A Before I left the door, I know that for a fact. Because I left the door and I would never leave the door if something was going on.

Q So you came out and saw Mr. Martin lying in the road, you testified?

A That's right.

Q And you said you tried to treat his injury?

A Yes, I went to grab his hand to see if I -- like, I wasn't sure exactly what was going on and then I realized you know, like, okay, I see blood on him, he's shot. I grabbed his hand and I stayed with him the whole time until EMS. And we started, you know, calling, calling, and calling.

Q And you were talking to him?

A Yes, I talked to him the whole time telling him to stay awake.

Q He was talking back to you?

A He was talking back to me.

MR. WALKER: That's all I have, Your Honor.

THE COURT: Give the exhibits to the court reporter.

MR. WALKER: Yes, sir.

THE COURT: Redirect?

MS. LEGETTE: None, Your Honor.

THE COURT: As to this witness?

MS. LEGETTE: We ask that he be excused, please.

THE COURT: Any objection, Mr. Walker?

MR. WALKER: No objection.

THE COURT: All right, Mr. Bryan, you may step down from the witness stand and you're excused from the trial of the case. You can leave to courtroom.

THE WITNESS: Thank you.

THE COURT: All right, ladies and gentlemen, I'm going to take a mid-morning break here this morning and let you stretch your legs and use the restroom. Please do not discuss the case. You've not heard all of the evidence in the case. I'll be back with you as soon as the bailiffs tell me everyone has had a chance to use the restroom and take a break. Thank you very much. You may retire to your jury room.

Everyone else remain seated while the jury is leaving.

(The jury exits the courtroom at 10:58 a.m.)

THE COURT: Counsel approach.

(Off-the-record discussion held.)

THE COURT: We'll take 10 minutes.

(Short break.)

THE COURT: State ready to proceed?

MS. LEGETTE: Yes, Your Honor.

THE COURT: Defendant ready to proceed?

MR. WALKER: Yes, Your Honor.

THE COURT: Bring us the jury, please.

Are you satisfied about the exhibits now, Mr. Walker?

MR. WALKER: Yes, sir.

(The jury enters the courtroom.)

THE COURT: Ladies and gentlemen of the jury, we will now continue with testimony in the trial of this case.

Call your next witness, Solicitor.

MR. UTSEY: The State calls Jackie Lawson.

THE COURT: Jackie Lawson.

Thereupon,

JACKIE LAWSON

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE CLERK: Please have a seat on the witness

stand. State your name for the record.

THE COURT: Good morning, Mr. Lawson.

THE WITNESS: Morning, Your Honor.

THE COURT: How are you?

THE WITNESS: Very good, sir.

THE COURT: Pull the microphone over to you. Pull the chair up. State your full name and spell your last for the court reporter.

THE WITNESS: Jackie Lynn Lawson, L-A-W-S-O-N.

THE COURT: Your witness, Counsel. Direct examination.

MR. UTSEY: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. UTSEY:

Q Mr. Lawson, who do you work for?

A I am employed with the Colleton County Sheriff's Department as a sergeant supervisor over team three.

Q And what are some of your duties as a sergeant for the Colleton County Sheriff's Office?

A I supervise three other officers that are on my team. I also respond to calls. I check reports. I follow behind the troops to make sure that reports that contain evidence is correct, in addition to our normal duties of checking properties.

Q And were you a sergeant with the Colleton County

Sheriff's Office on May 28th of 2016?

A Yes, sir, I was.

Q And can you tell me -- actually, were you working that morning on May 28th of 2016?

A Yes, I was on duty, and I was dispatched to the shooting scene. I was the first officer on the scene at Club Leon or Leon's Club.

Q And where is Leon's Club located?

A It is -- I think that it's 5160 Round O Road, Colleton County, South Carolina.

Q And what did you see when you arrived at Leon's Club that night -- that morning?

A There was a very large crowd. When I arrived, there was a gentleman, who we later identified as Mr. Martin, laying on his stomach in the middle of the road. The club, as described earlier, is on a curve. I pulled my Tahoe patrol vehicle and activated my blue lights so Mr. Martin would not get run over and approached. The crowd was encroaching on Mr. Martin. There was a lot of yelling, a lot of noise. I asked them to step back and called for a medic unit at that point.

Q Did you -- after you asked the crowd to step back, did you go up to Mr. Martin?

A Yes, I spoke with Mr. Martin. I also -- Deputy Frankie Thompson was on scene with me. He arrived shortly

afterwards. He went and spoke and stood by with Mr. Guy, who was laid across the rear of a -- I think that it was Mitsubishi Mirage, silver in color. There was a female standing behind Mr. Guy. He was slipping off the trunk and she was trying to support him where he would stay in one place on the trunk.

Q Did you give Mr. Martin any medical attention at that time?

A I didn't perform any First Aid. However, I looked to see where his wounds were. It appeared that -- I couldn't tell if it was an entry or an exit, but he had a gunshot wound to one of his arms. He was complaining his chest was hurting. I advised him that the medics were on the way, asked him to stay still because if the blood traveled, it could cause excessive bleeding and make things worse. I also advised him that he needed to get angry because if you get angry after something like that, you are less likely to go into shock. I know firsthand, I have been shot. And he -- he did a good job, he fought and held on for us.

Q Did you -- after sitting with Mr. Martin, did you try to speak to anyone in the crowd that was surround -- that was there?

A I asked pretty much everybody within earshot, did anyone see anything and no one came forward, no one said

they saw anything, which is not really uncommon for that particular club. So -- also, Officer Eubanks, Deputy Eubanks was on scene with us. And I have probably the best camera in my patrol vehicle, I have a Canon SLR digital camera. Eubanks started initially taking pictures using my camera. Once the medic units arrived and began performing First Aid on the victims, I got the camera and having been around for -- well, I've been employed since 1979 with two different agencies, highway patrol and Sheriff's Department, I started taking pictures of everyone in the crowd to try to establish potential witnesses and/or potential suspects in the crowd.

MR. UTSEY: Your Honor, may I approach the witness?

THE COURT: You may. Use the exhibit number.

THE WITNESS: Yes, Your Honor.

MR. UTSEY: Your Honor, I have handed Sergeant Lawson what has been premarked by the State as State's Exhibit 10, 12, 13, 14, 15, and 16.

MR. UTSEY:

BY MR. UTSEY

Q Sergeant Lawson, can you take a moment for me and just go through every picture that I've handed you and tell me if you recognize them. And please state the exhibit number that you're looking at for the record and let us know

if you recognize it.

A Yes, sir. State's Exhibit No. 10, that is going to be an accurate representation of the location where Mr. Guy was. It's a -- I believe I said trunk initially. He was actually on the hood of the vehicle. There's a young lady in a red dress kind of supporting him because he -- he was slipping off the hood. I did get a chance to take a quick look at him with everything going on. He had one -- what appeared to be one gunshot wound to the center of the back, to the right of the spine. And I believe that is Officer Eubanks -- in fact, that is Officer Eubanks who is in the picture, State's Exhibit No. 10.

Q Thank you, Sergeant Lawson. Can you briefly go through 12, 13, 14, 15 and 16 and tell me if you recognize those?

A Yes, sir, State's Exhibit No. 12. That is Mr. Guy. The picture shows the gunshot wound to his back. He's still laying across the hood of the car. State's Exhibit No. 13 is Mr. Martin. He is laying in the roadway, paramedics are cutting his clothes off to determine exactly where he had been shot and -- or further injured.

State's Exhibit No. 14 is a picture that is showing the club, Leon's Club. On the left -- on the left side of the club is Bryan's Package Shop. And it shows the curve in the highway. Mr. Martin is actually up in front of

the patrol vehicles here, and it shows how the curve is. It does not display Mr. Martin in that picture.

State's Exhibit No. 15 is from the opposite side in the curve, facing towards club -- Leon's Club. And it is further demonstrating the curve. Leon's Club, there's parking, there was vehicles in front of it. There's also parking on the left side of the building. There's parking to the right side and back of the building. And there's a wooden partition this photo shows and vehicles parked in back of that.

And State's Exhibit No. 16 is another angle from the Jacksonboro side facing towards Round O Road -- excuse me, Cottageville Highway. That's -- the clothing in the highway was a shirt that was on Mr. Martin. The medics had loaded him into the ambulance and the shirt was still on scene. There are some cars that are parked on the side. The vehicle that Mr. Guy was laid across is right in front of the club backed in. It's the silver Mitsubishi.

Q And Sergeant Lawson, are all of these -- are State's Exhibits 10, 12, 13, 14, 15, and 16 an accurate reflection of the scene that you arrived to in the early morning hours of May 28th of 2016?

A Yes, it is.

MR. UTSEY: Your Honor, at this time, the State would move to put State's Exhibit 10, 12, 13, 14, 15,

and 16 into evidence.

MR. WALKER: No objection.

THE COURT: Ladies and gentlemen of the jury, State's Exhibit Nos. 10, 12, 13, 14, 15, and 16 will be admitted into evidence in the trial of this case without objection.

You may now publish to the jury.

MR. UTSEY: Thank you, Your Honor. May I approach the witness?

THE COURT: You may.

(Whereupon, State's Exhibit No(s). 10, 12-16 marked for identification and received in evidence.)

MR. UTSEY: May I approach the witness to give him the pictures if he wants to look at them?

THE COURT: You may.

MR. UTSEY: Thank you, Your Honor.

(Photos published to the jury.)

BY MR. UTSEY

Q Okay. Sergeant Lawson, can you briefly explain to me Exhibit 10?

A Exhibit 10 is Mr. Guy, the victim who died as a result of this incident. He's laid across the hood of a silver Mitsubishi, which I believe that was his car. The young lady in the pinkish-red dress was trying to support him on the back of the hood because he was sliding off. The

officer standing by there was Jason Eubanks.

Q And Sergeant Lawson, is that -- is that Leon's Club on the left behind the car?

A Yes. There's somewhat a dark imagine on the photo here, but the screen shows it a little better. That is Leon's Club back behind the vehicle.

Q Sergeant Lawson, can you please tell me about State's Exhibit 12?

A State's Exhibit 12 is Mr. Guy. It shows -- I took this picture, it shows the gunshot wound to his back, which was slightly to the right of the spine about approximately midway in the back.

Q And was Mr. Guy still alive at this point?

A At that point, he was. I did ask him if he saw anything or if he could tell me anything and he said he could not.

Q Sergeant Lawson, can you tell me about State's Exhibit 13, please?

A State's Exhibit 13 is Mr. Martin. He's laying in the highway. That is where the paramedics had arrived on scene. He had a black T-shirt on. They're cutting the black T-shirt off of him. He has what appeared to be a gunshot wound when they rolled him over on the left arm, left shoulder, however, once they started performing First Aid, I got out of the way because I knew he was hurting

really bad.

Q Okay. Sergeant Lawson, right before the medics got there, you testified that you had been sitting with Mr. Martin telling him to be strong and get mad?

A Yes. Get angry to prevent him from going into shock.

Q Sergeant Lawson, can you please explain State's Exhibit 14?

A State's Exhibit 14 is Round O Road in front of Leon's Club. This is from the angle coming from Cottageville Highway, which would be going east. If you continued east, you would be going to Jacksonboro Road. Leon's Club is on the left. And it's showing different people standing around in front of the club and a couple of people in the edge of the roadway.

Q Okay. Sergeant Lawson, can you tell me where Jesse Guy would be and Bruce Martin would be in this picture?

A The utility pole that has the street light that is illuminated, that pole was right beside Mr. Guy's car. And Mr. Guy would be on -- on the front of the car. There's a gentleman, actually -- I think that's a gentleman. There's someone in a red shirt and some sort of blue pants with red sneakers. The car right behind him, that is Mr. Guy's car. That's where we found Mr. Guy. Mr. Martin, he is obscured.

The Tahoe, which is in the very front of the police vehicles, that is my patrol vehicle.

Q Sergeant Lawson, could you please tell us about State's Exhibit 15?

A State's Exhibit 15 is another angle of the club. This would be from the Jacksonboro Road side facing toward Cottageville Highway. That would be traveling west. Club Leon is the building on the right. The utility pole with the street light is right in front of the club. That's where Mr. Guy's vehicle was parked. It's obscured with a vehicle that is parked on the shoulder, a dark-colored vehicle with people standing around it.

Q Sergeant Lawson, can you tell me what this is in the road right here?

A That is the black T-shirt that Mr. Martin had on him. The earlier photos showed them cutting the T-shirt off of him. That is Mr. Martin's T-shirt.

Q Thank you, sir. Sergeant Lawson, can you please tell me about State's Exhibit 16?

A Sixteen is the same angle, except I'm closer to the club. The clothing in the roadway is the black T-shirt Mr. Martin had on. The building on the right with people standing at the doorway, that's the primary entrance to the Leon's Club. There is a little short hallway that is no more than about four feet here. Also, there's a rear door

to Club Leon's that goes into the bar and kitchen area. And vehicles are parked around. There's parking all the way around the building, actually.

Q Okay. So, what happened -- when Bruce Martin was taken to the hospital along with Jesse Guy, what else did you do in your investigation with this?

A I secured the crime scene. Investigations sent multiple investigators out to the scene. Once investigators arrived on the scene, we continued to try to preserve any evidence and keep people out of the actual crime scene. And once I was relieved by an investigator, they took over the crime scene and we returned to normal patrol.

MR. UTSEY: May I have the Court's indulgence, Your Honor?

(Pause.)

MR. UTSEY: I have no further question, Your Honor.

Please answer any questions Mr. Walker may have.

THE COURT: Cross-examination?

MR. WALKER: Thank you, Your Honor.

CROSS EXAMINATION

BY MR. WALKER:

Q Good morning.

A Good morning, sir.

Q The photos that you just described were not all of

the photos that you took that night, correct?

A I took quite a few photos, I don't recall the exact number. We have a victim's file that we load our photos up into after a crime scene and everything that I had on my camera was loaded up into the victim's file. My battery was about to die on my Canon camera, and I took as many photos as I could. Once investigations arrived, they took their own photos, too.

Q You mentioned just now in your testimony that you were specifically taking photos of the crowd?

A Yes.

Q Can you tell us why you did that?

A I've been an officer almost 40 years. When you have people that are uncooperative and don't want to come forward, you try to document them being there. They could be a potential witness or they could be a potential suspect. And I took pictures of the crowd. Quite a few people turned away so I couldn't take their picture, but I kept taking pictures until I got everybody that I could.

Q You said that you were the first one there, right?

A Yes, sir.

Q And you parked, backed the crowd away and then went to Mr. Martin, correct?

A Yes. The crowd was encroaching on Mr. Martin, they were yelling at him, get up, get up. You know,

depending on where you're wounded, if you start moving around, you might do more damage with the bullet. So I got them back out of the way and told him to stay still, we had an ambulance coming.

Q You testified that you were talking to him, telling him to get angry, attempting to meet his needs in that way?

A Yes.

Q Did you ask him who shot him?

A He -- I asked him. Actually, I asked both individuals if they could tell me who shot them. At that time, neither one of them could give me an answer as to who shot them.

Q You wrote an incident report about your actions in this matter, correct?

A Yes.

Q And you report in there, as you say, that Martin could not tell me who shot either one of them, correct?

A Correct.

Q But you had gone even further because you write that he couldn't even give you a description of anybody?

A Correct. Mr. Martin was severely hurt at that point and I was afraid he was going into shock at that point.

Q But you were talking to him?

A Yes.

Q And he was talking back?

A Yes.

MR. WALKER: I don't have any further questions.

THE COURT: Redirect?

MR. UTSEY: Yes, Your Honor, very briefly.

REDIRECT EXAMINATION

BY MR. UTSEY:

Q Sergeant Lawson, had Bruce Martin or Jesse Guy had any type of medical, serious medical attention when you asked them who had shot them and asked them questions about the investigation?

A The paramedics had not arrived at that point. It was probably less than 10 minutes from the point we arrived until the paramedics and medic units arrived on scene. And I'm just guesstimating as far as that goes. I don't have the exact time on the medic units as to when they arrived. However, neither one had been treated medically at that point, so they were both in pretty bad shape.

MR. UTSEY: I have no further questions, Your Honor.

THE COURT: Recross, limited to redirect?

MR. WALKER: Nothing further, Your Honor.

THE COURT: As to this witness, Counselor?

MR. UTSEY: May Sergeant Lawson be excused, Your

Honor?

THE COURT: Any objection?

MR. WALKER: No objection.

THE COURT: Mr. Lawson, you may step down and leave my exhibits with me. You're excused from the trial of the case. You can just hand them to Mona. Watch your step for me, Jack.

Call your next witness.

MR. UTSEY: The State calls Frankie Thompson.

THE COURT: Come around and be sworn, Deputy.

THE CLERK: Place your left hand on the Bible and raise your right.

Thereupon,

FRANKIE THOMPSON

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE CLERK: Take the witness stand and state your name for the record.

THE COURT: Have a seat. Make yourself at home. Adjust the microphone. State your full name, spell your last name for the court reporter.

THE WITNESS: Frankie Thompson, last name, T-H-O-M-P-S-O-N.

THE COURT: Your witness, Counselor.

MR. UTSEY: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. UTSEY:

Q Mr. Thompson, who do you work for?

A I work for the Cottageville Police Department at this time.

Q Who did you work for back on May 28th, 2016?

A Colleton County Sheriff's Office.

Q How long have you worked for the Colleton County Sheriff's Office?

A I think about three months at that time.

Q When did you switch over to the Cottageville Police Department?

A About three months ago.

Q Okay. What was your position when you worked for the Colleton County Sheriff's Office on May 28th, 2016?

A I was a deputy on patrol.

Q What were some of your duties as a deputy?

A To answer calls, check reports, serve citizens.

Q Were you working in the early morning hours of May 28th, 2016?

A I was.

Q Can you explain what happened that night or that morning?

A We received a call about a shooting at Leon's Club on Round O Road. And at that time, we was dispatched. We

responded and I was the second one on the scene, after Sergeant Lawson.

Q What did you do when you arrived on scene?

A Sergeant Lawson pulled up, I pulled up behind him. He immediately went to the gentleman in the roadway. I observed the other victim leaning across the vehicle. I immediately went to that victim.

Q And who -- and do you know the name of that victim laying on the vehicle?

A What is it? I'm sorry, I didn't ask the name. Sorry. I'm sorry. What's the name? Guy, I'm sorry. sorry about that.

Q Did you provide Mr. Guy any medical attention?

A No, sir, I just spoke with him. There was a lady sitting there talking to him and trying to help him stay up on the vehicle. I asked him where he was shot. They pulled up the shirt. I seen the shot in the back. At that time, I also observed he had a Glock 40, I think it was, on his side, along with a taser. I actually secured both of them weapons. I told him I was going to secure them. I actually secured them weapons at that time.

Q Where was the taser when you found the taser?

A I think it was on his side, if I can remember.

Q Okay. So, what did you do with the taser and the Glock 40 whenever you secured it?

A I secured it in the trunk of my vehicle until detectives arrived, then I turned it over to them.

Q Could you tell from the taser if it had been activated?

A I don't think that the taser had been activated or the weapon, or the Glock.

Q Did you speak to the crowd?

A I spoke to the crowd. No results from them. Nobody seen anything.

Q Okay. No one was willing to talk to you?

A Pretty much.

Q Did you -- did you clear the area along with fire and rescue that morning?

A Yes, we cleared the area so fire and rescue could respond.

Q Okay. When did you actually leave the scene?

A We left the scene after the investigators cleared us. We went back to regular patrol.

MR. UTSEY: May I have the Court's indulgence, Your Honor?

(Pause.)

MR. UTSEY: I have no further questions, Your Honor.

Please answer any questions Mr. Walker may have.

CROSS EXAMINATION

CROSS EXAMINATION OF FRANKIE THOMPSON BY MR. WALKER

BY MR. WALKER:

Q Good morning.

A Good morning.

Q You said that you secured a gun and a taser that Mr. Guy had on him. What do you mean by secured?

A I mean secured by taking it from his person and placing it in the trunk of my vehicle.

Q And you testified after that, you gave those items to detectives?

A That's correct.

Q Can you describe the taser?

A If I remember, it was black in color. If I can remember, it's been a while, so.

Q You carry a taser as part of your duties, correct?

A Yes.

Q So, was the taser that you secured like the kind that you carry?

A No, sir, I don't think it was.

Q Can you describe how it was different?

A It's been a while. I don't remember exactly what it looked like.

Q The taser that you carry functions similar like a pistol, you can fire projectiles, correct?

A Correct.

Q The taser that you secured, did it have that

capability?

A I don't think so.

Q Would it be -- could it also be described as a stun gun, where you have to press it to the someone?

A I would say so.

Q Is there a way to tell if that has been used or not?

A No, sir.

Q Because the one that you have, when you use it, there's little wires hanging out --

A I can tell -- correct.

Q But the contact kind, there's no way to determine whether it's been used?

A Not unless it's on me.

MR. WALKER: Thank you. I don't have any further questions.

THE COURT: Redirect?

MR. UTSEY: I have no further questions, Your Honor.

THE COURT: As to this witness?

MR. UTSEY: May Mr. Thompson be excused?

THE COURT: Any objection?

MR. WALKER: No objection.

THE COURT: You may step down, Mr. Thompson. You're excused from the trial of this case.

Call your next witness.

MS. LEGETTE: Charles Moyer.

THE CLERK: Place your left hand on the Bible and raise your right.

Thereupon,

CHARLES MOYER

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE CLERK: Please have a seat. State your name for the record.

THE COURT: Good morning. Have a seat, make yourself comfortable. Pull the chair up, adjust the microphone. State your name and spell your last name for the record.

THE WITNESS: Charles Moyer, M-O-Y-E-R.

THE COURT: Your witness, Counsel.

MS. LEGETTE: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. LEGETTE:

Q Good morning, Mr. Moyer.

A Good morning.

Q Sir, where do you work?

A Colleton County Fire and Rescue.

Q What are your duties at Colleton County Fire and Rescue?

A I am an engineer EMT, fire fighter.

Q Okay. What does that mean?

A I can work either a fire truck or a medic unit as needed. We are dually certified.

Q Okay. How long have you been, I guess, an emergency medical technician, EMT?

A Since 1996.

Q Can you tell us about your training, education, and experience as it relates to being an EMT?

A On the EMT, EMT, it's an entry level. You can go in knowing nothing about medical and when you're done and you've gone through their course, you have a basic understanding and can function as an EMT in the State of South Carolina.

Q Okay. And how many levels are there of an EMS personnel?

A There are three. EMT basic, which is what I am, an intermediate EMT, and a paramedic EMT.

Q What's the difference?

A A basic can really do only basic things, administer airway and assist the paramedic in his duties.

Q And what is the highest rank?

A Paramedic.

Q Now, were you working for the Colleton County Fire and Rescue on or about May 28th, 2016?

A I was.

Q Let's talk about that morning, do you recall that morning?

A Yes, I do.

Q Were you on duty that morning?

A I was on duty, that's correct.

Q Did you get dispatched or called out to a scene over in Round O?

A I did.

Q Can you tell us about what you found when you arrived on scene at Round O Road?

A When I arrived on scene with my partner on Round O Road, there was a gentleman laying in the roadway with someone standing next to him. I was driving the ambulance, pulled around very slowly around that patient and parked between, I think it was a deputy's car and the patient. We noticed that -- we were told on the way there were two patients there. My partner and I discussed on the way there kind of what we were going to do. I saw a patient leaning on the hood or trunk of a car. I told my partner I would go to him and my partner went to the gentleman in the road.

Q Okay. You mentioned your partner, who was your partner that morning?

A Frank Ptacin.

Q What was Frank's, I guess, role on the truck?

A Frank is a paramedic. He's the lead on the truck.

Q So you indicated that you went to the patient lying on the vehicle and Frank went to the other patient?

A That's correct.

Q What did you find when you went to the other patient, the patient lying on the vehicle?

A I went to the other patient, asked him what kind of wounds he might have. He told me he thought he was shot. There was a female, as previously said, standing next to him, kind of holding him up. He was going into shock, but he was able to confirm with me that he had been shot. I asked him if he knew how many times, he said one as far as he knew. And I stayed with him until another medic truck arrived on scene. We had dispatched two medic trucks for two patients.

Q When you were with the patient lying over the vehicle, did he express any concerns to you?

A Yes, he did. He told me that -- I said, you know, how are you doing? You know, what's hurting? He said, I've been shot, I know that. He said, My concern is with my partner on the ground. I'll be okay, go take care of him.

Q During this period of time, where was Frank?

A Frank was with my partner -- or Frank, my partner, was with the other patient.

Q All right. So, at some point, did you go back to

other patient with Frank or did you remain with the patient who was lying on the vehicle?

A Once the other medic unit arrived, they took over the patient I was originally with and I went with Frank to the other patient, the one that was on the ground.

Q Were you able to render assistance to the patient you were with originally that was lying on the vehicle?

A Just did a real quick outside assessment -- outside of the body assessment without cutting any clothes. I had see some blood on his back kind of while I was -- I was helping support him, so I would kind of -- the term we use is palpate, which means touch to see if we could find anything, across his shoulders and down his arms. That's pretty much where I went in that particular case.

Q What did he appear to have as far as you could tell from your outside assessment?

A It just looked like a possible gunshot wound to the back.

Q Now, as it relates to the other patient who was lying in the roadway, once the other medic arrived, you went back to help or assist with Frank?

A That's correct.

Q What did you notice when you were assisting with Frank with that patient in the roadway?

A By then, Frank had already done a quick

assessment, was in the processes of starting to remove his clothes. As kind of weird as it seems, we can't fix what we can't see. So I know that Frank was starting to cut his clothes off. I got a few other things ready, long spine board, stretcher, things that we're going to need to get him moved successfully to the back of our truck.

MS. LEGETTE: Beg the Court's indulgence.

(Pause.)

BY MS. LEGETTE:

Q So, as you were preparing to get him in the back of the truck, did you ever physically get him in the truck, the patient in the roadway?

A Yes, we did. We rolled him over, put him on the long spine board, which is that long stiff board that nobody likes to ride on. Secured him to that, put him on the stretcher and then moved him into the back of the truck.

Q Okay. I move now to what is marked for identification as State's No. 7. Take a moment and tell me if you recognize State's No. 7.

MS. LEGETTE: May I approach the witness?

THE COURT: You may.

THE COURT:

BY MS. LEGETTE

Q You recognize State's 7?

A I do.

Q What is State's 7?

A State's 7 is -- my back is to the camera. Frank, my partner, his back -- or he is facing the camera. We are at that time securing our patient to the stretcher so we can move him into the ambulance to start more care.

Q Okay. And is State's Exhibit No. 7 a fair and accurate reflection of the scene the morning of May 28th, 2016, when you were working on the patient?

A It is.

MS. LEGETTE: At this time, Your Honor, I would offer State's Exhibit 7 for admission into evidence?

THE COURT: As to State's Exhibit 7, Counselor?

MR. WALKER: No objection.

THE COURT: Ladies and gentlemen of the jury, State's Exhibit No. 7 will be admitted into evidence in the trial of this case without objection.

You may publish to the jury, Counselor.

MS. LEGETTE: Thank you, Your Honor.

(Whereupon, State's Exhibit No(s). 7 marked for identification and received in evidence.)

BY MS. LEGETTE

Q Now, I will direct your attention to your photograph as well as to the screen behind the jury box, whichever you prefer to look at. What are we seeing in State's No. 7?

A I am the person to the right with my back to the camera. My partner, Frank, is the one facing the camera to the left. We are, at this point in time, securing the victim to the stretcher so we can put him in our medic unit.

Q All right. Thank you. And once you got the victim into the medic unit, where did you go? You said that you were the driver, though, right?

A That's correct.

Q Where did you take him?

A Once we got him in medic unit, I did not drive the unit, I stayed in back to assist my paramedic with patient care.

Q So, at some point, did you arrive at the hospital?

A We did. We went to Trident Medical Center in Summerville.

Q Once you got him to Trident Medical Center, did you have any other involvement with this case?

A Once we transferred patient care to the doctor, that was the end of what we had to do.

Q Once you transferred patient care, you left the hospital, you left the scene pretty much?

A Yes, probably, within 30 minutes. We still have some paperwork and signatures we have to get.

Q All right.

MS. LEGETTE: Thank you, I have no further

questions.

THE COURT: Cross-examination?

MR. WALKER: Thank you, Your Honor.

CROSS EXAMINATION

BY MR. WALKER:

Q Good afternoon.

A Good afternoon.

Q Let me clarify, you drove the ambulance there, but rode in the back on the way to the hospital?

A That's correct. I drove from our station in Cottageville to the scene, and then drove from the scene to Trident Medical Center in the back of the truck assisting with patient care.

Q On your way to the scene, did you notice anything about traffic?

A Yes, sir.

Q What was that?

A A lot of -- we came from Cottageville, turned on Round O Road to Club Leon's, which meant we were heading towards the Jacksonboro side of that road. There were probably, at least, 12 to 15 cars passing us at a very high rate of speed going the opposite direction we were going.

Q Now, when you interacted with Mr. Martin initially outside the ambulance, he was conscious, correct?

A Correct.

Q And talking to you guys?

A Correct.

Q Conscious and alert?

A Yes, sir.

Q And then as you were moving into the ambulance and treating him on the way to the hospital, did his condition improve or deteriorate?

A We have three classifications, improved, remained the same or worsened. I would say it kind of stayed the same.

Q You prepare an ambulance record of every call out that you do, correct?

A We do.

Q Noting important events?

A Yes.

Q Do you have a copy of that with you?

A I do.

Q I refer you to Page 4 of that record?

A Okay.

Q About halfway down on that date at 3:50, it says, oxygen and it has CM. Is that you, CM?

A That's correct.

Q Can you, in your notes there, tell me about what you said about patient's condition at that time?

A Would that be at the 4:20 time, sir?

Q 3:50 time. That's your note at 3:50, correct?
A Okay, I'm sorry, wrong page. Yes, sir. Okay.
Q Can you just tell us what you said at the time about the patient's condition?
A Patient's condition was improved.
Q Did you ever ask him anything about who shot him or anything like that?
A No, sir, not my job.
Q I didn't think so, I was just going to check.
A No, sir. No.
Q On Page 5 of your report, down at the bottom, you give an indication of the patient's mental status. Can you tell us what you wrote there?
A Page 5 at the bottom?
Q Page 5, patient assessment at destination. There's a grid and one of those grids is mental status?
A Normal.
Q And then, next to that, what is his neurological status?
A Normal.
Q What -- neurological has to do with the brain, correct?
A Correct.
MR. WALKER: I don't have any further questions.
THE COURT: Redirect?

MS. LEGETTE: Nothing further, Your Honor.

THE COURT: As to the witness?

MS. LEGETTE: May he be excused, Your Honor?

MR. WALKER: No objection.

THE COURT: Mr. Moyer, you may step down. You're excused from the trial of this case. Take your report, leave all my exhibits.

THE WITNESS: Yes, sir.

THE COURT: Thank you very much. You're excused from the trial.

Call your next witness.

MS. LEGETTE: The State calls Frank Ptacin.

THE CLERK: Place your left hand on the Bible and raise your right.

Thereupon,

FRANK PTACIN

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE CLERK: Have a seat on the witness stand. State your name for the record.

THE COURT: Good morning or good afternoon, as the case may be. Make yourself comfortable. Adjust that microphone. State your full name and spell your last name for the court reporter.

THE WITNESS: Frank Ptacin, P-T-A-C-I-N.

CROSS EXAMINATION OF CHARLES MOYER BY MR. WALKER

THE COURT: Your witness, Counsel. Direct examination.

MS. LEGETTE: Thank you, Your Honor,

DIRECT EXAMINATION

BY MS. LEGETTE:

Q Good morning -- or good afternoon, Mr. Ptacin.

A Morning.

Q Mr. Ptacin, where do you work?

A Colleton County Fire and Rescue.

Q And how long have you worked for the Colleton County Fire and Rescue?

A I've been there just about three years.

Q What are your current duties at the Colleton County Fire and Rescue?

A Current duties as a fire and rescue paramedic, we will ride either truck. We can respond and perform any duty, whether it be fire, medical, technical rescue, hazmat, or whatever it may be.

Q How long have you been a paramedic?

A Been a paramedic since 2003.

Q 2003?

A Yes, ma'am.

Q We heard Mr. Moyer testify earlier about the education and training that it takes to become an EMT or paramedic. So, as a paramedic, what are you allowed to do

that an EMT basic or EMT intermediate cannot do?

A As a paramedic, I'm able to read and interpret cardiac rhythms, administer several drugs from paralytics to sedatives to pain management, perform advanced airway procedures, you know, various -- you know, just technical skills, we're able to perform those.

Q But you can perform life-saving skills?

A We do.

Q And the paramedic -- who is the top person on the truck?

A The paramedic is.

Q Now, you've been a paramedic since 2003. How many patients during that period of time would you say you've treated?

A Thousands of patients.

Q Any for gunshot wounds?

A Yes, ma'am.

Q Now, were you working for Colleton County Fire and Rescue on or about, May 28th, 2016?

A Yes, ma'am.

Q Were you on call or on duty that particular morning?

A Yes, ma'am.

Q Did you receive a call to go to any location in Colleton County that day?

A Yes.

Q Where did you go?

A We went to Club Leon on Round O Road.

Q Who went with you?

A Firefighter Chuck Moyer, who was my partner that night. He was driving and I was in the passenger seat.

Q And what did you find when you arrived?

A When we arrived, we pulled up. We saw Mr. Martin, he was laying in the road. We were heading towards him. Firefighter Moyer proceeded around him slowly, put a position on the backside of Mr. Martin. I remember seeing a few enforcement vehicles, a crowd to the left of the parking lot of Club Leon, and there was a crowd around a car. And that is when we figured out that was our second victim. The first victim in the roadway, second victim on the car. And that would have been Jesse. And Chuck went to go check on him. It was kind of a mind set of Jesse was standing and Mr. Martin was laying in the roadway. Honestly, when we pulled up, it did not look good at all.

Q For which one, Mr. Martin or --

A For Mr. Martin, he looked worse.

Q He looked worse?

A Yes, ma'am.

Q What exactly did you notice about Mr. Martin that made him look worse?

A As we were pulling up, I remember the headlights and the flashing lights. I could see his eyes staring off, kind of glazed over. And, obviously, it's kind of like what we call a death stare. It's what you see before people die. And that's what he looked like. We saw a pool of blood around him. And just a little bit of blood out on the street equals a lot of blood. So we thought he had some massive blood loss going on.

Q As a result of what you observed when you arrived and saw Mr. Martin in that state, what did you do?

A At the time, I decided as a paramedic to go to Mr. Martin. Chuck went to Jesse. I did a quick assessment on Mr. Martin to try to find out what his injuries were and just how bad they were. At that time, Firefighter Moyer came up to me, Chuck, and I asked him, What's the status of that patient? He said, He seems to be okay right now. He's standing up, he's talking, he's conscious and alert. And at the time, Mr. Martin seemed to be in a worse condition. He was going into shock. And it was, you know, my decision to treat Mr. Martin first and let the second medic unit handle Jesse.

Q Now, shock, what does shock mean? Because I've heard the word used and I don't really know.

A Shock means the body is not transporting oxygen correctly. So, what will happen is with injuries like

Martin, he's shot in the core, everything just starts shutting down extremity-wise. And keeping everything in the core, keeping it healthy, that's where all the organs are, just got to keep them alive. Plenty of blood, plenty of oxygen. And he was in shock at that time, which that means that his body was kind of starting to go into a state that's trying to help itself and recover, you know, trying to heal itself.

Q So, in other words, you're saying that the blood, I guess, airflow begins to shut down on the extremities and other parts of the body?

A It does, it starts to shut down.

Q So, when you assessed Mr. Martin, were you able to assess any wounds or injuries that he had?

A I noticed he had two holes, one in the arm and one in the right chest, and it's actually the mid-axillary chest. And I looked and I saw that we said, let's get him on a cot, let's get in a medic unit where we have a lot more control of the situation.

Q Now, did you notice anything else about Mr. Martin before you put him into the ambulance?

A Not that I recall. I do remember something else that was kind of weird. When we pulled up, there were not many people around him. It seemed to be there was a bigger crowd around Jesse. And, actually, I was thinking maybe he

is possibly deceased, but he was not. I remember that. But I don't recall anything else that really stood out.

Q Okay. So, once you got Mr. Martin into the ambulance, what kind of medical care did you provide to him?

A Due to the state, he was conscious and alert, so that was a good thing. Then we started kind of basic skills with airway to make sure he didn't have any wounds to his neck, putting oxygen on him and then IVs to make sure we replace that blood he lost with fluid to, you know, keep the organs going. We, also, did a lot of monitoring of certain vital signs to make sure that what we were doing was helping, and it was. By the time we got to the hospital, he was in a much better state.

Q All right. So, what hospital did you take him to?

A We took him to Trident Medical Center.

Q And once you arrived at Trident Medical Center, did you remain with Mr. Martin or did you clear out?

A I remained with Mr. Martin for a few minutes while I gave him to the trauma team. I handed his personal belonging to a head nurse and she secured them. And then we left the medical center.

Q Now, Mr. Ptacin, I'll hand you momentarily what's been previously marked for identification as State's No. 17. Take a moment and tell me if you recognize State's 17.

MS. LEGETTE: May I approach the witness?

THE COURT: Yes.

THE COURT:

BY MS. LEGETTE

Q Do you recognize State's No. 17?

A Yes, ma'am, I do.

Q What is State's Exhibit No. 17?

A State's Exhibit 17 is a picture of myself facing the camera. At that time, I'm getting, it looks like, supplies out. The arm on the left side of the picture is one of the other fire and rescue personnel, probably doing an assessment on that side of Martin.

Q Is State's 17 a fair and accurate reflection of the scene as it looked on the morning of May 28th, 2016?

A Yes, ma'am, it is.

MS. LEGETTE: At this time, Your Honor, I would offer State's 17 for admission into evidence?

THE COURT: As to State's 17?

MR. WALKER: No objection.

THE COURT: Ladies and gentlemen of the jury, State's Exhibit No. 17 will be admitted into evidence in the trial of this case without objection.

State's 17 in evidence.

You may publish.

(Whereupon, State's Exhibit No(s). 17 marked for identification and received in evidence.)

BY MS. LEGETTE

Q Mr. Ptacin, just briefly before we go to State's 17. State's No. 7 is in front of you on the witness stand. Take a moment and tell me if you recognize State's No. 7?

A Yes, ma'am, I recognize State's 7.

Q And what is State's No. 7?

A State's No. 7 is when we are loading Mr. Martin on the cot, we're securing him down. Firefighter Moyer with his back to the camera and me facing the camera.

Q Is State's No. 7, also, a fair and accurate reflection of the scene that morning of May 28th, 2016?

A It is.

Q Thank you.

MS. LEGETTE: At this time, Your Honor, we would like to publish State's No. 17.

THE COURT: You may publish State's 17. It is in evidence without objection.

(State's Exhibit No. 17 is published to the jury.)

BY MS. LEGETTE

Q All right, as to the State's No. 17, Mr. Ptacin, you can look at your photograph in front of you or on the television screen here behind the jury box. What are we seeing in State's Exhibit No. 17?

A Ma'am, what we're seeing there is myself facing

the camera getting supplies out. You can see the red wire, green wire, white wire, those are the leads for the heart monitor that we had on Martin. And on the left side of the picture is one of the other fire and rescue personnel that was assisting me.

Q Okay. And State's No. 7, if we could turn to State's No. 7 now. State's No. 7, what are we seeing?

A State's No. 7 is myself and a Firefighter Moyer securing Martin to the cot.

Q Okay. And once you turned Mr. Martin over to the Trident Medical Center crew, what else did you do in this case?

A After that, turned over his belongings to the nurse. Then we left the trauma center and went back and focused on writing the report. With the reports, he could see something I didn't see and I could see something he didn't see. And, you know, we may have a little different interpretation and mine was a little to give a better, whole general picture, you know, one complete report.

Q So, as it relates to the report, how does your observation differ from what Charles Moyer may have observed?

A Charles Moyer, I think he said earlier that he thought that his condition remained the same, where I thought that he vastly improved. The reason I thought that

is because -- and Firefighter Moyer may not have seen this part because it's my job to monitor this part. The vital signs greatly improved. So that's why I marked on my report his condition had improved overall and -- yes, overall condition improved, from vitals to his demeanor and consciousness.

Q Okay. Anything else that you noticed about the report?

A No, ma'am.

MS. LEGETTE: Thank you, Mr. Ptacin. I have no further questions. Please answer questions from the defense.

THE WITNESS: Yes, ma'am.

THE COURT: Cross-examination?

MR. WALKER: Thank you, Your Honor.

CROSS EXAMINATION

BY MR. WALKER:

Q Good afternoon, Mr. Ptacin.

A Good afternoon.

Q Mr. Martin was conscious and alert when you first encountered him, correct?

A Yes.

Q And remained so throughout your care?

A He did.

Q And you said he had vastly improved by the time he

left your care?

A He did.

Q I know it's probably not your job either, but did you ask him who shot him?

A No, sir.

Q And he made no statements to you about who shot him or description or anything like that?

A He did not, no, sir.

MR. WALKER: No further questions.

THE COURT: Redirect?

MS. LEGETTE: No, Your Honor.

THE COURT: As to this witness?

MS. LEGETTE: We ask that he be excused.

THE COURT: You may step down. Leave my exhibits and take your report. You're excused from the trial of this case.

Call your next witness.

MS. LEGETTE: Zach Huber.

THE CLERK: Place your left hand on the Bible and raise your right.

Thereupon,

ZACH HUBER

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE CLERK: Please have a seat on the witness

stand. State your name for the record.

THE COURT: Watch the stairs for me. Have a seat and make yourself comfortable.

THE WITNESS: Yes, sir.

THE COURT: Pull that microphone to your height. State your full name and spell your last name for the court reporter.

THE WITNESS: Zachary Huber, H-U-B-E-R.

THE COURT: Speak up now, Mr. Huber, so everybody on the jury can hear you.

THE WITNESS: Yes, sir.

THE COURT: Your witness, Counsel. Direct examination.

MS. LEGETTE: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. LEGETTE:

Q Mr. Huber, where do you work?

A Currently, at Berkeley County EMS.

Q How long have you worked for Berkeley County EMS?

A Since the beginning of February.

Q Where did you previously work?

A Colleton County Fire and Rescue.

Q And how long did you work for Colleton County Fire and Rescue?

A Seven and a half years.

Q During the period of time that you worked for the Colleton County Fire and Rescue, what was your title? What did you do?

A I was a firefighter paramedic, the same as Mr. Ptacin stated earlier. We responded to ALS, BLS, any medical calls, rescue calls. We are subject to being on ambulance or fire truck.

Q Now, you said ALS, BLS, what are those?

A Advanced life support and basic life support, so we responded to either one.

Q Okay. How long have you been a paramedic?

A Since 2007.

Q Okay. Were you -- okay, were you working for the Colleton County Fire and Rescue May 28th, 2016?

A Yes, ma'am.

Q Were you on call that particular day?

A I was.

Q Did you respond to a call for assistance on Round O Road?

A I did.

Q What did you find when you arrived?

A When I arrived, Firefighter Moyer was standing there with Mr. Guy, basically, giving us a handover from what he had found, apparently, so far. We noticed that he had GSW to the middle back.

Q What is GSW?

A Gunshot wound.

Q Okay.

A To the middle of his back. And at that time, he was still leaning over the vehicle that -- I guess that he was in the pictures with. And he was alert and oriented at that time, but you could tell that he was starting to decline. He continuously complained of having difficulty breathing.

Q Okay. So, as a result of his continuous decline and his complaints about having trouble breathing, what did you do as a paramedic?

A We moved him to our stretcher and put an inclusive dressing over his wound so that -- we secure it on three sides so it'll trap air in, but -- or let air out, but not let air in through that wound, so it goes around the lungs. Once we did that, we moved him to the back of the truck, started all of our cardiac monitoring, checking his vitals, which were -- his vitals were okay, but once we started doing further treatments, they started to decline.

We, at that time, figured that he was going into severe shock. We started our IVs and IO, which IO is -- just goes straight to the bone, it does the same thing as an IV. And about that point, we listened to the lung sounds. He was diminished on the right side, so we thought

at that time he probably had a pneumothorax. Once we --

Q What is that?

A That's where the air is trapped around the lung and it's, basically, crushing the lung. And once we -- we tried needle decompression, this is where we take the long needle to stick it in between second and third -- midclavicular line to relieve the trapped air that's coming out of the chest -- or that's surrounding that lung.

Once we did that, we noticed that blood was also coming, bubbling out around it, so the possibility of what we call a hemopneumothorax, which is blood and air that is crushing up around the lung. So, at that point, he continuously stated that he couldn't breath, started to become extremely agitated. And at that point, we decided it was probably best to go ahead and sedate him and intubate him.

Once we did that, we started in route to Trident Medical Center, urgent. That's lights and sirens. And on the way, his vitals continuously started to decline. So, at that point, we kind of figured that he was having internal bleeding that we were unable to control. We're very limited to what we can see inside the body, so we have to rely on clinical signs outside of the body via vitals to know what's going on with our patient.

Q So, at this point, apparently, he is declining?

A Yes.

Q As a result of this, what did you begin doing?

A We started giving him fluids to try to replace the blood that he was losing. Once we decided that, you know, his -- his blood pressures weren't getting any better, that's another clinical indication that he was probably bleeding internally. And then, at that point, was -- we had called to Trident to let them know we had a trauma alert and gave them our end codes as to what we were en route to their hospital with.

Once we gave that report, his blood pressure wasn't getting any better, he finally ended up coding, so he went into cardiac arrest. We lost all pulses and we began ACLS protocols, which is advanced cardiac life support protocols, chest compressions, giving him medications trying to restart his heart without the use of electricity, just due to the fact that his -- what rhythm he was showing on the monitor wasn't for electrical therapy, only medication therapy. And we called back to Trident and told them that we had a cardiac arrest, that we would be there in, I think it was about 10 or 15 minutes.

Q So you arrived at Trident Medical Center?

A Yes, ma'am.

Q What did you do when you arrived at Trident Medical Center?

A We handed over our patient to Dr. Dutton and his trauma team and we explained to him everything that we had done so far. And with the use of the medications that we had used, we just had to get, you know, signatures and things of that sort before we clear out from the hospital.

Q All right. And then, did you clear out from the hospital?

A Yes, ma'am.

MS. LEGETTE: Thank you, I have no further questions. Answer any questions from Mr. Walker.

MR. WALKER: No questions, Your Honor.

THE COURT: As to this witness, Counsel?

MS. LEGETTE: We ask that he be excused, Your Honor?

THE COURT: Very well. Any objection?

MR. WALKER: No, sir.

THE COURT: You're excused from the trial of this case. You may leave to courtroom. Thank you very much.

Call your next witness.

MS. LEGETTE: Dr. William Dutton.

THE COURT: Come around and be sworn by the clerk of court.

THE CLERK: Place your left hand on the Bible and raise your right.

Thereupon,

WILLIAM DUTTON, MD

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE CLERK: Please have a seat on the witness stand. State your name for the record.

THE COURT: Watch the stairs for me. Step up for me. Have a seat and make yourself comfortable in that chair. Pull it up and adjust the microphone to amplify your voice. State your full name, spell your last name for the court reporter.

THE WITNESS: William David O'Brien Dutton, D-U-T-T-O-N.

THE COURT: Your witness, Counsel. Direct examination.

MS. LEGETTE: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. LEGETTE:

Q Good afternoon, Dr. Dutton.

A Good afternoon.

Q Dr. Dutton, where do you work currently?

A Trident Medical Center.

Q And what are your duties or your occupation at Trident Medical Center.

A I am the director of trauma and I am a trauma

surgeon.

Q How long have you been the director of trauma at Trident Medical Center?

A Two years.

Q How long have you been a trauma surgeon?

A I finished fellowship in 2010.

Q Okay. And can you tell us about -- are you a licensed medical doctor in South Carolina?

A I am.

Q And you said that you're a trauma surgeon. Can you tell us, what is trauma?

A A trauma surgeon is a general surgeon who has additional credentials in surgical critical care. In my case, that meant a two-year fellowship at Vanderbilt University.

Q Okay. So, tell us about your training and -- I suppose, your education, training and professional experience as it relates to being a trauma surgeon?

A Well, I completed five years of general surgery residency, became licensed and boarded in general surgery. Following that, I personally spent a year at Twentynine Palms, I was in the Navy at the time, functioning as a general surgeon and taking trauma call. And following that, I went to Vanderbilt and did two years residency, first year, surgical critical care. And after completing that,

boarded in surgical critical care and then did a following year as a junior attending in trauma and general surgery and critical care.

Q Now, is there a significant difference between a trauma surgeon and general ER doctor?

A Yes.

Q Okay. Can you tell us the difference, please?

A Emergency room physician is medicine based, they're not procedurally based. Trauma surgeons are procedurally based. Like I said, we are trained in general surgery, perform surgery in the neck, in the chest, in the abdomen, pelvis, sometimes in the extremities.

Q And during your career as a trauma surgeon, have you had occasion to treat patients who have experienced gunshot wounds or blunt trauma?

A Yes, ma'am.

Q Can you tell us the amount of patients or a rough estimate?

A A rough estimate, somewhere around 3,000.

MS. LEGETTE: At this time, Your Honor, I would offer Dr. William Dutton as an expert in the field of trauma and emergency medical care?

THE COURT: Any objection as to qualifications?

MR. WALKER: None, Your Honor.

THE COURT: Ladies and gentlemen of the jury,

you're about to hear the testimony of a witness who has or claims to have special knowledge, skill, experience, training, or experience in the field of trauma surgery care.

Normally, the law does not permit witnesses to get on the witness stand and testify to opinions or conclusions. An exception to this rule is for those witnesses whom we call expert witnesses who claim to be trained or skilled or educated in an area. They, if qualified by the Court, are permitted to give their opinion as an expert in the matters in which they claim to be so skilled.

In determining the weight to be given such opinion, you should consider the qualifications and credibility or believability of the expert and reasons given for his opinion. You are not bound by such opinion. You give it the weight, if any, you deem it should be entitled.

The witness is qualified without objection. You may proceed.

MS. LEGETTE: Thank you, Your Honor.

BY MS. LEGETTE:

Q Dr. Dutton, were you working for the Trident Medical Center on or about May 28th, 2016?

A Yes, I was. I was on call.

Q You were on call. Now, did you have occasion to see patients, Bruce Martin or Jesse Guy on that particular day?

A I did. I saw both Bruce Martin and Jesse Guy.

Q Can you tell us -- as it relates to Bruce Martin, can you tell us about his condition when you saw Bruce Martin?

A Mr. Martin had a gunshot wound through his shoulder into his chest, suspected trajectory was top down. The bullet passed through his chest, through his diaphragm and into his liver. He came in, first, was in critical condition, was taken urgently to the OR.

Q And you said he was in critical condition. Without emergency medical care or trauma surgery, would he have died?

A Yes, quite possible.

Q Did you actually -- once you assessed him, did you actually treat him?

A Yes, I did.

Q What was your treatment plan, or what did you do to treat him?

A He had a tube placed for drainage in his chest. He underwent abdominal surgery, which his liver and his diaphragm were repaired. There was significant blood in his belly, that was drained. He underwent blood resuscitation

and was transported to the ICU following that for follow-up care.

Q Now, you indicated earlier that the gunshot wound went across his chest and went into his -- I guess, past his diaphragm and into his liver?

A Yes, ma'am.

Q What is the -- or have you noticed the typical result with these type of injuries?

A Not a lot of typical things in trauma.

Q Okay. Well, are these wounds typically fatal or possibly fatal?

A Certainly, if they're not treated, they can be fatal.

Q Was there anything significant about Mr. Martin's wounds as it relates to how the gunshot cut across his body?

A Yes. Well, whenever there's a -- we call it transthoracic wound, it goes from one side of the chest to the other side of the chest. It's very difficult not to go through the heart or the major vessels. Typically, a gunshot wound through the heart or through the major vessels is fatal in a relatively short period of time.

Q But in Mr. Martin's case, it cut behind his heart?

A That's correct.

Q Okay. Now, while you were treating Mr. Martin, did anything significant occur while he was being treated?

A During his hospitalization?

Q Well, yes, during his hospitalization, yes, sir?

A Yes. So, Mr. Martin, during his hospitalization, on several occasions became significantly bradycardic and his heart slowed down and he lost his pulse and he required immediate resuscitation, required ACLS protocol, had chest compressions, medications given to stimulate his heart. Essentially, resuscitated and brought back to life.

Q Did that happen on more than one occasion during his medical stay?

A As I remember, it happened every night, every night that I was on. So it happened more than once, yes, ma'am.

Q Now, as it relates to Mr. Martin, based on your being an expert in the trauma care, was Mr. Martin -- he had -- he suffered trauma from this wound?

A Yes, both physical and psychological.

Q How does trauma affect you psychologically?

A Psychologically. It's multi-faceted in both physical and psychological. Psychologically, it can cause hyperacute memories of certain events. In some individuals, it can cause loss of memory. It can cause difficulty with short term memory as well as difficulty translating short term memory into long term memory. There's high incidents of post traumatic stress syndrome in trauma patients in

which they have a spectrum. A number of different psychological issues depending upon the individual.

Q And as it relates to -- I want to turn your attention now to Mr. Jesse Guy. You treated him as well?

A We did.

Q Can you tell us about your encounter, when you first encountered Mr. Guy?

A Yes. So, Mr. Guy was brought in, he had a trauma monitor, I think it was trauma alpha. He, according to the EMS, EMS said that Mr. Guy insisted that Mr. Martin be taken, transported first. And he was -- at the scene, he was standing up and, essentially, holding his own. Prior to EMS arriving at our facility, Mr. Guy had lost his pulse and he was essentially -- the heart was moving, but there was no blood pressure. There was no pulse that you could detect.

In those sort of situations with penetrating wounds, it's possible to limit the blood to the upper body. You do this by putting a clamp across the aorta within the chest. This allows for profusion of the brain, to keep to brain alive because if the brain dies, the patient dies.

In order to do that, his chest was opened. We placed a clamp across his aorta. There was no bleeding on the side of the chest that we opened, because the aorta is on the left side, that's the side that we opened. We continued that opening across the chest, which is called a

clam shell, essentially, where you cross the sternum into the right chest. This gives you better visualization of the heart, the major vessels, all of which are central, as well as access into the right side of the chest.

His right side of the chest was full of blood. There was a hole in the diaphragm, which is the muscular dome overlying the liver. The liver is in the abdominal cavity. And he was, essentially, bleeding out through his liver into his chest. We were unable to the resuscitate Mr. Guy.

Q After you were unable to resuscitate Mr. Guy, what did you do? Did you pronounce him deceased or did you continue to work on him?

A Yes. Well, we provide blood, blood products. You're trying to fill the heart. Keep the brain infused. We opened up his pericardium, that's the sac surrounding the heart. We compressed the heart manually to create an artificial pulse to drive blood into the brain. And then, we also, defibrillated the heart, which is a biological stimulation directly to the heart, in an attempt to get the heart to start beating or have a normal movement on its own. None of these attempts were successful. And once you've attempted this sort of resuscitation for about 10 minutes to 15 minutes, you don't, in most patients, get any meaningful recovery. The brain doesn't tend to work even if they come

back for a short period of time. They eventually die. So his resuscitation was discontinued.

Q Once his resuscitation was discontinued, did you pronounce him deceased?

A Yes.

Q Once he was pronounced deceased, I suppose he was then taken to, I guess, the morgue in your facility?

A Yes.

MS. LEGETTE: Beg the Court's indulgence.

(Pause.)

MS. LEGETTE: Judge, I have no further questions. Please answer questions from the Defense. Thank you.

THE COURT: Cross-examination?

CROSS EXAMINATION

BY MR. WALKER:

Q Good afternoon, Doctor.

A Good afternoon.

Q I would like you to walk us through kind of the stages of Mr. Martin's treatment. I'll start with when the ambulance arrived, they arrived in the emergency room; is that correct?

A That's correct.

Q And that's where you first encountered Mr. Martin?

A Yes. So, we have an alert system when an

ambulance, an EMS is in bound, we get a notification indicating a level of injury. The level of injury that we respond to as a trauma team, level ones and level twos. Mr. Martin, being penetrating injury to the thorax, meaning the chest, would have been a level one.

Q And then his treatment required surgery, so is that done in ER or is he moved to surgery?

A Certain aspects of it can be done in the ER, but they are moved to surgery.

Q And that's to address the immediate trauma?

A So, the resuscitation in the trauma bay, so there are -- you know, at our facility, there are two separate bays that are designed specifically for trauma, may include the placement of essential lines, tubes in the chest to drain of blood, emergency airways, whether surgical or oral, meaning intratracheal, studies they get, blood drawn there send for studies. They get a chest x-ray, pelvis film. I think that Mr -- I don't remember exactly, I'd have to refer to the notes. But I think in Mr. Martin's case, he had a chest film, pelvis film and belly film, which is my practice. When a patient has been shot, I need to know the trajectory of the bullet prior to surgery. If they have a blood pressure that is amenable to taking him for further studies, they will go to CT scan and get a CT image, which gives us much better clarity on what organs are injured. So

yes, they do go to surgery, but I think what you're getting at, no, it's not they show up and go to surgery. It takes some time.

Q When Mr. Martin went from ER into surgery, maybe had some scans done at that point, once you addressed your immediate concerns and performed the surgery, where does the patient go?

A In Mr. Martin's case, he remained on mechanical ventilation. I don't remember exactly whether he had medicines to support his blood pressure, but he probably did, and he would have gone to ICU at that time.

Q What is ICU?

A ICU is intensive care unit. Nurses with a higher level of skill taking care of more intensive patients. In our ICU, we have a pharmacist on duty. It's the place where the hospital has their resources concentrated, whether it's respiratory therapy, pharmacy, nursing, whatever.

Q Do you recall how long Mr. Martin stayed in ICU, roughly?

A I don't recall exactly. Roughly, it was around two weeks.

Q And from there, would he go PACU or med surg?

A Yeah, so PACU is post anesthesia care, that's after surgery. So, any time he went to surgery, he would have gone to PACU for a brief period of the time. Following

the discharge from ICU, he went to med surg, which is a med surgical ward.

Q What happens on medical surgical?

A We continue the process of care that was initially began. So, for each individual patient, that can be different. For some patients, it's increasing their physical therapy. For most of my patients, it's increasing physical therapy or occupational therapy, making sure that they're able to transition from IV medications to oral medications, making sure that their pain is controlled, their diet progresses, those sort of issues.

Q Do you recall how long Mr. Martin was in med surg?

A I don't.

Q You continued to treat him? Through all of these stages, you were his attending physician?

A Well, I'm the director of trauma. I have -- including myself, we have a five-member team. And we are a true group practice, in that we turn over to each other, we're intimately involved with each other's patients and involve all patients.

Q Okay. So, you followed his case throughout, you didn't hand him off to another doctor?

A I did not transfer his service away from trauma, no.

Q And at the med surg stage -- there are different

levels of criticality at each stage, correct?

A That's correct.

Q And we've been going from most critical to the least critical?

A That is correct.

Q And then, is there a level below med surg or is that usually --

A I don't have a level below med surgery, but there are outpatient services that provide rehab, rehabilitation.

Q But at the hospital, a person is discharged out of med surg from the hospital?

A Yes.

Q Now, you testified that Mr. Martin had a number of cardiac events where you had to, I guess, resuscitate him. You said that was every night you were working. Was that throughout every level or are you talking about while he was in ICU or how many days do you think he coded?

A Well, it's been two years. So, as I recall, Mr. Martin was in ICU for an extended period of time because of these bradycardic episodes where he lost his pulse.

Q So, these episodes, you're talking about while he was in ICU?

A Yes, those episodes were in ICU.

Q Which would have been over the course of about two weeks after the shooting?

A Yes, sir.

Q You talked about your area of expertise. You perform surgery in the neck, the torso, the pelvis, then, also, sometimes in the extremities. What do you define the extremities to be?

A For me, that would be soft tissue injury or vascular injury. Primarily above the knees and above the arms. When I say above, that means, approximately to the thigh, any vessel in the thigh, the biceps, forearms.

Q And then Ms. Legette asked you about the affects on a patient of other traumatic injury and you discussed specifically -- well, a number of things, but I'll focus in, she asked about memory and you answered -- you answered -- obviously, you know your subject and you answered faster than I could write. So, I would like to go back through --

THE COURT: Counsel, ask one question at a time. Don't make a speech. I know that it's cross. You need to ask a question so he understands.

THE COURT:

BY MR. WALKER

Q I understood you to say one issue for people that had suffered trauma is that they had a hyperacute memory. Can you tell me what that means? Or did I misunderstand it as hyperactive?

A Right. So, trauma at any point, whether it's

blunt trauma, whether it's an assault, whether it's a gunshot wound can be very stimulating to certain parts of the brain. So those, in some individuals that can generate a very hyperacute memory complex.

Q I didn't hear that last part.

A Very hyperacute memory complex. So, they may have flashes of memory, they feel like they're there, they may see things over and over again with all of the associated feelings that they had at the time. Trauma itself, because of -- because of endorphins and because of how the brain works can intensify these feelings and it can also change them so that they're not quite accurate. So, somebody involved in a trauma may remember it a certain way and it may not be entirely accurate, but they feel like that is exactly how it happened.

There are other problems that could develop along with that. So, you imagine somebody who has been in trauma, now they're in the hospital, they receive sedative medication, they receive opioid medication, everything sort of gets jumbled up. They may be on the ventilator sedated for, you know, several weeks, a week or more. That can also generate memories. Those memories aren't necessarily true.

It can also have the affect of decreasing a person's ability to remember things in the short term. So, they might remember everything that happened when they were

playing football in high school and not be able to remember things on a day-to-day basis, like where their keys are or what they were doing when they were walking towards the kitchen.

But whenever you get into how the brain interprets things, it gets very confusing. So, some of these patients can't generate their short term memories, so things that are experienced in daily activities into long term memories that are lasting. And it affects everyone differently.

So, what we see in trauma is a high incidence of -- and, you know, the idea of post traumatic stress syndrome came out of trauma. So, these are patients that have issues. Either, they are issues with visually remembering things and causing it to feel like it's occurring again to issues with sleeping, to issues with memory. You know, there's a full spectrum of how it presents in different individuals. And it's very hard to sort of dial that in for one -- you know, one description fits all.

Q Thank you. If you encountered a patient with these type of issues manifesting, would you bring in a psychiatrist to consult or a psychiatrist?

A It's quite possible.

Q And then I wrote down from your earlier testimony,

and if I wrote it wrong, please, forgive me, but you mentioned to Ms. Legette, it could manifest as difficulty translating short term memory into long term memory. Can you explain what you mean by that?

A Yes. Well -- and another way of looking at it is executive function. So, your ability to multitask, to plan things out. This inability or difficulty with translating short term memory with long term memory, it -- again, I'm not a neurologist, I'm a trauma surgeon, so it's difficult for me to describe without using technical terms. But it's a manifestation of post traumatic stress syndrome.

Q Thank you.

MR. WALKER: The Court's indulgence.

(Pause.)

MR. WALKER: Thank you, that's all I would have.

THE COURT: Redirect?

MS. LEGETTE: None, Your Honor.

THE COURT: As to this witness?

MS. LEGETTE: Ask that he be excused.

THE COURT: Any objection?

MR. WALKER: None, Your Honor.

THE COURT: Doctor, you may step down from the witness stand. You're excused from the trial of this case. You may leave to the courtroom. Leave my exhibits, take your file.

THE WITNESS: Thank you.

THE COURT: Thank you.

Call your next witness.

Counsel approach.

(A bench conference was held.)

THE COURT: Call your next witness.

MR. UTSEY: The State calls Dalton Andrews.

THE CLERK: Place your left hand on the Bible and raise your right.

Thereupon,

DALTON ANDREWS

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE CLERK: Have a seat on the witness stand. State your name for the record.

THE COURT: Watch your step for me, Mr. Andrews. Have a seat. Adjust that chair and that microphone. State your full name and spell your last.

THE WITNESS: Dalton Andrews, A-N-D-R-E-W-S.

THE COURT: Your witness, Counsel. Direct examination.

MR. UTSEY: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. UTSEY:

Q Mr. Andrews, who do you work for?

A Carolina Funeral Service.

Q And what's your job?

A I'm a transporter. I move people from the hospital to the funeral home or from the hospital to the morgue for autopsy.

Q Okay. And were you working for Carolina Funeral Services on May 28th of 2016?

A Yes, sir.

Q And can you just tell -- can you tell us what happened in this case?

A My boss, Daniel Guy, no relation, called me and informed me that I had a person at Trident Medical Center, to pick him up and take him down to the MUSC morgue for autopsy.

Q Who did you pick up at the Trident Medical Center?

A Jesse Guy.

Q Did you take him to MUSC at that point?

A Yes, sir.

Q Did you tamper with anything during the transport of Mr. Guy or anything like that?

A What, sir?

Q Did you tamper with anything in transport?

A No, sir.

Q Did you make any stops along the way?

A No, sir.

Q What did you do with Mr. Guy when you arrived at MUSC?

A When I arrived at MUSC, the morgue, I contacted morgue attendants, they let me in. I took him out of the back of the van and transported him inside. At that time, they filled out the paperwork and received the body and I left.

MR. UTSEY: I have no further questions, Your Honor.

THE COURT: Cross-examination?

MR. WALKER: None, Your Honor.

THE COURT: As to this witness, Solicitor?

MR. UTSEY: May Mr. Andrews be excused, Your Honor?

THE COURT: Any objection?

MR. WALKER: No, Your Honor.

THE COURT: Mr. Andrews, you may step down and you are excused from the trial of this case. You may leave the courtroom. Thank you very much. Watch your step for me.

Mr. Foreman, ladies and gentlemen of the jury, I've asked that your lunch arrive at 1:00. It's a few minutes before 1:00, so I'm going to stop at this point so you can have your lunch. If it's not here, it will be delivered to you in your jury room.

THE COURT: Good afternoon. Have a seat in that witness chair. Pull that chair up and adjust that microphone to your height. State your full name and spell your last name for my court reporter.

THE WITNESS: Cynthia Ana Schandl, S-C-H-A-N-D-L.

THE COURT: Very good.

Your witness, Counsel. Direct examination.

MS. LEGETTE: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. LEGETTE:

Q Good afternoon, Dr. Schandl?

A Hi.

Q Dr. Schandl, where do you work?

A I work at the Medical University of South Carolina in the department of pathology and laboratory medicine in Charleston.

Q Okay. And so, what is your job at the Medical University of South Carolina?

A I'm an anatomic and clinical pathologist as well as a forensic pathologist.

Q What do your duties include?

A So, as a forensic pathologist, I perform autopsies as a medical doctor licensed in this State. And in the field of forensic pathology, it's the study of disease and, more specifically, the cause of death and manner of death.

So, it's frequently when health and disease and accidents and other things like that lead to death and then they're looking to find a cause of death. And sometimes there are legal implications, which is where the forensic part comes in. So, I'm looking at all of the diseases and the injuries and all those sorts of things to arrive at a conclusion as to what the cause of death was.

Q Dr. Schandl, how long have you been a licensed medical doctor?

A I've been a medical doctor since 1999.

Q How long since 1999, have you been a forensic pathologist?

A So, I received my training in forensic pathology. So, after medical school, there is specialty training for pathology, so anatomic and clinical pathology are two fields in pathology. And then there's subspecialty trainings called fellowship, and that was specifically in forensic pathologist. During those years, I was in training. It really started in '99, I've been having experience as a forensic pathologist. And then I was brought on as staff, faculty at the Medical University of South Carolina in 2004 and I've been acting as a pathologist and forensic pathologist since that time.

Q You may have already answered that question, but just bear with me. As a forensic pathologist, what are your

duties, including autopsies?

A Well, that is part of my job and I do many other things in the department, in addition to forensic pathology. But for a forensic pathology, again, the main task that we have as physicians is to do a medical and surgical procedure called the autopsy. And thereby, looking at all of the body surfaces and all of the organs in the body to try to determine what led to death.

Q And Dr. Schandl, how many autopsies would you say you've performed over your career?

A I've performed over 2000 cases.

Q As a forensic pathologist, do you specialize in the field of pathology?

A Yes, I have three different board certifications. One is in anatomic pathology, one is in clinical pathology, and the third is in anatomic pathology, subspecialty field, forensic pathology.

Q And Dr. Schandl, during your years as a forensic pathologist, how many autopsies would you say that you have performed where the cause of death was a lung and liver perforation due to a gunshot wound to the back?

A Well, that's a little hard to say. About a quarter of our cases are homicides. And, you know, some of those are single gunshot wounds and some of those are multiple gunshot wounds. There are many different ways that

one person can harm another. But it's not uncommon for bullets to strike the internal organs, particularly when -- death is what occurs afterwards, you know, the thoracic organs, the chest organs are particularly struck. So it's not that common. I can't give you a specific number.

Q But you've performed many?

A Yes, ma'am.

MS. LEGETTE: At this time, Your Honor, I would offer Dr. Schandl as an expert in the field of forensic pathologist?

THE COURT: Any objection to the qualifications?

MR. WALKER: No, sir.

THE COURT: Ladies and gentlemen of the jury, recalling my earlier instruction to you concerning expert testimony, the witness is qualified in the field of pathology, forensic pathology without objection.

You may proceed, Solicitor.

MS. LEGETTE: Thank you, Your Honor.

BY MS. LEGETTE

Q Dr. Schandl, can you please educate us, how many manners of death are there?

A So, we talked a little bit about cause of death. So, that's like, why is the person dead, did they get shot, did they have a heart attack, those sorts of questions. The other question that we try to answer is called the manner of

death. In this State, there are five manners of death that we can choose from. And those include natural, suicide, homicide, accident and undetermined. So, depending upon all of the facts of the case that we know, in addition to the autopsy findings that we have, we try to assign the manner of death to one of those five categories.

Q And Dr. Schandl, were you working at MUSC in the field of forensic pathology as a pathologist in May of 2016?

A Yes, I was.

Q And specifically, turn your attention to May 28th, 2016. Did you receive a body known as Jesse Guy after May 28th, 2016?

A Yes, I did.

Q Were you able to autopsy the body?

A Yes, I did.

Q Were you also provided with a photograph of Mr. Jesse Guy?

A Yes. So, one of the things that we do during the course of the autopsy examination, and it's a full body exam. And one of the things that we do is take pictures of all of the body surfaces, including the face and everything else and then, we also diagram any things to make note of. Things that might -- you know, identifiers, tattoos, hair color, eye color, all of those sorts of things, and then, of course, things that might be injuries.

Q Thank you. Dr. Schandl, in a moment I'll hand you what has been previously marked for identification as State's 35. Please take a moment and tell me if you recognize State's 35.

MS. LEGETTE: May I approach the witness?

THE COURT: You may.

THE WITNESS: Yes, ma'am, I do.

BY MS. LEGETTE:

Q And Dr. Schandl, what is State's 35?

A This is a facial picture, photograph of Jesse Guy at the time of autopsy. It has our autopsy number below his chin for an identifier.

Q And the first time you saw this person was when?

A So, the first time that I would see someone that's coming in for an autopsy is actually in the autopsy room. So, I am not an individual who will go out to the scene and see what happened there or find out at the hospital. But the coroner is the one who calls us up and says, I have this person who died and gives us an idea of the facts of the case. And then, they'll have somebody transport the body from wherever they died or wherever they are in to MUSC. And then when I come in to do the autopsy, the body is brought up to the autopsy room from the morgue and that would be the first time that I would see that person.

Q Dr. Schandl, is State's 35 a fair and accurate

reflection of the individual that you saw at autopsy on or about May 28th, 2016?

A Yes, this is a photographic representation of his face.

MS. LEGETTE: At this time, Your Honor, I would offer State's 35 for admission into evidence, please.

THE COURT: As to State's 35?

MR. WALKER: No, objection.

THE COURT: Ladies and gentlemen of the jury, State's Exhibit No. 35 will be admitted into evidence in the trial of this case without objection.

State's 35 in evidence.

You may publish to the jury.

MS. LEGETTE: Thank you.

(Whereupon, State's Exhibit No(s). 35 marked for identification and received in evidence.)

BY MS. LEGETTE:

Q Dr. Schandl, in a moment, whenever the screen comes up, you can look at your photograph there or the photograph here. It's turned a little bit differently. But if you will tell us what we're seeing in State's 35?

A Yes. So again, this is a photograph of Mr. Jesse Guy, this is his face. And autopsy number assignment FA16-369. That thing sticking out of the end of his mouth is the endotracheal tube, something that was used during the

attempts at resuscitation. For the identification picture, we'll cut that off there, but we still want to see where it was placed in the body, but in order to be a little less distracting. But I see that you can see it there.

Q Thank you. Dr. Schandl, during the autopsy of Mr. Guy -- are you able to tell us how long the autopsy lasted?

A I don't know exactly how long it lasted. I can give you a rough estimate. It looks like it started sometime before 9:00 in the morning. Usually in a case like this where you are trying to look at all of the organs and see where the bullet went and what the damage was and look at the clothing, it'll take a couple of hours that first day to get to the first part of the autopsy done. And then it proceeds over several weeks, getting back to the toxicology results and getting back the slides. So, I'll take sections of different organs to see what damage of pathology disease are in the organs as well. So, the autopsy itself takes three or four weeks, sometimes longer. But that first day, the actual autopsy procedure, it's generally two or three hours.

Q So, you autopsied Mr. Guy?

A That's correct.

Q And based on the autopsy you performed on Mr. Guy, within reasonable medical certainty, have you formed an

expert opinion concerning his cause of death?

A Yes, I have.

Q Would you tell us what that is, please?

A Certainly. What I'm opening here is our file from MUSC and it's got my report in it. So, not to misquote myself, I'm going to read what I wrote as the cause of death. Lung and liver destruction due to single penetrating gunshot wound to the back.

Q And Dr. Schandl, what is the, I guess, manner of death in this matter?

A The manner of death, so from those five ones we have to choose from. In this case, it's homicide. That simply means to me is that someone's life was lost by the hands of another, either by their action are their inaction.

Q Dr. Schandl, during your autopsy -- you testified earlier that you documented the autopsy or injury with photographs and x-ray?

A Yes, that's correct.

Q Did you do so in this case?

A Yes, we did take x-rays. I didn't mention the x-rays earlier, but in a case that we think that there's a bullet or something that the x-ray will see and we need to find it, one way to do that is using x-ray. So in this case, we did take a series of x-rays to try to locate that bullet. So, on examination, we found an entrance wound, but

no exit. So, we were suspicious there was a bullet in there unless it came out during surgery, that was a possibility. So, yes, ma'am.

Q Dr. Schandl, I'll hand you in a moment what is previously been marked for identification State's 36, State's 38, and State's 39. Please take a moment and tell us if you recognize State's 36, 38, and 39.

MS. LEGETTE: May I approach the witness?

THE COURT: You may.

THE WITNESS: Yes, I do.

BY MS. LEGETTE:

Q And Dr. Schandl, what are State's 36, 38 and 39?

A So State's Exhibit 36 is a photograph of Mr. Jesse Guy's back, which includes -- in the image, it includes where the entrance gunshot wound is located. State's Exhibit 38 is an x-ray of Jesse Guy anterolateral, so from front to back. And this particular view is of the lower chest to the abdomen above this area. And in this view, from front to back, you can see sort of a cylindrical object, which is, indeed the bullet. And then in State's Exhibit 39, this is a photograph of the bullet itself that I retrieved from Mr. Guy's body.

Q Dr. Schandl, are State's 36, 38, and 39 fair and accurate reflections of the injury, evidence of injury and collection of evidence that you found during the autopsy of

Jesse Guy on May 28th, 2017?

A Yes, they are.

MS. LEGETTE: At this time, Your Honor, I would offer State's 36, 38, and 39 for admission into evidence?

THE COURT: As to 36, 38, and 39?

MR. WALKER: No objection.

THE COURT: Ladies and gentlemen of the jury, State's Exhibits 36, 38, 39 will be admitted into evidence in the trial of this case without objection.

You may publish to the jury.

MS. LEGETTE: Thank you, Your Honor.

(Whereupon, State's Exhibit No(s). 36, 38, 39 marked for identification and received in evidence.)

BY MS. LEGETTE

Q Dr. Schandl, I'll direct your attention now, once the screen comes up, or you can use your photographs, State's 36, 38, and 39, or you can refer to the exhibit on the screen.

Now, Dr. Schandl, on State's 36, please tell us what we're seeing in State's 36?

A Sure. So, you are seeing a photograph of Mr. Guy's back. His head is towards the left and his feet is towards the right of the screen. Fairly well centered in this photograph, you will see a sort of pink-ish,

reddish-brown circle with an A next to it, and once again, our autopsy designation, FA16369 below it. This is the entrance gunshot wound.

A

Q Okay. In State's 38, what are we seeing in State's 38?

A So, as I mentioned, this is -- this is the x-ray that I did mention. So, in your upper left corner, you see sort of a very bright white cylindrical object. And if you go towards the right of the screen, you can see bones going down that are the spine. So, you can place -- shall I come up and show, would that be helpful to you?

Q That would be helpful. Do you have a microphone?

A I'm happy to speak loudly.

THE COURT: She will hand it to you.

MS. LEGETTE: May I approach the witness, Your Honor?

THE COURT: You may.

MS. LEGETTE: You can come down, Dr. Schandl.

THE COURT: You can come around, Mr. Walker, if you so desire.

MR. WALKER: I can see. Thank you.

THE COURT: Doctor, now you're going to have your back to my court reporter, so you're going to have to use the microphone.

THE WITNESS: I can hear myself loudly. Everybody good?

THE COURT: If you can't hear, just raise your hand for me, or if you can't see.

THE WITNESS: So here is the x-ray. And this little R is telling us it's the right of the body. So, this is the right of the body and this is the left of the body. And here, this line here, you can see these sort of square bones. These are the vertebrae. And this is what I pointed out verbally earlier, this is the bullet. This is the location of the bullet. You can see that there's ribs coming down here, and the bullet is here. And on examination, that bullet was in the fatty tissue below the skin in that region of the chest.

BY MS. LEGETTE:

Q And Dr. Schandl, with regards to that bullet, once you located it, were you able to collect it?

A Yes, I did retrieve the bullet.

Q Thank you, Dr. Schandl. You can have a seat back on the witness stand. And Dr. Schandl, I will now refer your attention to State's 39. I believe -- State's 39, what are we seeing in State's 39?

A So, again, there's our autopsy designation number for this case, FA16369, and above that is the bullet that

was retrieved from Jesse Guy in that region of his right lower chest wall.

Q Dr. Schandl, I will hand you now what's been previously marked for identification as State's 28, which is the outer packaging, along with State's 28A. Please take a moment and see if you recognize State's 28 or, at least, 28A.

MS. LEGETTE: May I approach the witness, Your Honor?

THE COURT: You may.

THE WITNESS: Yes, I do.

BY MS. LEGETTE:

Q Dr. Schandl, what is State's 28A?

A So, State's 28A has a plastic bag and another plastic bag inside of that, and also, a plastic container. So the bits that I recognize is the plastic container and the bullet, which is not in a plastic container any more, but that's where I originally put it. But now, the bullet is in this other plastic bag adjacent to the plastic container. So, this is the container that I put the bullet in and the bullet is now there.

Q Dr. Schandl, is State's 28A in substantially the same condition today as when you collected it at autopsy of Jesse Guy on May 28, 2016?

A Yes.

MS. LEGETTE: At this time, Your Honor, I would offer for admission into evidence State's 28A.

THE COURT: As to 28A?

MR. WALKER: No objection.

THE COURT: All right.

(Whereupon, State's Exhibit No(s). 28A marked for identification and received in evidence.)

THE COURT: Counsel, so it's clear, you handed the witness, 28 and 28A. You're only offering 28A?

MS. LEGETTE: That's correct, Your Honor.

THE COURT: All right. If you will give me 28, I'll hold onto that.

As to State's Exhibit 28A, it will be into admitted in the trial of this case without objection. 28A is now in evidence.

You may publish to the jury.

MS. LEGETTE: Thank you, Your Honor.

MS. LEGETTE:

BY MS. LEGETTE

Q Dr. Schandl, once you took photographs and documented Mr. Guy's injuries, as well as documenting and collecting fully, what did you do with the evidence that you collected?

A So, in this case, the evidence that I collected was collected in order to transfer to law enforcement. And

I can tell you to whom I transferred it.

Q I hate to cut you off. I'm sorry.

A No, that's fine.

Q Please tell us what evidence you actually collected in the autopsy alongside the bullet?

A Sure, absolutely. So, again, in my file, I have my evidence transfer form, and there it is. So, this form lists everything that we're going to transfer and then somebody signs for it and someone signs off that they gave it away. So, the items on this include, two black socks, Levi light blue jeans with belt and gun holster attached, parentheses, no gun, parentheses, previously cut. Black T-shirt, parentheses previously cut. Black polo shirt, parentheses, previously cut. Black boxer briefs, parentheses, previously cut. Two black boots, one partial pack of cigarettes, one clip with bullets, 40 caliber Glock, one lighter, six one-dollar bills, two 5-dollar bills, one LG cell phone, black wallet with contents, one black metal baton, one black magazine holster, right and left fingernail clippings, scalp hair, bullet and blood spot. And they are transferred to Sergeant James R. Davis on May 28th, 2016, at 12:14.

Q Thank you. Dr. Schandl, I didn't ask you earlier, but were you able to document Mr. Guy, his height and weight during your autopsy?

A Yes. Yes. And the numbers that we got were that he is about 6-foot one and about 289 pounds.

Q And Dr. Schandl, once you were done with Mr. Guy's autopsy, did you have any other involvement in this case?

A No, other than completing the autopsy report, which has been to given to our client, who is the county coroner, in this case, Mr. Richard Harvey.

MS. LEGETTE: Thank you, Dr. Schandl, I have no further questions. Please answer any questions from Mr. Walker.

MR. WALKER: Thank you.

THE COURT: Cross-examination?

MR. WALKER: No questions, Your Honor.

THE COURT: As to this witness?

MS. LEGETTE: We ask she be excused, Your Honor.

THE COURT: Any objection, Mr. Walker?

MR. WALKER: No, Your Honor.

THE COURT: Okay. Dr. Schandl, you take your file, but you leave my exhibit. You may step down. You are excused from the trial of this case.

Call your next witness.

MS. LEGETTE: The State calls Damon Hampleton.

THE CLERK: Place your left hand on the Bible and raise your right.

Thereupon,

DIRECT EXAMINATION OF CYNTHIA SCHANDL, MD BY MS. LEGETTE

DAMON HAMPLETON

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE CLERK: Have a seat on the witness stand. State your name for the record.

THE COURT: Watch the stairs for me. Have a seat, make yourself comfortable. Pull that chair up and adjust the microphone to your height. State your full name and spell your last name for the court reporter.

THE WITNESS: William Damon Hampleton, last name H-A-M-P-L-E-T-O-N.

DIRECT EXAMINATION

BY MS. LEGETTE:

Q Thank you, Mr. Hampleton. Mr. Hampleton, where are you from?

A I'm from Cottageville, South Carolina, but I live in Walterboro.

Q Mr. Hampleton, how old are you?

A I'm 37 years old.

Q And what do you do for a living?

A I've got my own lawn care business.

Q Now, Mr. Hampleton, have you ever been to Leon's Club?

A Yes, plenty of times.

Q Where is Leon's Club located?

A It's located in Round O, South Carolina.
Q Is that in Colleton County?
A No, ma'am.
Q You don't know where it is?
A Leon's?
Q Yes.
A Well, it's part of Walterboro, South Carolina, yes, ma'am.
Q So it's in Colleton County?
A Yes, ma'am.
Q Now, Mr. Hampleton, do you remember being at Leon's Club on or about May 28th, 2016?
A Yes, ma'am.
Q Do you know the Defendant, Andre Crawford?
A Yes, ma'am.
Q Okay. Have you -- I mean, how many times -- how long would you say you've known him?
A Just starting to know him.
Q Okay. Just starting to know him. But how many years, months? You don't know?
A He was little when I was growing up, I mean.
Q Okay. So, for some period of time?
A Yes, ma'am.
Q What do you know his name as?
A Andre Crawford.

Q Do you know him by any other name?

A No, ma'am.

Q Okay. All right. Now, do you know of Mr. Crawford having any relatives, any brothers, sisters?

A Yes.

Q Okay. Do you know a particular brother that he had?

A Yes.

Q Do you know what his name is?

A We call him Red Dog.

Q Okay. Now, you said that you went to the Leon's Club -- or maybe I didn't ask you this question, May 28th, 2016, do you recall that day?

A Yes, ma'am.

Q Do you remember going to Leon's Club on that particular evening?

A Yes, ma'am.

Q All right. And tell us about that night. What were you doing at Leon's Club that night?

A Well, I was supposed to went to Myrtle Beach for biker's week, but I decided -- I changed my mind. So, I came to Leon's Club, walked through to the door. I saw two brothers, offered me something to drink. And I went on inside the club, talking to everybody inside the club.

Q So you talked to everybody inside the club?

A Yes, ma'am.
Q Did you see the Defendant there that night?
A Yes, I did.
Q Did you see anyone else with him?
A Yes, I did.
Q Who did you see?
A I saw his brother.
Q And that's his brother named Red Dog?
A Red Dog.
Q Do you know what his real name is?
A No, ma'am.
Q So, at some point -- how did the night go?
A The night went -- I went in the club, I stay in there talking and stuff like that. And I had -- I only had like one drink. And then, I heard the shots, like three shots. And I told Mr. Jesse, I said, Somebody out there shooting, lock the club up. And then Jesse -- they call me Fireman, I used to be a volunteer firefighter.
Q So you locked the club up?
A No, Mr. Jesse and Leon's son had locked the club up.
Q So while the club was being locked, what did you do? Did you run outside, or what did you do?
A No, ma'am.
Q Did you stay inside the club?

A Yes, I stayed in the club, yes, ma'am.

Q Did you see or hear anything while you were inside the club?

A No, ma'am.

Q Did you see anyone come in the club, while you were in the club?

A No, ma'am.

Q Do you remember seeing Mr. Crawford come in the club that night after shots were fired?

A No, ma'am.

Q Did you see anyone else come in the club after shots were fired?

A No, ma'am.

Q Do you recall telling the police that you saw Red Dog come in the club?

A Yes, when the cops got there, Mr. Jesse opened the back door up and it was Red Dog.

Q What did he say?

A Oh, he didn't say nothing.

Q Do you remember telling the police he asked for a ride?

MR. WALKER: Objection, Your Honor, hearsay.

THE COURT: Counsel, approach.

(Off-the-record discussion held.)

THE COURT: Objection sustained.

THE COURT:

BY MS. LEGETTE

Q Mr. Hampleton?

A Yes, ma'am.

Q While you were inside the club, did anyone ask you for a ride?

MR. WALKER: Objection.

THE COURT: Just a moment.

Yes, sir.

MR. WALKER: Again, the same objection.

THE COURT: Rephrase your question, Counselor.

The objection is sustained on hearsay.

MS. LEGETTE: Thank you, Your Honor.

MS. LEGETTE:

BY MS. LEGETTE

Q Mr. Hampleton, did you give anyone a ride that night?

A No, ma'am.

Q How long did you stay at the club?

A I stayed at the club until the police and everything, they left.

Q Okay. So do you know what time that was when the police left?

A Approximately about, I'd say, probably 2:00, 3:00.

Q Could it have been later than 3:00?

A Yes, ma'am.

Q But you didn't leave until the police left?

A No, ma'am, I didn't leave.

Q Okay. What kind of vehicle were you driving that night?

A I was driving a black Trail Blazer.

Q And where was your Trail Blazer parked?

A My Trail Blazer parked on the right-hand side.

Q Now, did you see anyone shoot?

A No, ma'am.

Q Did you see any fighting?

A No, ma'am.

Q Now, once you stayed -- at some point, you talked to the police that night?

A Yes, when the police arrived, I was outside talking to a friend about my truck. They searched my vehicle, asked me for my ID. I give them my ID and they searched my truck.

Q Okay. So, they searched your vehicle. And at some point, you were allowed to leave?

A No, I just went back in the club.

Q Okay. How long did you say you stayed?

A I stayed to the club always to the a.m.

Q And you never left?

A I never left.

DIRECT EXAMINATION OF DAMON HAMPLETON BY MS. LEGETTE

Q Mr. Hampleton, I will hand you in a moment what has previously been marked as State's Exhibit No. 8 and 9. Take a moment and tell me if you recognize State's 8 and 9.

MS. LEGETTE: May I approach the witness?

THE COURT: You may.

THE WITNESS: Yes, I recognize them.

BY MS. LEGETTE:

Q What are State's 8 and 9, just briefly?

A State's 9 is me standing in the walkway by Leon's owner.

Q Okay. And what is State's --

A State's 8 is me headed to the road talking to -- I'm looking towards -- at the blue car, beside the girl in the white long pants.

Q So, are State's 8 and 9 a fair and accurate reflection of the way the scene and where you were at Leon's Club on May 28th, 2016?

A Well, my truck parked where the A&B sign at, my truck was parked over in that area.

Q Yes, sir, but I'm saying, are those particular exhibits, State's 8 and 9, a fair and accurate depiction of the scene as it looked like that night on May 28th?

A Yes.

MS. LEGETTE: At this time, Your Honor, I would offer State's Exhibit 8 and 9 for admission in to

evidence.

THE COURT: As to 8 and 9?

MR. WALKER: No objection.

THE COURT: Ladies and gentlemen of the jury, State's Exhibits 8 and 9 will be admitted into evidence in the trial of this case without objection.

You may publish.

MS. LEGETTE: Thank you, Your Honor.

(Whereupon, State's Exhibit No(s). 8-9 marked for identification and received in evidence.)

BY MS. LEGETTE:

Q Mr. Hampleton, in a moment, I'll direct your attention to the photographs in your hand, State's Exhibit No. 8, or at the television here at the end of the jury box, okay?

A Yes, ma'am.

Q Mr. Hampleton, this is State's No. 8. Can you tell us where you are in the photograph?

A If I'm looking straight up, I'm on the right-hand side, beside the young girl in the white pants in the white and black shirt, with the brown pants on, blue shirt and bald head.

Q So if I actually approach the photograph and I point to this particular person in the brown pants, sir, would that be you in State's 8?

A Yes, ma'am.

Q Beside the woman in the white pants?

A Yes, ma'am.

Q Who else is in that photograph along side you in the girl in the white pants?

A The young girls that be in the club.

Q You see any law enforcement officers?

A Yes, sir, I'm standing beside one of them.

Q Okay. Can you tell us in this picture, if you can -- perhaps, No. 9 is a better representation, where was your vehicle parked?

A My vehicle was parked right beside -- if I'm looking straight up, it's parked on the right-hand side, by the AB sign by the middle window right there on the end.

Q If I go over here and point here, it was in that area?

A Yes, ma'am.

Q And in State's No. 8, the vehicle is over here somewhere?

A It's on the right far back, so right by the middle window, somewhere on the end.

Q Is that where it remained until you left by yourself?

A Yes, ma'am.

Q So let met ask you a question I don't think I

asked earlier, who left with you when you did leave?

A I left by myself, nobody was in my vehicle.

Q Okay. Now, Mr. Hampleton, I direct your attention to State's No. 9. State's No. 9, what are we seeing in State's No. 9?

A State's No. 9, you see me in the doorway with the blue and brown pants on, standing by Mr. Leon, the owner, in the red shirt, Mr. Leon.

Q So, pointing right here, State's No. 9, and, I guess, to the right-hand side, tan pants, blue shirt, is that you?

A Yes, ma'am.

Q So you're standing beside, who is it?

A Mr. Leon, the owner.

Q Okay. And I suppose you can tell again, your vehicle, was it over to the side, the right-hand side of the club?

A Yes, like, further farther back some. If you move it over some, you will see it.

Q Like over in here?

A Yes, ma'am.

Q Okay. Now --

MS. LEGETTE: Beg the Court's indulgence.

(Pause.)

BY MS. LEGETTE:

Q You indicated that you stayed until the police left?

A Yes, ma'am.

Q Okay.

MS. LEGETTE: Beg the Court's indulgence.

(Pause.)

BY MS. LEGETTE

Q Now, Mr. Hampleton, what's this particular -- you said the police searched your vehicle?

A Yes, ma'am, they searched my vehicle.

Q Okay. And so, did you ever go in to talk to law enforcement about what you heard or give a statement in this matter?

A Yes, during that time, law enforcement talked to me.

Q Did you tell them about the events that happened this particular night?

A Yes.

Q That you remembered?

A Yes, ma'am.

Q Did you tell -- did you give anyone a ride that night?

A No, ma'am.

Q Did you tell police that?

A Yes, ma'am.

MS. LEGETTE: Thank you, Mr. Hampleton. I have no further questions. Please answer any questions of Mr. Walker.

THE WITNESS: Yes, ma'am.

CROSS EXAMINATION

BY MR. WALKER:

Q Good afternoon.

A Good afternoon.

Q Ms. Legette asked you a moment ago if you saw anyone there at the club that night and you answered that you saw Andre Crawford and his brother?

A Yes, sir.

Q You know his brother as Red Dog?

A Yes, sir.

Q But those aren't the only people you saw?

A I saw plenty of other people.

Q Lot of people?

A Yes, sir.

Q And you answered about Andre and his brother because those are people that you've had conversations with the Solicitor?

A Yes, when I walked in the club, I speak and went right in the club.

Q But --

A But there was more people outside of the club.

Q And inside?

A Inside, yes, sir. Inside and outside.

Q And you did not see Andre Crawford or his brother -- well, let me just limit it to Andre Crawford. Did you see any -- did anything about Andre Crawford's actions that night seem remarkable to you?

A No, he was normal, speak and everything. And I offered did they want something to drink and they said, No, they was good.

MR. WALKER: Thank you. I have no further questions.

THE WITNESS: Yes, sir.

THE COURT: Redirect?

REDIRECT EXAMINATION

BY MS. LEGETTE

Q Mr. Hampleton, did you give Andre Crawford a ride that night?

A No, ma'am.

MS. LEGETTE: Nothing further.

THE COURT: Recross limited to redirect?

MR. WALKER: Nothing further.

THE COURT: As to this witness, Solicitor?

MS. LEGETTE: We ask that he be excused, Your

Honor?

THE COURT: Any objection?

MR. WALKER: No objection.

THE COURT: Mr. Hampleton, you may leave my exhibits right there for the court reporter. You're excused from the trial of this case. You may leave the courtroom.

Call your next witness.

MS. LEGETTE: Anthony Hampton.

THE CLERK: Place your left hand on the Bible and raise your right.

Thereupon,

ANTHONY HAMPTON

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE CLERK: Have a seat on the witness stand. State your name for the record.

THE COURT: Watch your step. Have a seat in the chair, make yourself comfortable. Pull it up, adjust that microphone to your height. You don't have to get right on top of it, but speak up.

THE WITNESS: This good?

THE COURT: Just like I'm doing right now so everybody can hear you. State your full name and spell your last name for the court reporter.

THE WITNESS: Anthony Hampton, H-A-M-P-T-O-N.

THE COURT: Don't sit quite that far back from the microphone. You don't have to get right up on it, but just a little closer.

Your witness, Counsel, direct examination.

MS. LEGETTE: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. LEGETTE:

Q Mr. Hampton, where are you from, sir?

A Round O.

Q You still live in Round O or you live someplace else now?

A I live in Summerville right now.

Q Mr. Hampton, you say you're from Round O, is there a specific area or name where you live, or neighborhood?

A I'm from Burr Hill.

Q How you spell Burr Hill?

A B-U-R-R-H-I-L-L.

Q Is it two words?

A Yes.

Q Okay. All right. Mr. Hampton, what do you do for a living?

A I am a pipe fitter, work for a utility company.

Q Now, Mr. Hampton, do you have a nickname?

A No.

Q Does anybody call you by a name other than Anthony?

A Ant.

Q Ant?

A Ant, Anthony.

Q Ant, Anthony. All right. So, do you know a man named Melvin Campbell?

A Yeah.

Q How do you know Melvin Campbell?

A First cousin.

Q First cousin, okay. You know the Defendant here in this courtroom today, you know him?

A Who?

Q Mr. Crawford, you know Mr. Crawford?

A No.

Q You ever seen Mr. Crawford before?

A Probably, but I ain't --

Q All right. Do you know any of his relatives?

A Yeah.

Q Who do you know as his relative?

A I know, basically, everybody in Burr Hill, basically.

Q I'm sorry, I must have misspoke. So, when I asked you if you know Mr. Crawford, have you ever seen or familiar with Mr. Crawford?

A No, we don't hang together.

Q You don't hang together. But would you recognize him on sight?

A No.

Q But you know his relatives?

A Yeah.

Q So, who are his relatives, specifically, anyone that you may have seen on May 28th, 2016?

A Well, his brother.

Q All right. So, what is his brother's name?

A Can't remember his real name.

Q Do you know his nickname?

A Yeah, I mean, they call him Red Dog.

Q Call him Red Dog. Okay. So, as far as you know, Mr. Crawford has a brother named Red Dog?

A As far as I know.

Q So, where is Red Dog from?

A Burr Hill.

Q Burr Hill. Okay. All right. So, now, I want to turn your attention back to -- well, let me ask you this question. Do you have any -- are you related by blood in any way to Red Dog?

A Probably.

Q Do you remember telling Mr -- my investigator and I when we met with you, that you are actually related to

them somehow?

A Probably is, I think, yes.

Q Okay. So, how long have you known Red Dog?

A Of him?

Q Of him?

A Because I wasn't like --

Q No, I'm not saying you were friends. I'm not asking you are you friends. I'm asking you as far as on sight, would you recognize him?

A Yes. He come to my grandmama's funeral and went to the wake and all that.

Q Okay. If you saw him, you would know him?

A Yeah.

Q Okay, that's a yes?

A Yes.

Q All right. So, now, let's go back to May 28, 2016. Do you recall that particular weekend, May 27th, May 28th, 2016?

A Yes. Me and my first cousin, we was going to Myrtle Beach. Before we went there, we always go back to our home town, Round O, go to the club and chill and party.

Q You say, your first cousin. Now, what's his name?

A Melvin.

Q Melvin, okay. So you and Melvin went down to club, what club was that?

A Leon.
Q All right. So, Club Leon?
A Uh-huh. (Indicating affirmatively.)
Q Is that ayes? You have to say yes or no.
A Yes.
Q Okay. So, you went to Club Leon. Do you know where Leon's is located?
A Yes, Round O.
Q Round O, okay. So when you got to Leon in Round O, what did you do, you and your cousin, Melvin Campbell?
A Party.
Q Party. Okay. So, did you see anyone that you knew while you were partying at Leon's Club?
A I mean, that night, I just, basically, know that they're there. You know what I mean.
Q I'm sorry?
A That night, I knew they was there, but -- I mean, I have a problem seeing, you know, I wear contacts and if it's at night, so I, basically, can't see nothing, but I know people's voices, whoever is beside me, you know, I know my relatives, you know.
Q All right. So, who did you know was there?
A Whew.
Q Specifically, as it relates to Red Dog, did you know he was there?

A No.

Q Anyone else you can think of? You know Melvin Campbell was there?

A Yeah. Just, basically, Round O, just people from the area. I would have to name like a hundred people.

Q Okay. Now, did you stay inside the club all night?

A Yeah, you could say that.

Q Okay. And who was with you?

A Inside the club?

Q Yes.

A Me and my first cousin.

Q Okay. Is that Melvin?

A Yes.

Q All right. Now, how long would you say -- or when would you say you got to the club that night?

A I don't know, it could have been -- I don't know, we got there -- to be honest, I don't know if we got there early or late. Probably -- I know after 10:00 probably. We ain't there before 9:00.

Q And how long did you stay? Did you stay until to the club closed?

A Yes, we usually stayed until it was closed.

Q Okay. So, did you stay this night before it closed?

A No.
Q So, at some point, did you leave the club?
A Yes, I left.
Q Did anything strange happen while you were leaving the club?
A Yes.
Q All right. What strange thing happened -- well, let me ask before you answer that question, who were you leaving the club with?
A My cousin, Melvin.
Q Okay. So, where were you and Melvin parked?
A Front of the door.
Q Front of the door?
A Like to -- I'm facing towards the door, the car would be to my right.
Q Okay. So, you are leaving with Melvin?
A Yes.
Q Did anything strange happen while you were leaving?
A Yeah, I got hit.
Q What do you mean you got hit?
A I got sneaked. Somebody -- somebody -- somebody hit me. They ain't let me see who they was, you know. I don't know why, but somebody sneaked me.
Q When you say you got hit, in what part of your

body did you get hit?

A On the left side back of my head.

Q Okay. So, once you got hit, what, if anything, did you do?

A Just tried to defend myself, turnaround, no hits thrown. Basically, all wrapped up. Fell to the ground, tried to get back up. After I'm trying to get back up, I heard gunshots. Tried to get as far away from the gunshots. And the next thing I know, I just got up, everybody left. I was looking to see where I was at. I mean, I can't see, you know, so I'm looking to see where I was at. And that's when I headed back to the front of the building and there was nobody there but my cousin, Keith. So, he asked me if I was all right, if I was shot or anything. And I was like, No.

Q So, at some point while you were wrestling with someone, the person that snuck you, you said?

A Yes.

Q Did you ever look at that person?

A I tried to look at them.

Q Did you recognize who they were?

A I kind of recognized them, but I don't want to -- from my vision of looking at them and I know that their voice sound familiar, but it was street talk about who did it.

Q No, I'm not going to ask you who did it or what

the street says, I'm asking you -- do you recall talking to my investigator and I --

A Uh-huh.

Q -- about this? You have to say yes or no.

A Yes.

Q Do you remember telling us how you looked up and saw the person that you were wrestling with?

A Yes.

Q Who was that person?

A Red Dog.

Q Okay. Now, at some point, are you able -- are you fighting back? What's happening while you were wrestling with Red Dog?

A Basically, we were just on the ground. I was just holding him, you know, just telling him, you know.

Q What were you telling him? What were you telling him? You said that you were telling him something.

A Yeah.

Q What were you telling him?

A I don't know if I --

Q You can say, basically, what you said. I mean, if it's very vulgar, you can clean it up some?

A I told him that he was a punk, da, da, da, da, whatever. We from the same -- you know, I don't know what it happened for, but, you know.

Q Basically, you were trying to figure out why he was hitting you?

A Yeah, why he hit me.

Q While you were wrestling or struggling with Red Dog, did anybody else try to help you or help him?

A I don't think so, no.

Q Okay. Did you ever see Melvin during this period of time, your first cousin?

A No.

Q Now, once -- you say that once it was over -- before we go to where it's over, can you tell us about how long you struggled with Red Dog and where did he actually -- I'm sorry, go ahead.

A It wasn't long, probably like six minutes, probably, at the most. Three minutes being on the ground before I got up and left.

Q While this struggle was going on, were you aware of your surroundings, like what part of the club? You said it started in front of the club. Were you aware of where were?

A I thought I was by the basketball court, but I got other people telling me --

Q Not what other people told you --

A Like I said, I got up somewhere like in the middle of the area, like, just the open spaces.

Q All right. You said you heard gunshots?

A Yes.

Q Can you remember how many gunshots you heard?

A I heard two of them.

Q Okay. And as you heard these gunshots, could you tell how far away or how close they seemed to be to you?

A Close.

Q Okay. Were you able to determine the -- I suppose, how fast the gunshots came or how fast they went?

A One Mississippi, two Mississippi.

Q Okay. And you indicated that -- once you heard the gunshots, did you look around to see if you were shot?

A No, not --

Q Or what --

A At that time when I heard the gunshots, I was just trying to, like, clear spaces. You know, I don't know if I had been hit or not. I never been shot, so I wouldn't know how.

Q Now, you indicated that you didn't see Melvin. Did you ever look for Melvin?

A Once I got up.

Q Did you find him?

A Yes, he eventually -- he eventually came to me, yeah.

Q Once you found Melvin, what did y'all do?

A I asked him if he seen what happened and he was like, No, what happened? I was asking him the same questions he was asking me. You know, we just got in the car and left.

Q Who was driving?

A My cousin.

Q Okay. Melvin?

A Yes.

Q All right. Did you talk to police before you left or -- about what happened?

A No.

Q No?

A No.

Q Okay. And so, where did you and Melvin go once you left Round O?

A I went to my cousin's house.

Q At some point that weekend, did you go on your way to Myrtle beach?

A We left the next morning.

Q And prior to going to Myrtle beach, did you talk to the police then?

A No.

Q At some point, did police contact you or reach out to you about what you saw or what you remembered?

A No, not the police, no.

Q But did Colleton County reach out to you?
A Yes, it was probably like months later.
Q Did you see who had done the shooting?
A No.
Q Did you do any shooting that night?
A No.
Q And now, Mr. Hampton, you said that you were snuck in the back of the head?
A Yes.
Q Did you receive any injuries from your struggle or being punched by him?
A No, it was a weak hit.
Q I'm sorry?
A It was a weak hit.
MS. LEGETTE: Beg the Court's indulgence.
(Pause.)
BY MS. LEGETTE:
Q Mr. Hampton, do you know -- you indicated earlier you didn't see anyone trying to get involved with the fight. Do you know how the fight broke up between you and Red Dog, do you remember?
A Spur of the moment, no.
Q Okay.
MS. LEGETTE: I have no further questions. Thank you. Answer any questions of Mr. Matthew Walker.

THE COURT: Cross?

CROSS EXAMINATION

BY MR. WALKER:

Q Good afternoon.

A How you doing?

Q You just told Ms. Legette you were having a pretty good time that night, correct?

A Yes, sir.

Q Probably so good of a time that you shouldn't be driving?

A Yeah, I wasn't.

Q I'm not saying you were, but you wouldn't want to be, that's how good of a time you were having?

A Yeah.

Q You came with Melvin and when the fight happened, where was Melvin?

A Don't know.

Q Now, you said that you believed that you were fighting Red Dog. And to be clear, Red Dog is not Andre Crawford?

A No.

Q Would that be his brother?

A I guess. I think, brothers, cousins, pick one.

Q And you don't know Red Dog's actual name?

A No.

CROSS EXAMINATION OF ANTHONY HAMPTON BY MR. WALKER

Q But you don't have any memory of Andre Crawford being involved in the fight?

A No.

Q When you got there, you said that there was, at least, a hundred people there as far as you knew?

A It was packed.

Q Inside and outside?

A No, usually, just the inside would be packed. Some at the bar, have some people outside, some people -- lot of people, most people be inside.

Q Right. Prior to this incident, you said that you knew Red Dog, but did not know Andre Crawford?

A No. Melvin knew both of them.

Q I messed up. I asked you a double question, I'm going to restate it. Prior to this incident, you knew Red Dog, correct?

A Prior to it?

Q Right.

A Yes.

Q But prior to this incident, you did not know Andre Crawford?

A No.

Q No, you didn't know him or no, you did?

A No, I don't know him. He's younger than me.

MR. WALKER: Thank you, Your Honor. I don't have

any further questions.

THE COURT: Redirect?

MS. LEGETTE: No, Your Honor.

THE COURT: As to this witness?

MS. LEGETTE: We ask he be excused?

THE COURT: Any objection?

MR. WALKER: No, Your Honor.

THE COURT: Mr. Hampton, you may step down from the witness stand and you're excused from the trial of this case. You may leave the courtroom. Leave my exhibits here, please.

Call your next witness.

MS. LEGETTE: The State calls Melvin Campbell.

THE CLERK: Place your left hand on the Bible and raise your right.

Thereupon,

MELVIN CAMPBELL

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE CLERK: Have a seat on the witness stand and state your name for the record.

THE COURT: Watch your step on the stairs there. Have a seat, make yourself comfortable. Pull the chair up. I need you to speak up so everybody can hear. That microphone will amplify your voice, but it will

also blur your voice if you get too close to it. State your full name and spell your last name for the court reporter.

THE WITNESS: Melvin Campbell, C-A-M-P-B-E-L-L.

THE COURT: Mr. Campbell, speak up for me now.

Direct examination, Solicitor, your witness.

MS. LEGETTE: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. LEGETTE

Q Mr. Campbell, where are you from, sir?

A Round O, South Carolina.

Q Mr. Campbell, is that area known by any other name?

A No, just Round O.

Q Just Round O, okay. Now, do you know Anthony Hampton?

A Yes.

Q How do you know Anthony Hampton?

A My first cousin.

Q Okay. What do you do for a living, Mr. Campbell?

A I'm a pipe fitter for (***58:24) flight for air utility.

Q Now, do you know Mr -- I guess, Anthony is your cousin, do you know his nickname?

A We just call him Anthony or Ant.

Q Ant, okay. Now, do you know the man sitting over at the defense table?

A Yes.

Q What do you know his name to be?

A Andre Crawford.

Q Do you know any of his nicknames or a nickname for him?

A No, I don't.

Q Okay. How long would you say you've known Andre Crawford?

A Well, I don't know him like that, but I'm familiar with him. We grew up around the same area, so we're from the same place. I --

Q That's okay.

A I know him, you know, yes.

Q So you know of him?

A Yes.

Q But you're not really friends?

A It's kind of like we family down the line, but we don't kick it like that.

Q I understand. So, you also know Mr. Crawford's brother?

A Yes.

Q Okay. And do you know what his name is?

A Yes, Red Dog and, I guess, DaQuan Crawford.

Q Okay. Now, you say you grew up around the same area, you and Mr. Crawford?

A Yes, Round O, Cottageville, that's like one big community.

Q Okay. Now, Mr. Campbell, have you ever or are you familiar with a place called Leon's Club?

A Yes, that's in my home town.

Q In your home town. And how often would you say -- have you ever visited Leon's Club?

A Yes.

Q How often would you say you go to Leon's Club?

A When it was like a good night, every Friday.

Q Okay. Would you ever go with any of your friends or cousins?

A Yes.

Q Specifically, Mr. Hampton, would you go with him?

A Yes.

Q Now, I want to turn your attention to May of 2016. Do you recall May 2016?

A Yes.

Q And just briefly, Mr. Campbell, what month are you born in?

A May.

Q All right. Is your birthday near the end of May?

A Yes, [redacted] of May.

Q [redacted] of May. All right. So, let's turn your attention to May 28th, 2016. Do you recall that evening or that morning?

A Yes.

Q Okay. Did you and Mr. Hampton go to Leon's Club?

A Yes.

Q Why did y'all go to Leon's Club?

A Well, I was having my birthday weekend because my birthday fall in the middle of the week, so I had it on, like, the 27th. So, I went out there to get with all of my family and have fun and then I was planning on going to Myrtle Beach that following night, but I wait until like 8:00 in the morning.

Q So, you and Mr. Hampton went to Leon's Club to celebrate your birthday?

A Yes.

Q And who was driving?

A I was driving.

Q What kind of vehicle did you drive at the time?

A A 325I BMW.

Q So, BMW?

A Yes.

Q What color was your BMW?

A Black.

CROSS EXAMINATION OF ANTHONY HAMPTON BY MR. WALKER

Q So you said you drove?
A Yes.
Q Who all was with you?
A Me, Anthony, we just been together.
Q Just the two of you?
A Yes.
Q So, if you can remember, about what time did y'all get to Leon's Club?
A Around 11:30.
Q What did you do when you got to Leon's Club?
A We just partied and just socialized.
Q How long would you say that you stayed at Leon's Club?
A Until it closed, around 3:30, 4:00.
Q Now, you say that you were planning to go to where the next day?
A Myrtle Beach.
Q So, when you were leaving the club, who was leaving with you?
A Anthony was leaving with me, but he was like behind me a little bit more, you know, talking at the door while I was just going -- heading to the car. I was just going to the car.
Q Okay. Now, where was your car parked, do you remember?

A Around the outside, the front side of the club by the liquor store.

Q Okay.

A The ABC sign.

Q Okay. Mr. Campbell, I will hand you momentarily what's been marked as State's Exhibit No. 14 entered into evidence. Please take a moment and tell us if you recognize State's 14.

MS. LEGETTE: May I approach the witness?

THE COURT: You may.

BY MS. LEGETTE:

Q Do you recognize State's 14?

A Yes.

Q Mr. Campbell, what are we seeing in State's 14?

A The front side of the club and the highway.

Q Now, Mr. Campbell is State's Exhibit No. 14 a fair and accurate reflection of the way Leon's Club looked on the night of May 28th, 2016?

A Yes.

MS. LEGETTE: Permission to publish, Your Honor?

THE COURT: You may. It's already in evidence?

MS. LEGETTE: It is, Your Honor.

BY MS. LEGETTE:

Q Mr. Campbell, I want to direct your attention to the photo you're looking at, State's 14, or, in the

alternative, the television set back here behind the jury box. Now, Mr. Campbell, can you give us a general, just overview of where your car was parked as it relates to the photograph in State's 14?

A It was where that black car is parked with the front lights on by the police cruiser.

Q All right. So, your car would have been parked -- you said near the black vehicle?

A Right where that's parked at now.

Q So, if I point to this black vehicle?

A That's where I was parked.

Q That's where you were parked. Okay. So, now, Mr. Campbell, you said that you were walking out of the club. You said that Mr. Hampton, your cousin, was somewhat behind you?

A Yes.

Q So, was your car pulled in facing inward?

A Yes, facing in like the police car.

Q Facing inward. Okay. So, once you were heading to your car, anything unusual happen?

A No, just kind of quiet walking out. So, I was walking out. I just got to my car, my side of the door, the driver's side. Started opening it up and getting in and that's when I started seeing.

Q What did you see?

A My cousin got snuck from behind.

Q Were you able to see who snuck him from behind?

A Yes.

Q Who was it?

A Red Dog.

Q Okay. So, once your cousin -- this is your cousin, Anthony Hampton?

A Yes.

Q Once we got snuck from behind, did you watch the fight? What did you do next?

A I tried to come back around to try to freeze the situation, stop it from happening, but everybody was trying to break it apart and they were locked up. So, I couldn't get to him in time, so I turned and asked the -- Andre, what's going on? Why your brother did that? And he just walked off. So I said I'll go try to, you know, aid my cousin, to help him out. You know, try to get everything calm, calmed down. And that's when I heard shots.

Q How many shots would you say you heard?

A I heard like three at first. But then I ducked and I ran back in the club, you know, trying to protect myself because I didn't know where it was coming -- you know, it was spur of the moment and I ran back in, you know.

Q Okay. Now, once you ran back in, at some point, did you actually talk to your cousin again?

A Yes, after everything calmed down, I came out and seen he was all right. And we got in the car and we left.

Q Now, did you leave prior to talking to police?

A The police wasn't there yet.

Q All right. At some point -- so, once you left to the club, who left with you?

A Just Anthony. I made sure -- because I leave with everybody that I come with, so I was like, get in the car, we're going. And you know, I didn't know anything after that --

Q All right --

A -- I left.

Q Sorry, I cut you off?

A I didn't know anything after that. I left.

Q All right. So, once you left, you left before talking to the police?

A Yes.

Q All right. At some point, did the police officers call, or anyone from the sheriff's office or police department call you to find out what you remembered?

A Yes, while I was at work.

Q Okay. Now, so, were you able to see who was actually -- you said a crowd began to the gather, were you able to see who was around the fight trying to break it up?

A It was a little bit of everybody trying to -- you

know, some people was startled. You know, like, I was startled at the time. You know, it was out of the blue, you know. It was no words exchanged or nothing, you know. It was all out of the blue.

Q Okay. And you said you also saw Mr. Crawford, you asked him why your brother --

THE COURT: Refer to which person you're referring to for the record, don't say Mr. Crawford.

MS. LEGETTE: I'm sorry, Your Honor.

BY MS. LEGETTE:

Q You said that you saw Andre Crawford, and you asked him what?

A I said, What's the problem? Why is your brother doing this?

Q Okay. And you said he said what?

A He just walked away and just -- then I just, you know, never mind him, I was looking out for my cousin.

Q Now, Mr. Campbell, did you do any shooting that night?

A No.

Q Did you see who did any shooting that night?

A No.

Q Now, once you and Mr. Hampton, your cousin, left, where did you go?

A I went back to my mom's house and we caught a

little bit of a rest, then I got up like 8:00 or 7:00 and ride on to Myrtle Beach.

MS. LEGETTE: Beg the Court's indulgence.

(Pause.)

BY MS. LEGETTE

Q Mr. Campbell, did you happen to see security guards that night?

A Yes.

Q Did you see them near the fight trying to break anything up?

A Yes, they was trying to break it up. You, know, trying to, basically, do the same thing I was trying to do, but they get paid to do it.

Q Okay. And how many security guards do you remember seeing?

A I think two. Two.

Q Did you know their names or had you seen them before?

A I've seen one of them before, but the other one, I never seen before.

Q Can you describe the one that you had seen before? You don't have to say his name?

A Dark skinned and tall, heavyset.

Q So, you had seen him. Where had you seen him

before?

A At the club.

Q At Club Leon or a different club?

A Yeah, at the Club Leon.

Q And the other security guard that you saw near the fight that night, you said you had never seen before, but can you describe him?

A I think he had blond hair, kind of short, high top. I can't remember.

Q Okay.

MS. LEGETTE: Thank you, Mr. Campbell, I have no further questions. Please answer any questions from Mr. Walker.

May I approach the witness, Your Honor?

THE COURT: To the court reporter.

Cross-examination?

MR. WALKER: None, Your Honor. Thank you.

THE COURT: As to this witness, Solicitor?

MS. LEGETTE: He may be excused, Your Honor.

THE COURT: Any objection, Mr. Walker?

MR. WALKER: No, Your Honor.

THE COURT: Mr. Campbell, you may step down from the witness stand. You're excused from the trial of this case, you may leave the courtroom.

Call your next witness.

MR. UTSEY: The State calls Rusty Davis.

THE CLERK: Place your left hand on the Bible and raise your right hand.

Thereupon,

RUSTY DAVIS

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE CLERK: Have a seat on the witness stand and state your name for the record.

THE COURT: Have a seat on the witness stand. Pull that chair, make it comfortable and adjust that microphone where it will amplify your voice. Adjust it to your height. Now, you know you don't have to get right on top of it, but I want you to speak up like I'm doing right now where the lady at the end of the jury box and the people in the courtroom can hear you.

THE WITNESS: Yes, sir.

THE COURT: State your full name, spell your last name for the court reporter.

THE WITNESS: James Russell Davis, D-A-V-I-S.

THE COURT: Your witness, Counselor, direct examination.

MR. UTSEY: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. UTSEY:

Q Mr. Davis, where do you work currently?

A Walterboro Police Department.

Q How long have you worked for the Walterboro Police Department?

A Just under two years at this point.

Q Where did you work before you went to the Walterboro Police Department?

A The Colleton County Sheriff's Office.

Q What was your position with the Colleton County Sheriff's Office?

A I was a sergeant in criminal investigations.

Q What are some of your duties as a sergeant in criminal investigations?

A Assisted in processing crime scenes. I also, you know, worked criminal cases, everything from minor thefts, all the way up to homicide cases. I also was -- for the majority of the time, I was an investigator. I was also the primary evidence custodian for the Sheriff's Office.

Q How long had you worked at the Colleton County Sheriff's Office?

A Approximately 10 years.

Q Okay. And were you working as an investigator on May 28th of 2016?

A Yes, sir, I was.

Q And can you explain what happened on the morning -- in the early morning hours of that day?

A Early morning hours, I received a phone call from dispatch stating there was a shooting asking us to come out. I came out to assist with processing of the crime scene and went out to the incident location and assisted with processing the scene.

Q And what did you do when you arrived at the scene?

A Well, I assisted in locating the evidence on the scene. I also took crime scene measurements. Any time we -- especially, with any type of major crime scene, we like to take measurements of the location of all the items of evidence in the post scene to be able to recreate it as accurate as possible.

Q Were the victims still there when you arrived or they had already gone?

A I believe one victim was already in the ambulance or being loaded in the ambulance. The other victim was still on the scene when I got there.

Q Did you find any shell casings?

A I don't recall us recovering any -- I don't recall personally recovering any shell casings at the scene.

Q Okay. Did you go through the crime scene and mark different areas where pieces of evidence were found in that crime scene?

A Yes, sir, we did.

Q Okay. I'm going to hand you what's been premarked as State's Exhibits 19 through 26.

MR. UTSEY: May I approach, Your Honor?

THE COURT: You may.

That's inclusive, Mr. Utsey?

MR. UTSEY: Yes, Your Honor.

THE COURT: Exhibit 26 inclusive.

THE COURT:

BY MR. UTSEY

Q Do you recognize those photos --

THE COURT: Hold on, let him look at them.

Have you seen them, Mr. Walker?

MR. WALKER: Actually, I'm not sure that I have.

THE COURT: All right. I'm going to ask you to show them to him after he looks -- after the witness looks at them.

MR. UTSEY: Yes, sir.

BY MR. UTSEY:

Q Do you recognize those photos, Mr. Davis?

A Yes, sir, I do.

Q And how do you recognize those photos?

A These were photographs taken at the scene the night of the incident.

Q Are those photos a fair and accurate depiction of

the incident that occurred in Round O on May 28th, 2016?

A Yes, sir, they are.

MR. UTSEY: Your Honor, do I need to show them to defense counsel?

THE COURT: You may approach the witness. Take them to Mr. Walker and let him look at them.

MR. UTSEY: Thank you, Your Honor.

THE COURT: Matt, this is 19 through 26, inclusive.

MR. WALKER: No objection.

THE COURT: You wish to offer them?

MR. UTSEY: Yes, Your Honor. At this time, the State would like to offer 19 through 26 into evidence.

THE COURT: Ladies and gentlemen of the jury, State's Exhibits 19, 20, 21, 22, 23, 24, 25, and 26 will be admitted into evidence in the trial of this case, without objection. Nineteen through 26 in evidence.

You may publish to the jury.

(Whereupon, State's Exhibit No(s). 19-26 marked for identification and received in evidence.)

MR. UTSEY: Thank you, Your Honor. May I approach the witness?

THE COURT: You may.

Use the exhibit number on the bottom right to

refer to it.

WITNESS: Yes, sir.

THE COURT: They're going to put it on the screen.

THE COURT:

BY MR. UTSEY

Q Detective Davis, can you describe State's 19, please?

A Yes, sir. That is a photograph of the front of Leon's Club -- the roadway in front of Leon's Club --

THE COURT: Hold on one second. Let the attorney come around so he can view the screen.

Start over now, Counselor.

MR. UTSEY: Yes, sir.

BY MR. UTSEY:

Q Detective Davis, can you please describe State's Exhibit 19?

A Yes, sir. There again, it's a photo of the front -- or the roadway in front of Leon's Club. There are a few cars there in front of the club that were there that night as well. Also, you can see in the roadway there some evidence that was later marked. I believe it was a bloody T-shirt, black T-shirt.

Q And Detective Davis, whose vehicle is that right there?

A If I'm not mistaken, that belonged to the victim.

The silver vehicle right smack in the middle where you just pointed belonged to the victim.

Q And were you the one that --

THE COURT: Hold on a second. Belongs to who?

THE WITNESS: To the deceased, the victim.

BY MR. UTSEY:

Q Detective Davis, did you put up the crime scene tape or was that already up when you got there?

A I believe that was already up when I got there.

Q Detective Davis, can you please tell us about State's Exhibit 20?

A Yes, sir, this is just another photograph of the front of Leon's Club. The two vehicles, the silver vehicle there, the one to the right being the vehicle belonging to the victim. The door to the club was pretty much directly behind the rear of that vehicle, behind the telephone pole. And, there again, part of the roadway as well.

Q And that victim is Jesse Guy, right?

A Yes, sir.

Q Detective Davis, can you please tell us about State's Exhibit 21?

A Yes, sir. State's Exhibit 21 is, again, a close up of Mr. Guy's vehicle. You can also see on the hood of the vehicle, there was a white-colored T-shirt, apparently, the victim had left on the front of the car. And on the top

is a really a really small red dot that I believe some of the photographs are going to enlarge a little bit closer to that, which is a stun gun and holster that belonged to the victim as well.

Q What is this in State's Exhibit 22, Detective Davis?

A That's going to be the stun gun and holster, the stun gun that I referred to just a moment ago sitting on top of Mr. Guy's vehicle.

Q Will you please tell us about State's Exhibit 23?

A Yes, sir, just a closer photo of the stun gun and holster or the stun gun on top of the vehicle.

Q Can you please tell us about State's Exhibit 24?

A Yes, sir, State's 24 is also the roadway in front of Leon's Club. You can see to the left of the picture a photo of the gun, also, the victim's vehicle there kind of towards the top of the photograph. In the roadway, you will notice there are now small yellow placards, evidence placards that are each numbered. There's an evidence placard placed at each piece of evidence that we locate. You can also see in the middle of the roadway from the opposite direction how the placards were placed out and the black T-shirt that I alluded to in the first picture, I believe it was Exhibit 19.

Q Did you actually put these placards down,

Detective Davis?

A I believe that I did. I know that myself and Officer Padgett -- or Detective Padgett were working hand in hand. She collected most of the evidence in this case. I believe I put the placards down, but I can't say for a hundred percent certainty.

Q What is this, Detective Davis? Can you tell us about Exhibit 25?

A Yes, Exhibit 25 is a photograph of item number eight, which is a red T-shirt found on the side of the roadway opposite of the club. As you see the yellow placard there with the number eight on it indicating the item number.

Q And can you please tell us about Exhibit 26?

A Yes, sir, Exhibit 26 is just another photograph of the taser versus the stun gun and holster on the top of the vehicle after the evidence placard was placed next to it, the placard marking it as Item 10.

Q Thank you, Detective Davis. So you stated earlier that you took measurements --

A Yes, sir.

Q -- in the crime scene? Can you explain, I guess, a little bit more in detail about taking measurements and the education you had to have to take these measurements and do -- and set up a crime scene, basically?

A Well, as I said, I've spent approximately 10 years with the Sheriff's Office and of that time, approximately five years of that, four and a half five years of that, was as a criminal investigator. In that time frame, I went through several detective courses, crime scene courses, crime scene reconstruction courses learning different aspects on how to do some of the stuff you see on TV. Of course, not all of it's real and doesn't happen in 45 minutes, but we do -- there's a lot of techniques that we learn that we utilize. Part of which being able to reconstruct the crime scene requires taking accurate measurements of where each item is located on that particular scene.

So, what I did was I actually took -- myself and one other officer, I'm not sure who it was, it was other officer holding one of the tape measure, basically, and we found two fixed points at the scene, being the two front corners of the establishment, points that would be there again -- would most likely be there again, two years, three years down the road, so we could go back and pull the triangulation measurements pulling measurements from the two different points to find a fixed point at the scene to place the marker to be able to show exactly where on the scene that particular item was located at the time of the incident.

Q Did you use a type of computer software to create a diagram, a sketch of the scene?

A Yes, sir I did. The Sheriff's Office has a program called ARAS 360, A-R-A-S 360. And it is a digital crime scene reconstruction software. Basically, I was able to take a Google map of the area of the incident location and it actually scales it to -- it brings it down to an exact scale so you can take accurate measurements just on the computer program. In order to be able to do this, I went through a specific course through ARAS 360 company, a training course through them and was able to take the measurements that I took of the location of the vehicles. I put the location of the four individuals tires of each individual to place the vehicle back in the right location, the measurements of the building itself and then triangulated measurements to each individual piece of evidence to be able to carry those measurements into the individual software, three-dimensional reconstruction of the crime scene.

Q And you are the detective in this case that actually did all that work on the computer and recreated the crime scene?

A Yes, that's correct.

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

THE COURT: You may.

BY MR. UTSEY:

Q Detective Davis, do you recognize that?

A Yes, sir, I do.

Q And what is that?

A This is the snapshot taken from the three-dimensional software of the crime scene reconstruction that I made for this case.

Q And -- you actually answered my next question. And this, this snapshot is based on the measurements that you took in the crime scene that night?

A Yes, sir, that's correct.

Q And is it a fair and accurate representation of the sketch that you completed?

A Yes, sir, it is.

MR. UTSEY: Your Honor, at this time --

THE COURT: Is it marked?

MR. UTSEY: Yes, Your Honor, it is marked as State's Exhibit No. 27, Your Honor. And the State would move to admit 27 into evidence.

THE COURT: Matt, do you want to take a look at it?

MR. WALKER: I see it, no objection.

THE COURT: No objection.

Ladies and gentlemen, as for State's Exhibit No.

27, this exhibit will be admitted into evidence in the trial of this case without any objection.

You may publish to the jury State's 27.

MR. UTSEY: Thank you, Your Honor.

(Whereupon, State's Exhibit No(s). 27 marked for identification and received in evidence.)

BY MR. UTSEY:

Q Detective Davis, if you could, go to the diagram -- hold up the diagram and go through it with the jury. If you'd rather -- you can get off the stand if you'd rather do that. And just go to the --

THE COURT: Go to the end of the box so you can see.

THE WITNESS: There again, you will recognize it as the same kind of layout as the photographs. Here's the front of the building, the two corners being the corners that I used to make all of my measurements from. You see here the silver vehicle that represents the victim, Mr. John's vehicle, and the burgundy car that was sitting next to it. You'll see the placards that are marked through here, one, two, three, four, five, six, seven, eight and then nine on the hood and then 10 on the roof.

I believe it was -- I'm trying to remember, but I believe it was placard six that was the black shirt in

the roadway, I believe that was correct. Placard eight was the red shirt that we showed you on the side of the roadway, opposite of the building. The rest of the placards that you see in the roadway were all blood spots, spots of blood in the roadway from the victims. And then, nine is going to be indicative of the white T-shirt that was on the hood of the car. And then, 10 being on the roof would be the stun gun and holster.

THE COURT: Thank you, Detective Davis.

MR. UTSEY: May I approach, Your Honor?

THE COURT: You may.

BY MR. UTSEY:

Q Did you attend the autopsy of Jesse Guy, also?

A Yes, sir, I did.

THE COURT: Do you want to go back with your client?

Hold on a second, let him get back to his seat.

Proceed.

MR. UTSEY: Yes, sir.

BY MR. UTSEY

Q Did you attend the autopsy of Jesse Guy?

A Yes, sir, I did.

Q Did you collect the items that was given to you by the pathologist from the autopsy?

A Yes, sir.

Q And what did you do with those items?

A I carried them back to the Sheriff's Office annex where I then logged them in for evidence purposes.

MR. UTSEY: May I have the Court's indulgence, Your Honor?

THE COURT: Yes, you may.

BY MR. UTSEY:

Q And one last question, did you also get the bullet from the pathologist?

A I believe that was one of the items that was turned over by the pathologist.

MR. UTSEY: Thank you, Detective Davis.

No further questions, Your Honor.

THE COURT: Cross-examination?

MR. WALKER: Thank you, Your Honor.

CROSS EXAMINATION

BY MR. WALKER:

Q Good afternoon.

A Good afternoon, sir.

Q Following sort of the same pattern the Solicitor did, your initial call was to assist in locating and gathering evidence for analysis and future use?

A Yes, sir, processing the scene.

Q And you said that the graphic that you just held up had two shirts, a stun gun and then everything else was

drops of blood; is that right?

A I believe it was three shirts, one on the hood, one on the roadway, and then one on the other side. Yes, but other than that, I believe everything else would have been blood droplets.

Q So what would be the procedure for gathering the evidence, say, for T-shirts?

A The shirts would have been collected and placed into -- depending on how wet they were, we would place any wet items -- and in this case, they would have been wet, blood, most likely, place them in paper bags to where it allowed them to breath. Otherwise, the liquids in the clothing can mildew and contaminate evidence at that point. They were placed in the paper bags, secured, brought back to the Sheriff's Office annex where we have a drying chamber, where we hang the items up into a drying chamber and allow that to air dry and filter in a closed environment. At that point, they are repackage into paper bags just for the purposes of allowing the items to breath. And then, secured in the evidence locker and/or taken to the SLED for further processing.

Q These bags that they're put in, are those marked in any way?

A Yes, sir, they're marked by the -- typically, marked by the item number, the location they were taken

from, and date and time and who collected them, typically.

Q Would you follow a similar procedure for the taser that was pictured?

A As far as marking the items, yes, they would still be marked as far as where they were collected, who collected them, typically, and the case number for the particular incident. They wouldn't necessarily be placed in a paper bag or something like that, because you don't necessarily have the issue with the biological, wet biological materials.

Q And then, for the blood drops, how would you collect those?

A Those would typically be collected using swabs, sterile swabs. The swabs are -- if it is a wet sample, the swabs can be, with gloves on, taken out of the sterile packaging, rubbed directly into the bloodstain or whatever liquid it happens to be, in this case, blood, and then secured, allowed to air dry, sealed up and then transport -- logged in and then transported to SLED for further processing. If they were dry, then you just use sterile water to dampen or moisten the swab prior to using it on a dry droplet.

Q What is the investigative value of swabbing the blood?

A Just to be able to determine who the blood belongs

to, typically.

Q How would you do that?

A Through DNA analysis.

Q You don't do that yourself?

A No, sir, that's done by SLED in their lab.

Q So, once you collect the swabs, they're sent to the SLED to be analyzed?

A Yes, sir, that's correct.

Q And let's see, you mentioned that you looked around for shell casings, but didn't see any; is that correct?

A I don't particularly recall locating any shell casings, no, sir.

Q So, there weren't any marked?

A No, sir, not that I recall.

Q In case somebody doesn't know, what is a shell casing?

A That is the cartridge casing that a bullet is contained in. A bullet is made up of a casing, which is the brass part that holds the powder. A primer, which is the part that's ignited when we fire. It strikes the powder, which is inside of the casing, and then the projectile, which is -- or the bullet, which is the part that expels out of the firearm.

Q Why would you expect to find bullet cases or shell

casings?

A Depending on the type of firearm, little semiautomatic firearms, they automatically rechamber to the next round. So, in order to do so, it has to clear the expended casing or the fired casing out of the way to be able to eject the next round into the chamber. With that being a semiautomatic -- obviously, with a revolver, the casings are typically held into the cylinder until they are manually removed.

MR. WALKER: No further questions.

THE COURT: Redirect?

MR. UTSEY: No further questions, Your Honor.

THE COURT: As to the witness?

MR. UTSEY: We ask the witness be excused, Your Honor.

THE COURT: Any objection?

MR. WALKER: No, Your Honor.

THE COURT: You may step down. Leave my exhibits here. You're excused from the trial of the case. You may leave the courtroom.

Counsel, approach?

(A bench conference was held.)

THE COURT: Mr. Foreman, and ladies and gentlemen of the jury, I'm going to take my one and only mid-afternoon break at this point, let you stretch your

THE CLERK: Have a seat on the witness stand and state your name for the record.

THE COURT: Have a seat and make yourself comfortable, Ms. Padgett. Pull that microphone up and adjust the chair. State your full name and spell your last name for the court reporter.

THE WITNESS: Kelly Padgett, P-A-D-G-E-T-T.

THE COURT: Your witness, Counselor.

MR. UTSEY: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. UTSEY:

Q Ms. Padgett, who do you work for?

A Colleton County Sheriff's Office.

Q What is your job with the Colleton County Sheriff's Office?

A I'm a detective.

Q And what are some of your duties as a detective?

A Similar to what Detective Davis mentioned previous to my testimony, crime scene processing, also, a wide variety of cases, ranging from anything, like, petty larceny to assault, domestic violence, and of course, murder.

Q And how many years have you been a detective?

A Almost four years now.

Q And how long have you worked for the Colleton County Sheriff's Office?

A Twelve years.
Q What were you before you became a detective?
A I was a 911 dispatcher.
Q Were you working on May 28th, 2016?
A Yes, I was.
Q Were you working as a detective for the Colleton County Sheriff's Office on that date?
A Yes, sir.
Q Can you tell us how you became involved in this investigation?
A Yes, sir. I was not on duty at the time of the incident, but I got called out and I responded to the incident location from my residence.
Q And what -- do you know what time the phone call, the first 911 call actually came in?
A Yes, sir, it was on or about 3:28, a.m.
Q Okay. And what time did you actually get there?
A I believe it was approximately 4:14 a.m.
Q Okay. And do you know what time the first responding officer came out there?
A Yes, sir, Detective Jackie Lawson, who testified earlier this morning, was the first road patrol unit to arrive on scene. He got there on or about 3:35 a.m.
Q Where is Leon's located?
A It's in Round O, South Carolina.

Q And is that in Colleton County?

A Yes, sir.

Q And what did you do when you first responded to the crime scene?

A I met with other investigators who were already on scene and assisted with the crime scene processing and collecting of evidence.

Q Okay. Can you just explain a little bit more about assisting with crime scene investigation, as far as what you did?

A Yes, sir. Also, similar to Detective Davis, met with other investigators and looked for any items that may be of any sort of evidentiary value, whether it be shell casings, blood, clothing, things of that nature.

MR. UTSEY: Your Honor, may I approach the witness?

THE COURT: You may.

BY MR. UTSEY:

Q Ms. Padgett, do you recognize that picture?

A Yes, I do.

Q Can you tell us what's in that picture?

THE COURT: Refer to the exhibit number for the record.

MR. UTSEY: Yes, Your Honor.

MR. UTSEY:

BY MR. UTSEY

Q Can you tell us what's in State's Exhibit 23?

A State's Exhibit 23 is a picture of a stun gun.

Q And where is the stun gun located in State's Exhibit No. 23?

A It's on the roof of a silver in color, I believe it was Mitsubishi that was located in front of the club.

Q Okay. Did you actually collect this taser that night?

A Yes, sir, I did.

Q And is it a fair and accurate depiction of the taser that you collected that night?

A Yes, it is.

MR. UTSEY: Your Honor, may I publish to the jury?

THE COURT: Twenty-three is in evidence?

MR. UTSEY: Yes, Your Honor.

THE COURT: You may publish.

BY MR. UTSEY:

Q Can you tell us what those are in State's 23?

A The actual stun gun itself and the case that it goes into.

Q Thank you, Detective Padgett.

MR. UTSEY: Your Honor, may I approach the witness?

THE COURT: You may.

MR. UTSEY: Your Honor, I have handed the witness what has been premarked as State's Exhibit 29.

BY MR. UTSEY:

Q Do you recognize State's Exhibit 29, Detective Padgett?

A Yes, sir, I do.

Q Can you tell us what that is?

A State's Exhibit 29 is a plastic evidence bag that contains the stun gun inside the case that was collected from the roof of the silver in color Mitsubishi located in front of Club Leon.

Q Is this the taser that you collected that night?

A Yes, it is.

Q And it is -- is it in substantially the same condition as when you collected it that night of May 28th of 2016?

A Yes, sir.

Q Were you -- did you actually place it in the evidence bag?

A Yes, sir.

Q Okay. Where did you take that evidence bag?

A To the Sheriff's Office annex where it was secured in our evidence locker.

MR. UTSEY: Your Honor, at this time, I would like to admit State's 29 into evidence?

THE COURT: As to 29?

MR. WALKER: No objection.

THE COURT: Ladies and gentlemen of the jury, State's Exhibit No. 29 will be admitted into evidence in the trial of this case, without objection. State's 29 now in evidence.

You may now publish to the jury.

(Whereupon, State's Exhibit No(s). 29 marked for identification and received in evidence.)

THE COURT: Ms. Padgett, when I tell you not to take something out of the box, don't do it unless I instruct you to do so unless you have to in order to answer the question. And you ask me before it's published.

THE WITNESS: Yes, sir. I apologize.

THE COURT: Proceed.

MR. UTSEY: Thank you, Your Honor.

BY MR. UTSEY:

Q When you were on scene that night on May 28th of 2016, did you find any shell casings, Detective Padgett?

A No, sir.

Q And how long did you stay out at the scene that night?

A Until all units cleared. It was probably two and a half hours or so.

Q Okay. And did you become the lead investigator on the case?

A Not that night, but the following week.

Q Okay. And did you have anyone else -- any other detectives assisting you in the investigation?

A Yes, sir.

Q Who was that other detective assisting you?

A Detective Curt Wallace.

Q And can you tell us just some of the things you did as the lead investigator on the case?

A Yes, sir. We took part in interviewing several other witnesses with information regarding this incident. We also conducted some search warrants on the Defendant's home, or, I should say, one search warrant at [redacted] Oak Circle in Walterboro, which is in Colleton County. We collected evidence additionally during that search warrant, which was two cell phones belonging to Andre Crawford and to his brother, DaQuan Crawford. And we conducted an additional search warrant on those cell phones. And I also assisted in the arrest of Mr. Crawford.

Q And were -- you said that you tried to meet with witnesses during your investigation, were they cooperative with you?

A Most of them were not.

Q And on May 31st, 2016, did you request a photo

line-up from SLED?

A Yes, I did.

Q And who is the -- what -- I guess, why did you request a photo line-up from SLED?

A The incident had occurred on early morning hours of May the 28th, so a couple of days had passed and we had began receiving tips and information on individuals who had been on scene and may have been involved in an altercation or a fight. And we received the name of an individual after we interviewed Andre Crawford, who he claims had given him a ride home. And that's how we, we ended up with three different names. One of those was the Defendant, Andre Crawford. So, requested photo line-up on his brother, DaQuan Crawford, as well as Damon Hampleton, who testified early earlier.

MR. UTSEY: May I have the Court's indulgence, Your Honor?

(Pause.)

BY MR. UTSEY

Q And Detective Padgett, you said that you had -- you had executed a search warrant for the cell phones. Did you get any results from the cell phones of DaQuan and Andre Crawford?

A No, sir. Unfortunately, it met with negative

evidentiary value on the search warrant on the cell phones.

Q Okay.

MR. UTSEY: I have no further questions, Your Honor.

THE COURT: Cross-examination?

CROSS EXAMINATION

BY MR. WALKER:

Q Good afternoon.

A Good afternoon.

Q As to the taser or stun gun that was admitted as State's 29, you're the one that collected that in evidence?

A Yes, sir.

Q That's one of the items that had been photographed by Mr. Davis, correct?

A Correct.

Q Did you collect any of the other items that he had tagged or anything in that photo that we heard about earlier?

A I don't remember if I collected the shirts, the bloody shirts. I may have or it may have been Detective Davis, I'm not sure.

Q And you say you didn't recover any shell casings?

A No, sir.

Q Did you do any of the blood swabs?

A No, sir.

Q You told the jury a moment ago about the steps you took in the investigation culminating in the arrest of my client, Andre Crawford. When was he arrested?

A July 6th, 2016.

Q So, over a month after this shooting?

A That's correct.

Q What do you have to do to arrest someone that far after an event occurs?

A We have to go forward as far as finding other witnesses and individuals to speak with. We conducted further investigation doing the search warrants, just like I mentioned, result in negative findings hoping that that would give us --

Q Let me reask my question.

A Yes, sir.

Q If that long of a period had gone by --

THE COURT: Hold on a second. I'm going to let you ask her.

You finished answering his questions?

THE WITNESS: Yes, sir.

BY MR. WALKER:

Q When that long of a period has gone by, can you just walk up to someone and arrest them?

A You have to have an arrest warrant.

Q So, how do you get -- who authorizes an arrest

warrant?

A One of the local magistrates.

Q And you present them with the evidence you've collected and get them to sign off and agree that an arrest should occur?

A That's correct.

Q You have to, at least, convince that magistrate or judge or whoever --

THE COURT: Speak up.

THE COURT:

BY MR. WALKER

Q You have to, at least, convince that judge that there's probable cause to obtain that warrant?

A That's correct.

Q And you did not convince a judge -- well, if you had thought that you had probable cause before a month after the shooting, you would have obtained a warrant before then?

A Yes, sir.

Q Would it be accurate to say that the impetus for obtaining the arrest warrant for Mr. Crawford for murder, attempted murder and possession of a weapon during the commission of a violent crime would be the testimony -- not the testimony, but the statement of Bruce Martin that he saw my client shoot?

A That's correct.

CROSS EXAMINATION OF KELLY PADGETT BY MR. WALKER

Q And how long before my client was arrested did he make that statement to you?

A I don't have an exact date. It was some time after Mr. Martin was released from the hospital.

Q How long after he made you aware of that --

THE COURT: Identify who he is for the witness.

MR. WALKER: Yes, Your Honor, I'm sorry.

BY MR. WALKER:

Q How long after Mr. Martin told you that he saw Andre Crawford shoot him did you all obtain arrest warrants?

A I don't have that information. I don't remember the date that the interview was conducted with Mr. Martin.

Q You weren't sitting in that?

A No, sir.

Q Once you had that information as an investigative team, you did not delay in seeking the warrants, correct?

A Again, I don't remember the time frame for it. But as far as I know, there would have been a discussion as far as how to move forward. So I don't know how much time had passed.

Q You were present when he was arrested?

A Yes, sir.

Q How long had you had the warrant before you went out to arrest him?

A I don't know.

Q The photo line-ups that you mentioned getting from SLED, did you give those to other officers to use in the course of the investigation?

A Yes, sir.

Q You said that many of the people that you attempted to interview were not cooperative?

A That's correct.

Q But some were?

A Somewhat.

MR. WALKER: Beg the Court's indulgence.

(Pause.)

MR. WALKER: I have nothing further. Thank you.

THE COURT: Redirect?

MR. UTSEY: Yes, Your Honor.

REDIRECT EXAMINATION

BY MR. UTSEY:

Q Detective Padgett, what do you mean by somewhat in the fact that people were cooperative?

A Oftentimes, when we try to talk to people, witnesses, especially dealing with homicide investigations, they may speak to you, but they don't provide you all of the information that we as investigators know that they know. So, it's hard for us to do our job sometimes because people are not being completely straightforward with us.

Q Do witnesses lie to y'all in the course of an

investigation?

A Yes, sir.

MR. UTSEY: I have no further questions, Your Honor.

THE COURT: Recross limited to redirect?

MR. WALKER: None, Your Honor.

THE COURT: As to this witness, Counselor?

MR. UTSEY: She may be excused, Your Honor.

THE COURT: Any objection, Mr. Walker?

MR. WALKER: No, Your Honor.

THE COURT: Ms. Padgett, before you do, the first thing I need to know and the reason that I tell you this, because, obviously, I don't know if I'm going to hear an objection about presenting evidence before you show it to the jury.

Is the stun gun in such shape that it can be fired if she opens the case? If not, I want to the zip it or something to lock it down so that it can't be used because I don't want somebody getting hurt on the jury. So you tell me. If you need to examine it, I'll let you do so.

Counsel, approach.

WITNESS: I'm not familiar with this particular stun gun, so I don't know.

(Off-the-record discussion held.).

THE COURT: You're excused from the trial of this case. You may leave to the courtroom.

Call your next witness.

MS. LEGETTE: The State calls Curt Wallace.

THE CLERK: Place your left hand on the Bible and raise your right.

Thereupon,

KIRT WALLACE

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE CLERK: Have a seat on the witness stand and state your name.

THE COURT: Have a seat, pull the chair up, make yourself at home, adjust the microphone to your height. State your full name and spell your last name for the court reporter.

THE WITNESS: My name is Kirt Wallace, last name W-A-L-L-A-C-E.

THE COURT: You have a great voice. They will be able to hear you. You don't need to get that close to the microphone.

THE WITNESS: All right.

THE COURT: Your witness, Counselor, direct examination.

MS. LEGETTE: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. LEGETTE:

Q Mr. Wallace, where do you work, sir?

A I currently work at the Medical University of South Carolina, MUSC.

Q What are your duties at the Medical University of South Carolina?

A I'm a public safety state officer there. We enforce the laws of the MUSC Hospital campus.

Q How long have you been working for MUSC?

A Approximately one year and three months.

Q Now, what was your previous employment prior to going to MUSC Public Safety?

A Previously, I worked at the Colleton County Sheriff's Office as a detective.

Q How long were a detective for the Colleton County Sheriff's Office?

A I was a detective approximately three years, but I worked with Colleton County for eight years.

Q And in the years prior to becoming a detective with the Colleton County Sheriff's Office, what were your duties at the Colleton County Sheriff's Office?

A I was a deputy on the road. Road patrol officer, supervisor.

Q And so, as part of your duties as a detective for

the Colleton County Sheriff's Office, what did you do?

A Basically, we had cases assigned to us. Cases stemming from assaults, domestic, special victims crime unit, felonies, homicides, burglaries. We investigated those cases that came before us.

Q Now, were you working for the Colleton County Sheriff's Office on or about May -- or in May of 2016?

A Yes, ma'am.

Q And did you become involved in the case at bar during the month of May 2016?

A Yes, ma'am.

Q Specifically, turn your attention to May 28, 2016. Tell us what you were doing and how you became involved in the case at bar?

A I became involved due to the fact that whenever we have a crime as such, all hands on deck. Our supervisor calls all of the detectives to come out and work the crime at hand. I live in Goose Creek. And due to fact that I live in that part of the area, the victim was at Trident, which was in the town right up to the street from me. So, I was called by my supervisor not to come out to Walterboro, but to go straight to the hospital and try to interview the victim or start my investigation there.

Q Now, you say that you were contacted to go and visit the victim, which victim in particular were you

instructed to go visit?

A The surviving victim, which was Bruce Martin.

Q And upon being advised by your superiors to go and visit Bruce Martin at Trident, what did you do?

A I went out to the hospital, awaited for his arrival and then waited until he was in a position to actually be seen, okay. Upon my visiting him, he was in no shape, form or fashion at that time to be interviewed, all right. So, at that particular time, I did not even talk to him because he was in no condition to be interviewed.

Q Now, when you say no condition, what was his physical condition at that time?

A Well, he was in the intensive care unit. He was being treated for his injuries, heavily medicated, unconscious, again, in no shape, form or fashion to be interviewed.

Q So, once you met with the victim or attempted to see the victim and saw his condition, what did you do?

A I left the hospital and went back home.

Q Okay. And at some point after going to Trident Hospital that particular, I guess, morning, did you actually become involved in the investigation of this matter?

A Yes, I did.

Q Can you tell us who was the person that you were assigned to assist, or what was your duty?

A I was assigned to assist Detective Kelly Padgett. I was secondary detective of investigations, so I was assigned to assist Detective Kelly Padgett.

Q And as part of your duties to assist Detective Padgett, what exactly were you supposed to do -- or what did you do in the case?

A What I did was, basically, as soon as we got information about the case, we proceeded with the case, you know, according to evidence, according to witnesses, you know, with the photo line-up that was presented. And due to the fact that the victim was still in the area where I lived at, once I got access to those photo line-up, then we presented the victim with a photo line-up.

Q Okay. Now, prior to presenting Mr. Martin -- is that the victim you're talking about, Bruce Martin?

A That's correct, yes, sir.

Q Prior to presenting him with any photo line-ups, did you see him again prior to -- did you see him again prior to --

A Yes, I did. Like I said, the first time I saw him, he was in no condition whatsoever. So I waited, I want to say the following day or a couple of days afterwards?

Q Possibly, May 30th?

A Possibly, May 30th. So, I went back out there to see him again. He was in much better condition. He was up,

he was more alert than he was previously. He was in a position to actually have a conversation with me and talk to me about what happened that night.

Q And was he still in ICU?

A He was still in ICU, that's correct.

Q All right. So, he talked to you and did he tell you anything that he remembered?

A Yes, he -- I asked him exactly what could he provide or what did he remember, and he specifically told me at the time what he remembered. If you need me to elaborate, I can elaborate exactly.

Q We'll get to that.

A Okay.

Q So, you met with him on May 30th at the Trident Medical Center. At that time, did you present him with any photo line-ups of anyone?

A No, I did not, not at that time, no.

Q All right. Once you met with him on May 30th, did you have any other involvement in this case prior to showing Mr. Martin the photo line-ups?

A No, I did not.

Q Did you meet with Detective Varnadoe at any point with any potential witnesses in this case?

A Yes, we did.

Q Who did you actually meet with?

A We met with Mr. Andre Crawford, a person of interest in reference to the case, and he was actually interviewed. And Detective Varnadoe was there.

Q So, when you met with Detective Varnadoe and Mr. Crawford, Andre Crawford, where did you meet with him at first?

A Well, at first, we met him at his residence, [redacted] Oak -- if I'm not mistaken, [redacted] Oak Street. We met him there. He voluntarily came with us to be interviewed.

Q At any time, did you or either Detective Varnadoe threaten Mr. Crawford in order to get him to go with you voluntarily?

A No, we did not. Like I said, he voluntarily came with us.

Q And you said he voluntarily came with you?

A Uh-huh. (Indicating affirmatively.)

Q Was he free to leave at any time when he came with you?

A Yes, he was. As a matter of fact, during the interview, he was advised that he was free to go at any time.

Q How did Mr. Crawford arrive at the interview location on May 31st?

A We brought him there. Detective Varnadoe brought him in his vehicle.

Q Do you remember where he was sitting in the vehicles or his position? Was he in handcuffs when he went?

A No, he was not in handcuffs at all. As a matter of fact, he was sitting, I want to say, in the front passenger seat.

Q So, during that particular interview, did he talk -- were you in the interview with Mr. Varnadoe and Mr. Andre Crawford?

A Yes, I was, yes.

Q Did Mr. Andre Crawford agree to talk with you while you were in the interview?

A Yes, he did, yes.

Q At any time in the interview, did he tell you that he did not want to talk any longer?

A No, he didn't. Like I say, again, during the interview, he was reminded that he was not under arrest and he was free to leave at any time.

Q Now, did Mr. Crawford tell you anything about being at Club Leon?

A Yes, he did.

Q Did you ask him those questions?

A Yes. Of course, we asked him was he there and who he was with and things of that nature, yes.

Q What was his response?

A He responded that he was there and he responded he

was there with his brother, DaQuan Crawford.

Q Did he indicate that anything strange happened while he was at Club Leon?

A Not outright. Of course, we spoke about the fight because everyone was aware about the fight that took place. And we asked him, you know, where he was during the fight because his brother was involved in the fight. We -- especially, we asked him what did he do, did he hear anything out of the ordinary. And, of course, he was like -- mainly, we were trying to ask him who broke up the fight, et cetera, et cetera. So, he, basically, said, you know, he didn't know who broke up the fight. There was nothing out of the ordinary that took place.

And then, of course, we eventually got around about shots being fired. And he said, okay, all right. And we asked him why didn't you mention that first and he said, well, you didn't ask. So, we thought that was kind of strange that he didn't mention anything about shots being fired. But we spoke in details about why he was there, who he was there with, what happened afterwards, who did he leave with, things of that nature.

Q Did he indicate who he left with?

A Yes, he did.

Q What did he tell you about who he left with?

A He said he left with a cousin, a cousin by the

name of Pee Wee or Twin. We were already aware of who Pee Wee and Twin was, but he said that he actually left with him.

Q Do you know what the name of Pee Wee, Twin, the actual birth name is?

A No, I don't know it.

Q But you were aware that -- so, what were you aware of about this Pee Wee, Twin person?

A Well, we were aware because Detective Varnadoe actually interviewed him at the club --

Q Don't tell me what he said.

THE COURT: Don't refer to what another individual said unless I authorize you to do so.

THE WITNESS: Yes, sir, Your Honor.

THE COURT: Objection sustained in anticipation of you're eliciting hearsay.

Ask the question, Counsel, and let the witness answer it without referring to what someone else said.

MS. LEGETTE: Yes, Your Honor.

THE COURT: And don't elicit it from the witness.

MS. LEGETTE: Yes, Your Honor.

MS. LEGETTE:

BY MS. LEGETTE

Q So, you continued talking with Mr. Crawford, Andre Crawford about how he left the club?

A Yes, ma'am.

Q During that interview, did he say anything else about his whereabouts and how he left?

A No. No, he did not.

Q Now, after you talked with Mr. Crawford on May 31st, 2016, your other involvement in this case, you met with -- did you ever meet with Mr. Martin again?

A Yes, I did.

Q And prior to meeting with him, did you talk to Detective Padgett about this case?

A Prior to meeting with?

Q With Mr. Martin on a separate date about the photo line-up?

A No. No, I did not. When the photo line-up came about, Detective Kelly Padgett made me aware that a photo line-up needed to be presented, okay. So, I was the one who was to present those photo line-ups. And the way that happens is that whatever officer is presenting the photo line-ups, he in no shape, form or fashion is aware of the parties in the photo line-up.

Q So, at some point, do you know who -- well, did you meet with Bruce Martin to present the photo line-ups to him?

A Yes, I did.

Q And what date did you meet with him, do you

recall?

A Give me a second here to review my notes here.

Q Was it possibly June 4th?

A Yes, here, I see June 4th. That's when I met to present him with the photo line-ups.

Q So, let's go back a little bit before we go to June 4th and your photo-lineup. After you met with Mr. Crawford on June -- I'm sorry, May 31st, 2016 with Detective Varnadoe, at some point thereafter, you indicated he talked about how he left the club?

A Yes, ma'am.

Q Did you actually go to his house again, to Mr. Crawford's house in order to serve any arrest warrants?

A Yes, ma'am, we did.

Q What date was that and what was it for?

A I don't recall the date, I don't have the date in front of me. But the reason why we made an arrest is because of the information that was provided by Mr. Andre during the interview to the point to where he lied about how he got from the club and who he left the club with. So, a warrant for obstruction of justice was presented.

Q And prior to arresting Mr. Crawford for the obstruction of justice for what he had lied to you about in the interview, had officers spoken to the person he had actually supposed to have gotten a ride with?

A Yes, ma'am. That is correct. And that's the reason why we established enough probable cause to create the warrant in the first place because of who we interviewed in retrospect of the person he said he left with. After interviewing that person, who specifically stated --

Q Don't tell me what he said, but what you learned.

A Right. Okay. We learned that he did not leave the club with that person.

Q So, did Mr. Crawford's actions hinder or impede your investigation?

A Yes, it did. Yes, it did.

Q So, you went to Mr. Crawford's, Andre Crawford's home after you met with him on May the 31st, sometime shortly thereafter and you went and arrested him on obstruction of justice?

A Yes, that's correct.

Q Shortly after he was arrested -- well, after he was arrested for that charge, you indicated that you met with Mr. Martin for the photo line-up?

A That's correct, yes, ma'am.

Q So now, tell us about the nature of the photo line-up that you met with Mr. Martin about?

A Well, the nature of the photo line-up is that when we are presenting a photo line-up, it comes from SLED, all right. We put in the necessary information that we need.

SLED will give us a photo line-up of people with the same race, stature, height, you know, facial. So, we -- we retrieved those photo line-ups from SLED of possible persons involved.

When I went to the hospital to present those photo line-ups, they come with certain rules and regulations, policies. I told Mr. Bruce Martin, I have a photo line-up that I want to present to you. All right. I need you to pick out, circle and initial, for example, anybody in this picture that you think was involved in the fighting or the incident that took place at the club. I also advised him that the person that you pick might be in this photo line-up, but they might not be in here. All right.

So, when he was presented with the photo line-up, the first photo line-up I presented to him, I told him to -- if you recognize anybody that was involved in the initial fighting at the club, if you do, circle it and initial it. Again, the person might be in here, and might not. So, he was presented with the first photo line-up and he circled and initialed the person that was actually involved in the physical fighting, all right.

The second photo line-up that I presented to him, I said, Well, I need you to circle, initial, the person might be here, might not be in here, but anybody that was

involved in close proximity of the fight that you might recognize, might be involved. He was presented that photo line-up and he circled and initialed the person of interest.

Q Now, when you were presenting Mr. Martin with the photo line-up, you said earlier this was on June the 4th, 2016?

A Yes, ma'am.

Q So, he was -- was he still in the hospital at that time?

A He was still in the hospital, that's correct. But I felt that -- we would not interview or present a photo line-up if we don't feel that that person is coherent enough to exercise those activities.

Q So, in the past, I suppose -- you've been in law enforcement how many years?

A Eighteen years now.

Q Eighteen years?

A Uh-huh. (Indicating affirmatively.)

Q Are you familiar with a person who may not be coherent, as you say?

A Uh-huh. (Indicating affirmatively.)

Q You are?

A Yes. Yes.

Q Okay. So, based on your understanding of Mr. Martin, how did he present to you?

A He was coherent enough to, to be -- I guess, active enough for the photo line-up and for my questioning, put it that way.

Q Was his speech slurred in any way?

A No, it was not.

Q Did he appear lucid and aware of his surroundings?

A He was aware of his surroundings.

Q Now, was anyone else present with you when you presented the photo line-up to Mr. Martin on June the 4th, 2016?

A There was a female in the room with him at the time. I can't tell you who the person was, but there was someone in that room at that time.

Q Was anyone else with you when you presented him the photo line-up?

A No, I was the only one that presented it.

Q Now, when you presented him the photo line-up on June the 4th, did the person who was present in the room, the female, ever assist him with any identification?

A No, no, none, whatsoever. No, ma'am.

Q Did any -- did this female ever see the photo line-up that you showed to Mr. Martin?

A No, ma'am. No, ma'am. It was only presented to him.

Q Can you describe for us the way that the photo

line-up actually looked, its physical characteristics?

A Well, there's several ways of doing it. We call it a six-pack, where you have six people on one page. Some photo line-ups are presented one person at a time. We like to use the six-pack methods. So, they were given to him in a six-pack method, if you understand what I'm saying.

Q Okay. You said earlier that the people in a six-pack, they are similar in characteristics; is that correct?

A Yes, that's correct.

Q Is that done on purpose?

A What do you mean?

Q How is that generated? You said SLED gave you a photo line-up?

A Yes, that's correct. That's correct. In other words, if you have a person of interest that is African-American, you wouldn't have a Caucasian person in the photo line-up.

Q Is that done to -- strike that. Do you know why that is done? Is it done to prevent getting a misidentification?

A That's true. I mean, it can be done for several reasons, that's the main one of them. Yes. I'll put it that way. I don't want to elaborate on that, but yes.

Q Now, when you presented the photo line-up to

Mr. Martin on June 4th, 2016, did you or anyone else present ever suggest to Mr. Martin who to pick out in the photo line-up?

A No. No.

Q Did Mr. Martin ever see any single photos prior to seeing the six-pack photo line-up?

A No, ma'am.

Q And was he able to select anyone from the photo line-ups that you handed him or you gave him on June 4th, 2016?

A Yes, ma'am, he did.

Q And when he actually -- are you familiar with who he selected in the photo line-ups?

A I was not familiar with who he selected because, again, the officer that's given the photo line-up is not aware of who is in the photo line-up.

Q So now -- but are you aware now of who was in the photo line-ups?

A Yes, I'm aware now, yes.

Q Okay. Who did he select in the photo line-up?

A The first photo line-up I presented to him, he selected DaQuan Crawford as the person who was actually physically in the fight. The second photo line-up that I presented to him, he selected Andre Crawford as a person of interest that was in close proximity of the fight.

Q And how certain did Mr. Martin appear to be of his selection?

A He appeared to be very certain.

Q Did he ever select anyone else in the photo line-up on June 4th, 2016?

A No, ma'am.

Q Detective Wallace -- or Officer Wallace, I'm going to hand you now what has previously been marked for identification as State's Exhibit No. 40 and 41. Take a moment and tell me if you recognize State's Exhibit No. 40 and 41.

MS. LEGETTE: May I approach the witness?

THE COURT: You may.

THE COURT:

BY MS. LEGETTE

Q Officer Wallace, are you familiar with State's Exhibit 40 and 41?

A Yes, ma'am.

Q Officer Wallace, what are State's 40 and 41?

A Both of them are photo line-ups. State's Exhibit 40, the person presented this photo line-up has circled DaQuan Crawford. And in State's Exhibit 41, the person that is circled and initialed is Andre Crawford.

Q And Detective -- or Officer Wallace, are State's Exhibits 40 and 41 a fair and accurate reflection of the

photo line-up that you gave to Bruce Martin on or about June 4, 2016?

A Yes, ma'am.

Q Has it been changed or altered in any material way?

A No, ma'am.

MS. LEGETTE: At this time, Your Honor, I would offer State's 40 and 41 for admission into evidence?

THE COURT: As to 40 and 41?

MR. WALKER: Renew my earlier objection.

THE COURT: Let the record reflect that Counsel has made the Court aware that the Court had previously made a ruling of law on this previously.

Is that correct, Solicitor?

MS. LEGETTE: Yes, Your Honor.

THE COURT: Is that correct, Mr. Walker?

MR. WALKER: Yes, Your Honor.

THE COURT: All right. And you're renewing the same objection that you made earlier?

MR. WALKER: Yes, sir.

THE COURT: The Court has ruled on that and I'll make a record of that at the appropriate time.

State's Exhibits 40 and 41 will be admitted into evidence over objection. 40 and 41 admitted into evidence over objection.

You may publish to the jury.

MS. LEGETTE: Thank you, Your Honor.

(Whereupon, State's Exhibit No(s). 40-41 marked for identification and received in evidence.)

BY MS. LEGETTE

Q Officer Wallace, I'll direct your attention to either your State's 40 and 41 exhibits or to the screen here behind the jury box. Now, Officer Wallace, please tell us what we're seeing in State's Exhibit 40?

A In State's Exhibit 40, you're seeing a photo line-up where the victim circled and signed the person that was actually involved in the physical fight. And the person that is circled and initialed is Mr. DaQuan Crawford.

Q Would that be the person pictured in number five on State's Exhibit No. 40?

A That's correct, yes, ma'am.

Q As it relates to State's 40, what did Mr. Martin tell you about this individual?

A He advised that this was the person that was actually physically fighting in where he was involved in trying to break up the fight.

Q All right. Now, I'll direct your attention to State's 41. What are we seeing in State's 41?

A In Exhibit State's 41, you're seeing a photo line-up where the victim circled and initialed the person

who was in close proximity of the fight. And that person is Mr. Andre Crawford.

Q As it relates to State's 41, is that the person pictured in photograph number two on State's 41?

A Yes, ma'am.

Q And those initials, are those the initials Mr. Martin marked?

A That's correct, yes, ma'am.

Q Thank you. Now, once Mr. Martin made his selection in the photo line-ups on June 4, 2016, was he able to tell you any more information?

A Not at that time, he was not able to tell me any more. Of course, I advised him that if he remembered or come across any information that he have yet to tell me, to please do so. But at that time, he basically explained all that he could at the time, yes.

Q Did the victim indicate to you anything about his memory at that time?

A Yes, he did.

Q What did he say?

A He said at the time, it's like a dream you're trying to remember. You know you seen something, you know you have a recollection of it, but you just can't really remember what it was. He said at the time that -- that's the reason why I advised him. I said, if anything comes to

your memory, if you can please give me a call and let me know. He advised me that it was more he wished he could tell me that he could remember, but at the time, he just couldn't, he just couldn't remember.

Q Okay. So, once you met with Mr. Martin on June 4th, 2016, did you eventually leave the hospital room?

A Yes, ma'am.

Q Did you see Mr. Martin again?

A Yes, I did. I continued throughout the investigation to check on his well being, not to -- you know, not to all of the time to just bombard him with questions, but just to check on his well being and see how he was doing. I made a visit to his house, more like a, what you call it?

Q Wellness?

A A wellness check, yeah, just a welfare check. So, I went to his house just to see how he was doing and to see whether he remembered what he told me. Again, I wasn't really there to bombard him with the investigation because I know he was stressed a lot from that, but was more for a welfare check.

Q When you visited him at his home for a welfare check, did you show him any photo line-ups at that time?

A No, no, I did not. Again, I wanted to check on his well being.

Q Now, you indicated earlier that you had become a secondary investigator in this case?

A Uh-huh. (Indicating affirmatively.)

Q So, at some point after your photo line-up that you showed Mr. Martin on June 4th, did you have occasion to show him a second photo line-up?

A Yes, I did.

Q Can you tell us about the nature and how you came to talk to him again and show him another set of photo line-ups?

A Well, I -- let's see here. Let me get my dates straight. On the 28th of June, he gave me a call.

Q He as in?

A Mr. Bruce Martin, the victim. He gave me a call and he blatantly told me, okay, I remember, I remember everything now. I remember who shot me. Of course, I didn't want to have that conversation over the phone, so I advised him to come to our office so we can sit down and get this on audio and video and, perhaps, present him with another photo line-up in reference to the additional information that he now remembered at the time.

Q And so, after advising Mr. Martin about coming to see you, where did you ask him to come?

A I told him to come to my headquarters, at the detective front office.

Q Okay. So, after advising him or asking him to come see you at the detective headquarters, did Mr. Martin show up?

A Yes, he did.

Q Do you recall what day he came?

A No, I don't have that in front -- I don't know whether it was the same day he called or not. The 25th of June, he actually called. But I can't recall if he actually came that day or not. I don't have that in front of me.

Q Did he call you on the 28th of June to tell you he remembered?

A Yes, ma'am. Yes, ma'am.

Q Did he come to see you on June the 29th, the next day?

A Let's see here.

Q You need to refer to your notes?

A Yeah, refer to my notes. On the 29th of June, 2016, the victim, Bruce Martin, came in, yes, that's correct.

Q So, June 29th?

A June 29th, the following day.

Q Tell us the specifics of this particular interview, was it recorded on audio and video?

A Yes, it was.

Q Who met with Mr. Martin?

A I met with him.

Q When you met with Mr. Martin, can you tell us the specifics of this particular meeting?

A We wanted to the interview him in reference to what he now remembered that he didn't remember then. In addition to the new information, again, that's why we presented the photo line-up. And he clearly -- you want me to elaborate?

Q Yes.

A He took us through the fight again. He said that him and his partner, Mr. Jesse Guy, there was a fight outside in the parking lot. He went out and tried to physically break up the fight, okay. His partner -- and is this is his words, his partner, Mr. Jesse Guy, used a taser, a stun gun to try to --

MR. WALKER: Your Honor, I actually, object to hearsay as to --

THE COURT: Counsel, as long as he's testifying to -- counsel, approach.

(Off-the-record discussion held.)

THE COURT: Objection sustained.

MS. LEGETTE: Proceed, Your Honor?

THE COURT: Proceed. Ask a question of the witness in the light of the objection.

MS. LEGETTE: Thank you, Your Honor.

MS. LEGETTE:

BY MS. LEGETTE

Q Office Wallace, while you were meeting with Mr. Martin on June 29th, 2016, what did you learn that you didn't know before?

A Well, I learned that he remembered more than he originally stated.

Q So, what did you learn?

A He said that --

Q Don't tell me what he stated, what did you learn?

A Okay, I learned that -- I'm trying to say it in a way where I won't say he said. But I learned that Mr. Andre Crawford, according to the victim, was the one who actually shot him.

Q And during this interview that you had with Mr. Martin on June 29th, did you show him photo line-ups at that time?

A Yes, I did.

Q And were these photo line-ups the same ones that you showed him on June 4th?

A They were photo line-ups that had been presented through SLED of the possible parties involved.

Q So what I'm asking you is, the photo line-up that you showed him on June 4th, did you show him the same photo line-up that he previously circled on June the 4th?

A No, ma'am.

Q Did you show him a clean photo line-up?

A It was a clean photo line-up.

Q So, tell us the nature of this particular photo line-up.

A Again --

Q Go ahead, I'm sorry.

A Okay. Again, like I say, it was a clean photo line-up. You can't use a previous photo line-up that was once presented. So, again, we go through the process of getting a photo line-up through SLED. Again, they have the same race, height, weight, things of that nature. And we presented this photo line-up to him. I specifically advised him again, I need you to circle and initial the person you say shot you. Again, the person might be here, it might not be here. Okay. So, upon presenting him the photo line-up, he circled and initialed the person that he said shot him.

Q How certain did Mr. Martin appear to be of his selection on June 29th?

A He appeared to be very certain.

Q Was there any hesitation at all on June 29th?

A No, ma'am.

Q Did he circle anyone else in that particular photo line-up as the person who shot him?

A No, ma'am, he did not.

Q And I think you may have testified to this earlier, but how were those photographs displayed? Did he get one photo at a time or --

A We use a six-pack method. We gave six photos at a time. Three on the top. Three on the bottom.

Q Okay. So, while you were meeting with Mr. Martin, was anybody else present during this particular meeting?

A No, ma'am.

Q Could his friend have been present, a friend of his have been present, or do you recall?

THE COURT: Slow down, just a moment. Rephrase that question.

THE WITNESS: Yes, I don't recall at the time.

THE COURT: Let her ask the question, then you answer.

Go ahead. Slow down, Counsel.

MS. LEGETTE: Thank you, Your Honor.

MS. LEGETTE:

BY MS. LEGETTE

Q Let me ask it this way, was anyone else present with you ever suggest to Mr. Martin who to pick out?

A No, ma'am.

Q Did anyone else present with you ever show Mr. Martin any other photographs aside from the six-pack photo line-up?

A No, no.

Q Now, did you also show Mr. Martin another photo line-up on June 29th while he was with you in that meeting?

A In reference to the information that he provided, the new information that he provided, he was presented with a photo line-up of the new information that he provided.

Q Okay. But as it relates to the previous information that he provided, did you also present him with another photo line-up?

A Yes, we did.

Q I'm sorry, I misspoke.

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

Q Tell us the circumstances or the nature of that photo line-up.

A Again, the circumstances are similar to the previous one. The person that was involved in the initial fighting at the club.

Q And in this photo line-up, did anyone present with you ever suggest to Mr. Martin who to select in that particular photo line-up?

A No, ma'am. No, ma'am.

Q Was Mr. Martin shown any separate photographs during that particular photo line-up?

A No, ma'am.

Q Now, did Mr. Martin make a selection as it relates

to the other photo line-up -- this particular photo line-up with regards to the previous information?

A Yes, he did.

Q Who did he select in that photo line-up?

A In that photo line-up, he selected Mr. DaQuan Crawford, the person who was physically involved and he had to deal with in trying to break up the fight.

Q Officer Wallace, I will hand you momentarily what was previously marked for identification as State's 42 and 43. Please take a moment and tell me if you recognize State's 42 and 43.

MS. LEGETTE: May I approach the witness, Your Honor?

THE COURT: You may.

THE COURT:

BY MS. LEGETTE

Q Officer Wallace, do you recognize State's 42 and 43?

A Yes, ma'am, I do.

Q What is State's 42 and 43?

A Exhibit State's 42 is a photo line-up, six-pack, dated June 29th, 2016. And the person who is actually circled and initialed is DaQuan Crawford.

Q As it relates to State's 43, what is State's 43?

A State's Exhibit 43, the person that is circled and

initialed on June 29th, 2016 is Mr. Andre Crawford.

Q And is State's 42 and 43 a fair and accurate reflection of the photo line-up that you showed to Bruce Martin on June 29th, 2016?

A Yes, ma'am.

Q Are they in substantially the same condition today as when you previously gave them to him on June 29th, 2016?

A Yes, ma'am.

MS. LEGETTE: At this time, Your Honor, I would offer for admission into evidence State's 42 and 43?

THE COURT: As to 42 and 43?

MR. WALKER: Renew my objection.

THE COURT: Same basis as 40 and 41?

MR. WALKER: Yes, sir.

THE COURT: All right. Forty-two and 43, I understand from counsel has been ruled on as a matter of law. They're admitted into evidence in the trial of this case over objection. Forty-two and 43 are in evidence.

You may publish to the jury.

MS. LEGETTE: Thank you, Your Honor.

(Whereupon, State's Exhibit No(s). 42-43 marked for identification and received in evidence.)

BY MS. LEGETTE

Q Officer Wallace, I'll direct your attention to

either your exhibits in front of you, State's Exhibit 42 or 43, or to the screen behind the jury box when it comes up. Now, Officer Wallace, what are we seeing in State's 42?

A In State's Exhibit 42, you're seeing a six-pack photo line-up. And the person that is circled and initialed is Mr. DaQuan Crawford who was the person that was physically involved in the fight.

Q And I see writing underneath picture number five, that is circled as picture number five, DaQuan Crawford. Who wrote on State's Exhibit No. 42?

A Mr. Bruce Martin, he circled and initialed.

Q Is that also date and time?

A Date and time, that's correct.

Q Now, Officer Wallace, if I understand you correctly, this is the second time that you have shown this photo line-up to Mr. Martin?

A That's correct, yes, ma'am.

Q And you learned from Mr. Martin the first time you showed him this photo line-up and the second time, what about the individual pictures circled in State's 42?

A In State's 42, the person depicted is the person who was actually physically fighting and the victim, Mr. Bruce Martin, physically tried to separate them.

Q This is the second time he provided you this information?

A That's correct, yes.

Q And as it relates to State's No. 43, what are we seeing in State's No. 43?

A In State's 43, you're seeing the person picked, Mr. Andre Crawford. You can see picture number two and it's dated and signed by Mr. Bruce Martin. And this was a picture of -- this person was depicted by the victim stating this was the person that actually shot him.

Q Now, Officer Wallace, as it relates to State's 42 and 43, how certain did Mr. Martin appear to be of his selection?

A He appeared to be very certain.

Q Did he ever at any time try to change his mind or circle anyone else in State's 42 or 43 on June 29th?

A No, ma'am.

Q Now, after you showed Mr. Martin the photo line-up on June 29th, did you ever show him any more photo line-ups?

A No, ma'am.

Q As far as the investigation is concerned, how many times did you show Mr. Martin any photo line-ups?

A Twice, two times.

Q June 4th and June 29th?

A Yes, ma'am, that's correct.

Q Now, going back to June 29th, once you met with Mr. Martin and he made a selection, did you learn anything

about if he knew the man pictured in State's No. 43, Andre Crawford?

A State it again.

Q Okay. When you met with Mr. Martin on June 29th, did you learn how he knew the individuals depicted in State's 42 and 43?

A Oh, yes, ma'am. Yes, ma'am.

Q What did you learn?

A Well, he stated --

Q Don't say what he stated. What did you learn?

A Well, I learned that Mr. Andre Crawford and Mr. DaQuan Crawford, were regulars at the clubs.

Q Did you learn anything about how many times Mr. Martin had seen them?

A That he had actually seen them on several occasions, not only at that club, but at other clubs, also, where he worked.

Q And he indicated he had worked, I guess, at different clubs?

A That's correct, yes.

Q And once Mr. Martin made his selection on June 29th, what else was done in the investigation as you were concerned?

A What else was done in the investigation.

Q What else did you do in the investigation?

A Well, I assisted my co-detectives in trying to, I guess, interview a person of interest, interview witnesses of interest, you know, some things like that.

Q Okay.

MS. LEGETTE: Beg the Court's indulgence.

(Pause.)

BY MR. LEGETTE:

Q Officer Wallace, did you maintain contact or stay in contact with Mr. Martin after you spoke to him on June 29th?

A Yes, ma'am.

Q Did he ever, at any point thereafter, change his mind and tell you that he got it wrong?

A No, ma'am.

Q Did he ever ask to come back in and look at any more photo line-ups?

A No, ma'am.

Q So he remained -- he maintained that the person he selected was the same person?

A That's correct, yes, ma'am.

Q Did you learn during your interview with Mr. Martin whether or not he had seen any firearms?

A That he had seen any firearms?

Q That night that he was shot?

A Oh, yes, ma'am.

Q Who did he indicate -- did he indicate who was holding the firearm, or do you recall?

A During the first interview when he --

Q The second interview.

A Oh, the second interview, yes.

Q On June 29th?

A Okay, yes, ma'am, yes.

Q Who did he indicate was holding the firearm?

A Mr. Andre Crawford.

Q How certain did Mr. Martin appear on June 29th, 2016?

A He appeared to be very certain.

Q Now, you said earlier that you are familiar with people who are not coherent. How did Mr. Martin present to you on June 29th?

A He was very alert and coherent.

Q Did he appear to be confident in his selection?

A Yes, ma'am.

Q Did he waiver or falter at any time?

A No, ma'am, he did not.

Q Were you able to determine how long it took him to make a selection in State's 42 and 43?

A Under six seconds.

MS. LEGETTE: Thank you, Detective Wallace. I have no further questions. Please answer any questions

from Mr. Matthew Walker.

THE COURT: Cross-examination?

CROSS EXAMINATION

BY MR. WALKER:

Q Good afternoon.

A Good afternoon, sir.

Q You were involved in this investigation from the very beginning, correct?

A That's correct, yes.

Q You and other detectives investigated this matter for over a month before arresting Mr. Crawford?

A That's correct, yes, sir.

Q Now, this last interview that you had with Mr. Martin was on June the 29th of 2016, correct?

A That's correct.

Q That is the same day that you obtained the arrest warrants for murder, attempted murder and possession of a weapon during the commission of a violent crime?

A I'm not a hundred percent sure of that, but I'm pretty sure that it's documented.

Q All right.

A So if it's documented, yes, sir.

Q So, it was Mr. Martin's remembering that it was Andre Crawford that shot him that allowed you to obtain the warrants?

A That's correct, yes, sir.

Q And then Mr. Crawford was arrested about a week later on July the 6th?

A Yes, sir.

Q The shooting occurred on May the 28th in the early morning hours?

A Yes, sir. Uh-huh.

Q You went at that same time to the hospital that same day?

A Yes, sir.

Q Actually, let me switch gears briefly and come back to that. You testified about the interview that you and Detective Varnadoe had with Mr. Crawford, I believe, at the end of May, 2016?

A Yes, sir.

Q That resulted in you shortly thereafter obtaining an arrest warrant for obstruction of justice?

A Yes, sir.

Q And to be clear, the issue that y'all -- you had the basis for that warrant was his telling you that he left with someone that he did not leave with?

A That's correct, yes, sir.

Q Going back to the time line of events. May 28th, the shooting happens and that same day, you go to the hospital?

A Yes, sir.

Q You don't wear a body cam?

A No, sir.

Q Or didn't at that time?

A No, sir.

Q So the only recorded interview with Mr. Martin is the interview on June the 29th, 2016?

A That's correct, sir, yes, sir.

Q Again, when he remembered that it was Andre Crawford that shot him?

A Yes, sir.

Q So, on the night of the shooting, you went to the hospital, but he was unconscious and unable to be interviewed?

A That's correct, yes, sir.

Q You next saw him on May the 30th, so two days later. And you testified that when you went and saw him on May the 30th, that he was much better, he was up and alert?

A Yes, sir.

Q And you had a conversation?

A Yes, sir.

Q Now, at that interview, you did not have a line-up?

A That's correct, yes, sir.

Q So, you were just seeking information from him

that you could use to investigate the shooting?

A That's correct, yes, sir.

Q And on May the 30th, a day and a half to two days after being shot, there at the hospital, he told you that he did not see the shooter, but slightly saw the gun?

A That's correct, yes, sir.

Q And he described that gun as being silver gray in color?

THE COURT: Speak up, Counselor.

MR. WALKER: Thank you, Your Honor.

MR. WALKER:

BY MR. WALKER

Q At that first interview, without a photo ID, Mr. Martin stated to you that he did not see the shooter, but slightly saw the gun?

A That's correct, yes, sir.

Q He then described the gun to you, gave you a description of the gun?

A Uh-huh. (Indicating affirmatively.)

Q But not a description of who shot him?

A That's correct, yes, sir.

Q You, again, have an interview with Mr. Martin on June the 4th; is that correct -- I'm sorry -- yes, June the 4th, went back to the hospital. And at that time, you had a line-up?

A Yes, sir.

Q Because your investigation had produced the names of interest?

A That's correct, yes, sir.

Q And you -- let me back up one step. We just talked about May the 30th where he told you he didn't see the shooter, but did see the gun. On May the 31st, the next day after that, you did an interview with Mr. Crawford, you and Crawford and Varnadoe. And then, on the 4th, you come to the hospital with a line-up and Mr. Crawford is one of the people in that line-up?

A That's correct, yes, sir.

Q But you testified that the person giving the line-up should not know the person, the people that are in it; is that right?

A That's correct.

Q But you had participated in the interview of him on the 31st, three days before?

A That's correct.

Q Now, on the 4th at the hospital, you, again, testified that he was lucid and you had a competent conversation?

A That's correct.

Q And you showed him those line-ups -- you showed him two line-ups?

A That's correct, yes. Uh-huh. (Indicating affirmatively.)

Q And you directed him first to identify who had been involved in the fight?

A That's correct, yes.

Q And he selected DaQuan Crawford?

A That's correct, yes.

Q Andre Crawford's brother?

A Correct.

Q And then you asked him to identify anyone he saw that was there or in close proximity of the fight that the victim was involved in breaking up?

A Yes, that's correct.

Q And that's when he identified Andre Crawford as a person within close proximity?

A That's correct, yes.

Q He did not say anything about seeing him approaching and shooting?

A No, sir.

Q Or seeing him holding a gun?

A No, sir.

Q And this, again, is within a week of his -- of the incident?

A That's correct, yes, sir.

Q Then approximately a month goes by, and you have

another interview with Mr. Martin?

A Right.

Q And again, you presented him with two line-ups?

A That's correct, yes, sir.

Q I think you clarified it, but just to be sure, those line-ups are completely new and different line-ups than the ones that were earlier presented?

A Yes, sir.

THE COURT: Did you answer that?

WITNESS: Yes, sir, I did.

THE COURT: Speak up for me so that the jury can hear you.

THE COURT:

BY MR. WALKER

Q And that interview was initiated by Mr. Martin, correct?

A That's correct, yes, sir.

Q He called you on the phone?

A Yes, sir.

Q Said I have --

A Right.

Q So then at that interview, he has remembered that it was Andre Crawford that shot him?

A Yes, sir.

Q He has remembered observing Andre Crawford

approaching him?

A That's correct.

Q He has remembered that the gun is potentially a 40-caliber automatic pistol?

A Yes, sir.

Q In fact, he's even remembered statements supposedly made by Mr. Crawford during the incident?

A Statements such as?

Q Did he tell you that he heard a voice saying that is wrong what you're doing to my brother?

A Yes, sir. Yes, sir.

Q And so a month later after the incident is the first time that you're hearing these statements from Mr. Martin?

A That's correct, yes, sir.

Q I apologize, but I had a couple more questions about that second statement on June the 4th that I meant to ask. In your testimony, you said that when you took that statement from him where he identified DaQuan Crawford as being in the fight and Andre Crawford as being in close proximity, that he made -- that Mr. Martin then made statements to you that he thought that he was in a dream that these incidents were in a dream. Do you recall that?

A No, I'm just saying he felt that explaining the situation on him trying to remember something that he knew

he saw, but couldn't. And I used the dream as an example of -- you know, sometimes how you wake up and you try to remember what you dream of and you can't. So I used that as an example. He stated that, but I used that as an example.

Q You prepared an incident report for each of these interviews, correct?

A I should, yes, sir.

Q You agree with me that there's nothing in the incident report related to June 4th about dream-like memory or saw something, but couldn't remember it?

A No, sir.

Q None of that's recorded in your contemporaneous notes?

A Not that I know of, no.

Q So, again, regarding those types of statements that Mr. Martin made to you that day, were those described as having flashes of memory, perhaps? That what you take it to mean?

MS. LEGETTE: I object, Your Honor.

THE COURT: Grounds?

Counsel approach.

(Off-the-record discussion held.)

THE COURT: Rephrase your question consistent with our conference at the bench.

MR. WALKER: Thank you, Your Honor.

MR. WALKER:

BY MR. WALKER

Q Detective Wallace, again, I kind of want to zero in on what Mr. Martin told you about the nature of his memories on June the 4th, when he did not identify Mr. Crawford as being the shooter?

A Yes, sir.

Q And again, you know, kind of what he told you, not really speculating on his state of mind, but was he describing his memories as being flashes of memory or incomplete? I just want to know, just flashes of memory?

A I would say flashes of memory or incomplete, yes, that's a fair statement, yes.

Q Did he tell you he was seeing things over and over in his mind?

A Not that I recall, no.

Q Okay. At the time that -- on the June 4th identification, even with the issue we've just been discussing, he was still confident in his identification; is that correct?

A He appeared to be very confident, yes, sir.

Q When he was describing, did his memory appear to be clear and linear or was it jumbled up?

A In which incident?

Q The same, June the 4th interview about DaQuan

being in the fight and Andre being in close proximity?

A Yes, I mean, he appeared --

Q Jumbled or clear?

A I would say clear, yeah, it wasn't jumbled. I would say clear.

MR. WALKER: Beg the Court's indulgence?

THE COURT: Yes, sir.

(Pause.)

BY MR. WALKER:

Q You only ever showed Mr. Martin three line-ups, correct? I'm sorry. You showed two line-ups containing the same people twice, but did you ever show him another line-up that didn't go anywhere?

A No, only two line-ups.

Q The only line-up that he ever saw only showed DaQuan and Andre Crawford?

A That is correct.

Q So, there was no attempt to find out who else was in the parking lot or the club via line-up other than Andre and DaQuan Crawford?

A I'm sorry, say that again.

Q You showed him a line-up saying, show me who was in close proximity to the events?

A Uh-huh.

Q And that contained Andre Crawford and DaQuan

Crawford?

A Right.

Q And you never asked him to identify other people that might have been around in a line-up?

A No, sir. No, sir.

MR. WALKER: I don't have any further questions.

THE COURT: Redirect?

MS. LEGETTE: Briefly.

REDIRECT EXAMINATION

BY MS. LEGETTE:

Q Officer Wallace, I believe Mr. Walker's term was directed. Did you direct Mr. Martin to pick out anyone in the photo line-ups that you showed him on either June 4th or June 29th?

A No, ma'am.

Q What did you do when you showed him, did you ask him any questions?

A What I did exactly, again, when we presented the photo line-up, I explained to him that person of interest might be in this photo line-up, but they might not be, so pick out any person in the photo line-up. And then I gave him direction to pick out the person that was involved in the fight and pick out the person that was in close proximity. I didn't direct him to do anything, but --

Q Did anyone with you ever suggest to him who to

pick out in the photo line-ups on either June 4th or June 29th?

A No, ma'am.

Q You talked about flashes of memory or incomplete. Just briefly going back to that, did Mr. Martin also tell you that he seemed to have a memory block?

A Yes, he did. Yes, he did.

MS. LEGETTE: Thank you, I have no further questions.

THE COURT: Recross limited to the redirect?

RE-CROSS EXAMINATION

BY MR. WALKER:

Q Officer Wallace, there's nothing about a memory block being in your notes --

A No, sir.

Q -- contemporaneously when that interview took place?

THE COURT: Come to the microphone, ask the question and then let the witness respond.

THE WITNESS: You're talking about --

THE COURT: Just a moment. Let him ask the question.

THE COURT:

BY MR. WALKER

Q Ms. Legette just asked you if he had told that you

he had a memory block?

A Right.

Q There is no notation in your incident report about that?

A No, sir, there's not.

THE COURT: As to this witness, Counselor?

MS. LEGETTE: We ask that he be excused, Your Honor.

THE COURT: Any objection?

MR. WALKER: No objection.

THE COURT: You may step down. You're excused -- leave my exhibits here. You're excused from the trial of this case.

Counsel approach.

(Off-the-record discussion held.).

THE COURT: Mr. Foreman, ladies and gentlemen of the jury, in trying to plan for your time, I told you I would be mindful of your time. We're going to start back at 9:00 a.m. in the morning. I need you here at 8:45 in the morning because I want to make sure that I get you home in a timely fashion and we complete the trial of this case. Please be here by 8:45. Just like this morning, the train's going to go down the track at 9:00 a.m. in the morning.

I hope everybody has a pleasant evening. Please

do not discuss this case. You have not heard all the evidence in the case or received the charge on the law or heard the final argument of attorneys. I hope everybody has a pleasant evening. When you come in the morning, as you did this morning, please report to your jury room. Be here by 8:45 so we can start at 9:00 a.m.

Also, I want to you to fill out a menu again. I want you to do that before we start. Once I know you're all here, once I know a menu has been filled out, I'm going to start. So I'm going to try to start at 9:00 a.m. I'll see that everyone else is present here.

Thank you very much. You may retire at this time.

Everyone else remain seated while the jury is leaving.

(The jury exits the courtroom.)

THE COURT: Let the record reflect that we have introduced as exhibits in this trial State's 40, 41, 42, and 43, all of which are photographic line-ups.

I was advised by counsel that a Neal V. Biggers hearing was held by Judge Goldsmith. They agreed to be bound by Judge Goldsmith's ruling. So there was an in camera hearing by the Court concerning identification that was conducted by Judge Goldsmith. That was done

some weeks ago, I'm not sure of the exact date. Mona was the court reporter, and it was done months ago, December the 11th of 2017. So there is a record of what occurred for purposes of the in camera hearing.

There was also an objection right at the end of the day, which I had a conference with counsel at the bench. Counsel for the State thought that the witness was engaging in speculation. I made Matt rephrase the question, so there's a record of what occurred. I do not think Mr. Walker's question elicited conjecture or speculation, but the witness, according to the Solicitor, was attempting to engage in it in his answer rather than from his own personal knowledge. And because of that, I instructed Matt to rephrase his question because of the State's objection. I wanted there to be a record of that.

Now, the Solicitor tells me -- she's given me several answers, the latest is three hours. She has five more witnesses before the State rest. The Defense has, at least, one witness. Because I'm going to work straight through tomorrow, I'll feed the jury when I have to -- when I can, but we're going to finish all of the testimony in this trial and probably do argument and charge right around lunch time tomorrow, depending on how long it takes. So be prepared to order out for

OATH ADMINISTERED TO BRUCE MARTIN

BRUCE MARTIN

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE COURT: Watch your step on my stairs. You have to step up a little bit. Make yourself comfortable in that chair. Pull it back and adjust it to your height, adjust that microphone. You don't have to lean right into it. You've been watching during the trial, so you know. But I need you to speak up, so this nice lady here at the end of the row down here can hear you and the people in the courtroom. They can hear me and I don't even turn my microphone on. But I need you to speak up so everybody can hear.

Would you state your full name and spell your last name for the court reporter.

WITNESS: Bruce Martin, last name, M-A-R-T-I-N.

THE COURT: You have a good voice, Mr. Martin, use it.

Your witness, Solicitor, direct examination. Pull your microphone down at the roster so you can use the mic like Mr. Martin.

MS. LEGETTE: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. LEGETTE:

Q Good morning, Mr. Martin.

A Good morning.

Q Mr. Martin, where are you from?

A I'm from Charleston, South Carolina.

Q Mr. Martin, what do you do for living?

A As of right now, I'm disabled. But I have been doing security since 2008.

Q All right. So now, you're disabled?

A Yes, ma'am.

Q Why -- or what are the circumstances of your disability?

A I have neuro issues in my right arm. I was injured working a club.

Q Is that when you were shot?

A That's when I was shot. And it -- my ribs, my diaphragm and spleen and kidney got injured and both of my lungs collapsed. And I'm having -- I have breathing issues, nerve issues. I have to take medicine everyday. PTSD, hypertension. I never had any of those symptoms before then.

Q Before the shooting?

A Yes, ma'am.

Q Okay. And so, since the shooting in 2016, you've been disabled?

A Yes, ma'am.

Q Now, you said prior to 2016, you worked security?

A Yes, ma'am.

Q All right. And you worked security -- what kind of security did you work?

A I started my security career in 2008 working for -- contracting for the military. And I started -- while doing security for the military, I -- that's when I got into working night clubs and special events and personal protection in 2009. And I was doing that off and on until 2016, May 28th.

Q Now, at some point -- so, let me ask you this, what does it mean to be a security officer, what type of training do you have to go through to become a security officer?

A You have to go to SLED certification, you have to go to CPR training, nonlethal weapons training. You have to qualify every year with SLED, take the SLED course every year in order to uphold your qualifications.

Q Okay. And so, you had all of those qualifications?

A Yes, ma'am, I had all of those.

Q All right. And so, nonlethal weapons, what's a nonlethal weapon consist of?

A Nonlethal weapon consists of being able to disable the threat in a non -- without using any kind of type of weapon, by using your hands or even verbal command.

Q And so, would that also include stun guns or tasers, things of that nature, or batons, or that simply includes hand to hand?

A That simply includes hand to hand.

Q Okay. All right. So, you worked security, and you began working special events and night clubs. So, now, tell me, what type of night club or where did you work night clubs, in what county, what location?

A I worked night clubs in Charleston County and Colleton County and wherever else my services was needed. But mainly, Charleston and Walterboro -- well, Colleton County.

Q And can you tell us -- you said that you worked, I suppose, special events and security events since 2009. But over that period of time, I mean, how many night clubs would you say that you worked in Colleton County?

A Possibly four or five.

Q Different night clubs?

A Different night clubs.

Q And during that period, that same period of time, how many times, I guess, times, not just night clubs, but how many times would you say you had worked night clubs?

A In Colleton County.

Q Yes.

A Probably over a thousand times, maybe close to

2,000.

Q So, when you worked these night clubs and special events, what days -- are there certain days in particular that you work?

A Mainly, Friday and Saturday. They do have some Thursday nights that some places throw events, and some Sundays.

Q Now, Mr. Martin, let's go back a little bit. At some point, when you became a security officer, did you meet a man named Jesse Guy?

A Yes, ma'am.

Q Tell us about the circumstances -- well, tell us how you came to know Jesse Guy?

A We met January 2nd, 2008. We both applied and went through training for contract security for the Navel weapons station. We was in the same class and we ended up growing a friendship in class.

Q Okay. And you said you were in a training at Navel weapons in Charleston -- Navel weapons center?

A Navel weapons station.

Q You said that you have known him since 2008?

A Yes, ma'am.

Q And you said y'all became friends?

A Yes, ma'am.

Q So, how long would you say that y'all have been

friends?

A Since we met each other on the 2nd of 2008, January. So I would say about -- by the end of the training, training was like a week or two, by the end of training, we was friends.

Q Did you remain friends until Mr. Guy's death?

A Yes, ma'am.

Q So now, what kind of work -- since you were friends, obviously, did y'all work together?

A Yes, ma'am.

Q And I suppose the question that I want to ask you is what did y'all do when you worked together?

A On the weapons station, we worked -- we manned post, entry and exit checkpoints. We patrolled the military base and also worked armory dispatching.

Q Okay. So, you said that you worked with him at the Navel weapon station. And at some point -- was he also a security officer in the night clubs with you, or how did that come about?

A Well, I started first in 2009. And I believe I introduced the -- that type of security to Jesse Guy, I'd say, close to -- it was in 2009, but closer to 2010. That's when I introduced him to working night club security.

Q So, 2009, 2010, okay.

A Yes.

Q Was that his -- did he ask you, did he want to do that?

A Yes, ma'am.

Q Was he still working at the Navel weapons station during that period of time?

A Yes, ma'am.

Q So, in 2016 when you and Mr. Guy were working at Leon's Club, how many jobs did Mr. Guy have?

A At the time, I believe he just had one. I can't remember exactly where, but I know he -- he was working in security, a security job in the daytime.

Q So, he actually had a security job in the daytime?

A Yes, ma'am.

Q And he worked with you part time?

A Well, no, he worked for Liberty Security part-time.

Q Now, Liberty Security, were they the people who actually contacted you to go out and work Leon's Club or was that a different entity?

A At one time, we both were employed for Liberty Security. But he -- he actually was working for him. But that particular night, he was working for himself.

Q Okay. So, he actually had that job as well as working for himself that particular night on May the 28th?

A Yes, ma'am.

Q Now, Mr. Martin, are you married?

A No, ma'am.

Q Okay. Single, engaged?

A Engaged.

Q Okay. All right. And what about Mr. Guy, you said that you knew him well, y'all were friends?

A Yes, ma'am.

Q What was his status?

A He was single.

Q Did either of you have children?

A Yes, ma'am, we both do. Jesse Guy, he has a daughter.

Q And yourself?

A I have a son.

Q Now, let's talk about your involvement in security in Walterboro or in Colleton County. Can you name the night clubs that you worked in in Colleton County, if you can remember?

A Yes, Club Spirits right there on Jeffries Highway. I worked Classics, Club Classics, Club Hang Time.

Q Do you know where Classics is?

A Classics, it's on Beltline, I know that.

Q Okay.

A Club Hang Time, I can't remember the name of the street it was on. Sports Center, it is right there on

Hampton Street, I believe. And Club Leon's.

Q You said you've also worked clubs in Charleston County as well?

A Yes.

Q Okay. How many of those clubs did Mr. Guy work with you?

A Mainly, Leon's.

Q Okay. So, during the period of time that you were working security here in Colleton County, and you said that you worked a thousand, 2,000 times, did you ever encounter the gentleman seated over here at counsel table, Andre Crawford?

A Yes, I have.

Q How many -- well, let me ask you this, did you encounter him -- where did you encounter him?

A At Club Leon's.

Q Any other clubs that you encountered him at?

A No, not that I remember.

Q About how many times would you say that you encountered him, Mr. Crawford, Andre Crawford at Club Leon?

A I encountered the Defendant not that much, but every so often, I would see him.

Q You would see him?

A Yes, ma'am.

Q So, when you would see him, what would be the

lighting? How was the lighting when you saw him?

A It was pretty well lit. It was -- in front of the club mainly is pretty well lit.

Q Okay. So, pretty well lit. And you said that you encountered -- can you tell us the number of times that you encountered Andre Crawford that you can remember?

A Probably -- probably about five times.

Q When you would encounter Mr. Crawford, about how long would the encounter last or did you ever speak with him?

A No, ma'am.

Q You never spoke with him?

A No, ma'am.

Q How long would the encounter last, from beginning to end, or would it be over an extend period of time?

A No, not no extended periods of times, quick encounter. He may be walking past or, you know, just seeing him there, so, it's not -- it wasn't a long encounter, it just, you know, eye contact and that was pretty much it.

Q So, let me ask you a question, you are a trained security guard?

A Yes, ma'am.

Q As part of your training, are you also trained to be observant?

A Yes, ma'am.

Q Tell us about your training as it relates to how much you are supposed to be observant?

A I'm trained to be observant, how to -- learn how to paint a picture with everything that you see and keep that mental picture in your pocket, always keep your head on a swivel. Asking questions, if you see somebody, just talk to them, have a normal conversation. You may not know their name, but you are always going to know their face.

Q What was your attention to detail as far as being a security guard?

A Attention to detail, looking to see who gets out of what car, clothing, the number of people that you may see, always keep a mental count of the number of people that attends an establishment, knowing who they are accompanied with, always looking at height, weight, you know, skin color.

Q So, in other words, you are trained somewhat like a police officer?

A Yes, ma'am.

Q So, the functioning -- I may not have asked you this question, or if I did, bear with me. The function of a security officer at a night club is what?

A Is to do your best to control an uncontrolled environment. Keep the patrons safe, try to keep -- try not to allow any kind of disturbance, anything go on, try to

keep -- just try to keep the situation calm because everybody is coming out to have a good time.

Q And let me ask you, what was your method of maintaining that, did you wear a weapon?

A I did not wear a weapon, not that night.

Q Did you normally wear a weapon?

A I normally would wear a weapon at some clubs and some clubs, I don't.

Q So, this particular night, you weren't wearing a weapon?

A No, ma'am.

Q And your method of keeping the peace, how did you maintain order or maintain control at the security functions that you worked?

A Speaking to everybody that comes up, showing respect. You know, usually, if you show people respect, they respect you back. Being stern, but, you know, also being respectful that -- you know, people don't like aggression and they also don't like authority as much, but when you show others respect, it shows them that, you know, you're just like them, they can relate to you.

Q Mr. Martin, how tall are you?

A Six-one.

Q I know that you shouldn't ask a person how much they weight, but back in 2016, can you tell us what your

weight was?

A 305.

Q Would your size be a factor, or could it be a factor in maintaining order as well?

A Yeah.

Q Now, Mr. Martin, you said earlier -- testified about you -- that you observed people. Did you ever -- you said you had the opportunity to encounter Andre Crawford. When you encountered him, did you put these same principles into action to observe him?

A To observe him, yes. He never really came inside the club. The times I seen him, he never -- I never really seen him come inside.

Q Now, your function at Club Leon, did you work inside the club or did you work outside the club?

A A little bit of both. We would mainly -- I do most of the pat downs. And once I see the ones coming in, I would just step inside just to make sure that everything was okay inside and everybody is having a good time, no disturbance going on or anything like that. And then I'll come right back outside.

Q Okay, you come right back outside?

A Yes, ma'am.

Q So, most of your job was keeping order outside?

A Most of my job is to keep the order outside and do

pat downs thoroughly to make sure that no weapon or anything else comes inside.

Q Now, you also talked about you -- when you observed patrons come and go, you observed who they were with. Did you ever -- as you encountered Mr. Crawford, Andre Crawford, did you ever observe him to be with anyone else?

A Yes, ma'am.

Q Did you know that person's name?

A No, ma'am.

Q Who did you believe that person to be, however?

A The gentleman that -- that I know now is the Defendant's brother.

Q At the time when you would see this person with Andre Crawford, what did you think of them as? What did you think their relationship was?

A I had no idea.

Q But you saw them -- how were they, were they together when you saw them?

A That particular night, yeah. And the other times, yeah.

Q Okay. So, how -- okay, let me ask you this question, let me rephrase that, I may have phrased that improperly. The person who was involved in the fight on May the 28th, 2016, had you seen that person before?

A Yes, ma'am.

Q Okay. The person known as DaQuan Crawford, Andre Crawford's brother, had you seen him before?

A Yes, ma'am.

Q And where had you seen DaQuan Crawford before?

A At Club Leon's.

Q And how many times are you able to say that you have seen DaQuan Crawford at Club Leon?

A Way more. I would probably say between 30, maybe 50, 40 times.

Q 30, 40 times you had seen him?

A Yes.

Q So, when you would encounter DaQuan Crawford, Andre Crawford's brother, what would be the circumstances of the encounter?

A Him coming in to get patted down to come inside the club or he would be in the parking lot. Like, he's constantly -- he's in and out a lot. And sometimes I have to say like, man, stay in or stay out, because it was just too much traffic back and forth.

Q So, you actually had conversations with DaQuan Crawford in the past?

A Yes, quick conversation, no kind of you know --

Q Argument?

A Arguments, no argument or nothing like that or

casual conversation or nothing.

Q Okay. So you said that you had seen DaQuan Crawford and Andre Crawford together?

A Yes, ma'am.

Q So, the five times that you testified about, at least, seeing Andre Crawford at Club Leon, was he with DaQuan Crawford or was he by himself, how was that? Or do you remember?

A The night -- I mainly seen them together. If he -- if the Defendant was there, I would always see the brother with him. And that night in question, they were together.

Q So, whenever you would see Andre Crawford, you associated him with the brother because he was always with him? Or did I say that incorrectly?

A I --

Q Or they would, at least, be together?

A They would, at least, be together or, at least, encounter one another. And from there, they would probably separate from there.

Q Okay. Now, let's talk about May 28th, 2016 specifically. Do you remember that particular weekend?

A Yes, ma'am.

Q So, let's go back to before you went to the club. How did Jesse end up going to the club with you?

A Jesse, actually, he -- I called him earlier that day to see what he was doing, what club he was working at that night. And he actually told me he wasn't working any club, he didn't have nothing going on. And at that time, I didn't have anything going on either.

I got a call from the owner's daughter, Keisha, and she asked if -- she asked me if I could come out to work. And then I called Jesse and then Jesse said that he was actually -- he had actually got a call from the DJ and the DJ asked him to bring him out. He knows the DJ and they're good friends. And the DJ asked him to drive him out there because he's legally blind. And I was like, okay, cool. He was like, yeah, but, you know, I'll work tonight because my daughter wanted summer passes for the water park. And I said, okay, cool, I'll see you out there.

Q So -- sorry, go ahead, I cut you off.

A That was around 7:00, 8:00 that night.

Q Okay. So, you and Jesse were going to be working together that night?

A Yes, ma'am.

Q Okay. And what time did you arrive at the club?

A I would say 12:00 that morning.

Q So, basically, it was like 12:00 on May 28th, 12:00 a.m., May 28th?

A 12:00 a.m., May 28th.

Q So, tell us about that night, what did you -- what did you do and what were you doing at the club that night?

A We was patting down. It was a real easy night. The flow was going really well. There was no incidents, good vibe. I didn't feel anything eerie in the air. We, basically, was having really good conversation, you know, while working.

Q Uh-huh. (Indicating affirmatively.) Let's talk about where you were standing, where -- as it relates to the club itself, where were you standing?

A I would be standing close or right in front of the doorway.

Q And as you stood in front of the doorway, what are you able to observe in front of the doorway?

A I'm able to observe everything that's going on in the parking lot.

Q And I'm going to hand you now what's been previously entered into evidence as State's No. 9 and 14.

MS. LEGETTE: Beg the Court's indulgence. May I approach the witness, Your Honor?

THE COURT: You may.

BY MS. LEGETTE:

Q Mr. Martin, are you able to recognize State's 9 and 14?

A State's 9 and 14, I am able to recognize.

Q And Mr. Martin, what are State's 9 and 14, in brief description, please?

A State's 9 and 14 shows Club Leon's and some of the patrons that was there. I can see the owner, I can see the owner's daughter.

Q Okay. So, Mr. Martin, are State's 9 and 14 a fair and accurate reflection of the night -- of Leon's Club the night of May 28th -- or the morning of May 28th, 2016?

A Yes, ma'am.

MS. LEGETTE: Permission to publish, Your Honor?

THE COURT: 9 and 14 are already in evidence, are they not?

MS. LEGETTE: They are.

THE COURT: You may publish.

Mona, you got 9 and 14?

And Matt, you agree that 9 and 14 are already in evidence?

MR. WALKER: Are in evidence, yes.

THE COURT: You may publish.

MS. LEGETTE: Thank you, Your Honor.

BY MS. LEGETTE:

Q Mr. Martin, I would direct your attention now to your Exhibit No. 9 or to the television screen behind the jury box. Mr. Martin, can you tell us in State's No. 9 where you would have been standing?

A I would have been standing right there where the owner, Mr. Leon, is standing in the red shirt.

Q If I approach the picture, this man right here in the red shirt?

A Yes, ma'am.

Q So, you would have been standing in what area? Tell me with my pen.

A I would be standing right in that vicinity in front of the doorway.

Q Right in this area right here?

A Yes, ma'am.

Q What is this particular pole right here?

A That's a light pole.

Q On the morning of May 28th, 2016, was that pole operable?

A Yes, ma'am.

Q So, with that pole, are you able to see -- what are you able to see?

A I'm able to see everything that's in front of the club.

Q Are you able to see everything to the right of the club, on this side of State's Exhibit 9 over here?

A Yes, ma'am.

Q And are you able to see this way, to the left, on State's Exhibit 9?

A Yes, ma'am. Not on the side of the club, but close -- like more so out.

Q Okay. And just briefly, I have -- on State's Exhibit No. 9, there's a burgundy car here --

A Yes, ma'am.

Q Do you know whose car that is?

A That's my vehicle.

Q This gray car here, whose car is that?

A I don't know whose car that is.

Q Okay. Very well. But as it relates to the State's No. 9, you're able to see pretty much the entire parking lot?

A Parking lot.

Q Are you able to see across the street as well?

A Yes, ma'am.

Q So, now, Mr. Martin, as it relates to State's No. 9, you said you were standing in front of the doorway?

A Yes, ma'am.

Q Did you see any patrons or any persons in the parking lot as you stood in the parking lot the morning of May 28th, 2016?

A Yes, ma'am.

Q Who did you see in the parking lot?

A I seen the Defendant and the Defendant's brother.

Q What made you -- or why do you remember seeing

them?

A Because they were standing to my right. My back actually faced the club. They were standing to my right in between two cars just talking.

Q Was that odd in any way to you?

A No, patrons do that all the time. I've actually seen them do that the times that I've seen them together before, so that wasn't odd.

Q So, in the past, you've seen Andre Crawford and his brother, DaQuan, doing the same thing?

A Yes, ma'am.

Q About how far away from you were they?

A Maybe two cars, maybe two cars away from me.

Q So, if I approach this picture, State's 9, maybe over here or a little closer or --

A Over some more.

Q Over some more?

A Yes, ma'am. On that -- there's a car in between there.

Q Okay. A car right here?

A Not right there, but on the other side. Yeah, right there.

Q Okay. So, now, when you were able to see Mr. Crawford, Andre Crawford, and his brother, DaQuan Crawford, about how long were you able to observe them?

A The whole night.

Q The whole night?

A The whole night that they were standing there every time. Even if you walked away and came back, they were standing right there.

Q If they stand in that particular location, does the light shine on them?

A Yes, ma'am.

Q How well are you able to see them?

A Very well.

Q Are you able to also observe other people in the parking lot if they're in the parking lot?

A If they're in the parking lot, yes.

Q But particularly, you know, that you saw Mr. Andre Crawford and DaQuan Crawford?

A Yes, ma'am.

Q When you say the whole night, what time did the club shut down?

A The club shut down approximately about 3:30, maybe 3:25 that night. The owner's son was asking me if we could go a little longer, I told him no just because when you start going outside of your normal, that's when bad things happen. So, I told him no. And I told him if you extend it, I'm going to leave because I got to go out of town the next morning. But I don't want to leave and you extend it,

but you're not going to extend it. Because, it was really always my call to extend the hour or 30 minutes or whatever.

Q So you said shut the club down at 3:30?

A Yes, ma'am.

Q So, during this period of time while you were standing outside, you were able to observe Andre Crawford and his brother, DaQuan. About how long would you say you were able to observe them?

A For as long as they were standing right there, as long as I was standing right in front of the club.

Q So, you said it was the entire night, so was that for three hours and a half or --

A Three hours and a half.

Q Or a little shorter?

A It could have been a shorter. When I first got there -- they were not standing there when I first got there. I can't remember exactly what time they showed up, but I know the club wasn't out when they showed up.

Q In your mind, do you know how long they stood there?

A They stood there -- the whole time I saw them, they stood there, basically, the whole night, yeah.

Q Have you ever seen them do that before?

A Yes, ma'am.

Q Now, do you always watch people who stand outside?

A Yes, ma'am.

Q Why is that?

A Because I got to know and see who's going to their cars or I like to see what kind of car they're riding in. Everything that's in my visual that I can see, I just like to see what's going on around the surrounding areas. I always really take a good look at clothing and things of that nature.

Q Now, did you ever see Andre Crawford or his brother, DaQuan, go inside the club that night?

A No, I know I didn't see the Defendant go in the club. And the Defendant's brother, I don't believe he went in. I don't remember patting him down.

Q So, anyone that went in, you actually patted down?

A Yes, ma'am.

Q Now, you said that the club was getting ready to close because you told Mr. Brian that the club needed to close?

A Yes, ma'am.

Q So, as the club was closing, what were you doing?

A As the club -- right before we closed the club, Jesse Guy was standing in my position and I went inside because Ms. Justine, the owner -- the owner, Mr. Leon's wife, Ms. Justine, she always makes us food. So, we went in one at a time to get our food and put it in the car. So I

went inside to get my food and I actually put it in my car. But before I did that, Jesse went inside first to get his food and put it in the car, his vehicle.

Q Okay. So you actually get chicken before you leave?

A Yes, ma'am, he makes sure that we don't leave without eating.

Q Ms. Justine, is she the owner's wife?

A Yes, ma'am.

Q She does the cooking?

A She does all the cooking.

Q All right. Now, I want to go back briefly just a little bit to State's 14 and have you look at State's 14. I believe that's probably a different shot, a different angle. And we see a pole light in this particular Exhibit No. 14. Is that the pole light that you referred to earlier in State's No. 9, light pole?

A Yes, ma'am.

Q Okay. And this is the area to the right that you're able to see?

A Yes, ma'am.

Q All right. Thank you. So, you're getting your chicken, Jesse had gotten his chicken, you were getting your chicken, what happened? Did anything happen that was strange?

A So, I put my chicken in my vehicle and I went right back to the front of the door and Jesse stepped farther down closer to --

Q What exhibit number is that?

A Exhibit 9.

MS. LEGETTE: Will you pull it up, please?

Q We'll look at your photograph. So, in your photograph, No. 9 -- we're having difficulty with this thing right here. In your photograph, No. 9, can you just hold it up so the jury can see it?

A On Exhibit 9, Jesse was right down at the top of the building and he was -- he started standing closer here because we have more patrons leaving out of the parking lot because there's a lot of parking area right on this side of the club.

Q Yes.

A So, he stood right there on --

Q Okay.

A On that -- farther on that end while I was standing right in front of the club.

Q So right here?

A Yes. Right there, but he was closer to that red dot. He was standing right -- yeah, there you go, right there.

Q So right here?

A Yes, ma'am.

Q Jesse was standing right here on Exhibit 9?

A Yes, ma'am, with his back towards the club.

Q All right. So, what do you do, what happened?

A I was actually -- there was some patrons talking to me that normally come out and they know my face, they, you know, I'll see you later, security. I'll see you next week or tomorrow or whatever, you know. And --

Q They call you security?

A They call me security.

Q Okay.

A And the next thing you know, a couple of females ran past me.

Q Where are you standing?

A I'm standing right there -- actually, I'm standing closer to -- go to your right where Mr. Leon is.

Q Right here?

A All right. Just go to your right just a little. To your right. No, your right.

Q My other right?

A There you go, right there. I'm standing right there.

Q Okay.

A And that's when I seen a couple of females run past me and they actually cussed and they was like oh, snap,

they fighting.

Q Okay. So, when you hear this about they're fighting, what do you do?

A That's when I look and I see Jesse run to the fight. So, that's when I actually -- I went to the fight and I saw Jesse grab the Defendant's brother.

Q Okay.

A And was trying to pull him off. And as I was approaching, that's when I saw Jesse actually pull his taser out and said, Taser, taser, and tased him one time just to try to make them let go. And that's when I came and I grabbed the guy he was tussling with, and was trying to just pull them apart. And then, I heard Jesse yell, Taser, taser again, and that's when we were able to -- that's when the guy -- the Defendant's brother let go and we pulled them apart.

So, we pulled them apart, it was -- We was facing each other and when we pulled them apart, our backs was towards the club and we had them facing the road -- we was facing the road right there. And soon, like immediately after that happened, I heard the Defendant -- I heard footsteps and I heard the Defendant, and he said, That's messed up what y'all doing to my brother. I turned and I saw him, and that's when he fired them shots.

Q So, let's go back. You have -- by this time, you

said a fight breaks out?

A Yes, ma'am.

Q All right. And tell me again, who actually was involved in this fight?

A The Defendant's brother and I didn't --

Q You don't know his name? Do you know his name or did you ever know his name, the guy?

A I never knew his name.

Q So, you're breaking up this fight?

A Yes, ma'am.

Q And Jesse -- okay, so, Jesse -- I didn't ask you this before, but what kind of weapons, if any, did Jesse have on him?

A At that time, I really wasn't paying attention, but I know he had a taser in his hand.

Q Okay.

A Because I saw it, he brandished it. But in that moment, I was -- we was really just trying to break the fight up real quick because they were tussling, they wasn't fighting.

Q So, you were trying to break it up. And you said that Jesse pulled one person?

A Yes.

Q Well, you said taser. Did Jesse announce taser?

A Jesse announced taser, he announced, Taser, taser.

That's what you're trained to do.

Q Okay.

A He announced, Taser, taser when I was approaching. so, he had already tasered the Defendant's brother once.

Q After he was tased -- or tasered, did the fight continue to go on?

A Yes.

Q And you said the fight continued to go on. What are you doing when the fight is going --

A That's when I came and grabbed the other individual that he actually had -- the Defendant's brother had wrapped up. He was on the bottom and I was trying to just grab him so we could just pull them apart. And Jesse yelled out, Taser, taser one more time to alert everyone and myself that he was about to administer a taser.

Q So, now, what -- a taser, what is a taser designed to do?

A I believe that it's designed to disrupt the nerves.

Q Is it designed to stop a person from doing something?

A Yeah.

Q Does it -- have you ever been tased, sir?

A Yes, ma'am.

Q I guess I should ask -- well, what does it feel

like?

A It's an electric shock.

Q So, is it the equivalent of touching, like, a hot wire fence. My daddy is a farmer, so is it like touching a hot wire fence and getting shocked or was it --

A I've never touched a hot wire fence.

THE COURT: Rephrase the question.

MS. LEGETTE: Yes, Your Honor.

BY MS. LEGETTE:

Q So, you've been tased before. Can you explain to us what it feels like?

A I've been tasered before actually with a police grade taser that they carry on the military base. And it actually -- that taser is really strong and that locks up, pretty much your whole body and you'll go limp.

Q Now, is Jesse's taser -- are you familiar or were you familiar with Jesse's taser, the one he used?

A Yes, ma'am.

Q Now, is his taser as strong as a police taser?

A No, ma'am.

Q So, it's designed to, basically, just kind of stun a person?

A Yes, ma'am.

Q So now, Jesse has now tased. Did he tase both persons fighting or did he tase just the one person?

A Just the one person.

Q So, once one person was tased twice, they broke apart?

A Yes, they broke apart on the second -- the second time that he tased the Defendant's brother that was on top, that's when he let go.

Q What are you doing at this point?

A Say that again.

Q What are you doing at this point?

A I'm pulling the other guy involved in the fight. We're pulling -- I'm pulling them apart.

Q Okay. So, what happened?

A We pulled them, they unlocked. We pulled them apart and then that's when I heard the Defendant come behind me and said, That's messed up what you're doing to my brother. He said it loud enough that I could hear and I could hear the footsteps, so I turned and looked at him.

Q So, when you turned and looked at him, were you standing face-to-face to him or to the side? How --

A I was standing, when I -- when he heard -- when I heard him, actually, I turned and looked just like I'm looking at this guy and it was like pow, pow, pow.

Q Okay. So, when he shot you, how good of a look were you able to get at him?

A I got a very good look.

Q Okay. Were you also able to see the gun?

A I was able to see a gun, I was able to see his clothing, even the color of his shoes.

Q And how certain are you that the Defendant, Andre Crawford, is the man that shot you?

A One hundred percent.

Q I'm sorry?

A One hundred percent.

Q One hundred percent. Now, Mr. Martin, after you were shot by Andre Crawford, do you remember what happened next?

A I stumbled holding my chest, I stumbled in the road, but I kept my eye on my partner. Everyone disbursed, but my eyes were locked on my partner. He actually ran to the right and I stumbled to the left. And then I fell and hit the ground. And then that's -- I tried to get up, but I couldn't. Then I yelled out for Jesse. I yelled out for Jesse Guy and he came over to me, and I was like, I'm hit. And he said, Don't worry, Martin, I got you. Let me get some help. Don't worry. Stay right there, I'll get some help. And that's the last time I saw him.

Q Now, Mr. Martin, I'm going to hand you now what has been previously marked and entered into evidence State's No. 6. Tell me if you recognize State's No. 6? Do you recognize State's 6?

A I recognize State's 6.

Q What do you see, briefly, in State's 6?

A I see --

Q Is it a picture, basically, of the Leon's Club?

A Well, the club is not shown in the picture, but that's Leon's Club. I see where I'm at on the stretcher and the EMTs. I see Leon, Jr.

Q So now, is State's Exhibit No. 6 a fair and accurate reflection of the scene at Leon's Club the night of May 28th, 2016?

A Yes, ma'am.

Q At this time, I would ask you to look at the screen or on your State's No. 6. You testified that you stumbled into the road and that Jesse ran off to the right?

A Yes, ma'am.

Q So, in State's No. 6, are you able -- do you see yourself in State's No. 6 in the road?

A Yes, ma'am.

Q All right. You see Jesse or -- in this particular photograph or anywhere off to the right?

A Do I see Jesse off to the right?

Q Do you see him in the photograph?

A I don't see Jesse.

Q You don't see him, okay. Do you see -- well -- but you said Jesse ran off to the right?

A Jesse ran off to the right.

Q All right. Now, once Jesse ran off to the right, you never saw him again?

A Yeah --

Q What -- go ahead, I'm sorry.

A When you hear gunshots, you run away from the gunshots and take cover and then find out where they're coming from.

Q Okay.

A And that's just training.

Q Okay.

A And then, after he came to me, he said he was going to get some help and he ran towards the club. That's the last time I saw him physically.

Q So now, the next thing that you remember -- what is the next thing that you remember after you were lying in the street, do you remember anything else about that night?

A I heard tires screeching. I saw -- I remember seeing Leon, Jr. He was standing right there, basically, the whole time. I remember hearing females rubbing my back. I remember hearing them talk and they were rubbing my back. And I was able to -- there was a lot of people crowding me and I told them I need some air, I needed them to back up, give me some air. And then, I told -- the one female that was rubbing my back, I told her to stay right here and I

told everybody like just move away from me. Y'all contaminating the crime scene, just back up. Just everybody -- I'm saying this on the ground. Like just back up, y'all contaminating the crime scene. Y'all need to move away. And I was able to pull my cell phone out of my right hip and slide it to my left-hand to unlock it to try to call my mom, and I wasn't able to. And so, I had the lady that was rubbing my back dial the number, hit the button to call my mom and let her know what was going on and to let her know that I'm conscious and breathing.

Q All right. So now, Mr. Martin, do you recall waking up in the hospital?

A Say that one more time.

Q Do you recall waking up in the hospital?

A I recall the ambulance ride, I recall getting to the hospital, and then I passed out as far as I know. And then I woke up again to seeing the surgeon and I -- it was really in and out. And then -- then I was able to see my family in the hospital. They were able to see me before I went in surgery.

Q Now, Mr. Martin, do you remember the doctor -- were you ever given your diagnosis or what happened to you?

A As far as I know, I had a gunshot wound. It was an entry through my right arm. It entered, exited and then entered back in my body, cracked my rib, hit my lungs and

kidney. That's what I was --

Q Do you have any scars from it?

A Yes, ma'am.

Q Are they visible?

A Yes, ma'am.

Q Can you just pull your shirt up -- is it on your arm?

A I have one on my arm. That's the injury.

Q Can you turn so the jury can see it?

MS. LEGETTE: Your Honor, can he step down and just walk so they can see?

THE COURT: You may. Watch your step for me.

Do you want to come around, Counsel?

THE WITNESS: That's where I had been cut. This was the chest tubes, the chest tubes and also the entry from the bullet wound. And that's the -- they had to put the other chest tube. Both of my lungs collapsed and they had to do surgery and, also, get the bullet taken out.

BY MS. LEGETTE:

Q Okay. Thank you, Mr. Martin. So, Mr. Martin, you indicated that they -- they did surgery to get the bullet out. Was the bullet removed when you were in the hospital, I guess, May 28th? How long were you in the hospital, before I ask that question?

A I went in the hospital, May 28th, I left the hospital June 11th.

Q So, as far as you know, while you stayed in the hospital from May 28th to June 11th, was the bullet removed?

A No, ma'am.

Q At some point, you said that the bullet was removed. When was the bullet removed?

A In March of this year, I want to say, the 9th.

Q So the bullet was removed March 9th, 2018. Do you recall your doctor's name?

A Dr. Charles Roberts.

Q Do you know what happened to the bullet after it was taken out of you?

A I know that it went to --

Q Law enforcement?

A -- law enforcement to get tested.

Q Okay. Now, Mr. Martin, going back, so, you went to the hospital. What hospital did you go to?

A Trident Medical Center.

Q Do you know what county Trident Medical Center is located in?

A Charleston.

Q Now, Mr. Martin, while you were in Trident Medical Center, did any police officers come to visit you?

A Yes, ma'am.

Q Do you remember the police officer's name that came to visit you?

A Detective Wallace.

Q When Detective Wallace came to visit you, were you able to tell him what happened?

A I -- the first initial visit when I first got in, he just briefly just came to see me and checked on me and he asked if I was okay. And he said that he was going to be -- he gave my -- I believe he gave my -- he said he was going to give a card to my mom, I want to say, and when I'm able to speak or whatever to give him a call and he can come down. But he said that they will be back to come and see me.

Q Now, when you first saw -- so did you see -- once he talked to you that initial time, when he just came to visit, did you see Detective Wallace again?

A Yes, ma'am.

Q In that particular encounter, did he talk to you in detail? Were you able to tell him what you remembered?

A I told him briefly about the night in question. Just small little bits and pieces of what I could remember, but nothing hard core.

Q Okay. So now, did you -- okay, on June 4th, I believe you saw Detective Wallace?

A I saw Detective Wallace, yes, June 4th, I believe.

Q And you were still in the hospital at this time?
A Yes, ma'am, I was in ICU.
Q ICU?
A Yes, ma'am.
Q So, in this particular encounter, did Detective Wallace show you any pictures?
A June 4th?
Q Do you remember seeing any photographs? Or do you remember the date specifically?
A I don't remember the date specifically.
Q Well, do you remember seeing photographs with Detective Wallace?
MR. WALKER: Leading.
THE COURT: Sustained. Don't lead Counsel.
Direct examination. Proceed.
MS. LEGETTE: Yes, sir.
BY MS. LEGETTE:
Q Yes, sir. I'll rephrase, Mr. Martin. Mr. Martin, do you recall seeing photographs when you met with Detective Wallace?
A Well, that first initial -- well, not the first initial visit. But that visit, I believe I -- I believe I did.
Q So, let's talk about the date you saw photographs with Detective Wallace.

A Yes, ma'am.

Q Do you remember that date, the first time you saw photographs?

A I remember the date. But I remember I was in ICU and I didn't leave out of ICU -- I was still in ICU June 4th.

Q So, you don't remember the date, but you remember seeing photographs?

A Yes, ma'am.

Q So, tell us about these photographs. Did anyone -- who was present in the room with you?

A My fiancee.

Q So, when Detective Wallace showed you the photographs, did anyone, your fiancee included or Detective Wallace ever try to -- I'm sorry, ever suggest who to pick out in the photographs?

A No.

Q Did Officer -- or Detective Wallace ever show you any single photographs by themselves?

A No.

Q The photographs that he showed to you, can you describe how the layout was?

A It was six pictures on a piece of paper about this size, three on top, three on bottom, with six different individuals.

Q Did Detective Wallace or your fiancee or anyone else in the room ever try to influence your decision on who to pick out?

A No, ma'am.

Q When Detective Wallace showed you the photographs, what did he say to you about the photographs?

A He asked if I remembered seeing -- on one photograph, he asked if I remembered seeing anyone involved in the fight. And on another photograph, on another piece of paper with the same layout, he asked if I remembered seeing anyone in the vicinity of the fight.

Q And when he showed you the photographs, were you able to make a selection?

A Yes, ma'am.

Q And the selection that you made, how sure were you of the selection?

A I was very sure of the selection.

Q Mr. Martin, I'll hand you now what's previously entered into evidence as State's 40 and 41. Take a moment and tell me do you recognize State's 40 and 41?

MS. LEGETTE: May I approach?

THE COURT: You may.

BY MS. LEGETTE:

Q Do you recognize 40 and 41?

A Yes, ma'am.

Q What are they?

A They're both photo line-ups, three on the top, three on the bottom. And on State's 40, that's the Defendant's brother who was in the fight.

Q Okay.

A I signed and circled.

Q And you said that you were -- how sure were you that that was the person involved in the fight?

A A hundred percent sure.

Q Now, as to State's 41?

A State's 41, that's the Defendant that I seen in the area, and I signed and circled.

Q And how certain were you that the Defendant, Andre Crawford, was actually in the vicinity at that time?

A A hundred percent.

Q Thank you. Now, Mr. Martin, do you recall being able to tell Detective Wallace anything else at this meeting with the first photo line-up?

A I was telling him that, you know, I could see the clothing and I could see the gun, but I can't -- I said the face is like it wants to come to me, but it's not coming to me directly. And he said -- he said, All right. Just don't pressure it, you know, we've got time to talk, you know, just get better.

Q So, after you met with Detective Wallace on that

particular day and you saw the first photo line-up, do you remember seeing Detective Wallace any other time prior to going to see him at the police department or the Sheriff's Office?

A Yes, ma'am, I saw him two more times.

Q Okay. So, at some point, did you contact Detective Wallace?

A Yes, ma'am.

Q What did you say to Detective Wallace?

A I contacted Detective Wallace a couple of weeks after I got home and I informed him that I remembered everything of what I saw that night, including the shooter.

Q And what did Detective Wallace tell you to do?

A He told me to come down to the annex in Walterboro and make a statement. And I met with him the next day.

Q So, you met with him the next day. And did anyone come with you?

A Yes, ma'am.

Q Who came with you?

A My best friend, Marcus Grimes.

Q So, when you met with Detective Wallace, do you remember that date?

A I can't remember the date exactly, but I know it was towards the end of June.

Q End of June, okay. So, at this particular meeting

with Detective Wallace, what did you tell Detective Wallace?

A I told Detective Wallace that I remembered the shooter, I remembered the guy that shot me and he showed me another photo line-up in the same form of this one.

Q Was it the same one that you had seen previously that you had already circled?

A No, different one. No signatures, no circle, no nothing on it.

Q Okay.

A And I circled the same two individuals on the -- on the photo line-ups on two separate papers. I circled the Defendant's brother as the fighter and I circled the Defendant as the shooter.

Q And how certain on that particular day in the end of June when you met with Detective Wallace were you that the Defendant's brother was the fighter?

A A hundred percent.

Q And how certain were you on that particular day that the Defendant himself was the person that shot you?

A A hundred percent.

Q Mr. Martin, I hand you now what's previously entered into evidence State's 42 and 43. See if you recognize these.

MS. LEGETTE: May I approach?

THE COURT: You may.

BY MS. LEGETTE:

Q Do you recognize State's 42 and 43?

A Yes, ma'am.

Q What are State's 42 and 43?

A State's 42 is the Defendant's brother who was in the fight. I actually circled, signed, date and time.

Q I will direct your attention to the screen on 42. On 42, that's --

A That's the fighter.

Q And the signature is yours?

A Yes, ma'am.

Q And State's 43?

A State's 43, I actually circled, signed, date and time the shooter.

Q And that's the man that shot me?

A That's the man that shot me.

Q Thank you. And how certain -- I may have already asked you this, but how certain are you that Andre Crawford is the man that shot me?

A A hundred percent.

Q A hundred percent. Is there any doubt in your mind?

A No, ma'am.

Q Now, Mr. Martin, at some point, did you believe that you had seen -- how many times have you seen the photo

line-ups?

A I believe, I believe that I saw it three times, but showing in evidence, I only seen it twice.

Q Even if you believe that you saw it three times, was -- who did you pick out the other time that you believe?

A The same two individuals.

Q Mr. Martin, do you see the man in the courtroom who shot you on the night of May 28, 2016?

A Yes, ma'am.

Q Would you please point him out?

A Right there.

Q Would you describe what he's wearing?

A Right now?

Q Yes.

A He has on a beige in color, button-up shirt, collared shirt.

Q Okay.

MS. LEGETTE: Let the record reflect that the witness indicated the Defendant, Andre Crawford -- or identified the Defendant, Andre Crawford.

BY MS. LEGETTE:

Q Mr. Martin, the night that Andre Crawford shot you, did you see him shoot anyone else?

A No, ma'am.

Q Where was Jesse in relationship to you whenever

Andre Crawford shot you?

A Jesse was -- he was somewhat parallel to me.

Q So, if I can get you to demonstrate. If I came and stood beside you, would you be able to tell me --

MS. LEGETTE: Can I have a microphone, please ma'am?

BY MS. LEGETTE:

Q Now, Mr. Martin, I need you to speak into the microphone and speak up. So if you are you and I'm Jesse, tell me where Jesse is.

A Jesse is -- come up.

Q Okay.

A Right here.

Q Okay. And where are you in relationship to Jesse?

A I'm right here.

Q Okay.

A So, we are somewhat parallel.

Q Parallel?

A Yes.

Q All right. So, when you hear the person -- what did they say to you?

A That's messed up what you doing to my brother.

Q Okay. Now, show me how you turned?

A I had one of the fighters in my hand and I turned -- I turned like this.

Q Where's Jesse?

A Jesse is still right there.

Q Still right here. Okay. Thank. Have a seat.

MS. LEGETTE: Beg the Court's indulgence.

(Pause.)

MS. LEGETTE: Mr. Martin, I have no further questions. Please answer any questions of Mr. Walker.

THE COURT: Cross examination. Let's proceed.

MR. WALKER: Your Honor --

THE COURT: I'm talking to your co-counsel.

MR. WALKER: I understand, Your Honor. I actually asked her to do something for me.

May I approach?

THE COURT: She's not going to walk around the courtroom. You want to come forward, you can, but take a seat. Don't walk around in front of the jury.

Go ahead.

MR. WALKER: May I approach?

THE COURT: Counsel, approach.

You weren't looking at her, she was walking around in the back talking. I'm not going to allow that.

(Off-the-record discussion held.)

THE COURT: Cross-examination.

In or out? You want to stay in or out? Would you like to leave? Stand up and leave the courtroom at

this time, if you do.

Proceed. Cross-examination.

MR. WALKER: Thank you, Your Honor.

THE COURT: Do I have someone at the door?

MR. WALKER: Yes, Your Honor.

THE COURT: Let them come in and have a seat next to Mr. Knight.

Proceed.

CROSS-EXAMINATION

BY MR. WALKER:

Q Good morning, Mr. Martin.

A Good morning.

Q I'm glad you could be here with us. I want to start in the same area that Ms. Legette did with some of your training as a security guard. Specifically, she asked you about your training as far as how to be observant. Where did you receive that training?

A I received that training for the military doing contract security at the Navel weapon station.

Q You mentioned in your description of that training to keep your head on a swivel. What does that mean?

A Keep your head on a swivel, always know what is going on around you.

Q So don't develop tunnel vision?

A Don't develop tunnel vision.

Q That way, you're always aware?

A Always aware.

Q And even when you're directing your attention in one place, you've got a picture about what's going on around you?

A Yes, sir.

Q You mentioned that you were also trained to pay attention to detail; is that correct?

A Yes, ma'am -- I mean, yes, sir.

Q The number of people around you?

A The number of people around me.

Q What they are wearing?

A (Witness nodded head.)

Q Yes?

A Yes.

Q You said you particularly were taking in who got in and out of what cars as far as your observance; is that right?

A I said that's part of -- that's what you want to do. That's not what always happens, but that's what you want to do.

Q You kept track of who was who? You were trained to keep track of that, who is with whom?

A You're trained to be vigilant of your surroundings.

Q And then, also, you specifically mentioned height, weight of people and, you know, what their race was and those sorts of description?

A Yes, I said height and weight.

Q And those are the -- you generally employed those principles in your job at security any time you were working?

A I employed them as principles in my everyday life.

Q Now, you mentioned that prior to this incident you had seen Mr. Crawford's brother, 30, 40, 50 times; is that correct?

A About 30, 40, 50 times possibly.

Q Do you recall giving or being interviewed by Investigator Hipp and the Solicitor on October of last year?

A Possibly. I had a lot of interviews.

Q Okay. Well, would you remember in the course of one of those interviews telling the Solicitor's Office and Investigator Hipp that you had seen Andre Crawford, at least, 10 times with DaQaun Crawford before this time?

A I possibly could have said that.

Q And when you saw them on May the 28th, 2016, you said that they were standing in the parking lot, which was not usual?

A Was not unusual.

Q You had seen them do that before?

A Yes, sir.

Q You had seen other patrons of the establishment do that before?

A Yes, I had.

Q I want to skip briefly over the fight and the shooting to the aftermath and, perhaps, come back to it. So, after the fight, you had been shot. Where were you standing when you were shot?

A Where I was standing when I was shot, close to the road.

Q Then you ended up in the road?

A I stumbled in the road after being shot.

Q And you -- who did you say was with you right there in the road when you were lying there, when you first had been shot?

A When I first had been shot?

Q You said there was a woman with you?

A I can hear a voice.

Q But you didn't know who it was?

A I didn't know who it was.

Q You actually told that woman and others to stay away and not contaminate the crime scene?

A I told others -- I told the woman to stay right there. I was comfortable hearing her voice and her praying over me. I told others that was close to me to just back

away because they were contaminating the crime scene.

Q You said that you remembered the ambulance coming and riding in the ambulance and that you were conscious until you got to the hospital and passed out; is that right?

A As far as I know.

Q You said that you saw your family, that was right when you got to the hospital, before you went into surgery?

A Before I went -- I found out a lot of this after I was able to really be conscious and talk to my family. I didn't know -- I thought I had already went into surgery when I saw them, but when I found out all the details, I was not in surgery at that time.

Q Now, going back to the actual shooting, you said that the fight broke out and Jesse Guy went to that fight ahead of you, correct?

A Yes, sir.

Q So, you could see where he was?

A I could see what?

Q You could see what Jesse Guy did?

A I could see Jesse running from the wall to the back.

Q And he tased the person that you identified later as DaQaun Crawford twice?

A Yes.

Q And it was after that second tasing that you heard

footsteps coming from behind?

A After the second tasing, we were able to split them apart. And as soon as we split them apart, I heard the footsteps and I heard the Defendant say, That's messed up what y'all doing to my brother.

Q You heard that loudly?

A I heard that loudly.

Q Okay. And then, when you heard that you actually turned and saw him?

A Yes.

Q And saw him shoot?

A Yes.

Q All right. And I believe that you described to Officer Wallace you saw the gun?

A Yes.

Q You described that to Officer Wallace as being a 40-caliber automatic?

A I told Officer Wallace, I said that it looked to be a 40-caliber.

Q Then once you were shot -- you were shot, you did not see Mr. Crawford any more?

A Once I got shot, I stumbled into the road.

Q Now, you would agree with me, that that version of events was first told to law enforcement over a month after the shooting?

A I have no idea.

Q You remember when you got shot?

A I remember when I got shot.

Q March 28th, 2016?

A May 28th.

Q Sorry, I misspoke my months. May 28th, 2016 is when you got shot. And then you told Officer Wallace on June 28th in a phone call that you remembered who shot you, and then you had the interview on June the 29th?

A The date exactly, just off the paperwork, that's what I remember.

Q That phone call is the first time law enforcement heard, I saw Andre Crawford shoot?

A From me.

Q Now, you first -- let me go through a little bit of the meetings that you had with Officer Wallace. When is the first time that you remember meeting with Officer Wallace?

A I remember meeting with Officer Wallace the morning of May 28th, 2016 at Trident Medical Center.

Q Before you had gone into surgery?

A Yes.

Q And he -- did he show you any line-ups at that time?

A No.

Q You did talk to him before you went into surgery?

A I talked to him -- I talked to him before I even talked to my family.

Q Is the next time you remember seeing -- well, when is the next time that you remember seeing Officer Wallace?

A I was in ICU. The date that you have is June 4th. I don't know exactly the date myself, but I know I still was in ICU on June 4th.

Q Do you remember a visit on May the 30th, where he talked with you about what he saw, but did not present you with any line-ups?

A I remember seeing him May 28th. I don't recall -- you said May 30th?

Q Yes, two days later on May the 30th?

A I don't recall May 30th.

Q So you don't recall telling him that you did not see the shooter, but only slightly saw the gun on May the 30th?

A On May the 30th. I can't recall.

Q All right. But you say you do remember meeting with him on June the 4th when he showed you the line-up?

A As far as the date you're saying, I can't remember the date, but I know that June 4th I was still in the ICU. So I do remember meeting him while I was in ICU.

Q Is that the meeting where he first presented you

line-ups, that you recall?

A That I recall, yes.

Q Is that the meeting where you identified DaQuan Crawford as being involved in the fight and Andre Crawford as being in close proximity to the fight?

A Yes.

Q When did you see Detective Wallace again after that?

A He actually came -- when they moved me up to my private room, he actually came then. I can't remember the date, but I was -- I was still in the hospital.

Q Did he show you a line-up at that time?

A I believe I saw a line-up at that time.

Q And you conversed with him in your room at the hospital and he continued to ask about the case?

A No, he just asked how I was doing. After, I believe, seeing a line-up, he asked me how I was doing, how was my recovery and everything. I told him how I was doing and everything.

Q Showing you a line-up would be about the case, right?

A Showing me a line-up would be about the case, but after that, we just talked about my health and getting better.

Q Okay. And when did you see Detective Wallace

next?

A He came to my house after I was discharged from the hospital. I can't remember the date exactly, but I know it was close to me -- I got out of the hospital June 11th, so, he might have came by maybe, the 14th, or the 13th.

Q Did he show you any photo line-ups at that time?

A No, he just came to check on my well being.

Q Okay. Then, after that, when was the next time that you saw Officer Wallace?

A By the date you have is June 29th.

Q Is that when you came in and was interviewed at the Sheriff's Office?

A At the annex, yes.

Q You were presented a line-up again?

A I was presented a line-up.

Q And that is the interview where you tell police that you saw Andre Crawford shoot you. You heard this statement that he said, that's messed up what you're doing to my brother and actually saw him shoot?

A Yes.

Q And every time that you did a line-up for Detective Wallace, you were a hundred percent certain when you did it?

A A hundred percent certain of what?

Q Of what you had told Officer Wallace?

A As far as you mean to the last line-up?

Q I'm saying when you did a line-up every time Officer Wallace showed you, you were certain; is that correct?

A I'm certain of who I picked out in the line-up, yes.

Q Okay. Now, Ms. Legette referred earlier to an interview that you gave to the Solicitor's Office in October of last year. Do you recall in that interview describing the clothing that Andre Crawford was wearing as shorts, a gray T-shirt and light-colored tennis shoes?

A I don't -- I recall saying something, but I don't recall the date or -- I had a lot of interviews, so I don't know exactly what day I said that.

Q Do you recall specifically describing the clothing that you say Andre Crawford was wearing?

A Andre Crawford, yes.

Q Do you recall telling the investigator for the Solicitor's Office last October that when you spoke to Detective Wallace before you went into surgery -- well, I withdraw that. You said -- you told investigators you believe -- how many times did you see line-ups as far as you remember?

A As far as I remember, as far as I can recall, two or three times.

Q Do you recall an interview on October the 24th of last year in the Solicitor's office with Investigator Hipp where you told him that you think Detective Wallace gave you a line-up the night this happened, the night of the shooting?

A The night of the shooting, I believe that I might have said it, but still trying to -- that particular night being sedated and -- I know I talked to Detective Wallace.

Q Okay.

A And I didn't say -- I said that I might have had. But I -- there was a lot going on after I got shot.

Q I understand. As to the June 4th interview, you were testifying -- answering Ms. Legette's questions a moment ago, you said you told Detective Wallace bits and pieces of what you could remember, but nothing hard core. Does nothing hard core mean that -- are you describing the subject matter of what you're talking about or are you saying that those memories are not fixed in my mind?

A Rephrase it a little.

Q The language that you used when Solicitor Legette asked you about the interview that you conducted -- that Detective Wallace conducted with you on June the 4th and information you gave him, you said that I gave him bits and pieces of what I could remember, but nothing hard core. So, I'm wondering what you meant by nothing hard core?

A Nothing hard core as the definite answer the person that shot me.

Q So, you've been diagnosed as a continuing problem from this incident with Post Trauma Stress Disorder?

A Yes.

Q Now, you've been in the courtroom for this whole trial, correct?

A Yes.

Q Of course, you know Dr. Dutton, correct?

A For the short period of time I was in the hospital.

Q He was your treating physician?

A Yes, he was my treating physician.

Q He was the one that performed the surgery on you?

A He performed the surgery.

Q When he was here, did you hear him give testimony as to the affects on memory of trauma?

A Yeah, I did.

Q You heard him say trauma may result in flashes of memories?

A Yes, I heard what he said.

Q You heard him say that trauma may cause memories to change?

A I heard him say that, too, I believe.

Q You heard him say that a person who's experienced

trauma may feel that something happened, but it actually was not accurate?

A I believe I heard -- he might have said that.

Q You also heard him say that --

MS. LEGETTE: Your Honor, he may be pitting witnesses.

THE COURT: Counsel, approach.

(Off-the-record discussion held.).

THE COURT: Objection overruled. Proceed. Cross-examination.

BY MR. WALKER:

Q You heard Dr. Dutton say that a person under treatment and medication, their memories could be jumbled up?

A I believe I heard him say that.

Q You also heard him say that that medication could generate memories?

A I don't recall him saying that.

Q You heard him say that it can cause problems converting short-term memory into long-term memory?

A Yep.

Q You remember him saying that?

A Yep.

Q Would you agree with me that you would be skeptical of someone that gave you four different versions

of the same event?

A Skeptical of who?

Q Of the accuracy of their statements if their statement changed every time they told you what happened?

A If they gave you four different versions, would I be?

Q Would you be skeptical of someone?

A Possibly.

Q And you heard Dr. Dutton testify about the affects on memory of trauma. Do you not think, in your situation, based on the experience that you had, admittedly, tragic experience, certainly not one you deserved, that that experience could have affected your memory such that it wouldn't be reliable as to this?

A No.

MR. WALKER: Court's indulgence.

(Pause.)

MR. WALKER: No further questions, Your Honor.

THE COURT: Redirect?

MS. LEGETTE: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MS. LEGETTE:

Q Mr. Martin, did you give four different versions of the same event?

A No.

Q Mr. Martin, when you met with Detective Wallace and you saw the first photo line-up, I know you don't remember the date. When you met with him for the first photo line-up, what did you tell him about the people in the first photo line-up?

A I told him -- in the first photo line-up, I said the fighter was the Defendant's brother and that the Defendant was in the vicinity of the area that everything happened.

Q And the second photo line-up that you saw near the end of June after you got out of the hospital, what did you tell Detective Wallace about that photo line-ups, those photo line-ups?

A I told Detective Wallace that the Defendant's brother was the fighter and I circled and put the date and time on it, and the Defendant was the shooter, the gentleman that shot me and I circled it and dated and signed it.

Q When you told Detective Wallace that the Defendant was the shooter in the photo line-up on -- near the end of June, did you also maintain that he was near the fight?

A Yes.

Q Mr. Martin, should we be skeptical of you today?

A No.

Q And Mr. Martin, your memories -- are you making this up, Mr. Martin, let's just be real?

A I'm being honest. No, ma'am.

Q How long would you say you had known of or had seen the Defendant, Andre Crawford, prior to him shooting you on May 28th, 2016?

A I know possibly five times, could be more, but as far as --

Q But how long a period of time would that have been in?

A Within a year's time.

Q Mr. Martin, have you manufactured or made up this story against Andre Crawford today?

A No, ma'am.

Q Is the man who shot you Andre Crawford?

A Yes, ma'am.

Q Is he present in court today?

A Yes, ma'am.

Q Please point him out.

A Right there.

MS. LEGETTE: Thank you. I have nothing further.

THE COURT: Recross, limited to the redirect.

RECROSS-EXAMINATION

BY MR. WALKER:

Q Ms. Legette just asked you about the first two photo line-ups and your responses. What did you tell Officer Wallace on the third one?

A On the third one?

Q Yes.

A I said that the Defendant's brother was the fighter and that the Defendant was the shooter.

Q When was that?

A When was what?

Q That third, that third line-up?

A That was at the annex.

Q Okay. So, there was another line-up where you identified Andre as the shooter?

A No.

Q So you said that you remember seeing three line-ups?

A Yes.

Q Okay. So, the first one where you identified DaQuan as the fighter and Andre as the shooter was -- sorry, I misspoke. The first one you said, you identified DaQuan as the fighter and Andre as being in the vicinity, right?

A In the vicinity, yes.

Q That was June the 4th of 2016?

A As far as on paper.

Q Okay. And then the second one you just responded to Ms. Legette was that you identified DaQuan as the fighter, but then Andre as the shooter on June the 28th or 29th of 2016?

A Yes.

Q All right. So I'm asking about this third line-up, where did that occur in that process and what did you tell Detective Wallace?

A I believe that I saw -- this was the third line-up on the 29th.

Q So, what we just referred to as the second one is actually the third?

A Yes, as far as I can remember.

Q So when -- so, when do you recall being the first one?

A The first one would be in ICU, I would say June 4th.

Q All right. And what did you tell Wallace at that one?

A That the Defendant's brother was the fighter and that the Defendant was in the vicinity. That's what he asked. If I seen anybody on there in the vicinity of the fight.

Q So, when was the second one?

A The second one, I was in my private room.

Q Right. And what did you tell him about that line-up?

A I told him -- he told me don't -- you know, if you feel like you don't want to, you know, push it, I don't want

to push it. You know, just tell me what you see, tell me what you remember. If you remember seeing anyone in the fight, if you remember seeing anyone in the vicinity. And I gave the two -- I circled and signed the two, same two individuals as DaQuan --

Q As the --

A The Defendant's brother being the fighter and the Defendant being in the vicinity.

MR. WALKER: Thank you, I don't have any further questions.

THE COURT: As to this witness, Solicitor?

MS. LEGETTE: We ask that he be excused, Your Honor.

THE COURT: Any objection, Mr. Walker?

MR. WALKER: No, Your Honor.

THE COURT: You may step down. You're excused from the trial of this case. Leave my exhibits, if you would and watch your step on my stairs.

Mr. Foreman, ladies and gentlemen of the jury, I'll stop at this point and take a mid-morning break for you since we're working straight through. That way, if anybody needs water or fluid, I'll make sure that I take care of all of the people. Since I'm diabetic, and the Foreman tells me I've got one on the jury, I want to make sure you get plenty of fluid.

these pitchers are here for.

All right. Ladies and gentlemen, as you requested, we are going to try to work straight through, so it's probably going to be -- it's now 11:20, we'll probably be working straight through until 2:30, at which time I've estimated -- which I've gotten a lot of different opinions about time, but estimated that your lunch will arrive at 2:30. Hopefully, we'll be ready for you to receive it when it arrives.

We will now continue with the testimony in the trial of this case.

Solicitor, call your next witness.

MS. LEGETTE: Thank you, Your Honor. The State calls Brian Varnadoe.

Thereupon,

BRIAN VARNADOE

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE COURT: Pull the microphone down and pull your chair up. State your full name and spell you last for the court reporter.

WITNESS: My name is Brian Varnadoe. Last name is V-A-R-N-A-D-O-E. I work with the Colleton County Sheriff's Office.

THE COURT: Your witness, Counselor.

MS. LEGETTE: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. LEGETTE:

Q Good morning, Mr. Varnadoe.

A Morning.

Q Mr. Varnadoe, what is your rank at the Colleton County Sheriff's Office?

A Sergeant.

Q Sergeant Varnadoe, how long have you worked for the Colleton County Sheriff's Office?

A Approximately five years.

Q And what is -- what are your current duties?

A Current duties is investigations.

Q As an investigator, what are you assigned to?

A Investigate crimes, engage in interviews, gather evidence.

Q Okay. So, do you have any prior law enforcement experience?

A The only experience that I had prior to working for the Sheriff's Office, I worked 18 years with the Department of Corrections.

Q Okay. And were you working for the Colleton County Sheriff's Office in May of 2016?

A Yes, ma'am.

Q And what were your duties during that period of

time?

A I was in investigations.

Q Investigator, okay. Did you have occasion to become involved in the case involving Andre Crawford?

A I did.

Q Can you tell us how you became involved?

A In investigations, CID, we're a small unit, so in a major incident like this, all investigators kind of take part in assisting, investigating, gathering information, intel.

Q Okay. So, were you actually on call on May 20 -- May -- well, let's turn your attention to May 28th, 2016, were you on call that particular day?

A I wasn't the, actually, on-call investigator, but because of the size of the incident, we were all called out, yes, ma'am.

Q Okay. So, what did you do or did you respond to any location on May 28th, 2016?

A Yeah, I responded to the Club Leon's on Round O Road. I'm not sure of the numerics.

Q What did you find when you arrived on Leon's Club on Round O Road?

A On arrival, I observed a lot of fire and rescue, other police already on scene, a few patrons or individuals standing in the parking lot of the club.

Q And as part of your duties with the Colleton County Sheriff's Office being an investigator, what, if anything, did you do?

A I remember specifically -- of course, it was dark. I had my flashlight and I began looking, trying to process the crime scene, looking for shell casings, any signs or any evidence that could assist us in what occurred.

Q Were you able to locate any shell casings?

A Yes, we did -- uh -- I want to say -- I was looking around the roadway. I'm not sure.

Q You don't think -- so, you don't know whether any shell casings were located?

A No, I do not.

Q Okay. Were you able -- did you try to talk to any witnesses?

A The ones that would speak to me. In an environment like that, a lot of times, it's hard to get people to speak to you, much less tell you their name, who they are. You try to get a witness and what did you see and what have you. I did speak to some people in the crowd. Some I identified, some I did not. Some didn't wish to give their names.

Q Did you ever talk to anyone specific, anyone, in particular, that night? Did you locate or search any vehicles?

A Yes, I did.

Q Tell us about the search of a vehicle.

A It belonged to an individual by the last name of Hampleton. I can't ever get his first name right, it's Damien or Damen. I'm not sure.

Q What did you know him as, did you know him by a nickname?

A I know him as Twin. This individual has a twin brother, obviously, that's where the nickname came from.

Q Did you speak to him that night?

A Yes.

Q Where was he at as far as it relates to Leon's Club?

A He was standing out front the club there. I'm not sure exactly where he was standing in the parking lot, but it was in the front, between the club and the roadway.

Q What did you time did you arrive at Club Leon's, if you remember what time it was?

A I'm not sure. It was probably 30 minutes or so after the incident actually occurred because I had to get called out and come from home. So, whatever time the call came out on the CAD page there, approximately 30, 40 minutes later.

Q When you arrived, was Mr. Hampleton still there?

A Yes.

Q During that period of time, did you speak to him immediately or did you wait for a period of time before speaking to Mr. Hampleton?

A I think it was some period of time. I also don't think I was the first investigator that actually spoke with him. I think he was actually speaking to someone else. I remember him giving consent for his vehicle to be searched is the main thing that I remember about Mr. Hampleton.

Q So, when Mr. Hampleton gave you consent for his vehicle to be searched, about how long had you been there prior to him giving that consent?

A Maybe five minutes, ten minutes maybe.

Q How long did it take to search that vehicle?

A Not very long. The main thing we were searching for, obviously, it being inside the crime scene, make sure there wasn't no gun, any damage to the vehicle, blood, what have you. It didn't take very long.

Q Do you remember how long Mr. Hampleton stayed after the vehicle was searched?

A I do not.

Q Now, once -- Club Leon's, you, actually, were at the scene after the shooting that night? Did you have any other involvement in the days after the shooting?

A The days after?

Q Yes.

A Yes, ma'am.

Q Did you meet with any witnesses?

A I believe, mainly, Mr. Hampleton. I'm not sure if he came and actually spoke to me or another detective. I spoke to Mr. Crawford in the days leading after the incident.

Q So you spoke to Andre Crawford?

A Yes.

Q Okay. And tell us about speaking with Mr. Crawford. Were you -- how did you encounter Mr. Crawford?

A I encountered him at his home.

Q Why did you decide to talk to Mr. Crawford?

A Through investigation, we determined that his brother was the one that was in the altercation, that was spoke of. And being that he was there with his brother, I wanted to get what he may have seen, what he may have heard, get his account of what happened.

Q So, tell us about the encounter you had with Mr. Crawford. You said that you talked with him at his home?

A Yes, that's where we met.

Q You said we, who was with you?

A I'm sorry, Sergeant Kirt Wallace.

Q Okay. And where was Mr. Crawford or -- sorry,

where did Mr. Crawford live?

A I think it's [redacted] Oak Circle, I'm not sure.

Q That's in Walterboro?

A Yes.

Q So, tell us about the encounter, how did it come about?

A We arrived there, knocked on the door, began speaking with him. Told him if I could ask questions of him in regards to that night. He willingly said, yeah, I have nothing to hide, I'll come speak to you. So, he didn't have a ride to get there. We told him we will transport you there, that way we can do this interview and it can be recorded, audio and video. Instead of being just in the yard or whatever, we can get his account and it can be recorded what he says and what we say.

Q So, did Mr. Crawford agree to come with you?

A Yes, he did.

Q How did Mr. Crawford? You said you gave him a ride. Whose car did he ride in?

A My vehicle.

Q Where did he sit in your vehicle?

A Front passenger seat.

Q Was he free to leave or get out of the vehicle any time before you got --

A He voluntarily came.

Q Was he in handcuffs when you put him in your vehicle?

A No, ma'am.

Q Now, you testified about Mr. Crawford, you said that you wanted to talk to him because you heard his brother was involved. Do you know his brother's name?

A DaQuan.

Q So, Mr. Crawford's agrees to come with you to the annex. Who meets with Mr. Crawford on that day?

A That day, he was interviewed by myself and Sergeant Kirt Wallace.

Q What date was that, do you remember?

A I don't want to say and be wrong.

Q Okay.

A But it was a few days following the incident.

Q Could it have been May 31st?

A It could have been.

Q Okay. So, you sat down with Mr. Andre Crawford and Detective Kirt Wallace, can you tell us how the video -- was it audio and video? What was done?

A Audio and video. Our system there at the Sheriff's Office has a camera, simple camera in there and audio, video, everything is recorded.

Q Now, did you read Mr. Crawford, Andre Crawford, his rights, Miranda rights during this particular interview?

A No, I did not.

Q Why not?

A He wasn't in custody or under arrest.

Q All right. So, when are Miranda rights are required?

A When I suspect a suspect or individual of a crime and they may incriminate themselves and they're in custody.

Q They're in custody?

A They're in custody under arrest, I will read them their rights.

Q So, on this particular date, on the May 31st, interview, was Mr. Crawford, Andre Crawford under arrest at that time?

A No, he was not.

Q What did you consider him at that time?

A A witness.

Q Okay. Now, so, you met with Mr. Crawford on that particular day. Mr. Crawford, how did he present during that period of time? Did he appear to be under the influence of any alcohol or drugs?

A He did not.

Q Are you familiar with persons who have been under the influence of alcohol or drugs?

A Yes, ma'am.

Q And he did not appear to be?

A No.

Q And did Mr. Crawford appear to understand -- well, did he appear to have any mental disabilities that would keep him from being able to speak with you?

A Not to my knowledge, no.

Q Did Mr. Crawford agree to speak with you and Detective Wallace on May 31st?

A Yes, ma'am.

Q And during that particular interview -- well, prior to the interview, did anyone with you or Detective Wallace ever coerce Mr. Crawford to come with you?

A No, we didn't have to coerce him. Like I say, he voluntarily came on his own.

Q Did anybody ever threaten him in order to get him to come along with you?

A I never heard no one threaten him.

Q During the interview process, did Mr. Crawford ever tell you he wanted to stop talking to you and leave?

A No.

Q Did he ever ask for an attorney during that particular interview?

A No.

Q During the interview with Detective Wallace, did you or Detective Wallace ever threaten him in order to get him to talk to you?

A No, ma'am.
Q Did you ever make him any promises?
A No.
Q Did he ever ask for a lawyer?
A No.
Q Now, during this particular interview with Mr. Crawford, was it recorded on audio and video?
A Yes, ma'am.
Q And have you previously reviewed the video itself for accuracy?
A I have.
Q And is the video a fair and accurate reflection or a substantial fair and accurate reflection of the video that you took from Mr. Crawford on or about May 31st, 2016?
A Yes, ma'am.
MS. LEGETTE: Beg the Court's indulgence.
(Pause.)
BY MS. LEGETTE:
Q Detective Varnadoe, I'm going to hand you what's been marked for identification as State's Exhibit 31. Take a moment and tell me if you recognize State's Exhibit 31.
MS. LEGETTE: May I approach the witness?
THE COURT: You may.
Q You recognize State's 31?
A Yes, ma'am, that's my initial and where I dated

it.

Q Is State's 31 a substantial fair and accurate reflection of the interview that you did on May 31st, 2016?

A Yes, ma'am.

MS. LEGETTE: At this time, Your Honor, I would offer State's 31 for admission into evidence?

THE COURT: As to State's 31?

MR. WALKER: No objection.

THE COURT: Subject to my earlier ruling.

Ladies and gentlemen of the jury, State's Exhibit No. 31 will be admitted into evidence in the trial of this case.

State's 31, you may publish now.

MS. LEGETTE: Thank you, Your Honor.

(Whereupon, State's Exhibit No(s). 31 marked for identification and received in evidence.)

BY MS. LEGETTE:

Q Sergeant Varnadoe, are you also familiar with the transcription of the audio of State's 31?

A Yes, ma'am.

Q Have you previously reviewed the transcription of the audio of State's 31?

A Yes, ma'am, I have.

Q Is the transcription a fair and accurate transcription of the audio transcription of State's 31?

A It is.

MS. LEGETTE: May I approach, Your Honor?

THE COURT: You may.

BY MS. LEGETTE:

Q I'll hand you now what's previously marked as State's 44. You recognize State's 44?

A Yes, ma'am, I do.

Q Is State's 44 a fair and accurate reflection of the audio version -- sorry, transcription, written version of State's 31.

A Yes, ma'am, it is.

MS. LEGETTE: At this time, Your Honor, I would move for admission into evidence State's 44.

THE COURT: As to State's 44?

MR. WALKER: No objection.

THE COURT: No objection.

Ladies and gentlemen of the jury, State's Exhibit 44 will be admitted into evidence in the trial of this case, without objection.

Counsel, approach.

(Whereupon, State's Exhibit No(s). 44 marked for identification and received in evidence.)

(Off-the-record discussion held.)

THE COURT: Ladies and gentlemen of the jury, State's Exhibit No. 31, which is an audio and video

recording, because of the poor quality of the audio, the parties have agreed on State's Exhibit 44 to a transcript of what the transcriptionist could understand on the audio portion. Please understand that there are -- you're going to see portions in the transcript that were blacked out. That's because of the audio quality. You're going to be able to listen to the audio quality, and you make whatever decision. The transcript is an aid for what the parties agree can be clearly heard. And you will listen to the audio quality of 31. I wanted you to know that it's part of the work that we're doing while the case is going on so you will have a better understanding of what may be happened. Thank you very much.

They're both in evidence without objection, both 31 and 44, which I hand to you.

Are you going to make copies for them and pass them out?

MS. LEGETTE: Do you mind if Mr. Bill passes them out the transcriptions?

THE COURT: Any objection, Mr. Walker?

MR. WALKER: No, Your Honor.

THE COURT: All right. We are giving you the transcript of what could be agreed upon as you listen.

It's my understanding that you now wish to the

publish State's 31; is that correct?

MS. LEGETTE: Yes, Your Honor.

(Audio and video CD is playing, beginning 11:41 a.m.)

(Audio and video CD stopped playing at 12:05 p.m.)

BY MS. LEGETTE:

Q Detective Varnadoe -- or Sergeant Varnadoe?

A Yes, ma'am.

Q Sergeant Varnadoe, is that the essence of the interview that you had, you and Sergeant Wallace had with Andre Crawford on May 31st, 2016?

A Yes, ma'am.

Q Now, Sergeant Varnadoe, you indicated in that video that you had actually spoken with Damen Hampleton the night of the incident?

A That's right.

Q Where was he when you spoke with him?

A Somewhere on the right side, in front of the club. In between the club and the roadway.

Q And are you familiar with the location of Leon's Club and where his vehicle was parked?

A Yes, ma'am.

Q I hand you now what has been marked and put into evidence as State's Exhibits No. 8 and 9. Take a moment to look at it and see if you recognize State's 8 and 9.

MS. LEGETTE: May I approach?

THE COURT: You may.

THE WITNESS: Yes, ma'am, I recognize them.

Q What are 8 and 9?

A These two exhibits here are a depiction in front of Leon's, fire and rescue, other individuals in front of the club, some vehicles.

Q And State's 8 and 9 a fair and accurate reflection of the night at Leon's Club on May 28, 2016?

A Yes, ma'am, they are.

Q Now, Sergeant Varnadoe, if we could put up State's 8 briefly. We're going to go over what you're seeing in State's 8. You talked about in the interview with Mr. Crawford that you had spoken to the person known as Damen Hampleton?

A Yes, that's his name.

Q Do you see the person named Damen Hampleton pictured in State's No. 8?

A Yes, ma'am, I do.

Q Can you describe what he's wearing?

A He's the large black male who's wearing a dark blue shirt, I think it's khaki shorts.

Q If I were to approach and point at the man here wearing a dark shirt?

A Yes, ma'am.

Q Is that Mr. Hampleton?

A Yes, ma'am.

Q While I'm still here at State's No. 8, can you tell me in what location you found his black Trail Blazer that night?

A His vehicle was -- it's outside of the frame, but it's to the right. There's a parking lot there farther over.

Q And in State's No. 9, is it there? Is it outside of the frame area?

A No, ma'am. It's not in either one of these photographs.

Q Basically, Mr. Hampleton's vehicle was still there?

A It's in that grassy area to the right of the establishment there, yes.

Q So, when you were at Club Leon that night and you spoke to Damen Hampleton and searched his vehicle, was Andre Crawford there with you or at the location when you were there?

A No.

Q Now, can you tell us, when you talked to Mr. Crawford, you asked him where he actually was taken by Damen Hampleton, he indicated to you what?

A Mr. Crawford told me that Mr. Hampleton had taken

him to Oak Circle, his home.

Q Can you tell us how far away Oak Circle is from Leon's Club?

A I don't know the exact mileage. I know Oak Circle is within the city limits of Walterboro and Club Leon is down Round O Road approximately three or four miles, near Cottageville. So I would say one-way trip would probably be 20 minutes, 25 minutes maybe.

Q And you talk about the charges that were made, so you're saying how would it take you to go and come back?

A Forty, 45 minutes, at the most -- at the least.

Q At the least?

A At the least, 40 to 45 minutes to make that round trip from Round O to Walterboro and then back.

Q How long did it take you to arrive at the scene at Leon's Club that night after you were dispatched?

A I said earlier, about 20, 30 minutes.

Q Now, once you -- so, based on the interview of Mr. Crawford and him telling you about Mr. Hampleton taking him home, did you ever speak to any other witnesses, or Mr. Hampleton?

A Did I speak to Mr. Hampleton?

Q Yes.

A Like I said earlier, I'm not sure if I was the one that interviewed him. He was interviewed. And he gave an

interview stating he didn't take anybody home.

Q Mr. Crawford, at that point when he told you what was found to be untrue later, did that hinder your investigation in any way?

A Yes.

Q Can you tell us how?

A By telling us false information, we are following leads that don't exist. And then doing that, instead of focusing on what we need to be focusing on, we're following false information, which can hinder an investigation. Time is important.

Q So now, after you -- the interview appears to end, how did Mr. Crawford -- how does he leave?

A This interview here?

Q Yes.

A I was not 100 percent sure how he left that day.

Q Was he free to go at that time?

A Yes, he was free to leave. Yes, he left on his own.

Q He left on his own. Did someone take him home?

A It could have been law enforcement. We could have given him a ride that day. Like I say, I don't want to state that's how he left on record here because I'm not a hundred percent sure how he left.

Q Was he arrested that day?

A No, he was not arrested that day.

Q Now, after you spoke to Mr. Crawford on May the 31st, you spoke to Mr. Hampleton?

A Yes.

Q And after your interview -- or someone's --

A Someone, law enforcement.

Q -- interview with Mr. Hampleton, what was done with Mr. Crawford?

A I'm sorry?

Q What was done -- based on the interview with Mr. Hampleton, was Mr. Crawford arrested?

A Yes. Based on the interview and along with my knowledge of that vehicle being at -- still at the establishment that night within inside the crime scene, so, obviously, it was still there. Yes, he was placed under arrest.

Q For what charge?

A Obstruction of justice.

Q Okay. Now, at some point, after you met with Mr. Crawford on May 31st and then you had to arrest -- or someone arrested him for obstruction of justice?

A Uh-huh. (Indicating affirmatively.)

Q Did you have any other involvement in this case?

A Just getting intel, just gathering information, not -- I'm not sure if I -- I know there's another interview

I conducted later on with Mr. Crawford.

Q So, at another point in time, you interviewed Mr. Crawford again?

A Yes.

Q So, tell us about the circumstances and how you interviewed him again and how you encountered Mr. Crawford?

A He was placed under arrest.

Q Where did you encounter Mr. Crawford?

A His place of work, Crescent Dairy on Cloud Road in Colleton County.

Q And he was -- what was he doing? He was working?

A Yes, he was working.

Q Why did you arrest Mr. Crawford?

A Because the detectives and other investigators had accumulated enough evidence to place him under arrest for those charges.

Q Did you actually go to Crescent Dairy and help arrest Mr. Crawford?

A Yes, I was there.

Q Now, do you recall what date that was?

A I do not.

Q Now, once Mr. Crawford was arrested, did you take him to the interview?

A Yes.

Q Could you tell us -- could that have been

July 6th, 2016?

A It could have been. It was in that time frame.

Q Now, was Mr. Crawford's, I think you testified previously, was he under arrest at that time? Was he under arrest July 6th?

A Yes.

Q So, as a result of him being under arrest, did you Mirandize him at that time?

A Of course.

Q So, how did you accomplish giving Mr. Crawford, Andre Crawford his Miranda warnings?

A I read them to him.

Q Did Mr. Crawford appear to understand his Miranda warnings?

A He did.

Q Did he sign a form and agree to speak with you?

A Yes, he did.

Q So, did he ever agree to speak with you without his attorney being present?

A He agreed to speak with me without his attorney present.

Q Can you tell us -- Sergeant Varnadoe, I'm going to hand you in a moment what has been previously marked as State's Exhibit 32. Take a moment and tell me if you recognize State's Exhibit 32.

MS. LEGETTE: May I approach?

THE COURT: You may.

Q Do you recognize State's 32, Sergeant Varnadoe?

A Yes, ma'am, I do.

Q What is State's 32?

A It's a Miranda form that we have. Do I show to jury?

Q That's okay.

A It's a Miranda form. When we read them their rights, they sign it and initial it that they understand their rights and what we're asking of them.

Q And Sergeant Varnadoe, is that a fair and accurate reflection of the Miranda warnings you gave to -- let me ask you, what date is on State's 32?

A The 6th.

Q Is State's Exhibit No. 32 a fair and accurate reflection of the Miranda warnings you gave to Mr. Crawford on or about July 6th, 2016?

A Yes, it is.

Q Has it been changed or altered in any way?

A No, ma'am.

MS. LEGETTE: At this time, Your Honor, I would like to offer State's Exhibit 32 for admission into evidence?

THE COURT: As to 32?

MR. WALKER: No objection.

THE COURT: Ladies and gentlemen of the jury, State's Exhibit 32 will be admitted into evidence in the trial of this case without objection.

You may publish.

MS. LEGETTE: Thank you, Your Honor.

(Whereupon, State's Exhibit No(s). 32 marked for identification and received in evidence.)

BY MS. LEGETTE:

Q Now, Sergeant Varnadoe, will you just briefly describe when you gave Mr. Crawford his rights and whether or not he initialed?

A Well, I had --

Q You don't have to read it, just tell us.

A This form here, like I said, it has Miranda rights on it and it has lines next to the sentence as I read them, and if he understands them, he initials that area. And at the end of it, saying that he understands all that I have read to him, he signs his name down here at the bottom.

Q And did he sign his name on State's 32?

A Yes, he did.

Q Now, after Mr. Crawford, Andre Crawford, signed his name on State's 32 and agreed to speak to you, did he give you a statement?

A Yes.

Q Who was present during that statement?

A Just me.

Q Did you ever threaten, coerce or promise him anything in order to get him to make a statement?

A I did not.

Q Sergeant Varnadoe, did you previously -- well, the statement that you took from Andre Crawford on July 6th, 2016, was it recorded in any way?

A Yes, ma'am, it was, audio and video.

Q And have you previously reviewed the audio and video recording for accuracy?

A I have.

Q And as it relates to the audio and video, does the audio and video contain a transcript actually on the audio and video?

A Yes, it does.

Q Have you also reviewed the audio -- I'm sorry, transcript on the audio and video for accuracy?

A I have reviewed it.

Q And is --

MS. LEGETTE: Well, may I approach the witness, Your Honor?

THE COURT: You may.

BY MS. LEGETTE:

Q I hand you now what's previously been marked as

State's 33. Take a moment and tell me if you recognize State's 33.

A Yes, ma'am, I do.

Q And what is State's 33?

A The second interview with Mr. Crawford, my initials and the date where I reviewed it.

Q And is State's 33 a fair and accurate reflection of the audio and video transcription of the interview you took of Andre Crawford on or about July 6th, 2016?

A Yes, ma'am, it is.

Q Has it been changed or altered in any substantial way?

A No, ma'am.

MS. LEGETTE: At this time, Your Honor, I would offer State's 33 for admission into evidence?

THE COURT: State's 33.

MR. WALKER: Object to relevance and it's cumulative.

THE COURT: Counsel, approach.

(Off-the-record discussion held.)

THE COURT: Objection overruled.

Ladies and gentlemen, State's Exhibit No. 33 will be admitted into evidence in the trial of this case over objection.

State's 33 in evidence. You may publish to the

jury.

MS. LEGETTE: Thank you, Your Honor.

(Whereupon, State's Exhibit No(s). 33 marked for identification and received in evidence.)

MS. LEGETTE: At this time -- may I approach, Your Honor?

THE COURT: You may.

MS. LEGETTE: Thank you.

(Audio began to play at 12:00 p.m.)

BY MS. LEGETTE:

Q Detective Varnadoe, was that essence of the interview that you conducted with Andre Crawford on or about July 6th, 2016?

A It is.

Q Sergeant Varnadoe, did you happen to notice the interviews that you conducted with Mr. Crawford his demeanor?

A Yes, ma'am.

Q What did his demeanor speak to you?

A His demeanor to me -- first of all, it appeared that he was being evasive. He wouldn't answer my questions, out right. I could ask him a direct question --

MR. WALKER: Your Honor, object as to the opinion.

THE COURT: Sorry.

MR. WALKER: Object as to opinion.

THE COURT: Counsel approach.

(Off-the-record discussion held.)

THE COURT: Objection overruled.

BY MS. LEGETTE:

Q Sergeant Varnadoe, once you met with Andre Crawford on July 6th, 2016, did you have any other direct involvement in this case of any significance?

A The arrest and that interview, I don't recall. So much goes on.

MS. LEGETTE: Beg the Court's indulgence.

(Pause.)

MS. LEGETTE: Thank you, Sergeant Varnadoe. I have no further questions. Please answer any questions from Mr. Walker.

CROSS-EXAMINATION

BY MR. WALKER:

Q Good afternoon.

A Good afternoon.

Q Just briefly, you responded out to the scene the night of the shooting, right?

A That's correct.

Q And you prepared a report about what you did there, correct?

A That's right.

Q And then you said that you attempted to locate

shell casings and other evidence. What evidence did you actually collect, locate, record?

A Anything that I would observe, I would call the individual, detective who actually is picking up the evidence and photographing it. I wasn't photographing. If I see something, I would call them to me. Evidence could be anything. It could be something we could maybe obtain DNA from that was near the victim or anything. Pretty much, when you get to a crime scene, you're there processing and just looking.

Q Did you personally bag any items of evidence?

A I don't recall personally bagging -- I don't recall if I did or not.

Q You didn't locate any shell casings?

A I don't recall it.

Q Now, this happened on the 28th of May, the shooting?

A Correct.

Q And you interviewed Mr. Crawford on the 31st of May, three days, two and a half days later, correct?

A Something like that.

Q And he told you at the end of that interview that he left the scene with Mr. Hampleton?

A He didn't refer to him as Mr. Hampleton, but that's who he was referring to, yes, sir.

Q That immediately raised flags with you?

A Yes.

Q You followed up with Mr. Hampleton and he told you he did not take Mr. Crawford --

A Yeah, he told me or another detective. Like I say, I'm not sure if I'm the one that interviewed Mr. Hampleton, but he was interviewed and stated that he did not take anybody home that night because he was at the crime scene.

Q Based on learning that Mr. Hampleton did not take Mr. Crawford away from the crime scene, that is what -- the basis of the warrant secured for obstruction of justice?

A Based on him giving me a false lead, yes.

MR. WALKER: The Court's indulgence.

(Pause.)

MR. WALKER: No further questions.

THE COURT: Redirect?

MS. LEGETTE: None, Your Honor.

THE COURT: As to this witness?

MS. LEGETTE: Ask he be excused, please.

THE COURT: Any objection?

MR. WALKER: None, Your Honor.

THE COURT: Mr. Varnadoe, you can leave my exhibits there. I don't think you got any. Thank you very much. You're excused from the trial of this case.

You may leave the courtroom at this time.

Call your next witness.

MS. LEGETTE: The State calls Dr. Charles Roberts.

THE COURT: Come around and be sworn by the clerk, please, sir.

Thereupon,

CHARLES ROBERTS, M.D.

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE COURT: Watch your step on the stairs. Have a seat, pull that chair up and make yourself comfortable. Adjust the microphone to your height. It's going to amplify your voice. You don't have to get right up on top of it, but speak up so the jury and the people in the courtroom can hear you.

State your full name for the record and spell your last name for the court reporter.

THE WITNESS: Charles Stuart Roberts, R-O-B-E-R-T-S.

THE COURT: Your witness, Counsel, direct examination.

MS. LEGETTE: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. LEGETTE:

Q Good afternoon, Dr. Roberts.

DIRECT EXAMINATION OF CHARLES ROBERTS, MD BY MS. LEGETTE

A Good afternoon.

Q Dr. Roberts, where do you work, sir?

A Presently, Dallas, Texas at Baylor.

Q What do you do at Baylor?

A I am a cardiac surgeon.

Q Dr. Roberts, how long have you worked at Baylor as a cardiac surgeon?

A Since April 15, 2018.

Q Dr. Roberts, where did you work prior to April 15th, 2018?

A Trident Medical Center.

Q And Dr. Roberts, what was your, I guess, position or occupation at Trident Medical Center?

A I was a cardiothoracic surgeon, meaning I dealt with the heart, but, also, the whole chest.

Q And Dr. Roberts, how long have you been a medical doctor?

A Since 1986.

Q Dr. Roberts, in March of 2018, did you have occasion to see a patient named Bruce Martin?

A Yes, ma'am.

Q Can you tell us the circumstances of how you came to see Bruce Martin?

A As I recall, he was referred by a Dr. Baggots in town because of a gunshot wound that he had sustained.

Q And did you have occasion to actually, I guess, examine him or perform any surgical procedures on Mr. Martin?

A Both. I saw him first in the office. And, you know, evidently, he had been shot and there was a bullet in the left chest, and so -- I couldn't feel it, and so at that time we -- after the initial evaluation, we thought we would just do nothing, but later we decided to take out the bullet.

Q And Dr. Roberts, specifically, turning your attention to March 9th, 2018, do you recall that day?

A Yes, ma'am.

Q Did you have occasion to perform a surgical procedure on Mr. Martin on March 9th?

A Yes.

Q Okay. And what happened during the surgery, were you able to remove any projectiles or bullets from his body?

A Yes, we removed a bullet from his left chest wall.

Q Once you removed this bullet from his left chest wall, what was done with this bullet?

A Well, we put it in a container and submitted it to the officer that was prepared to take it.

Q Okay. And so, the officer -- did you hand it directly to the officer or did you give it to an RN, or do you recall?

A I don't remember. I put it in the thing.

Q Okay. And you put it in the thing and someone else gave it to the officer?

A Yes, there was an officer present there.

Q Okay. Do you know where that officer was from or what agency?

A (Witness shakes head.)

Q You don't recall?

A No, ma'am.

Q Okay. Dr. Roberts, I will hand you what's been previously marked for identification as State's 34. Please take a moment and tell me if you recognize State's 34.

MS. LEGETTE: May I approach?

THE COURT: You may.

BY MS. LEGETTE:

Q Do you recognize State's 34, Dr. Roberts?

A Yes. What is that expression you're using? Do I recognize what?

Q State's 34, I'm sorry. I'm referring to the exhibit number --

THE COURT: The exhibit number is written on red tag. She's referring to State's 34.

MS. LEGETTE: Yes, we have to have exhibit numbers for the record.

THE WITNESS: Got it.

BY MS. LEGETTE:

Q So, you recognize State's 34?

A Yes, ma'am.

Q What is State's 34?

A It is the container in which we put the bullet.

Q And is State's 34 the bullet that you actually -- or the container with the bullet that you took out of the body of Bruce Martin on or about March 9, 2018?

A Yes, it is. And this is the sticky from Trident Medical Center.

Q And does State's Exhibit 34 appear to be in substantially the same condition today as when you removed it from the body of Bruce Martin and turned it over to police?

A Yes, ma'am.

MS. LEGETTE: At this time, Your Honor, I would offer State's Exhibit State's 34 into evidence at this time.

THE COURT: As to State's 34, Counsel?

MR. WALKER: No objection, Your Honor.

THE COURT: Ladies and gentlemen of the jury, State's Exhibit No. 34 will be admitted into evidence in the trial of this case, without objection.

You may publish to the jury.

MS. LEGETTE: Thank you, Your Honor.

(Whereupon, State's Exhibit No(s). 34 marked for identification and received in evidence.)

BY MS. LEGETTE:

Q Dr. Roberts, if you would just hold up State's 34 just for the jury to see it. And can you indicate what's inside it, just describe it?

A Well, there's a container with a sticky from Trident Medical Center with the patient's name on it and my name on it.

Q Can you use the microphone, Dr. Roberts? I'm sorry.

A It's a sticky placed on this container and it has the name Bruce Martin and under that it has Dr. Charles Roberts, and beside it is the bullet that we removed. And it all looks like the one I took out.

Q Thank you, sir.

A Thank you.

Q You can put it down. Dr. Roberts, are you familiar with the Trident Health System chain of custody log?

A Not that familiar, no, ma'am.

Q Would you be familiar with the person's name on it or your name on it who you turned it over to, the actual bullet?

A Yes.

MS. LEGETTE: May I approach the witness, Your Honor?

THE COURT: You may.

BY MS. LEGETTE:

Q Does this refresh your memory, Dr. Roberts?

A Oh, yes.

Q After reviewing the Trident evidence log, are you able to tell the Court after you turned -- or took the bullet out of Bruce Martin on March 9, 2018, the person to whom you turned it over?

A Yes, ma'am.

Q Who was that person?

A Well, Harley is the nurse. First, I gave it to Harley, and then Harley gave it to --

Q Someone else?

A The Sheriff's Office, yes.

Q Okay.

A But Harley is in the OR there with me, Harley.

Q And Harley is an RN?

A Yes, ma'am.

Q Okay. Dr. Roberts, after you turned the bullet over to Harley, the RN at Trident Medical Center on March 9, 2018, did you have anything else to do with this case?

A No, ma'am.

MS. LEGETTE: Thank you, I have no further

questions, Dr. Roberts. Please answer any questions from the Defense?

MR. WALKER: None, Your Honor.

THE COURT: As to this witness, Counselor?

MS. LEGETTE: We ask he be excused, Your Honor.

THE COURT: Any objection, Mr. Walker?

MR. WALKER: No, Your Honor.

THE COURT: You may step down. You're excused from the trial of this case. You may leave the courtroom.

THE WITNESS: Thank you very much.

THE COURT: Call your next witness.

MS. LEGETTE: Thank you, Your Honor. The State calls Steve Bazzle.

Thereupon,

STEVE BAZZLE

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE COURT: Good afternoon. How are you? Make yourself comfortable, adjust the microphone, Steve. State your full name and spell your last name for the court reporter.

THE WITNESS: My name is Steve Bazzle. Last name is B-A-Z-Z-L-E.

THE COURT: Your witness, Counsel, direct

examination.

MS. LEGETTE: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. LEGETTE:

Q Sergeant Bazzle, where do you work, sir?

A Colleton County Sheriff's Office.

Q And what are your duties at the Colleton County Sheriff's Office?

A Currently, I'm the primary evidence custodian for the Sheriff's Office.

Q Altogether, how long have you worked with the Colleton County Sheriff's Office?

A Between the city police department and Sheriff's Office, since 1978.

Q Now, Sergeant Bazzle, were -- let's turn your attention to the case at bar. How long have you been at the Colleton County Sheriff's Office -- well, I'm sorry, what dates have you been at the -- were up working for the Colleton County Sheriff's Office in March of 2018?

A Yes, ma'am.

Q How did you become involved with the case at bar?

A I was advised that the person involved in the case, Mr. Martin, was having a procedure at Trident Medical Center where they would be removing a projectile from him and they needed someone to turn it over to to accept it into

evidence.

Q As a result of being advised of this information, what did you do?

A I went to the hospital, advised them I was there. When the procedure was finished to, the RN that was referred to earlier, Mr. Harley Perry, came out with the projectile, he signed it over to me. And then, at that time, once that was completed, I went back to the Sheriff's Office.

Q Once you went back to Sheriff's Office -- well, when you got the projectile from Mr. Harley Perry at Trident Medical Center, did you secure the projectile in your custody?

A Yes, ma'am.

Q Was it ever tampered with while in your custody?

A No, ma'am.

Q Once you got back to Sheriff's Office, what did you do with it?

A I logged it into our evidence system and I secured it until the following Monday, which I believe was March the 12th, at which time, I delivered it to the State Law Enforcement Division lab in Columbia.

Q When you delivered the projectile taken from Bruce Martin on March 9, 2018 to SLED, did you take any other evidence with you?

A At that time, there was two projectiles, one from

the victim, Mr. Jesse Guy, and also the one that was removed from Mr. Martin.

Q Did you take both projectiles to SLED?

A Yes, I did.

Q When you got to SLED, what did do you with them?

A I turned them over to the evidence log in people there at SLED headquarters.

Q And when you took them to SLED on March 12, 2018, did they remain in your complete custody and control during that period of time?

A Up until the point they were given to them at SLED.

Q And when you turned them over to SLED on March 12, 2018, what was their condition?

A It was in the same condition as I received it, in a secured container, documented properly, with all of the paperwork.

Q Thank you. And once they were submitted to SLED, at some point, did you retrieve the evidence from SLED?

A I did.

Q Did you have them brought to court this week?

A I did.

Q Now, Sergeant Bazzle, I'm going to hand you in a moment what's been previously marked as State's 28, and what's in it, State's 28A, previously entered into evidence

as State's 28A. Take a moment and tell me if you recognize State's 28A, along with 28.

MS. LEGETTE: May I approach the witness, Your Honor?

THE COURT: You may.

THE WITNESS: Yes, ma'am, I recognize it.

BY MS. LEGETTE:

Q What is 28 and 28A?

A Let's see. 28A is a container with a projectile that was collected during the autopsy of Mr. Jesse Guy at the Medical University. And 28 is the envelope that it was placed in and sealed and then delivered to the State Law Enforcement Division.

Q Thank you. And additionally, is State's 28A and 28, do they appear to be in substantially the same condition today as when you delivered them to SLED?

A Yes, ma'am.

Q On March the 12th?

A Yes, ma'am.

Q And also, in front of you is State's 34 previously entered into evidence in this case. Take a moment and tell me if you recognize State's 34?

A Yes, ma'am, I do.

Q What is State's 34?

A This is the item that I picked up from Trident

Medical Center and delivered to the State Law Enforcement Division.

Q Is State's 34 in substantially the same condition today as when you picked it up from Trident Medical Center on March 9th and delivered it to State Law Enforcement Division on March 12th?

A Yes, ma'am.

Q And Sergeant Bazzle, after you collected the evidence and took it to SLED and brought it back from SLED, did you have any other involvement in this case?

A No, ma'am.

MS. LEGETTE: Thank you, Sergeant Bazzle, I have no further questions. Please answer any questions from Defense.

THE COURT: Cross-examination?

MR. WALKER: None, Your Honor.

THE COURT: As to this witness, Solicitor?

MS. LEGETTE: We ask he be excused.

THE COURT: Any objection?

MR. WALKER: None, Your Honor.

THE COURT: Mr. Bazzle, if you'll leave my exhibits here. You're excused from the trial of this case. You may leave to the courtroom.

THE WITNESS: Thank you, Your Honor.

THE COURT: Thank you.

Call your next witness.

MS. LEGETTE: Thank you, Your Honor. The State calls James Green.

THE COURT: Come around, please, and be sworn by the clerk.

Thereupon,

JAMES GREEN

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE COURT: Pull your chair up. The microphone is to amplify your voice, but if you will speak up. Pull it down to your height. State your full name and spell your last for the court reporter for us, please.

WITNESS: James Green, G-R-E-E-N.

THE COURT: Your witness, Counsel.

MS. LEGETTE: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. LEGETTE:

Q Mr. Green, where do you work, sir?

A I'm employed by the South Carolina Law Enforcement Division, commonly referred to as SLED.

Q And what do you do at SLED?

A I'm a forensic firearms examiner in the forensic services laboratory.

Q How long have you been employed at SLED?

A Since June of 2005.

Q And as a forensic firearms examiner, what are some of your duties -- or your duties at SLED?

A We examine firearms and firearms-related evidence, fired bullets, fired cartridge cases and tools and tool mark evidence to see if they originated from the same source.

Q Tell us about your background, education and training as it relates to being a firearm examiner at SLED?

A I have a Bachelor of Arts and a Masters Degree from Charleston Southern University. When I was hired at SLED, I began the SLED firearm, tool mark course instruction. It's about a three-and-a-half-year-apprentice-type study. I'm learning under court-qualified firearm examiners, where I -- in the beginning of what I did, I watched what they did. Learned how they did the process, studied our policies and procedures and went through practical problems, known tests, looked at some of the evidence. Then I took a comprehensive final exam.

Q So, have you ever been qualified as an expert in the field of firearms identification or any other field?

A Yes, ma'am, firearms identification.

Q And how many times have you been qualified as an expert in firearms identification?

A Seventy. Sixty-eight times in State courts and

twice Federal.

MS. LEGETTE: At this time, Your Honor, I would offer Mr. James Green as an expert in the area of firearms identification?

THE COURT: Any objection as to his qualifications?

MR. WALKER: I object as to foundation, if we could approach?

THE COURT: You may.

(Off-the-record discussion held.)

MR. WALKER: I withdraw my objection.

THE COURT: Objection withdrawn. Proceed. Witness is qualified without objection.

You may proceed in the area of firearm identification.

MS. LEGETTE: Thank you, Your Honor.

BY MS. LEGETTE:

Q Mr. Green -- or is it Agent Green?

A Either one is fine.

Q Agent Green, what is firearms identification?

A Firearms identification is a science of forensics -- a discipline of forensics science, which a qualified firearms examiner, such as myself, attempts to determine a common origin. Is a particular bullet from a crime scene fired by a particular firearm or not?

When a firearm is designed or when it's created, there are marks that the manufacturer means to put that, but during that process, there are also individual marks that they don't mean to be there, metal-on-metal contact. You can think of -- metal is like sand. If each one of us went to the beach with a rake, the same rake, and we all raked about a three-foot section of sand, on the surface, it would look the same, but when you got down and looked microscopically, the grains of sand would fall different for each one. It's the same way with a metal structure of a firearm. That lets us determine if a particular firearm fired a cartridge case or a bullet found at the scene.

There's been many studies done, of which I've taken three or four studying consecutively-made firearms. They're saying if there's going to be any similarity between firearms, it's going to be one made consecutively to the next, to the next with the same tool and same state of wear. And I've had the opportunity to look at these and see that even though there are some common marks, when you look, each firearm marks individually.

Q So, is a firearm marking similar to what you call a fingerprint?

A Yes, ma'am. What we look for some people call a fingerprint of a firearm.

Q And you may have already testified to this, but what makes such identification possible?

A The tiny -- what we're looking for is striations. They're really just scratches on the surface of a bullet or a cartridge case that touched the working surfaces of a firearm.

Q Now, did you receive any evidence in the case before the court today?

A Yes, ma'am.

Q Were you able to examine the evidence in this case that you received?

A Yes, ma'am.

Q Can you tell us what items of evidence you received in this case?

A Yes, ma'am. I received what was called SLED item one, which is marked as State's Exhibit 28A. It was a fired bullet. Originally, this was all that was submitted. I examined the bullet. I was able to determine its caliber based on its weight and what we call OPCs, the observable physical characters. Different calibers have different weights, they have different sizes.

So, I was able to provide the agency with a report that stated the caliber of the bullet -- or excuse me, the caliber or calibers of the bullet and a list of possible firearms that could have fired it based on the

rifling specifications found on the bullet. We're able to do it through a general rifling characteristics database given to us by the FBI, or the Federal Bureau of Investigation. The firearm companies that have firearms imported to the United States or that produce firearms in the United States voluntarily give the measurements of their rifling to the FBI. All of this is compiled into the database. So, since it's voluntary, there's some things that may not be in there.

When I gave out the list of the firearms that could have fired State's Exhibit 28A, there's a little almost disclaimer that says this is not all inclusive, it's provided for investigative assistance. So, at first, all I had was 28A, one fired bullet. Then, later, State's Exhibit 34 was submitted. It was a second fired bullet.

What I did with this was I looked at it, I weighed it, I measured it. Saw the same caliber, the same approximate land admissions as to State's Exhibit 28A, then I microscopically compared them. We use a comparison microscope. It's two microscopes connected by a single optical bridge. This lets us look at two objects simultaneously, using different angles of light. So once I got that, they had the same land and groove when I compared and I was able to conclude they were fired by the same firearm.

Q So, State's 28A and State's 34 were fired by the same firearm?

A Yes, ma'am.

Q You mentioned earlier that you were able to give a caliber of State's 28A. What was that particular caliber of the firearm or possible firearm?

A State's Exhibit 28A was most consistent with bullets loaded into a 38 Special and/or 357 Magnum caliber cartridges. The reason why it's two calibers is because 38 Special and 357 Magnum, both of those separate calibers use the same diameter bullet. And unless I have a gun, I can't say whether it's one or the other, so it's consistent with both.

Q And those guns are most consistent with what?

A 99.9 percent of the firearms in those calibers firearms are revolvers.

Q What does it mean, revolver, rather than semi-automatic?

A If you've seen a cowboy western, where the good guy pulls out a six-shooter, that's a revolver. It's a firearm designed to be fired by the hand with multiple chambers that rotate around the cylinder axis, one to the other, to the other when fired, versus semiautomatic pistol uses a magazine and it has one chamber. Revolvers have multiple.

Q With a revolver, do the casings stay in the gun or do they eject out?

A There are very few, limited, which I've never seen that, actually, eject the cartridge cases out. But every revolver I've ever seen, when you shoot it, the cartridge case stays in the revolver.

MS. LEGETTE: Beg the Court's indulgence.

(Pause.)

MS. LEGETTE: Thank you. I have no further questions. Please answer any questions from Mr. Walker.

THE COURT: Cross-examination?

MR. WALKER: None, Your Honor.

THE COURT: As to this witness, Counsel?

MS. LEGETTE: We ask that he be excused, Your Honor.

THE COURT: Any objection?

MR. WALKER: No, Your Honor.

THE COURT: Mr. Green, you can step down. Thank you for using exhibit numbers and not just SLED numbers. I appreciate it very much. Drive carefully on the way back to Columbia.

THE WITNESS: I will. Thank you very much, sir.

THE COURT: Counsel, approach.

(Off-the-record discussion was held.)

THE COURT: The State, without objection, wishes to mark the exhibit that was handed Dr. Roberts for identification only.

Is that correct, Mr. Walker?

MR. WALKER: Yes, sir.

THE COURT: Is that correct, Solicitor?

MS. LEGETTE: That's correct, Your Honor.

THE COURT: The State's what?

COURT REPORTER: State's 45.

THE COURT: For identification only?

COURT REPORTER: Yes, Your Honor.

(Whereupon, State's Exhibit No. 45 was marked for identification only.)

THE COURT: Call your next witness.

MS. LEGETTE: At this time, Your Honor, the State rests.

THE COURT: Are there any matters of law I need to take up at this time?

MR. WALKER: I have motions, Your Honor.

THE COURT: Mr. Foreman, ladies and gentlemen of the jury, you can just leave your transcripts in here. You'll have them with you if you need them during trial. It's an exhibit and in evidence in the trial of this case. Obviously, I'm going to try to push the time because I'm trying to accommodate your time being

away from your home. I need to take up a matter of law. I told you this could happen during the trial. I'll be back with you just as soon as I can.

Please take this time to have another break this morning, get something to drink. We're still a ways from lunch. We're going to try to finish, ladies and gentlemen. Please retire to your jury room. Do not discuss the case.

(The jury exits the courtroom.)

THE COURT: Be happy to hear from you, Mr. Walker. Will you come to the microphone so I can understand? You can use either one you want.

MR. WALKER: Yes, Your Honor. I make a motion for a directed verdict as to murder. The testimony of Bruce Martin, the last statement that he gave, which is what the State is asking the jury to believe, if that is believed by the jury, in the light most favorable to the State, he testified that a fight broke out at the club, that they went to -- he and the other victim went to break that up, that the other victim was using a taser on the Defendant's brother. That he heard the Defendant say, That's wrong what you're doing to my brother right before he fired the shots.

Your Honor, there's no evidence there of premeditation or malice aforethought. This is a

spontaneous event. The fight that was going on, Andre Crawford was not involved in, so he's not at any fault in bringing on this difficulty. He's coming to the aid of his brother, you know, in a spontaneous event that is arising in a heat of passion moment. That's all the testimony has shown.

THE COURT: All right. Is that everything?

MR. WALKER: Yes, Your Honor. Unless you want --

THE COURT: Solicitor.

MS. LEGETTE: Your Honor, as it relates to Mr. Walker's motion to --

THE COURT: It's a directed verdict motion on the offense of murder.

MS. LEGETTE: Yes, Your Honor. In response to Mr. Walker's motion, I would ask the Court to deny the motion. Your Honor, the testimony in this case is that Bruce Martin indicated he looked and he saw the man he recognized as Andre Crawford, both tell him, that's wrong what you're doing to my brother, as well as he saw the gun and he saw Andre Crawford shoot him. He said he was a hundred percent certain about his identification of Andre Crawford.

Additionally, Your Honor, he indicated he did not see Mr. Crawford shoot Jesse Guy, however, he did testify as to having heard three shots. Others

witnesses testified as having heard multiple shots in this case, Your Honor, including the Defendant's statement to Sergeant Varnadoe indicating he heard several shots as well.

Additionally, Your Honor, the testimony in this case of the bullet taken out of the body of Bruce Martin, as well as the bullet taken out of the body of Jesse Guy at autopsy, you just heard testimony from the SLED agent that those two bullets matched. Based on the identification that Bruce Martin said Andre Crawford shot him and the rapid repeating of the actual shooting as well as the bullets both matching, the bullets from Bruce Martin's body as well as Jesse Guy's body came from the same firearm, Your Honor, the State submits to this Court that the shooter of Bruce Martin and the shooter of Jesse Guy were one in the same person, Andre Crawford.

The Court is concerned with the admissibility of evidence at this stage and not its weight. So, I would ask the State respectfully to deny Mr. Walker's motion for directed verdict at this time. Thank you.

THE COURT: I've listened very carefully to the testimony in this case. And, of course, what I'll charge the jury is that murder, that the State must prove the Defendant killed another person with malice

aforethought. The issue of whether or not there is malice -- Mr. Walker is already aware my intention is that I'm not going to charge the inferred intent charge of malice with the use of a deadly weapon in this case, although there is evidence of it. I'm going to do the general charge because of our case law concerning problems where there's attempted murder and murder. However, I do think there is sufficient evidence in the light that I'm supposed to consider it at the directed verdict stage.

Mr. Walker, your motion for directed verdict in the charge of murder is respectfully denied. Now, Mr. Walker, you -- I know you have your client here, and while he's here, let's take advantage of the opportunity to let me advise him, if you would, please. Would you and your client please come forward?

Would you swear him, please, Sherry?

Thereupon,

ANDRE NICHOLAS WALKER

was called as a witness, having been first duly sworn, was examined and testified as follows.

THE COURT: Can you State your name for me?

THE DEFENDANT: Andre Crawford.

THE COURT: Mr. Crawford, you understand you're under oath, you've been sworn? You understand that?

THE DEFENDANT: Yes, sir.

THE COURT: At this time, I'm going to explain to you certain of your rights. If you do not understand anything that I say, please let me know. If you want me to explain anything in further detail, you let me know. You understand?

THE DEFENDANT: Yes, sir.

THE COURT: We have now reached the stage of the trial where you may present your defense. You have the right to testify in your own behalf. However, no one can make you testify. In the event you have a record for any conviction involving dishonesty or false statement or for a crime punishable by imprisonment of not more than one year and this Court determines as a matter of law that the probative value admitting this evidence outweighs its prejudicial effect to you, the Solicitor would be able to introduce this record for impeachment purposes to try to attack your credibility or believability.

Solicitor, does the Defendant have a record that you intend to use if he testifies for purposes of impeachment?

MS. LEGETTE: No, Your Honor.

THE COURT: It appears that you do not have any such record. If you elect not to take the witness

stand, I will charge the jury that they are not to give the fact that you didn't testify any consideration whatsoever. And there is to be absolutely no prejudice to you because you did not testify. You have the right to remain silent. The burden of proof, in this case, is on the State of South Carolina beyond a reasonable doubt. The decision as to whether or not you testify in this case will be left entirely up to you as to whether or not you wish to testify. Certainly, you can talk with your attorney, but it is not your attorney's decision. The ultimate decision as to whether or not you testify in this case is yours.

Have you understood what I've just told you?

THE DEFENDANT: Yes, sir.

THE COURT: Do you wish to testify in the trial of this case?

THE DEFENDANT: No, sir, I do not.

THE COURT: And that is your decision?

THE DEFENDANT: Yes, sir, it is.

THE COURT: No one forced you into that decision?

THE DEFENDANT: No, sir.

THE COURT: And you have had adequate time to discuss that with your attorney?

THE DEFENDANT: Yes, sir.

THE COURT: Very well. Thank you very much. You

may return to your seat.

Now, I want to put on the record a problem that I was made aware of by my major, who's in charge of security in the courtroom. And that would be with exhibit number -- Mr. Utsey called a witness yesterday and I'm not certain -- hold on and I'll tell you which one.

Which witness was it?

MR. UTSEY: It was Kelly Padgett, Your Honor.

THE COURT: It was Ms. Padgett, who's a sergeant with Colleton -- she was witness number 15 in the trial of this case. And he introduced what has been marked as State's Exhibit 29, which is a -- depending on what you want to -- it's been referred to as both a taser and a stun gun in the trial of this case. In fact, my major tells me he uses those terms interchangeably.

However, for the record, so that you know, this is not a device where you have leads come out like tasers in some cases have where they attach to the skin of a person and send a shock or an electronic jolt. This is a device which requires being held and implemented, apparently, on a person's skin by the person holding the device.

I'm very concerned about devices like this going in the jury room because I learned just this morning

that this device is still very much active and can be -- the battery in it is still good and can actually be used in the jury room by the jury.

By the consent of counsel, I have had the device placed in Exhibit 29, which is active, and that is the actual taser or stun gun into a plastic box and I've had it sealed and I've got warning, do not open device, still active on it, with the consent of counsel. We will certainly let them have the holster, which was part of Exhibit 29 and Counsel has agreed to that procedure for the protection of the jury.

Is that correct by the State?

MS. LEGETTE: That's correct, Your Honor.

THE COURT: Is that correct from the Defense?

MR. WALKER: Yes, Your Honor.

THE COURT: Now, I have been informed by Mr. Walker that the Defense has evidence that they wish to present. So, at this time, unless there's anything else that I've have forgotten, outside of the presence of the jury -- I want to bring the jury back since we're on a schedule to try to meet their needs so we can complete, at least, the testimony in this case.

The one thing I do want Counsel to look at that I forgot to show you in my chambers when we met at 8:30 this morning are verdict forms. Please come forward.

(Off-the-record discussion held.)

THE COURT: Let the record reflect that both the Solicitor and Defense counsel have reviewed all the verdict forms in this case and they both tell me they have no objection to the verdict form.

I see you have your witness in here, are you ready to roll?

MR. WALKER: Again, we had earlier asked that the voluntary manslaughter be charged and you were waiting to hear the rest of the evidence.

THE COURT: All right. Step back and let's put it on the record.

Does the State have any additional requests to charge, other than what you've submitted to me and given to Mr. Walker?

MS. LEGETTE: No, Your Honor.

THE COURT: Mr. Walker, I understand that the Defense has an additional request to the charge. I'm happy to hear from you.

MR. WALKER: Yes, Your Honor. Based on the testimony of Bruce Martin, we ask that the charge of voluntary manslaughter be charged.

THE COURT: Solicitor, let me hear from you. The Defense is requesting that the Court charge voluntary manslaughter.

MS. LEGETTE: Your Honor, I don't -- I do not necessarily disagree. I know that's not a complete answer, but I don't object to the State -- the Court charging voluntary manslaughter.

THE COURT: You do not?

MS. LEGETTE: I do not object, Your Honor.

THE COURT: In that case, then, I will charge voluntary manslaughter to the jury.

Your request is granted.

MR. WALKER: Thank you, Your Honor.

THE COURT: All right. Are you ready to proceed now, Mr. Walker?

MR. WALKER: We are, Your Honor.

THE COURT: State ready to proceed?

MS. LEGETTE: Yes, Your Honor.

THE COURT: Bring us the jury.

That means, of course, we will have to change the verdict form. Or he said, we will have to change the verdict form.

(The jury enters the courtroom.)

THE COURT: Mr. Foreman, ladies and gentlemen of the jury, you have heard the evidence from the State of South Carolina, you will now hear from the Defense.

Mr. Walker, you may call your first witness.

MR. WALKER: Thank you, Your Honor. The Defense

calls Dawn McQuiston.

THE COURT: Come around and be sworn by the clerk, please.

Thereupon,

DAWN MCQUISTON

was called as a witness, having been first duly sworn, was examined and testified as follows:

THE COURT: Watch my stairs. If you want to bring your file up, you can. Have a seat and make yourself comfortable. Pull that chair up. Pull the microphone down to your height. It's going to amplify your voice. You don't need to get right on top of it. If you talk like I'm talking right now, they can all hear you, but you need to speak up.

State your full name and spell your last name for the court reporter.

THE WITNESS: It's Dawn McQuiston, M-C-Q-U-I-S-T-O-N.

THE COURT: Your witness, Counsel, direct examination.

MR. WALKER: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. WALKER:

Q Ms. McQuiston, what is your occupation?

A I'm a professor of psychology.

Q Where?

A At Wofford College in Spartanburg, South Carolina.

Q How long have you been a professor?

A For 15 years, five years at Wofford College and prior to that, 10 years at Arizona State University.

Q Can you tell us what your education background is?

A I have a Bachelor's Degree in psychology from Eastern New Mexico University and a Masters and Ph.D. in psychology from the University of Texas at El Paso.

Q Is Ph.D. a doctorate level degree?

A Yes.

Q What are the duties of your current faculty position?

A I teach classes in the field of psychology. My area is law and psychology, and I also do research.

Q What is your general area of expertise?

A One of my main areas of expertise is the science of eyewitness memory.

Q Do you belong to any professional organizations?

A I do. I've belonged to several over the years. The American Psychological -- American Psychology Law Society, the American Psychological Association, the Association for Applied Psychological Science, and a few others.

Q Have you had your research published?

A Yes.

Q Is that peer reviewed?

A Yes.

Q What is peer review?

A Peer review is a processes by which people who do research and want to get it published, you submit it to an academic journal and the editor of that journal sends that out to be reviewed by other scholars. And those scholars or experts in the field, they make a recommendation as to whether or not it is of sufficient quality to be published.

Q Could you give us some examples of your published research?

A Sure, I've published research looking at different aspects of eyewitness identification, looking at a phenomenon known as the cross race effect, how well people can recognize and identify faces of races and ethnic groups that are different from their own. I've looked at different line-up techniques and how well witnesses can make an identification depending on the type of the procedure that's used. I've looked at different interview techniques and how well witnesses are able to get the information out, depending on the type of interview that's used. I've done some research looking at how well people are able to work with a sketch artist and construct a composite. That's a very difficult process for witnesses. So lots of different

aspects of eyewitness identification.

Q Thank you. Now, based on your expertise, do you conduct peer review of other scholars' work?

A Yes, I do.

Q Have you presented your research at professional conferences?

A Yes.

Q Have you previously been qualified as an expert in eyewitness memory?

A Yes.

Q Have you ever testified for the government or the prosecution?

A I have not.

Q Are you being compensated today for your consulting?

A Yes.

Q It's true that I previously provided you documents from this case for your review?

A Yes.

Q And you were in court earlier and observed some of the testimony of Mr. Martin?

A Yes.

MR. WALKER: At this time, we ask that Dr. McQuiston be admitted as an expert in the area of eyewitness memory?

THE COURT: Any objection as to qualifications?

MS. LEGETTE: Your Honor, I would ask for brief colloquy of this witness.

THE COURT: Would you like to cross-examine as to qualifications?

MS. LEGETTE: Yes, Your Honor.

THE COURT: Proceed.

CROSS EXAMINATION

BY MS. LEGETTE:

Q Good afternoon, Doctor.

A Good afternoon.

Q I'll be brief. You indicated to Mr. Walker that you had -- I think I read your bio, have you ever testified in court before?

A Yes, I have.

Q Okay. When you testified in court before, what were the circumstances of your testimony?

A Similar to the kinds of things that I mentioned, all having to do with eyewitness identification.

Q Okay. But during those periods of time, were you ever qualified as an expert in eyewitness identification or, I think you area is eyewitness testimony?

A Every time I've testified, that's been the topic.

Q But have you been qualified as an expert during those period of times?

A Yes.

Q Okay, I think I misunderstood.

A Sorry.

MS. LEGETTE: Thank you.

THE COURT: Any objection as to qualifications?

BY MS. LEGETTE:

Q How many times were you qualified as an expert?

A Probably about 30.

MS. LEGETTE: No, Your Honor, no, objection.

THE COURT: Proceed, Counsel. Witness is qualified, without objection.

MR. WALKER: Thank you.

DIRECT EXAMINATION CONTINUED

BY MR. WALKER:

Q To begin with the basics, is there a generally-accepted theory as to how memory works?

A There is. And it goes back to the 1960s by a couple of psychologists, Atkinson and Shiffrin. And what this theory asserts is that memory doesn't work like a videotape. It's counter to what a lot of people think and what might seem intuitive.

So, memory doesn't work like a videotape. Instead, there is a series of stages through which information has to pass in order to make it into long term memory, which is where information is stored that can be

drawn upon at any time.

Q So you talked about different stages, what is that first stage or type of memory?

A So, there's three stages. And the first stage is called sensory memory. And sensory memory is -- that comes into play when a person is simply scanning the information, scanning the room, scanning the events. Everything that is happening right in a moment. Everything a person is experiencing right in a moment. Only lasts for a couple of seconds before it's either lost or moves on to the next stage.

Q And at that stage, does the brain pick and choose items that it's sensing?

A Sort of. Insofar as you really can only hang onto a certain amount of the information, it is limited. So, you can't hang onto everything, so, really, you're scanning for what is the most important information in any given moment.

Q After the stage of sensory memory, what is the next stage?

A So, the next stage is short-term memory or what we call working memory or temporary memory. So, short-term memory, we can hang onto things in short-term memory, again, it's very limited, only about 30 seconds. And here is where you might find yourself rehearsing something.

So, for example, back before cell phones,

when someone told you their phone number and you had to remember, you had to try to memorize it and you'd rehearse it over and over and over. And if you didn't do it immediately, boom, it was gone. Same thing with someone's name. If someone tells you their name, if you don't rehearse it over and over again, immediately, then it's gone. That would be short-term memory. Things that if you don't rehearse them in that moment, then they're going to be gone. If you do rehearse them, then it has the chance to make it to the last stage.

Q And what is that last stage?

A So the last stage is long-term memory. So, again, long-term memory is where information that you have managed to hang on to, you should be able to draw upon just about anything in your long-term memory at any moment.

Q What happens to information that doesn't make that transfer from short to long-term memory?

A It's gone.

Q And generally-accepted theory that it's not recoverable?

A Right. Right.

Q So, translate that information that we just heard on stages as to how the mental image is or is not a photograph?

A So, memory doesn't work like a videotape, it

doesn't work like a snapshot. There's obviously a lot of places for information to get lost along the way if it's got to make it through all of those -- through all of those stages.

Q So, can memory be played back, like, we would play back a video?

A No.

Q So, if the isn't a video and we have these gaps in what we realize, what do we expect to happen there?

A So, instead of it working like a videotape, really, there are gaps in what we process and what we remember. And that's a normal part of it. That's a normal way that we process information. There are gaps. And we fill in those gaps later with all kinds of things. We can fill in those gaps with information from talking to other people, from our own rehearsal of information, things we hear on the news. And you're not necessarily aware of it. This is not necessarily a conscious process. But it's a natural process that over time people fill in the gaps with information.

Q In the context of a criminal case, can a gap be filled in by talking with the case police officers?

A Certainly.

Q Now, does that pattern of memory construction apply for all types of events?

DIRECT EXAMINATION CONTINUED OF DAWN MCQUISTON BY MR. WALKER

A It does.

Q Including traumatic events?

A Yes.

Q Now, what happens to the memories over time?

A Memories, typically, fade over time. We call that memory decay. It's a natural processes of forgetting.

Q Do you expect to see memories getting better over time?

A Memories, typically, wouldn't get better over time.

Q Do memories change over time?

A Memories don't necessarily tend to change over time. There may be -- as I was explaining, there may be some information added here and there, but in terms of changing, not, not typically.

Q Well, you testified a moment ago that you would expect memories to be less accurate or fade, I think memory fade was a term?

A Right.

Q Memory decay?

A Right.

Q So, decay of memory would be a change. But would you inspect other changes to occur in memory over time, other than that decay?

A Not necessarily, no.

DIRECT EXAMINATION CONTINUED OF DAWN MCQUISTON BY MR. WALKER

Q Now, is there a reason someone might have one memory for an event at one time and then, have different information or added memory at another?

A That goes back to this idea of a rehearing information in your own mind and they're -- and also, what I was saying about what it is that we might gather from just our own thinking about the event and talking -- any event, talking to other people about the event. We -- we tend to think of memory as being more reconstructive in that way. So, that could be a reason that something might be changing over time.

Q Now, you talked about the gaps that occur in memory and those get filled in. Is that filling in of gaps a conscious processes?

A No. No. And we all do it. And it isn't -- certainly, not isolated to the type of event that we are talking about.

Q So, the information that gets added into those gaps is incorrect, would the person who is experiencing the memory necessarily know that?

A No. And the more we rehearse information that we might have inadvertently gotten from another source, the more it tends to -- people think about it as being their own memory.

Q Would the information that is filled into those

gaps be experienced with the same quality as the original act?

A Yes, certainly.

Q So, to the person claiming the memory, it would just be one seamless memory?

A It could be, yep.

Q And the person -- if a person had added incorrect information into their memory, would they be aware of that memory being false?

A Not necessarily.

Q Can that happen without any intent on the part of the person who is trying to remember to be dishonest or misleading?

A Right. I mean, that's exactly how this happens, it's not an intentional thing.

Q As far as they're concerned, it's a hundred percent accurate?

A That's right. There's a lot of research on false memories and researchers can implant -- and I'm not suggesting that in this situation, but, in general. There's very interesting research about how false memories can be implanted into people and they have no idea that it was done during that research process. So, absolutely, the person doesn't know.

Q Now, some of the things that affect memory, what

do scientists in the field mean by the term attention?

A Attention. Attention is a mechanism that we use to filter out irrelevant information while hanging onto the most relevance information in any given situation.

Q Does that tie back into the sensory stage of memory that you were testifying to?

A Yes.

Q How does the attention affect it?

A So, we can only later remember the things that we attend to.

Q Is that attention process necessarily a consciousness?

A No.

Q Those are decisions the brain makes on the fly?

A Right.

Q So, what are some of the circumstances where someone would fail to give attention to important items?

A You might not attend to something if you don't know that it's important for later. If you don't know that you are going to need that information later on, then, maybe you're not going to attend to it. Also, if there's a lot happening at one time. Attention -- the capacity is limited, the capacity to attend to a lot of information at once, it's limited. You can't attend to everything that's happening all at one time. So, we can -- since we can only

later remember what we did attend to, there's going to, just naturally, be information that gets lost.

Q Now, is there a separate meaning attached in the field of the memory to the term perception?

A So, perception is another one of these mechanisms that has to do with how we interact with the world, interact with sensory information. So, things you see, hear, touch, taste, smell, that's -- so, perception is how we interpret those senses.

Q And errors can be sometimes made in that mechanism as well?

A Yes.

Q What are some of the things that would influence the quality of perceived information?

A Sure. Quality of perception or -- or the quality of information making its way would be things like the amount of time that you have to experience an event. So, the -- the more time you have, the better your memory will probably be for it later. The less time, you're not going to have a good memory for it. How dark it is outside or how -- the distance from something, how dark it is inside. Those -- anything that will potentially interfere with your ability to really process the information. Environmental conditions play a big role there as well.

Q Another factor that might affect memory would be

stress, correct?

A Yes.

Q How does stress -- sorry, let me restate that. Could a person experience a heightened level of stress or fear if they are a victim or witness of a crime?

A Certainly.

Q Is that something that could affect an identification memory?

A It certainly can. There's been a lot of research looking at the impact of heightened levels of stress on one's memory in an eyewitness situation. And the research shows, the higher the stress or the higher the fear, the more arousing a situation is, there tends to be a narrowing of attention and memory can suffer because of that.

Q You mentioned that there was academic studies as to the affect of stress. Can you talk about some of those that you've looked at?

A Sure. There's been a lot of studies that all went into another one of -- I don't think I talked about meta analysis. A meta analysis is one giant study that incorporates all of the individual studies that have been done on a topic so, statistically, we can combine them and come up with one average result. So, that's what was done in this field, dozen of studies looking at the impact of stress on memory.

So, you would typically have a couple of groups of participants, one where stress, some type of stress was induced, the other group not, and then, they'd be tested later, their memory would be tested later. And you compare how good the memory was of one group versus the other. So, overall of those dozens of studies, you find that people tend to have -- they can't remember information as well when they've been at this heightened level of stress versus a nonstress group.

Q So, stressful situations lead to a higher probability of errors in memory?

A It can, yes.

Q If someone experienced post traumatic stress, is that affected?

A I couldn't speak to that, that's not what these studies are looking at.

Q Now, again, as to memory, what role does familiarity play -- sorry. Yeah, what role does familiarity play in the formation of memory?

A Sure. Overall, you would -- it's -- it's intuitive to think that the more familiar someone might be with another person, the better memory that they're going to have of that person. That is not always the case.

Q Can you make a mistake even if you've seen the person before?

A You can.

Q Why?

A People -- if someone is familiar to you, it turns out that people tend to think that they can remember what that person looks like better than they actually remember what that person looks like. So, people think they can really recall those details, when sometimes they actually can't. And another reason is that if you're familiar with someone, you tend to be able to draw that person to mind quickly. And so, people tend to be very confident that they are able to recognize and identify a familiar person. Sometimes better than they actually can.

Q You said if someone is familiar with someone, they draw them to mind quickly. Could that then be used to fill in some of those gaps?

A Possibly.

Q That we discussed earlier. And does familiarity with someone affect a witness's level of confidence?

A Sure, if you're familiar with someone, people tend to be quite confident that they've then recognized the right person. The more familiar you feel like you are with them, the more people will be confident in their memory.

Q So, familiarity doesn't guarantee an accurate identification?

A That's right.

DIRECT EXAMINATION CONTINUED OF DAWN MCQUISTON BY MR. WALKER

Q Now, are these perception mistakes normal?

A Yes.

Q It doesn't have to be a dramatic event to have perception mistakes?

A Right, we make these errors all the time.

Q It can happen to anyone?

A That's right.

Q Do experts in the field generally support these conclusions surrounding perception, memory, stress, familiarity?

A They do.

Q You testified a moment ago on confidence, but has the topic of confidence identifications been studied by experts?

A It has. It's received a lot of attention by researches looking at what the relationship is between how accurate someone is in making an identification and how confident they say they are in that identification. So there's been a lot of studies. Another one of these meta analyses that's combined the results of dozens of studies. And interestingly, what is found in these studies is that confidence is not as great of a predictor of accuracy as would seem to be intuitive and as what researchers might have thought. So, the take away from that is that confidence, a person's confidence is not a perfect predictor

of accuracy.

Q The flip side of that is to say that a person can be very confident, but be wrong?

A That's right.

Q So, based on these studies, the confidence level of a witness is not a good predictor of the accuracy?

A It's not a great predictor.

Q The strike of coordination isn't particularly high?

A That's right.

Q So why might there be this disconnect between accuracy and confidence?

A Well, it turns out that a person's confidence can shift over time. We call that malleability of a person's confidence can be malleable, it can change over time. It can be influenced by a lot of things. It can be influenced by talking to other people, the things that other people say to you, interactions with the police. Again, rehearsing information over and over again can affect that level of confidence that a person feels. So, yes, confidence can be one thing at one moment and, then, be something else later.

Q Can discussions with others influence memory?

A Yes.

Q How can those discussions affect memory?

A It goes back to exactly what I was saying about

that there are naturally gaps in what we take away from a situation and what we remember. And we fill in those gaps with information about -- information from our own expectations, our own experiences, also, interactions with other people, what we see on the news. So, that information can come from lots of places, but it can certainly come from talking with co-witnesses or other people.

Q So, witnesses can fill in the blanks in their own memory from information they hear from others?

A Certainly.

Q Why is that a problem or could be a problem?

A It could be a problem if that information is not correct.

Q You told the jury that the presentation of the line-ups is a study for you, correct?

A Yes.

Q Are there guidelines as to how line-ups should be composed or administered?

A There are a couple of sets of guidelines. The first ones were published by the Department of Justice in the late '90s, distributed to law enforcement agencies. And then, just recently, the National Academy of Sciences did a long study looking at all the research that's been done and making some recommendations to law enforcement that was published just a couple of years ago.

DIRECT EXAMINATION CONTINUED OF DAWN MCQUISTON BY MR. WALKER

Q What are some of those recommendation as to best practices?

A Some of the best practices have to do with collecting confident statements right away before a person has a chance to be influenced potentially by anything, take that confidence statement right away. Looking at -- in terms of line-ups, presenting -- when a police officer puts a line-up together, the -- the fillers in that line-up should be a good resemblance, be of a good resemblance to the suspect to make it a fair test of the witness's memory. Presenting a line-up, showing several photos is a less or unbiased way of presenting an identification procedure versus just showing one picture. Those would be some of the bit recommendations.

Q What about the person administering the line-up?

A The person administering the line-up, that's a newer recommendation based on some great research that's been done that shows that it's a good practice to -- for the person who is administering the line-up to not be aware of the identity of the suspect. And the reason for that would be to remove any potential bias that's -- that can go along with presenting pictures that is involuntary. So, we're not talking about something intentionally done, we're talking about we know from years of studies in human behavior that people can unknowingly give cues to what their expectation

is. So, in order to just remove that and not have to worry about any kind of bias, it's recommended that the person who shows the line-up not know who the suspect is.

Q What are you talking about, the cue would indicate, what's some examples of things that might happen?

A Any sort of body language. People give body language all the time without knowing it. So body language might -- would probably be the thing that you would want to try to avoid.

Q Was blind administration given in this case?

A Not to my knowledge, no.

Q Now, are there any red flags that would be raised to you in a case where a witness or victim viewed a line-up multiple times containing the same photo of the Defendant multiple times?

A Yes.

Q Was that done in this case?

A It was done in this case, yes.

Q Why is that a problem?

A It can be a problem because only the first one counts. And the first one counts because the first one is the true test of a person's memory. Every subsequent time someone sees a line-up containing that same person, you can never know why that identification, the second or third, et cetera, you can never know why those subsequent

identifications were made. Perhaps, it's made because the witness is remembering that person over and over again from their memory, from the events, but, perhaps, there are other reasons why that person is identified over and over again. And you can't separate out -- you can never know why that becomes the problem, the potential problem.

Q Could you tell us what is meant by the literature in this field as to a commitment?

A Sure. One possibility here with this idea of multiple line-ups, multiple identifications is if the same person is identified the first time, the second time and any subsequent times, it could be that those subsequent identifications of the same person could be due to what we call a commitment effect. So, the witness has made their first identification and now, they've committed to that. So, that might be the reason that person is identified the second time and so on. And that could be the reason, instead of it being a true and valid identification.

Q And can multiple line-ups establish familiarity like we discussed about earlier?

A Yes, so, another possibility is that that person becomes -- the person who's been identified the first time is then identified again simply because that person has become familiar to the witness from that first identification. So, a second and third and so on, I --

those multiplied identifications could be due to a sense of familiarity, it could be due to this commitment effect, or it could be due to a true memory. The problem is we can't know which one of those is the truth.

Q And so could an improper false, however you want to the term it, identification based -- you know, been influenced by a commitment effect or sense of familiarity, could that witness still have a very high confidence level?

A Sure.

Q And those effects are not really felt by the person suppressing the memory?

A I couldn't say. I think nobody could know that except the witness, perhaps.

Q Do multiple line-ups have potential to contaminate each other?

A They do. And seeing the person's photo over and over again, that's one thing that can be cause for concern, is a memory contamination issue.

Q Is there any worries from viewing line-ups -- well, are there any issues related to line-ups as it then relates to identifying someone in court?

A Back to what I said about the first one is the valid one. An in-court identification, in my view, is kind of along the same lines as the second line-up and the third line-up. In-court identification doesn't add anything more

to it. The first identification is the one that counts here. So, in-court identification isn't adding anything over and above that.

Q And so, it's not necessary for someone to be lying for their memory to be false?

A That's right, exactly.

Q And their memory can be false or incorrect and they can be a hundred percent certain that it is correct?

A That's right.

Q Would you say that, generally, memories are more accurate closer in time to an event?

A Yes.

MR. WALKER: No further questions.

THE COURT: Cross-examination.

MS. LEGETTE: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. LEGETTE:

Q Doctor, you were blowing my mind because there's a lot of information coming. So, I have a question. You testified moments ago to Mr. Walker that memories can be wrong, but the person can generally believe that their memory is correct?

A That's right.

Q Okay. All right. So, all of the information that you were giving us today, is it possible that your memory

can be wrong about all of this information, but you genuinely believe that your memory is correct right now?

A No.

Q Okay. So, Doctor, based on what you were telling Mr. Walker, because I kind of generalized things, maybe I'm wrong, but it seemed to me that you were testifying that we can't believe our own eyes anymore. Is that more or less what you were saying?

A I wouldn't make that strong of a statement.

Q Okay. Please educate me.

A Sure. Yeah, I wouldn't make that strong of a statement. I think that we've learned as the science has evolved and we see a lot with real cases nowadays, we're learning more, we're learning more and more about how memory works and how it doesn't work. And so I think that for a very long time people -- there was this conventional wisdom that memory worked like a videotape, and it just doesn't. So, I think -- so, that's what I would say in response to that.

Q So, can we believe our eyes or can't we?

A Sometimes, and it depends.

Q Now, Doctor, you talked about sometimes, perhaps, it can be, it's possible?

A Uh-huh. (Indicating affirmatively.)

Q Is any of this exact?

A No.

Q Okay. Doctor, did you -- you said that you examined your documents in this case and you indicated that you did a lot of research and you're highly qualified. What practical experience do you bring to bear in this case, or in any of your cases as far as practical, in examining people and talking to people?

A I'm not a clinical psychologist.

Q Okay. Did you talk to Bruce Martin?

A I did not.

Q And you talked about how the first identification counts?

A (Nods in the affirmative).

THE COURT: You have to say yes.

THE WITNESS: Yes.

THE COURT: Give a verbal response so the court reporter can take it down.

BY MS. LEGETTE:

Q Now, you talked about confidence is not a perfect predictor of accuracy, but it is a predictor, correct? Because I wrote it down.

A Sure, yes. I would say it's not a perfect predictor. Sometimes it's a good predictor and sometimes it's not.

Q Now, there was something else you said about the

narrowing of attention?

A Right.

Q Kind of explain that for us, because I kind of got a little lost there. But the narrowing of attention when you're under stress?

A Sure. You can think of attention as this mechanism kind of like a flashlight beam sweeping across a scene. If you think about during any sort of event, especially the kind of thing we're talking about here, there's a lot going on all at once. And the way attention works is that you can't possibly attend to everything that's going on, so, there is this narrowing of focus to allow a person to be focusing on the most important aspects. And so, at a heightened stress response, that seems to be what happens is that our attention sort of narrows.

Q So, if you're being shot, would your attention be focused on the person shooting you, or perhaps?

A Sure.

Q Doctor, you talked about how we -- well, maybe you can explain this -- well, before we go there. You testified about how you have been qualified as an expert in the past?

A Yes.

Q You've testified in court over 30 times. You've testified on behalf of the Defense and prosecution?

A Only the defense.

Q Only the defense? I'm sorry, I misunderstood. Okay. So, Doctor, we've never met?

A Right.

Q And if you saw me today, and say, you saw me a week from now and over a period of time, you saw me for an extended period of time, say, five, six times, maybe ten. And you also talked about the cross racial identification thing.

A Right.

Q I'm black, you're white. Would you be able to recognize me if you saw me, say, that many times and then one day I suddenly pulled a gun on you? Would you be able to recognize me?

A I can't say.

Q You can't say?

A Right.

Q But you might be able to recognize me?

A I might be able to, right.

MS. LEGETTE: Beg the Court's indulgence.

(Pause.)

MS. LEGETTE: Doctor, I think I have no further questions. Thank you.

THE COURT: Redirect.

MR. WALKER: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MR. WALKER:

Q The only way to be able to say a memory was exactly correct would be to have some external contemporaneous recording of whatever is described, correct?

A Sure.

Q So, you have a video of whatever event or an audio tape of whatever statement or a photograph of a person that's being described?

A Some sort of corroboration.

Q That you can compare it?

A (Nods in the affirmative).

Q But otherwise, with memories, we're dealing with probabilities?

A That's right.

Q And you're not saying that we should walk around questioning our daily existence as far as what we're seeing?

A Not necessarily.

Q But are there factors about a memory that can cause you then to question its veracity?

A Yes.

Q Would that be if the purported memories tended to contradict what you observed and everybody else's memories and patterns?

A I'm sorry, could you repeat that?

Q I'll restate it. If a purported memory

contradicts what you tend to see as a memory, would you have a reason to suspect?

A Right. Yes.

Q If one person has several different memories of the same event, would you expect there was some issues?

A It could be. It would be worth looking into, certainly.

Q And we were talking about contamination a moment ago. I think it was contamination. You said the memory could be true?

A That's right.

Q But the problem is, when you have all these issues going into identifications, there's no way to distinguish between a true or untrue memory?

A It's certainly important that you have to keep that in mind, yes.

Q Well, you would need to have some sort of, we talked about it, a video to corroborate that memory that was changed?

A That would be one way, sure.

Q That would be one way to select out which one was accurate?

A Right.

Q But when you have multiple versions of an event from the same person, internally, amongst themselves,

there's no way to choose?

A Right.

MR. WALKER: No further questions.

THE COURT: Recross related to the redirect?

MS. LEGETTE: No, Your Honor, none.

THE COURT: As to this witness, Mr. Walker?

MR. WALKER: We ask she be excused.

THE COURT: Any objection, Solicitor?

MS. LEGETTE: None, Your Honor.

THE COURT: You may step down from the witness stand. You're excused from the trial of this case. You may leave the courtroom.

Call your next witness, Mr. Walker.

MR. WALKER: Your Honor, the Defense rests.

THE COURT: Solicitor, is there any reply testimony from the State?

MS. LEGETTE: None, Your Honor.

THE COURT: Very well.

Mr. Foreman, ladies and gentlemen of the jury, hopefully, I've asked them to bring it a little early, I can serve you lunch now. I know you've been waiting and I appreciate your patience. And I'm going to try -- as soon as the bailiffs tell me you've had a chance to eat, I'm going to start back so that we can conclude the case.

presence of the jury before I bring in the jury?

MS. LEGETTE: No, Your Honor.

THE COURT: Mr. Walker, anything else?

MR. WALKER: No, Your Honor.

THE COURT: Bring us the jury.

(The jury enters the courtroom.)

THE COURT: Well, Mr. Foreman, I see you've still got your group together.

You're now going to hear the closing arguments of the attorneys followed by my charge to you on the law. And we have a rule for that. The State will argue first, then there will be an argument by counsel for the Defendant, and the State has a reply argument. These are advocates for the parties that they represent and I ask you to listen carefully to the attorneys, and then I'll charge you the law that applies to this case. So, please give the attorneys your attention.

Solicitor.

MS. LEGETTE: Thank, Your Honor. May it please the Court?

THE COURT: Proceed.

MS. LEGETTE: Mr. Walker. Ladies and gentlemen, good afternoon.

JURY: Good afternoon.

CLOSING ARGUMENT BY THE STATE

MS. LEGETTE: When we first met yesterday, I spoke to you about innocent blood, and that's what this case has been about, innocent blood. Bruce Martin, you saw Bruce, he talked, you heard him talk to you. And Jesse Guy. Jesse was not here to speak to you, but other people spoke for Jesse. That's what this case has been about, ladies and gentlemen. The innocent blood of Bruce Martin and Jesse Guy shed on May 28th, 2016.

Now, for the crimes on May 28th, 2016, Andre Crawford has been brought before you charged with attempted murder, murder, possession of a weapon during the commission of a violent crime, and obstruction of justice.

Now, the State's burden in this matter is beyond a reasonable doubt. And though it's a heavy burden, it is a burden we gladly undertake because no one should be brought to bear and have their liberty at stake without putting the State's case to the test.

So, ladies and gentlemen, ultimately, I told you on Tuesday, this case comes down to what you believe. And if you believe the State has not proved or not met its burden of proof, then you are duty bound to find Andre Nicholas Crawford not guilty and set him free. But if you believe what the State has brought before you to be the facts beyond a reasonable doubt, then you

will find that Andre Nicholas Crawford is guilty as he's charged.

So now, let's examine the State's case. Let us not just come here and sit and idly just listen and then like oh, well. Let us examine what the State has proved to you. And I want to make sure that everybody can see this. So, my daddy was really good in math. I wasn't really good in math, but I was good at other things, but he taught me and my brother about math. So, what I have figured out about the law and the facts -- you are the fact finders. The Judge will ultimately tell you what the law in this case is, but just so you have a road map to follow, I want to give you just a little bit about what the law in this case tells you, a guideline. So, what we'll do is like a word problem, apply the facts to the law. So let's go through it.

What has the State proven to you in our case. Attempted murder. Ultimately, this is about Bruce Martin. You saw Bruce Martin. We talked about Bruce Martin in the beginning. What do you believe? Do you believe Bruce Martin's testimony. Because I told you in the beginning, there would be three speaking witnesses, one, two, three. Three speaking witnesses. And these three would agree, Bruce Martin, the bullet

from Bruce Martin, and the bullet from Jesse Guy.

So, let's examine them. What do we have with our three speaking witnesses. Attempted murder. What is attempted murder under the law? Attempted murder is defined as a person, the Defendant, with the intent to kill attempts to kill a person with malice aforethought, either expressed or implied. It sounds big, but it really isn't. We'll break it down so it's bite-size pieces.

So a person, defined as Andre Crawford, that's him. So, we can check this off. As I told you, a word problem, we're going to check off the boxes, apply the law -- the facts to the law. So a person defined as Andre Crawford. With the intent to kill. Ask yourself a question, did Andre Crawford intend to kill Bruce Martin? Did he intend to kill him? Now, I guess, before you can get to did Andre Crawford intend to kill Bruce Martin, you have to decide, can you believe Bruce Martin? Hum, well, let's see.

You know, I used to -- my momma and daddy didn't let us watch Dallas, but every now and then, I would get a chance to watch Dallas, in the '80s or '90s. And a guy named J.R. Ewing, seems like he was married to a woman named Sue Ellen. And I remember there was an episode where J.R. said, Who are you going to believe,

me or your lying eyes?

So the question that I had to ask -- the expert that came in here today about memory and identification. The question I had to ask myself was, can I believe my eyes? Because based on what Dr. McQuiston told us, we can no longer believe our eyes. And remember, I asked her a question, well, you said that memory can be faulty, oh, memory can't be relied upon. And I asked her a question, a very specific question. If memory is so unreliable, if identification is so unreliable and you have told us all of this information from memory because she ain't read not a word. Can your memory be unreliable? Remember what she said? No. No. Just like that. No. So, she can be believed, but Bruce Martin, apparently, can't. I submit Bruce Martin can be believed because you have to decide before you decide anything else can I believe what Bruce Martin has said to me.

Let us see, can we believe what Bruce Martin says? Because there are other piece of evidence here that speak alongside Bruce Martin. Bruce Martin identified DaQuan Crawford as being involved in the fight. He did that on June the 4th. Am I right? Yes. He did that on June the 29th, yes. He did it on both of those days.

But let me ask you a question, ladies and gentlemen. Both of these days, he identified DaQuan Crawford as being involved in the fight. Who else identified DaQuan Crawford as being involved in a fight? Ask yourself who corroborated what Bruce Martin said? DaQuan Crawford was involved in a fight. How do we know? Melvin Campbell sat there, he was the guy with the dreadlocks. He told you oh, yeah, we call him Red Dog, identified as DaQuan Crawford, Andre Crawford's brother was involved in the fight. He snuck at him.

Who else told you DaQuan Crawford was involved in the fight? Oh, that was Anthony Hampton, Ant. He was a little bit difficult to understand. But he said maybe he don't deal with no Andre Crawford, but he said that Red Dog snuck him. Andre Crawford -- said DaQuan Crawford snuck him. Both of them agree with Bruce Martin.

And also, you watched the video, both of the videos, twice, twice, you heard Andre Crawford in the video statements with Sergeant Varnadoe and Sergeant Wallace, he even said, DaQuan Crawford, his brother was involved in a fight with Ant. He didn't know his real name, his whole name, but he said he was involved in a fight, twice. And Bruce Martin said it twice.

So, all of these people agree with Bruce Martin on his memory. The only person that don't agree with Bruce Martin is Dr. McQuiston, who incidentally don't do no practice work. What does that mean? She don't talk to folks. She don't deal with folks. She's in a lab, research, writing, all of that good stuff. She's very, very smart. She's smarter than me, and that's good. Because, hey, I ain't pretending to be all that smart. I'm breaking it down. So, she's the only one here who said she can be believed, but you don't believe your lying eyes. You can believe Bruce Martin. Bruce Martin has told you what other witnesses have told you, that DaQuan Crawford was involved in the fight. Melvin, Anthony, Andre, they all agreed that DaQuan was involved in the fight.

Now, there's another one. Even Andre Crawford put himself near that fight. Y'all watched the video. You had the transcript. I noticed you were reading the transcript. Very good. Very good. I am anxious for you to come back and watch the video. And watch Andre Crawford's demeanor. Watch his demeanor. Just watch how cool, calm, collective Andre Crawford was. He even called him in one of those Brian. He even called him Brian. But Andre Crawford puts himself at the fight.

Who else says that? Bruce Martin said it. Andre

Crawford was at or near the fight. He said it twice, twice. Once on June 4th and again on June 29th. He added in, he shot me. He shot me. Andre Crawford put himself near that fight. Even Melvin puts him out there.

Ladies and gentlemen, what does Bruce Martin tell you? You can believe what Bruce Martin tells you. The intent to kill. Dr. Dutton testified about the intent to kill. Bruce Martin, basically, lost pulses. He died, in other words. He died several times. I couldn't get a number out of him, but it was more than one time. It was several times. Every time that he was on duty, Bruce Martin nearly died.

The intent to kill. You shoot a person in the chest area where the core is, they had to bring in a thoracic surgeon, a cardiac surgeon in the ER to get the bullet out because it was so serious to open him up to take out the bullet. It cut across his body. It goes through the right side -- my other right side. The right side, across and behind his heart. Dr. Dutton said those wounds are usually, typically fatal. You shoot a man in his chest area, across his heart, that is intent to kill, ladies and gentlemen. And Andre Crawford intended to kill Bruce Martin. What did he say? That's wrong what you're doing to my

brother, that's wrong, and he opened fire. The intent to kill. Did he attempt to kill Bruce Martin? Yes, he opened fire. He shot him intending to kill him. A person, being Bruce Martin. Yes.

With malice aforethought expressed or implied. That sounds really, I guess, complicated. It is not complicated. Malice is, basically, an evil, wicked, depraved heart, a person intent on doing wrong or someone with a total and reckless disregard for human life. Reckless is disregard. You have no regard at all for human life. You open fire, shoot a man in the chest all because somebody's there to do their job and break up a fight. Malice, ladies and gentlemen, there was malice in Andre Crawford's heart. He opened fire on a crowd, two security guards, angry because of what they had done to his brother.

Is it expressed or implied? Expressed means, you express it, I'm going to kill you. I'm going to shoot you. Or implied, by use of a weapon of some sort or by use of things that can cause you to have a reckless disregard for human life. We've already discussed this. A reckless disregard, no regard whatsoever for human life. That is malice. And aforethought meaning it had to exist just prior to you pulling the trigger, meaning that it wasn't an accident. The gun didn't

just go off. It had to be something that I thought about just before. And that, ladies and gentlemen, is attempted murder of Bruce Martin.

Now, let's examine, ladies and gentlemen -- before we go to possession, let's go to the murder of Jesse Guy. Let's talk about Jesse Guy.

Ladies and gentlemen, as I said before, you have to believe Bruce Martin before you can get any of this. Because if you decide what you believe is not Bruce Martin, then, walk away, set Andre Crawford free. But if you decide that what Bruce Martin told you can be believed, that you do believe what Bruce Martin told you, then the three witnesses speak together. Bruce Martin speaks for Jesse Guy, the bullet speaks for Jesse Guy, the bullet out of Bruce Martin speaks for Jesse Guy, the man who ain't here.

So, let's talk about Jesse Guy. A person, meaning Andre Crawford. Bruce Martin already told you, he hears, he turns, he looks, That's wrong what you're doing to my brother. He has seen a man he has seen. He watched him for two and a half hours. If you believe Andre Crawford about 1:00 getting there. Bruce Martin got there at 12:00, shut down at 3:30. Two and a half hours, he watches a man under a light pole. You have the photographs, ladies and gentlemen. Look at

the pictures. There's a photograph of a light pole right here. He can see it all standing in the parking lot. He knows who shot him. It ain't about the smoke -- this whole thing you can't believe your own eyes. She can believe hers, but you can't believe yours. Her memory is right, but yours can't be believed. Bruce Martin can't be believed.

Ladies and gentlemen, a person, Andre Crawford, killed. How do we know he killed him? The bullet speaks. The bullet out of Bruce Martin, what does it tell you? That bullet says, it ain't a dream. I matched the bullet out of Jesse Guy, that bullet. You got bullet one, you got bullet two. This is Bruce Martin's bullet. Jesse Guy's bullet. You got the intersection, they came from the same gun, fired by the same gun, fired by the same man. What was the cadence? I heard Anthony Hampton say, pow, one Mississippi, two Mississippi. I heard Bruce Martin say, pow, pow, pow. There were, at least, two shots. Andre Crawford in his statement says, pow, pow, pow, three shots. At least, two shots, ladies and gentlemen, one in Bruce and one in Jesse. And when Bruce speaks and says it was Andre Crawford, there's two bullets speaking, the bullet in Bruce, bullet in Jesse. And these three agree in this case, they agree in this case, a person is Jesse guy.

With malice aforethought expressed or implied. He shot him in the back.

You know, I watch a lot of westerns, ladies and gentlemen. I watch a lot of westerns. Grew up watching westerns with my parents on Saturday afternoon. Ladies and gentlemen, this man was shot in his back. He never had a chance. He never saw it coming. And Jesse Guy died that night.

Malice aforethought. A total reckless disregard for human life. Shot him in the back. He bled internally and died. Across his organs. Your organs are in this area, ladies and gentlemen. This is where your vital organs are. And Jesse Guy died that night. So, ladies and gentlemen, that's malice aforethought. That would be an evil, wicked depraved spirit with total disregard for human life, using a weapon expressed or implied. That's what Andre Crawford did that night, all because Jesse Guy was doing his job. He was there to break up a fight. He had his chicken in the car and so did Bruce and they were on their way to the house when DaQuan Crawford broke out, hitting Ant and causing a fight.

And all they did, you heard that Jesse had a gun, he never escalated it. He took out his taser because they wouldn't stop. Bruce said he didn't have a

weapon. He tried to use his size to stop things. Malice aforethought expressed or implied. Expressed saying I'm going to kill you, implied meaning use of a weapon, a total disregard for human life. And that is malice aforethought and that is murder, ladies and gentlemen. Andre Crawford murdered Jesse Guy that night.

But now, here's the new wrinkle to the fabric. One new wrinkle, something that we didn't mention before. Because, ultimately, the trial judge, the honorable judge himself must charge you the law as it comes out during the trial. So, in this case, what has come forward in this case is that there might possibly be a lesser included offense of voluntary manslaughter. What is voluntary manslaughter? Voluntary manslaughter is the unlawful killing of a person in the sudden heat of passion upon sufficient legal provocation. That also sounds real big. It's not. We're going to break it down to small pieces.

An unlawful killing. Is there a man dead? Jesse Guy, yes. The pathologist told you it was homicide. Unlawful killing, person, Jesse Guy. In the sudden heat of passion. Sudden heat of passion means, basically, you're angry, your will is overcome. You don't have -- you see red. You can't stop yourself,

you're angry, you're agitated. You just can't stop.

You heard Brian Varnadoe testify in that video. He says, Andre, I know you was angry, I would be angry too. I have a brother. Somebody was tasing him, I'd be right there. Andre Crawford couldn't deny he was right there. He couldn't deny it. He couldn't deny it. He tried to say oh, I was taught not to fight. I don't jump in. Bruce Martin told you he does jump in. He heard him say -- he saw him. He heard him say, That's wrong what you're doing to my brother. That's wrong. Sudden heat of passion, his will is overcome. If you believe that, Jesse Guy is dead and maybe, just maybe Andre didn't intend to kill him with malice, there wasn't total disregard, you can then find that Andre got angry, pissed off. People get angry. He was pissed off. Even Brian Varnadoe said he was just thankful that it never happened to him. In the sudden heat of passion, sufficient legal provocation. Basically, that means you have a legal excuse. A legal excuse, ladies and gentlemen. And the judge himself will define that more for you. But we submit to you there was possibly sufficient legal excuse, but it's up to you as the fact finder.

Just going back in brief, the possession of a weapon during the commission of a violent crime. At

first, you must find -- before you can find Mr. Crawford guilty of this offense, you must find that he either, A, committed attempted murder, B, committed murder, or C, committed voluntary manslaughter. You can find that he committed attempted murder and voluntary manslaughter. Or you can find that he committed voluntary manslaughter -- sorry, the murder and the attempted murder or one of the other. But if you find that he is not guilty of any of them, then you must find him not guilty. But the evidence shows in this case that Andre Crawford possessed a firearm during the commission of a violent crime. Murder is violent, attempted murder is violent and voluntary manslaughter are all violent.

And finally, ladies and gentlemen, the obstruction of justice. Basically, this comes down to Andre Crawford impeding, hindering an investigation. You heard Sergeant Varnadoe talk about Andre Crawford and what he did, how he lied. You saw the video yourself. You saw the picture of Damen Hampleton. Damen Hampleton said I didn't give nobody a ride, including Andre Crawford. But Andre Crawford said that he got a ride with Damen Hampleton, which is not true. So, he impeded their investigation. Lied to them, caused them to go off into a different direction, meet with someone

else because he lied. And there it is, ladies and gentlemen. That is the obstruction of justice.

Ladies and gentlemen, I told at the beginning that this was a simple case. It came down to what you believe. Innocent blood has been shed. Now, it's about what you believe. You are the fact finders, the ultimate fact finders. We submit to you that this case has been proven to you beyond a reasonable doubt. That Andre Crawford is guilty of the murder of Jesse Guy, of the attempted murder of Bruce Martin, of possession of a weapon during the commission of a violent crime, and obstruction of justice. But, ultimately, now, it lies in your hands. I ask you to go to your jury room and find Andre Crawford guilty as he is charged. Thank you.

THE COURT: Proceed.

CLOSING ARGUMENT BY THE DEFENSE

MR. WALKER: Good afternoon. Thank you for your attention. If I talk too fast, miss or you can't understand, please let me know.

First, to address some of the items that you just heard from Ms. Legette. She repeated what she told you at the beginning of the trial, it's all about what you believe. And it's specifically what you believe about Bruce Martin's last version of what happened. I would

submit that it's not necessarily what you believe, but whether you can rely upon those statements. Of course, the State's burden is to prove Andre Crawford guilty beyond a reasonable doubt, a doubt that would cause a reasonable person to hesitate to act and whether the statements that Bruce Martin gave -- well, the -- we would say we want you to believe Bruce Martin, too, we just want you to believe a different statement that he gave. So, the question is whether you believe one statement or whether the statements are distinguishable and you don't have any reliable source to distinguish them such that you can make an important decision like we are here for today.

The three speaking witnesses. Bruce Martin -- I'm going to state it succinctly because it was a little confusing to me. The version of events that the State would like you to believe is that Bruce Martin said he saw Andre Crawford shoot him, but not see who shot Mr. Guy. They can match the bullets between the two of them saying that the same shooter fired both bullets, therefore it's Andre Crawford. So, that is the theory, again, it all rests on Bruce Martin.

Now, the State has, for some reason, a problem with Dr. McQuiston. It seems her testimony is that you somehow can't believe her eyes, but she should be

believed. She was asked my Ms. Legette, do we have any basis to believe what you're telling us here today? And, of course, unlike the very few seconds that the shooting took for Bruce Martin to observe, she is a person who has been teaching this subject matter per se, researching and writing papers on this subject matter for the last 15 years and five to seven to eight to 10 years of education to reach the level of professor. So we don't have one event that we're trying to do, we're presenting to you the body of research.

Also, she's not telling you not to believe Bruce Martin. She is here to educate you on how memories are formed and how you can evaluate whether you should believe Bruce Martin. She told you, absent a video or a corroborating physical piece of evidence that captures the event we're trying to remember, there is no way to say one hundred percent whether it happened that way or not.

And the issue with the contamination issues that we've had is that you have no way to decide or distinguish when those factors are present if a memory is reliable.

But you can believe Dr. McQuiston, what she's telling you, or you can go from your own experience.

We've all said, honey, remember last week when I told you. You never told me that. I did tell you. No, you didn't. It happens to us all everyday. We remember firmly things that happened that never happened, or vice versa, we forget that our wife told us to pick up milk from the store on the way home. You never told me that. I absolutely did. I'll show you the text message. Oh, yeah. It happens everyday. It's a common experience. We have to take our common experiences and bear it on this. But you believe Dr. McQuiston, because, again, she's basing -- one, she's not trying to render an opinion on the matter. She's trying to educate you. And two, those are consistent scientific opinions in the field that she's been engaged in for 15, 20 years.

She also says that you should believe Bruce, because everybody said DaQuan's in a fight. And Melvin and Andre said DaQuan was in a fight. Well, nobody disputes who was in the fight and nobody had been around when the fight was going on. It's not important who started the fight, where exactly the fight was in the parking lot, how many people were in the fight. All that matters for your determination is who fired the shots that struck Bruce Martin and Jesse Guy.

The State would have you believe the last version

of events remembered by Mr. Martin to say well, it was Andre Crawford that shot me. Nobody else says that of over a hundred people, well over a hundred people there that night. Andre said, I was there at the fight. He doesn't deny that. Nobody is trying -- there's no disagreement that Andre was there that night. Andre said, the shots came from behind me, they were loud, I took off. As did a lot of people that night.

I spoke to you initially about this being a very serious, but simple matter. Serious, the nature of the charges, really, the most serious that we can hear. And the danger is, and I feel it's one that the State is trying to get you to lean towards, say this is about innocent blood, this is about Jesse Guy, this is about Bruce Martin.

And again, no one is saying that, you know, they somehow deserved to be shot or killed or they're at fault in bringing on any actions. That's not in dispute the fact that they're innocent blood. The actions bring us here, you know, that shooting brings us here. But what this trial is about is whether the State can prove that Andre Crawford or really, that Bruce Martin's identification of Andre Crawford is at all reliable.

It's also serious because of where we are, in the

courtroom. We talked about the long tradition of legal practice that brings us here, the rights afforded to all who come before the courts. And the Judge is going to charge you on a couple of those rights. You heard the solicitor say that first they have -- the Defendant has a right -- well, first, they said that they have the burden of proving every element of every offense beyond a reasonable doubt, which I said -- which, they said that they were happy to undertake it, that was the standard that they want you to hold them to.

The judge will also charge you the Andre Crawford is to be considered innocent until the State has proven him guilty beyond a reasonable doubt. And it's interesting that that's the law because we spent all of this time picking you as jurors, asking if you know anybody, are you neutral or fair, you don't know anybody. But once you sit down, the law puts in a corner, it puts you in Andre's corner. It says I'm over here saying if you're innocent, you have to pull me across beyond a reasonable doubt to a guilty verdict. So, any doubts, any problems, any questions should be resolved solved in a not guilty verdict.

It's serious to you. We talk about -- you paid attention, as you should. But it's a serious decision that you have to make and you live with. The standard

beyond a reasonable doubt protects you as well as the Defendant because just as we don't want to wrongly convict someone accused of a crime, we don't want a jury to feel remorse or question their decisions later or second guess themselves. We want them to be sure that they did the right thing. And of course, this is serious to Andre. Your decision today has a lasting impact on his life.

It's a simple case. We started out with four charges. Ms. Legette mentioned a fifth, but in your mind, you can separate them into kind of two thought categories. First, obstruction of justice. Any act which prevents, obstructs, impedes or hinders the administration of justice. Not intended to hinder, obstruct and impede. Not could it impede, obstruct or hinder, but does prevent, obstruct, impede or hinder the administration of justice. The State is in charge -- for that particular thought bubble for that particular charge, I submit it's looking for to you do two things.

First, they want you to kind of equate in your head that he lied about how he left the scene that night with he's guilty of obstruction of justice. Now, it's a Federal crime to lie to the FBI. If they can prove that you lied to the FBI, he's guilty of a

Federal crime. It's not a crime in the state system. It's not a crime to lie to the police, although, they seem to think that is. So, if they establish that that is true, which they surely could for your purposes, they definitely have not gone to the next step of applying the facts of this case to obstruction of justice. Because, certainly, in some cases it might have tended to impede, it might have tended to hinder, it might have obstructed, but look at the facts of the case.

You heard all of the investigators, we investigated everything we wanted to investigate. We didn't have -- we did everything we needed to do until a month after this happened, the thing that let us break this case is Bruce Martin called us up and said, I remember. Remember, you have to get an arrest warrant to arrest somebody based on probable cause, which is a much lower standard than beyond a reasonable doubt. They didn't have that standard until Bruce Martin calls and says, I remember who it is. And then, based on that phone call and that interview, that's where the warrants come forward. So, they got to do everything they wanted to do. They haven't shown you any way that that has caused any problems. They fully investigated, a month passed by before the arrest based

solely on Bruce Martin's statement. And that's, again, based on her statement the only one witness that matters, Bruce Martin.

The second thing they were saying is well, he lied about how he left that night. And they hope that you transfer that cloud of dishonesty into your decision on the other thought bubble that we're talking about. Here's why you shouldn't do that. One, that doesn't have anything to do with his guilt or innocence on the other charges. Again, Ms. Legette told you the thing you need to consider to determine his guilt or innocence is whether you believe Bruce Martin. Secondly, there could be lots of explanations for that behavior. First of all, he's not doing anything unique. There's over a hundred people there. No one is cooperating. Everybody is taking off, people are turning away from the camera. Detective Padgett said people aren't telling us what they know. That seems to be for the frequenters of Club Leon, how they act.

Now, I can think of a case where lying about how Andre Crawford left that night would be obstruction of justice, if he had left with the person that shot him. If he said I left with Joe Bob and he's the guy that shot him and they never got to investigate, well, that would be obstruction of justice. But that's not what

the State alleges. They're saying, it wasn't Joe Bob, it was Andre. So, I wouldn't say, the mere fact he did not them how he left that night impacts the administration of justice.

Now, before we talk about our second thought bubble, I would like to the briefly address the murder voluntary issues -- voluntary manslaughter issue that Ms. Legette brought up. First, imagine that you have that high definition video and audio recording of the events that happened that night and they completely show and are completely in accordance with that last remembered statement of Mr. Martin, what does that mean? Mr. Martin says, Jesse Guy was tasing multiple times Andre's brother, that he came up that night yelling, hey, that's wrong what you're doing to my brother and that is the instigation for the shots. Not that Mr. Crawford came to the club that night looking for any trouble, not that he was actually engaged in any trouble. But in the sudden heat of the moment in a developing fight and suddenly someone coming up and tasing and stunning his brother, according to the State's theory, he was clouded by shooting and coming to the defense of someone who was attacking his brother. We would submit if you took everything that the State wants you to believe as true, which we do

not, but if you did, the most that they could have proven to you is voluntary manslaughter.

So, murder, the classic -- well, not the classic, but a classic example is I want to murder my wife so I can run off with my secretary and not have to pay for an expensive divorce. All right. And then you might take kind of a similar set of facts, I get off of work early, I come home, I find my wife doing things she shouldn't be doing with the UPS man and I'm suddenly irate and grab up something and fire and kill them both. That's classic voluntary manslaughter. So, those are kind of, in a general sense, how you apply it to the law.

Of course, the judge is going to define you the specific law and tell you what the specific laws are. And any difference between myself and the judge, certainly, you need to listen to the judge on that. As you think about things, I think those are good examples to keep in mind.

Now, the big thought bubble, murder, attempted murder, possession of a weapon during the commission of a violent crime. Related completely to the statements of Bruce Martin. The State says Andre is the shooter, so let's talk about that. So you must believe Martin. If you believe him or you believe his statement -- if

you believe his statement is reliable, you should find him guilty. If you don't, you should find him not guilty. We agree on that. It's a binary choice, one is believable or reliable beyond a reasonable doubt or not.

Now, why do they want you to believe Bruce Martin? He's very confident, he's a hundred percent sure that that's what's right. But you heard from Dr. McQuiston that confidence is a poor indicator of validity. People that are wrong can also be very confident that they're right in identification and memory issues. That he was confident about every ID he made. Each time he did it, yes, I'm confident, I'm confident. But really, that is the only reason that you have to believe Bruce Martin because he tells you he's confident, that he's right, that he didn't make it up and lie to you. Because there's no extraneous way to select that out.

Now, look at the statement that they want to you believe, all right. He heard footsteps, he heard Andre shout out, That's wrong what you're doing to my brother, very loud, he said. That he saw him come up and shoot him with what could be a 40-caliber automatic. But even compared to the other witnesses you've heard, you have problems with that statement,

the one they want you to believe. He said he heard him yell out, wow, that's wrong what you're doing to my brother. You've not heard another witness say they heard that. You heard people that were right there in the fight, they didn't hear that. There were over a hundred people there that night. There isn't a single person that heard that. Think about it.

Mr. Brown said he took in, at least, $1,200 that night. After 11:00, he charged $10, that's, at least, a 120 people. Before that, he charges $5, that's closing in close to 240 people that night. None of those people are here to tell you I saw him shooting, I heard him say you're attacking my brother.

Not only is there no other witness here, this supposed statement, what did all of the investigators say they were looking for, shell casings. Why are they looking for shell casings? Because an automatic weapon ejects shells when fired. But you heard the SLED expert come up here and say, I compared the bullets, 99 percent those came from a revolver, which does not eject shells, which would explain why there were shell casings there. The gun that Mr. Martin supposedly saw was not the gun that was used in the crime.

And then, of course, the huge red flag about why you can't believe Mr. Martin or can't rely on his

statement that was given to you a month later is that they are not consistent with his earlier statements. My writing is not as good as Ms. Legette's. I apologize. You know what, I'm terrible at it. Excuse me. The shooting occurs on May 28th. What's the first thing that Mr. Martin says about the shooting? What did Dr. McQuiston say? Memories are more reliable the closer they are to the incident that happened. They get worse over time, not better. That's what you should expect to see.

The first thing he said, not a couple of days later, 15 minutes after he's shot, Office Lawson is first on the scene. Officer Lawson said he couldn't tell me who shot him. He couldn't even describe him. And the State is like, oh, well, he's been shot. He's thinking crazy, he's loopy. What did Mr. Martin say, I was telling the crowd to back away to preserve the crime scene. According to Mr. Martin, he's laying there trying to solve the crime for the police, but Detective Lawson is there 15 minutes later and he can't even describe who shot him. I would submit it's because he didn't see who shot him. The bullets came from behind Andre, nobody saw who it was.

Depending on whose statement you believe, he either did or didn't talk to Detective Wallace at the

hospital, Mr. Martin. He didn't mention Andre, the guy I've seen around the club all the time, the guy's brother was in a fight, wearing X, Y, Z clothes, this type of thing. But two days later, on the 30th, with Wallace, he's interviewed. What does he tell Officer Wallace in that interview? No photo line-up there, according to Officer Wallace, but Officer Wallace's report says he took Mr. Martin's statement. The first statement with Mr. Wallace is that I did not see the guy who shot me, but I partially saw the gun. Don't you think if he had had more information at that time, he would have told Officer Wallace two days later? Again, the likelihood is that you'll get more accurate information the closer and closer you are to the event. I did not see the shooter, I only slightly saw the gun.

As a side note, Officer Wallace, on the 31st, conducts one of those interviews that you see with Andre Crawford, but then on June the 4th, we have our first set of line-ups. And I will call it line-up number one. Here's another problem we have with Mr. Martin's memory. Mr. Martin told you he remembers seeing three line-ups. Officer Wallace says, I only ever showed him two. What did Mr. Martin say about on the 28th when I was at the hospital, I didn't think I seen my family before I got surgery, but my family told

me later that I had. So, I saw them before.

His first line-up, DaQuan Crawford, Andre's brother was in the fight. And two, Andre in vicinity. They said stuff, like, well, we didn't ask him who shot him. Don't you think if he knew who shot him, he would describe him and seen him around the club. Well, he wasn't just in the vicinity, I'm sure he's the guy. What did Dr. McQuiston say, the first one is the valid one because you have commitment issues. I'm vested now. You have familiarity issues, you have more and more time going on since the incident, less and less accuracy.

And then June 28th and 29th, Mr. Martin calls Detective Wallace and says, hey, I remember. And on the 29th, he comes in and gives a statement. The one that the government would like you to believe and convict Andre Crawford on. With all of this information that has never been seen in the month period between the incident and this last statement is what they want you to rely on.

The government doesn't want you to believe Ms. McQuiston. Well, believe Dr. Dutton, his treating physician. What does it do to the memory? It messes up short-term and long-term memory. It doesn't get remembered, it's gone, subject to getting filled in.

Dr. McQuiston says when you have multiple statements about the same thing, there's not a real way to distinguish between them absent some external validation. You don't have that here. They're asking you to do a lot of work for them, cherry pick and believe parts of this last statement, but not all the others, not the more scientifically reliable statements, not the more probably correct statements. You don't have any objective way to distinguish between whether those statements were true, except as I said, to kind of indicate that they are. He said he saw an automatic, looks like a revolver was used. And the statement he heard, no one else has testified to that. The science says we should go with the early statements. I didn't see who shot me, I can't give you a description. I didn't see who shot me, but I saw the gun.

On the 28th, he's talking to Lawson, he's lucid. He's talking about preserving the crime scene. The paramedics are saying he's alert and oriented. The paramedics are saying -- even he said he never passed out. The paramedics say he was progressing, improved the whole time in the ambulance and he was alert and oriented until he gets to the hospital and they start doing surgery, giving him drugs, those sorts of things.

There's no reason for you to believe that this is not an accurate -- these statements were not accurate when given. The paramedic said he saw 12 plus cars hauling away from the scene, a hundred plus people around. We don't know. You know, it's sad, but we don't know. You've got nothing to give you any additional reliability as to that last statement. In fact, there's things that tend to discredit it. That's certainly not enough to give you proof beyond a reasonable doubt. I ask that you find Mr. Crawford not guilty.

THE COURT: Solicitor.

MS. LEGETTE: Thank you, Your Honor.

THE COURT: Do you wish to use the board?

MS. LEGETTE: No, Your Honor.

THE COURT: Would you move it please so that Counsel can see the jury?

Solicitor.

FINAL CLOSING ARGUMENT BY THE STATE

MS. LEGETTE: Thank you, Your Honor.

Ladies and gentlemen, I'll be brief. I don't have a problem with Dr. McQuiston. The problem I have is with her science that is not exact. I didn't bring you an expert without exact science. Jamie Green testified about an exact science. Dr. McQuiston said sometimes,

perhaps, maybe, could be, possible. She don't really know. But she told you that somehow, you cannot believe your own eyes, my eyes, somehow, you can believe her memory. That is the problem that the State has with Dr. McQuiston.

Along with the fact that Dr. McQuiston never testifies for the prosecution, she never testifies on behalf of crime victims, it's always for the Defense. Basically, she's paid to come in here and tell you stuff. Suspend your common sense, suspend all of your common sense, put aside what your eyes tell you. That is the problem that I have with Dr. McQuiston.

Ladies and gentlemen, obstruction of justice. Mr. Walker talked about the obstruction of justice charge and Andre Crawford and the lies. He admitted, basically, Andre lied. He told you that he didn't really obstruct justice, but he did lie. Why would you lie about how you left the club? Plenty of folks was leaving. Why would you lie about how you left? What else is Andre Crawford lying about?

Ladies and gentlemen, as far as Bruce Martin is concerned, you heard the police tell you, they tried to talk to them. People wouldn't cooperate. Yes, I admitted to you in the beginning, it's a simple case, a simple, simple case, Bruce Martin, what you believe,

beyond a reasonable doubt. If you don't believe Bruce Martin, set Andre Crawford free. And that's as simple as it is, ladies and gentlemen, a simple case. Reliability, Bruce Martin.

Mr. Walker wants you to believe that Bruce Martin cannot be believed. We believe Mr. Martin can be believed. His statements was always consent. He told you that Andre Crawford was near the fight. And Andre Crawford was near the fight. He was also near the fight and shot him. DaQuan Crawford was involved in the fight. He always maintained that he was involved in the fight, and that was corroborated.

Ladies and gentlemen, I guess, I think it's the war of the experts. You've got Dr. Dutton, Dr. McQuiston. Dr. McQuiston and her it could be, can be, possibly be, but she's infallible. Dr. Dutton also said one other thing, he talked about how post trauma stress can cause acute hyperawareness, such that the person believes they are still living in the event. They are reliving the event. They are living in it. Not that they're making it up, not that there's gaps, they are actually reliving the event.

So, with regards to all of the experts and all the things you've heard, it comes back down to one simple thing, what you believe. Bruce Martin can be believed

and as such, Andre Crawford is guilty of murder, guilty of attempted murder, guilty of possession of a weapon during the commission of a violent crime. By his own words, Andre Crawford is guilty of obstruction of justice. Thank you.

JURY CHARGE

THE COURT: Mr. Foreman and ladies and gentlemen of the jury, it's now my duty to charge you on the law for this case. The State of South Carolina has charged the Defendant, Andre Nicholas Crawford, with one -- in indictment one, murder; indictment two, attempted murder; indictment three, possession of a weapon during the commission of a violent crime; and indictment four, obstruction of justice. I remind you that the fact that the Defendant was arrested, the fact that the Defendant was charged, the fact the Defendant was indictment in this case is not evidence in this case nor does it create any presumption or inference of guilt. These indictments, ladies and gentlemen, are simply the formal written instruments which contain the charges made against the Defendant. The indictments are the formal documents by which the case is brought into this court, the Court of General Sessions, or criminal court.

To the indictments, all four, the Defendant has

pled not guilty and that plea of not guilty puts the burden on the State of South Carolina to prove the Defendant guilty beyond a reasonable doubt.

A person charged with committing a criminal offense in South Carolina is never required to prove himself or herself innocent. I charge you, ladies and gentlemen, that it is an important rule of the law that the defendant in a criminal trial, no matter what the seriousness of the case may be, will always be presumed to be innocent of the crime for which the indictments were issued unless guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt.

This presumption of innocence does not end when you begin your deliberations, but it accompanies the Defendant throughout the trial until you, the jury, reach a verdict of guilt based on evidence satisfying you of that guilt beyond a reasonable doubt.

The presumption of innocence is not just a legal theory. It isn't just a legal phrase. It is a substantial right to which every defendant is entitled unless you, the jury, are satisfied from the evidence of the Defendant's guilt beyond a reasonable doubt.

What is a reasonable doubt in the law? A reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act. The State has

the burden of proving a Defendant guilty beyond a reasonable doubt.

Some of you may have served as jurors in a civil case, such as a contract case or a wreck case where you were told it was only necessary to prove that a fact is more likely true than not true. We call that burden of proof in a civil case by the greater weight or the preponderance of the evidence.

In a criminal case, such as the case here, the State's proof must be more than that. It must be beyond a reasonable doubt. Proof beyond a reasonable doubt is proof that leaves you, as a jury, firmly convinced of the Defendant's guilt.

Now, there are very few things in the world that we know with absolute certainty. And in criminal cases, the law does not require proof that overcomes every possible doubt. If, based on your consideration of the evidence, you are firmly convinced that the Defendant is guilty of the crime or crimes charged, you, as a jury, must find the Defendant guilty.

On the other hand, if you think there's a real possibility that the Defendant is not guilty, you must give the Defendant the benefit of the doubt and find the Defendant not guilty.

I remind you that during this trial, you and I

have had certain duties to perform. As the trial judge, it's been my responsibility to preside over the trial of this case, and I also have the duty, as you saw during the trial, to rule on the admissibility of evidence offered during the trial.

You are to consider only the competent evidence that's before you in your deliberations. If there was any testimony ordered stricken from the record in this case during this trial, you must disregard that testimony.

You're to consider only testimony from that witness stand, any exhibits which have been made a part of the record and placed into evidence during the trial of the case and if there were any stipulations between the parties in the case that a fact may be true.

I also as the trial judge have the additional duty to charge you the law that applies to this case. As the presiding judge, as I told you at the outset, I am the sole judge of the law. And it is your duty as jurors to accept and to apply the law as I now state it to you.

If any of you on this jury already have any idea as to what you think the law is or what you feel the law ought to be and it does not agree with what I now tell you the law is, you must put aside any of your

preconceived opinions or any of your preconceived ideas and accept and apply the law exactly as I now state it to you.

In every case tried in a courtroom with a jury, the jury becomes the sole and the exclusive judges of the facts in the case based on evidence introduced during the trial of the case. A trial judge, such as myself, cannot intimate, comment on, state, or make any kind of statement to a trial jury such as yourselves about the facts or the evidence in a case.

Since you, the jury, are the sole judges of the facts in this case, you are not to infer from what I've said during the progress of this trial in ruling upon the admissibility of evidence or in ruling upon an objection or anything that I might say to you now during this charge to you on the law, that I have any opinion whatsoever about the facts in this case. The law does not allow me to have an opinion about the facts in this case. This is a matter, ladies and gentlemen, the facts, solely for you, the jury, to determine.

As jurors, ladies and gentlemen, it becomes your duty to determine the effect, the value, the weight and, ultimately, the believability of the evidence that's presented during the trial of the case.

Now, there are two types of evidence presented in a trial. And like most things in the law, we have names for these two general types of evidence. We call the two types of evidence that are generally presented during a trial direct evidence and circumstantial evidence.

Direct evidence is the testimony of a person who claims to have actual knowledge of a fact, such as an eyewitness to an event. Direct evidence is evidence which immediately establishes the main fact to be proved.

Circumstantial evidence, as contrasted with direct evidence, is proof of a chain of facts indicating the existence of a fact. Circumstantial evidence is evidence which immediately describes collateral facts from which the main fact may or may not be inferred. Circumstantial evidence is based on inference and not on personal knowledge or personal observation.

The law makes absolutely no distinction between the weight or the value to be given to either direct evidence or circumstantial evidence. Nor is a greater degree of certainty required of circumstantial evidence than of direct evidence.

You, ladies and gentlemen of the jury, should weigh or consider all of the evidence in this case,

both direct and circumstantial. After considering all of the evidence in this case, both direct and circumstantial, if you are convinced of the guilt of the Defendant beyond a reasonable doubt, you must find the Defendant guilty. On the other hand, after weighing all of the evidence in this case, both direct and circumstantial, if you are not convinced of the guilt of the Defendant beyond a reasonable doubt, you must find the Defendant not guilty.

Now, ladies and gentlemen, as I told you at the beginning of the case, necessarily, part of your job on the jury is that you're going to have to determine credibility, or, as I told you, the believability of the witnesses who have testified during the trial of this case. Credibility simply means believability. It becomes, then, your duty as jurors to analyze, it becomes your duty to evaluate the evidence and determine which evidence convinces you of its truth or believability.

In determining believability of the witnesses who have testified in this case, you may believe one witness over several witnesses. You may believe several witnesses over one witness. You may believe a part of the testimony of a witness and reject the remaining part of the testimony of that same witness.

You may believe the testimony of a witness in its entirety, or you may reject the testimony of a witness in its entirety.

You may consider when deciding about believability whether any witness has exhibited to you any interest, any bias, any prejudice or other motive in this case. You may also consider, as I told you, the appearance, the manner of the witness while the witness was on the witness stand. We call that the demeanor of the witness. Anything that is in evidence, you, as a jury, have the right to consider in deciding upon the credibility or the believability of the witnesses who have testified during the trial of this case.

You heard me use the term during this trial expert witness. Normally, no one comes up on this witness stand, takes the oath, sits down and looks at you and says my opinion is so and so. The rules of evidence do not permit witnesses to testify to conclusions or opinions normally.

An exception to this rule exist for witnesses we call expert witnesses. A witness, who by education, training, experience claims to have become an expert in some art, science or profession may give an opinion as to the matter the witness claims to be an expert in, and may also give the reasons for his or her opinion.

You should consider any expert opinion given by a witness and just like any other evidence in this case, you give it the weight you think, as a jury, it deserves.

If you decide that an expert witness's opinion is not based on sufficient education and experience, or if you decide that the reasons given for his or her opinion are not sound, or if you decide that the opinion is outweighed by other evidence in the case, you may disregard the expert opinion entirely. An expert witness's testimony is to be given no greater weight than any other witness simply because the witness is an expert. You do not have to accept an expert's opinion even though it is uncontradicted.

Now, I charge you, ladies and gentlemen, and I instruct you and I emphasize to you, the fact that the Defendant in this case did not testify is not a factor to be considered by you in any way in your deliberations and in your consideration of the question of the guilt or innocence of the Defendant. It must not be considered by you in your jury room whatsoever. A defendant has the Constitutional right to remain silent, and the assertion of your Constitutional right must not be considered by the jury in your deliberations. I repeat, that under that oath that

each of you took, you are to draw no conclusion whatsoever from the fact that the Defendant in this case did not testify. The fact that the Defendant did not testify should not even be discussed in your jury room. The burden of proof, as I have told you already, is on the State of South Carolina. The Defendant is not required to prove his innocence. The burden of proof remains on the State to prove guilt beyond a reasonable doubt.

I charge you, ladies and gentlemen, that an issue in this case is the identification of the Defendant as the perpetrator of the crime or crimes charged. The State of South Carolina has the burden of proving the identity of a Defendant beyond a reasonable doubt. You, as the jury, must be satisfied beyond a reasonable doubt that the accuracy of the identification of the Defendant before you may convict the Defendant.

Identification testimony is an expression of belief or impression by a witness. You, as the jury, must determine the accuracy of the identification of the Defendant. You must consider the believability or credibility of any identification witness. In the same way as any other witness, you may consider whether the witness had an adequate opportunity to observe the person or offender at the time of the offense. This

may be affected by such things as how long or short a time was available, how far or close the witness was, the lighting conditions, and whether the witness had the chance to see or know the person in the past. Once again, it has to be based on evidence introduced during the trial of the case. And once again, I instruct you that the burden of proof is on the State of South Carolina to prove every element of the crime charged and, specifically, this includes the burden of proving beyond a reasonable doubt the identity of the Defendant as the person who committed the crime.

I charge you, ladies and gentlemen, that the indictments in this case, there are multiple, there are four, as I told you. So there are four charges against the Defendant, Andre Crawford. Andre Nicholas Crawford is the wording of the name in the indictment. The Defendant is charged in one indictment with murder, for the second indictment with attempted murder, the third indictment with possession of a weapon during the commission of a violent crime, the fourth indictment, obstruction of justice.

Each of those charges is a separate and distinct offense. With one exception, and I'm going to explain to you now and again when I explain to the foreperson his verdict form, for you, also, but he signs it. You

must decide each charge separately on the evidence and the law as I'm about to instruct it to you to be that applies to it.

If you find the Defendant guilty of murder or attempted murder or voluntary manslaughter, which is a lesser included offense of murder, then you may also find the Defendant guilty or not guilty of possession of a weapon during the commission of a violent crime. Why do I say that's the exception? Because you cannot find a person guilty of possession of a weapon during the commission of a violent crime unless you find the person guilty of a violent crime.

I charge you that under the laws of the State of South Carolina, the offenses of murder, attempted murder, and voluntary manslaughter are violent crimes under the laws of the State of South Carolina. I also charge you that if you find the Defendant not guilty of murder, attempted murder and voluntary manslaughter, you must find the Defendant not guilty of possession of a weapon during the commission of a violent crime. You will be asked to write a separate verdict of guilty or not guilty for each charge following the instructions I'm going to give you also on your jury form and during this charge to you.

Now, I charge you that a statement or statements

alleged to have been made by the Defendant have been admitted into evidence during the trial of this case. While the Court has determined as a matter of law that the statements may be admissible, I instruct you now and charge you, ladies and gentlemen of the jury, that you make the ultimate decision as a jury of whether or not the Defendant made any statement. If the Defendant did make any statement, you must determine whether that statement was made by the Defendant voluntarily and of his own freewill. This means that the statement was not caused by pressure, or hope of reward, or hope or promise of leniency or reward of any kind. In determining whether a statement is voluntary, you should consider from the evidence the characteristics of the Defendant, the details of the questioning.

Some of the factors you must consider or may consider if introduced in evidence during the trial of this case are the age of the Defendant, the Defendant's education or lack thereof, the Defendant's mental ability or capacity, the Defendant's IQ or intelligence, the Defendant's background and environment, the place and length of questioning, the nature of the questioning, the advice or lack thereof to the Defendant of his Constitutional rights, including but not limited to the right to remain

silent, that any statement could be used against him in a court of law, the right to have a lawyer present, that if he could not afford a lawyer, a lawyer would be appointed to represent him without any cost, and that he could stop making a statement at any time.

You must carefully consider all the surrounding circumstances before you give any weight to any alleged statement or statements based on evidence introduced during the trial of the case. The State has the burden of proving beyond a reasonable doubt that the alleged statement or statements were voluntary. If you determine, as a jury, that it was voluntary, you may give the statement or statements any further consideration you, as a jury, deem proper. You have to decide as a jury, ladies and gentlemen, whether or not from the evidence any statement or statements were voluntary and what weight should be given, if any, to any alleged statement or statements. If you determine that the alleged statement was not the free and voluntary statement of the Defendant, you should not consider the statement at all.

Let me take a swallow of water.

Now, in order to establish criminal liability or criminal responsibility, criminal intent is required. Let me give you some examples of that for other things,

not necessarily this case. These are examples of criminal intent. Criminal intent is the mental state required to be proven by the State for a particular crime. It might be, in some cases, purpose, intent, knowledge, recklessness, some cases, even what we call negligence, the failure to use even due care. Those are examples of criminal intent.

Criminal intent must be proven by the State beyond a reasonable doubt. Criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation based on evidence introduced during the trial of the case.

Now, we know there's no way to prove intent to a mathematical certainty. There is no way medical science can dissect a person's brain and tell what that person had in mind. So, the law says that criminal intent may be inferred from the circumstances shown to have existed based on evidence introduced during the trial of the case.

This, ladies and gentlemen, is how you, as a jury, make a determination of whether or not any element in any crime requiring intent was present. In other words, it is not necessary to establish criminal intent by direct and positive evidence, such as evidence that a person said, I intend to do the following. But

intent may be established by inference in the same way as any other fact by taking into consideration the acts of the parties and all the facts and circumstances of the case based on evidence introduced during the trial.

Criminal intent is a mental state, a conscious wrongdoing. It is up to you, ladies and gentlemen, to determine what the Defendant intended to do based on the circumstances shown to have existed from evidence introduced during the trial of the case.

I charge you, ladies and gentlemen, that in one indictment the Defendant is charged with the offense of murder. For the offense of murder, the State must prove beyond a reasonable doubt that the Defendant killed another person with malice aforethought. Malice is hatred, malice is ill will, malice is hostility towards another person. It is the intentional doing of a wrongful act without just cause or without just excuse and with an intent to inflict an injury.

Malice aforethought does not require that malice exist for any particular time before the act is committed, but malice, that is this ill will, this hatred, this hostility towards another person, must exist in the mind of the Defendant just before and at the time the act is committed. Therefore, there must be a combination of this previous evil intent, this

previous hostility towards another person, this previous ill will, examples of malice. There must be a combination of the malice and the intent and the act itself.

Now, malice aforethought can be expressed or implied. These terms -- let me put it -- they can be expressed or inferred. That doesn't refer to different kinds of malice, but, merely, the manner in which malice can be shown to have existed, that is either by direct evidence or by inference from the facts and circumstances which are proved.

Expressed malice is shown when a person speaks words that might express hatred or ill will or hostility towards another person. That's an example of expressed malice. Malice can be inferred from conduct showing a total disregard for human life.

I charge you, ladies and gentlemen, that if you find the State has failed to prove beyond a reasonable doubt that the Defendant committed murder, you may consider whether the State has proven beyond a reasonable doubt that the Defendant committed the lesser included offense of murder of voluntary manslaughter. Included within the offense of murder is the lesser included offense of voluntary manslaughter.

To prove voluntary manslaughter, the State must

prove beyond a reasonable doubt that the Defendant took the life of another in the sudden heat of passion based on sufficient legal provocation. Both heat of passion and sufficient legal provocation must be present at the time of the killing to constitute voluntary manslaughter. Sudden heat of passion may for a time affect a person's self-control and temporarily disturb a person's reason. The sudden heat of passion for voluntary manslaughter must be the type that would make an ordinary person unable to coolly reflect on his actions and would produce an uncontrollable impulse to do violence.

Sufficient legal provocation must be the type that would make a person of ordinary reason and caution become enraged and to lose control temporarily. The provocation, legal provocation needed for voluntary manslaughter must come from some act of or related to the victim. Words alone, no matter how vulgar or how insulting are not enough to constitute legal provocation. The exercise of a legal right, no matter how offensive it is to another is never sufficient legal provocation for voluntary manslaughter. If the heat of passion had cooled or if there was enough time between the provocation, if any, and the killing for the passion of a reasonable person to cool, the killing

would not be voluntary manslaughter.

In deciding whether a reasonable person would have had enough time to cool off, you, ladies and gentlemen of the jury, should consider all the facts and circumstances surrounding the killing. You may consider the nature of the provocation, if any, the Defendant's mental and physical state and the circumstances and relationships between the parties based on evidence introduced during the trial of the case.

I charge you, ladies and gentlemen, that the Defendant is charged in the second indictment with the offense of attempted murder. In order to prove this crime, the State must prove that the Defendant attempted to kill another person with malice aforethought. It requires for this offense, attempted murder, a specific intent to kill another person with malice aforethought. Malice, as I've told you, imports wickedness, hostility, ill will. It springs from depravity, a depraved spirit, a heart devoid of social duty and fatality bent on mischief. It involves hatred, ill will or hostility towards another person. It is the intentional doing of a wrongful act without just cause or excuse and with the intent to kill the person.

Malice aforethought, as I have already charged you for murder and now for attempted murder does not require that malice exist for any particular time before the act is committed, but malice must exist in the mind of the Defendant just before and at the time of the act being committed. Therefore, as I charged you for murder, and now for attempted murder, there must be a combination of the evil intent or malice and the act itself.

Intent, ladies and gentlemen, for attempted murder means intending the result which actually occurs, not something that occurs accidentally or involuntarily. Attempted murder, then, is the attempt to kill a person with malice, either expressed or inferred. Attempted murder is the performance of an act or acts which tend, but fail to kill a human being. When such acts are done with malice, namely with the deliberate intention unlawfully to kill, it constitutes the offense of attempted murder if proven by the State beyond a reasonable doubt.

I charge you, ladies and gentlemen, that the Defendant is charged in an indictment, the third indictment, with possession of a weapon during the commission of a violent crime.

I'm going to put instructions, also, on your

verdict form, Mr. Foreman.

For this offense, the State must prove beyond a reasonable doubt that the Defendant was in possession of a firearm or visibly displayed what appeared to be a firearm during the commission of a violent crime. A fireman means any machine gun, automatic rifle, revolver, pistol or any weapon which will or is designed to or may be readily converted to expel a projectile.

In order to find the Defendant guilty of possession of a weapon during the commission of a violent crime, you must first find the Defendant guilty of either committing a violent crime or attempting to commit a violent crime. I charge you, ladies and gentlemen, that murder is a violent crime under the laws of the State of South Carolina. I charge you, ladies and gentlemen of the jury, that attempted murder and voluntary manslaughter are violent crimes under the laws of the State of South Carolina. The State must prove for this offense, that is possession of a weapon during the commission of a violent crime beyond a reasonable doubt that the weapon further advanced or helped in the commission of the crime.

I charge you, ladies and gentlemen, that the Defendant in this case is charged with a fourth and

final indictment of obstruction of justice. Obstruction of justice in South Carolina is not a statutory offense, it is a common law offense, meaning we inherit the common law as we did in South Carolina.

The common law offense of obstruction of justice is defined as follows under the common law: It is an offense to do any act which prevents, obstructs, impedes or hinders the administration of justice. For this offense, the State must prove beyond a reasonable doubt that the Defendant did an act which prevents, obstructs, impedes or hinders the administration of justice.

Now, Mr. Foreman, I told you I would prepare a verdict form for you, and I did. The law clerk and I have been over it several times, so I'm going to go over it for you quickly now.

I've already put the title of the case on your verdict form. I put the indictment numbers by each verdict form for you. It says, State of South Carolina, County of Colleton, Court of General Sessions, we're in the Fourteenth Judicial Circuit, indictment numbers, it says verdict form. The questions are numbered. The page I'm holding is question one. On this verdict form -- and pay absolutely no attention to the order in which I wrote

the forms of verdict. We, obviously, had to write one form of verdict before the other, so the order they're written has no significance whatsoever.

Question one: We, the jury, by unanimous consent, find Andre Nicholas Crawford, who, of course, is the Defendant, and I've put that on the title of your verdict form, on the charge of obstruction of justice in indictment number 2016-GS-15-481, and the first form of verdict under question one is guilty of obstruction of justice. If that be your form of verdict, Mr. Foreman, you would check on the line beside that form of verdict. The second form of verdict under question one is not guilty of obstruction of justice. If that be your form of verdict, Mr. Foreman, you would check on the line beside that form of verdict. You cannot find both forms of verdict. You must find one form of verdict or the other, Mr. Foreman.

Question two on your verdict form: We, the jury, by unanimous consent find Andre Nicholas Crawford on the charge of attempted murder in indictment number 2016-GS-15-608, first form of verdict under question two is guilty of attempted murder. If that be your form of verdict, Mr. Foreman, you would check on the line for the entire jury that form of verdict. Under question two, the second form of verdict is not guilty

of attempted murder. If that be your form of verdict, Mr. Foreman, you would check on the line beside that form of verdict for the entire jury. You must find one form of verdict or the other. You cannot find both under question two.

Question three: We, the jury, by unanimous consent find Andre Nicholas Crawford on the charge of murder in indictment number 2016-GS-15-610, first form of verdict is guilty of murder. If that be your form of verdict, you would check on the line beside that form of verdict. Second form of verdict under question three, not guilty of murder. If that be your form of verdict, Mr. Foreman, you would check on the line for the entire jury that form of verdict. You must find one form of verdict or the other. You cannot find both, either guilty or not guilty of murder.

Now, I wrote you instructions about question four. If you find the Defendant, Andre Nicholas Crawford, guilty of murder, then you would not answer question four. If you find the Defendant, Andre Nicholas Crawford, not guilty of murder, you must answer question four. Question four is the lesser included offense of voluntary manslaughter. We, the jury, by unanimous consent find the Defendant, Andre Nicholas Crawford, under question four, either guilty of the

lesser included offense of voluntary manslaughter or not guilty of the lesser included offense of voluntary manslaughter. So you have two forms of verdict, you would check on the line beside the appropriate form of verdict. Only if you found the Defendant not guilty of murder would you consider the lesser included offense of voluntary manslaughter. If you find the Defendant guilty of murder, you do not answer question four.

Now, I wrote more instructions at the bottom of your verdict form. It says, if you find the Defendant, Andre Nicholas Crawford, not guilty of attempted murder, murder and voluntary manslaughter, all three, then you must find the Defendant not guilty in question five, which is possession of a weapon during the commission of a violent crime. If you find the Defendant, Andre Nicholas Crawford, either guilty of attempted murder, or guilty of murder, or guilty of voluntary manslaughter, then you must please answer question five.

Question five is, we, the jury, by unanimous consent find Andre Nicholas Crawford on the charge of possession of a weapon during the commission of a violent crime in indictment number 2016-GS-15-609, first form of verdict under question five is guilty of possession of a weapon during the commission of a

violent crime. If that be your form of verdict, you would check if you have to answer that question. The second form of verdict, not guilty of possession of a weapon during the commission of a violent crime. If that be your form of verdict, you would check on the line beside that form of verdict.

You would then fill in today's date, June 20th -- I almost gave you the wrong date, June the 20th, just fill in today's date and sign your name as foreperson on the line where it says foreperson to certify the findings of the jury that you've checked for the entire jury on the verdict form. When you've reached a verdict, you will knock on the jury room door, inform the bailiff that you've reached a verdict. We will then bring you back out in the courtroom to publish your verdict. Your verdict must be unanimous. That is, it must be the verdict of each and every one of you. All 12 of you must agree on a verdict.

Now, Mr. Foreman, you will have with you in your jury room all the exhibits, but I want to caution you about one exhibit. This is Exhibit No. 29. What I'm holding is a portion of Exhibit 29. What I've locked in this see-through case and wrote on Exhibit 29 is warning, do not hope, device still active. Do not open the case. You can examine it, but because it's still

active and can cause harm, I don't want anybody thinking they ought to go into the case for Exhibit 29.

There are other exhibits that require the ability to play the exhibit in the courtroom. If you want to view those exhibits, which are discs, then all you need to do is tell us and we'll bring you back in the courtroom if you need to hear the exhibit again. We can send it back with you, but, obviously, you won't have the ability to play in it your jury room. So, if that becomes necessary. Now, you will have all of the other exhibits with you that don't require equipment with the warning about the one exhibit that I've talked to you about.

Mr. Foreman, ladies and gentlemen of the jury, I've now charged you on the law in order to try to help guide to you a fair and a just result in this case. You're the judges of the facts in this case. Based on the evidence and based on your determination from the evidence of the facts in this case and the law as I've just explained it to you, you're going to soon begin your deliberations.

I want to remind each of you, each of you on this jury, were selected as fair and impartial jurors. You took an oath to fairly and impartially try and determine the facts of this case. And when you comply

with that oath, no one can criticize your verdict. You're to decide this case based solely on the testimony you've heard from the witness stand, from the sworn witnesses who have testified before you, along with any exhibits which have been introduced into evidence and if there were any stipulations in this case. You will have all of the exhibits with you except the ones that you have to play out here with you in your jury room during your deliberations.

You must decide the issues in this case without any bias, without any prejudice toward either party in this case. You cannot allow yourself to be governed by prejudice for or against any person. You can't allow yourself to be governed by public opinion. You can't allow yourself to be governed by any other arbitrary factor, such as emotion. You must base your decision solely and only on the evidence which has been introduced during the trial of this case. Both the Defendant and the State of South Carolina have the absolute right to expect that each of you on this jury will carefully and impartially consider all of the evidence in this case and that you will follow the law as I've instructed it to you to be in reaching your verdict in this case.

Now, Mr. Foreman, ladies and gentlemen of the

jury, I'm going to ask you at this time to retire to your jury room. Do not begin your deliberations. I might have to bring you back for some brief additional instructions. When it is time for you to begin your deliberations, I will send your verdict form into you by the bailiff, along with all of the exhibits which have been introduced in evidence during the trial of the case and have the bailiff tell you you may then commence your deliberations.

My alternate jurors, if you will stand and step out of the box and remain with me in the courtroom on the front row. Have a seat right there on the front row for me.

JUROR: I have a question.

THE COURT: Yes, sir.

JUROR: In the case that everybody does not come to a unanimous decision, what do we do?

THE COURT: In the case of what?

JUROR: That everybody does not come to a unanimous decision.

THE COURT: We will cross that bridge when we come to it. Thank you.

Ladies and gentlemen of the jury, I'm going to ask you at this time to retire to your jury room. I will give you further instructions about when to begin your

deliberations in just a moment.

(The jury exits the courtroom.)

THE COURT: Any exceptions or additions -- well, first of all, let me take care of my alternates.

I want to, first of all, thank all of you. All a judge can ask of an alternate juror is that you listen. And each of did that throughout the trial of the case. That's all the parties can ask of you. No one became ill or for some sufficient legal reason couldn't continue to serve on the case. This concludes your service on the jury not only for this case, but for the entire week. You are now excused. We will mail you your exorbitant 20-dollar a day check for your service on the jury to the address.

Does anybody need a work excuse for serving? Okay, if you will go downstairs to the door marked general sessions, there will be someone in that doorway to provide you with the work excuse for your employer to show that you've been serving on the jury this week.

If you want to talk to the parties about the case, you can. If you don't, you don't have to. It's entirely up to you whether you want to talk to anyone about your service on the jury. On behalf -- and if somebody persist and you don't want to talk to them, you get their name and give it to me, I'll handle that

problem for you.

On behalf of Colleton County and this Court, I want to thank you for your service as alternate jurors in this case. I remind you you're now exempt from jury service for three years by virtue of your service. Thank you. And you may leave the courtroom at this time.

(The alternate jurors were excused and exit the courtroom.)

THE COURT: Any exceptions or additions to the charge from the State of South Carolina?

MS. LEGETTE: None from the State, Your Honor.

THE COURT: From the Defendant?

MR. WALKER: No, Your Honor.

THE COURT: All right. Counsel, I need you to come forward. There are an awful lot of exhibits in this case. I want y'all to agree which ones -- obviously, we're going to send now -- after I've warned them, we're going to send this exhibit which I've warned them all about, which is Exhibit No. 29, back to the jury in the box. There are a couple of exhibits that they can't utilize in the jury room without having to come back out here. And if y'all wish, I'll either send them in or leave them out here and let them decide whether or not -- because I told them all they had to

do was let us know.

Please come forward and ensure the court reporter has all the exhibits and that you have no objection to the bailiff taking the verdict form and the exhibits into the jury and telling the jury they may commence their deliberations.

Is the State satisfied the court reporter has all the exhibits?

MS. LEGETTE: Yes.

THE COURT: And the State agrees to leave whatever -- give me those numbers right there.

MS. LEGETTE: State's 1 --

THE COURT: State's 1, 2, 3, 4, 33, and 51 will remain the courtroom because the jury has been told.

MS. LEGETTE: It's 31, Your Honor. It just looked like a five.

THE COURT: If that's not 33, I don't know what --

MS. LEGETTE: 31, Your Honor. It's 31. The second one is 31.

THE COURT: So you agree it's 33. What did I say 51? Did I say 51?

MS. LEGETTE: Yes, sir.

THE COURT: I'm sorry. It's 31 and 33. So it's 1, 2, 3, 4, 31 and 33.

Do you have any objection to the bailiff taking

the exhibits now, with the exception of those exhibits, into the jury room along with the verdict form and telling the jury they may commence their deliberation?

MS. LEGETTE: No objection, Your Honor.

MR. WALKER: No, objection.

THE COURT: And Mr. Walker, I ask you the same question. You're satisfied to keep the exhibits that I enumerated here in the courtroom?

MR. WALKER: Yes, sir.

THE COURT: And you have no objection to the bailiff taking the other exhibits and the verdict form into the jury and telling the jury they may now commence the deliberation?

MR. WALKER: No objection.

THE COURT: Thank you very much.

(The jury begins deliberations.)

THE COURT: I received a note about five minutes ago from the jury and I called counsel in my chambers and read the note that says: What is the legal definition of murder and voluntary manslaughter? Signed Gerald Davis, 5:50 p.m. It's now about 5:56. Dated June 20th, 2018.

It's my intention to call the jury back in and recharge them on the definition of murder and voluntary manslaughter. Both lawyers for the State and Defense

agree is the satisfactory way of handling of the question.

Is that correct from the State?

MS. LEGETTE: Yes, Your Honor.

THE COURT: Correct from the Defendant?

MR. WALKER: Yes, Your Honor.

THE COURT: Any objection in making the jury's note a Court's Exhibit from the State?

MS. LEGETTE: None from the State.

THE COURT: From the Defendant?

MR. WALKER: No, sir.

THE COURT: Court's Exhibit No. 3, without objection.

(Whereupon, Court's Exhibit No(s). 3 marked for identification and received in evidence.)

Bring us a jury, please.

(The jury enters the courtroom.)

THE COURT: Mr. Foreman, ladies and gentlemen of the jury, I have your note, what is the legal definition of murder and voluntary manslaughter?

As I instructed you when I charged you earlier, on one indictment, the Defendant was charged with the offense of murder. For murder, the State must prove beyond a reasonable doubt that the Defendant killed another person with malice aforethought. The State

must prove for murder beyond a reasonable doubt that the Defendant killed another person with malice aforethought.

Malice is hatred, ill will, hostility towards another person. It is the intentional doing of a wrongful act without just cause, without just excuse and with an intent to inflict an injury or under the circumstances the law would infer an evil intent.

Malice aforethought does not require that malice exist in the mind of a person for any particular time before the act is committed, but malice must exist in the mind of the Defendant just before and at the time the act is committed. Therefore, as I told you, there must be a combination of this evil intent or hostility at the act itself.

Malice aforethought may be expressed or inferred. These terms expressed and inferred do not mean different kinds of malice, but, merely, the manner in which malice may be shown to exist. That is, either by direct evidence or by inference from the facts and circumstances based on evidence introduced during the trial of the case which are proved.

Expressed malice is when a person actually speaks words that express hostility or hatred or ill will towards another person. I told you -- for the

definition of murder, I charged you that malice may also be inferred. Malice may be inferred from conduct showing a total disregard for human life. Now, that's murder.

If you find the State has failed to prove beyond a reasonable doubt that the Defendant committed murder, you may then consider as a lesser included offense whether the State has proved beyond a reasonable doubt that the Defendant committed voluntary manslaughter. Included within the offense of murder is the lesser included offense of voluntary manslaughter.

To prove voluntary manslaughter, the State must prove beyond a reasonable doubt that the Defendant took the life of another in the sudden heat of passion based on sufficient legal provocation. Both heat of passion and sufficient legal provocation must be present at the time of killing to constitute voluntary manslaughter.

Sudden heat of passion may for a time affect, as I told you, a person's self-control and temporarily disturb a person's reason. The sudden heat of passion for voluntary manslaughter must be the type that would make an ordinary person unable to coolly reflect on his actions and would produce an uncontrollable impulse to do violence.

Sufficient legal provocation -- I told you there

must be sudden heat of passion and sufficient legal provocation -- must be the type that would make a person of ordinary reason and caution become enraged and to lose control temporarily. The provocation needed for voluntary manslaughter must come from some act or related to the victim. Words alone can never -- and I don't care how insulting, how vulgar, they're not enough to be legal provocation. The exercise of a legal right, no matter how offensive it is to another person is never sufficient legal provocation for voluntary manslaughter.

If the heat of passion had cooled or if there was enough time between the provocation, if any, and the killing for the passion of a reasonable person to cool, the killing would not be voluntary manslaughter.

In deciding whether a reasonable person would have had enough time to cool off, you, as a jury, should consider all of the circumstances surrounding the killing. You may consider the nature and provocation, if any, based on the evidence, the Defendant's mental and physical state and the circumstances in relationship between the parties based on evidence introduced during the trial of the case.

Mr. Foreman, have I answered your question on definitions of murder and voluntary manslaughter -- or

the jury's questions?

THE FOREMAN: Yes, sir.

THE COURT: Very well. I ask you to return to your jury room and continue your deliberations.

(The jury exits the courtroom.)

THE COURT: Any exceptions or additions to the Court's supplemental charge to the jury from the State of South Carolina?

MS. LEGETTE: Not from the State, Your Honor.

THE COURT: From the Defendant?

MR. WALKER: No, Your Honor.

THE COURT: Very well. We will continue to be at ease while we await the jury's verdict. We will make Court's Exhibit No. 3 an exhibit, without objection.

(Whereupon, Court's Exhibit No. 3 was marked for identification.)

(Court was in recess awaiting verdict.)

THE COURT: The jury has reached a verdict. Anything from the State before we publish the verdict?

MS. LEGETTE: No, Your Honor.

THE COURT: From the Defendant?

MR. WALKER: No, Your Honor.

THE COURT: Now, ladies and gentlemen, I would like to invite you to stay when the verdict is published, but out of respect to the jury, I don't

allow any type of emotional outbursts. No clapping, no ahs, no comments of any kind. If you can't control your emotions, I ask you to step out. The jury deserves that respect. And I'll enforce that with the contempt powers of this court.

Anybody feel they can't?

(No response.)

THE COURT: Seeing none, that's fine.

Bring us a jury.

(The jury enters the courtroom.)

THE CLERK: Mr. Foreman, have y'all reached a verdict?

THE FOREMAN: Yes, ma'am, we have.

THE COURT: You may publish the verdict.

Counsel and Defendant, please, rise.

THE CLERK: On indictment number 2016-GS-15-481, the State of South Carolina vs. Andre Nicholas Crawford, we, the jury, by unanimous consent find Andre Nicholas Crawford on the charge of obstruction of justice in indictment number 2016-GS-15-481, guilty of obstruction of justice.

We, the jury, by unanimous consent find Andre Nicholas Crawford on the charge of attempted murder in indictment number 2016-GS-15-608, guilty of attempted murder.

We, the jury, by unanimous consent find Andre Nicholas Crawford on the charge of murder in the indictment 2016-GS-15-610, guilty of murder.

If this is your verdict, please, raise your right hand --

THE COURT: There's another verdict.

THE CLERK: There's another one. Oh, I'm sorry.

We, the jury, by unanimous consent find Andre Nicholas Crawford on the charge of possession of a weapon during the commission of a violent crime in indictment number 2016-GS-15-609, guilty of possession of a weapon during the commission of a violent crime.

All of the verdicts are signed by Foreperson Gerald R. Davis.

If this is your verdict, please, raise your right hand.

(All hands raised.)

THE CLERK: Thank you.

THE COURT: Let the record reflect that the 12 hands were raised in response to the Clerk's question.

Counsel and Defendant, you may be seated.

Mr. Walker, is there anything further from the Defendant for the jury before I excuse the jury?

MR. WALKER: We ask that you poll the jury.

THE COURT: Madam Clerk, I'm going to ask that you

poll the jury.

Ladies and gentlemen, the clerk is going to call your name. When your name is called, I'm going to ask you to stand. She's going to ask you, "was that your verdict", as published by the Clerk, and you answer yes or no. Then she's going to ask you, "is that still your verdict", yes or no.

Madam Clerk, poll the jury.

THE CLERK: Foreperson, Gerald R. Davis, was this your verdict?

JUROR: Yes, ma'am.

THE CLERK: Is this still your verdict?

JUROR: Yes, ma'am.

THE CLERK: Laurie H. Smith, was this your verdict?

JUROR: Yes, ma'am.

THE CLERK: Is it still your verdict?

JUROR: Yes, ma'am.

THE CLERK: Sheila K. Brand, was this your verdict?

JUROR: Yes.

THE CLERK: Is it still your verdict?

JUROR: Yes.

THE CLERK: John B. Sanderson, was this your verdict.

JUROR: Yes.

THE CLERK: Is it still your verdict?

JUROR: Yes.

THE CLERK: Deloris Mayer, was this your verdict?

JUROR: Yes.

THE CLERK: Is it still your verdict?

JUROR: Yes, ma'am.

THE CLERK: Aquilla D. Blue, was this your verdict?

JUROR: Yes, ma'am.

THE CLERK: Is it still your verdict?

JUROR: Yes, ma'am.

THE CLERK: Dariush H. Pishgar, was this your verdict?

JUROR: Yes.

THE CLERK: Is it still your verdict?

JUROR: Yes.

THE CLERK: April L. Bridge, was this your verdict?

JUROR: Yes.

THE CLERK: Is it still your verdict?

JUROR: Yes.

THE CLERK: Spencer L. Breland, was this your verdict?

JUROR: Yes, ma'am.

THE CLERK: Is it still your verdict?

JUROR: Yes, ma'am.

THE CLERK: Floyd E. Anderson, was this your verdict?

JUROR: Yes, ma'am.

THE CLERK: Is it still your verdict?

JUROR: Yes, ma'am.

THE CLERK: Deborah A. Palo, was this your verdict?

JUROR: Yes, ma'am.

THE CLERK: Is it still your verdict?

JUROR: Yes, ma'am.

THE CLERK: Sean R. Haltiwanger, was this your verdict?

JUROR: Yes, ma'am.

THE CLERK: Is it still your verdict?

JUROR: Yes, ma'am.

THE COURT: The jury has been polled, the verdict stands. Anything further from the Defendant as far as the jury is concerned?

MR. WALKER: No, Your Honor.

THE COURT: Mr. Foreperson, ladies and gentlemen of the jury, my law clerk is coming to you and the same words that are on the verdict form, he wants you to write, sign and date on the indictment.

sentence Mr. Crawford accordingly for these crimes in the Court's discretion. He does not have a prior record, Your Honor.

THE COURT: He has no record?

MS. LEGETTE: He has no prior record, Your Honor. But I would ask you to sentence him in accordance with the law. I would ask you -- I know you don't do many of my sentences, Your Honor. And I'm not asking you for a life sentence necessarily, but I am asking you for a sentence that speaks both to punishment and justice. I would ask you to sentence him between 50 and 65 years. I think he's 25 years old. When he gets out, Your Honor, he may be a person who has been rehabilitated and a person who no longer seeks violence or does a violent thing, Your Honor. So I would ask you to remand him to the Department of Corrections for a period of time between 50 and 65 years. Thank you.

THE COURT: Anything else?

MS. LEGETTE: No, Your Honor.

THE COURT: Mr. Walker, I'll be happy to hear from you.

MR. WALKER: Thank you, Your Honor. Andre is 25 years of age. As you heard earlier in the trial, he has progressed his education through some college. He has a certificate as a CNC machinist. He's not

to testify to events as he recalls them with the hope that justice is done today by the Court.

Taking all that into consideration, the sentence of the Court is as follows: First of all, on indictment 2016-GS-15-610, indictment for murder, the sentence of the Court is the Defendant is committed to the State Department of Corrections for a term of 35 years. On indictment 2016-GS-15-608, attempted murder, the sentence of the Court is the Defendant is committed to the State Department of Corrections for a term of 30 years. On indictment 2016-GS-15-00481, the sentence of the Court is -- which is the obstruction of justice, the Defendant is committed to the State Department of Corrections for a term of 10 years. Those sentences will run concurrent. On indictment 2016-GS-15-00609, possession of a weapon during the commission of a violent crime, the sentence of the Court is the Defendant is committed to the State Department of Corrections for a term of five years. That sentence will run consecutive to the other three, for a total of 40 years.

Good luck to her, sir.

MR. WALKER: Thank you, Your Honor.

THE COURT: That concludes sentencing in connection with this matter.

STATE EXHIBIT 44

TRANSCRIPTION OF AUDIO

INTERVIEW WITH

ANDRE NICHOLAS CRAWFORD

DATED MAY 31, 2016

RE: STATE OF SOUTH CAROLINA

VS.

ANDRE NICHOLAS CRAWFORD

CASE NUMBERS:

ATTEMPTED MURDER-2016-GS-15-00608

MURDER – 2016-GS-15-00610

PWDCVC – 2016-GS-15-00609

OBSTRUCTION - 2016-GS-15-00481

THIS IS THE TRANSCRIPTION OF THE AUDIO RECORDED INTERVIEW DATED MAY 31, 2016, AS PROVIDED BY THE 14TH JUDICIAL CIRCUIT SOLICITOR'S OFFICE IN COLLETON COUNTY, SOUTH CAROLINA, TO BEVERLY F. COOK, NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA.

THIS TRANSCRIPTION IS VERBATIM AS HEARD WHERE AUDIBLE AND IS BEING USED FOR PURPOSES OF DISCOVERY AND/OR USE AT TRIAL.

APPEARANCES

(NAMES RETRIEVED FROM VIDEO AND/OR AS PROVIDED)

SUBJECT:

ANDRE NICHOLAS CRAWFORD

INTERVIEWED BY:

SERGEANT BRIAN D. VARNADOE,

COLLETON COUNTY SHERIFF'S OFFICE

&

SERGEANT KIRT WALLACE,

COLLETON COUNTY SHERIFF'S OFFICE

VARNADOE: ALL RIGHT. THEY CALL... I KNOW YOUR NAME IS ANDRE, BUT THEY CALL YOU NICK, RIGHT?

CRAWFORD: MY NAME IS ANDRE.

VARNADOE: ANDRE NICHOLAS CRAWFORD, RIGHT?

CRAWFORD: EVERYBODY CALLS ME ANDRE.

VARNADOE: EVERYBODY CALLS YOU ANDRE.

CRAWFORD: (INAUDIBLE)...

VARNADOE: ON... WHAT WAS IT, THE 27TH?

CRAWFORD: UH HUH... (ANSWERS IN AFFIRMATIVE RESPONSE).

VARNADOE: CHECK THE DATE. NO, I THINK THAT'S THE WRONG DATE.

WALLACE: THE 27TH WAS ON A FRIDAY, THAT'S CORRECT.

VARNADOE: BUT IT WAS THREE O'CLOCK IN THE MORNING, SO IT'S ACTUALLY ON THE 28TH.

WALLACE: TECHNICALLY IT WAS SATURDAY.

VARNADOE: WHERE WERE YOU AT?

WALLACE: THINK NOW.

CRAWFORD: I WAS AT THE CLUB.

VARNADOE: OKAY. WHO WAS WITH YOU AT THE CLUB?

WALLACE: WHICH CLUB?

VARNADOE: THAT'S A GOOD QUESTION.

WALLACE: WHICH CLUB WERE YOU AT?

CRAWFORD: I WAS AT CLUB LEON'S.

WALLACE: ALL RIGHT. OKAY.

VARNADOE: WHO WAS WITH YOU?

CRAWFORD: I WAS WITH MY BROTHER.

VARNADOE: YOU WERE WITH YOUR BROTHER... AND YOUR BROTHER IS... WHO WE WERE TALKING ABOUT EARLIER, DAQUAN?

CRAWFORD: (INAUDIBLE RESPONSE)

VARNADOE: ALL RIGHT. WHAT WERE Y'ALL RIDING IN?

CRAWFORD: (INAUDIBLE RESPONSE)

VARNADOE: HOW'D YOU GET THERE?

CRAWFORD: CAUGHT A RIDE.

VARNADOE: YOU CAUGHT A RIDE.

CRAWFORD: (INAUDIBLE RESPONSE)

VARNADOE: WHAT KIND OF CAR WAS IT?

CRAWFORD: I DON'T KNOW WHAT KIND OF CAR IT WAS.

VARNADOE: A CAR MAN LIKE YOURSELF... A RACING MAN... YOU DON'T KNOW WHAT KIND OF CAR IT WAS?

CRAWFORD: I WASN'T DRIVING.

VARNADOE: I UNDERSTAND THAT. BUT YOU DON'T KNOW WHAT KIND OF VEHICLE YOU GOT IN?

CRAWFORD: I DON'T KNOW THE ACTUAL MAKE AND MODEL. IT WAS A GRAY CAR.

VARNADOE: IT WAS A GRAY CAR. YOU DON'T KNOW IF IT WAS A CHEVROLET OR A FORD OR AN OLDMOBILE OR HONDA OR NOTHING,

HUH?

CRAWFORD: (INAUDIBLE RESPONSE)

VARNADOE: I FIND THAT A LITTLE HARD TO BELIEVE, BUT I AIN'T GONNA ARGUE WITH YOU ABOUT IT. BUT, YOU BEING A CAR MAN... I MEAN, YOU WORK ON CARS, RACE CARS, AND THIS AND THAT. I JUST FIND THAT HARD TO BELIEVE YOU DON'T KNOW WHAT YOU WAS IN. BUT WE NOT GONNA STAY ON THAT LONG. WHAT TIME DID YOU GET TO THE CLUB THAT NIGHT, CLUB LEON'S... YOU AND YOUR BROTHER?

CRAWFORD: ABOUT ONE O'CLOCK.

VARNADOE: YOU GOT THERE ABOUT ONE O'CLOCK. OKAY. I PROBABLY KNOW THE ANSWER TO THIS NEXT QUESTION I'M ABOUT TO ASK YOU TOO. YOU SAID YOU DON'T KNOW WHAT KIND OF CAR YOU GOT BROUGHT THERE IN, YOU BUMMED A RIDE... WHO WAS THE PERSON YOU BUMMED THE RIDE FROM?

CRAWFORD: A GUY NAMED JAY-JAY.

VARNADOE: JAY-JAY. THAT'S ALL YOU KNOW HIM AS?

CRAWFORD: THAT'S ALL I KNOW.

VARNADOE: ALL RIGHT. YOU GOT THERE AROUND ONE O'CLOCK. THEN WHAT HAPPENED?

CRAWFORD: (SILENCE)

WALLACE: BEFORE YOU ANSWER THAT, HOW MANY PEOPLE WERE IN THE CAR?

CRAWFORD: (INAUDIBLE – SPEAKING OVER EACH OTHER)...

WALLACE: YOU, DEQUAN, JAY-JAY, AND WHO ELSE?

CRAWFORD: JUST US THREE.

WALLACE: HUH?

CRAWFORD: THERE WAS JUST THE THREE OF US.

WALLACE: THE THREE OF Y'ALL?

CRAWFORD: (INAUDIBLE RESPONSE)

WALLACE: OKAY.

VARNADOE: I JUST WANNA REMIND YOU THAT THIS IS BEING RECORDED... THAT YOU'RE ON VIDEO.

CRAWFORD: UH HUH... (AFFIRMATIVE RESPONSE).

VARNADOE: OKAY. I'M JUST GONNA REMIND YOU, THAT WAY YOU CAN BE VERY SPECIFIC BECAUSE I WANT YOUR STORY TO ALWAYS BE THE SAME. AND...

CRAWFORD: IT WILL.

VARNADOE: ... BECAUSE IF WE HAVE OTHER THINGS THAT SHOW US OTHERWISE, THAT YOU'RE NOT TELLING US THE TRUTH, THAT'S GONNA BE AN ISSUE.

CRAWFORD: I GOT NO REASON TO LIE ABOUT IT.

VARNADOE: OKAY. I JUST WANNA REMIND YOU OF THAT. YOU KNOW WHAT I MEAN? JUST REMIND YOU THAT YOU'RE BEING RECORDED.

CRAWFORD: (INAUDIBLE RESPONSE)

VARNADOE: OKAY, SO IT WAS YOU, DEQUAN AND JAY-JAY IN THE CAR... THAT YOU DON'T KNOW WHAT KIND IT IS?

CRAWFORD: (INAUDIBLE RESPONSE)

VARNADOE: ALL RIGHT. YOU GOT THERE AROUND ONE O'CLOCK?

CRAWFORD: (INAUDIBLE RESPONSE)

VARNADOE: OKAY. YEAH, YOU GO AHEAD AND TELL US ABOUT YOUR NIGHT THERE ONCE YOU GOT THERE AT ONE O'CLOCK.

CRAWFORD: I HAD A COUPLE DRINKS. PLAYED SOME POKER... (INAUDIBLE)...

VARNADOE: DID YOU STAY AROUND YOUR BROTHER THE WHOLE TIME? DID YOU STAY AROUND JAY-JAY THE WHOLE TIME? OR DID YOU KIND OF MOVE AROUND AND MINGLE?

CRAWFORD: I MOVED AROUND A LITTLE BIT.

VARNADOE: DEQUAN STAYED BY YOU THE WHOLE TIME?

CRAWFORD: HE WAS GOING ABOUT HIS BUSINESS.

VARNADOE: OKAY. WHAT TIME DID Y'ALL FINALLY DECIDE TO LEAVE?

CRAWFORD: I DON'T KNOW WHAT TIME IT WAS. IT WAS WHEN EVERYBODY WAS LEAVING.

VARNADOE: EVERYBODY WAS LEAVING BECAUSE IT WAS CLOSING DOWN TIME?

CRAWFORD: (INAUDIBLE RESPONSE)

VARNADOE: ALL RIGHT. SO WHEN EVERYBODY STARTED BAILING OUT, DID YOU LIKE CAME INSIDE FOR A LITTLE BIT, OR HANG IN THE PARKING LOT FOR A LITTLE BIT, OR WHAT?

CRAWFORD: (INAUDIBLE RESPONSE)

WALLACE: AND I'LL TELL YOU THAT ACCORDING TO THE CAMERA... ACCORDING TO THE CAMERA AND VIDEO FOOTAGE, EVERYBODY WAS KIND OF LEAVING AROUND THREE THIRTY... THAT'S ABOUT RIGHT?

VARNADOE: IT WAS THREE SOMETHING.

WALLACE: YEAH. OKAY.

CRAWFORD: (INAUDIBLE MUMBLING)...

VARNADOE: YOU JUST KNEW IT WAS TIME 'CAUSE EVERYBODY WAS GETTING OUT OF THERE?

CRAWFORD: (INAUDIBLE RESPONSE)

VARNADOE: OKAY. THEN TELL US WHAT HAPPENED.

CRAWFORD: A FIGHT BROKE OUT.

VARNADOE: OKAY. TELL ME ABOUT THE PEOPLE IN THE FIGHT.

CRAWFORD: (INAUDIBLE RESPONSE)

VARNADOE: 'CAUSE YOU KNOW... JUST LIKE I KNOW A LOT OF YOU, A LOT OF YOU KNOW ME... LIKE Y'ALL HANG OUT IN PLACES AND KNOW EACH OTHER.

CRAWFORD: UH HUH... (AFFIRMATIVE RESPONSE)

VARNADOE: SO WHO WAS FIGHTING AND WHY?

CRAWFORD: I DON'T KNOW THE REASON... (INAUDIBLE MUMBLE)... WITH MY BROTHER, AND HE GOT BEAT UP.

VARNADOE: HE WAS FIGHTING WITH YOUR BROTHER?

CRAWFORD: UH HUH... (AFFIRMATIVE RESPONSE)...

VARNADOE: DID HE HAVE AN ONGOING BEEF WITH YOUR BROTHER?

CRAWFORD: (NO RESPONSE)

VARNADOE: I MEAN, I KNOW I HAVE A BROTHER. AND IF MY BROTHER HAD A BEEF WITH SOMEBODY, I KNOW IT... BECAUSE WE'RE BROTHERS. IF NOBODY ELSE HAS MY BACK I KNOW HE DOES. AND I WOULD THINK YOU AND DEQUAN THE SAME WAY. SO IF MY BROTHER HAS A PROBLEM, YEAH I'M GONNA COME TO HIS AID TOO. YOU CAN BELIEVE THAT. AND HE'S MY YOUNGER BROTHER. SO WHO WAS HIS BEEF WITH? WHO WAS HE FIGHTING?

CRAWFORD: I KNOW THEY CALL HIM ANT, OR SOMETHING LIKE THAT.

VARNADOE: ANNA?

CRAWFORD: ANT.

VARNADOE: OH, ANT?

CRAWFORD: (INAUDIBLE RESPONSE)

VARNADOE: ANT OR ANTHONY?

CRAWFORD: I KNOW HIM BY ANT. I DON'T KNOW HIS FULL NAME, OR STREET NAME.

VARNADOE: ALL RIGHT. HE ROLLED UP ON DEQUAN, OR HOW'D THE FIGHT START?

CRAWFORD: HE SWUNG AT MY BROTHER, I GUESS.

VARNADOE: BUT WERE THEY TALKING FIRST, TALKING TRASH, LIKE WAS HE SAYING SOMETHING THREATENING OR...

CRAWFORD: THERE WAS NO TALK.

VARNADOE: HE JUST COME UP TO DEQUAN AND STARTED SWINGING ON HIM.

CRAWFORD: (INAUDIBLE RESPONSE)

VARNADOE: I'VE SEEN A LOT OF FIGHTS. USUALLY SOMEBODY JUST DON'T PICK SOMEBODY OUT THE BLUE THEY WANNA FIGHT AND WALK UP TO 'EM AND SWING ON 'EM. IT'S USUALLY THEY HAD AN ONGOING ISSUE OR SOMETHING WAS SAID RIGHT THEN.

CRAWFORD: I PROMISE YOU IT DIDN'T HAVE ANYTHING TO DO WITH...

VARNADOE: (INTERRUPTING AND SPEAKING OVER EACH OTHER)... HOW CLOSE WERE YOU TO DEQUAN WHEN HE COME UP TO HIM... WHEN ANT COME UP TO HIM AND SWUNG ON HIM?

CRAWFORD: ABOUT FROM HERE TO THAT DOOR.

VARNADOE: ALL RIGHT... SO WHEN HE SWUNG, DID DEQUAN DEFEND HIMSELF?

CRAWFORD: (INAUDIBLE RESPONSE)...

VARNADOE: ALL RIGHT. HOW LONG DID THEY FIGHT? LIKE DID

THEY FIGHT TILL DEQUAN KNOCKED HIM OUT, OR HE KNOCKED DEQUAN OUT, OR...

CRAWFORD: IT WASN'T LONG.

VARNADOE: ... OR THEY JUST STOPPED FIGHTING, I MEAN, HOW'D THE FIGHT END?

CRAWFORD: WHEN IT GOT BROKE UP IN THE MIDDLE OF THE ROAD... WELL ON THE SIDE OF THE ROAD.

VARNADOE: SOMEBODY BROKE THEM UP ON THE SIDE OF THE ROAD...

CRAWFORD: (INAUDIBLE RESPONSE)

VARNADOE: DEQUAN AND ANTHONY?

CRAWFORD: (INAUDIBLE RESPONSE)

VARNADOE: THEY BROKE 'EM UP?

CRAWFOD: (INAUDIBLE RESPONSE)

VARNADOE: ALL RIGHT. KEEP GOING.

CRAWFORD: AFTER THE FIGHT WAS OVER WE LEFT.

VARNADOE: THAT'S NOT HOW IT ENDED.

CRAWFORD: WHO BROKE THE FIGHT UP?

VARNADOE: YOU WERE STANDING...

CRAWFORD: THERE WAS SO MANY PEOPLE OUT THERE.

VARNADOE: ...YOU WERE STANDING FROM HERE TO THAT DOOR. IF I'M STANDING FROM HERE TO THAT DOOR FROM MY BROTHER, I DON'T CARE HOW MANY PEOPLE'S OUT THERE, MY EYES IS ON HIM...

NOT ONLY THAT, I'M COMING TO HELP.

CRAWFORD: IT WAS ONE ON ONE. I KNOW MY BROTHER CAN FIGHT.

VARNADOE: MAN, LOOK HERE. I'M GONNA BE RIGHT THERE. BECAUSE YOU KOW HOW PEOPLE LIKE TO JUMP IN. YOU WERE RIGHT THERE NEXT TO HIM.

CRAWFORD: NOBODY JUMP IN.

VARNADOE: WHO BROKE 'EM UP?

CRAWFORD: IT WAS A LOT OF PEOPLE OUT THERE. I DON'T KNOW THE SPECIFICS, OR WHO BROKE IT UP, BUT SOMEBODY BROKE IT UP.

VARNADOE: YEAH, THEY BROKE IT UP RIGHT IN FRONT OF YOU. AND EVERYBODY KNOWS WHO THEY ARE.

CRAWFORD: THEN WHO BROKE 'EM UP?

VARNADOE: I'M NOT THE ONE... I DON'T HAVE TO... YOU DON'T ASK ME THE QUESTIONS. I ASK YOU THE QUESTIONS.

CRAWFORD: I UNDERSTAND THAT.

VARNADOE: NOW WHO BROKE 'EM UP?

CRAWFORD: IF I KNEW I WOULD'VE TOLD YOU. I DON'T KNOW WHO BROKE IT UP. THERE WAS A LOT OF PEOPLE OUT THERE. I WAS TRYING TO BREAK IT UP, BUT I COULDN'T. THEY KEPT FIGHTING.

VARNADOE: YOU EVER HEARD THE OLD CORNY SAYING, WHEN WE BRING YOU IN HERE WE ALREADY KNOW A LOT OF THE FACTS...

AND WE ASK YOU A LOT OF QUESTIONS JUST TO SEE WHAT YOU GONNA SAY TO US? YOU EVER HEARD THAT?

CRAWFORD: UH HUH... (ANSWERING IN AFFIRMATIVE RESPONSE)

VARNADOE: YOU KNOW ABOUT THE FIRST FORTY-EIGHT. YOU DONE WATCHED T.V. BEFORE.

CRAWFORD: UH HUH... (ANSWERING IN AFFIRMATIVE RESPONSE)

VARNADOE: A LOT OF THESE QUESTIONS I'M ASKING YOU ARE NOT BY ACCIDENT. ME COMING TO YOUR HOUSE TODAY WAS NOT BY ACCIDENT. I WANNA SEE WHAT YOU GONNA SAY. I WANNA SEE WHAT DEQUAN IS GONNA SAY. WHY DO YOU THINK I WAS ASKING FOR HIM SPECIFICALLY? 'CAUSE BOTH OF Y'ALL KNOW WHO BROKE THEM UP... FROM FIGHTING, I MEAN. AND YOU KNOW HOW THEY BROKE 'EM UP. IT'S SOMETHING YOU CAN'T HIDE. IT'S SOMETHING YOU CAN'T MISS. AND BY YOU TELLING ME YOU DON'T KNOW... YOU LYING TO ME. THERE'S NO WAY.

WALLACE: ESPECIALLY SINCE IT'S NOT YOUR AVERAGE BREAK UP.

VARNADOE: AND DIRECTLY IN FRONT OF YOUR FACE.

WALLACE: WE NOT THROWING ANY PUNCHES ON THIS CASE. WE GIVING EVERYBODY A FAIR OPPORTUNITY.

VARNADOE: THIS IS A CHANCE FOR YOU TO FREE YOU.

WALLACE: 'CAUSE WHEN THE SHIT HITS THE FAN...

VARNADOE: (INTERRUPTING AND SPEAKING OVER EACH

OTHER)... IT'S GONNA HIT THE FAN TOO.

CRAWFORD: I'M TELLING YOU EVERYTHING I KNOW.

WALLACE: WHEN IT HITS THE FAN...

VARNADOE: IT'S GONNA SLING EVERYWHERE WHEN IT HITS THAT FAN, AND THERE'S GONNA BE ALL KIND OF PEOPLE TO GO DOWN WITH IT.

WALLACE: (INAUDIBLE)

VARNADOE: YEAH.

CRAWFORD: IT AIN'T GOT NOTHING TO DO WITH ME.

WALLACE: IT'S GOT SOMETHING TO DO WITH YOU NOW, 'CAUSE YOU WERE THERE.

VARNADOE: YOU WERE THERE AND YOU WERE CLOSE TO THE INCIDENT WHEN IT HAPPENED. YOU WERE DOING FINE UP UNTIL THE POINT WHERE THE FIGHT BROKE UP. YOU WERE TALKING TO ME, AND THEN THEY BROKE UP THE FIGHT AND ALL OF A SUDDEN YOU DIDN'T WANNA TALK TO ME NO MORE, AND YOU DIDN'T WANNA TELL ME THINGS NO MORE.

CRAWFORD: 'CAUSE THAT WAS THE END OF THE FIGHT.

VARNADOE: WE KNOW WHAT HAPPENED... WE KNOW WHAT HAPPENED WHEN THE FIGHT WAS BROKE UP... 'CAUSE WE KNOW WHAT HAPPENED TO THE PEOPLE WHO BROKE THE FIGHT UP. YOU KNOW I ALREADY KNOW THAT.

CRAWFORD: I DON'T KNOW... (INAUDIBLE MUMBLE)...

VARNADOE: (LAUGHING)...

WALLACE: WHAT DID YOU HEAR? SINCE YOU DIDN'T SEE NOTHING, WHAT DID YOU HEAR? EVERYBODY IN THE PARKING LOT HEARD IT SO YOU MUST'VE HEARD IT... UNLESS YOU'RE DEAF.

CRAWFORD: I HEARD SHOTS.

WALLACE: OH...

VARNADOE: BEING THAT IT WAS RIGHT THERE AT YOU, YOU HAD TO HEAR IT.

CRAWFORD: I MEAN, EVERYBODY HEARD IT. THE SHIT WAS LOUD.

VARNADOE: YEAH, I MEAN EVEN THE PEOPLE WHO WERE FAR AWAY... UNLIKE YOURSELF, 'CAUSE YOU WERE CLOSE.

WALLACE: SO WHY YOU DIDN'T MENTION THAT?

CRAWFORD: 'CAUSE YOU DIDN'T ASK.

WALLACE: OH...

VARNADOE: NO, I ASKED...

CRAWFORD: (INTERRUPTING AND SPEAKING OVER EACH OTHER)... THAT WAS AFTER THE FACT.

VARNADOE: I ASKED YOU TO TELL ME WHAT HAPPENED ...

WALLACE: AND YOU SAID... (INAUDIBLE... SPEAKING OVER EACH OTHER)...

VARNADOE: ... AND WHEN YOU GET TO THAT PART ABOUT THE BREAK UP...

WALLACE: (INTERRUPTING AND SPEAKING OVER EACH OTHER)... AND THEN YOU SAY... AND THEN YOU SAID WE LEFT.

VARNADOE: YEAH, YOU SAID YOU LEFT.

WALLACE: YOU DON'T THINK... (LAUGHING)...

VARNADOE: MAN, COME ON...

WALLACE: YOU DON'T THINK WE LISTENING?

CRAWFORD: I KNOW YOU LISTENING, BUT HE BROUGHT IT UP.

VARNADOE: YOU FAILED TO MENTION THE PART ABOUT THE SHOTS BEING FIRED? OH, WE JUST LEFT... I AIN'T GONNA TELL HIM ABOUT THE GUN GOING OFF.

WALLACE: YOU DON'T THINK THAT'S IMPORTANT TO MENTION?

CRAWFORD: NAW, THAT SHIT WAS BEHIND ME. I DIDN'T KNOW WHO WAS FIRING...

VARNADOE: (INTERRUPTING)... IT DOESN'T MATTER. HOW YOU NOT GONNA BRING THAT UP? SEE, THAT SHOWS US THAT YOU'RE TRYING TO... UH... BE EVASIVE.

CRAWFORD: I'M NOT BEING EVASIVE.

[redacted]

WALLACE: LOOK, YOU ALREADY KNOW...

CRAWFORD: (INAUDIBLE MUMBLING – SPEAKING OVER EACH OTHER)...

VARNADOE: ... YOU ALREADY KNOW WHY WE IN THIS ROOM. YOU ALREADY KNOW. US AS POLICE, WE GET IT SECOND. WE GET INFORMATION SECOND. WE GET IT LAST. FIRST PLACE THAT GETS IT IS THE STREETS. THEY GET THE INFO., THEY SEE IT. THEY GET IT FIRST, THEN WE GET IT. THAT'S THE WAY IT WORKS. SO IF WE KNOW WHY WE IN THIS ROOM... ME AND MR. WALLACE... I KNOW YOU KNOW WHY WE IN THIS ROOM.

CRAWFORD: I ACTUALLY (INAUDIBLE MUMBLE)...

VARNADOE: (INTERRUPTING AND SPEAKING OVER CRAWFORD)... YOU WERE STANDING AT THE SCENE... IN THE SPOT WHERE TWO PEOPLE GOT SHOT. YOU WERE RIGHT THERE. YOU CAN'T SAY YOU WASN'T. MR. LEON'S GOT CAMERAS OUT THERE, YOU KNOW?

CRAWFORD: I KNOW.

VARNADOE: AND NOT ONLY DO HE HAVE CAMERAS OUT THERE, BUT WE HAVE PEOPLE WHO WRITE STATEMENTS AND TALK TO US TOO, THAT CORROBORATE THAT. SO I WANTED TO BRING YOU IN HERE AND SEE WHAT YOU WAS GONNA TELL ME.

CRAWFORD: (SILENCE)...

[redacted]

[redacted] [redacted]

VARNADOE: ALL RIGHT. THEN WHEN YOUR BROTHER GOT IN THAT FIGHT AND IT GOT BROKE UP BY THE SECURITY GUARDS, AND SHOTS GOT FIRED, WHO FIRED THE SHOTS AT THAT SECURITY GUARD, AND THE OTHER SECUIRTY GUARD... AND KILLED ONE AND THE OTHER ONE IS STILL IN I.C.U.?

CRAWFORD: I DON'T KNOW ABOUT THAT.

VARNADOE: BE CAREFUL WHAT YOU SAY RIGHT NOW.

CRAWFORD: I DON'T KNOW WHO FIRED THE SHOTS. THEY CAME FROM BEHIND ME.

VARNADOE: HMM...

CRAWFORD: I MEAN, I WAS SCARED TOO.

VARNADOE: YEAH, I WOULD BE TOO. IF BULLETS WAS FLYING AROUND ME, I'D BE SCARED TOO.

CRAWFORD: YEAH.

VARNADOE: (BRIEF PAUSE)... YOU THINK I'M LYING? YOU THINK I WAS TRYING TO SCARE YOU?

CRAWFORD: I DIDN'T SAY YOU WAS.

VARNADOE: YOU MIGHT NOT BELIEVE ME.

CRAWFORD: I GOT ONE QUESTION, THOUGH.

VARNADOE: YES, SIR.

CRAWFORD: HOW COME Y'ALL HADN'T READ ME MY MIRANDA RIGHTS YET?

VARNADOE: BECAUSE YOU'RE NOT UNDER ARREST. YOU CAN LEAVE AT ANY TIME.

CRAWFORD: WELLTHEN WHY Y'ALL GOT ME SITTING HERE?

VARNADOE: WE TOLD YOU. WE WANTED OUR CONVERSATION TO BE RECORDED.

CRAWFORD: OKAY.

VARNADOE: THAT'S WHY. WE WANTED IT TO BE RECORDED AND IN A LOCATION WHERE EVERYBODY AIN'T LOOKING AT OUR MOUTH... LIKE IN YOUR YARD, OR ANYWHERE ELSE IN THE STREETS.

CRAWFORD: I UNDERSTAND. I UNDERSTAND.

VARNADOE: OKAY? I TOLD YOU THAT YOU ARE NOT UNDER ARREST. I TOLD YOU IF WE HAD WARRANTS FOR YOU, YOU'D BE IN HANDCUFFS.

CRAWFORD: BUT I FIGURED SINCE YOU ... (INAUDIBLE DUE TO INTERRUPTION)...

VARNADOE: (INTERRUPTING AND SPEAKING OVER CRAWFORD)... I BROUGHT YOU HERE IN MY CAR... I BROUGHT YOU HERE IN MY CAR, BUT YOU CAN LEAVE OUT THIS DOOR AND WALK DOWN THE ROAD.

CRAWFORD: I AIN'T TRYING TO DO THAT. I AIN'T LOST NOTHING OVER THERE.

VARNADOE: NO, I MEAN WALK BACK HOME. YOU CAN WALK BACK. YOU DON'T HAVE TO STAY HERE.

CRAWFORD: Y'ALL DON'T UNDERSTAND. IT'S HOT OUTSIDE. Y'ALL DONE BROUGHT ME ALL THE WAY FROM HOME AND Y'ALL WANT ME TO WALK BACK? (LAUGHING)...

VARNADOE: I DONE GIVE YOU A CIGARETTE, WHAT MORE DO YOU WANT?

CRAWFORD: I NEED ANOTHER CIGARETTE NOW.

WALLACE: (LAUGHING)...

VARNADOE: (LAUGHING)... I BET YOU DO. BECAUSE WE KNEW YOU WERE RIGHT THERE, IT WOULD BE CRAZY, AND WE WOULD BE WRONG TO NOT BRING YOU IN HERE AND TALK TO YOU. DON'T YOU THINK?

CRAWFORD: (INAUDIBLE)...

VARNADOE: THAT WOULD BE AN OFFICER NOT DOING THEIR JOB, RIGHT?

CRAWFORD: YEAH, THAT'S YOUR JOB.

VARNADOE: 'CAUSE WE GET ACCUSED ALL THE TIME OF NOT DOING OUR JOB. THEY AIN'T DOING THEIR JOB. THEY KNOW WHO DID IT AND THEY AIN'T DOING NOTHING. WE NOT GONNA BE ACCUSED OF THAT IN THIS DEPARTMENT. YOU THINK YOU THE ONLY ONE WE GONNA BRING IN HERE TO TALK TO? YOU THINK YOU THE ONLY ONE WE'VE TALKED TO ALREADY?

CRAWFORD: UH UH... (INAUDIBLE)

VARNADOE: NO. YOU ARE ONE OF MANY. AND I WOULD LOVE

TO SPEAK TO MR. DEQUAN. AND YOU LET HIM KNOW THAT. I'M SURE HE'S DONE GOT THE WORD. I'M SURE SOMEBODY'S DONE CALLED AND LET HIM KNOW.

CRAWFORD: I TRIED TO GET IN TOUCH WITH HIM BUT HE WAS OVER AT CHOPPER'S... (INAUDIBLE – SPEAKING OVER EACH OTHER)...

VARNADOE: BUT I'M SURE HE ALREADY KNOWS. (BRIEF PAUSE)... SO YOU DON'T SEE ANYTHING ONCE THE SHOTS GET FIRED...

WALLACE: HOW MANY SHOTS WERE THERE?

CRAWFORD: I HEARD THREE.

WALLACE: THREE?

CRAWFORD: (INAUDIBLE RESPONSE)

WALLACE: CAN YOU REMEMBER HOW FAR APART THEY WERE?

CRAWFORD: LIKE RAPID... LIKE POW, POW, POW (MAKING SHOOTING SOUNDS)... THEN EVERYBODY JUST START RUNNING.

VARNADOE: WHAT CAR DID YOU JUMP IN?

CRAWFORD: A BLACK TRAIL BLAZER.

VARNADOE: YOU JUMPED IN A BLACK TRAIL BLAZER?

CRAWFORD: WHEN I WAS LEAVING?

VARNADOE: YEAH.

CRAWFORD: UH HUH... (AFFIRMATIVE RESPONSE)... MY COUSIN'S CAR. WHEN THE SHOOTING STARTED THE PERSON I WAS RIDING

WITH, HE WAS GONE, SO...

VARNADOE: AND HE LEFT YOU THERE?

CRAWFORD: YEAH. SO I HAD TO FIND ANOTHER WAY.

VARNADOE: THE BLACK TRAIL BLAZER... WHERE WAS IT PARKED AT?

CRAWFORD: I DON'T KNOW THAT...

VARNADOE: (INTERRUPTING)... IF YOU'RE LOOKING AT THE CLUB... (INAUDIBLE – SPEAKING OVER EACH OTHER)...

CRAWFORD: (INTERRUPTING)... AROUND THE RIGHT SIDE.

VARNADOE: ON THE RIGHT SIDE?

CRAWFORD: UH HUH... (AFFIRMATIVE RESPONSE).

VARNADOE: YOU SAY HE'S YOUR COUSIN. I KNOW ALL MY COUSIN'S NAMES. I KNOW THEIR FIRST AND LAST NAMES. AND YOU ABOUT TO TELL ME A NAME... I GUARANTEE YOU I ALREADY KNOW IT. WHO... WHO'S VEHICLE DID YOU JUMP IN?

CRAWFORD: MY COUSIN, PEE-WEE.

VARNADOE: PEE-WEE?

CRAWFORD: UH HUH... (AFFIRMATIVE RESPONSE).

VARNADOE: YOU GIVE ME A NICKNAME. WHAT'S PEE-WEE'S REAL NAME?

CRAWFORD: I DON'T KNOW HIS REAL NAME.

VARNADOE: HOW YOU GONNA... I JUST GOT FINISHED TELLING YOU I KNOW ALL MY COUSIN'S REAL NAMES. HOW YOU DON'T

KNOW YOUR COUSIN'S REAL NAME?

CRAWFORD: 'CAUSE WE FAMILY DOWN THE LINE. I DON'T KNOW HIM ALL PERSONAL LIKE THAT.

VARNADOE: BUT YOU JUMPED IN ANOTHER VEHICLE... WHERE'D DEQUAN GO?

CRAWFORD: I DON'T KNOW.

VARNADOE: SO YOU SAYING DEQUAN DIDN'T LEAVE WITH YOU?

CRAWFORD: I WAS LOOKING FOR HIM... (INAUDIBLE)...

VARNADOE: (INTERRUPTING AND SPEAKING OVER EACH OTHER)... YOU SAYING DEQUAN DIDN'T LEAVE WITH YOU. THAT'S WHAT YOU'RE SAYING, RIGHT?

CRAWFORD: YES, SIR.

VARNADOE: YOU GOTTA SPEAK UP FOR THE RECORD, OKAY. WHO'S TWIN?

CRAWFORD: TWIN?

VARNADOE: UH HUH...

CRAWFORD: I DON'T KNOW. THERE'S PLENTY OF TWINS IN WALTERBORO.

VARNADOE: YEAH, I KNOW THERE'S PLENTY OF TWINS IN WALTERBORO. THEY DON'T CALL THEM ALL TWIN, THOUGH.

CRAWFORD: I DON'T KNOW. WHAT ABOUT TWIN.

VARNADOE: HE DRIVES A BLACK TRAIL BLAZER AND IT WAS PARKED ON THE RIGHT SIDE OF THE CLUB.

CRAWFORD: WELL THEN I GUESS THAT'S THE TWIN YOU TALKING ABOUT.

VARNADOE: UH HUH... AND THAT'S NOT THE TRAIL BLAZER YOU JUMPED IN?

CRAWFORD: YEAH.

VARNADOE: WHY DIDN'T YOU JUST TELL ME THAT TO START WITH?

CRAWFORD: (SILENCE)

VARNADOE: WHY I GOTTA CATCH YOU IN A LIE FIRST?

CRAWFORD: YOU AIN'T CATCHING ME IN A LIE. YOU SAID WHO WAS TWIN, RIGHT?

VARNADOE: YEAH. WELL WHO IS PEE-WEE?

CRAWFORD: THE TWIN THAT YOU TALKING ABOUT.

VARNADOE: OH, IS IT? IT'S THE SAME PERSON?

CRAWFORD: (INAUDIBLE)...

VARNADOE: SO TWIN HAS TWO NICKNAMES NOW?

CRAWFORD: I DON'T CALL HIM TWIN. I CALL HIM PEE-WEE.

VARNADOE: BUT YOU KNEW WHO I WAS REFERRING TO WHEN I SAID THAT, RIGHT?

CRAWFORD: WHEN YOU SAID HE WAS DRIVING THE BLACK TRAIL BLAZER.

VARNADOE: UH HUH...

CRAWFORD: HE'S THE ONLY TWIN I KNOW THAT DRIVES A

BLACK TRAIL BLAZER.

VARNADOE: OKAY. WAS HIS BROTHER THERE? WAS HIS TWIN BROTHER THERE?

CRAWFORD: I DIDN'T SEE HIS TWIN BROTHER. HE MIGHT HAVE BEEN THERE, BUT I DIDN'T SEE HIM.

VARNADOE: WHERE DID TWIN... WELL, LET ME SAY IT YOUR WAY... WHERE DID PEE-WEE TAKE YOU?

CRAWFORD: WALTERBORO.

VARNADOE: PEE-WEE TOOK YOU ALL THE WAY TO WALTERBORO?

CRAWFORD: (INAUDIBLE)...

VARNADOE: YOU SURE?

CRAWFORD: UH HUH... (AFFIRMATIVE RESPONSE)...

VARNADOE: JUST YOU?

CRAWFORD: (INAUDIBLE)...

VARNADOE: YOU THE ONLY ONE THAT JUMPED IN THE VEHICLE WITH HIM.

CRAWFORD: I GUESS.

VARNADOE: HE WAS DRIVING PRETTY FAST?

CRAWFORD: (INAUDIBLE)...

VARNADOE: NO?

CRAWFORD: NOT REALLY.

VARNADOE: HE TOOK YOU TO OAK CIRCLE?

CRAWFORD: (INAUDIBLE)...

VARNADOE: YOU SURE?

CRAWFORD: TOOK ME TO THE SAME PLACE THEY PICKED ME UP FROM.

VARNADOE: THEN WHAT DID YOU DO?

CRAWFORD: (INAUDIBLE RESPONSE)...

VARNADOE: HOW ABOUT IF I TOLD YOU WHEN I GOT TO CLUB LEON'S, THAT TWIN WAS PARKED IN THE PARKING LOT AND I TALKED TO HIM... PEE-WEE, AS YOU CALL HIM. HE WAS PARKED RIGHT THERE ON THE SIDE OF THE CLUB. I EVEN SEARCHED HIS VEHICLE. (BRIEF PAUSE)... HOW YOU THINK THAT HAPPENED?

[redacted]

VARNADOE: WHERE'S HE LIVE?

CRAWFORD: I COULDN'T TELL YOU.

VARNADOE: WHY I GOTTA SQUEEZE...

CRAWFORD: (INTERRUPTING – SPEAKING OVER EACH OTHER)...

JUST BECAUSE HE'S MY FAMILY DON'T MEAN ...

[redacted]

CRAWFORD: JUST BECAUSE HE'S MY FAMILY ...

VARNADOE: IT'S LIKE GETTING BLOOD OUT OF A TURNIP. (INAUDIBLE MUMBLE)... I GOT ON SCENE, OTHER POLICE OFFICERS WERE ON SCENE, AND THAT TRAIL BLAZER WAS PARKED OVER THERE IN A PARKING SPOT, AND HE WAS OUTSIDE TALKING TO PEOPLE. [redacted]

[redacted]

CRAWFORD: I GUESS HE DROVE FAST. I DON'T KNOW.

VARNADOE: HE WASN'T DRIVING NO CHARGER. HE WAS DRIVING A TRAIL BLAZER. AND MY CAR COULDN'T MAKE THAT EITHER.

WALLACE: SO YOU'RE SAYING HE DROPPED YOU OFF FIRST AND THEN HE CAME BACK?

[redacted]

YOU SMILING. I'LL GO HOME TONIGHT. I WASN'T AT CLUB LEON'S. I'M NOT THE SUSPECT. YOU A POTENTIAL. YOU A PERSON OF INTEREST.

CRAWFORD: SO NOW I'M A PERSON OF INTEREST?

VARNADOE: YOU'VE ALWAYS BEEN A PERSON OF INTEREST. SO WAS TWIN. SO WAS A LOT OF OTHER PEOPLE OUT THERE. SO WAS DEQUAN. I DON'T HAVE WARRANTS FOR NONE OF YOU... YET.

CRAWFORD: YOU AIN'T GONNA NEED NO WARRANT FOR ME.

[redacted]

CRAWFORD: I DON'T HAVE NOTHING TO LIE ABOUT TO YOU OR MR. WALLACE.

WALLACE: I WOULD LOVE TO BELIEVE THAT, BUT YOUR ACTIONS SPEAK LOUDER THAN WORDS, AND YOUR WORDS ARE NOT REALLY CONSISTENT, BASED ON...

VARNADOE: (INTERRUPTING)... YOU KNEW I WAS GONNA SAY I KNEW HIM... AND I SEEN HIS TRUCK THERE AND I SEARCHED HIS VEHICLE. YOU KNEW I WAS GONNA SAY ALL THAT. 'CAUSE HE WASN'T THERE BY HIMSELF.

CRAWFORD: (SPEAKING OVER EACH OTHER)... THAT AIN'T GOT NOTHING TO DO WITH ME.

VARNADOE: SO YOU MEAN TO TELL ME...

CRAWFORD: (INTERRUPTING AND SPEAKING OVER EACH OTHER)... OF COURSE IT'S GOT SOMETHING TO DO WITH YOU.

VARNADOE: 'CAUSE I GOT YOU ON TAPE NOW. YOU JUMPED IN THERE AND YOU THE ONLY ONE THAT JUMPED IN THERE WITH HIM, AND HE TOOK YOU HOME. [redacted]

CRAWFORD: (LAUGHING)...

VARNADOE: THERE AIN'T NOTHING SLOW ABOUT ME, MAN.

CRAWFORD: I NEVER SAID THERE WAS.

VARNADOE: I KNOW. SOMETIMES I GOT TO REMIND PEOPLE, THOUGH. 'CAUSE THEY GET LOST SOMETIMES. YOU WANNA GO BACK AND SAY OH YEAH I FORGOT SOMETHING? YOU HAVE ANYTHING ELSE YOU NEED TO TELL ME OR GO BACK ON... OR GO BACK OVER? MAYBE YOU WERE NOT QUITE AS ACCURATE AS YOU WANTED TO BE IN THE END?

CRAWFORD: NO.

VARNADOE: YOU WANT EVERY... ALL YOUR STATEMENTS TO

STAY THE SAME?

CRAWFORD: UH HUH... (AFFIRMATIVE RESPONSE).

WALLACE: YOU SURE?

CRAWFORD: YES, SIR.

WALLACE: ALL RIGHT.

CRAWFORD: (INAUDIBLE RESPONSE)...

VARNADOE: IT'S DAMIEN, RIGHT?

CRAWFORD: WHO HIM?

VARNADOE: THAT'S HIS NAME, RIGHT?

CRAWFORD: HIS NAME IS TWIN.

VARNADOE: HIS REAL NAME. YOUR COUSIN... YOU DON'T KNOW HIS FIRST NAME?

WALLACE: PEE-WEE.

VARNADOE: YEAH, PEE-WEE... (INAUDIBLE)...

CRAWFORD: (INTERRUPTING – SPEAKING OVER EACH OTHER)... Y'ALL KEEP MAKING UP ALL THESE NAMES AND STUFF NOW...

VARNADOE: I'M NOT MAKING NO NAMES. I'M TELLING YOU WHO DRIVES THAT BLACK TRAIL BLAZER. HE IS A TWIN.

CRAWFORD: I KNOW HE'S A TWIN.

VARNADOE: AND HE WAS THERE AT THE CLUB. AND I TALKED TO HIM. AND HIS REAL NAME... I JUST TOLD YOU WHAT IT WAS... SINCE YOU SAY YOU DON'T KNOW YOUR COUSIN'S REAL NAME.

CRAWFORD: I DON'T.

WALLACE: THAT'S BAD WE KNOW MORE ABOUT YOUR FAMILY THAT YOU DO.

VARNADOE: THAT'S SAD.

WALLACE: WELL MAYBE THAT'S HOW IT IS IN WALTERBORO... (LAUGHING)...

CRAWFORD: (ALSO LAUGHING)...

VARNADOE: OH, NO, NO, I LIVE HERE. THAT'S NOT HOW IT IS. UH UH... NO. THAT'S HOW IT IS FOR SOME PEOPLE, BUT THAT'S NOT ACROSS THE BOARD.

WALLACE: OKAY. JUST CHECKING.

VARNADOE: (BRIEF PAUSE)... AGAIN, YOU AIN'T SEEN NO SHOOTING... YOU WERE RIGHT BESIDE THE PERSON WHO GOT SHOT, BUT YOU DIDN'T SEE WHO SHOT HIM? IS THAT WHAT YOU SAYING?

CRAWFORD: I'M SAYING I DIDN'T SEE ANY SHOOTING.

VARNADOE: YOU SAY THAT GUY'S NAME WAS ANT, THAT'S ALL YOU KNOW?

CRAWFORD: YEP. THAT'S ALL I KNOW ABOUT HIM.

VARNADOE: IS THAT SHORT FOR ANTHONY?

CRAWFORD: THAT'S ALL I KNOW HIM AS. I DON'T KNOW WHAT IT'S SHORT... (AUDIO STOPPED HERE)...

(THERE BEING NO FURTHER AUDIO PROVIDED,
THIS TRANSCRIPTION IS CONCLUDED)

CERTIFICATE

I, BEVERLY F. COOK, NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA, CERTIFY THAT I DID TRANSCRIBE THE ABOVE AUDIO DATED MAY 31, 2016 AS PROVIDED TO ME BY THE 14TH JUDICIAL CIRCUIT SOLICITOR'S OFFICE IN WALTERBORO, SOUTH CAROLINA; THAT THE FOREGOING PAGES CONSTITUTE A TRUE AND ACCURATE TRANSCRIPT OF THE AUDIO GIVEN.

I CERTIFY THAT I AM NOT OF COUNSEL, NOR KIN TO ANY OF THE PARTIES TO THIS ACTION, NOR AM I INTERESTED IN ANY MANNER IN ITS OUTCOME.

I HAVE HEREUNTO SET MY HAND AND SEAL THIS 19TH DAY OF JUNE, 2018.

/E-Signature
06/19/2018

BEVERLY F. COOK, NOTARY PUBLIC FOR SC

MY COMMISSION EXPIRES: 01/22/2024

WITNESSES

K. Padgett, CCSO

P. Roberson, CCSO

ARREST WARRANT NUMBER

2016A1510100337

Date of Arrest: July 6, 2016

True Bill

Rooke Drawdy

Foreperson of Grand Jury

Date: 11/20/17

VERDICT

guilty

Jerald R. Davis

Foreperson of Petit Jury

Date: 6-20-18

INDICT

DOCKET NO. 2016-GS-15-00608

AMENDED

The State of South Carolina

County of Colleton

COURT OF GENERAL SESSIONS

November Term 2017

THE STATE

vs.

Andre Nicholas Crawford

Indictment For

Attempted Murder

SC Code: 16-3-29

CDR Code: 3410

2017 NOV 20 PM 3:36

COLLETON COUNTY
GENERAL SESSIONS COURT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____

hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

Kelly Padgett

C.C.C. PLS. and G.S.

582

STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

INDICTMENT

2016-GS-15-00608

At a Court of General Sessions, convened on November 20, 2017, the Grand Jurors of Colleton County present upon their oath:

Attempted Murder

That in Colleton County, South Carolina, on or about May 28, 2016, the Defendant, Andre Nicholas Crawford, did, with intent to kill and with malice aforethought, attempt to willfully kill Bruce Martin, to wit: Andre Nicholas Crawford did shoot Bruce Martin with a firearm, all in violation of Section 16-3-29, et al. of the 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.

Solicitor

WITNESSES

K. Padgett, CCSO

Phillip Roberson, CCSO

ARREST WARRANT NUMBER

2016A1510100338

Date of Arrest: July 6, 2016

True Bill

Rooke Drawdy

Foreperson of Grand Jury

Date: 11/20/17

VERDICT

guilty

Lenold R. Davis

Foreperson of Petit Jury

Date: 6-20-18

INDICT

DOCKET NO. 2016-GS-15-00609

AMENDED

The State of South Carolina

County of Colleton

COURT OF GENERAL SESSIONS

November Term 2017

THE STATE

vs.

Andre Nicholas Crawford

Indictment For

Possession of Weapon During Violent Crime

SC Code: 16-23-490

CDR Code: 0549

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I

hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

2017 NOV 20 PM 3:36

COLLETON COUNTY
GENERAL SESSIONS COURT

584

STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

INDICTMENT

2016-GS-15-00609

At a Court of General Sessions, convened on November 20, 2017, the Grand Jurors of Colleton County present upon their oath:

Possession of Weapon During Violent Crime

That in Colleton County, South Carolina, on or about May 28, 2016, the Defendant, Andre Nicholas Crawford, did possess a firearm, visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent crime, to wit: attempted murder, and Andre Nicholas Crawford was convicted of committing or attempting to commit a violent crime as defined in Section 16-1-60, to wit: attempted murder, all in violation of Section 16-23-490, et al. of the Codes of Law of South Carolina.

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

Solicitor

WITNESSES

K. Padgett, CCSO

P. Roberson, CCSO

DOCKET NO. 2016-GS-15-00610
AMENDED

The State of South Carolina

County of Colleton

COURT OF GENERAL SESSIONS

November Term 2017

THE STATE

vs.

Andre Nicholas Crawford

Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I

hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

ARREST WARRANT NUMBER

2016A1510100339

Date of Arrest: July 6, 2016

True Bill

Rooke Drawdy
Foreperson of Grand Jury
Date: 11/20/17

VERDICT

guilty

Gerald R Davis
Foreperson of Petit Jury
Date: 6-20-18

INDICT

2017 NOV 20 PM 3:36

COLLETON COUNTY
GENERAL SESSIONS COURT

586

STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

INDICTMENT

2016-GS-15-00610

At a Court of General Sessions, convened on November 20, 2017, the Grand Jurors of Colleton County present upon their oath:

Murder

That in Colleton County, South Carolina, on or about May 28, 2016, with malice aforethought, Andre Nicholas Crawford did kill and murder Jesse N. Guy by means of shooting him with a gun, and that Jesse N. Guy did die in Charleston County as a proximate result thereof on May 28, 2016; in violation of Section 16-3-10 of the 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.

Solicitor

WITNESSES

Chapman, CCSO

ARREST WARRANT NUMBER

2016A1510100268

Date of Arrest: June 1, 2016

ACTION OF GRAND JURY

True Bill

Rooke Drawdy

Foreperson of Grand Jury

Date: 10/26/17

VERDICT

guilty

Gerald R. Davi

Foreperson of Petit Jury

Date: 5-20-18

INDICT

DOCKET NO. 2016-GS-15-00481

The State of South Carolina

County of Colleton

COURT OF GENERAL SESSIONS

October Term 2017

THE STATE

vs.

Andre Nicholas Crawford

Indictment For

Obstruction of Justice

SC Code: CL-0118-00
Common Law

CDR Code: 0118

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I

hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

2017 OCT 26 AM 11:28

COLLETON COUNTY
GENERAL SESSIONS COURT

588

STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

INDICTMENT

2016-GS-15-00481

At a Court of General Sessions, convened on October 26, 2017, the Grand Jurors of Colleton County present upon their oath:

Obstruction of Justice

That in Colleton County, South Carolina, on or about May 31, 2016, the Defendant, Andre Nicholas Crawford, did an act which prevented, obstructed, impeded, or hindered the administration of justice, to wit: the defendant did wilfully withhold information during a murder investigation or did lie to investigators during the murder investigation; all in violation of the Common Law of South Carolina.

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

Solicitor

COLLETON CO., S.C.

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,

Robert M. Dudek
Chief Appellate Defender

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This 27th day of February, 2020.

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