

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Lancaster County

Honorable Paul M. Burch, Circuit Court Judge

RECEIVED
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S.C. SUPREME COURT

DEVATEE TYMAR CLINTON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-001272

APPENDIX

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1 STATE OF SOUTH CAROLINA

2 -----x

3 STATE,

4 Plaintiff,

5 -against

Case Number

6 DEVATEE TYMAR CLINTON,

2012-DR-29-616

7 Defendant.

8 -----x

9 STATE,

10 Plaintiff,

11 -against-

Case Number

12 AL MARTINEZ GREEN,

2012-DR-29-636

13 Defendant

14 -----X

15 March 10-14, 2014

16 Lancaster, S.C.

17

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19 HONORABLE R. KNOX MCMAHON

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23 Solicitor

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Aileen Butler

Official Court Reporter

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1 THE COURT: All right. Solicitor, if you call your
2 first case for trial.

3 MR. BARFIELD: Yes, sir. The first case for trial,
4 2012-GS-29-616, the State versus Devatee Tymar Clinton,
5 indicted for murder and 2012-GS-29-636 the State versus
6 Al Martinex Green, also indicted for murder.

7 Mr. William Frick represents Mr. Clinton. Amy
8 Raney represents Mr. Green.

9 The case for trial, the State is ready to proceed.

10 THE COURT: Thank you, very much. Mr. Frick, you
11 represent Devatee Tymar Clinton.

12 MR. FRICK: Yes, sir.

13 THE COURT: And is he present in the courtroom?

14 MR. FRICK: Yes.

15 THE COURT: And are you ready for trial?

16 MR. FRICK: We are ready to proceed, Your Honor.

17 THE COURT: Thank you. And Miss Raney, you
18 represent Al Martinez Green.

19 MS. RANEY: Yes, Your Honor?

20 THE COURT: And is he present in the courtroom?

21 MS. RANEY: He is.

22 THE COURT: And are you and he ready for trial.

23 MS. RANEY: We are.

24 THE COURT: Thank you, very much.

25 Ladies and gentlemen of the jury panel if you would

1 please give me your complete and undivided attention.
2 We are now going to go through a process whereby we
3 select a trial jury for the trial of this specific
4 case or these specific cases.

5 As you see there are two individuals that will be
6 standing trial, Mr. Clinton and Mr. Green.

7 As part of the process I will ask you certain
8 questions to determine your qualifications and your
9 abilities to serve as a fair and impartial jurors in
10 the trial of these cases.

11 First, what I will do is momentarily publish or
12 read to you the indictments that have been called for
13 trial. The indictments are not evidence. The
14 indictments are the formal charging documents by which
15 an individual is placed on notice of the charges that
16 have been brought against him or her. They contain
17 mere allegations and are in no way evidence of any of
18 the allegations contained therein. I will read these
19 indictments to you because of certain questions that I
20 will have to ask you again to determine your
21 qualifications and your impartiality to serve as
22 jurors in this Court.

23 The first indictment 2012-GS-29-616, the State
24 versus Devatee Tymar Clinton reads that Devatee Tymar
25 Clinton did at [REDACTED] Roseanna Lane in Lancaster County

1 on or about January 19, 2012 feloniously, willfully and
2 of his malice aforethought kill and murder Jenika
3 Jaraya Jones by shooting the victim in the head and
4 the victim did die as the proximate cause thereof then
5 and there in violation of 16-3-10, 1976 as amended of
6 the South Carolina Code of Laws. That is an
7 indictment for murder.

8 Indictment 2012-GS-29-636 reads, that Al Martinez
9 Green did at that same address, [REDACTED] Roseanna Lane, in
10 Lancaster County on or about that same date, January
11 19, 2012, feloniously, willfully and his malice
12 aforethought kill and murder Jenika Jaraya Jones by
13 the shooting the victim in the head with a firearm and
14 the victim did die as a proximate cause thereof then
15 and there in violation of section 16-3-10 of the Code
16 of Laws of South Carolina, 1976 as amended. That also
17 is an indictment for murder.

18 The State is represented by Mr. Barfield, the
19 Solicitor of the Sixth Circuit. If you please stand
20 and introduce yourself to the jury panel and any
21 members of your staff that may assist you in the trial
22 of this case.

23 MR. BARFIELD: My name is Doug Barfield and I am
24 the Solicitor for the Sixth Circuit which is
25 Lancaster, Chester and Fairfield Counties. This is

1 Randy Newman, an assistant solicitor, Bill Newicki, an
2 assistant solicitor, Andy Cook is also an assistant
3 solicitor. He is around but not in the courtroom
4 right now. Wilson Davis is also a assistant. He is
5 away taking classes this week and that's Jimmy Taylor
6 at the end who assists us with various matters.

7 Thank you.

8 THE COURT: Thank you, solicitor.

9 Mr. Clinton is represented by Mr. Frick. If you
10 please stand Mr. Frick and introduce yourself and your
11 client to the jury panel.

12 MR. FRICK: Thank you, Your Honor. My name is not
13 William Frick. I practice criminal defense mainly in
14 Lancaster and Fairfield County. This is Mr. Devatte
15 Clinton. Stand up one more time for me.

16 THE COURT: Thank you. Thank you Mr. Frick.
17 Thank you Mr. Clinton. And Miss Raney represents Mr.
18 Green. If you please stand and introduce yourself and
19 your client to the jury panel.

20 MS. RANEY: Thank you, Your Honor. My name is Amy
21 Raney. I practice criminal defense here in Lancaster
22 County and Mr. Green if you would please stand up. I
23 am representing Al Martinez Green in this case.

24 THE COURT: Thank you. Thank you Miss Raney.

25 Is any member of the jury panel related by blood

1 or marriage, close personnel friend, have any social
2 or business, professional relationship with any of the
3 attorneys that has introduced themselves to you,
4 Solicitor Barfield or any member of his staff, with
5 Mr. Frick or with Miss Raney, if so please stand.

6 Has any member of the jury panel ever been a party
7 to a criminal case in which Mr. Barfield was the
8 prosecutor, the solicitor of the case, whether by way
9 of you being a victim or by way of you or a member of
10 your mediate family being a defendant in the case. If
11 so please stand.

12 THE COURT: Yes, ma'am, your number and name,
13 please.

14 JUROR: Sherressa Davis.

15 THE COURT: All right step up over hear for me,
16 please.

17 Good morning. How are you doing?

18 JUROR: Fine.

19 THE COURT: And tell me your situation.

20 JUROR: He tried my son.

21 THE COURT: He tried your son?

22 JUROR: Well, he was in the Court.

23 THE COURT: And give me a timeframe.

24 JUROR: I happened like four years ago. I think he
25 was his attorney.

1 THE COURT: So Mr. Frick was your son's attorney?

2 JUROR: yes.

3 THE COURT: And Mr. Barfield was a prosecutor?

4 JUROR: I think so.

5 THE COURT: Given that fact, can you still be a
6 fair and impartial juror in the trial of this case for
7 both the State and the Mr. Clinton and Mr. Green?

8 JUROR: I don't know them, so I would just saying
9 it cause you just said.

10 THE COURT: You were just answering me truthfully,
11 correct.

12 JUROR: Yes.

13 THE COURT: Thank you, very much. You can stay
14 with us. Have a seat.

15 THE CLERK: Jury number sixty, Miss Hardin.

16 THE COURT: Yes, ma'am. Good morning.

17 JUROR: Good morning.

18 THE COURT: How are you?

19 JUROR: Fine. My daughter was killed in 2009. Mr.
20 Barfield prosecuted the gentlemen that was driving the
21 car. She was a passenger in the car.

22 MR. BARFIELD: Felony DUI, juvenile matter. I
23 think the charge it was reckless homicide.

24 THE COURT: Do you recall who on represented him?

25 MR. FRICK: George speedy.

1 THE COURT: Mr. Speedy.

2 MR. BARFIELD: From Kershaw.

3 THE COURT: Given that fact could you be a fair
4 and impartial juror in the trial in this case for both
5 the State, for Mr. Clinton and Mr. Green.

6 JUROR: Yes.

7 THE COURT: Thank you. Thank you, ma'am, you may
8 stay with us.

9 All right, yes, ma'am.

10 THE CLERK: Juror, 144.

11 THE COURT: All right, this is Miss Whitaker.
12 Tell me your situation.

13 JUROR: My cousin, Christopher Williams, he was his
14 attorney in a murder trial.

15 THE COURT: And about what the timeframe?

16 JUROR: I would say about 2007.

17 THE COURT: Given that fact, could you be a fair
18 and impartial juror in the trial of this case for both
19 the State, Mr. Clinton and Mr. Green?

20 JUROR: Yes, sir.

21 THE COURT: All right. Thank you, you may stay
22 with us.

23 Yes, ma'am.

24 THE CLERK: Juror 49, Miss Flowers.

25 THE COURT: Good morning.

1 JUROR: Good morning. How are you doing.

2 JUROR: Fine.

3 THE COURT: Good. Tell me your name.

4 JUROR: Kathine Flowers. I have been here before.
5 It has been about a couple of years back with Keith
6 Jerome Newman. I was a victim up here.

7 THE COURT: All right, so you were a victim of Mr.
8 Newman. What was Mr. Newman charged with.

9 JUROR: CDV.

10 THE COURT: And Mr. Barfield prosecuted or a
11 member of his staff.

12 JUROR: Yeah.

13 THE COURT: And who represented him?

14 JUROR: (Pointing).

15 THE COURT: Mr. Frick?

16 JUROR: Yeah.

17 THE COURT: Given that fact that Mr. Barfield
18 prosecuted and Mr. Frick defended him, could you be a
19 fair and impartial jury for both the State and Mr.
20 Clinton and Mr. Green?

21 JUROR: Yes.

22 THE COURT: Thank you, you may stay with us.

23 Yes, sir.

24 THE CLERK: Juror number 44, Miss Elliot.

25 THE COURT: Hello.

1 JUROR: I am so upset. I don't understand. I am
2 sorry.

3 THE COURT: You don't understand?

4 JUROR: I don't understand. I can't -- I don't
5 understand everything.

6 THE COURT: All right. And this is juror number
7 44.

8 MS. RANEY: Yes.

9 THE COURT: I will excuse you. I will excuse you
10 from this jury.

11 JUROR: I am sorry. I am sorry.

12 THE COURT: I understand. Okay. Thank you.

13 JUROR: Thank you. Thank you.

14 THE COURT: Number 44 is excused. Thank you, very
15 much.

16 Ladies and gentlemen of the jury panel, also Mr.
17 Frick introduced his client's Mr. Clinton and Miss
18 Raney introduced her client Mr. Green. Is any member
19 of the jury panel related by blood or marriage, close
20 personnel friends, have any social, business or
21 professional relationship with either Mr. Clinton or
22 Mr. Green. If so please stand.

23 The allegations are that this incident occurred on
24 or about January 19th of 2012 in Lancaster County at a
25 location address of [REDACTED] Roseanna Lane. The victim's

1 name being Jenika Jaray Jones. Any member of the jury
2 panel have any knowledge about the case, if so please
3 stand.

4 Any member of the jury panel have any bias or
5 prejudice towards the parties that being the State, or
6 Mr. Clinton or Mr. Green, if so please stand.

7 Is any member of the jury panel heard or know
8 anything about the case from any source whatsoever;
9 read about it, saw any news reports about it, heard
10 any talk about it, any source whatsoever? If so
11 please stand.

12 All right, now let's se this Miss Flowers. All
13 right. Well, if Miss Flowers if you walk over here
14 and the rest of you can line-up over here on my front
15 right.

16 JUROR: I read about in Lancaster News and what
17 not.

18 THE COURT: You read about it.

19 JUROR: I read about it in Lancaster News where
20 they show like their faces.

21 THE COURT: Back when it happened?

22 JUROR: Back when it happened.

23 THE COURT: Have you read anything recently.

24 JUROR: No.

25 THE COURT: Do you believe everything read in the

1 newspaper?

2 JUROR: A little bit.

3 THE COURT: A little bit, but everything?

4 JUROR: Not everything.

5 THE COURT: Tell me what you remember.

6 JUROR: I remember -- you know, the lady getting
7 killed. The victim getting killed, what not. I
8 really don't know too, much about it.

9 THE COURT: Given the fact that you read it can
10 you set that aside and if you were chosen as a member
11 of the jury panel make your decision based on what you
12 hear in the courtroom?

13 JUROR: Yes, sir.

14 THE COURT: Even if it were different than what
15 you read in the paper?

16 JUROR: It depends how truthfully I feel about what
17 they're saying.

18 THE COURT: All right. How truthful the
19 witnesses?

20 JUROR: Yeah.

21 THE COURT: In other words you would base your
22 verdict on your determination of the truthfulness of
23 the witnesses in the courtroom?

24 JUROR: Yes, sir.

25 THE COURT: Not on the whatever you read in the

1 newspaper?

2 JUROR: Right.

3 THE COURT: And you would follow the law as you
4 told you the law was?

5 JUROR: Yes.

6 THE COURT: Is that correct?

7 JUROR: Yes, sir.

8 THE COURT: Do you know any reason why you could
9 not be a fair and impartial juror for both Mr.
10 Clinton, Mr. Green and the State.

11 JUROR: No.

12 THE COURT: Thank you, very much. I believe you
13 can stay with us. Thank you.

14 THE CLERK: Jury number 32, Mr. Crosby.

15 THE COURT: Mr. Crosby.

16 JUROR: Yes, sir.

17 THE COURT: All right. Tell me what you heard?

18 JUROR: It has been so long. I just heard about
19 it. Nothing major.

20 THE COURT: When you say you just heard about it.

21 JUROR: Read it in the paper and they talked about
22 it but nothing major I could remember. It has been
23 two years. I answered honestly. I heard about it.

24 THE COURT: Given that fact, could you if you were
25 selected as member of the jury panel in this case base

1 your verdict on the evidence you hear in this
2 courtroom?

3 JUROR: Yes, sir.

4 THE COURT: And the law as I tell you the law is?

5 JUROR: Yes, sir.

6 THE COURT: Setting aside anything you may have
7 read in the past.

8 JUROR: Yes, sir.

9 THE COURT: Is that correct.

10 JUROR: Yes, sir

11 THE COURT: Any reason you would not be a fair and
12 impartial jury for both Mr. Clinton, Mr. Green and the
13 State.

14 JUROR: No, sir, I will be fair.

15 THE COURT: And I believe you are a nurse.

16 JUROR: Yes, sir.

17 THE COURT: And where at.

18 JUROR: In Pineville

19 THE COURT: Where did you go to school.

20 JUROR: Midlands Tech in Columbia and also Nursing
21 Institute in Charlotte.

22 THE COURT: So you went to the one over on
23 Beltline and Rosewood, is that right.

24 JUROR: That's correct.

25 THE COURT: And how long have you been a nurse?

1 JUROR: It will be three years in July.

2 THE COURT: Well, congratulations. Thank you.
3 Thank you, very much.

4 All right. Yes.

5 THE CLERK: Juror 116. Miss Rhoney.

6 THE COURT: Good morning.

7 JUROR: Hello.

8 THE COURT: This is Miss Rhoney?

9 JUROR: Yes.

10 THE COURT: And you heard about it, read about it?

11 JUROR: I read about it and I knew her.

12 THE COURT: You knew the victim?

13 JUROR: Yeah.

14 THE COURT: Well, lets talk about that first,
15 about knowing the victim. How did you know the
16 victim?

17 JUROR: Church.

18 THE COURT: Church. You all were members of the
19 same church?

20 JUROR: No, we use to go each others church's
21 choir and sing.

22 THE COURT: So you're a member of one church
23 choir?

24 JUROR: Yeah.

25 THE COURT: She's a member of another church?

1 JUROR: Another church.

2 THE COURT: And then you sing together?

3 JUROR: Yean, and then I knew her outside. We
4 were friends. We hung out.

5 THE COURT: How long did you know her?

6 JUROR: I know her probably like ten years.

7 THE COURT: About ten years. Did you all go to
8 school together?

9 JUROR: No.

10 THE COURT: And what activities would you all
11 participate in outside of church?

12 JUROR: Like go out to eat.

13 THE COURT: And you know her family?

14 JUROR: No, I just know her and her kids.

15 THE COURT: Her and her children?

16 JUROR: Yeah.

17 THE COURT: Well, first off given that fact, do
18 you know Mr. Clinton or Mr. Green?

19 JUROR: No.

20 THE COURT: First off, given the fact that you
21 knew the victim, Miss Jones, would you still be a fair
22 and impartial juror in the trial of this case for both
23 Mr. Clinton and Mr. Green?

24 JUROR: Yes.

25 THE COURT: So your friendship wouldn't interfere

1 with your I impartiality?

2 JUROR: No.

3 THE COURT: And you said you read about it or
4 heard about it. Is that back when it happened?

5 JUROR: Yes, sir.

6 THE COURT: You read about it in the newspaper.

7 JUROR: Yeah.

8 THE COURT: Can you set aside whatever you read in
9 the newspaper?

10 JUROR: Sure, your

11 THE COURT: And make your decision on what you
12 hear in this courtroom, when we get to the courtroom?

13 JUROR: Certainly.

14 THE COURT: And the law as I tell you what the law
15 is?

16 JUROR: Certainly.

17 THE COURT: And you said you heard about it
18 otherwise?

19 JUROR: No, just read about it. She was part of
20 the Black Diamond Divas Motorcycle Club.

21 THE COURT: You were?

22 JUROR: No, she was. So we took up money and what
23 not. But other than that everything could be set
24 aside.

25 THE COURT: And you could be fair and impartial --

1 JUROR: Sure.

2 THE COURT: -- to Mr. Green and Mr. Clinton.

3 JUROR: Sure. Uh-huh.

4 THE COURT: What's your occupation?

5 JUROR: I am customer service representative and
6 also a supervisor at AR Hewitt.

7 THE COURT: And what is AR Hewitt?

8 JUROR: It consists of like 401K's and pensions,
9 retirement.

10 THE COURT: And I need all of those. Thank you,
11 very much. I believe you can stay with us. Thank
12 you.

13 THE CLERK: Juror 133, Stevenson.

14 THE COURT: Good morning, Miss Stevenson. How are
15 you today?

16 JUROR: Fine.

17 THE COURT: Good. Tell me your situation.

18 JUROR: I heard about it, I read about it, and
19 that is also my nephew's stepdaughter.

20 THE COURT: All right, so --

21 JUROR: Jenika.

22 THE COURT: Miss Jones is your nephew's
23 stepdaughter?

24 JUROR: He married her mother.

25 MR. BARFIELD: Harold Stevenson is your nephew?

1 JUROR: Yeah.

2 MR. BARFIELD: He's a witness.

3 THE COURT: Let's talk about that a minute. How
4 long has your nephew been married to Miss Jones's
5 mother, approximately?

6 JUROR: I don't know. It has been a few years. I
7 couldn't give you an exact date.

8 THE COURT: But a few years.

9 JUROR: It's been like maybe seven, eight. Maybe
10 longer. I am not sure.

11 THE COURT: And you knew Miss Jones.

12 JUROR: Kind of. We would go around like for
13 dinner now and then.

14 THE COURT: Family dinner?

15 JUROR: Uh-huh. Just to say I knew her, knew her
16 I wouldn't say that, but I have been around.

17 THE COURT: Given that fact, your nephew being her
18 stepfather, I guess technically that would make her
19 your step grand niece. Could you be a fair and
20 impartial juror in the trial of this case for the
21 State and the defense?

22 JUROR: Yes.

23 THE COURT: The defense being both Mr. Clinton and
24 Mr. Green.

25 JUROR: Yes.

1 THE COURT: Do you know them?

2 JUROR: No.

3 THE COURT: Tell me what you heard about it?

4 JUROR: I heard that that she had got her income
5 tax and they were friends and they knew she had got
6 income tax money and they went in and robbed her and
7 shot her.

8 THE COURT: Now was that news?

9 JUROR: Well, no not from the news. Just from
10 people.

11 THE COURT: People that knew that. I don't know
12 if that is correct or incorrect, but people that told
13 you that.

14 JUROR: Yeah.

15 THE COURT: Family members of hers.

16 JUROR: No.

17 THE COURT: Nothing wrong with talk.

18 JUROR: No, it was not family members.

19 THE COURT: All right. Thank you. Miss
20 Stevenson, I will sit set you aside for the trial.

21 JUROR: I got one more thing. I don't know, but
22 he told me to let you know that I have conference call
23 at one o'clock.

24 THE COURT: Well, I am going to excuse you for the
25 trial in this case. Okay. So you can return to your

1 seat. We should be through with this process shortly.
2 You can make your conference call. Do not say
3 anything to your fellow jurors. Okay.

4 Thank you. Juror 133 is excused.

5 THE CLERK: Juror 62, Miss Hayes.

6 THE COURT: All right, good morning Miss Hayes.
7 Tell me your situation.

8 THE JUROR: I read about it in the paper. Me and
9 her grew up together. We also went to school
10 together. I went to family events, family reunions
11 and stuff like that.

12 THE COURT: You all were friends?

13 JUROR: Yeah.

14 THE COURT: Given the fact that you were friends,
15 the victim was your friend and you were hers, could
16 you be a fair and impartial juror in the trial of this
17 case to both Mr. Green --

18 JUROR: Yeah.

19 THE COURT: Mr. Clinton?

20 JUROR: I don't know them.

21 THE COURT: Do you know Green?

22 JUROR: No.

23 THE COURT: So you don't know either one of them?

24 JUROR: No.

25 THE COURT: Could you be and fair and impartial

1 juror to both Mr. Green and Mr. Clinton?

2 JUROR: Yeah.

3 THE COURT: Given the relationships of going to
4 school, family reunions and being friends?

5 JUROR: Yes.

6 THE COURT: That wouldn't effect your ability to
7 be fair or impartial in any way?

8 JUROR: No.

9 THE COURT: Now you said you read about it in the
10 paper?

11 JUROR: Yes.

12 THE COURT: Tell me what you read about it?

13 JUROR: That she was shot and killed. They was
14 trying to break into the house. She was shot and
15 killed in front of her kids. Her son ran out of the
16 house trying to get help. Stuff like that.

17 THE COURT: That's what you read.

18 JUROR: Uh-huh.

19 THE COURT: You talk with anybody about it?

20 JUROR: No.

21 THE COURT: Anybody talk with you about it?

22 JUROR: No.

23 THE COURT: Tell me how long you new Miss Jones?.

24 JUROR: High school. Probably about 10th grade.

25 THE COURT: How long ago was that, 10th grade?

1 Juror: I am 23. Eight years.

2 THE COURT: So from the time you were about 15?

3 JUROR: Right.

4 THE COURT: Could you base your verdict from the
5 evidence and witness's testimony under oath in the
6 courtroom and no matter what you may have read in the
7 paper?

8 JUROR: Right.

9 THE COURT: Or heard outside?

10 JUROR: Yes.

11 THE COURT: What kind of work do you do?

12 JUROR: I am not working at the moment.

13 THE COURT: Where were you last employed?

14 JUROR: Shutterfly.

15 THE COURT: What is that? It's a plant here?

16 JUROR: No, it is in Fort Mill. It is picture
17 plant company. They make cell phone cases, greeting
18 cards, photo books. Stuff like that.

19 THE COURT: And how long did you work there?

20 JUROR: I worked there two years.

21 THE COURT: Thank you. I believe you can stay
22 with us. Thank you.

23 THE CLERK: Juror thirty-eight, Sherressa Davis.

24 THE COURT: Good morning again Miss Davis. Tell
25 me your situation.

1 JUROR: I heard about it, but she family by
2 marriage.

3 THE COURT: All right. She, Miss Jones?

4 JUROR: Yes, Jenika.

5 THE COURT: And how are you all related?

6 THE JUROR: By my uncle. He is kin, but I don't
7 really know her like that. Just know that she died.

8 THE COURT: Given the fact that she is related by
9 marriage -- how is she related by marriage? Tell me.
10 Explain that.

11 JUROR: My uncle was married to her aunt so it is
12 down the line, we are still related like third
13 cousins.

14 THE COURT: Given the fact that there that
15 relationship can you be a fair and impartial juror in
16 the trial of the case for both the State and Mr.
17 Clinton and Mr. Green?

18 JUROR: Yeah, because I didn't know about it until
19 she died. That is how we found out we was kin, going
20 to the funeral and stuff.

21 THE COURT: So you didn't even know you were kin
22 until after she died?

23 JUROR: No, not until.

24 THE COURT: Now, did you read about it or hear
25 about it?

1 JUROR: Pretty much I heard the family talking
2 about it.

3 THE COURT: And what did you hear?

4 JUROR: That she was robbed of some money and she
5 got killed. That is pretty much all I know.

6 THE COURT: If you were selected as member of the
7 jury panel in this case could you set aside what you
8 heard from the family or people talking and decide the
9 case based solely on the evidence and the testimony
10 you hear in this courtroom?

11 JUROR: Yeah, because I don't know them so...

12 THE COURT: You don know any reason whatsoever
13 where you could not it be a fair or impartial juror to
14 both Mr. Clinton Mr. Green and the State?

15 JUROR: I could be fair. I will be fair.

16 THE COURT: Thank you. Thank you very much. You
17 can stay with us. Thirty-eight will stay with us.

18 THE CLERK: Juror number 93, Mr. McGriff.

19 THE COURT: Good morning. Tell me your situation.

20 JUROR: I read about it in the newspaper.

21 THE COURT: Back when it happened?

22 JUROR: Yes, sir.

23 THE COURT: Given the fact that you read about it
24 in the newspaper could you set that aside if you were
25 selected as member of the jury panel?

1 JUROR: Yes, sir.

2 THE COURT: Base a verdict solely on the evidence
3 and the testimony you hear in the courtroom?

4 JUROR: Yes, sir.

5 THE COURT: And the law as I tell you the law is?

6 JUROR: Yes, sir.

7 THE COURT: Any doubt in your mind that you could
8 do that?

9 JUROR: No, I don't have any doubt.

10 THE COURT: Do you know the victim or Mr. Green or
11 Mr. Clinton?

12 JUROR: No, sir.

13 THE COURT: All right. And were you a truck
14 driver?

15 JUROR: Yes, sir.

16 THE COURT: Over the road truck driver?

17 JUROR: Right.

18 THE COURT: How long have you been doing that?

19 JUROR: Ever since I got laid off. Probably seven
20 years.

21 THE COURT: Where were you from.

22 JUROR: Lancaster.

23 THE COURT: Any reason whatsoever you could not be
24 fair and impartial to both the defendants and the
25 State?

1 JUROR: I can be fair.

2 THE COURT: Thank you, sir. You may stay with us.

3 THE CLERK: Jury number 70, Miss Hood.

4 THE COURT: All right. Miss Hood, good morning.

5 JUROR: Good morning.

6 THE COURT: Tell me your situation.

7 JUROR: I read about it.

8 THE COURT: Step up.

9 JUROR: I read about it in the newspaper.

10 THE COURT: Back when it happened?

11 JUROR: Uh-huh.

12 THE COURT: Do you know Mr. Clinton or Mr. Green?

13 JUROR: No.

14 THE COURT: Do you know -- did you know Miss
15 Jones.

16 JUROR: Yes.

17 THE COURT: You did know her?

18 JUROR: I know of her.

19 THE COURT: Tell me how you knew of her.

20 JUROR: High school.

21 THE COURT: Did you go to high school with her?

22 JUROR: I did back then. Back in 2010. She
23 graduated in 2009, I believe or eight, but I saw her
24 around the high school.

25 THE COURT: So you all weren't close friends or

1 anything of that nature? Is that a yes?

2 JUROR: No, sir.

3 THE COURT: And you said you read about back when
4 it happened.

5 JUROR: Yes, sir.

6 THE COURT: Did you ever talk with anybody about
7 it?

8 JUROR: No, sir.

9 THE COURT: If you were selected as a member of
10 the jury panel in this case could you set aside
11 whatever you may have you read in the newspaper and
12 base your verdict solely on what you hear in this
13 courtroom and the witnesses testify under oath.

14 JUROR: Yes, sir.

15 THE COURT: And the law as I tell you the law is?

16 JUROR: Yes, sir.

17 THE COURT: Any doubt in your mind you could not
18 be a fair or impartial juror to both Mr. Clinton and
19 Mr. Green and the State.

20 JUROR: No, sir.

21 THE COURT: Thank you. I believe you can stay
22 with us.

23 THE CLERK: Juror number 134, Miss Stover.

24 THE COURT: Good morning Miss Stover.

25 JUROR: Good morning.

1 THE COURT: Tell me your situation.

2 JUROR: Mr. Green I believe has some connection to
3 my husband by marriage. I don't know him. I have
4 some Clinton family in our neighborhood. I don't know
5 him, but we have Clinton families who live in our
6 neighborhood.

7 THE COURT: Now, have you also heard or read
8 anything?

9 JUROR: I don't think so.

10 THE COURT: All right. So you believe your
11 husband might be related to Mr. Green but you don't
12 know Mr. Green and you believe, or you know there are
13 Clintons living in my neighborhood, but you don't know
14 this Mr. Clinton, but he may be related.

15 JUROR: That's right.

16 THE COURT: All right. Given those facts, let's
17 say Mr. Green is related to your husband and let's say
18 Mr. Clinton is related to your neighbors, could you
19 still be a fair and impartial juror in this trial of
20 this case for both Mr. Green, Mr. Clinton and the
21 State?

22 JUROR: I think so. I believe so.

23 THE COURT: You had a little hesitancy. I take it
24 that's because you never done it before.

25 JUROR: That's right. You ever been on jury duty

1 before?

2 JUROR: Yes, I have, but it was small.

3 THE COURT: Now when you say mean small, what do
4 you mean?

5 JUROR: Not small, traffic tickets and stuff.

6 THE COURT: Traffic. Okay, so you never were in
7 big court, what we refer to as big court.

8 JUROR: That's right. I just wanted you to know
9 that.

10 THE COURT: Thank you. Thank you so much. I
11 believe you can stay with us.

12 JUROR: All right.

13 THE COURT: I would say any others, but I think
14 everyone was in line. Any others? All right. Thank
15 you, very much.

16 Ladies and gentleman, I will call a list of names
17 of potential witnesses in the trial of this case. The
18 question of course is there any member of the jury
19 panel related by blood or marriage, close personnel
20 friends, have any social, business, professional
21 relationship with any of these parties, if so please
22 stand. If you do stand the next question of course
23 would be if you are standing I ask you briefly the
24 relationship you may have with any of these parties
25 and then if you could still be a fair and impartial

1 juror in the trial of this case for both the State and
2 Mr. Clinton and Mr. Green.

3 The first five names are either current or former
4 employes of Lancaster County Sheriff's Office; Craig
5 Bailey, David Belk, Tony Bowers, Joe Catalano, Jason
6 Catoe. Any member of the jury panel related by blood
7 or marriage, close personal friends, social, business,
8 professional relationship with any of those
9 individuals. If so please stand.

10 THE COURT: Yes, ma'am, your name and number?

11 JUROR: Angela Hendrix. I don't know the number.

12 THE CLERK: Sixty-five

13 THE COURT: All right and which one?

14 JUROR: David Belk.

15 THE COURT: David Belk. And how do you know him?

16 JUROR: He is a cousin.

17 THE COURT: He is cousin. First, second, third?

18 JUROR: Second.

19 THE COURT: And given that fact could you still a
20 fair and impartial juror in the trial of this case for
21 both the State and the defendants.

22 JUROR: Yes, sir.

23 THE COURT: Thank you, very much. Your number and
24 name.

25 JUROR: Kerin Willis, number 148.

1 THE COURT: And which individual?

2 JUROR: David Belk. We go the same church.

3 THE COURT: How long have you been going to same
4 church?

5 JUROR: I have been attending for seven years so I
6 known him for two or three of those.

7 THE COURT: Given that fact can you still be a
8 fair impartial juror in the trial of this case to both
9 Mr. Clinton, Mr.Green and the State.

10 JUROR: Yes, sir.

11 THE COURT: Thank you. Any others?

12 JUROR: Robert Whitaker, 145. I use to work with
13 David Belk.

14 THE COURT: Use to work with him?

15 JUROR: Yes, sir.

16 THE COURT: In what capacity?

17 JUROR: Lineman, before he became an officer. I
18 have been knowing him for probably about 12 years.

19 THE COURT: Given that fact can you still be a
20 fair and impartial juror in the trial of this case for
21 both the State and the defendants?

22 JUROR: Yes, sir.

23 THE COURT: Thank you, very much. You may be
24 seated. Any others?

25 The next five names all appear to be employed with

1 Lancaster County Sheriff's Office; Clark Crump,
2 Russell Dawkins, Doug Deese, Davey Hendrix, Jeff
3 Hilton.

4 The next five all either currently or formerly with
5 the Lancaster County Sheriff's Office; Ann Horton,
6 Mike Howell, Eric Jaillette, Chris Robinson, Christy
7 Rogers.

8 All right, this juror number 128.

9 JUROR: One forty-eight.

10 THE COURT: One forty-eight?

11 JUROR: Yes, sir.

12 THE COURT: Miss Willis?

13 JUROR: Yes, sir.

14 THE COURT: All right, and tell me which one.

15 JUROR: Ann Horton. We also attend the same
16 church. We are also in the same Sunday school class.

17 THE COURT: I couldn't quite hear you.

18 THE JUROR: We are also in the same Sunday school
19 class.

20 THE COURT: And given that fact with Ann Horton,
21 can you still be a fair and impartial juror in the
22 trial of this case for both Mr. Clinton, Mr. Green and
23 the State?

24 JUROR: Yes, sir.

25 THE COURT: Thank you, you may be seated. Any

1 others?

2 The next five all with the Lancaster County
3 Sheriff's Office; Donnie Rogers, Jeff Steele, Ken
4 Taylor, Fred Thompson, Richard Weiss.

5 THE COURT: Juror, 148, Miss Willis..

6 JUROR: Yes, sir.

7 THE COURT: Which one?

8 JUROR: Rich Weiss. We also attend the same
9 church and he is a neighbor of mine, and I am a good
10 friend of his wife.

11 THE COURT: Given those facts, church, neighbor,
12 friends, can you still be a fair and impartial juror
13 in the trial of this case for both Mr. Clinton, Mr.
14 Green and the State?

15 JUROR: Yes, sir.

16 THE COURT: Thank you, you maybe seated. Any
17 others?

18 The next three are either -- no, I take that back
19 -- James Whitaker, formerly with Lancaster County
20 Sheriff's Office, Sonny Plyler, Lancaster County EMS,
21 Mike Morris, Lancaster County Corner, Dr. Janice E.
22 Ross, Newbery Pathology Associates, related by blood
23 or marriage or close personnel friends, social,
24 business, professional relationship with any of those
25 individuals. If so please stand.

1 THE COURT: The next five are all with SLED, the
2 State Law Enforcement Division, Maryann E. Boehm, Tony
3 M. Broome, Suzann F. Cromer, Kristen Grant, Michael
4 Greene.

5 The next five are either with SLED or formerly with
6 SLED; Selena Kinard, Ila N. Simmons, Stephanie M.
7 Stanley, Amy Stephens, Doris Yarbrough.

8 As I begun calling these next names if any of these
9 individuals who names I call are present in the
10 courtroom I would ask you to please stand and face the
11 jury panel. I do advise the panel that the parties do
12 not have to be present or the potential witnesses
13 during this proceeding.

14 Jessica Barnes, Pomp Blackmon, Wayne Anthony
15 Blakeney, Jr. Antonio Cervantes, Angela Cauthen
16 Clinton, Dominique Yolanda Davis.

17 The next five --

18 THE CLERK: Your Honor --

19 THE COURT: Yes, Miss Flowers.

20 JUROR: Wayne Anthony Blakeney, Jr, that's my first
21 cousin.

22 THE COURT: Wayne Anthony Blakeney, Jr. is your
23 first cousin?

24 JUROR: Yes.

25 THE COURT: All right. Given the fact that Mr.

1 Blakeney is your first cousin could you still be a
2 fair and impartial juror in the trial of this case for
3 both the State any Mr. Clinton and Mr. Green?

4 JUROR: Yes, sir.

5 THE COURT: Yes, your name and number.

6 JUROR: Sherressa Davis, Dominique Davis is my
7 first cousin.

8 THE COURT: Dominique Davis is your first cousin?

9 JUROR: Yes.

10 THE COURT: Given that fact could you still be a
11 fair impartial juror in the trial of this case for
12 both the State and the defendants.

13 JUROR: Yes, sir.

14 THE COURT: Thank you. You maybe seated.

15 THE COURT: Any others?

16 The next five names; Junita Catrice Gaither, Sheila
17 Stradford Gaither, Marisol Ramirez Gonzalez, Latoya
18 Green, Sharron Michelle Hood.

19 The next five; Rashad Demon Johnson, Apipany Kirk,
20 Justin Lee, Delrico Lamar McDow, Shanta Sheree
21 McGriff.

22 The next five; Shakela Montgomery, Travis Lamonte
23 Montgomery, Brandon Myers, Roderick Nelson, Teameca
24 Nelson.

25 The next five; Jacqueline Quevedo, Christopher

1 Chiffon Richardson, Keith Tyrone Robinson, Jr.,
2 Jeffery Lanard Roseborough, Cicely Shannon Seegars.

3 The next five; Eric Stevenson, Rachelle
4 Stevenson --

5 MR. BARFIELD: You all stand up, please. Thank
6 you.

7 THE COURT: This is Eric Stevenson?

8 MR. BARFIELD: Yes, sir.

9 THE COURT: To you all's back left. Thank you,
10 you maybe seated. And this is Rachelle Stevenson. All
11 right. Thank you, you maybe seated.

12 Vivian Shameka Stradford, Y'eisha Shany Tinsley,
13 Antonio Lamont Truesdale, Sr.

14 THE CLERK: You have one standing.

15 THE COURT: Yes, sir. All right, tell me your name
16 and number.

17 JUROR: Frederick Crosby. I think 30.

18 THE CLERK: Juror 32.

19 THE JUROR: Eric Stevenson my wife's cousin and
20 also friend of the family from childhood.

21 THE COURT: Eric Stevenson.

22 THE JUROR: Yes, sir.

23 THE COURT: Stand back up for me please, sir.

24 All right, so he is related to your wife?

25 JUROR: Yes, sir.

1 THE COURT: And what is the kinship?

2 JUROR: Cousin.

3 THE COURT: First? Second?

4 JUROR: I think it will be second or third.

5 THE COURT: All right. And you are a friend of
6 his?

7 JUROR: Yes, sir, we have been friends since
8 childhood.

9 THE COURT: How often do you see him?

10 JUROR: Maybe once or twice a year.

11 THE COURT: Once or twice a year. Okay. All
12 right. You all are friends and remained acquaintances
13 and friends?

14 THE JUROR: Yes, sir, acquaintances.

15 THE COURT: Given those facts can you still be a
16 fair and impartial juror in the trial of this case for
17 both Mr. Green, Mr. Clinton and the State?

18 JUROR: Yes, sir.

19 THE COURT: Thank you, you may be seated. Yes,
20 ma'am, your number and name.

21 JUROR: Frances Stevenson. I don't know the
22 number.

23 MR. BARFIELD: One thirty-three.

24 THE COURT: Yes, ma'am.

25 I thought I set her aside. You may be seated.

1 Thank you, very much.

2 The next five names: Jamal Antonio Twitty, Barbara
3 Ann Wade, Lekeith Anshawn White and Sakiayah Young,
4 Laquandra Sistare Cook, probation agent. Again the
5 question is, is any member of the jury panel related
6 by blood or marriage, close personal friend, have any
7 social, business or professional relationship with any
8 of those individuals whose names I called, if so
9 please stand.

10 Any member of the jury panel or any member of
11 your immediate family ever been a victim of a crime of
12 personnel violence. If so please stand.

13 If you or any member of your family has been a
14 victim of a crime of personnel violence please stand.

15 All right. If all would line over to the right.

16 THE CLERK: Juror 83, Ricky Lewis.

17 THE COURT: Good afternoon Mr. Lewis. Tell me
18 your situation.

19 JUROR: My brother was murdered back in 1989.

20 THE COURT: It happened here?

21 JUROR: Chesterfield County.

22 THE COURT: Given that fact, can you still be a
23 fair and impartial juror in the trial of this case for
24 both the defendants and the State.

25 JUROR: Yes.

1 THE COURT: You may step down.

2 THE CLERK: Number 32, Mr. Crosby.

3 JUROR: My brother was three months ago, domestic
4 violence.

5 THE COURT: He was what?

6 JUROR: Domestic violence, my brother.

7 THE COURT: All right. So, he was the defendant
8 or victim?

9 JUROR: He caused harm to another lady. He was in
10 prison down in Columbia. I brought him home probably
11 about a month ago.

12 THE COURT: How long was he in prison?

13 JUROR: I want to say a couple of months.

14 THE COURT: All right. Given that fact can you
15 still be a fair impartial juror in the trial of this
16 case for both the State and the defendants:

17 JUROR: Yes, sir.

18 THE COURT: Thank you, you may step down. Yes,
19 sir.

20 THE CLERK: Juror 89, Miss Maull.

21 THE COURT: Good afternoon. Tell me your
22 situation.

23 JUROR: My older son, my boy's father was shot in
24 the head when he was about six.

25 THE COURT: Given that fact would you still be a

1 fair and impartial juror in the trial of case for both
2 the State and the defendants.

3 THE JUROR: Thank you, very much. You may have a
4 seat.

5 THE CLERK: Jury 144, Miss Whitaker.

6 THE COURT: All right, Miss Whitaker, refresh my
7 memory.

8 JUROR: My father was convicted of shooting my
9 mother in 2012 and I don't know what else to say.

10 THE COURT: Where did that happen at?

11 JUROR: In Lancaster County.

12 THE COURT: Given that fact can you still be a
13 fair and impartial juror in the trial of this case for
14 both the State and the defense.

15 JUROR: Yes, sir.

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

17 THE CLERK: Juror number 3, Mr. Anderson.

18 THE COURT: Yes, sir, Mr. Anderson.

19 JUROR: A couple of years before meeting my wife
20 she was robbed at gun point by a group of men who
21 later killed the next robbery victim.

22 THE COURT: Given that fact can you still be a
23 fair and partial juror in the trial of this case for
24 both the State and the defense.

25 JUROR: Yes, I can.

1 THE COURT: Where did that occur?

2 JUROR: It was in Charlotte.

3 THE COURT: In Charlotte. Thank you.

4 THE CLERK: Number 39, Mr. DeGroat.

5 THE COURT: Yes, sir.

6 JUROR: My mother was held up at knife point.

7 THE COURT: About how long ago was that.

8 JUROR: About ten years ago I think.

9 THE COURT: Given that fact can you still be a
10 fair and impartial juror in the trial of this case for
11 both the State and the defense.

12 JUROR: Yes, sir.

13 THE COURT: Thank you. You may step down.

14 THE CLERK: Sixty-eight, Miss Holman.

15 JUROR: I had an acquaintance that was murdered.

16 THE COURT: About when did that happen?

17 JUROR: Four or five years ago.

18 THE COURT: And where did it happen at?

19 JUROR: Louisiana.

20 THE COURT: Given that fact can you still be a
21 fair and impartial juror in the trial of this case for
22 both the State and the defense?

23 JUROR: Yes, sir.

24 THE COURT: You may step down. Thank you.

25 Any others?

1 I have a few more names I need to call. Thirteen
2 additional names, potential witnesses in the trial of
3 this case. Some of them may be duplicates, however it
4 will probably take me longer to determine which ones
5 are duplicates then it will to just call your names.
6 You all are familiar with the process and the
7 question. Keith Robinson, Jr., Y'eisha Tinsley,
8 Brandon Myers, Agent Laquandra Sistare. I believe I
9 called her Sistare Cook earlier, with probation and
10 pardon & parol. Antonio Truesdale, II, I don't know
11 if that is senior or not because I did call Antonio
12 Truesdale Sr.. This is Antonio Truesdale, II. Clark
13 Crump; formerly Lancaster County Sheriff's Office,
14 James Kirk; formerly Lancaster Police Department,
15 Rachelle Stevenson, Tony Cunningham, Diana Clinton,
16 Rochelle Cunningham, Tony Gladden, James Ingram.

17 Any member of the jury panel related by blood or
18 marriage, close personnel friends, have any social,
19 business, professional relationship with any of those
20 individuals who names I just called. If so please
21 stand.

22 Any member of the jury panel a member of or served
23 on the board of directors, volunteered or work for an
24 organization advocating victim's rights, such as South
25 Carolina Victim's Assistant Network, Mother's Against

1 Drunk Driving, South Carolina Law Enforcement
2 Officer's Association, Paternal Order of Police or
3 additionally if you ever received services from a
4 victim advocate program such as those I just named or
5 Palmetto Citizen's Against Sexual Assault, Sister
6 Care, State Office of Victim's Assistance, or if you
7 have served in any capacity associated with any
8 organization advocating defendants or prisoner's
9 rights. If so please stand.

10 I refuse to you ask number eight. I think that is
11 part of the question under terms.

12 Besides Family Court, has any member of the jury
13 panel ever been a witness in a criminal trial? If so
14 please stand.

15 Is any member of the jury panel ever served as a
16 guardian ad litem in a criminal case? If so please
17 stand. I am assuming that's what you are all
18 referring to in a criminal case.

19 Any member of the jury panel ever been employed as
20 a law enforcement officer? If so please stand.

21 Any member of the jury panel ever been employed
22 with the Sixth Circuit Solicitor's Office or any
23 prosecutor's office? If so please stand.

24 Any member of the jury panel ever received any law
25 enforcement or legal training? If so please stand. I

1 have paralegal out here. All right. Your number and
2 name?

3 JUROR: Taylor Shurley, 126.

4 THE COURT: And what type of training did you
5 have, ma'am?

6 JUROR: I am in school now for paralegal and I work
7 for an attorney's office.

8 THE COURT: And where did you go to school?

9 JUROR: York Technical College.

10 THE COURT: All right, and given that fact can you
11 still be a fair and impartial juror in the trial of
12 this case?

13 JUROR: Yes, sir.

14 THE COURT: For both the State and the defense?

15 JUROR: Yes, sir.

16 THE COURT: Thank you. Thank you, very much. Any
17 others.

18 Beside this young lady that just stood up, any
19 other member of the jury panel employed -- it says
20 work for an attorney, employed by an attorney. If so
21 please stand.

22 I would decline to ask the other requested voir
23 dire. Let's see, any member of the jury panel ever
24 been a volunteer law enforcement officer, volunteered
25 at a prosecutor's office? If so please stand.

1 MR. BARFIELD: Got one standing Your Honor.

2 THE COURT: Yes, ma'am, your name and number?

3 JUROR: Sally Crail, number 30.

4 THE COURT: And you volunteered?

5 JUROR: I volunteer at the sheriff's office.

6 THE COURT: Now?

7 JUROR: Yes.

8 THE COURT: And in what capacity.

9 JUROR: I do filing.

10 THE COURT: Filing?

11 JUROR: Yes, sir.

12 THE COURT: How long have you been doing that?

13 JUROR: About a year. Two years.

14 THE COURT: Given that fact could you still be a
15 fair and impartial juror in the trial of this case for
16 both the State and the defendants?

17 JUROR: Yes, sir.

18 THE COURT: Thank you. You may be seated.

19 Any others?

20 Any member of the jury panel formed or expressed
21 any opinion about the guilt or innocence of the
22 defendants in this case as you sit here now? If so
23 please stand.

24 Any additional requested voir dire from the State?

25 MR. BARFIELD: No, sir.

1 THE COURT: From the defense, Clinton?

2 MR. FRICK: Nothing other than already requested.

3 Thank you.

4 THE COURT: From the defense, Green?

5 MS. RANEY: No, Your Honor.

6 THE COURT: Thank you. And finally ladies and
7 gentlemen, you know yourselves best. Know thy self.
8 You heard the allegations of the complaint. You heard
9 82 witnesses names called, potential witnesses in the
10 trial of this case. You heard all my questions. You
11 responded according to your oath. But, finally in
12 knowing yourselves best, nothing that our goal is to
13 get a fair and impartial juror for the trial of this
14 case, any member of the jury panel know any reason
15 whatsoever why you feel like -- you feel like you
16 would not be a fair or impartial juror in the trial of
17 this case for both the State and the defense, if so
18 please stand.

19 Thank you. I thank you very much. I find your
20 panel is qualified.

21 What are the strikes, solicitor?

22 MR. BARFIELD: I believe it is collectively twenty
23 on the other side and ten on this side. One and two
24 on alternates.

25 THE COURT: Mr. Frick?

1 MR. FRICK: I believe so.

2 THE COURT: Ten, ten and ten.

3 MR. FRICK: Are you saying we have ten apiece or
4 ten together.

5 THE COURT: I say you have ten apiece. What do
6 you say?

7 MR. FRICK: I will take that.

8 THE COURT: Okay. Do you agree with that Miss
9 Raney?

10 MS. RANEY: Yes, Your Honor.

11 THE COURT: Okay. So ten, ten and ten.

12 We will select a jury. This is a wonderful
13 computer system. It has streamlined the system so
14 much.

15 THE CLERK: If I call your name, if you will
16 please stand. Are you ready, judge?

17 THE COURT: Yes.

18 THE COURT: Solicitor, are you ready?

19 MR. BARFIELD: . Yes.

20 THE COURT: Mr. Frick, are you all ready.

21 MR. FRICK: Yes, sir. Jury.

22 THE CLERK: Juror 126, Taylor Shurley, what say
23 the State.

24 MR. BARFIELD: Please present the juror.

25 THE COURT: The defendant Clinton, Mr. Frick?

1 MR. FRICK: Please seat the juror.

2 THE COURT: Defendant Green, Miss Raney?

3 MS. RANEY: Please seat the juror.

4 THE CLERK: Please follow the bailiff to the jury
5 room.

6 One forty-five, Robert Whitaker. What say the
7 State?

8 MR. BARFIELD: Please present the juror.

9 THE CLERK: The defendant Clinton, Mr. Frick?

10 MR. FRICK: Please seat the juror.

11 THE CLERK: Defendant Green, Miss Raney?

12 MS. RANEY: Please seat this juror.

13 THE COURT: Please follow the bailiff to the jury
14 room.

15 Juror 106, Brooke Parker. What say the State?

16 MR. BARFIELD: Please present the juror.

17 THE CLERK: Defendant Clinton, Mr. Frick?

18 MR. FRICK: Please seat the juror.

19 THE CLERK: Defendant Green, Miss Raney?

20 MS. RANEY: Please seat the juror.

21 THE CLERK: Please follow the bailiff to the jury
22 room.

23 Juror 60, Susan Hardin. What say the State?

24 MR. BARFIELD: Please present the juror.

25 THE CLERK: Defendant Clinton, Mr. Frick?

1 MR. FRICK: Please seat the juror.

2 THE CLERK: Defendant Green, Miss Raney?

3 MS. RANEY: Please excuse this juror.

4 THE CLERK: You are excused. Please be seated.

5 Juror, 136, Shahn Syfert. What say the State?

6 MR. BARFIELD: Please present the juror.

7 THE CLERK: The defendant Clinton, Mr. Frick?

8 MR. FRICK: Please seat the juror.

9 THE CLERK: Defendant Green, Miss Raney?

10 MS. RANEY: Please seat the jury.

11 THE CLERK: Please follow the bailiff to the jury
12 room.

13 Juror 130, Janette Spivey. What say the State?

14 MR. BARFIELD: Please excuse the juror from this
15 trial.

16 THE CLERK: You are excused. Please be seated.

17 Juror number 68, Mary Holman. What say the State?

18 MR. BARFIELD: Please present the juror.

19 THE CLERK: Defendant Clinton, Mr. Frick?

20 MR. FRICK: Please excuse the juror from the
21 trial of this case.

22 THE CLERK: You are excused. Please be seated.

23 Juror 142, Michael Walker. What say the State?

24 MR. BARFIELD: Please present the juror.

25 THE CLERK: Defendant Clinton, Mr. Frick?

1 MR. FRICK: Please seat the juror.

2 THE CLERK: Defendant Green. Miss Raney?

3 MS. RANEY: Please seat this juror.

4 THE CLERK: Please follow the bailiff to the jury
5 room.

6 Juror 134, Gloria Stover. What say the State?

7 MR. BARFIELD: Please excuse the jury from this
8 trial.

9 THE CLERK: You are excused. Please be seated.

10 Juror 48, Alicia Flannigan. What say the State?

11 MR. BARFIELD: Please present the juror.

12 THE CLERK: Defendant Clinton, Mr. Frick?

13 MR. FRICK: Please seat the juror.

14 THE CLERK: Defendant Green, Miss Raney?

15 MS. RANEY: Please seat this juror.

16 THE CLERK: Please follow the bailiff to the jury
17 room.

18 Juror 78, Teresa Joyes. What say the State?

19 MR. BARFIELD: Please present the juror.

20 THE CLERK: Defendant Clinton, Mr. Frick?

21 MR. FRICK: Please excuse the jury from the trial
22 of this case.

23 THE CLERK: You are excused. Please be seated.

24 Juror 82, Christopher Koutroumpis. What say the
25 State?

1 MR. BARFIELD: Please present the juror.

2 THE CLERK: Defendant Clinton, Mr. Frick?

3 MR. FRICK: Please seat the jury.

4 THE CLERK: Defendant Green Miss Raney?

5 MS. RANEY: Please seat this jury.

6 THE CLERK: Please follow the bailiff to the jury
7 room.

8 Juror 56, Robert Gunn. What say the State?

9 MR. BARFIELD: Please present the juror.

10 THE COURT: Defendant Clinton, Mr. Frick?

11 MR. FRICK: Please seat the jury.

12 THE CLERK: Defendant Green, Miss Raney?

13 MS. RANEY: Please excuse this juror. You are
14 excused. Please be seated.

15 Juror 131, Christy Starnes, what say the State?

16 MR. BARFIELD: Please present the juror.

17 THE CLERK: Defendant Clinton, Mr. Frick?

18 MR. FRICK: Please excuse the juror from the trial
19 of this case.

20 THE CLERK: You are excused. Please be seated.

21 Juror number 148, Keren Willis. What say the State?

22 MR. BARFIELD: Please present the juror.

23 THE CLERK: Defendant Clinton, Mr. Frick?

24 MR. FRICK: Please seat the juror.

25 THE CLERK: Defendant Green, Miss Raney.

1 MS. RANEY: Plus excuse this juror.

2 THE CLERK: You are excused. Please be seated.

3 Juror 58, Justin Hackney. What say the State?

4 MR. BARFIELD: Please excuse the juror from this
5 trial.

6 THE CLERK: You are excused. Please be seated.

7 Juror 75 Kathy Johnson. What say the State?

8 MR. BARFIELD: Please present the juror.

9 THE CLERK: Defendant Clinton, Mr. Frick?

10 MR. FRICK: Please excuse the juror from the trial
11 of this case.

12 THE CLERK: You are excused. Please be seated.

13 Juror 62, Sanquinina Hayes. What say the State?

14 MR. FRICK: Your Honor can we approach for one
15 second.

16 THE COURT: Yes, sir.

17 (WHEREUPON, there was an off the record discussion
18 held at the bench.)

19 MR. BARFIELD: Please present the juror.

20 THE CLERK: Defendant Clinton, Mr. Frick?

21 MR. FRICK: Please excuse the juror from the trial
22 of this case.

23 THE CLERK: You are excused. Please be seated.

24 Juror 83, Ricky Lewis. What say the State?

25 MR. BARFIELD: Please present the juror.

1 THE CLERK: Defendant Clinton, Mr. Frick?

2 MR. FRICK: Please seat the juror.

3 THE CLERK: Defendant Green, Miss Raney?

4 MS. RANEY: Please strike this juror.

5 THE CLERK: Be seated please.

6 Juror 90, Judy Max. What say the State?

7 MR. BARFIELD: Please present the juror.

8 THE CLERK: Defendant Clinton, Mr. Frick?

9 MR. FRICK: Please seat the juror.

10 THE CLERK: Defendant Green, Miss Raney?

11 MS. RANEY: Please seat this juror.

12 THE CLERK: Please follow the bailiff to the jury
13 room.

14 Juror 94, Jeffrey Mcilwain. What say the State?

15 MR.. BARFIELD: Please present the juror.

16 THE CLERK: Defendant Clinton, Mr. Frick?

17 MR. FRICK: Please excuse the juror from the trial
18 in of this case.

19 THE CLERK: You are excused. Be seated.

20 Juror 65, Angela Hendrix. What say the State?

21 MR. BARFIELD: Please present the juror.

22 THE CLERK: Defendant Clinton, Mr. Frick?

23 MR. FRICK: Please seat the juror.

24 THE CLERK: Defendant Green, Miss Raney?

25 MS. RANEY: Please excuse this juror.

1 THE CLERK: You are excused. Please be seated.

2 Juror 26, Dennis Clements. What say the State?

3 MR. BARFIELD: Please present the juror.

4 THE CLERK: Defendant Clinton, Mr. Frick?

5 MR. FRICK: Please excuse the jury from the trial
6 of this case.

7 THE CLERK: You are excused. Please be seated.

8 Jury number 21, David Cauthen. What say the State?

9 MR. BARFIELD: Please present the juror.

10 THE CLERK: Defendant Clinton, Mr. Frick?

11 MR. FRICK: Please seat the juror.

12 THE CLERK: Defendant Green, Miss Raney.

13 MS. RANEY: Please seat this juror.

14 THE CLERK: Please follow the bailiff to the jury
15 room.

16 Juror 30, Sally Crail. What say the State?

17 MR. BARFIELD: Please present the juror.

18 THE CLERK: Defendant Clinton, Mr. Frick?

19 MR. FRICK: Please seat the juror.

20 THE CLERK: Defendant Green, Miss Raney?

21 MS. RANEY: Please excuse this juror.

22 THE CLERK: You are excused. Please be seated
23 thank you.

24 Juror 104, Carlos Ocasio. What say the State?

25 MR. BARFIELD: Please excuse the juror from this

1 trial.

2 THE CLERK: You are excused. Please be seated.

3 Juror 70, Chenika Hood. What say the State?

4 MR. BARFIELD: Please excuse the juror from this
5 trial.

6 THE CLERK: You are excused. Please be seated.

7 Juror 89, Vicki Maull. What say the State?

8 MR. BARFIELD: Please present the juror.

9 THE CLERK: Defendant Clinton, Mr. Frick?

10 MR. FRICK: Please seat the juror.

11 THE CLERK: Defendant Green, Miss Raney?

12 MS. RANEY: Please excuse this juror.

13 THE COURT: You are excused. Please be seated.

14 Juror one, Miss Adams. What say the State?

15 MR. BARFIELD: Please excuse the jury from this
16 trial.

17 THE CLERK: You are excused. Please be seated.

18 Juror 93, Waltonya Megriff. What say the State?

19 MR. BARFIELD: Please excuse the jury from this
20 trial.

21 THE CLERK: You are excused. Please be seated.

22 Juror 16, Joida Burtis. What say the State?

23 MR. BARFIELD: Please present the juror.

24 THE CLERK: Defendant Clinton, Mr. Frick?

25 MR. FRICK: Please the seat the juror.

1 THE CLERK: Defendant Green, Miss Raney?

2 MS. RANEY: Please seat this juror.

3 THE CLERK: Please follow the bailiff to the jury
4 room.

5 Juror 54, Dawn Glidewell. What say the State?

6 MR. BARFIELD: Please excuse the juror from this
7 trial.

8 THE CLERK: You are excused. Please be seated.

9 Juror three, three David Anderson. What say the
10 State?

11 MR. BARFIELD: Please present the juror.

12 THE CLERK: Defendant Clinton, Mr. Frick?

13 MR. FRICK: Please excuse the jury from the trial
14 of this case.

15 THE CLERK: You are excused. Please be seated.

16 Juror 119, Carol Rogers. What say the State?

17 MR. BARFIELD: Please present the juror.

18 THE CLERK: Defendant Clinton, Mr. Frick?

19 MR. FRICK: Please seat the juror.

20 THE CLERK: Defendant Green, Miss Raney?

21 MS. RANEY: Please seat this juror.

22 THE CLERK: Please follow the bailiff to the jury
23 room.

24 Juror 49, Kathine Flowers. What say the State?

25 MR. BARFIELD: Please excuse the juror from this

1 trial.

2 THE CLERK: You are excused. Please be seated.

3 Juror 38, Sherressa Davis. What say the State?

4 MR. BARFIELD: Please excuse the juror from this
5 trial.

6 THE CLERK: You are excused. Please have a seat.
7 Juror 129, James Spicer. Any challenge for cause by
8 the State?

9 MR. BARFIELD: Please present the juror.

10 THE CLERK: Defendant Clinton, Mr. Frick?

11 MR. FRICK: Please seat the juror.

12 THE CLERK: Defendant Green, Miss Raney?

13 MS. RANEY: Please seat this juror.

14 THE CLERK: Please follow the bailiff to the jury
15 room.

16 Alternates. That is 12.

17 THE COURT: All right, alternates. Two
18 alternates. What are the strikes on the alternates
19 solicitor?

20 MR. BARFIELD: One and two Your Honor, I believe.

21 THE COURT: So, one for the State. Do you agree
22 with that Mr. Frick.

23 MR. FRICK: I don't think it's two total. We may
24 have two and two, but I think the solicitor is fixing
25 to look it up.

1 THE COURT: Well, the statute -- that's what I was
2 looking up. I am not tweeting or on facebook. I am
3 trying to research the statute and it says in criminal
4 cases -- it says challenges and strikes of alternates
5 jurors, in criminal cases the prosecutor is entitled
6 to one and the defendant, singular, to two peremptory
7 challenges for each alternate under the provisions of
8 14-7-320 and it says it has got to be drawn from the
9 same source. So it doesn't give a multiple, so, I
10 think the State gets one and Mr. Green and Clinton get
11 two per alternate. Two combined.

12 MR. FRICK: I agree. I think that is what the
13 statute says.

14 THE COURT: Do you agree, Miss Raney?

15 MS. RANEY: I do.

16 THE COURT: All right, give us two alternates
17 please.

18 THE CLERK: Juror 18, Christopher Carnes. What
19 say the State?

20 MR. BARFIELD: Please excuse the juror from this
21 trial.

22 THE CLERK: You are excused. Please be seated.
23 Juror 32, Frederick Crosby. Any challenge for cause?

24 MR. BARFIELD: Please present the juror. No
25 challenge.

1 THE CLERK: Defendant Clinton, Mr. Frick?

2 MR. FRICK: Please excuse the juror from the trial
3 of this case.

4 THE CLERK: You are excused.

5 Juror 39, Phillip DeGroat. Any challenge for cause
6 from the State?

7 MR. BARFIELD: Please present the juror.

8 THE CLERK: Defendant Clinton, Mr. Frick?

9 THE COURT: I don't think you have a strike.

10 MR. FRICK: I thought you said two and two.

11 THE COURT: I think you got two combined per
12 alternate the way I read that statute.

13 MR. FRICK: Okay, I will defer to your ruling.

14 THE COURT: You all can exercise it however you
15 want.

16 MR. FRICK: I thought you said two and then two,
17 but if your ruling is two combined --

18 THE COURT: Yes, sir.

19 MR. FRICK: -- then I will defer.

20 THE COURT: Per alternate. You got lawyers trying
21 to do math.

22 MR. FRICK: Never a good thing. I have no
23 challenges for cause.

24 THE CLERK: Defendant Green, Miss Raney?

25 MS. RANEY: Please seat this juror.

1 THE CLERK: Please follow the bailiff to the jury
2 room.

3 Juror five, John Barnes. What say the State?

4 MR. BARFIELD: Please present the juror.

5 THE CLERK: The defendant Clinton, Mr. Frick?

6 MR. FRICK: Please excuse the juror from the trial
7 in this case.

8 THE CLERK: You are excused. Please be seated.

9 Juror 116, Laporcha Rhoney. What say the State?

10 MR. BARFIELD: Please present the juror.

11 THE CLERK: The defendant Clinton, any challenge
12 Mr. Frick?

13 MR. FRICK: Yes, sir. If we can approach Your
14 Honor.

15 THE COURT: All right. Yes, sir.

16 (WHEREUPON, there was an off the record
17 discussion.)

18 MR. FRICK: I think the Court has denied my
19 challenge.

20 MS. RANEY: Miss Raney.

21 MS. RANEY: Please excuse this juror.

22 THE CLERK: You are excused. Please be seated.

23 Juror 40, Norman Dobson. What say the State?

24 MR. BARFIELD: Please present the juror.

25 THE CLERK: Challenge Mr. Frick?

1 MR. FRICK: No challenge.

2 THE CLERK: Challenge Ms. Raney?

3 MS. RANEY: No challenge.

4 THE CLERK: Please follow the bailiff to the jury
5 room.

6 THE COURT: Any motions regarding the jury of
7 selection process from the State.

8 MR. BARFIELD: Nothing from the State.

9 THE COURT: From Mr. Clinton, Mr. Frick?

10 MR. FRICK: No, Your Honor.

11 THE COURT: From Mr. Green, Miss Raney.

12 MS. RANEY: No, Your Honor.

13 THE COURT: All right. Thank you. Thank you very
14 much.

15 Call after six?

16 THE CLERK: Yes, sir.

17 THE COURT: Momentarily ladies and gentlemen of the
18 jury panel I will release you from jury service, not
19 for the remainder of morning. I already taken care of
20 all that, but the remainder of the day and the
21 evening. I would ask you to please call your juror
22 information number after six o'clock. After six p.m.
23 tonight if you would call that number it will prompt
24 you and give you instructions for your service for the
25 remainder of the week. Any questions?

1 With that being said I would like to you to please
2 remain juror number 130, Miss Spivey, if you would
3 remain and juror number 144, Miss Whitaker, if you
4 would remain. All others are excused. It has been my
5 pleasure and privilege to be with you here this
6 morning in Lancaster County. Thank you. Thank you,
7 very much.

8 (WHEREUPON, prospective jurors leave the room.)

9 THE COURT: All right. Well, I take it solicitor,
10 Mr. Frick, Miss Raney, you want me to bring the jury
11 panel in and I will give them certain instructions and
12 let them take their luncheon recess; is that correct?

13 MR. BARFIELD: Yes, sir, and if I could get some
14 idea, I got some people upstairs I need to cut loose
15 for lunch too and I want to go ahead and do that
16 before we do what we are fixing to do. Could you tell
17 me what time?

18 THE COURT: Two-thirty.

19 MR. BARFIELD: Okay.

20 THE COURT: Is that suitable with you, Mr. Frick?

21 MR. FRICK: That is fine.

22 MS. RANEY: Yes, Your Honor.

23 THE COURT: Bring the jury panel in please.

24 MR. FRICK: Judge, are we bringing the jury panel
25 back at 2:30 or are we going to do the pretrial

1 matters at 2:30.

2 THE COURT: Bring the jury back at 2:30.

3 MR. FRICK: We got a Lyle hearing we got to do.

4 MR. BARFIELD: I need to go upstairs and check on
5 something to make sure the witnesses are here to be
6 able to launch right into that. Let Randy make sure
7 they are here first.

8 THE COURT: Do you want me to tell them three
9 o'clock?

10 MR. BARFIELD: That's fine. Three o'clock.

11 MR. FRICK: Three o'clock.

12 THE COURT: Okay.

13 MS. RANEY: May it please the court, Your Honor.

14 THE COURT: Yes, ma'am.

15 MS. RANEY: I did leave a copy of defendant Green's
16 pretrial motions up on the bench. I just wanted to
17 make sure you had a copy of that.

18 THE COURT: I do have it, yes, ma'am

19 MS. RANEY: Okay.

20 MR. BARFIELD: It is not our intention to go
21 through all the pretrial matters before we bring the
22 jury in this afternoon; is that correct?

23 MS. RANEY: I would say that is up to the Court.

24 THE CLERK: Are you ready for the jury?

25 THE COURT: Yes.

1 (WHEREUPON, the jury enters the room.)

2 THE COURT: Please be seated. All right. Welcome
3 back ladies and gentlemen of the jury panel. Now
4 let's see I got my two alternates. That's right.
5 Upon your return of course they will show you where to
6 go when they bring you back. We will be in the
7 courtroom when you come back. However, we are going
8 to take our luncheon recess. I must give you certain
9 instructions which you must follow throughout,
10 throughout the trial of this case until it is
11 submitted to you for your deliberation and your
12 verdict in the matter. After I have given you those
13 instructions I want to tell you, cover a little
14 administrative issues with you so you will have at
15 least a general idea of the direction I am hoping to
16 move the trial this afternoon.

17 Number one, you may not discuss this case with
18 others. This includes your fellow jurors, lunch mates
19 family friends or anyone else. You would not be
20 authorized to discuss this case with anyone until you
21 heard all the evidence, all the testimony, closing
22 arguments by the attorneys and instruction on the law
23 by the Court and then directed by the Court to
24 deliberate with your fellow jurors in your jury room.
25 So throughout the trial of this case you may not

1 discuss this case with anyone, number one.

2 Number two, you may not read, watch, listen to any
3 news accounts or news reports about the case; should
4 there be any, television, newspaper, radio or the
5 internet.

6 Three, you may not use a computer, cellular phone
7 or other electronic device with communication
8 capabilities while in attendance at trial or during
9 deliberations. These devices of course you may use
10 during your lunch break and over the evening recess,
11 but you may not use them to obtain or disclose
12 information which is prohibited. Information which is
13 prohibited includes but it is not limited to;
14 information about a party, a witness, a attorney or a
15 court officer, news accounts about the case, pass or
16 present, if there are were any, information collected
17 through juror research on any topic raised or
18 testimony offered by any witness, or information
19 collected through juror research on any other topic,
20 the juror might think would be helpful in deciding the
21 case. You decide the case using your good judgement
22 individually and your common sense individually and
23 collectively as a juror bringing that to focus on the
24 believability, truth of the witnesses that will
25 testify under oath before you in the courtroom, and

1 then the law as I tell you the law is, uninfluenced --
2 uninfluenced by anything outside, outside of the
3 courtroom -- witnesses testifying under oath, the law
4 as I tell it to be and then like a laser focus your
5 good judgement and common sense on those and reach a
6 verdict that speaks the truth. I will go into that
7 more with you upon your return this afternoon.

8 Now, this trial is like -- is no different from
9 most trials. There are certain pretrial matters that
10 I must take up before we start the trial in front of a
11 jury. That's the rule rather than the exception. I
12 take that up after I select the jury and before the
13 jury comes out so there is not too much start and
14 stopping as we go through the trial. Obviously, those
15 are very difficult to estimate how much time it may
16 take. So, what I am going to do is give you somewhat
17 of an extended luncheon recess. Don't get use to it,
18 but your time is very important to me. It is very
19 valuable to me and to the parties -- and to the
20 parties, but it's sometimes hard to manage and hard to
21 determine how long a particular issue is going to take
22 me to hear it before I decide whether you may or may
23 not hear it, that's the pretrial matters that must be
24 addressed by the Court. So I will give you about two
25 hours and ten minutes. I ask you to be back about

1 3:30. Be back about 3:30. Hopefully the deck will be
2 cleared to the extent that we can then get started in
3 the afternoon with the opening statements. I have a
4 very brief opening that I give just kind of
5 procedurally, and we will see how far we get today.
6 If any of you have issue, if you have to be a
7 particular place at particular time this evening I
8 usually work until 5:30. I have been known to work
9 later, but I usually work until about 5:30, but if you
10 do, just write out a note. If you have child care or
11 anything like that let the bailiff know. They will
12 get it to my attention and I will certainly try to
13 accommodate you in that regard. Any questions? Thank
14 you. Thank you, very much. You may now go with Mr.
15 Bailiff.

16 Thank you all very much. Hope you all have a
17 pleasant lunch. Thank you.

18 MR. BARFIELD: Can I do one brief matter on the
19 record before we break?

20 THE COURT: Sure. Certainly.

21 MR. BARFIELD: Your Honor, Mr. Clinton is indicted
22 2012-GS-29-616 with murder and in the original
23 Indictment -- which you have in your hand -- I can't
24 recall the date the Grand Jury acted upon it, but it
25 was true billed, but I had a misspelling of his last

1 name and I would move -- it is clearly a scrivener's
2 error. It is spelled correctly on the back of the
3 Indictment it is spelled incorrectly in the text of
4 the Indictment and I would move to amend the spelling
5 of the text of the original indictment of Mr.
6 Clinton's last name, C-L-I-N-T-O-N.

7 THE COURT: How was it spelled?

8 MR. BARFIELD: I apologize to Mr. Clinton, but it
9 was spell, Clington with a G.

10 THE COURT: Well, I noticed that Mr. Frick had
11 James Kirk as witness is that Captain Kirk of the USS
12 enterprise.

13 MR. FRICK: It is Your Honor, yes, sir. I am glad
14 you caught that.

15 THE COURT: All right. Thank you. Any objections
16 to that, Mr. Frick?

17 MR. FRICK: Your Honor, I take no position. I
18 think after Gentry, such things are of a little
19 comport for us.

20 THE COURT: Miss Raney, to the extent that Mr.
21 Green would want to put anything on the record in that
22 regard.

23 MS. RANEY: We have no objections, Your Honor.

24 THE COURT: Anything further?

25 MR. BARFIELD: No, sir.

1 THE COURT: All right. We will be back at 2:30.

2 MR. FRICK: Thank you.

3 THE COURT: All right. Thank you. Thank you very
4 much.

5 (WHEREUPON, the luncheon recess taken.)

6 THE COURT: All right. Any motions from the
7 State, solicitor?

8 MR. BARFIELD: I don't have anything. Miss Raney
9 has a motion and I think we have agreed that we will
10 deal with another motion in limine which I will set up
11 briefly in a minute, but I will let Miss Raney argue
12 about sequestration first.

13 THE COURT: All right. Thank you. Miss Raney.

14 MS. RANEY: May it please the Court, Your Honor.
15 This case involves a substantial amount of different
16 statements from about 25 to 30 lay witnesses, as well
17 as an enormous amount of police involvement. More
18 than I have ever seen and so because of that and
19 because really there is no forensic evidence in this
20 case and the testimony of the witnesses is such a
21 crucial issue in this case, the defense is asking that
22 witnesses be sequestered.

23 THE COURT: Have the witnesses given written
24 statements?

25 MS. RANEY: The majority of them have, Your Honor,

1 but not all of them.

2 MR. FRICK: Your Honor, just for the record I
3 concur in that motion.

4 THE COURT: All right. Solicitor.

5 MR. BARFIELD: Your Honor, I normally leave that
6 in the Judge's discretion. Most of the witnesses that
7 I intend to call during the course of this trial did
8 give written statements, the lay witnesses. Some of
9 the law enforcement people were on incident reports,
10 some of them have their own supplements, but we will
11 do it however you want to do it.

12 THE COURT: Now number one, are any of the
13 witnesses today have the status of victim?

14 MR. BARFIELD: Well, yes. Jenika Jones is a
15 victim, her mother and stepfather are present. They
16 are on my witness list. I will call at least one of
17 them, maybe both of them and I would argue to the
18 Court, first, that they should be allowed to stay in
19 the courtroom.

20 Mike Howell, who is sitting with me from the
21 sheriff's office is my principle investigator on this
22 case. He is here and I think he should be able to
23 stay the whole time. There are some other officers
24 and former officers who are here and are prepared to
25 testified today. But Mike Howell would always be

1 hear. Eric and Rachelle Stevenson will always be able
2 to be in here, and Jenika Jones's father and stepmother
3 are here and they are not witnesses in the case, so
4 that is not an issue.

5 MS. RANEY: And I have no objection to anyone that
6 Mr. Barfield named staying in the courtroom; Your
7 Honor.

8 THE COURT: All right. Well, I generally -- there
9 is a case, an older case and I don't see it. The fact
10 that they can hear each other testify and hone out the
11 truth is not the only factor to look at. Under State
12 versus Carmac it indicates that there were a number of
13 State witnesses, civilian State witnesses. I will
14 allow any civilian State witness to remain in the
15 courtroom if they have given a witness statement
16 because if they given written statements they are
17 subject to being impeached on there statement in that
18 regard. If they have not given written statements I
19 will sequester those witnesses who have not.

20 As I understood Miss Raney you had no objections to
21 the Detective Howell, stepfather, mother and the
22 officers present now, is that correct?

23 MS. RANEY: I have no objection to Mr. Howell,
24 Officer Howell, being in the courtroom, obviously the
25 victim's parents being in the courtroom. Your Honor,

1 they did not give statements but they are here on
2 behalf of the victim. I think certainly they have a
3 right to be here, but there is a huge number of police
4 officers that are involved throughout the course of
5 this investigation and going throughout Discovery with
6 Mr. Barfield so of what the police did is documented
7 in the incident report and some of it is not. So I
8 would have an objection to the officers other than the
9 State's case agent that they have elected being
10 present in the courtroom to hear the testimony of the
11 other witnesses.

12 THE COURT: Well, if they have written incident
13 reports I will put them in the same category as the
14 other State's witnesses. If they haven't written
15 incident reports they can't remain. All right.
16 Besides your chief investigating officer and if you have
17 any evidence custodian officer. All right.

18 MR. BARFIELD: And there are are not presently any
19 civilian witnesses other than the victim's mom and
20 stepdad in the courtroom.

21 THE COURT: All right.

22 MR. BARFIELD: And Your Honor, the next issue is a
23 Lyle matter and let me just sort of set this up and if
24 I misstate it --

25 THE COURT: Let me stop you. Any of their family

1 want to remain, Miss Raney, Mr. Frick, their family,
2 Mr. Clinton or Mr. Green's family they can certainly
3 do so. All right, then solicitor.

4 MR. BARFIELD: Your Honor, I got -- I am just
5 going to sort of summarize the factual matters so you
6 know what the heck I am talking about and what this
7 hearing is about.

8 Jenika Jones we believe -- well, we know Jenika
9 Jones was shot and killed in her home at 1-19-12. We
10 believe it was a robbery attempt. May be a successful
11 robbery but I don't know that anything was taken. I
12 have testimony from three civilian witnesses that I
13 will call this afternoon in this hearing, which
14 basically says -- well, I will summarize. Dominique
15 Davis says the day before Miss Jones was shot and
16 killed she was in the presence of these two defendants
17 and they were talking about doing a lick and they were
18 talking about robbing the person they had robbed
19 before. Jamal Twitty later that night of the day
20 before said same thing. He was in the presence of
21 these two defendants and they were talking about doing
22 a lick and among other things saying they were going
23 to rob the person they had robbed before.

24 There was in fact a robbery that we alleged was
25 committed by these two and some others against a fella

1 named Jeffery Lanard Roseborough who will also testify
2 this afternoon that some time before Thanksgiving or
3 Christmas he was robbed by these two defendants and a
4 couple of other people. And the purpose of the
5 State's effort to be allowed to have Miss Davis and
6 Mr. Twitty testify that these two defendants said we
7 are going to rob the same guys that we robbed before
8 it goes to identity. So this is a Lyle matter, 403
9 and 404, and I also will have Fred Thompson, formerly
10 with the sheriff's office to testify that at some
11 point he was in the presence of Mr. Clinton and was
12 talking to Mr. Clinton and Mr. Clinton was lamenting
13 how he was in jail for several charges including this
14 murder which he didn't do but admitted to Fred
15 Thompson that he did do the prior robbery. So my
16 effort is to be able to get a ruling from the Court
17 about whether Davis and Twitty are going to be allowed
18 to testify in the presence of the jury tomorrow or
19 some time that these two defendants said we are going
20 to rob the guy that we robbed before.

21 THE COURT: How does that track them to Miss
22 Jones.

23 MR. BARFIELD: Because -- well, let me back up.

24 Miss Jones was the girlfriend of Lanard
25 Roseborough who stayed with her part of the time and

1 there is also testimony from these two witnesses about
2 a black car that she had as way to identify the house
3 and matters like that.

4 THE COURT: So Roseborough, Mr. Roseborough, was
5 Miss Jones's boyfriend.

6 MR. BARFIELD: Yes, sir.

7 THE COURT: And was Mr. Roseborough -- well, I
8 don't need to keep asking questions. If want to call
9 your witnesses up let me hear from the witnesses.

10 Anything you want to say before he calls his
11 witnesses?

12 MR. FRICK: Your Honor, if I can address that
13 briefly.

14 One, the incident with Mr. Roseborough happened
15 well before the incident with Miss Jones.

16 THE COURT: Did he say November?

17 MR. FRICK: Yes, sir. It happened I think some
18 time in November. It did not come to light until
19 after the incident with Miss Jones. It happened at
20 different location then Roseanna Drive. So I just --

21 THE COURT: That's why I said let me hear it so I
22 would not be asking questions. But while I doing that
23 read State versus Beck. All right. You may already
24 have a copy of that.

25 MR. FRICK: Not right with me. I will check that.

1 THE COURT: Not that I am sure you have already
2 read that case many times Mr. Frick. I didn't mean to
3 imply that at all.

4 MR. FRICK: That's fine Your Honor.

5 THE COURT: If I did imply that I apologize. That
6 is not what I meant.

7 All right this is Miss Davis.

8 MR. BARFIELD: Dominique Davis.

9 THE COURT: All right. If come around and place
10 your hand on the Bible. Your left hand on the Bible.
11 Sit up here on this rail.

12 DOMINIQUE DAVIS, called as a witness, having been
13 duly sworn by the Court, was examined and testified as
14 follows:

15 THE COURT: All right, ma'am. If you come around
16 and just once you comfortably seated if you would
17 state your full name for the record spelling your
18 first and spelling your last.

19 THE WITNESS: I'm Dominique Davis.

20 THE COURT: You will have to speak up so furthest
21 person over here can hear everything you got to stay.
22 Spell you first name.

23 THE WITNESS: D-o-m-i-n-i-q-u-e.

24 THE COURT: And your last name.

25 THE WITNESS: D-a-v-i-s.

1 THE COURT: All right, Miss Davis. Thank you.
2 Solicitor.

3 DIRECT EXAMINATION

4 BY MR. BARFIELD:

5 Q Miss Davis, a few questions. Do you live here in
6 Lancaster County?

7 A Yes.

8 Q Do you live in an apartment complex here?

9 A Yes.

10 Q Where do you live? Not the address, but what complex
11 do you live in?

12 A Carolina Court.

13 Q And do you know Devatee Clinton?

14 A Yes.

15 Q Do you see him in the courtroom today?

16 A Yes.

17 Q Where is he sitting and what is he is wearing?

18 A Blue shirt.

19 Q At the table over there next to the fellow with the
20 computer in front of him?

21 A Yes.

22 Q Keep talking loud. Do you know Mr. Clinton by a
23 nickname?

24 A Yes.

25 Q What is his nickname that you know him by?

1 A Tate.

2 Q Do you know Al Martinez Green?

3 A Yeah. Who did say?

4 Q Do you know Al Green?

5 A Yeah.

6 Q And do you see Al Green in the courtroom today?

7 A Yes.

8 Q Where is Al Green sitting?

9 A Over there.

10 Q And what has he got on?

11 A A black and red, gray shirt.

12 Q Talk loud?

13 A Red, black and gray shirt.

14 Q Is he sitting next to the lady who also has a computer

15 in front of her?

16 A Yes.

17 Q Okay. And do you know I am going to ask you this a

18 time or two, but not going to repeat it too many times, but do

19 you know Al Green by a nickname?

20 A Just Al.

21 Q Does he have another nickname you and I have talked

22 about.

23 A No.

24 Q Okay. That is fine.

25 Q Do you know who Y'eisha Tinsley is?

1 A Yes.

2 Q Who is Y'eisha Tinsley?

3 A Al's baby momma.

4 Q Where does she live?

5 A At the time she stayed at Carolina Court but I don't
6 know where she is living now.

7 Q Did she live near you in Carolina Court?

8 A Right across the hall.

9 Q And at the time that we are fixing to talk about, was
10 she Al Green's girlfriend then?

11 A Yes.

12 Q Did you know Jenika Jones or who she was?

13 A Yes.

14 Q Do you know where she lived?

15 A No.

16 Q Okay. Did you know back at the time we are fixing to
17 talk about in a minute, a guy name Jeffery Lanard Roseborough?

18 A Did I know him?

19 Q Did you know who Jeffery Lanard Roseborough was?

20 A Yes.

21 Q Did you know him by nickname?

22 A Only Nard.

23 Q Did you become aware at some point that Jenika Jones
24 was shot and killed?

25 A After it happened.

1 Q Do you know that now?

2 A Yeah.

3 Q Do you know what day she was shot and killed? I am not
4 asking you what the date was, but do you remember that day when
5 she was shot and killed or that night?

6 A Yeah.

7 Q Okay. The day before that day, where were you?

8 A At Y'eisha's house.

9 Q What time of day was it?

10 A About 10:30, 11 o'clock.

11 Q In the morning or at night?

12 A In the morning.

13 Q Was anybody else at Y'eisha when you were there that
14 morning the day before Jenika Jones was shot?

15 A Yes.

16 Q Who was there?

17 A Tate, Al, me, Dominique, Y'eisha, my daughter, and her
18 son and her brother Madrey.

19 Q Did you hear Tate Clinton and Al Green talking while
20 you were there that morning?

21 A Yes.

22 Q Who was talking?

23 A Tate.

24 Q What was Tate saying?

25 A Something about getting a lick.

1 Q What is a lick? What did you understand a lick to be?

2 A To rob somebody.

3 Q What was the -- well, let me back up. Did Tate -- was
4 there any discussion about guns that day?

5 A Yeah.

6 Q Who said it and what was said?

7 A Tate had his brother Taz's gun and he wasn't going to
8 give it back.

9 Q You heard Tate say that?

10 A Yes.

11 Q Was there any discussion about where a robbery was
12 going to happen or who it was going to happen too?

13 A I don't know who they was talking about.

14 Q Was there any discussion -- just tell us what you
15 remember being said by whom and by whom?

16 A I remember that they were going to do a lick. They was
17 going to rob -- they were going to rob somebody, that -- Tate
18 was talking to Al saying that he was going to rob the boy but he
19 never said the boy's name at the time and ---

20 Q Was there any discussion about a female, a girl?

21 A Yeah, that she be at work all the time.

22 Q Who said that the girl would be at work all the time?

23 A I want to say Tate.

24 Q Was there any discussion about an automobile?

25 A Yes, something about a black car.

1 Q Whose black car?

2 A I guess it is Jenika's. It is suppose to be Jenika.

3 Q Okay.

4 Q Did Al Green talk about the robbery?

5 A He said let's go do the lick.

6 Q Did he say anything else about the robbery?

7 A That he had been watching the house.

8 Q Okay. Did he tell you -- did he say which house?

9 A No.

10 Q Did he say anything about his knowledge of that house
11 or the people that might be living there?

12 A No. Nothing but Jenika I guess and her boyfriend.

13 Q Did you know that Nard and Jenika were boyfriend and
14 girlfriend?

15 A No, not at the time.

16 Q Was there any discussion about Jeffrey Lenard
17 Roseborough between Tate Clinton and Al Green that day when they
18 were in Y'eisha's apartment by either one of them?

19 A I don't remember.

20 MR. BARFIELD: Thank you ma'am. Answer anything
21 the two lawyers have.

22 THE COURT: Mr. Frick.

23 CROSS EXAMINATION

24 BY MR. FRICK:

25 Q You didn't know who they were talking about?

1 A No, sir.

2 Q You didn't know that Jeffrey Roseborough, Nard and
3 Jenika Jones were boyfriend and girlfriend?

4 A No.

5 Q You didn't hear them talking about where they were
6 going to go do this lick?

7 A No.

8 Q Okay. You really didn't know who they were talking
9 about?

10 A No idea.

11 Q Were you standing outside with them or did you
12 overhear?

13 A They was inside on Y'eisha Tinsley's house.

14 Q Were you in the same room?

15 A We were all in the living room sitting on the couch.

16 Q Who all was in the living room?

17 A Tate and Al.

18 Q And you?

19 A Yeah. Y'eisha was in there, her brother Madrey was in
20 the bathroom and the kids was in the living room.

21 Q You said Tate said something about Taz's gun?

22 A Yeah. Taz is his brother.

23 Q Do you know any idea what kind of gun he is talking
24 about?

25 A No.

1 Q Did they say anything about robbing somebody before?

2 A I only hear that at Y'eisha's apartment.

3 Q Okay. So you just heard what they were saying about
4 going to go do a lick?

5 A Yeah.

6 Q No idea about anything or allegations of something that
7 happened before?

8 A They said something about -- Al said something about he
9 had robbed Nard before that is the only thing I heard before.

10 Q Nard?

11 A Yeah, Nard.

12 MR. FRICK: Thank you, ma'am.

13 THE COURT: Miss Raney.

14 CROSS EXAMINATION

15 BY MS. RANEY

16 Q Good afternoon Miss Davis. I am a little confused here
17 so help me.

18 Did you ever hear Al Green mention the name Nard or
19 Jeffrey Roseborough?

20 A Yeah, he had said they robbed him before. He didn't
21 exactly say his name.

22 Q Okay. So what exactly did he say?

23 A He said I done robbed him before.

24 Q I done robbed him before?

25 A Yes.

1 Q How do you know they were talking about Nard?

2 A I didn't know until the next day that it was Nard. I
3 didn't know. I didn't know it was Nard until the next day when
4 I found out Jenika had got killed?

5 Q Okay. So on January 18th, you were present for a
6 conversation between Mr. Clinton and Mr. Green, right?

7 A Yes, ma'am.

8 Q And during the course of the conversation that happened
9 on January 18th, you never heard Mr. Green mention the word Nard
10 or Mr. Roseborough?

11 A No.

12 Q Did you ever hear Mr. Clinton mention the name Nard or
13 Mr. Roseborough?

14 A Uh-uh.

15 Q No?

16 A No.

17 Q And on January 18th during this conversation did you
18 ever hear Mr. Green mention the name Jenika Jones?

19 A No.

20 Q Did you ever hear Mr. Clinton mention the name Jenika
21 Jones on January 18th?

22 A No.

23 Q Okay. And it was Mr. Clinton that brought up doing a
24 lick or a robbery back on January 18th?

25 A Yes.

1 Q And when was this lick suppose to take place?

2 A They didn't never say when it is suppose to took place.

3 Q So it could have been due to take place that night or
4 four months from now?

5 A It could have.

6 Q Okay. And did they say where this lick was going to
7 take place?

8 A No.

9 Q Did they give any details that it would be in Lancaster
10 or in York County, any details whatsoever about where the lick
11 was going to happen?

12 A No.

13 Q Did they give any details about who else was going to
14 go come with them for this lick?

15 A No, ma'am.

16 Q And what did they say about a black car?

17 A They I think Jenika was suppose to be driving a black
18 car.

19 Q Okay, but you just testified two minutes ago that
20 neither Mr. Clinton or Mr. Green said the word Jenika, but now
21 you are telling me one of them said on the 18th that Jenika had
22 a black car. Which is it?

23 A I don't know who said who, but one of them said she had
24 a black car. I didn't know she had a black car. I just knew
25 she had a jeep.

1 Q So about two minutes ago you told me that Mr. Clinton
2 and Mr. Green both never mentioned the name Jenika Jones on
3 January 18th?

4 A They didn't mention her name.

5 Q Okay. And then now you are telling me that one of them
6 was talking about a black car and that it was Miss Jones's car?

7 A I didn't know she had a black car.

8 Q Okay. But did Mr. Green say on January 18th that
9 Jenika Jones had a black car? Did you hear him say that on
10 January 18th?

11 A I don't know I don't know.

12 Q Did you hear Mr. Clinton say that Jenika Jones had a
13 black car on January 18th?

14 A No. No.

15 Q So who was talking about a black car during this
16 conversation?

17 A I can't remember.

18 Q You can't remember who mentioned a black car?

19 A No.

20 Q No. And when Mr. Clinton was talking about doing this
21 lick what did he say he was going to rob or steal? What was he
22 trying to get drugs, money, what was it?

23 A He didn't say.

24 Q He didn't say. Did Mr. Green state what he was
25 intending to take from someone else; drugs, money whatever?

1 A No.

2 Q No. Who is the one that brought up doing the lick?

3 A Tate.

4 Q Tate brought it up and I believe when you were talking
5 to go Mr. Barfield you said to him that you remember Al Green
6 responding back to Tate lets go do the lick. That's what Mr.
7 Green said?

8 A Yes.

9 Q Okay. Do you remember giving a statement to the police
10 in this case?

11 A Yes, but I don't remember all of it.

12 Q Okay.

13 MS. RANEY: May I approach the witness, Your
14 Honor?

15 THE COURT: Yes, ma'am. Certainly.

16 MS. RANEY: I already have shown this to the
17 solicitor and other counsel.

18 Q I want you to take as much time as you need Miss Davis
19 and take a look over your statement and then let me know when
20 you had a chance to finish reviewing it.

21 Have had you a chance to look it over Miss Davis?

22 A Uh-huh.

23 THE COURT: You have to say yes or no.

24 A Yes.

25 Q Does it look familiar to you?

1 A Yes.

2 Q Yes, it does. That is your statement that you went
3 over with the police back on January 23rd of 2012?

4 A Yes.

5 Q And this conversation we are talking about today
6 happened on January 18th, 2012; right?

7 A Yes.

8 Q So, is it fair to say that your memory concerning that
9 conversation of January 18th was probably fresher on your mind
10 five days or so later when you gave this statement then it is
11 today?

12 A Yes.

13 Q Yes?

14 A Yes.

15 Q Okay. And you told me that Al Green said let's go do
16 the lick. Is it fair to say that's not in your statement
17 anywhere, is it?

18 A Al --

19 Q Of Al saying let's go do the lick. That is not in your
20 statement, is it?

21 A Al and Tate said. Was talking about doing a lick.

22 Q Talking about a doing a lick. But according to your
23 statement Tate is the one that brings up talking about doing a
24 lick, correct?

25 A Yeah.

1 A Al --

2 Q Of Al saying let's go do the lick. That is not in your
3 statement, is it?

4 A Al and Tate said. Was talking about doing a lick.

5 Q Talking about a doing a lick. But according to your
6 statement Tate is the one that brings up talking about doing a
7 lick, correct?

8 A Yeah.

9 Q Yes. Okay. And Tate is the one according to your
10 statement that says the girl is very seldom there, correct?

11 A Yes.

12 Q And Tate is the one that says he has his brother Taz's
13 gun, right?

14 A Yes.

15 Q Okay. And Tate is the one that says -- according to
16 your statement -- we are going to get this lick. We are going
17 to get this lick, right?

18 A Yes.

19 Q So, show me in the statement where it says that you
20 reported to the police Al Green responded back let's go do the
21 lick. It's not in your statement is it?

22 A No.

23 Q No. And then according to your statement you said
24 Capone said that he had been riding by there, correct?

25 A Yes.

1 Q And whenever you say Capone, to you that means Mr.
2 Green, right?

3 A Yes.

4 Q And Mr. Capone -- or Mr. Green rather, didn't give any
5 details about where he had been riding by?

6 A No.

7 Q No. Not whether where he had been riding by was a
8 house?

9 A I don't know.

10 Q A business?

11 A No.

12 Q Somewhere in Lancaster?

13 A I guess. I don't know.

14 Q Or somewhere down in Charleston, South Carolina, right?

15 A I guess.

16 Q So you have no idea what Mr. Green was referring to
17 when he said he had been riding by there, correct?

18 A Yeah.

19 Q Okay. And then you say that Mr. Capone mentioned in
20 your presence that he had even robbed Nard before, correct?

21 A Correct.

22 Q When? Did he say when that robbery took place?

23 A No.

24 Q Did he say where that robbery took place?

25 A No.

1 Q Did he say how long ago that robbery had taken place?

2 A No.

3 Q Did he say what he had taken from Nard?

4 A No.

5 Q Did he say whether he used a weapon int this robbery of
6 Nard?

7 A No.

8 Q Did he say who was with him when he had robbed Nard
9 before?

10 A No.

11 Q So, other than Mr. Green's statement that he had robbed
12 Nard before you have no further details about that whatsoever?

13 A No.

14 Q So that could have been --

15 A That is the only thing I heard.

16 Q So that could have been two months ago, right?

17 A I don't know.

18 Q It could have happened two months ago, right, because
19 you don't know when it happened?

20 A I don't know.

21 A And it could have happened ten years ago, right.

22 A It could have.

23 MS. RANEY: No further questions.

24 THE COURT: Redirect solicitor?.

25 MR. BARFIELD: No, sir, not with this witness.

1 THE COURT: Thank you. Thank you, very much.

2 MR. BARFIELD: Miss Davis is obviously still on
3 the witness list. You can come down. She is under
4 subpoena and I told her that when she leaves this
5 afternoon. I will tell her to come back and Miss
6 Davis I am asking you to come back in the morning,
7 9:30. We will get you finished up tomorrow. Okay.
8 Thank you.

9 THE COURT: Thank you.

10 MR. BARFIELD: Jamal Twitty.

11 THE COURT: All right, if you come around place
12 your left hand on the Bible raise your right.

13 JAMAL ANTONINO TWITTY, called as a witness, having
14 been duly sworn by the Court, was examined and
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. Barfield:

18 Q State your name for the record.

19 A Jamal Twitty.

20 Q Spell your last name.

21 A T-w-i-t-t-y.

22 A Yes, sir.

23 Q You live here in Lancaster?

24 A Yes, sir.

25 Q Do you know Devatee Clinton?

- 1 A Yes, sir.
- 2 Q Do you see him in the courtroom today?
- 3 A Yes, sir.
- 4 Q Where is he sitting and what is he wearing?
- 5 A A blue shirt.
- 6 Q Next to the fella with computer in front of him at the
- 7 table on the other side?
- 8 A Yes, sir.
- 9 Q Do you know him by a nickname?
- 10 A Tate.
- 11 Q Do you know Al Green?
- 12 A Yes, sir.
- 13 Q Do you see him in the courtroom today?
- 14 A Yes, sir.
- 15 Q Where is he sitting and what he is wearing?
- 16 A Plaid shirt.
- 17 Q Next to the lady on the other side of the courtroom?
- 18 A Yes, sir.
- 19 Q Do you know him by nickname?
- 20 A Al.
- 21 Q Do you know him by any other nickname? Have you ever
- 22 heard anyone call him Capone?
- 23 A Capone.
- 24 Q Okay. Do you know Dominique Davis?
- 25 A Yes, sir.

- 1 Q How do you know her?
- 2 A I been nothing her for a while.
- 3 Q Do you Y'eisha Tinsley?
- 4 A Yes, sir.
- 5 Q How do you know her?
- 6 A I have been nothing her for a while too.
- 7 Q Back a little over a year ago where were the two of
- 8 them living?
- 9 A Carolina Court.
- 10 Q Same apartment or different apartment?
- 11 A Different apartment but the same complex though.
- 12 Q Okay. Do you know back then whether Y'eisha Tinsley
- 13 and Al Green had any relationship?
- 14 A I believe so.
- 15 Q What was there relationship that you knew it to be?
- 16 A Boyfriend and girlfriend I guess.
- 17 Q Okay. Do you know Jeffrey Lanard Roseborough?
- 18 A Yes, sir.
- 19 Q Do you know him by a nickname?
- 20 A Nard.
- 21 Q And how do you know him?
- 22 A I been knowing him for a long time too.
- 23 Q Did you know who Jenika Jones was?
- 24 A Yes, sir.
- 25 Q How do you know her?

1 A That's my cousin.

2 Q Did you know where she lived back on January 19th of
3 2012?

4 A No, sir.

5 Q Did you know where she had lived any time leading up to
6 that date?

7 A The last time I heard she was staying behind
8 Blockbuster in apartments.

9 Q Do you know the name of the apartments?

10 A No, sir.

11 Q That is fine. Back in January of 2012 did you know one
12 way or the other whether Nard Roseborough and Jenika Jones had
13 any relationship with each other?

14 A Yes, sir.

15 Q What did you know their relationship to be?

16 A Girlfriend and boyfriend.

17 Q Okay. Do you remember -- I am not asking you the date,
18 but do remember the night that -- do you know Jenika Jones was
19 shot and killed?

20 A Yeah, I heard about it.

21 Q And do you remember the night that it happened? Where
22 you were and what you were doing, I guess is what I am asking?

23 A Yeah, I was in the house.

24 Q That's fine. Do you remember when that was? Again, I
25 am not asking the date, but do you remember that event?

1 A Some of it.

2 Q Okay. Do you remember the day and night before the
3 night Jenika Jones was killed?

4 A Yes, sir.

5 Q Were you at any time the day before Jenika Jones was
6 killed in Carolina Court?

7 A Yes, sir.

8 Q How many times that day were you -- that day or that
9 night were you in Carolina Court the day before Jenika Jones was
10 killed?

11 A I was there in the morning. I was at Y'eisha' house.

12 Q Slow down. You were at whose house?

13 A Y'eisha.

14 Q Is Y'eisha Tinsley?

15 A Yes, sir.

16 Q How long were you at Y'eisha Tinsley's house that
17 morning, the day before Jenika was killed?

18 A About five ten minutes.

19 Q Who else was there that morning?

20 A Me, Y'eisha, Capone and Mondrey.

21 Q Whose Mondrey?

22 A That is Y'eisha brother.

23 Q His last name is Tinsley?

24 A Yes, sir.

25 Q Did anything occur out of the ordinarily when you were

1 there that morning?

2 A No, sir.

3 Q Were you back over there any time later that day or
4 that night?

5 A That night about 10, 11 something.

6 Q Where were you that night when you were over there?

7 A Standing between Y'eisha and Dominique house.

8 Q Were you inside or outside?

9 A Outside.

10 Q Did you see either Tate Clinton or Al Green that night
11 when you were over there?

12 A Yeah, me and Tate was outside.

13 Q Did you and Tate have any conversation?

14 A Yes, sir.

15 Q What was the conversation between you and Tate?

16 A He asked me did I want to go on a lick with him.

17 Q What did a lick mean to you?

18 A A robbery.

19 Q What did you say when he asked you if you wanted to go
20 on a lick?

21 A I said yeah, it's whatever.

22 Q Let me just jump ahead. Did you go on a lick with Tate
23 Clinton or anybody else after this conversation?

24 A No, sir.

25 Q Okay. What other conversation was there between you

1 and Tate Clinton about the lick?

2 A He had me go -- did I want to go on a lick with him.
3 I said yeah, whatever.

4 Q Slow down. Slow down. Talk real plain for us. Tate
5 said what and you said what?

6 A He asked me if I want to go on lick and I told him
7 yeah, and I like oh, where about.

8 Q Slow down. You said what?

9 A I said where about.

10 Q Where?

11 A Yeah.

12 Q Okay. Did he respond?

13 A Yeah.

14 Q What did he say?

15 A He said a dude he hit up last time. The dude he got
16 the time?

17 Q Stop right there. Number one, did you know who he was
18 talking about?

19 A No, sir.

20 Q Did you know that there had been a robbery some last
21 time?

22 A Yes, sir.

23 Q How did you know about a robbery?

24 A I heard about it. Word of mouth.

25 Q That's fine. And this robbery that you heard about

1 word of mouth did you hear who got robbed?

2 A Yes, sir.

3 Q Who did you hear had gotten robbed?

4 A Nard.

5 Q Nard who?

6 A Roseborough.

7 Q Did Tate ever use the word or the name Nard Roseborough

8 as the person that he was going to go rob, that he had robbed

9 before?

10 A No, sir.

11 Q Did never say his name?

12 A No, sir.

13 Q Was there -- did you have a car back then?

14 A No, my baby momma's car.

15 Q What kind of car was?

16 A Honda Accord.

17 Q Honda Accord?

18 A Yes, sir.

19 Q Was there any conversation about you and Tate about the

20 Honda Accord that night between Dominique and Y'eisha's

21 apartments?

22 A Yeah.

23 Q What was conversation between he?

24 A He asked me could I get the car.

25 Q Get the car for what?

1 A He wouldn't say. He just said can you get the car.

2 Q And when did the conversation about the car come up in
3 relation to the conversation about the lick?

4 A That was before -- that was before -- that was where
5 the conversation had started I think he had -- I am trying to
6 think -- Al had walked up then.

7 Q Al who?

8 A Capone.

9 Q Al's last name?

10 A Green.

11 Q All right.

12 A He walked up. That's when Tate asked if I could get
13 the car. I'm like, ah, it's parked for the night. She ain't
14 going to let me drive it. I was like was scope it out --

15 Q Whoa, slow it down. You and I had this conversation.
16 You got to break it down so we can understand what you're
17 saying.

18 Let's stop with the part about the Honada. Don't fret.
19 Just tell what you know. Let's pick up where you were asked
20 about the Honda. You said it was parked for the night.

21 A Yeah.

22 Q Let's continue the conversation. Tell us who said
23 what.

24 A Tate was like oh -- he was like Al walked up and um, he
25 try on a lick bro.

1 Q Stop right there. Who said want to try to go -- want
2 to go on lick bro? Who said that?

3 A Tate.

4 Q To whom?

5 A Asked Capone that.

6 Q Let me stop you there for a minute. The first part of
7 your testimony a minute ago when Tate and you were talking about
8 a lick was that before Al got there?

9 A Yeah.

10 Q When Al got there did Tate and Al have a conversation?

11 A Yeah.

12 Q What did Tate and Al talk about and say who said what?

13 A Tate asked Al did he want to go on the lick.

14 Q And what did Al say?

15 A Al's like yeah, that's whatever.

16 Q Then when was said by whom to whom?

17 A Tate asked me could I get the car and I said no, it is
18 parked for the night.

19 Q All right.

20 MR. BARFIELD: Thank you, sir. Answer anything
21 these two lawyers have?

22 THE COURT: Thank you, solicitor. Mr. Frick.

23 CROSS EXAMINATION

24 BY MR. FRICK:

25 Q Mr. Twitty, you were over at Y'eisha's house two times

1 on the 18th; is that right?

2 A Well, the morning I was, but at night I was just
3 standing outside.

4 Q Okay. But it was over beside her house or near her
5 house?

6 A In between. On the sidewalk.

7 Q Okay. All right. The morning -- in the morning you
8 went inside the house?

9 A Yes, sir.

10 Q Okay. Who else was in the house?

11 A Me, Capone, Madrey and Y'eisha.

12 Q Do you remember about what time you were over there?

13 A Around in the morning time. Probably about ten
14 something. Somewhere around there.

15 Q You didn't see Tate there?

16 A No.

17 Q Okay. There wasn't any conversation about hitting a
18 lick in the morning?

19 A Nah -- no, sir.

20 Q That's fine. Just say yes or no for her. It ain't for
21 me.

22 No one was talking about robbing anybody?

23 A No, sir.

24 Q Okay. You hear a conversation about the robbery that
25 night, right? That was the question. When did you hear the

1 conversation about the robbery?

2 A That night we were talking, me and Tate was talking.
3 Me and he was standing outside and he asked me did I want to go
4 on a lick.

5 Q Okay. Who all was standing around when this
6 conversation took place?

7 A Me, Tate, a couple more home boys. Some friends.

8 Q Somebody named Maleek (phonetics)?

9 A Yeah, Maleek.

10 Q Whose Maleek? Do you know his real name?

11 A Maleek Moore.

12 Q Okay. There was another guy out there?

13 A Teeshan.

14 Q What's Teeshan's real name?

15 A Tywan Harris.

16 Q Okay. So it is four of you all out there; you,
17 Teeshan, Maleek and --

18 A Tate.

19 Q And Tate?

20 A Yes, sir.

21 Q About what time of night is this?

22 A Around about 10 or something, 10 or 11 something. In
23 between that time.

24 Q That's fine. You didn't look at your watch when it
25 happened. I understand.

1 When you were over there in the morning -- let me jump back
2 there for a second -- did you ever see Mr. Clinton over at
3 Y'eisha's house that morning when you were over there?

4 A No, sir.

5 Q Okay. In the afternoon, or the evening when you got
6 back over there was he already there or did he come up after you
7 were there?

8 A That was at the same time. We were standing outside,
9 me and him.

10 Q Okay. And he asked you to go hit a lick with him?

11 A Yeah.

12 Q He didn't say where?

13 A No.

14 Q He didn't say who?

15 A No.

16 Q He didn't say when?

17 A No, sir.

18 Q Okay.

19 A He was like we would do it now, but I'm like nah, it
20 would screw things up.

21 Q You didn't know he was talking about or where he was
22 going?

23 A No, sir.

24 Q Did anybody mention any names?

25 A No, sir.

1 Q And know one said when they were going?

2 A No, sir.

3 Q Okay. And did anybody leave?

4 A Yeah, everybody left, eventually. The conversation was
5 dead and everybody went their own way.

6 Q Okay.

7 MR. FRICK: Beg the Court's indulgence for one
8 minute.

9 Q Did you drive the Honda over there?

10 A No, sir.

11 Q Either time, either in the morning or the evening?

12 A No, sir.

13 Q Where was the car, your car or the car that you were
14 using?

15 A On the other side, other side of Carolina Court.

16 Q The other side of Carolina Court?

17 A Yes, sir.

18 Q Okay. And you had not been given permission to loan it
19 out any further?

20 A No, sir.

21 Q Your woman was going to get mad at you.

22 A Yeah, she don't let me drive that car too fast.

23 Q All right.

24 MR. FRICK: That is all the questions I have.

25 Thank you.

1 THE COURT: Thank you Mr. Frick. Miss Raney.

2 CROSS EXAMINATION

3 BY MS. RANEY:

4 Q Mr. Twitty, you remember talking to the police on two
5 different occasions about what happened on January 18th?

6 A Yes, sir. {Sic}

7 Q And you gave the police two different statements about
8 what happened on January 18th, didn't you.

9 A Yes, ma'am.

10 Q All right. You remember giving both of those
11 statements to the police?

12 A Yes, ma'am.

13 Q And the first statement you gave was back on February
14 8, 2012, does that sound right to you?

15 A I guess.

16 Q And then you gave another statement to the police about
17 a month later, right?

18 A Yes, ma'am.

19 Q Do you remember telling the police that you had been
20 smoking a blunt that day?

21 A At night.

22 Q That night. How much did you smoke?

23 A Just smoked a little blunt.

24 Q Did you smoke it yourself or with someone else?

25 A Me, Tate, Teeshan and Maleek. The four of us that were

1 out there.

2 Q When you said a blunt, we are talking about marijuana,
3 right?

4 A Yes, ma'am. Had you had anything else to drink that
5 night.

6 A No, I don't drink.

7 Q No other drugs that day or that night?

8 A No, ma'am.

9 Q I am going to be asking you about your statement. I
10 have both of them here for you. Do those look familiar to you
11 you? (Handed).

12 Do you recognize your statement from February 8, 2012, Mr.
13 Twitty?

14 A Yes, ma'am.

15 Q Was that a yes?

16 A Yes, ma'am.

17 Q And is that your signature on page two of your February
18 8, 2012 statement that you gave to the police?

19 A Yes, ma'am.

20 Q Okay. Do you remember when the police asked you when
21 you were meeting with them back on February 18th have you ever
22 heard Tate and/or Capone have a conversation about robbing Nard
23 and you said never, right?

24 A No, ma'am.

25 Q You didn't tell the police oh, later that night I heard

1 them talking about it right?

2 A What?

3 Q On your February 8th statement, what you have in front
4 of you, 2012, that you gave to the police, do you remember
5 telling the police that you have never heard Tate or Capone talk
6 about robbing in Nard Roseborough?

7 A No, I never heard.

8 Q You never heard them say that?

9 A No, ma'am.

10 Q Ever in your whole life?

11 A No, ma'am.

12 Q Do you remember telling the police on February 8th that
13 you have never been asked by Tate or Capone, Mr. Green to drive
14 them to do a robbery?

15 A No, ma'am.

16 Q You don't remember saying that?

17 A Driving them.

18 Q You don't remember telling the police that Tate and
19 Capone have never asked you to drive them to a robbery?

20 A Of, yes, ma'am.

21 Q So, it is your testimony here today that Tate and
22 Capone have never asked you to drive them to do a robbery?

23 A Till that night.

24 Q Until that night?

25 A He didn't ask to drive to know robbery. He just if I

1 could get a car.

2 Q Asked if you could get a car?

3 A That night.

4 Q But you agree because you have the statement in front
5 of you. The question that you gave -- the answer that you gave
6 to the question have you ever, ever been asked by Tate or Capone
7 to drive them to do a robbery you told the police no and you
8 gave that answer to the police on February 8th of 2012, correct?

9 A Yes, ma'am.

10 Q So when you said no on February 8th, this conversation
11 you are talking about here today that you say happened back on
12 the evening hours of January 18th, you are saying no, that's a
13 lie, right?

14 A That was night time.

15 Q Which one is a lie then? What you are saying here
16 today or what you said in your February 8th statement?

17 A I mean they never asked me until that night. You know
18 what I am saying. It was Tate that asked me that night about
19 could I get the car.

20 Q Okay.

21 A And it was it nothing said about no lick though.

22 Q But your testimony today was on January 18th in the
23 evening hours Al and Tate were talking about doing a robbery,
24 correct? That is what you told Mr. Barfield.

25 A Say that again now.

1 Q But your testimony here today is that on the evening of
2 January 18th Tate and Mr. Green talked to you about doing a
3 lick, right?

4 A I mean, yes, ma'am.

5 Q And your testimony is here today that on the night of
6 January 18th, Tate and Mr. Green asked you about getting a car
7 to help them do this lick, right?

8 A Just Tate.

9 Q Just Tate asked that?

10 A Yes, ma'am.

11 Q But when you gave a statement to the police on February
12 8th, you would agree that February 8th takes place later in time
13 than January 18th, right?

14 A Yes, ma'am.

15 Q February comes after January in the calendar year,
16 right?

17 A Yes, ma'am.

18 Q So when you talked to the police on February 8th, 2012
19 and they asked you have you ever been asked by Tate or Capone to
20 drive them to a robbery you said no. So, was that a lie?

21 A Yes, ma'am.

22 Q But your telling the truth here today?

23 A Yes, ma'am.

24 Q Do you remember talking to the police again a second
25 time and giving a statement about another month after that on

1 March 9th of 2012?

2 A Yes, ma'am.

3 Q And you have that there in front of you?

4 A Yes, ma'am.

5 Q And is that your signature on the bottom of the three
6 pages of those statement pages?

7 A Yes, ma'am.

8 Q And no where in the statement does it say that either
9 Mr. Capone, or Mr. Green or Mr. Clinton talked about robbing
10 Nard Roseborough, correct?

11 A Right.

12 Q Mr. Green never mentioned Nard Roseborough by name?

13 A No, ma'am.

14 Q Mr. Clinton never mentioned Nard Roseborough by name?

15 A No, ma'am.

16 Q And this was after you had another month to think about
17 what you would tell the police in your second statement, right?

18 A Yes, ma'am.

19 Q And I believe you told solicitor Barfield when Tate
20 brought up doing this lick, that you said it was whatever?

21 A Yes, ma'am.

22 Q Is that also what Mr. Green said?

23 A Yes, ma'am. I mean he was like -- yes, ma'am.

24 Q And so after you said to Mr. Clinton ah, its whatever.
25 Did you ever actually go with Mr. Clinton to rob anybody after

1 that night?

2 A No, ma'am.

3 Q Did you ever hear Mr. Green agree to go rob Nard or
4 anybody else during this conversation with Tate?

5 A No, ma'am.

6 Q He just said the same thing you did right, it was
7 whatever?

8 A Yes, ma'am.

9 MS. RANEY: I don't have any further questions.

10 THE COURT: Solicitor.

11 MR. BARFIELD: No further questions of this
12 witness.

13 THE COURT: Thank you. Thank you, very much. You
14 may step down.

15 (Witness excused.)

16 THE COURT: All right. You are free to go.

17 MR. BARFIELD: Mr. Twitty, come back in the
18 morning.

19 JEFFREY ROSEBOROUGH, called as a witness, having
20 been duly sworn by the clerk, was examined and
21 testified as follows:

22 DIRECT EXAMINATION

23 BY MR. BARFIELD:

24 Q I will ask you some questions Mr. Roseborough. State
25 your full name please?

J. Roseborough - Direct by Mr. Barfield - In Camera 123

- 1 A Jeffrey L. Roseborough.
- 2 Q Spell Roseborough for the court reporter?
- 3 A R-o-s-e-b-o-r-o-u-g-h.
- 4 Q Do you have a nickname that people call you?
- 5 A Nard.
- 6 Q Do you know Devatee Clinton?
- 7 Q Yes, sir?
- 8 Q Do you know him by a nickname?
- 9 A Yes, sir.
- 10 Q What?
- 11 A Tate.
- 12 Q Do you see Devatee Clinton in the courtroom today?
- 13 A Yes, sir.
- 14 Q Where is he sitting and what is he wearing?
- 15 A Blue shirt. (Pointing)
- 16 Q Blue shirt, next to the lawyer with the computer in
- 17 front of him?
- 18 A Yes, sir.
- 19 Q Do you know Al Green?
- 20 A Yes, sir.
- 21 Q Does he have a nickname?
- 22 A Capone.
- 23 Q Do you see him in the courtroom today?
- 24 A Yes, sir.
- 25 Q Where is he sitting and what is he wearing?

- 1 A Checkerboard shirt, beside the lady.
- 2 Q Okay? Did you Jenika Jones?
- 3 A Yes, sir.
- 4 Q How do you know Jenika Jones?
- 5 A That was my girlfriend.
- 6 Q Do you know when she died?
- 7 A It was January the 19th.
- 8 Q Of what year?
- 9 A 2010 -- 2011.
- 10 Q You got to answer. I can't give you the year?
- 11 A I am kind of nervous.
- 12 Q I understand. Was it January the 19th of some year?
- 13 A Yes, sir.
- 14 Q And where was she when she died?
- 15 A She was at home.
- 16 Q And where was home?
- 17 A I know it's trailer park. I ain't good with the
- 18 numbers.
- 19 Q That is fine.
- 20 A I know it is a trailer park.
- 21 Q Did she live there by herself?
- 22 A No, sir.
- 23 Q Who else lived there?
- 24 A I did.
- 25 Q And did she have children?

J. Roseborough - Direct by Mr. Barfield - In Camera 125

1 A Yes, sir.

2 Q How many?

3 A Three.

4 Q Did they live there?

5 A Yes, sir.

6 Q All right. Now, I will ask you some questions

7 unrelated to Jenika Jones's death. Going back in time a little
8 bit.

9 Had there been any problems between you and Tate Clinton and
10 Al Green and perhaps others sometime before Jenika's death?

11 A Yes, sir.

12 Q First of all when do you remember those problems arose?

13 A It was like a month before all this happened.

14 Q A month before all this what happened?

15 A When they did that to Jenika.

16 Q All right. And do you remember the precise date? If
17 you don't that is fine?

18 A I know it was before -- right before Christmas.

19 Q Okay.

20 A Thanksgiving.

21 Q Before Christmas or Thanksgiving?

22 A Yes, sir.

23 Q Immediately the Christmas and Thanksgiving before
24 Jenika died?

25 A Yes, sir.

1 Q Where did the problem arise? Where did this event
2 occur that you are fixing to tell us about?

3 A Azalea's apartment.

4 Q And whose apartment was it?

5 A Lisa Mathis.

6 Q And just generally tell us what happened at Azalea's
7 apartment before Thanksgiving or Christmas of that year?

8 A Well, me and friend of mine and my son and Y'eisha's
9 son -- my friend and me were sitting there playing a game and my
10 son was watching us play the game and we had a heard a knock at
11 the door. It was Tate, Al and a couple of more guys, Shabrey.

12 Q Shabrey's last name is what?

13 A Truesdale.

14 Q And another guy?

15 A Yes, sir.

16 Q What was his name?

17 A Demond, Butterbean they call him. Something like that.

18 Q Are Demond and Butterbean the same person?

19 A If I am not mistaken, yes, sir.

20 Q Tell us what happened at the apartment at Azalea?

21 Q After the knock at the door Y'eisha let the guys in.
22 They went and toward the kitchen area. I didn't pay no
23 attention to them. So, about four minutes later that's when
24 Tate comes out of the kitchen and put a gun to my chest?

25 Q Stop right there?

1 Q Did you see the gun?

2 A Yes, sir.

3 Q Describe the gun, the best you can?

4 A It was a black 380. Black 380, eight or nine
5 millimeter. Something like that.

6 Q He put the gun to your chest then what?

7 A I tussled with them. The gun clip fell out of the gun
8 and that's when Al put the gun to the head.

9 Q Stop. Same gun or different gun?

10 A A different gun.

11 Q What kind?

12 A Some automatic nine or something with an extended clip.

13 Q And he put it to your head?

14 A Yes, sir.

15 Q Where at your head?

16 A My left side.

17 Q Then what?

18 A I just throw my hands up and that's when Tate started
19 going through my pockets.

20 Q Did you have anything in your pockets?

21 A Yes, sir. I had about five or six hundred dollars in
22 my pocket and a little bit of drugs.

23 Q What happened to the five or six hundred bucks and the
24 little bit of drugs?

25 A They took it out of my pocket and the drugs.

1 Q Okay. Where did it end up? Do you know where it ended
2 up?

3 A I don't know where it ended up.

4 Q Did it leave the apartment

5 A Yes, they left the apartment.

6 Q Did the money and the drugs leave that apartment?

7 A Yes, sir. Yes, it did.

8 Q Who did it the money and the drugs leave with?

9 A Those two guys, Al and Capone.

10 Q Did you -- well, let me back up. When this occurred
11 did you know Tate Clinton and Al Green? Did you know who they
12 were?

13 A No, I didn't.

14 Q Had you seen them?

15 A I have seen them before but I didn't know them.

16 Q Okay. Did you know the names of those guys?

17 A No, sir, just street names.

18 Q What street names did you know for the guys who came in
19 and robbed you?

20 A Capone and Tate.

21 Q Did you know last names for them at that time?

22 A Well, I knew Al's last name.

23 Q Did you know Tate's last name?

24 A I didn't know Tate's last name.

25 Q Did you report this robbery to police?

1 A No, sir.

2 Q Why not?

3 A Because it was drug related.

4 Q Did it get reported to the police some time later?

5 A I am pretty sure. Yes, sir it did.

6 Q Did you talk to them to the police some time later?

7 A Yes, sir.

8 Q What brought about the police talking to you about this

9 robbery that happened back before Thanksgiving?

10 A What brought -- can you repeat the question?

11 Q How come -- did you go to the police or did the police

12 come to you about the robbery?

13 A The police came to me about it.

14 Q And what prompted -- do you know what prompted the

15 police to to come to you about the robbery?

16 A The murder.

17 Q The murder of whom?

18 A Jenika.

19 Q Do you remember what Tate Clinton was wearing when you

20 got robbed?

21 A Yes, sir.

22 Q What did he have on?

23 A It was a camouflage overall suit.

24 Q Okay. Did you talk to -- when you talked to the police

25 did you give statements concerning -- a statement concerning the

1 robbery?

2 A Yes, sir, I did.

3 Q Were you shown some photographs concerning --

4 A Yes, sir.

5 Q -- the robbery?

6 A Yes, sir.

7 Q Did you pick people out of photographs?

8 A Yes, sir, I did.

9 Q Are those the people that you -- are the people that
10 you picked in the photographs the people that robbed you?

11 A Yes, sir.

12 Q Where was Jenika living at the time you got robbed in
13 Azalea Apartments?

14 A Right beside Y'eisha.

15 Q In Azalea Apartments?

16 A Yes, sir.

17 Q When did Jenika end up living out in the trailer park
18 out off 200?

19 A When did she end up living there?

20 Q Yes.

21 A We moved out after those guys robbed me because his
22 sister stayed over there at Azalea Apartment too. Al.

23 Q Al's sister?

24 A Yes.

25 Q Do you know her name?

J. Roseborough - Direct by Mr. Barfield - In Camera 131

1 A Latoya.

2 Q Let me back up when. When you lived -- when you got
3 robbed at Azalea where were you living?

4 A In Azalea Apartment.

5 Q And whose apartment were you living?

6 A Jenika Jones.

7 MR. BARFIELD: Thank you, sir. Answer any
8 questions Mr. Frick or Miss Raney have.

9 THE COURT: All right. Mr. Frick.

10 CROSS EXAMINATION

11 BY MR. FRICK:

12 Q Mr. Roseborough, when this happened though in November
13 you weren't in your apartment, right?

14 A No, sir.

15 Q You were at Azalea Apartments?

16 A I was at Azalea Apartment. I wasn't at the apartment I
17 was living in.

18 Q Okay it was at Miss Mathis's apartment?

19 A Yes, sir, it was.

20 Q Did you see anybody in the parking lot before all this
21 stuff happened?

22 A The same guy that robbed me.

23 Q Okay. All right. You said they were out there working
24 on a car?

25 A They were making like they were working on a car.

1 Q All right. Did you see anybody with any guns when they
2 were out at the parking lot?

3 A Not at that time then, no sir, I didn't.

4 Q Okay. When folks came to the door was it a knock on
5 the door?

6 A It was like a knock on the door.

7 Q So it wasn't like somebody kicked the door in and stuck
8 a gun in your face?

9 A No, it didn't go down like that sir.

10 Q Who answered the door?

11 A Lisa Mathis.

12 Q Lisa. Okay. Now, you said it was Mr. Clinton that
13 came in?

14 A Yes, sir.

15 Q Who else was with him?

16 A It was Tate, Al, Shabrey. There was another dude named
17 Demond.

18 Q What is Demond's real name?

19 A I don't know.

20 Q You recognized all these folks?

21 A I recognized Al, Tate, Shabrey and Butterbean was in
22 the car. The chubby dude was in the car. He was driving.

23 Q Okay. Do you know what kind of car they were in?

24 A A gold Contour or something like that.

25 Q Do you know Butterbean's real name?

1 A I know his dad, but I don't his name.

2 Q What is his dad's name?

3 A Mario.

4 Q Mario. Okay. Do you know a last name?

5 A Myers.

6 Q Okay. The gun that you said Tate pointed at your
7 chest?

8 A Yes, sir.

9 Q It was a what kind, 380?

10 A A nine, a 380. I know it was a small black pistol.

11 Q Okay. All right. You hadn't seen him out enough to
12 know whether he carried a gun with him, did you

13 A Oh, man. I know about him. I know what he do. So, he
14 tote that gun with him all the time.

15 Q Okay. I thought you said you didn't know him. How do
16 you know what he does?

17 A You see after I got robbed people told me he tote that
18 gun all the time.

19 Q Okay. So you didn't know nothing about it until the
20 street told you?

21 A Tate -- I already knew Al. Not like that, but I knew
22 his sister.

23 Q Okay. Did anybody ever come over to Jenika's apartment
24 during that day? Any other trouble with anybody at Jenika's
25 apartment?

1 A No, sir.

2 Q Okay. Just when you were over at Miss Mathis?

3 A Yes, sir.

4 Q Now, these ain't the only fellows that tried to rob
5 you, are they?

6 A Yes. That was the only time I have been robbed. Only
7 been robbed once.

8 Q Haven't you had some issue with somebody? Didn't you
9 end up pulling a gun on somebody and shoot them?

10 A That wasn't about no robbery. That was because the guy
11 came to kill me.

12 Q That would be some trouble with somebody, wouldn't it?

13 A It ain't over no drugs. Nothing like that.

14 Q But you had issues with other folks?

15 A No, other people have issues with me.

16 Q Okay. But there are issues between you and other folks
17 whether it is your issue with them --

18 A I don't know. I don't have no problem with no one. I
19 ain't did nothing to nobody, so nobody should have no problem
20 with me.

21 Q But somebody came to kill you?

22 A Yeah.

23 Q Right. Okay, and you shot him?

24 A Self defense, sir.

25 Q I understand. All right. It was no bill. I

- 1 understand that. But you were initially charged with it, right?
- 2 A Yes, sir, I was.
- 3 Q Okay. Do you recall when that occurred?
- 4 A I think it was last year.
- 5 Q Okay. Do you recall who that person was?
- 6 A Yes, sir.
- 7 Q Who was it?
- 8 A G-Clip. They call him G-Clip, street name.
- 9 A Do you know his real name?
- 10 A Jared.
- 11 Q Last name?
- 12 A Johnson.
- 13 Q Jared Johnson. Okay. Let's skip ahead back to January
- 14 with the event that we talked about here. Were you staying over
- 15 at Roseanna Lane with Jenika?
- 16 A Yes, I was.
- 17 Q You were?
- 18 A Yeah, I was.
- 19 Q Okay. Did you stay over there like every night?
- 20 A Not every night I didn't.
- 21 Q Okay. You weren't over there this particular night?
- 22 A No, sir, I wasn't. I wish I was there.
- 23 Q All right. Where were you?
- 24 A I was out minding my business.
- 25 Q You say she was your girlfriend. She wasn't your only

1 girlfriend was she.

2 A I had friends, but that was my only girlfriend.

3 Q Okay.

4 A There's a difference.

5 Q Okay. So that was friend you were hanging out with
6 with then?

7 A No, sir.

8 Q After the incident in November over at Lisa Mathis's
9 apartment had you had any more dealings with Mr. Green or Mr.
10 Clinton?

11 A Before that or after that?

12 Q After that. After November.

13 A No, sir. Well -- no, sir. I didn't because I was
14 really wanting to catch them. You know, so I can ---

15 Q I understand. Okay. But they didn't come back over?
16 You didn't see them?

17 A Oh, they came back over to the apartment where I got
18 robbed. Yeah because Al's sister stayed over there. So they
19 kept coming back and forth to Azalea's Apartment.

20 Q And you didn't confront them or say anything?

21 A I'm saying I wanted to, but at the time I couldn't.

22 Q What do you mean you couldn't?

23 A I couldn't at that time.

24 Q Why? Why? They robbed you. You were looking for
25 them. You just said you were looking for them.

1 A I didn't say I was looking for them.

2 Q That's what you said.

3 A I didn't say I was looking for them but ---

4 Q Okay.

5 A The reason why I didn't retaliate for the them robbing
6 me is because that me, Jenika and the kids was staying right
7 beside where I got robbed so it would be kind of messed up if I
8 was going to retaliate and knowing that my girl and the kids
9 stayed right there and Al's sister stayed not too far from where
10 we stayed at. So if I were to try and retaliate bullets might
11 have been flying and hit one of the kids. That's why I didn't
12 retaliate right off like that.

13 Q Okay. You and you didn't call law enforcement either?

14 A No, sir.

15 Q Law enforcement didn't know about this until after
16 Jenika?

17 A Yes, sir.

18 Q When did she move over to Roseanna, approximately? I
19 know you don't know exactly.

20 A It was the same year. I don't know about what month it
21 was.

22 Q Okay. All right. But had it been long before this?

23 A No, sir.

24 Q Okay.

25 MR. FRICK: Thank you, sir. That is all the

1 questions I have.

2 THE COURT: Thank you Mr. Frick. Miss Raney.

3 CROSS EXAMINATION

4 BY MS. RANEY:

5 Q MR. Roseborough, do you remember who you were with on
6 the night of January 19, 2012 when Jenika was killed?

7 A I was with quite a few people.

8 Q Was one of those people Miss Sharon Hood?

9 A Yes, it was.

10 Q Were you not dating her at the same time?

11 A That was my friend. We wasn't dating.

12 Q You weren't dating?

13 A No.

14 Q Did you have any type of sexual contact with Miss Hood?

15 A Not at that time I didn't, but yes, I have had sexual
16 contact with her.

17 Q And when you say not at that time you mean just
18 specifically on January 19th there wasn't any sexual contact?

19 A I say about about two weeks. Something like that.

20 Q Two weeks from when?

21 A Before the incident happened.

22 Q Before what incident happen?

23 A When those two guys killed Jenika. The murder, before
24 that happened.

25 Q And how long were you and Jenika boyfriend and

1 girlfriend?

2 A Oh man, let me see. About a year and some months.

3 Q A year and some months, but even though Jenika was your
4 girlfriend you were still have sexual contact with Miss Hood?

5 A Yes, I was.

6 Q And you were with Miss Hood the night that Jenika was
7 killed be weren't were you?

8 A Yeah, I got to her house. I left Davis Frazier's house
9 house and I went to Sharon Hood's house off of Central Avenue.

10 Q And I am sorry, where does Miss Hood live?

11 A Off Central Avenue.

12 Q Do you recall the exact address?

13 A 710.

14 Q 710 Central Avenue. But back around the time Jenika
15 was killed your residence was with Miss Jones on Roseanna Lane.

16 A Uh-huh.

17 THE COURT: You have to say yes or no.

18 A Yes, sir. Yes, ma'am.

19 A Yes, sir.

20 Q What was the house number on Roseanna Lane of yours and
21 Jenika's place?

22 A At the trailer?

23 Q Yeah.

24 A We just moved there.

25 Q So you don't know?

1 A The number -- the trailer number is not clicking up
2 there.

3 Q So, you don't --

4 A Buy it was in trailer park behind a storage building.

5 Q Okay. How long had you and Miss Jones lived on
6 Roseanna Lane?

7 A We hadn't been there about two or three months.

8 Q Two or three months?

9 A Uh-huh.

10 Q Had you ever lived with Miss Hood over at her place?

11 A In the past I did.

12 Q And when was that?

13 A Back -- its been a while.

14 Q It's been a while?

15 A The numbers are not coming up right.

16 Q Well, do you think that you lived with Miss Hood within
17 the last year? Any time in 2013?

18 A No, ma'am.

19 Q Do you think that you lived with Miss Hood any time in
20 2014?

21 A No, ma'am.

22 Q Do you think that you lived with Miss Hood any time in
23 2011?

24 A No, ma'am.

25 Q So when you lived with Miss Hood it would have been

- 1 2010 or earlier?
- 2 A Uh-huh.
- 3 Q Is that a yes?
- 4 A Yes. Yes, ma'am.
- 5 Q And you lived with Jenika Jones back in January of
- 6 2012, right?
- 7 A Yes, ma'am.
- 8 Q And you lived with her full time?
- 9 A Yes, ma'am.
- 10 Q So that mean all your stuff was in her trailer on
- 11 Roseborough Lane, correct?
- 12 A Yes, ma'am.
- 13 Q So when the police reported to Miss Jones's trailer in
- 14 January of 2012 they would have found all your stuff, right?
- 15 A Yeah.
- 16 Q Clothes?
- 17 A Valuables, wallet, driver's license, social security
- 18 card, all that was in there.
- 19 Q Paperwork. All that stuff?
- 20 A Except for mail.
- 21 Q Except for mail?
- 22 A Yes, ma'am.
- 23 Q You didn't get your mail at her?
- 24 A No, ma'am, my mail went to my grandmother's house.
- 25 Q Okay. Do you remember talking to the police on January

1 24th of 2012?

2 A Yes.

3 Q Because the police came to you, right, asking the about
4 the murder of Miss Jones?

5 A Yes, ma'am.

6 Q You didn't go to the police?

7 A No, ma'am.

8 Q They came to you?

9 A Yes, ma'am.

10 Q And it was your understanding when the police came to
11 you they were investing a murder?

12 A Yes, ma'am.

13 Q And would you consider a murder a pretty serious
14 charge?

15 A Yes, ma'am.

16 Q Don't get much more serious than that, does it?

17 A No, ma'am.

18 Q Okay. And did you talk with the police then about what
19 you knew about the murder?

20 A Well, I didn't know nothing about the murder.

21 Q Okay.

22 A So, I know I did talk to the police.

23 Q And was that the first time that you mentioned to the
24 police this robbery that happened in November or December the
25 year before?

1 A Yes, ma'am, it was the first time.

2 Q Okay. Did you give a statement to the police about
3 this robbery?

4 A Yes, ma'am, I did.

5 Q I am handing you the statement that you gave to the
6 police back on January 4, 2012, underlined in bold on the first
7 page ever that statement what does it say your address is?

8 A 17 Central Avenue.

9 Q Which is Miss Hood's address?

10 A Yes, ma'am.

11 Q It doesn't list Jenika Jones's residence as your house,
12 does it?

13 A No, ma'am. You know why it says 17, that is in the
14 computer too.

15 Q Oh, really?

16 A I haven't got my address changed.

17 Q You haven't got your address changed?

18 A No, ma'am.

19 Q But this statement was given in January of 2012 and you
20 told me it would have been at least 2010 or before since you
21 last lived with Miss Hood, correct?

22 A That's right.

23 Q So it took you over two years for you to try and change
24 your address?

25 A I wasn't worried about changing my address.

1 Q Okay.

2 A I had my mail going to my grandmother's house so it was
3 no need me changing my address or nothing like that because my
4 mail was going to my grandmas.

5 Q What does that say? You tell me. Doesn't it say I
6 reside at 710 East Lancaster. It doesn't say I get my mail at
7 710 East Lancaster, it says I reside there.

8 A It says it. It's on the paper, but I don't reside at
9 this address.

10 Q And does it also not say at the bottom of that paper
11 that I read everything on this paper and I agree it is true and
12 correct?

13 A Yeah.

14 Q With your signature below it?

15 A Uh-huh.

16 Q Did you ask any of the other people that were were you
17 at Lisa Mathis's apartment back in October or November of 2011
18 to come forward about this robbery they all would have
19 witnessed?

20 A Repeat that again.

21 Q Did you ask any of the other people that were at Lisa
22 Mathis's house when you were robbed to go talk to the police to
23 back up your story?

24 A No, ma'am.

25 MS. RANEY: I don't have any further questions.

1 THE COURT: Solicitor.

2 MR. BARFIELD: Just one. Real quick.

3 REDIRECT EXAMINATION

4 BY MR. BARFIELD:

5 Q At Jenika Jones and your house in the trailer park, did
6 she have a car?

7 A Yes, sir she did.

8 Q What kind of car did she have?

9 A It was a black LHS, Chrysler.

10 Q And what color was it?

11 A Black and grey.

12 Q Thank you.

13 MR. BARFIELD: That's is all.

14 THE COURT: Anything further?

15 MR. FRICK: No, sir.

16 THE COURT: Thank you Mr. Roseborough. You may
17 step down.

18 THE WITNESS: Yes, sir.

19 MR. BARFIELD: Come back in the morning. If
20 anything changes I will call you tonight.

21 THE COURT: All right the court will be in recess
22 15 minutes. Thank you.

23 (WHEREUPON, there was a brief recess taken.)

24 THE COURT: Yes, sir.

25 MR. BARFIELD: We talked -- the lawyers have

1 talked and we agreed upon a couple of things to sort
2 of conclude this process without me having to call
3 additional witnesses. Let me just tell you what else
4 I would offer and I think they are not accepting these
5 as not necessarily factually correct, but just agree
6 that this is what the next couple of witnesses would
7 say. Nard Roseborough pointed to these two fellas.
8 Mike Howell will testify that he showed Jeffrey
9 Larnard Roseborough line-ups and he in fact picked
10 those two out of line-ups. That is one thing. Frank
11 Thompson investigated formerly with /SHER homicide
12 which lead to discovery of this prior robbery. Fred
13 Thompson would get on the witness stand and say that
14 at some point during this investigation he had a
15 conversation with Davantee Clinton and in that
16 conversation Davantee Clinton essentially said he was
17 charged with several things including the robbery
18 which he did, but he is also now charged with murder
19 which he says he didn't do. So I am telling you that
20 Fred Thompson would tell you that Devantee Clinton
21 admitted to doing the robbery and finally I would tell
22 you that Devantee Clinton based on the clerk of courts
23 records plead guilty to burglary 2nd degree,
24 non-violent related to the robbery and is actually
25 doing a sentence for his role in that event now. So,

1 that is how I would tie all this up and rap it up and
2 with that said I don't have anything else to offer
3 concerning my issue of whether the witnesses you heard
4 today can say there was a prior robbery as a way to
5 identify these two defendants as doing that robbery in
6 connecting them to the murder.

7 THE COURT: All right.

8 MR. FRICK: And Your Honor, just to briefly
9 clarify our stance, Mr. Clinton's stance on the next
10 couple of witnesses, obviously we would agree that
11 would be the testimony for the purposes of this
12 hearing. We are not conceding anything for the
13 purposes of any subsequent Biggers or Denno hearing.
14 I just want the record to reflect that. So if it goes
15 forward after this that it is clear -- and I have
16 explained that to solicitor too, but for purposes of
17 trying to expedite this hearing we agree that is what
18 the testimony would be.

19 THE COURT: All right. Is that right, Miss Raney,
20 is that your position?

21 MS. RANEY: Yes, Your Honor, echoing the same
22 concerns we are not conceding for the purposes of
23 Denno or Biggers.

24 MR. BARFIELD: And if I could, let me just kind of
25 clarify my position about what I am trying to

1 establish here today.

2 Miss Davis will testify in the trial whether she
3 can say part of what she said today or not. Mr.
4 Twitty would testify whether he can say all of what he
5 said here today or not. But the question is will the
6 Court allow them to say these two fellas in various
7 conversations said we are going to go do a lick and
8 rob the same guy we robbed before. That's the whole
9 issue. And of course if you say that they can not say
10 we are going rob the same guy we robbed before then
11 Nard Rosborough will not be a witness in my case in
12 chief, I presume, unless I find something else he
13 needs to talk about other than the prior robbery.

14 MR. FRICK: And Your Honor, if I may argue our
15 point on that at this time. Obviously, I am in a
16 slightly different situation then Miss Raney is. My
17 client plead to the robbery. However --

18 THE COURT: I thought you said he plead to the
19 burglary, second, non-violent.

20 MR. BARFIELD: He did plead to burglary second,
21 non-violent. I don't think we went forward on the
22 robbery. I will check the records, but he plead to a
23 crime related to what Mr. Roseborough described to you
24 today.

25 MR. FRICK: My client had several charges. We

1 worked out a package deal on all of them. One of them
2 was something out of that case.

3 THE COURT: Out of Azalea Apartment?

4 MR. FRICK: Yes, sir.

5 MR. BARFIELD: Yes, sir.

6 MR. FRICK: But even with a plea on the thing, I
7 think there's still got to be a logical connection
8 between what occurred over here and what occurs a
9 couple months later over here at another location
10 where Mr. Roseborough is not even present when it
11 occurs. I don't think there is one. Even if you
12 determine that there is established by a clear and
13 convincing evidence that it did occur conceding that
14 we entered a plea to it and that allows it to reach
15 that burden you still have got to look at whether
16 there is a logical connection. You heard the
17 testimony of the witnesses. All the witnesses --
18 first Mr. Roseborough can only speak to what happened
19 in November. Has nothing that he can contribute as to
20 what happened in January. So the other witnesses that
21 testify all say we heard them talking but I don't know
22 who they were talking about. I don't know where they
23 were going. I don't know when they were going. In
24 fact if you are looking at the credibility of the
25 witnesses one of them says that this conversation

1 takes place inside the house at ten o'clock in the
2 morning. The other one says no, Mr. Clinton wasn't
3 even in the house at ten o'clock in the morning and
4 that this conversation takes place between two houses
5 at ten o'clock at night. I don't think that's enough
6 to reach the logical conclusion -- the logical
7 connection. If you do say that it does then you still
8 have to apply a 403 test.

9 I think the testimony that they have elicited
10 obviously is going to be more prejudicial than
11 probative. I understand that, but I don't think it is
12 anything more than trying to point the dirty end of a
13 stick at my client rather than having anything
14 substantial that they can use against them and that
15 makes it simply preponderance -- I don't mean that --
16 a propensity of the evidence and not reaching the
17 threshold that you got to reach for Lyle, and I think
18 Mr. Barfield specifically said he is doing this for
19 identification. I don't think it reaches any of them.
20 If he changes his mind and says it is common scheme or
21 plan I don't think it reaches that because it doesn't
22 have that logical connection and furthermore even if
23 it does, it is highly prejudicial and the evidence
24 itself is highly suspect and it should not come in
25 under the 403 analysis.

1 THE COURT: Thank you, Mr. Frick. Miss Raney.

2 MS. RANEY: Your Honor, my client, Mr. Green, does
3 not have any type of conviction whatsoever with regard
4 to what allegedly occurred back in November with Mr.
5 Nard at the Azalea Apartments. So with regard to my
6 client I think certainly the State has the burden of
7 proving by clear and convincing evidence that this
8 event occurred. That it is logically related to what
9 happened to Miss Jenika Jones back in January of 2012
10 and then that it still survives Rule 403 analysis.
11 Essentially what we have here, Your Honor, is the
12 testimony of Mr. Nard. He is late in reporting this.
13 He doesn't even say when he does report it to the
14 police and after he was robbed in November of 2011,
15 there was continued problems between me and Mr. Green.
16 Mr. Green was continuing to threaten me. This was a
17 continuing threat that we were facing. There was no
18 testimony put forth by Mr. Nard that my client had any
19 issue with Jenika Jones.

20 I mean, these are two incidents that happened
21 months apart with different groups of people involved;
22 both from the perspective of who was actually in these
23 homes when these things occurred and who actually went
24 in these homes to accomplish a supposedly robbery.
25 Furthermore Your Honor, in one case someone is

1 seriously injured, obviously murdered, wherein Nard's
2 case they are saying oh, well, they held some gun to
3 my head and they took some drugs and stuff out of my
4 pocket. In the Jones's case there is no evidence that
5 there was ever anything ever taken from this house.
6 That robbery wasn't in fact even a motive. For all we
7 know her bedroom was torn apart as a result of someone
8 who came in and was trying to stage it as robbery to
9 throw off the police in their investigation in this
10 case.

11 So, in looking from a Lyle perspective we are
12 looking at the similarities of the two incidents. Is
13 there a close logical connection and the more similar
14 they are the more likely they are to have probative
15 value to survive the prejudicial effect against my
16 client. I would say that the State, number one, has
17 not proved this by clear and convincing evidence.

18 The only testimony put forth that has any bearing
19 is Mr. Roseborough. Miss Davis and Mr. Twitty don't
20 even know who my client was talking about and
21 furthermore, Mr. Twitty conceded my client never
22 agreed to participate in any robbery.

23 So taking all of those things, Your Honor, we would
24 ask that any prior bad act pertaining to this alleged
25 robbery of Mr. Nard Roseborough by my client be

1 suppressed.

2 THE COURT: What about even the prior bad acts --
3 setting that aside a minute -- what about the
4 conversations themselves? They are conspiring at that
5 point in time to commit a criminal act. You don't
6 have to address it. You don't have to address it that
7 they did it in the past. They are talking just like
8 Mr. Twitty who testified, Mr. Clinton said hey, do you
9 want to go do a lick. He said, oh, whatever. He also
10 testifies that he says the same statement to Mr.
11 Green, hey, do you want to go do a lick. That doesn't
12 go to any prior bad act whatsoever. That is the
13 conversations off the street, the date within however
14 many hours the day before, the night before, the
15 homicide occurred. That's not Lyle's testimony at
16 that point.

17 MR. FRICK: There is no identification at all.

18 THE COURT: That is not Lyle testimony. You got
19 two people planning to commit a robbery.

20 MR. FRICK: But then that would be simply in and
21 of itself 403.

22 THE COURT: No. They are planning to commit a
23 robbery. They are talking about committing a lick.
24 That is what I called circumstantial evidence. They
25 are talking about committing a lick the next day. I

1 am not talking about all the witnesses. I am not
2 addressing Mr. Roseborough yet. I am just addressing
3 Mr. Twitty. The night before this incident occurred
4 Mr. Clinton was looking for a co-defendant, a
5 co-conspirator to go commit a lick. That in and of
6 itself that doesn't have to have a logical nexus at
7 that point under Lyle. That's a conversation he had.

8 MR. FRICK: And I agree the way you are phrasing
9 it. That's not the way the State presented their
10 evidence, but I understand where you are going and my
11 argument on that since there is no identification we
12 don't have the first clue who they are talking about.
13 It is mere speculation at that point and at that point
14 it becomes more prejudicial then probative and it
15 should be excluded. Simply under 403 analysis, just
16 those conversations.

17 THE COURT: All right. Well, I will get rid of
18 the jury for the day and tell them tomorrow, anyway
19 and then I will revisit it.

20 Bring in the jury please.

21 MR. BARFIELD: Permission to step out in the
22 corridor to speak to a couple of people while the jury
23 is coming in.

24 THE COURT: All right.

25 (WHEREUPON, the jury entered the courtroom.)

1 THE COURT: Please be seated please.

2 THE COURT: I said 4:30, right. Four thirty. I
3 held you all captive way too long. I apologize. It
4 has nothing to do with the parties themselves. We
5 have been out here working diligently and had to get
6 back at 2:30 as a matter of fact and haven't stopped
7 since. I am still not at the point that I want to be
8 so rather than hold you captive any further, I really
9 don't see where we would get the openings in and begin
10 the testimony this afternoon. So, momentarily I will
11 release you for your evening recess. I would ask you
12 to please report back promptly at 9:30 in the morning.
13 Please remember my instructions to you. Do not
14 discuss this case with others. That includes your
15 fellow jurors, family, friends or anyone else. Do not
16 read, watch or listen to any news report about the
17 case. Do not use your computer, cellular phone or any
18 other electronic device with communication
19 capabilities or any other method to obtain information
20 about the case, which is prohibited. Information
21 about the case which is prohibited includes, but it is
22 not limited to the following; information about a
23 party, a witness, an attorney, news accounts of the
24 case, information collected through juror research on
25 any topic raised or testimony offered by any witness,

1 or information collected through juror research on any
2 other topic a juror might think would be helpful in
3 deciding the case.

4 With that being said, as I said you all will take
5 your all evening recess at this time. If you please
6 be back promptly at 9:30 in the morning, 9:30. Thank
7 you very much for your patience with the Court. Hope
8 you all have a pleasant evening.

9 (WHEREUPON the jury is dismissed for the day.)

10 THE COURT: All right. Do you have any other law
11 you want me to look at this evening?

12 MR. BARFIELD: Not on this issue, but we might
13 need for planning purposes we'll need time to talk
14 about these other legal matters.

15 THE COURT: I was going to take them up now.

16 MR. BARFIELD: That's fine. Okay.

17 THE COURT: Yes, sir.

18 MR. BARFIELD: And let me say this one last time,
19 my intention is to call Miss Davis and Mr. Twitty in
20 this case regardless of your ruling today because I
21 don't think that's part of their motion, or there
22 hearing is about whether they can testify at all.
23 It's simply about whether they can say these guys said
24 we are going to rob the same people we robbed before.
25 So, that's kind of how I narrowed it down if it makes

1 any sense to the Court. I think clearly -- I am with
2 the Court, I think clearly those two witnesses can
3 testify that they heard these two guys talk about
4 planning a robbery about 24 hours before Jenika Jones
5 was killed.

6 THE COURT: I understand that's your position and
7 of course Mr. Frick and I take it Miss Raney's
8 position is how do you end up focusing on Miss Jones.
9 And of course as we all know you can't prove
10 everything on a pencil point. There may be other
11 evidence, circumstantial evidence that would bolster
12 that position, but be that as it may I just want to do
13 a little research and just think about it a little
14 further.

15 MR. BARFIELD: Okay.

16 THE COURT: I will be glad to look at whatever
17 cases you want me to or you can e-mail them to me, or
18 whatever the sites, I will look at them tonight at the
19 house. All right.

20 Now, what other motions we have that we can take
21 up now?

22 MR. BARFIELD: Another issue is tomorrow there is
23 going to be some police officers, first responders,
24 right out of the box and I kind of have to set this up
25 for you.

1 Miss Jones was shot and killed we allege in her
2 house where her three toddler children were with her.
3 The oldest child at the time I think was four years
4 old. Police got there, took custody of the children
5 until other arrangements could be made and it is my
6 understanding that either through their direct
7 presentation or through cross examination of my
8 witnesses, Miss Raney and Mr. Frick might want to
9 elicit from people on the scene what the children said
10 to them or what may be one of the children said to
11 them that night and I will let them deal with that --
12 discuss with you what they intend to do about that and
13 I would object to that.

14 THE COURT: Mr. Frick.

15 MR. FRICK: Your Honor, I think when they arrived
16 on the scene -- and I don't know exactly how long it
17 takes as they are on the scene, but obviously law
18 enforcement is still trying to assess what occurred.
19 One of the children, one of Miss Jones's children who
20 I think he said was four at the time --

21 MS. BARFIELD: I believe four.

22 MR. FRICK: -- spontaneously states to I think
23 Investigator Crump first and then to another officer
24 and I think maybe a third officer on the scene that
25 Shi's daddy shot my momma, he says this more than

1 once. I think he says later that it's Shortycake shot
2 my momma. So clearly that is someone's nickname.
3 That's not the nickname of either of one of these
4 gentlemen. It is I think Rashad's Johnson's is who it
5 was determined.

6 THE COURT: What did you say the first name.

7 MR. FRICK: Rashad.

8 THE COURT: Rashad's daddy.

9 MR. FRICK: No, the child's name is Truesdale.

10 MR. BARFIELD: The child's nickname is Duce. This
11 is the easiest way to remember it.

12 THE COURT: Duce?

13 MR. BARFIELD: Duce. He was four years old at the
14 time.

15 The child's daddy is Antonio Lamont Truesdale.
16 The child is Antonio Lamont Truesdale, the 2nd. His
17 nickname is Duce.

18 THE COURT: I love that nickname. That's what my
19 grandchildren call me by that name. Be that as it
20 may, now let's go back.

21 You said that one of the children said Duce's daddy
22 shot my momma.

23 MR. FRICK: No, sir. No, sir. Duce says Shi's
24 daddy.

25 THE COURT: Shi's daddy. How do you spell that,

1 MR. FRICK: S-h-i, I believe. It is more of
2 vernacular then written, I think

3 THE COURT: Shi's daddy --

4 MR. FRICK: Shot my momma.

5 THE COURT: Shot my momma.

6 MR. FRICK: And then later I think it changes. He
7 says the nickname Shortycake.

8 THE COURT: Nickname of who.

9 MR. FRICK: The person who shot his mother.

10 THE COURT: Shi's daddy.

11 MR. FRICK: Yes, sir.

12 THE COURT: Shi's daddy is Shortycake.

13 MR. FRICK: Yes.

14 THE COURT: Who is Shortycake.

15 MR. FRICK: Rashad Johnson.

16 THE COURT: Is Rashad Johnson the child's daddy.

17 MR. FRICK: Yes, sir. According to the
18 information I have been provided, yes, sir.

19 THE COURT: By a four year old?

20 MR. FRICK: Yes, sir.

21 THE COURT: That's all?

22 MR. BARFIELD: Your Honor, we did verify there is
23 a child who goes by Shi, the nickname Shi. Correct?
24 Okay. I am looking at you folks. And that child's
25 daddy is in fact Rashad Johnson.

1 THE COURT: Okay. And is Rashad Johnson known as
2 Shortycake?

3 MR. BARFIELD: Yes, sir he is.

4 THE COURT: All right. That is all I was trying
5 to figure out. And Duce, the 2nd, he says this to law
6 enforcement, to Investigator Crump?

7 MR. BARFIELD: Yes, sir.

8 THE COURT: To perhaps a second officer and
9 perhaps a third officer?

10 MR. BARFIELD: Yes, sir.

11 THE COURT: And I take it the defense's position
12 is it is admissible under 803.2?

13 MR. FRICK: That's exactly right. Yes, sir.

14 THE COURT: I think you would have to determine
15 although I realize 803 availability of a witness is
16 immaterial but you have to determine the competency of
17 the individual that made the statement. In this
18 regard I'm dealing with a four-year old.

19 MR. FRICK: Yes, sir.

20 THE COURT: Yes, sir, solicitor.

21 MR. BARFIELD: Well, that would be my argument
22 precisely. Even for it to be an excited utterance or
23 some exception to the hearsay rule, it still has to be
24 coming from a competent witness and I think they will
25 have to have to make a showing that this four-year old

1 at the time was a competent witness to make an excited
2 utterance.

3 MR. FRICK: Law enforcement followed up on it.
4 They went to go find out where Rashad Johnson was and
5 and tried to establish an alibi.

6 MR. BARFIELD: But the competence from an
7 investigation standpoint is a lot different than the
8 competence for the presentation to a jury.

9 MS. RANEY: Since this is factually my motion --

10 THE COURT: I will be glad to hear from whoever.

11 MR. FRICK: Mr. Barfield is initiating my motion
12 and arguments therefore on them, Your Honor, here is
13 the thing, Antonio Truesdale, the 2nd, Duce, is four
14 years old at the time of this incident. Whenever his
15 momma is shot he almost immediately goes to the next
16 door neighbor's house and asks for help. They called
17 911. The police respond within 15 minutes. It's
18 cold. It's January. Duce and his younger brother and
19 sister are put in an ambulance. Duce makes the
20 comment Shi's daddy hurt my momma. Jamia's
21 (phonetics) daddy hurt my momma. Jamia and Shi are
22 the same person and daddy they are referring to is
23 Rashad Johnson. He makes this statement. He does
24 make it to Investigator Crump. He makes it in the
25 ambulance in front of some of first responders who are

1 on the solicitor's witness list, and Mr. Plyler and
2 Mr. Hope and then he says it spontaneous to Christy
3 Rogers who is a CSI officer that responds there on the
4 scene.

5 We are saying in response to 803.2, as Your Honor
6 correctly stated this is excited utterance, but we
7 would also like to offer up the case -- I have cases
8 for the State as well I have already given them to Mr.
9 Frick here. The Ladner case which says it doesn't
10 matter, the underlying competency of the person that
11 is making the excited utterance because it was a child
12 in that case, it was also clearly still under the
13 stress of the situation. There competency does not
14 matter. So we would at least ask the Court to
15 consider Ladner case, the Smith case and the Sims case
16 before making a ruling.

17 THE COURT: Wagner {sic} and what? What case,
18 Wagner and what?

19 MR. FRICK: Ladner, Sims and Smith which I will be
20 handing up to the Court.

21 THE COURT: All right, if you would would please.
22 Obviously I don't disagree approximate any of these
23 propositions and that is why I was trying to relate it
24 to the child sexual abuse situation. However, in this
25 case Ladner, the hearsay of declarant was the victim.

1 Was the victim. Duce is not the victim, number one.
2 Number two, in both Sims and the other case cited
3 herein, both of the minor children were found to be
4 competent to testify. While on the witness stand they
5 -- for lack of a better way of expressing myself I
6 would just eloquently say they clamed up. They
7 wouldn't answer any more questions. Because they had
8 been found competent -- because they had been found
9 competent, an officer who took the statement was then
10 allowed to be recalled and testify to that. So
11 Sims -- I'm trying to get the foundation that the
12 child observed the startling event. That is the first
13 thing. You got to have personal knowledge, the
14 declarant. Even the unknown bystander as we all know
15 you can use that declarant and of course you don't
16 know if that declarant is competent or not, but that's
17 an adult. So that is the situation I am talking about
18 here. Two out of three of these cases you had a
19 competent five-year old and I forget the other's name.
20 One out of three you have the victim herself. That is
21 different then the scenario here, number 1.

22 Number two, there are certain factors that I have
23 to look at in determining whether or not I will allow
24 it in as a hearsay statement.

25 Now, there is all kind of lines of cases if you go

1 back to Cameli and some of those others to where a lot
2 of time the prosecutors will try to get in the
3 statement to doctors and stuff like that. And I know
4 more time has passed by that point in time. The name
5 of the person is an exception to the hearsay rule
6 under medical diagnosis. I realize that's not your
7 focus in this case. I realize that. But I want to
8 hear some testimony first before I rule on it. So,
9 you know you can either -- well, I want to hear some
10 testimony. You make your own decisions on how you
11 want to present it.

12 MS. RANEY: Your Honor, I guess we are trying to
13 coordinate, given the late hour just to make sure we
14 are all on the same page, is Your Honor wanting to
15 hear the testimony from the witnesses we are intending
16 to try to introduce the excited utterance through. I
17 want to make sure I am understanding you correctly to
18 establish that the child was under the -- still under
19 the stress of the startling event.

20 THE COURT: Two out of these three cases, the
21 child is found to be competent. Competent. And then
22 during the course of his testimony, or her testimony,
23 they quit talking. So they then allow -- I don't know
24 which side; solicitor, the State, to recall the
25 officer that the hearsay statement had been given too.

1 The third case, Ladner, is the victim herself. They
2 go in and they see injuries to her pelvic area. They
3 see blood. They see this, that and the other, and she
4 says Brian did it and then she says no, Brian didn't
5 do it. She was found not to be competent, but there's
6 grounds to show that she had personnel knowledge.
7 Even the by-standing, unnamed declarant, somebody has
8 got to say, oh that guy was standing over here when
9 the wreck occurred or when the incident occurred and I
10 heard him say John Doe went in that direction, whether
11 you ever get that bystander or not. So you have to
12 lay that foundation of the personnel knowledge of the
13 hearsay declarant and then meet the three requirements
14 within the rules.

15 MS. RANEY: Your Honor, I completely agree with
16 you, and essentially as we are going through the
17 testimony when Duce -- as we are calling him leaves --
18 he is there in the home when Miss Jones is shot. He
19 is the oldest of the children, so he comes out crying
20 and to go get help from a neighbor because of his
21 mommy being shot. So he's running to get help from a
22 neighbor is actually what precipitates the police even
23 coming out there that night. So may be -- and I don't
24 know, leave this up to the Court if we are in a
25 situation where the Court wants to hear the testimony

1 from the people that were there that night, you know.
2 I don't think him -- I guess my reading of Ladner is
3 different then the Court's. I don't think there is a
4 requirement under Ladner that he actually be the
5 victim before the excited utterance becomes relevant.
6 I think the testimony will show as we go through the
7 case that he does have personnel knowledge because he
8 was within the home. There is blood all over him from
9 his momma being injured that night and the other two
10 children. So he was clearly there. I don't think
11 there is any question about his presence in the home
12 either from the neighboring witnesses or the police
13 officers.

14 THE COURT: Presence in the home doesn't mean
15 observation of the fatal act. That's all I am saying.

16 MS. RANEY: Right.

17 THE COURT: That goes back to the rule 600 or
18 something.

19 MS. RANEY: The competency rule, Your Honor, is
20 that what you are referring to?

21 THE COURT: No, ma'am. I am referring to the rule
22 of personnel knowledge and I just don't have the
23 number right now. You have to -- I mean if you are
24 saying well, it is res gestae and he is acting under
25 the results of a startling event, well, then why isn't

1 it first person. Why didn't he say it then. I am not
2 saying it is or isn't admissible. I am saying a
3 foundation has got to be laid for its admissibility
4 and however you all want to do it you all are welcome
5 to do it in whatever manner you all so choose.

6 Anything further we can visit tonight on these
7 motions?

8 MR. BARFIELD: There not my motions, Your Honor, I
9 will not open my mouth about them again.

10 MS. RANEY: All right, with respect to number one,
11 we are just asking if the State has complied under the
12 requirements under rule five and Brady. I know Mr.
13 Barfield talked late on Friday with Wayne Blakeney a
14 co-defendant in this case and I did receive word from
15 him that he made a statement that another individual
16 was involved. I was wondering if there are any other
17 inconsistent statements from Mr. Blakeney.

18 MR. BARFIELD: No.

19 MS. RANEY: No. And the State has complied with
20 rule five and Brady?

21 MR. BARFIELD: To the best of my knowledge, yes,
22 ma'am. I am going through the file. Everything that
23 has been turned over to me has been turned over to you
24 on an ongoing basis as a matter of fact.

25 MS. RANEY: We are asking if Mr. Green takes the

1 stand later in the trial what record of his you would
2 seek to impeach him under rule 609?

3 MR. BARFIELD: I think we probably all agree what
4 it would be. I don't know.

5 MS. RANEY: So we will take that up before he gets
6 on the stand?

7 MR. BARFIELD: Yes. Yes.

8 MS. RANEY: Okay. And we do have -- I have been
9 provided number three Your Honor, a copy of the rap
10 sheets of the law enforcement witnesses. We dealt
11 with number four. Number five.

12 I am not sure, Mr. Barfield, do you intend to
13 introduce any statements made by my client, Mr. Green,
14 to law enforcement that we need to have a Denno
15 hearing for.

16 MR. BARFIELD: We probably will at some point. He
17 gave a statement, which a very small snippet I would
18 like for the jury to hear I might decide at some
19 point, but yes, it is certainly a potential.

20 MS. RANEY: Okay. The defense would just ask,
21 Your Honor, obviously if he intends to introduce it
22 that we have a Denno hearing prior to him putting it
23 in front of the jury.

24 THE COURT: All right, yes, ma'am.

25 MS. RANEY: I had talked with Mr. Barfield about

1 this, I believe we have an agreement on number seven.
2 Correct me if I'm wrong Mr. Barfield.

3 Mr. Green is asking any testimony by the State's
4 witnesses and what I am really talking about here
5 specifically is Miss Jones friends and family getting
6 up on the stand and talking about all the trauma or
7 distress this has caused in their life since then. We
8 think that that is not relevant to this case and it is
9 overly prejudicial pursuant to rule 403 and State v
10 Alexander. I believe the solicitor is in agreement.

11 MR. BARFIELD: My position as always is the victim
12 impact testimony is not proper from fact witnesses
13 about the case itself and I had that conversation with
14 Miss Jones's mom and her stepdad. They -- one or both
15 will testify, but they understand it is not to present
16 victim impact testimony. It is to present facts.

17 THE COURT: Thank you, solicitor.

18 MS. RANEY: With respect to number eight, Your
19 Honor, I am not sure if Mr. Clinton intends to
20 actually take the stand and testify in this trial or
21 not. There is an alleged statement that he makes
22 March 9, 2012 saying that my client and Mr. Blakeney,
23 who would be the other co-defendant who is not on
24 trial here was in this white car that was at scene, at
25 the scene of Miss Jones's murder. Obviously I would

1 have a problem if the State intends to introduce this
2 statement any other way then through Mr. Clinton being
3 on the stand.

4 MR. BARFIELD: My intention is not to elicit
5 testimony from the officer who took Mr. Clinton's
6 statement that Green was in the white Cadillac. There
7 are other ways I intend to prove that. So I am doing
8 that intentionally not to create Bruton issue so we
9 can try this folks together.

10 THE COURT: All right.

11 MS. RANEY: With respect to number nine, I know
12 there are several individuals who identified my client
13 out of a single photo, or a photo lineup. I would
14 like to have a Biggers hearing on that before they
15 testify.

16 THE COURT: All right. Is that right, solicitor?

17 MR. BARFIELD: Yes, sir.

18 MS. RANEY: As Your Honor heard here in pretrial,
19 my client is also referred to as Al Capone, Al Capone
20 Green. I talked with solicitor about this just for
21 purposes of preserving the record, I wanted to put on
22 the record, obviously I understand the Court would
23 rule that for purposes of identifying my client
24 witnesses are going to be referring to him as Al
25 Capone Green. My concern and the reason for this

1 motion in limine, is that solicitor not when
2 addressing the jury either in opening statements or in
3 closing excessively use reference to my client as Al
4 Capone or to use it in a way that would be done to
5 attack his character, Your Honor. To stick for ID
6 purposes only.

7 THE COURT: You understand that ruling solicitor?

8 MR. BARFIELD: I do and I understood it so well
9 that some of my witnesses today they wouldn't even use
10 the word. I was trying to get them to tell me the
11 nickname out of the presence of the jury and they
12 wouldn't do it, so I do not plan to banter about
13 Capone all week long.

14 MS. RANEY: Number 12, the defense is just asking
15 the State if there were any deals, promisees,
16 inducements to any witnesses in this case in exchange
17 for their testimony?

18 MR. BARFIELD: And at this time, Your Honor, I
19 would represent as to Blakeney, co-defendant also
20 charged with murder there is no deal. There might be
21 by the time he gets on the witness stand and as to all
22 other witnesses who I have talked to and who I
23 anticipate will testify some of them have pending
24 charges but none of them have brought up their pending
25 charges with me and I have not made any offers to

1 anyone concerning pending charges.

2 THE COURT: Now, there was something about a bond?

3 MS. RANEY: Yes. I put a copy of the bond order
4 for Blakeney. It was a consent bond that was entered
5 into between the State and the defense. I do have a
6 copy of it for \$45,000. I can speak to Mr. Clinton
7 and Mr. Green, Your Honor, they have been denied bond
8 and have stayed in jail for the last two years so I
9 think it is fair to say the State has given Mr.
10 Blakeney some assistance with regard to bond.

11 MR. BARFIELD: The State agrees we consented to a
12 bond for Mr. Blakeney some time after his arrest. I
13 am not sure how long he was in jail but we did.

14 THE COURT: All right. Polygraph.

15 MS. RANEY: Polygraph, I think we all are on the
16 same page about this. There were polygraphs taken in
17 this case. There will not be any mention by any of
18 the witnesses that polygraphs were taken or requested
19 to be taken or the results.

20 MR. BARFIELD: I don't like mistrials.

21 MS. RANEY: I don't like them either.

22 THE COURT: All right. All right. Anything
23 further then Miss Raney?

24 MS. RANEY: That's it.

25 THE COURT: Mr. Frick?

1 MR. FRICK: Your Honor, just to clarify.
2 Obviously we got to protect both our clients. I join
3 in Miss Raney's motion -- obviously I do, about the
4 statement from Duce. Your Honor, I also join in the
5 motion regarding Denno hearing for whatever statements
6 the State intends to elicit about my client and the
7 Biggers hearing.

8 THE COURT: All right. Thank you, Mr. Frick.
9 Anything further from the State, solicitor?

10 MR. BARFIELD: No, sir.

11 THE COURT: All right. Thank you, very much.
12 Let's say nine o'clock in the morning then for the
13 attorneys and the parties. Okay. Thank you very
14 much.

15 Have a pleasant evening.

16 MS. RANEY: Thank you, judge.

17 MR. BARFIELD: Thank you.

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19 (Court adjourned for the day.)
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(WHEREUPON, the following took place on March 11, 2014.)

THE COURT: Are you ready?

MR. BARFIELD: Yes, Your Honor.

THE COURT: All right. As far as the 404(B) testimony, as I understand the testimony the prior bad act is the robbery of Mr. Roseborough by Mr. Clinton who has entered a plea as to some charge in relation to that event and by Mr. Green who has not entered a plea. However, I do find that clear and convincing that the incident did occur. However, given the background of the testimony from Miss Davis and Miss Twitty and also what the State presented to the Court by way of the officer's testimony would have been that Mr. Clinton said, look, I committed the robbery but I

1 did not commit the murder; is that correct?

2 MR. BARFIELD: Yes.

3 THE COURT: All right. I find there is not a
4 logical nexus between that robbery and the homicide of
5 Miss Jones. There's a link missing. Even as it goes
6 to identity, given the fact that Mr. Roseborough and
7 Miss Jones had moved from the Carolina Apartments to
8 Roseanna, 1763 Roseanna, Highway 200 South, whatever
9 trailer park -- they had moved very recently as I
10 understood it from January 19th of 2012. I just don't
11 see the fact that they committed, Clinton and Green,
12 the November robbery specifically points to identity
13 to the clear and convincing evidence that they then
14 committed the homicide.

15 Now that's my ruling based on what has been
16 presented to the Court at this point. It is a motion
17 in limine. Facts could develop during the course of
18 the trial. I guess what I am saying by way of a
19 motion in limine that does not preclude revisiting
20 that issue if the facts develop differently. But
21 there is just a logically missing link.

22 Now, that being said, the testimony of Miss Davis,
23 the testimony of Mr. Twitty, as far as conversations
24 between -- and I mean no disrespect I just use the
25 nicknames between Tate and Al -- that Miss Davis

1 alleged she heard or Mr. Twitty alleged not only did
2 he hear he was a part of, that testimony is
3 admissible. That is not 404(B) testimony. That is
4 conversations about planning a lick, a crime.

5 Mr. Frick brings up the point, well judge, it
6 doesn't say they are going to rob X, Y or Z. That
7 goes to the weight, not the admissibility. That is
8 circumstantial evidence. So that part of the
9 testimony as I you heard it is admissible.

10 As to the hearsay exception, under that Ladner case
11 it appears and my thoughts yesterday was the
12 difference between a victim who makes the statement, a
13 child victim versus a child witness. It is clear in
14 the case that is cited in Ladner, Sims and I forget
15 the other name -- that those two children that were
16 witnesses were found competent and then would not
17 continue to testify on behalf of the State. They were
18 called by the State. It is clear Judge Waters said
19 there does not have to be a finding of competency of
20 the child necessarily under that hearsay exception.
21 Depending on how it develops, I think is admissible.

22 Now, having said that that if it meets the
23 standard of 803.2. As far as the startling event,
24 under the influence of the startling event, no time
25 for reflection, quite frankly I really struggled with

1 no time for reflection having many times in my life
2 been around four years old I don't know what
3 reflection they really do. But at the same time I
4 can't group four year olds and say absolutely they
5 don't reflect. With that being said it does not mean
6 that Duce can not be called as a witness. I'm not
7 saying he should be. I am just saying it does not
8 mean he can not be, if either side chooses to do that
9 and of course the jury could determine their
10 observations of his competency. Of course it has been
11 two years. It's fuzzy in my memory, but there was a
12 big difference in my children four to six years old.
13 They are now regressing, but back then it was a big
14 difference between four and six years as far as
15 maturity level. As I say they are now regressing.

16 Do you understand my ruling, solicitor.

17 MR. BARFIELD: Yes, sir. My understanding of your
18 ruling is if the competency issue is not there and if
19 they can establish the elements of the excited
20 utterance they will have to develop that however they
21 choose to.

22 THE COURT: And it's that they do not have to show
23 competency for purposes of asking those questions, but
24 they do have to lay the foundation under the excited
25 utterance. That does not mean that the competency

1 issue can not be presented to the jury.

2 MR. BARFIELD: Right.

3 THE COURT: It's the same -- you know, like if you
4 analogize it to the unknown bystander and then later
5 on you find that bystander and you find that the
6 bystander is not competent. You could then put that
7 bystander on the stand, the hearsay -- the actual
8 declarant to show the jury, for the jury to evaluate
9 it. That doesn't foreclose you or the defense,
10 Clinton, or the the defense, Green, from showing
11 competency or incompetency. And I use that term
12 incompetency in the legal sense not in any disrespect
13 to Duce.

14 All right.

15 MR. BARFIELD: Yes, sir.

16 THE COURT: Any other issues we need to take up
17 before we bring our jury in?

18 MR. BARFIELD: One quick one. I got 33
19 photographs. I've shown them to Mr. Frick and Miss
20 Raney. There is one photograph that they object to.
21 Otherwise they agree that all of these photographs are
22 admissible. I have asked the court reporter to give
23 me some labels and we got a little bit of time to
24 finish that process up.

25 THE COURT: All right.

1 MR. BARFIELD: We should probably take up the
2 issue of the one objectionable photograph. I would
3 prefer to do it now. If they want to wait until I am
4 ready to try and introduce it we can do it that way.
5 It makes know difference to me.

6 THE COURT: Why don't we do it now then.

7 MR. BARFIELD: All right. Your Honor, the one
8 objectionable photograph is a photograph of the victim
9 as she was found on her couch in her house. I will
10 hand it up. It's not marked -- well, let me go ahead
11 and mark this one State's number 11 for ID.

12 I will hand you State's exhibit number 11 for
13 identification purposes which again is -- you will be
14 able to see it in just a minute, but it is a
15 photograph of the victim of Jenika Jones on her couch
16 in her home as she was found when law enforcement
17 arrived. I proposed to introduce that as exhibit
18 during the trial for purposes of showing where she was
19 and it is also relevant as to the discovery of the
20 fired cartridge case which I also have some
21 photographs of which are not objected to.

22 THE COURT: All right. Both parties object?

23 MR. FRICK: We do, Your Honor. I think what the
24 solicitor can do -- obviously he has got a right to
25 show the scene. I understand that. I don't know that

1 necessarily he needs to have have a picture of a
2 victim and a bloody victim at that, to explain the
3 scene. I think he can do that through testimony.
4 However, we think that appeals more to the jury
5 emotionally rather than through purely evidentiary and
6 that is basis of my objection.

7 THE COURT: All right, Miss Raney.

8 MS. RANEY: Yes, Your Honor, I would incorporate
9 the same argument that Mr. Frick has made and we also
10 feel that it is more prejudicial then probative under
11 403.

12 THE COURT: Thank you. Thank you, very much.
13 Well, this photograph appears to be five by six.

14 MR. BARFIELD: Five by seven.

15 THE COURT: It appears to be the living room area
16 of the residence. It is somewhat -- some disarray
17 throughout. The victim is laying on her right side.
18 She is fully clothed. You can see part of her side --
19 excuse me, she's laying on her right side. You can
20 see part of her side from her waist up, but it is well
21 below her breast. Her left arm is curled over and
22 then her right arm is somewhat extended and there is
23 the appearance of some blood but the couch itself
24 masks a good bit of that because the couch is also
25 read.

1 I do not find it to be gory picture. I do not find
2 it to be the type of picture that would arouse
3 passions of the jury. It also shows the number five
4 which I take it is the evidence marker for the shell
5 casing.

6 MR. BARFIELD: No, sir. I think that is just
7 marking some blood drops.

8 THE COURT: That is blood drops.

9 MR. BARFIELD: The shell casing -- the cartridge
10 casing is behind the couch and it is going to be shown
11 as marker number six later.

12 THE COURT: All right. There is the evidence
13 marker number five there. I do not think the
14 probative value outweighs any prejudice to the
15 parties. Therefore I will find State's 11 would be
16 admissible subject to objection by the defendant's
17 Green and Clinton.

18 There is no objections to the other 32?

19 MR. FRICK: No objection.

20 MS. RANEY: No objection, Your Honor.

21 THE COURT: All right.

22 (Plaintiff's Exhibit 1-33, Photographs, received in
23 evidence as of this date.)

24 THE COURT: All right, solicitor. Anything before
25 we bring in our jury?

1 MR. BARFIELD: No, sir.

2 THE COURT: Mr. Frick?

3 MR. FRICK: Nothing from the defense.

4 THE COURT: Miss Raney.

5 MS. RANEY: No, Your Honor.

6 THE COURT: All right. Bring us our jury please.

7 MR. BARFIELD: Your Honor, yesterday I moved to
8 amend the original indictment to spell the name
9 correctly. Is it permissible for me to actually make
10 that change on the indictment?

11 THE COURT: Yes, sir, you may.

12 (WHEREUPON, the jury enters the courtroom).

13 THE COURT: Please be seated. All right, Mr. Clerk
14 swear our jury in please

15 (WHEREUPON, the clerk swears in the jury panel.)

16 THE CLERK: Thank you. Please be seated.

17 THE COURT: Good morning ladies and gentlemen of
18 the jury panel. I hope you all had a pleasant
19 evening.

20 Ladies and gentleman the case we are about to try
21 is the case of the State versus Devatee Tymar Clinton
22 and Al Martinez Green, the defendants. What I will
23 now say is intended to serve as an introduction to the
24 trial of this case. These remarks are not a charge or
25 instruction on the law in this case. I will instruct

1 you on the law that applies to this case at the end of
2 the trial before you retire to consider your verdicts.
3 This is merely an explanation of the procedures that
4 we will follow in the trial in this case so you may
5 better understand what may be happening.

6 Each defendant is charged by an indictment filed in
7 this Court with the crime of murder. The elements of
8 which will be explained to you later. Again, ladies
9 and gentleman these indictments are simply the charge
10 by which the cases are brought into Court and they are
11 not in any sense evidence of any of the allegations
12 that they contain.

13 Each defendant has plead not guilty to the
14 indictment. The State therefore, the party to my
15 front left, the State therefore has the burden of
16 proving each of the elements of the indictment beyond
17 a reasonable doubt. And it will be your duty, ladies
18 and gentleman, to decide whether or not the State has
19 met that burden. Now you have two defendants and you
20 decide the case based on the evidence separately and
21 distinctly as to each defendant as far as the evidence
22 is concerned in the trial of the case. Your purpose
23 as jurors is to find and determine the facts of the
24 case.

25 You, ladies and gentleman, are the soul judge of

1 the facts in this case. If at any time I make any
2 comment regarding the facts you must disregard it.
3 You are to determine the facts from the testimony you
4 hear and any other evidence that is introduced into
5 Court. It is also up to you to determine any
6 inferences which you feel may properly be drawn from
7 the evidence.

8 It is especially important that you perform your
9 duty of determining the facts diligently and
10 conscientiously because ordinarily there is no way to
11 correct an erroneous determination of the facts by a
12 jury. Now, on the over hand, and with equal emphasis,
13 the same law that makes you the judges of the facts
14 make me the judge of the law. The law that is given
15 by the Court is the only law you may consider. You
16 must accept and follow it even though you may disagree
17 with it. I can not tell you what the facts are and
18 you can not disagree with me about what the law is or
19 what the law should be.

20 Your job is to take the standard of the law as I
21 give it to you and apply it to the facts of the case
22 as you the jury find them to be from the testimony of
23 the witnesses and any other evidence that is
24 introduced. After doing that you will render your
25 verdicts. True and just verdicts under the solemn

1 oath that you were just administered by Mr. Hammond,
2 the clerk. Again until I advise you to begin your
3 deliberations you must not discuss this case with
4 anyone. That concludes your fellow jurors, friends,
5 family members or anyone else. After the case is
6 submitted to you you must discuss it only in the jury
7 room with your fellow jurors.

8 The attorneys and the parties in this case have
9 been advised they are not to speak with you at all so
10 if you see anyone involved in the case; witnesses,
11 parties, attorneys, otherwise and they do not even say
12 hello, they are not being unfriendly or rude or
13 unmannerly. They are just following my instructions.
14 Again, do not read, watch, listen to any news reports
15 about the case. This includes anything that may be in
16 the newspapers or on the internet, radio or
17 television. You must not consider anything you may
18 have read or heard about the case outside the
19 courtroom whether before or during the trial.

20 It is important ladies and gentlemen, that you keep
21 an open mind and not decide any issue in the case
22 until all of the evidence has been presented, the
23 parties, the attorneys, have made their closing
24 arguments to you and I have instructed you on the law
25 in this case.

1 It is your solemn responsibility to determine the
2 guilt or innocence of the defendants and your verdicts
3 must be based solely on the evidence as it is
4 presented to you in this trial and on the law as I
5 instruct you during and at the close of the trial.

6 Now, in just a few moments the solicitor will
7 make what is called an opening statement in which the
8 solicitor will explain to you the issues in the case
9 or at least what the solicitor thinks the issues are
10 in the case.

11 Mr. Frick, the attorney for Mr. Clinton, Miss
12 Raney, the attorney for Miss Green, may also make
13 opening statements although neither he nor she is
14 required to do so because the State has the burden of
15 proving its case beyond a reasonable doubt. A
16 criminal defendant in South Carolina as many always
17 presumed to be innocent of the crime charged
18 regardless of the seriousness of that crime and has no
19 burden of proof, no duty to prove himself or herself
20 innocent. What the attorneys tell you during their
21 opening statements is not evidence in the case. What
22 the attorney say in their closing arguments is not
23 evidence in the case. The attorney's questions to the
24 witnesses is not evidence in the case. That is the
25 framework by which the testimony of the witnesses

1 under oath is presented to you; questioning by the
2 attorneys, the responses of the witnesses that are
3 sworn under oath to tell the truth before you. You
4 use your good judgement and your common sense
5 individually and collectively and focus it on the
6 witnesses to determine what evidence you believe, what
7 witness is credible to you and that's how you make
8 your determination of the facts.

9 Evidence may also be presented by exhibits that may
10 be introduced. From time to time during the trial you
11 may hear one of the lawyers say something like Your
12 Honor, I believe we have a question of law or a matter
13 of law to discuss with you, or Your Honor, may we
14 approach the bench or some time I myself might find it
15 necessary to excuse you from the courtroom for a short
16 while so the attorneys and I can discuss matters of
17 law. The reason I do this is not to hide anything
18 from you, but it is because you are the judges of the
19 facts in the case and some times when I am discussing
20 matters of law with the attorneys it may be necessary
21 for me to make some comment as to the facts in
22 connection with ruling whether or not a particular law
23 applies. I am not suppose to tell you what I think
24 the facts are. The constitution says I have no right
25 to have any opinion as to the facts of the case, so I

1 will excuse you from the courtroom while these
2 discussions take place so that in no way will you be
3 influenced by anything that I might say or do in
4 connection with the facts.

5 In determining what the true facts are, in using
6 your good judgement and common sense you must
7 necessarily decide whether or not the testimony of the
8 witnesses is believable. It will be my responsibility
9 to rule as matter of law as to whether certain
10 testimony is admissible at all or not. In other
11 words, whether it is presented to the jury, whether
12 you get to hear it or not. But once with the
13 testimony is admitted whether or not you believe it is
14 solely for you the jury to decide.

15 In deciding whether to a believe a witness you have
16 a right to consider the interest of any witness, the
17 bias of any witness, the prejudice of any witness, the
18 opportunity for the witness to have seen the matters
19 and things about which the witness may testify and the
20 demeanor or the way the witness acts on the witness
21 stand. You have a right to consider anything that is
22 in the record that will help you evaluate the
23 testimony of the witnesses in this case. That means
24 it will be your duty to pay close attention to these
25 witnesses, to observe the witnesses, to listen to the

1 witnesses and to pay close attention to the attorneys
2 and the Court. Don't let your thoughts wonder, but
3 give strict attention to the testimony in this case so
4 that at the end of all the testimony, after the
5 arguments by the attorneys and the instruction on the
6 law by the Court, you will then be in a position to
7 determine what the true facts are and to apply the law
8 to those facts and thus render true and just verdicts.

9 Just some administrative matters, ladies and
10 gentleman, many times there maybe photographs
11 introduced diagrams, exhibits such as that. Many
12 times they may be handed to our jury foreperson and I
13 have not yet selected or decided whether or not I will
14 let you all select your own foreperson. I generally
15 wait for the first break before I do that. But be
16 that as it may, many times they are handed to the
17 foreperson in the jury and passed among members of the
18 jury while you are out here in your jury box in the
19 courtroom. You may look at those items, those
20 photographs, diagrams, what have you, keep in mind if
21 I allow something into evidence you will also have it
22 with you in your jury room at the time of your
23 deliberations. So being out here in the courtroom is
24 not the only time, the only opportunity you will have
25 to review, as I say photographs, charts, diagrams

1 exhibits, physical items and the like. Also I tell
2 you this because a juror complained about me one time.
3 Can you imagine? I was on my computer and as I said
4 during perhaps jury selection, I stay focused on the
5 case. Sometimes -- these very good trial lawyers -- I
6 may see what I think is a legal issue coming around
7 the curb and I will do some quick research. I don't
8 e-mail or respond to e-mail or look at e-mail or
9 anything of that nature. It is just total research.
10 This is my law clerk. He was not with me yesterday,
11 Mr. Hunter. He is also a member of the South Carolina
12 Bar. A graduate of Wofford and the Charleston School
13 of Law. He does the heavy research, at any rate, but
14 that is when you see me on the computer. It obviously
15 bothered this other juror. If it bothers you let me
16 know and I won't have to do research. I will do it on
17 the break.

18 If you can not hear a witness or see a witness
19 please get my attention, or the attention of our
20 bailiff. We will have that person speak up or have
21 that that item so you can see it better. There is as
22 you know there a speaker system in here and if you
23 can't hear the witness you won't be able to determine
24 what the true facts are. Part of that can go into the
25 demeanor issue also. And finally, what am I in charge

1 of? I am in charge of taking breaks. That is really
2 what I am in charge of. And I have a real simple
3 rule. It works perfectly. When I want to take a
4 break we all take a break. I don't have any problem
5 with that. Well, please this is not some type of
6 judicial marathon. If you need a break, if your
7 thoughts start to wonder, please raise your hand. You
8 all will take your break. We will take ours. Again,
9 if you can't focus and you need a break at any time
10 just raise your hands and let me know.

11 All right, with that being said, any objections to
12 anything I told the jury from the State?

13 MR. BARFIELD: No, sir, not from the State.

14 THE COURT: From the defendant, Mr. Clinton, Mr.
15 Frick?

16 MR. FRICK: Nothing from the defendant.

17 THE COURT: Defendant Green, Miss Raney?

18 MS. RANEY: No, Your Honor.

19 THE COURT: All right, solicitor, you may address
20 the jury.

21 MR. BARFIELD: If the Court please, Mr. Frick, Miss
22 Raney. Good morning ladies and gentleman.

23 I don't say whole lot of in opening statements and
24 reason is as the judge just said, what I am saying to
25 you is not evidence in the case. This is kind of like

1 a trailer for a movie. I will tell you a little bit
2 about what this case is about. I will say some
3 general things before I get into that, but you are not
4 suppose to know anything about this case at this
5 point. This is going to be a long, tedious, tiring
6 week for you. I will tell you that. Just get ready
7 for it and be patient with us as we go through this
8 because you know nothing about this case. You got to
9 learn everything there is to know about this case over
10 the next two or three days. And that is done by the
11 presentation of witnesses who will climb up on that
12 witness stand and tell you answers to questions that
13 are asked of them from the lawyers involved in the
14 case. They will also involve me putting in some
15 evidence, some items, some photographs. We have
16 already marked 33 pictures in this case which we will
17 put into evidence in just a few minutes. There will
18 be some other things that you get to see later on;
19 items, physical evidence that you will get to see
20 later on in this case.

21 As I call witnesses I ask each witness questions
22 and when I get through asking the witness questions
23 Mr. Frick and Miss Raney get to ask that witness
24 questions and these questions some times coming from
25 me maybe will seem like idiotic questions. But again,

1 it is designed to elicit from the witness all of the
2 information that witness has about the case so that
3 you at the end of this road will know everything there
4 is to know about this case. We are been working on it
5 for weeks and months now. You haven't. We got books
6 and papers and files and you don't have anything. You
7 are sitting there maybe with a bottle of water in your
8 hands. That is why it is going to take a while. So
9 be patient with us.

10 This is in a nutshell what happened. The victim in
11 this case is Jenika Jones who at the time was 23 years
12 old and was the mother of three toddlers ranging in
13 age from one to four, one year old to two years old
14 and four years old. Miss Jones lived in a mobile home
15 in a mobile home park on Rosanna Lane which is out
16 Highway 200 going down towards Great Falls. This
17 incident occurred on Thursday day night about ten
18 o'clock, January 19th of 2012. Lancaster County
19 Sheriff's office was dispatched to go to that trailer
20 park and was directed to Miss Jones's trailer and went
21 in to Miss Jones's trailer and found her on her couch
22 with a contact gunshot wound to the left side of her
23 head and she was dead right there. Two of her
24 children, the youngest two children were in the house
25 with her. The other child had left the house and gone

1 to a neighbor's house, and you will hear those things
2 described by some law enforcement folks who arrived at
3 the scene.

4 That is what happened to Janika Jones. Now, who
5 did it? That is the big question in this case that
6 you all have to answer at the end of the case when the
7 judge submits the case to you for your deliberation.
8 Who did it? There are two people in the courtroom
9 today that the State contends did and they are Devatee
10 Clinton, who you will hear described by a nickname
11 Tate, and Al Green, who are sitting at the two tables
12 over there. They are the two people in the courtroom
13 today who are charged with murder in the death of
14 Jenika Jones.

15 Now, I will say a couple of things about -- well,
16 the State is going to present evidence to you. I will
17 not get into it right now. I will call witnesses to
18 get into it, but the State is going to present
19 evidence to you to prove to you that Tate Clinton and
20 Al Green committed this offense, committed the murder
21 of Janika Jones. You will hear testimony a plan to do
22 a lick. You will do hear testimony of a borrowing of
23 an automobile. You will hear testimony of people who
24 had interaction with Clinton and Green the night this
25 event happened and I am going to leave it at that at

1 this point. The witnesses will tell you that
2 information one by one as they testify.

3 There are a couple of legal principals I want to
4 plant in your mind right now because this will come up
5 towards the end of the case when the judge instructs
6 you on the law.

7 First thing is, you are going to know when the
8 evidence is in, in this case, that Clinton and Green
9 aren't the only two people involved in this case.
10 There are others. One, maybe two others who
11 participated in this event. The first thing I want
12 you to understand about that is this, you are not here
13 today to judge the others. You are here today to
14 decide whether Clinton and Green committed this
15 offense. They are the ones that are standing trial
16 today and they are the ones that have you to determine
17 the guilt and innocence of at the end of this case.
18 Another legal principal, planting it in your mind
19 because you will have to deal with it later on. I
20 submit that you are going to know when the evidence is
21 all in that this was the death of Jenika Jones by one
22 gunshot wound from one gun. We don't have the gun. I
23 will tell we don't have the gun. But there was one
24 shot that killed Jenika Jones and two people can't
25 fire one shot. Those two guys were charged and the

1 law says that the hand of one is the hand of all. So
2 I submit to you when you conclude they are both
3 involved in this event you don't have to decide
4 necessarily who fired the fatal shot. If they are
5 both present together acting together to commit a
6 crime they are both responsible for the natural and
7 probable consequences of the commission of that crime,
8 which in this case was a fatal gunshot wound to the
9 head of Jenika Jones. So remember that. You will hear
10 it a lot more, the hand of one is the hand of all.
11 You don't have to decide which one of the two of them
12 pulled the trigger to find both of them guilty of the
13 offense of murder. That's all I am going to say about
14 the facts right now and we get into it in just a few
15 minutes. Again it will seem tedious and it is going
16 to be tiring, but hang with us. Be patient with us
17 and I submit to you when you heard all the evidence
18 and testimony in this case, when we get done and the
19 judge gives you this case to take back to the jury
20 room and gives you a verdict form for you to go back
21 and decide as to each of these offenses you will in
22 fact find that the State has proved to you beyond a
23 reasonable doubt that Tate Clinton and Al Green are
24 guilty of the offense of the murder involving the
25 death of Jenika Jones.

1 Thank you.

2 THE COURT: Thank you, solicitor. Mr. Frick.

3 MR. FRICK: Thank you, Your Honor.

4 Mr. Barfield, ladies and gentleman of the jury,
5 secretly this is one of the two parts of trial that
6 all of us that sit here in suits and fancy outfits
7 love because we got 14 people trapped who have to
8 listen to us talk right now. We really do like that
9 part because that's why we do what we do, but you are
10 providing a invaluable service. Some times you will
11 hear it is valuable as -- it's the most valuable
12 service that you can provide your country outside of
13 military service and that is not a hyperbole. That is
14 true. We have a great tradition in our country of not
15 having folks that are tied up with in the legal minuta
16 of the case. We sit here and we pontificate about
17 points of law and discussing this and that. We take
18 people that have no connection to the case. That's
19 why we ask you all those questions. You were
20 wondering when you came in yesterday while folks were
21 grilling you with all these questions and some of them
22 really are personnel, it's so that we can make sure
23 that you have no connection to the case or as little
24 connection as possible. That you come in here tabula
25 rasa. That's my 7th grade Latin. That's all I am

1 going to tell you on that. You come in here with a
2 blank slate on this case. You have no idea what
3 happened.

4 The State, and the State alone, bears the burden of
5 proving that Mr. Clinton and Mr. Green did what they
6 said they did. The burden is entirely over here.

7 (Indicating) You heard the judge say that several
8 times. You heard the solicitor say that. You are
9 going to hear me say that today and in closing. You
10 will hear Miss Raney say that and you then you will
11 hear everybody say it all over again because that is
12 the important thing. The State has to show you beyond
13 a reasonable doubt.

14 Now, there are various definitions of what that is,
15 but my definition of that is that there is no other
16 explanation but that they did what the State says that
17 they did and in this case that is kill Jenika Jones.
18 Now, there is one difficult fact that you have to deal
19 with in this case; that a woman was killed in her home
20 in front of her children. That's is just a fact in
21 this case, ladies and gentleman. Now, that does not
22 mean that you are here to seek any retribution. This
23 is not a witch hunt to punish someone because there
24 are two people sitting at defense table. It is
25 perfectly all right to be upset by that fact

1 personally, but when you get back into that jury room
2 to deliberate on the case you have to set that aside
3 and have you to think about the facts that are
4 presented to you. That's a difficult job and that
5 puts you all in the most difficult position of anybody
6 in this courtroom because you have to set that aside.
7 But in my experience jurors are very good at that.
8 They can put emotion aside and I have no doubt that
9 you all will be able to do the same thing, put emotion
10 aside and focus on the facts of the case. And the
11 solicitor just stood up here and told you he can't
12 tell you who did it. That is what hand of one hand of
13 all is all about. Accomplice liability simply says
14 that one of these two people did something. I can't
15 tell you who did it, but it doesn't matter because if
16 they acted together then it doesn't matter who pulled
17 the trigger. Well, right now, the State can't tell
18 you who that person was so they want you to lump
19 everybody together.

20 Now, what they got to do is they are going to show
21 you all the pieces of puzzle. Nothing has to come
22 from this side of the courtroom. Not one shred of
23 evidence has to come from this side of the courtroom.
24 As you are well aware in this country under our
25 tradition, under our laws, a defendant does not have

1 to prove themselves innocent. The State must find
2 they are guilty. How does that happen? How does the
3 State present there case? And you don't have to hear
4 a thing from them. They may or may not take the
5 stand. The defense may or may not put up a witness,
6 but you still hear their side of the story through
7 cross examination of the State's witnesses. Folks get
8 up on the stand. They are going to put their hand on
9 this bible and they are going to swear to tell the
10 truth. Folks, I tell you right now just because
11 somebody puts their hand on the bible and swears to
12 tell the truth you don't have to take their word for
13 it. You get to judge folks. This is why we have you
14 because you come in here with common sense. We are
15 all tied up with the legal issues of the case that we
16 lost the common sense focus on it. That is why we
17 have you sitting if this box so you can look at
18 someone and determine whether or they are telling the
19 truth or not. Whether they are believable. Whether
20 they have a reason to say what they are saying up
21 there.

22 That is all within your purview and your purview
23 alone and no one can take that alone from you. So
24 someone can get up there and say something and in your
25 common sense, your gut feeling even tells you, that

1 just doesn't sound right. That is your job. That is
2 what you get to do.

3 There is going to be a little bit of fancy CSI
4 evidence, but I assure you it is not going to be as
5 neat as you see on TV. You probably will see some
6 kind of DNA evidence. There may be some other kind of
7 trace evidence, but it is going to come to the same
8 thing. It's going to tell you the same thing. The
9 State can't tell you who did this. There are other
10 folks involved. These are the folks we are dealing
11 with today.

12 Ladies and gentleman, it always fascinates me when
13 folks come in and they have no idea what is going on
14 and they have a bunch of lawyers standing up there
15 asking questions through the judge. Then when you
16 come to the sidebar everybody gathers around to hear
17 what you have to say. Then when the judge always
18 announces what the charge is you can always have this
19 look on the jurors face of oh, great, I got choose on
20 this. Now, what you may be thinking is how they do it
21 in some other places where it is weeks and weeks and
22 weeks. We are a little more expeditious about in
23 South Carolina. It will probably take a week but
24 probably not going to be much more than that. We go
25 extended. You do however get the distinct pleasure of

1. getting to listen to three lawyers talk to you about
2. this case. That is slightly unusual situation but it
3. does happen some times.

4. Weigh the evidence. Only you get to way the
5. evidence. And as I said, you will see a bunch of
6. pictures. You will see a little bit of fancy CSI
7. stuff but you are going to hear a lot of testimony and
8. you get to decide who you want to believe and who you
9. don't want to believe and in the great tradition of
10. our country you get to decide what happened and in the
11. end you will find the State has not met their burden.

12. If you ever served on any other kind of jury
13. service, I would say even criminal court down in
14. magistrate court, it is a little different. If you
15. are on a civil case it is different. The burden of
16. proof is different. The prosecution's side has to
17. simply show you that something is more likely then not
18. to have happened. That is a whole lot different then
19. there is no other reasonable explanation. So it is
20. high burden.

21. The State is already admitting that they can not
22. prove who did this by tell you accomplice liability.
23. That will continue ladies and gentleman. All you will
24. be able to do is weigh what folks tell you from that
25. stand and in the end you will find Devantee Clinton

1 and I will tell you Al Green are not guilty of this
2 offense.

3 Thank you, very much for your time and your
4 service.

5 THE COURT: Thank you, Mr. Frick. Miss Raney.

6 MS. RANEY: Thank you, Your Honor.

7 You heard the State tell you that Mr. Clinton and
8 Mr. Green went in to Jenika Jones's house back on
9 January 19th and the State will tell you that when
10 they get inside of her house Miss Jenika Jones ends up
11 dad on her living room couch. But the evidence will
12 show, the State's witnesses will tell you they didn't
13 stop in her living room that night. They continued
14 down the far end of her trailer, past the kitchen,
15 down a hallway, past an HVAC closet, past another
16 little kids bedroom, past a bathroom and into her
17 master bedroom. And the State's witnesses will tell
18 you that when they got inside that bedroom they
19 trashed it. I believe the State is going to show you
20 pictures of what her bedroom looked like that night.
21 There is a chest of drawers overturned, drawers
22 spilling out of that chest. Pictures will show the
23 contents of those drawers spread out all over the
24 floor of her room. There is another chest of drawers
25 in that bedroom. A couple of those drawers are pulled

1 out. Somebody takes a mattress, as the State's
2 pictures will show, and shove it right off the box
3 spring of the bed in her room.

4 The State will also show someone went into her
5 closet and the evidence they have appears to suggest
6 took the time to take all the shoes outside of the
7 closet and stack them outside that closet door. And
8 then whoever was in that bedroom that night turns
9 around, leaves the bedroom, walks back down the hall,
10 back down the past the kids bedroom, back down past
11 the bathroom, down past the kitchen and back out
12 through Miss Jones's front door and leaves.

13 The police will tell that they get to Miss Jones's
14 house about 15 minutes after all these events took
15 place. And not just patrol officers that we are use
16 to seeing in uniform riding around with the lights on
17 their car, but also the CSI or the crime scene
18 investigation team. The people in the police
19 department whose job is to collect forensic evidence.
20 And that police team stays there at Miss Jones's house
21 not just from 10:15 that night on January 19th, but I
22 expect they will tell you that they were there
23 investigating what happened and trying to collect
24 evidence from the scene until about 5:30 in the
25 morning the next day. We are talking about seven

1 hours worth of investigation and evidence collection
2 just at the Jones's residence that night.

3 I also expect the State's witnesses from this CSI
4 team to tell you that they did not find one shred of
5 forensic evidence that suggests that my client Mr.
6 Green was ever even inside of Miss Jones's house that
7 night. I expect the State's forensic team will tell
8 you they did not find one fingerprint of Mr. Green,
9 not one hair off Mr. Greens's head, not one bit of DNA
10 from skin cells people can leave when they touch
11 services, not one bit of sweat that may have came off
12 an individual's head that took the time to quickly
13 ransack this bedroom, no footprints, no clothing
14 fibers.

15 The CSI team doesn't only respond out to Miss
16 Jones's house that night. You are going to hear
17 testimony from some witnesses about a car, the car
18 that the State's witnesses suspect was driven over to
19 the Jones's house that night.

20 CSI team is also going to tell you that they spend
21 some time processing the evidence inside of this white
22 car. In fact the CSI team ultimately took possession
23 of this car and impounded it there at the sheriff's
24 office lot and when the CSI team from the State
25 testifies to you about what they found from the car I

1 expect there testimony to be very similar to what you
2 heard about what they found from the house. Not one
3 shred of forensic evidence that suggests Mr. Green was
4 ever inside that white Cadillac. And why is DNA
5 evidence important. Well DNA and fingerprints are
6 unique to every individual. My DNA and fingerprints
7 are not the same as Mr. Barfield's DNA and
8 fingerprints. So things like forensic evidence can
9 back up what a witness tells you on the stand or they
10 can contradict it.

11 The State talked to a lot of people in this case
12 and I expect that you are going to hear testimony from
13 a lot of witnesses sitting up in that chair during the
14 course of this week. And one of the witnesses I
15 expect you to hear from testimony from that the State
16 will put up is Mr. Wayne Blakeney. And Mr. Barfield
17 is right, we are not here today to judge the guilt or
18 innocence of Mr. Blakeney who was also charged with
19 murder in this case. That is not your role here
20 today, but, when Mr. Blakeney is on the stand giving
21 testimony about what he says happened that night it is
22 your job, like it will be with any other witness that
23 gets on that stand and testifies before you to judge
24 that witness's credibility. Are they telling the
25 truth. And there is no magic way to do that just

1 because you are sitting in a jury box. You are going
2 to do that the same way that you do in your every day
3 life when someone is telling you a story. You are
4 going to make a decision the same way whether or not
5 you believe it. Using your common sense. Thinking
6 about are there holes in this story of what this
7 person is telling me. Does what they say make sense.
8 Does what they say contradict what I heard from other
9 witnesses in this case. Do they have reasons or
10 motivations to be saying what they are saying here
11 today.

12 I expect that you will also hear testimony from the
13 State's witnesses who lived close to Miss Jones, one
14 that called 911 that night, a neighbor that lives in a
15 nearby trailer and I don't expect any of those
16 witnesses are going to tell you that they saw Mr.
17 Green there that night on January 19th when Miss Jones
18 passed away.

19 You heard the other attorneys touch on it and I
20 will touch on it too because it is so key in our
21 criminal justice system of law. These are
22 constitutional protections that all of us have as
23 citizens of the United States that all kind of work
24 together in a criminal case and those would be the
25 burden of proof which rests solely with the State. It

1 is not my job, it is not Mr. Frick's job, it is not
2 Mr. Green's job, it is not Mr. Clinton's job to prove
3 anything in this case. Both Mr. Clinton and Mr. Green
4 are presumed innocent throughout this trial, and what
5 does that mean. When you are sitting hear evaluating
6 the evidence that is being put before you by the State
7 that you must first look at it in a light most
8 favorable to Mr. Clinton and Mr. Green. First look at
9 it in a light that is consistent with them being
10 innocent. Which brings us to reasonable doubt.

11 At the end of this case the judge has already told
12 you he is going to instruct you on the law and one of
13 the things he is going to talk to you about is proof
14 beyond a reasonable doubt. That the State has the
15 burden to prove each and every element of this charge
16 of murder beyond a reasonable doubt against both Mr.
17 Clinton and Mr. Green evaluating the evidence against
18 each of them separately.

19 One way that reasonable doubt is commonly explained
20 when the judge gives his instruction on the law at the
21 end of the case, is the kind of doubt that would cause
22 a reasonable person to hesitate to act. I agree that
23 is the law, but I also thing that it sounds like a lot
24 of lawyers speak. So I would like to kind of break it
25 down by way of practical example to show how we really

1 apply this principal of beyond a reasonable doubt that
2 I am sure you have all heard before today on TV, but
3 now that you are sitting here in a courtroom how does
4 that really apply here in this case. The way that I
5 like to think of it is the State who has the burden in
6 building this case is much like building a boat and
7 the material that they are using to build this boat
8 for this case is the evidence that they put before
9 you, and at the end of this case after you seen all
10 the evidence it is going to be your job as jurors to
11 go back in the deliberation room and talk about all
12 the evidence that is put before you and see what you
13 think about it. What do you think about the evidence
14 that has been presented. Is there anything that you
15 feel is missing. Are there holes or cracks in that
16 evidence. Are there holes or cracks in that boat.
17 And at the end it is your job to decide after looking
18 at all the evidence in this case and what you have
19 before you, are there holes and cracks in that boat
20 that would cause you to hesitate to get aboard it and
21 take a trip across the ocean. If there are ladies and
22 gentleman that is reasonable doubt. And at the end of
23 this case I think you will find that the State has not
24 met their burden to prove this case against Mr. Green
25 beyond a reasonable doubt and I will be asking you to

1 find him not guilty.

2 Thank you.

3 THE COURT: Give me just a minute solicitor.

4 MR. BARFIELD: May I step out in the corridor for
5 just a second.

6 THE COURT: Yes, sir.

7 All right will you ask the solicitor to step back
8 in sheriff.

9 All right lady and gentleman of jury panel, just a
10 couple of matters that I would like to perhaps follow
11 up on a little bit based on the openings by the
12 attorneys. The attorneys, that includes also the
13 solicitor, not just Mr. Frick or Miss Raney.

14 Before we begin this trial I want to tell you that
15 this trial probably will be different from what you
16 might expect. Many people do not have a chance to
17 attend the actual court sessions as you are now doing
18 and they think from watching television or movies or
19 reading books that trials are always full of high
20 drama, intense action and riveting circumstances.
21 While all of these things may be true at times this
22 trial is not for entertainment. It is a fundamental
23 part of our democracy, a search for a truth in an
24 effort to make sure that justice is done between the
25 parties before the Court. Searching for the truth and

1 making sure that justice is done is often slow,
2 deliberate and repetitive. The opposite of what you
3 may have seen in television or in the movies or read
4 in books. This courtroom, I consider this courtroom a
5 place of honor, dedicated to the protection and
6 preservation of citizen's rights through what many
7 have called the greatest justice system ever created.
8 The attorneys appearing before you are advocates for
9 the parties they represent. But first and foremost
10 they are also sworn to the Court to uphold the
11 integrity and fairness of our judicial system and to
12 help you in the search for the truth. You should
13 expect them to be professional, competent and ethical
14 in the representation of their client's interest.
15 Remember that you have taken an oath to try this case
16 and reach a fair and just verdict and you are also
17 expected to be professional, reasonable and ethical.
18 Thank you for accepting this important responsibility
19 of jury service and your contribution to our criminal
20 justice system.

21 Additionally, as I told you in my brief remarks,
22 you are the judges of the facts of the case. I am the
23 judge of the law. I am the only one who can tell you
24 what the law is. That does not mean that the
25 attorneys can not comment on the law, but you take the

1 law as I tell you the law is and apply it to the facts
2 as you find them to be.

3 In that regard a reasonable doubt, what is a
4 reasonable doubt in the law. A reasonable doubt is
5 the kind of doubt that would cause a reasonable person
6 to hesitate to act. The State has the burden of
7 proving the defendants's guilty beyond a reasonable
8 doubt. Some of you may have served as jurors in civil
9 cases where you were told that it is only necessary to
10 prove that a fact is more likely true than not true.
11 Such as the greater weight or the preponderance of the
12 evidence.

13 In criminal cases of the State's proof must be more
14 powerful than that, it must be proof beyond a
15 reasonable doubt. Proof beyond a reasonable doubt is
16 proof that leaves you firmly convinced of the
17 defendants's guilt.

18 There very few things in this world that we know
19 with absolutely certainty and in criminal cases the
20 law does not require that proof that overcomes every
21 possibly doubt. If based on your consideration of the
22 evidence you are firmly convinced that the defendant or
23 defendants are guilty of the crime charged you must
24 find the defendant or defendants guilty. If on the
25 other hand you think there is a real possibility that

1 the defendant or defendants are not guilty you must
2 give the defendant the benefit of the doubt and find
3 him not guilty or them not guilty.

4 The presumption of innocence, the defendants have
5 plead not guilty to these indictments and that puts
6 the burden on the State to prove the defendants's
7 guilt. A person charged with committing a criminal
8 offense in South Carolina is never required to prove
9 himself innocent.

10 As I informed you, it is important rule of the law
11 that a defendant in a criminal trial no matter what
12 the seriousness of the charge may be will always be
13 presumed to be innocent of the crime for which the
14 indictment was issued unless guilt has been proven to
15 you by evidence satisfying you of that guilt beyond a
16 reasonable doubt. The presumption of innocence does
17 not end when you begin your deliberation but it
18 accompanies the defendant throughout the trial and
19 until you reach a verdict of guilt based on evidence
20 satisfying you of that guilt beyond a reasonable
21 doubt.

22 Thank you.. Thank you, very much. Again ladies and
23 gentleman you are the judges of the facts. I am the
24 judge of the law and you will take the law as I give
25 it to you both during and at the close of the trial of

1 the case.

2 Solicitor you may call your first witness.

3 MR. BARFIELD: Your Honor, before I do that I
4 would at this time offer into evidence State's
5 exhibits number 1 through 33, a series of photographs
6 which we have talked about earlier this morning.

7 THE COURT: All right. State's 1 through 33 is in
8 evidence with the exception of 11, subject to
9 objection, it is in evidence.

10 Correct, Mr. Frick?

11 MR. FRICK: That is correct.

12 THE COURT: Correct, Miss Raney?

13 MS. RANEY: That is correct.

14 MR. BARFIELD: The State calls David Belk.

15 DAVID BELK, called as a witness, having been duly
16 sworn by the clerk, was examined and testified as
17 follows:

18 DIRECT EXAMINATION

19 BY MR. BARFIELD:

20 Q Tell us your name please sir.

21 A David Belk.

22 A Mr. Belk, by whom are you employed?

23 A Lancaster's County Sheriff's Office.

24 Q How long have you been employed by the Lancaster County
25 Sheriff's Office?

1 A Almost seven years.

2 Q What do you do for the sheriff's office?

3 A I'm a deputy, patrol deputy.

4 Q Were you employed as a patrol deputy with the sheriff's
5 office on Thursday night January 19th of 2012?

6 A Yes, I was.

7 Q Were you in uniform?

8 A Yes, sir.

9 Q Were you in a sheriff's office vehicle?

10 A Yes, sir.

11 Q What kind of car did you drive back then?

12 A Back then I drove a Ford Crown Vic.

13 Q Did you get a call to go to -- actually to go to first
14 1956 Rosanna Lane?

15 A Yes, sir.

16 Q Where is Rosanna lane generally?

17 A It is off of South 200 still on the four lane behind a
18 row of storage buildings.

19 Q Is Airport Crossroads on 200?

20 A Yeah, it is pretty close.

21 Q How far beyond Airport Crossroads, approximately?

22 A Maybe a mile. Maybe.

23 Q And what is at Roseanna Lane?

24 A It's a trailer park.

25 Q What was the nature of the call when you got

1 dispatched?

2 A It came out as a home invasion.

3 Q What time were deputies dispatched to go to Roseanna
4 Lane?

5 A 22 -- excuse me, 10:09 p.m.

6 Q Did you go to Roseanna Lane?

7 A Yes, I you did.

8 Q What time did you get to Roseanna Lane?

9 A 22 -- I am sorry, I am in military time. 10:12 p.m.

10 Q Three minutes from dispatch to arrival?

11 A Correct.

12 Q Is all of the area in this trailer park -- what county
13 is this trailer park in?

14 A It's in Lancaster county.

15 Q Okay. Initially how many deputies responded?

16 A Two. Myself and deputy Chris Robinson both arrived at
17 the same time.

18 Q In separate cars?

19 A Yes, sir.

20 Q And is he still employed by the sheriff's office?

21 A No, he is not.

22 Q Where did you go when you got to the trailer park on
23 Roseanna Lane?

24 A Well, as soon as we got there there was a large group
25 of people standing outside and somebody told us that --

1 Q Don't say what somebody told you. Were there people
2 outside in the trailer park?

3 A Yes, there was.

4 Q And closest to what trailer were you at?

5 A To be honest I can't remember exactly close to what
6 trailer. I can tell you it was across from where the incident
7 actually happened. It was trailer across from where the
8 incident happened.

9 Q Did you determine what the address is for the mobile
10 home where the incident actually occurred?

11 A Yes, I did.

12 Q What is that address?

13 A [REDACTED] Roseanna Lane.

14 Q Did you ultimately determine whose residence that was?

15 A Not at that time.

16 Q Later on did you?

17 A Yes, I did.

18 Q Who residence was that?

19 A It turned out to Jenika Jones's residence.

20 Q Did you talk to people -- not what they said, but did
21 you talk to people when you initially arrived?

22 A Yes, I did.

23 Q Was that outside?

24 A Outside.

25 Q Did you see any children when you initially arrived?

1 A Yes, I did. Yes, I did, there were several children.

2 Q Okay. Do you know if any of the children were the
3 children of victim Jenika Jones?

4 A Not at that time.

5 Q As a result of talking to folks did you go somewhere in
6 particular?

7 A Yes.

8 Q Where?

9 A To 1962 Roseanna Lane, Jenika Jones's residence.

10 Q And who went there with you?

11 A Chris Robinson, we both went in together.

12 Q Did you all enter the house?

13 A Yes, we did.

14 Q I will show you a picture real quick, State's exhibit
15 number 1. Can you see that on monitor?

16 A Yes, I do now.

17 Q Is that the mobile home at [REDACTED] Roseanna Lane?

18 A It appears that it is.

19 Q And I will show you one more picture, State's exhibit
20 2. What is that a picture of if you know?

21 A That appears to be the front door.

22 THE COURT: Keep your voice up a little bit.

23 A That appears to be the front door of the trailer.

24 Q At the time you approached the trailer did you know
25 there was any bad guy in it?

1 A No, we did not.

2 Q Okay. So what was your purpose in approaching the
3 trailer?

4 A To find out exactly what happened to see if everybody
5 was okay. To find out what was going on.

6 Q Okay. What did you do in that regard?

7 A We walked inside of the house to clear the residence.

8 Q Guns drawn?

9 A Yes.

10 Q All right. Did you find any suspects inside the mobile
11 home?

12 A No, we did not.

13 Q Do you recall the condition of the door when you
14 approach the door?

15 A It was open. It was open door.

16 Q Meaning actually swung out open?

17 A Actually it was basically just like what you saw in the
18 picture.

19 Q I will show you again State's exhibit number 2?

20 A When we walked in the door was open.

21 Q You didn't have to open a door?

22 A No, we did not. The door was open when we walked in.

23 Q Were there any people inside the mobile home?

24 A Yes.

25 Q Were there any children inside the mobile home?

1 A Yes.

2 Q Was there adults inside the mobile home?

3 A Yes.

4 Q Where was the adult?

5 A The adult was was lying on her side on the -- it was a
6 sectional couch.

7 Q All right.

8 A Sectional sofa.

9 Q I will show you -- I will show you State's exhibit
10 number 11. What is shown in that picture?

11 A That is the couch with the victim lying on it.

12 Q All right. Did you do anything with respect to the
13 young lady on the couch when you entered?

14 A No. When we entered, no. Do you want me to ---

15 Q Well, what did you do first when you entered?

16 A The first thing we did was -- the first thing we did
17 was make sure that the two children were okay. Then we cleared
18 the residence to make sure there was no suspects in the house.

19 Q And what did you do to make sure the two children --
20 well, lets go back.

21 A Okay.

22 Q Where were the two children?

23 A One child -- one child was -- the small child, the one
24 year old was standing right next to the ladies face and the
25 other child was sitting on the side of the sofa.

1 Q Toward the ladies head or to the ladies feet?

2 A Feet.

3 Q All right. What did you all do with those two
4 children?

5 A After we cleared the residence we picked the two
6 children up and placed them on the door. Placed them at the
7 door and then another deputy arrived and took custody of the
8 children.

9 Q All right. Now was there anybody else inside that
10 mobile home?

11 A No, there was not.

12 Q Did you notice, other then the lady on the couch -- did
13 the lady on the couch did you do any checking of the lady on the
14 couch?

15 A Yes. Yes, we did.

16 Q And I am talking about you, not we. Just talking about
17 what you did.

18 A Yes, I did.

19 Q What did you do with respect to lady on the couch?

20 A I checked her out. When I got a closer look you could
21 tell there appeared to be a gunshot wound to the head and that
22 she had been -- she was deceased.

23 Q All right. Other than the lady on the couch, was there
24 anything else that you noticed unusual inside the home? Did you
25 walk throughout the home?

1 A Yeah, I did, but we -- excuse me. I only walked
2 through to make sure that there was nobody else in the house.
3 To be honest I don't remember the state of the house.

4 Q That's fine. Now, did other law enforcement people get
5 called in?

6 A Yes, sir. After we cleared the house -- after we
7 secured the two children I called our lieutenant and notified
8 him of the situation.

9 Q And your lieutenant was who?

10 A Lieutenant Donnie Rogers.

11 Q Okay. Did he arrive at some point?

12 A Yes, he did.

13 Q Who else came?

14 A Donnie Rogers -- let's see, Lieutenant Rogers.

15 Q Who is the other deputy that assisted with the
16 children?

17 A Deputy Richard Weiss.

18 Q Who else from the sheriff's office arrived sooner
19 rather than later I guess?

20 A Richard arrived not long after we did.

21 Q Okay.

22 A And then the next person to arrive was Lieutenant
23 Rogers.

24 Q All right. Did ultimately some crime scene
25 investigators come out?

1 A Yes, sir. Yes, sir, Investigator Crump, he was a
2 criminal investigator; Captain Hilton; CSI -- two CSI agents,
3 Christy Rogers and Ken Taylor arrived.

4 Q Now, once those folks got there what was your role in
5 this matter?

6 A Crime scene security.

7 Q And was the scene secured?

8 A Yes, it was. As soon as we -- as soon as Chris and I
9 cleared the residence, as soon as we took care of the two
10 children the crime scene was roped off and secured.

11 Q Yellow crime scene tape?

12 A Yes, sir, crime scene tape.

13 Q How long did you stay out there that night?

14 A Until about after 5:30.

15 Q That morning. You were there until the scene was
16 released?

17 A Yes, sir. I was there from the time we got called. Me
18 and Chris arrived at the same time and both of us were there
19 until 5:38 I think it was. Yes, 5:38 in the morning. We were
20 there the entire time.

21 Q During that time other than people -- law enforcement
22 -- other than law enforcement people and people in law
23 enforcement authorized to go in and out, was the scene
24 maintained and secured?

25 A Yes, it was.

1 Q All right. Did EMS come to the scene?

2 A Yes, they did.

3 Q And did they provide some -- do some checking of the
4 victim? If you don't know that's fine.

5 A To be honest I can't remember.

6 Q That's fine. Was there some concern about who was
7 going to be in the care of the children initially?

8 A Yes. Yes. Not only did I call for our lieutenant but
9 I also made sure to notify dispatch to have DSS give me a call
10 because of the three children that were there. They were
11 secured in the ambulance.

12 Q Now at the time you called for DSS did you know who the
13 children were?

14 A At that time, no. I had no -- we assumed that the two
15 children turned out to be three, but we assumed that they were
16 the victim's children.

17 Q Now, did DSS arrive at some point?

18 A Yes, they did. I think it was Sharon Adams.

19 Q That's fine. Did you at some point during your time
20 there on the scene learn who the lady on the couch was?

21 A Yes, I did.

22 Q And who was the lady on the couch?

23 A Jenika Jones.

24 Q Did you determine the relationship of the three
25 children you referred to Jenika Jones?

1 A They were her children.

2 Q Did you determine the names and ages of those three
3 children?

4 A Yes, I did.

5 Q Tell me first the youngest and the next youngest and
6 are those the two that were inside the house?

7 A Correct. Yes, they were.

8 Q Youngest child's name and age?

9 A Youngest child was Areon Truesdale.

10 Q Age?

11 A He was one year old.

12 Q And the next child?

13 A The next one was Aseria Truesdale. She was two years
14 old.

15 Q And then the third child.

16 A The third child was Antonio Truesdale. He was four
17 years old.

18 MR. BARFIELD: Thank you, sir. Answer any
19 questions Mr. Frick or Ms. Raney may have.

20 THE COURT: Thank you. Mr. Frick.

21 CROSS EXAMINATION

22 BY MR. FRICK:

23 Q Deputy Belk, you were the first officer to arrive on
24 scene?

25 A Yes, myself and the other deputy were both there at the

1 same time.

2 Q Got there both about the same time?

3 A Right behind each other.

4 Q Were you just on patrol that evening? You were just
5 working your shift?

6 A Just working regular shift on patrol, yes.

7 Q How did you become aware that you needed to go over to
8 the Roseborough scene?

9 A We were call on the radio. We were dispatched over to
10 Roseanna Lane with reference to a home evasion..

11 Q When you get a call do you typically get some
12 information about what you getting ---

13 A Yes.

14 Q Did you get information in this case?

15 A Yes, we did.

16 Q What information did you have?

17 A We were advised that there were three male subjects
18 seen running from the scene.

19 Q Okay.

20 A That's the only information that we got.

21 Q All right. That is what was given over dispatch?

22 A Yes, it was.

23 Q Do you have any idea where that information came from?

24 A No, I do not.

25 Q That is fine. Do you generally have any idea?

1 A At that time I didn't know.

2 Q Right.

3 A I believe after we got there, after we talked to some
4 people we found out who it was that could have possibly gave
5 dispatch that information.

6 Q Okay. But as you are riding around in your patrol car
7 dispatch don't give you a whole lot of information. They just
8 tell you to go out there?

9 A That's right. They give us as much information as they
10 can.

11 Q Your role in this case is not necessarily investing the
12 scene, correct?

13 A Correct.

14 Q You go there to secure it?

15 A I go there -- I go there to see -- find out what is
16 going on and then go from there.

17 Q Okay. All right.

18 A Not investigate. Not on that particular -- no, not
19 investigate.

20 Q So in this case you go there to find out what the heck
21 is going on?

22 A Correct.

23 Q You determine investigators do need to be called?

24 A Correct.

25 Q And you begin to secure the scene?

- 1 A Yes, sir. Yes.
- 2 Q I think the solicitor showed you ---
- 3 MR. FRICK: Is that one?
- 4 MR. BARFIELD: One.
- 5 Q He showed you State's number one.
- 6 A Correct.
- 7 Q This is in fact the trailer?
- 8 A Yes, it is. It appears it is.
- 9 Q Do you remember looking at the front door as you went
- 10 in? Was there anything remarkable about the front door?
- 11 A Remarkable, no, just that it was open.
- 12 Q Okay. You got a call for a home invasion. The front
- 13 door ain't kicked in is it?
- 14 A Not to my recollection, no.
- 15 Q Okay. I want to show you this one first. This is
- 16 State's number two. Do you recognize that?
- 17 A Yes, that is the open door.
- 18 Q Okay. How about States number three?
- 19 A That's a door..
- 20 Q Okay. And then State's number four?
- 21 A That's the door frame.
- 22 Q All right. Typically if you go -- if someone had
- 23 kicked in the door, would you expect some kind of damage?
- 24 A Yes.
- 25 Q And it is not here?

1 A It doesn't appear so, no.

2 Q These are not highly intelligent questions, but I am
3 just trying to establish. Is that unusual in a home invasion in
4 your experience?

5 A No, I wouldn't say it is actually unusual.

6 Q Okay.

7 A I have been to several home invasions where the door
8 was not kicked in or anything.

9 Q All right. You didn't take any statement from anybody?

10 A No, I did not. I interviewed some people, but no, I
11 did not take any statement, written statement. No.

12 Q Didn't collect any evidence in this case?

13 A No, I did not.

14 MR. FRICK: Thank you, deputy, that is all the
15 questions I have.

16 THE COURT: Miss Raney.

17 MS. RANEY: Thank you, Your Honor.

18 CROSS EXAMINATION

19 BY MS. RANEY:

20 Q Officer Belk, I know described the trailer itself, but
21 are you familiar with the general neighborhood the trailer is
22 located inside of?

23 A Yes, I am.

24 Q Okay. Can you describe for the jury what the general
25 neighborhood looks like that Miss Jones's trailer is in?

1 A Its basically a dead end road that curves. When you go
2 in it curves to the right and then curves hard to the left and
3 there are several trailers on each side of the road pretty close
4 together.

5 Q And is it fair to say that from your memory Miss
6 Jones's trailer is the second to the last, second to the last
7 trailer on the left on this dead end road?

8 A That is correct.

9 Q Okay. Do you remember if the road is paved that goes
10 to her neighborhood?

11 A Yes, it is.

12 Q It is. And then do you remember do the trailers -- do
13 the front of the trailers face the road or are they more
14 perpendicular to it so the short side of them is what faces the
15 road?

16 A The short side faces the road.

17 Q So basically when you pulled down Roseanna Lane is it
18 fair to say as you are driving down you are seeing the front of
19 each trailer as you go?

20 A Sure.

21 Q And the side is what is butting up against the road?

22 A Yes, that is correct.

23 Q And when you got there that night did you notice, or do
24 you recall, and I can show you State's exhibit one if you needed
25 to. Does Miss Jones's trailer have any type of paved driveway

1 or anything in front of it?

2 A I don't recall.

3 Q Okay. Okay. So this picture that we are looking at is
4 the State's exhibit number one, correct?

5 A Yes.

6 Q And is that Miss Jones's trailer as you remember it?

7 A Yes.

8 Q And is it fair to say that the area around Miss Jones's
9 trailer appears to be gravel and grass and dirt and that sort of
10 thing?

11 A Yes, it does. That's what it appears to be from that
12 picture.

13 Q Okay. Thank you.

14 Now, when you got out there that night you mention to
15 Mr. Frick that you talked to some other people. Did you check
16 with any of the neighbors?

17 A Yes, I did I talk with several the neighbors.

18 Q And did any of them -- don't tell me specifically what
19 they said, but from talking with the neighbors were you able to
20 develop any suspects?

21 A No.

22 Q No. And did you ever have a chance to speak with
23 Antonio Truesdale, the child you said you did not find inside
24 the home?

25 A I did not. Deputy Robinson did.

1 Q Did you even see Antonio Truesdaly, the four year old
2 child that night?

3 A Yes, I saw him and I remember him. I did not speak
4 with him.

5 Q Okay. Were you close enough to Antonio Truesdale to
6 have an opinion about what his demeanor was that night? How he
7 was acting?

8 A I don't recall.

9 Q Okay.

10 MS. RANEY: I don't have any further questions.

11 THE COURT: Redirect solicitor.

12 MR. BARFIELD: Just briefly.

13 REDIRECT EXAMINATION

14 BY MR. BARFIELD:

15 Q You told Mr. Frick that part of the report was there
16 were three males running from the scene and you told both Mr.
17 Frick and Ms. Raney that you talked to several people out there?

18 A Yes.

19 Q As a result of your conversations with people there in
20 the mobile home park did you have any names of suspects?

21 A No, I did not. No names.

22 Q Was anybody identified as one of the people running
23 from the scene?

24 A No, sir.

25 Q That's all.

1 MR. BARFIELD: Thank you.

2 THE COURT: Mr. Frick?

3 MR. FRICK: Nothing further.

4 THE COURT: Miss Raney?

5 MS. RANEY: Nothing further, Your Honor.

6 THE COURT: Thank you. Thank you very much Deputy
7 Belk. You may step down.

8 (Witness excused.)

9 MR. BARFIELD: I call Richard Weiss.
10 May Deputy Belk be excused. He worked last night.

11 THE COURT: Any objection Mr. Frick.

12 MR. FRICK: No objection.

13 THE COURT: Miss Raney?

14 MS. RANEY: No, Your Honor.

15 THE COURT: Yes, he may be excused.

16 RICHARD WEISS, called as a witness, having been
17 duly sworn by the clerk, was examined and testified as
18 follows:

19 DIRECT EXAMINATION

20 BY MR. BARFIELD:

21 Q Tell us your name please sir?

22 A Richard Weiss.

23 Q Mr. Weiss by whom are you employed?

24 A Lancaster sheriff's office.

25 Q How long have you been employed by the Sheriff's

1 office?

2 A About two and a half years.

3 Q Where did you work before you worked for the sheriff's
4 office?

5 A State of South Carolina probation and parole.

6 Q All right. How long have you been a -- were you an
7 agent with probation and parole?

8 A Yes, I was.

9 Q How long were you an agent?

10 A Twenty-two years.

11 Q And as an agent with probation and parole were you I
12 think it is class one officer?

13 A Class one, yes.

14 Q And are you now a class one as a sheriff's deputy?

15 A Yes, sir.

16 Q Did you respond to the call to the mobile home park in
17 Roseanna Lane on 1-19 of 12 ten o'clock that night?

18 A Yes, I did.

19 Q Do you know how far behind Deputy Belk and Robinson you
20 arrived?

21 A Probably about ten minutes.

22 Q Were there other laws enforcement people on the scene
23 when you got there?

24 A Just Belk and Robinson were the only ones.

25 Q Were there any EMS people on the scene when you got

1 there?

2 A No.

3 Q When you got there what was going on?

4 A Belk and Robinson had cleared the residence. They
5 needed assistance with the children. Just keeping the children
6 away from the scene.

7 Q Okay. January 19th of 2012, do you remember the
8 weather?

9 A Yes, it was very cold that night.

10 Q Okay. What is the first thing you did? Well, let me
11 back up. When you arrived are Belk and Robinson still inside
12 the mobile home or had they come out or where was everybody?

13 A They had stepped to that front porch that you can see
14 in the picture.

15 Q Okay. State's exhibit number one. That's not the big
16 version of it. Is that where you are talking about Belk and
17 Robinson were?

18 A Yes.

19 Q And where were the children at that time?

20 A They were inside the residence.

21 Q Okay. Right inside the door or do you know where?

22 A The kitchen the living room were separated by that
23 sectional couch. They were sort of milling around in that area
24 sort of between the living room and the kitchen area.

25 Q Okay. Now, what interaction, if any, did you have with

1 the children? Not conversation, but physical action with the
2 children, what happened?

3 A The youngest boy was -- he was so young. He really was
4 having a hard time walking around and standing for any length of
5 time. So I picked him up and just held him.

6 Q Okay. I will ask you this one thing. Was there any
7 blood inside this house?

8 A Yes, there was.

9 Q Was there any on the one year old?

10 A Yes, there was.

11 Q You picked him up and did what?

12 A Held him.

13 Q Where did you hold him?

14 A In the kitchen. The kitchen was towards the front part
15 of the trailer. The little dining area was towards the back of
16 the trailer so right there between the kitchen and dining area,
17 dinette area is where I held the youngest child.

18 Q All right. How about the two-year old, where was the
19 two-year old?

20 A I kept her at my side.

21 Q Okay, and ultimately what did you do with those two
22 children?

23 A The two-year old decided that she didn't want to be
24 standing there, so I ended up holding both of those children.

25 Q And did the two-year old also have what appeared to be

1 some blood on her?

2 A Yes.

3 Q And when you scooped up those two children, you got one
4 in each arm?

5 A Yes.

6 Q Where did you go with the children?

7 A About the time EMS arrived went out on the front porch.

8 Q Okay. Ultimately where did you go with the two
9 children?

10 A When I got clearance from the lieutenant and the CSI
11 people that had arrived I took those children to the ambulance.
12 Got them in the back of the ambulance where they could have, you
13 know, give them a warm blanket to put around them and that kind
14 of thing.

15 Q Okay. How about the four-year old, did you ever have
16 direct contact with the four-year old?

17 A No, I never saw him.

18 Q Never saw him?

19 A No.

20 Q Did you have occasion while you were there to -- other
21 than what you described in your dealings with the children -- to
22 look around inside that mobile home?

23 A Yes, I did.

24 Q Did you notice -- did you see the victim?

25 A Yes.

1 Q Okay. Other than the victim and obvious results of
2 what had happened to her, did you notice anything unusually in
3 or about the home?

4 A No.

5 Q Okay. Did you go up and down the halls?

6 A I did not.

7 Q And look in the bedrooms?

8 A No.

9 Q Did you pay any attention to the front door? I assume
10 the door on State's exhibit number one that we have been putting
11 up on here, is that what you would describe as the front door?

12 A Yes.

13 Q Did you notice anything unusually about the door or the
14 door closing mechanism?

15 A No, the door was open when I arrived.

16 Q Okay. Did you interview any witnesses out there?

17 A No, I did not.

18 MR. BARFIELD: Thank you, sir. Answer anything
19 for Mr. Frick or Miss Raney.

20 THE COURT: Mr. Frick.

21 MR. FRICK: Thank you, Your Honor.

22 CROSS EXAMINATION

23 BY MR. FRICK:

24 Q Deputy Weiss, you were called to assist with the
25 children or were you just backup on the scene and that's what

1 your role became?

2 A I worked for judicial services. I was out serving
3 papers that evening and had finished serving papers and was
4 coming back towards the sheriff's office and heard the call
5 dispatched.

6 Q Okay.

7 A Also heard that it was Belk and Robinson who were the
8 only two deputies that had responded and that I also heard the
9 three subjects had left the residence. So just to sort of even
10 the odds if need be I went ahead and rolled toward the scene
11 because I wasn't too far away at the time. So when I got there
12 just did what I needed to do and what they needed to do because
13 they were in the process of getting the scene secured.

14 Q Got you. Kind of standard protocol a call goes out and
15 you are kind in the area you go by to see what is going on?

16 A To back up fellow officers, yes.

17 Q Okay. Scene is clear when you get there so you what --
18 who tells you to go in the trailer? How do you decide to go in
19 trailer?

20 A Officer Belk said that they needed some assistance with
21 the children. Basically keeping them from just wandering around
22 the house.

23 Q Okay. How many children did you see at the time when
24 you went in?

25 A Two. The youngest two children were in the residence.

1 Q Are you aware there are was a third child?

2 A I was told --

3 THE COURT: That would just be hearsay.

4 MR. FRICK That's fine.

5 THE COURT: Move on.

6 Q You see two?

7 A Yes.

8 Q Those are the two you interacted with?

9 A Correct.

10 Q Did you have any conversation -- don't say what anybody
11 said. Did you have any conversation with the children or were
12 you simply holding them?

13 A Just holding them.

14 Q Okay. Did you know the names of the children or find
15 out any information?

16 A No.

17 Q You took them outside to get them out of the scene?

18 A Yes.

19 Q You took them to the ambulance. Did you observe any
20 injuries on them?

21 A No.

22 Q Okay. So the whole purpose to taking them to the
23 ambulance because it was a next warm place?

24 A Yes.

25 Q As much as looked forward to the opportunity to cross

1 examine you all these years that is all I have. Thank you.

2 A Thank you.

3 THE COURT: Miss Raney?

4 MS. RANEY: I have no questions for this witness.

5 THE COURT: Redirect solicitor?

6 MR. BARFIELD: None. Thank you.

7 THE COURT: Thank you. Thank you very much.

8 MR. BARFIELD: May Mr. Weiss be excused to go back
9 to his duties?

10 THE COURT: Yes, sir. Any objections Mr. Frick?

11 MR. FRICK: No.

12 THE COURT: Miss Raney?

13 MS. RANEY: No, Your Honor.

14 THE COURT: All right. You are excused.

15 (Witness excused.)

16 MR. BARFIELD: The State calls Shakela Montgomery.

17 SHAKELA Montgomery, called as a witness, having
18 been duly sworn by the clerk, was examined and
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. BARFIELD:

22 Q Tell us your name please and speak into that
23 microphone?

24 Q Shakela Montgomery?

25 Q Miss Montgomery, I don't want an address but do you

1 live in Lancaster now?

2 A No, sir.

3 Q Did you live in Lancaster back in January of 2012?

4 A Yes, sir.

5 Q And do you know a young lady by the name of Temeca
6 Nelson?

7 A And how do you know Temeca Nelson.

8 A She's my cousin.

9 Q And did not she live in Lancaster back in January of
10 2012?

11 A Yes.

12 Q Were you and she together on Thursday night January
13 19th of 2012?

14 A Yes.

15 Q In a car?

16 A In her jeep.

17 Q Okay. Where had you all been?

18 A Applebee's.

19 Q Stupid question number one for Barfield, what were you
20 at Applebee's for?

21 A Just having fun. Family event.

22 Q All right. Do you know where the mobile home park on
23 Roseanna Lane is?

24 A Yeah, that is where Temeca Nelson resided. She was
25 staying there.

- 1 Q She was living there?
- 2 A Uh-huh.
- 3 Q You have to say yes or no.
- 4 A I'm sorry.
- 5 Q That's fine. Who did she live with out in Roseanna
6 Lane?
- 7 A Her boyfriend.
- 8 Q Okay and what was his name?
- 9 A Coot.
- 10 Q Nickname?
- 11 A Yes.
- 12 Q You don't know his real name?
- 13 A No.
- 14 Q That's fine. When you left Applebee's where were you
15 intending to go?
- 16 A Take Temeca home.
- 17 Q And again was it her car or your car?
- 18 A Her car.
- 19 Q If you are going to take her home where are you going
20 to stay?
- 21 A With her.
- 22 Q All right. About what time was it?
- 23 A Around 9:30, 10:30, between those hours.
- 24 Q Did you go to Roseanna Lane out 200?
- 25 A Yes.

1 Q Did you turn into the mobile home park on to Roseanna
2 Lane?

3 A Yes.

4 Q Did you see anything usual when you all pulled on to
5 Roseeanna Lane?

6 A Yes. As we was driving to take Temaka home a car
7 almost ran us off the road.

8 Q Stop right there. I am going to jump way ahead. Did
9 you go into the mobile home park?

10 A Yes.

11 Q And when you got into the mobile home park was there
12 any police there or any evidence of any excitement there at that
13 time?

14 A No.

15 Q When you first got there?

16 A No, two different sides.

17 Q Now, describe first of all the road going in to
18 Roseeanna? Describe Roseeanna Lane? Is it a big road or little
19 road?

20 A A little road.

21 Q Is it paved?

22 A It's paved with holes.

23 Q Typical Lancaster County road I reckon. Describe which
24 way the car was going?

25 A Going out and I was coming in.

- 1 Q Were you driving or was Temika driving?
- 2 A I was driving.
- 3 Q Driving her car?
- 4 A Yes.
- 5 Q New car? Old car?
- 6 A Which car?
- 7 Q The car that was coming out?
- 8 A It was an older car.
- 9 Q Big car? Little car?
- 10 A Small car.
- 11 Q What color? Did you notice anything about the color of
- 12 the car?
- 13 A White.
- 14 Q Did you notice anything about the car? About the
- 15 appearance of the car?
- 16 A No lights on.
- 17 Q All right. How was the car being driven?
- 18 A Fast.
- 19 Q Describe what happened when your car and the white car
- 20 met?
- 21 A I swerved over because it almost hit us head on.
- 22 Q Did the car stop?
- 23 A No.
- 24 Q Did the car keep going?
- 25 A Yes.

1 Q Do you know where the car went?

2 A No, sir.

3 Q Do you know what kind of car it was?

4 A To me I glanced. Tried not to, you know, wreck. It
5 was like to me an Oldsmobile, Buick, Cadillac style.

6 Q Okay.

7 A Old car.

8 Q All right. After this little event with the white car
9 where did you drive to?

10 A Temeka's boyfriend's house.

11 Q Now, when you got to Temika's boyfriend's house was
12 anything going on outside in the trailer park that you were
13 aware of?

14 A No, not at that time.

15 Q Did you people in the street?

16 A Not on the side where they stay on.

17 Q Okay. Did you see people anywhere out in Roseanna
18 Lane?

19 A No, sir.

20 Q When you first got to Temeka's boyfriend's trailer?

21 A No, sir.

22 Q Did you see law enforcement or EMS or anything like
23 that out there when you first got to Temika's boyfriend's
24 trailer?

25 A No, sir.

1 Q Did you see any of that later on while you were there?

2 A Later on the next day.

3 Q Were you aware even that anything had happened out
4 there that night?

5 A No, sir.

6 Q Didn't see blue lights, didn't see ambulances, didn't
7 see anything that night?

8 A No, sir. We went straight in the house.

9 Q Okay. When did you find out that something had
10 happened?

11 A That next day.

12 Q Day light the next day?

13 A Yes, sir.

14 Q Thank you, ma'am. Answer anything Mr. Frick or Miss
15 Raney has.

16 THE COURT: Mr. Frick.

17 CROSS EXAMINATION

18 BY MR. FRICK:

19 Q Miss Montgomery, you remember talking to law
20 enforcement about this incident, what you are testifying about?

21 A Yes.

22 Q Did you call law enforcement or did they call you?

23 A I am not sure how it went.

24 Q Okay. Do you recall giving them a statement?

25 A Yes.

1 Q Did you talk to them over the phone or was it face to
2 face or do you recall?

3 A Face to face.

4 Q Okay. Do you recall about when you gave a statement?
5 You don't have to remember exactly, but was it the day after you
6 see this car or days after or how long?

7 A The day that I seen the car?

8 Q Yes, ma'am. When did you talk to law enforcement a day
9 or two, a week?

10 A I can't remember how long it been.

11 Q Okay. Did you give a written statement?

12 A Yes.

13 Q Okay. Show you this. Is that your statement?

14 A Yes.

15 Q Does it have a date on it when you gave that statement?

16 A No, sir.

17 Q It doesn't. Okay. You did not give this statement the
18 next day did you?

19 THE COURT: I can't hear.

20 Q You did not give this statement the next day, did you?

21 A No, sir.

22 Q In fact it was about a month later wasn't it?

23 A I don't know.

24 Q Okay. When you were coming down Roseeanna does it have
25 street lights on?

1 A It does.

2 Q It does. Okay. Your lights are obviously on when you
3 are driving in, right?

4 A Yes.

5 Q Okay. You said the other car was not?

6 A Right.

7 Q Okay. Did you recognize that car at all?

8 A It was white.

9 Q Okay. But did you recognize -- did you recognize it at
10 all? Did it look like somebody's car that you knew?

11 A No, sir.

12 Q And it looked like an older model car to you?

13 A Yes, sir.

14 Q Do you recall how this bit of information became of
15 interest in that you came to talk to law enforcement? Do you
16 remember how you found out this is information that you needed
17 to maybe convey?

18 A My brother across the street was telling me what
19 happened that next day.

20 Q Okay. You didn't go on facebook?

21 A No, sir.

22 Q Okay. All right. You didn't stay over at Roseanna.
23 You lived some place else at the time?

24 A Yes.

25 Q Did you still stay in Lancaster?

1 A Yes.

2 Q Thank you, ma'am. That is all the questions I have.

3 THE COURT: Thank you, Mr. Frick. Miss Raney.

4 CROSS EXAMINATION

5 BY MS. RANEY:

6 Q Miss Montgomery, you told solicitor Barfield you were
7 at Applebee's for a family event?

8 A Yes, me and Temika were there together. Family.

9 Q So, it was just you and Miss Nelson present in
10 Applebee's together that night?

11 A Yes.

12 Q And were you all -- did you have dinner, drinks?

13 A Yes.

14 Q You had both something to eat and something to drink?

15 A Uh-huh.

16 THE COURT: You have to answer yes or no.

17 THE WITNESS: I'm sorry.

18 Q Do you remember what you had to drink that night?

19 A A coke.

20 Q A coke. Do you remember what Miss Nelson had to drink
21 that night?

22 A No, ma'am.

23 Q Who paid?

24 A Me. She paid for hers and I paid for mine.

25 Q So you guys went dutch that night. Everybody paid for

1 themselves?

2 A Yes.

3 Q And when you get back to Miss Nelson's neighborhood you
4 remember seeing a white car, correct?

5 A Yes.

6 Q Were you able to tell how many people were inside that
7 white car?

8 A No, ma'am.

9 Q Were you able to tell the race of the people inside the
10 car?

11 A No, ma'am.

12 Q Were you able to see any clothing that any of the
13 people inside the car maybe wearing?

14 A No, ma'am.

15 Q Were you able to get a license tag of the vehicle?

16 A No, ma'am.

17 Q Did you notice whether there was any type of damage to
18 the outside of this white car that you saw?

19 A No, ma'am.

20 Q Thank you. I don't have any you further questions.

21 THE COURT: Redirect solicitor.

22 MR. BARFIELD: None. Ask that she be excused.

23 THE COURT: Any objections, Mr. Frick, Miss Raney?

24 MR. FRICK: No objection.

25 MS. RANEY: No, Your Honor.

1 THE COURT: All right. Thank you. Thank you,
2 very much for being with us Miss Montgomery. You
3 maybe excused.

4 (Witness excused.)

5 THE COURT: I believe now will be a good time to
6 take our morning recess. Lady and gentleman of the
7 jury panel we will take about a 15 minute recess.
8 During this recess do not discuss the case with your
9 fellow jurors. Remember to keep an open mind and do
10 not begin your deliberations until you heard all the
11 evidence and all the testimony in the case. You may
12 now go with your bailiff to the jury room.

13 Court will be in recess 15 minutes.

14 (WHEREUPON, court was in recess.)

15 THE COURT: Anything before we bring the jury out
16 from the State?

17 MR. BARFIELD: Nothing from the State.

18 THE COURT: Defense, Mr. Frick?

19 MR. FRICK: Nothing from the defense.

20 THE COURT: Miss Raney?

21 MS. RANEY: No, Your Honor.

22 THE COURT: How more witnesses have you got before
23 lunch? We will make it to one o'clock.

24 MR. BARFIELD: Yes, sir. I didn't answer your
25 question. I got a bunch of witnesses. We will quit

1 at one o'clock.

2 THE COURT: All right.

3 (Jury enters the courtroom.)

4 THE COURT: All right. Welcome back ladies and
5 gentleman of the jury panel. Mr. Spicer, juror number
6 129, thank you for volunteering to be foreperson on
7 our jury. You will be the jurors's spokesperson here
8 in the courtroom and also responsible for signing and
9 dating the verdict and I will give you further
10 instructions about that at the end of the trial.

11 One further thing, I need to keep up with 14 people
12 with our foreperson always maintaining the seat
13 closest to the Court and with our two alternates
14 always maintaining those seats. The others can sit
15 wherever you would like in the jury box. I have
16 observed jurors over the course I guess you could call
17 it my career, both when I sat out there with this lady
18 and gentleman do, and up here, and I found many times
19 jurors are very territorial. They want to sit in the
20 same seat each and every time. If you want to that is
21 certainly fine, but ought the other 11 you all can sit
22 wherever you like to sit within the jury box. With
23 that being said solicitor will you call your next
24 witness please.

25 MR. BARFIELD: The State calls Mike Morris.

1 THE COURT: All right, come around to be sworn
2 please.

3 MIKE MORRIS, called as a witness, having been duly
4 sworn by the clerk, was examined and testified as
5 follows:

6 DIRECT EXAMINATION

7 BY MR. BARFIELD:

8 Q Use that microphone and tell us your name.

9 A Mike Morris.

10 Q Mr. Morris, what is your title? What do you do?

11 A Lancaster County Coroner.

12 Q How long have you been the coroner for Lancaster
13 County?

14 A Thirty-three years.

15 Q What does the corner do?

16 A Goes out on any unexplained deaths.

17 Q Automobile accidents?

18 A Yeah, automobile.

19 Q Criminal acts?

20 A Yes.

21 Q Suicides?

22 A Yes.

23 Q Deaths in the homes unattended by a doctor?

24 A Right.

25 Q Does a coroner have any role in the autopsy process?

1 A Well, what we do when we go to the scene of a call. We
2 get together with the sheriff's office or city, whoever it maybe
3 with their CSI people and get together and what we do is paint a
4 picture for the pathologist and call the pathologist and give
5 them the details of what we know and send a body for autopsy.

6 Q And who decides at a particular scene that the
7 coroner's responds to, who decides whether there is going to be
8 an autopsy?

9 A It is left up to the coroner.

10 Q Do you have some training, medical training yourself?

11 A Yes, I was paramedic with EMS for 28 years.

12 Q Did you as coroner respond to [REDACTED] Roseanna Lane some
13 time ten o'clock or so on January 19th of 2012?

14 A Yes, I arrived at 10:45 p.m.

15 Q Was law enforcement on the scene?

16 A Yes, sir, they were.

17 Q Was the scene secured?

18 A Yes, it was.

19 Q At some point did you enter the scene meaning when I
20 say the scene, I am talking about mobile home?

21 A Yes, I did.

22 Q And are you authorized to do that as coroner?

23 A Yes, whenever the sheriff's office or city, whatever,
24 does there processing then we go in.

25 Q Did you find a victim inside [REDACTED] Roseanna Lane?

1 A Yes, I did.

2 Q And where was the victim?

3 A She was a laying on a sectional sofa as go in to the
4 right and she was laid over on her right side.

5 Q Were you aware whether EMS had been there before or
6 during the time you were there?

7 A When I pulled up I pulled up behind an EMS unit and of
8 course I looked in the back and they were in there with two
9 children and they had blood on their clothes. They were
10 changing them and putting them in a blanket and keeping them
11 warm.

12 Q And did you know that there was a third child involved
13 in this?

14 A I just seen the two that was in the EMS truck.

15 Q And to your knowledge other than the victim on the
16 couch was anybody injured as a result of this incident that you
17 know of?

18 A Not to my knowledge.

19 Q Do you know prior to your arrival if EMS had tended to
20 the lady on the couch?

21 A No, when they got there they didn't. They put on a
22 cardiac monitor. She was what they call in asystole rhythm and
23 what that is no electrical activity whatsoever. It's just
24 basically a straight line.

25 Q Did you check this young lady on the couch yourself?

1 A Yes, I did.

2 Q To determine whether she was alive or dead?

3 A Yes, I did.

4 Q And what was the results of your checking whether she
5 was alive or dead?

6 A She had absolutely no signs of life. Her pupils were
7 dilated, fixed and no respiration.

8 Q Was there any evidence of injury on the body of this
9 young lady?

10 A Yes, on the left side just below the left earlobe to
11 the front she had what appeared to be a gunshot wound.

12 Q Did you make some declaration one way or the other
13 about whether this young lady was alive or dead?

14 A Yes. She was declared dead. Yes.

15 Q Did you determine who the young lady was?

16 A I got the information from the sheriff's office.

17 Q Okay. And who was the young lady that was deceased on
18 the couch?

19 A Jenika Jones.

20 Q Were you aware of whether she had any family members or
21 relatives there at the scene?

22 A No, there was a bunch I guess neighbors around and I am
23 not sure if the adults in the back of the EMS unit were related
24 or not.

25 Q You just don't know?

1 A No.

2 Q Okay. Did you make some determination about whether
3 autopsy was indicated in this case?

4 A Yes.

5 Q And what was your decision about autopsy?

6 A To me it was not natural death. I mean you had a
7 gunshot wound, contact gunshot wound basically to the left side
8 of her head and there was no weapon there. So, you know, with
9 the information I think one of the kids --

10 Q Don't talk about what the kids said.

11 A Okay.

12 Q Did you decide that an autopsy see was going to be
13 done?

14 A Yes.

15 Q And who took custody of the body after you were allowed
16 into the scene?

17 A After the scene was processed and the crime scene
18 finishes up we got a transport team and we transported the body
19 to our office. Then we go ahead and call the pathologist and
20 line the autopsy up the next day.

21 Q Do you have morgue facility in the coroner's office?

22 A Yes, we do.

23 Q And did your office from the point you were there at
24 the scene maintain custody of the body of Jenika Jones?

25 A Yes.

1 Q Through the autopsy process?

2 A Yes.

3 Q How did Jenika Jones get to the -- well, first of all,
4 when was the autopsy scheduled for?

5 A Let me look at my notes a second. She was autopsied on
6 on January 20th, 2012 at 9:30 am.

7 Q And was she -- was the body in custody of the coroner
8 from the time you all took possession of her on Roseanna Lane to
9 the autopsy and back from the autopsy?

10 A Yes.

11 Q And where was the autopsy performed?

12 A Newberry.

13 Q And who performed it?

14 A Doctor Pat Ross.

15 Q Janice Ross?

16 A Yes, I am sorry. Janice.

17 Q Thank you, sir. Answer any questions Mr. Frick or Mr.
18 Raney has?

19 MR. FRICK: No questions.

20 THE COURT: Miss Raney.

21 MS. RANEY: No questions, Your Honor.

22 THE COURT: Thank you for being with us coroner.
23 You may step down. Any objections to this gentleman
24 being excused.

25 MR. FRICK: No.

1 MS. RANEY: No.

2 THE COURT: You maybe excused. Thank you. Thank
3 you very much.

4 (Witness excused.)

5 MR. BARFIELD: Call Latoya Green.

6 THE COURT: Miss Green, if you come around and be
7 sworn for us please.

8 LATOYA GREEN, called as a witness, having been
9 duly sworn by the clerk, was examined and testified as
10 follows:

11 DIRECT EXAMINATION

12 BY MR. BARFIELD:

13 Q Tell us your name please, ma'am?

14 A Latoya Green.

15 Q Your good on that microphone. That is good. I don't
16 need an address, but do you like here into Lancaster?

17 A I do.

18 Q Do you know Al Martinez Green?

19 A Yes.

20 Q How do you know him?

21 A That's my brother.

22 Q Do you see him in the courtroom today?

23 A Uh-huh.

24 Q You have to say yes or no.

25 A Yes.

1 Q Where is he sitting and what's he is wearing?

2 A All black polo shirt.

3 Q Last man at the set of tables toward the wall?

4 A Correct.

5 Q Do you know Devatee Tymar Clinton?

6 A Yes, I do.

7 Q Do you know him by a nickname? Does he go by some
8 nickname?

9 A Tate.

10 Q Tate. Do you see Tate in the courtroom today?

11 A Yes, I do.

12 Q Where is he sitting and what's he is wearing?

13 A Blue polo shirt, colored shirt.

14 Q Next to the fellow with the glasses on?

15 A Correct, yes.

16 Q Did you know Jenika Jones?

17 A Yes, sir.

18 Q How did you know Jenika Jones?

19 A She was my friend.

20 Q Your friend. Was she younger or older then you?

21 A We were around the same age, but she basically older
22 than me. Her birthday is before mine.

23 Q We will come back and talk about Miss Jones again in
24 just a few minutes. Did you know what the connection between
25 Tate Clinton and your brother Al Green was?

- 1 A From Newtown.
- 2 Q Were they friends?
- 3 A I guess you can call it friends.
- 4 Q Did think hang out together?
- 5 A Yeah, some times.
- 6 Q How long had you known Jenika Jones?
- 7 A Since middle school.
- 8 Q Are you kin to any of her people?
- 9 A Yes, sir.
- 10 Q Who of her family are you kin too?
- 11 A Her sister is my cousin.
- 12 Q Do you have any special -- do you or did you have any
- 13 special relationship with Jenika Jones's children?
- 14 A Yes. They are my godchildren.
- 15 Q All right. Are you familiar with the fact that Jenika
- 16 Jones was shot and killed on January 19th of 2012, did you know
- 17 that happened?
- 18 A Yes.
- 19 Q When that happened where were you living?
- 20 A In Azalea apartments.
- 21 Q How long have you been living in Azalea apartments?
- 22 A Since -- let's see. I don't really remember the month.
- 23 Q Months or years?
- 24 A Its was months.
- 25 Q Had Jenika Jones ever lived with you in your apartment

1 at Azalea?

2 A Yes, sir.

3 Q Had Al Green, your brother, ever lived with you in your
4 apartment?

5 A Yes, sir.

6 Q Did all three of you ever live in your apartment at
7 Azalea at the same time?

8 A Yes, sir.

9 Q For how long?

10 A Let's see. I am not really sure how long it was.

11 Q That is fine. At the time of her death was Jenika
12 living in your apartment?

13 A No, sir.

14 Q When she left your apartment put where did you she go
15 next by way of somewhere to live?

16 A Apartment in Azalea also.

17 Q And did she stay there until the time of her death?

18 A No, sir.

19 Q Where did she go from her own apartment in Azalea to
20 live?

21 A To the one on Roseanna Lane.

22 Q Had you ever visited with her in her mobile home on
23 Roseanna Lane?

24 A No, sir, never got a chance too.

25 Q How long had they been there before she died?

1 A It couldn't have been too long.

2 Q Weeks? Days? Months?

3 A It probably was some weeks. I don't think it was months
4 to my knowledge.

5 Q You don't?

6 A I don't think it was months to my knowledge.

7 Q Thank you, ma'am. Answer anything Mr. Frick or Miss
8 Raney has?

9 THE COURT: Mr. Frick.

10 MR. FRICK: Just briefly.

11 CROSS EXAMINATION

12 BY MR. FRICK:

13 Q It was you, Miss Jones and your brother all living in
14 your apartment the at one time?

15 A At one time, yes.

16 Q And then Miss Jones moves out to get her own apartment
17 still in Azalea?

18 A Correct.

19 Q Okay. You don't recall how long she stayed there
20 before she moved over to Roseanna?

21 A No, sir.

22 Q Okay. Do you recall who she was staying with, if
23 anybody, at Azalea?

24 A Yeah, Nard.

25 Q Do you recall if she had moved with anybody over to

1 Roseanna?

2 A I am not sure.

3 Q That is all the questions I have. Thank you.

4 THE COURT: Miss Raney.

5 MS. RANEY: Just briefly, Your Honor.

6 CROSS EXAMINATION

7 BY MS. RANEY:

8 Q When you were living at Azalea with Miss Jones and your
9 brother, Mr. Green, would that have been in 2011?

10 A Yes. I am not sure if she was there in 2011 because I
11 was there through like April 2012. I am not really sure of the
12 timeframe.

13 Q Okay.

14 A It was whenever.

15 Q Well, do you remember did Miss Jenika Jones already
16 have children when she was living with you and your brother?

17 A She did.

18 Q And how many children did she have at the time she
19 lived with you and Mr. Green?

20 A All of her kids.

21 Q All three children of Miss Jones lived with you at your
22 place with you and Mr. Green as well.

23 A Yes.

24 Q And they lived there. Did they stay there every day?

25 A Yes, ma'am.

1 Q No further questions.

2 THE COURT: Redirect solicitor.

3 REDIRECT EXAMINATION

4 BY MR. BARFIELD:

5 Q You said Nard a minute ago. Who is Nard?

6 A Nard Roseborough.

7 Q Do you know his full name?

8 A I know him by Nard.

9 Q That's fine. Did he have some relationship with Miss
10 Jones?

11 A They dated.

12 Q Okay. That is all. Thank you ma'am.

13 THE COURT: Any followup Mr. Frick?

14 MR. FRICK: No, Your Honor.

15 THE COURT: Miss Raney?

16 MS. RANEY: No, Your Honor.

17 THE COURT: Thank you, very much. Miss you may
18 step down.

19 MR. BARFIELD: Ask that the witness be excused.

20 THE COURT: Any objection?

21 MR. FRICK: No objection.

22 MS. RANEY: None, Your Honor.

23 THE COURT: Thank you. You maybe excused.

24 (Witness excused.)

25 MR. BARFIELD: Dominique Davis.

1 THE COURT: All right. If you come around and be
2 sworn for me.

3 DOMINIQUE DAVIS, called as a witness, having been
4 duly sworn by the clerk, was examined and testified as
5 follows:

6 DIRECT EXAMINATION

7 BY MR. BARFIELD:

8 Q Tell us your name, please?

9 A Dominique Davis.

10 Q Miss Davis, I don't want an address, but do you live
11 here in Lancaster?

12 A Yes.

13 Q Do you know a fella by name of Devatee Tymar Clinton?

14 A Yes.

15 Q Did do you know him by a nickname?

16 A Yes.

17 Q What do you know his nickname to be?

18 A Tate.

19 Q Do you see Tate Clinton in the courtroom today?

20 A Yes.

21 Q Where is Tate Clinton sitting and describe what he is
22 wearing please ma'am?

23 A Over there in the blue shirt.

24 Q Next to fellow with the three piece suit on?

25 A Yes.

1 Q Okay. Do you know fella by the name of Al Martinez
2 Green?

3 A Yes.

4 Q Do you see him in the courtroom today?

5 A Yes.

6 Q Where is he sitting and what is he wearing?

7 A Black shirt over there.

8 Q Next to the lady in the white jacket?

9 A Yes.

10 Q On the far end of these two tables toward the wall?

11 A Yes.

12 Q Do you know a young lady named -- I probably am
13 pronouncing it wrong but either Y'eisha or Eisha Tinsley?

14 A Yes.

15 Q Is it Y'eisha or Eisha?

16 A Y'eisha.

17 Q How did you know -- I am referring to January 18th and
18 January 19th of 2012. Where were you living on January 18th an
19 19th of 2012?

20 A 2712 Carolina Court.

21 Q Okay.

22 THE COURT: What was the number again?

23 THE WITNESS: 2712.

24 Q Where was Y'eisha living then?

25 A Across the hall from me.

- 1 Q Same apartment complex?
- 2 A Yes.
- 3 Q Same building?
- 4 A Yes.
- 5 Q Do you know then whether Y'eisha Tinsley and either
- 6 one, Mr. Clinton or Mr. Green had any relationship?
- 7 A Mr. Green.
- 8 Q And Miss Tinsley?
- 9 A Yes.
- 10 Q What kind of relationship?
- 11 A They was going together.
- 12 Q Do you know if Miss Tinsley have any children by Mr.
- 13 Green?
- 14 A Yes.
- 15 Q How many?
- 16 A One.
- 17 Q Did you know a young lady name Jenika Jones?
- 18 A Yes.
- 19 Q How do you know Jenika?
- 20 A We went to school together.
- 21 Q Did you know back then a young man named Jamal Antonio
- 22 Twitty?
- 23 A Yes.
- 24 Q How did you know him?
- 25 A He's my cousin.

1 Q He's your cousin?

2 A Uh-huh.

3 Q You got to say yes or no.

4 A Yes.

5 Q Wednesday, January 18th of 2012, did you go visit
6 anybody in Carolina Court?

7 A Y'eisha.

8 Q Why did you go Y'eisha's that day?

9 A We were going to cook breakfast.

10 Q About with what time was it? I don't need it precisely
11 on the clock, but was it morning, afternoon or night?

12 A Morning.

13 Q Was Y'eisha there?

14 A Yes.

15 Q Other than Mr. Clinton and Mr. Green, we will talk
16 about them in a minute. Were other people there?

17 A Besides her brother.

18 Q Whose brother?

19 A Y'eisha's brother.

20 Q What is his name?

21 A Madrey Tinsley.

22 Q Did you see Mr. Clinton or Mr. Green at Y'eisha's that
23 morning on the 18th when you went over there to cook breakfast?

24 A Yes.

25 Q Did you hear -- did you have any conversation with

1 Clinton and Green or hear them having conversation with each
2 other?

3 A I didn't have a conversation with them, but I heard
4 them two having a conversation.

5 Q All right. The best you can recall, relate what each
6 of them said to the other during the conversation?

7 A Tate and Al was talking about doing a robbery.

8 Q Did they use the words robbery?

9 A No.

10 Q What word did they use?

11 A Lick.

12 Q And what did lick mean to you?

13 A Rob somebody.

14 Q Did -- was there any discussion about guns during that
15 conversation with the two of them?

16 A Yes.

17 Q Who said what?

18 A Tate said he had Taz's gun and he wasn't going to give
19 it back to him.

20 Q Who is Taz? Do you know who Taz is?

21 A I just know him because he said his name.

22 Q You don't know who Taz was?

23 A No.

24 Q Speak up.

25 A No.

1 Q Did you see a gun in Y'eisha's apartment in the
2 possession of either Clinton or Green that morning?

3 A No.

4 MR. FRICK: Judge, as Mr. Barfield takes a breath
5 on that, I you want to preserve my objection. I think
6 this is part of the testimony we had the pretrial
7 motion that you already ruled on. I objected based
8 on 404 and 403. I just want to note that for the
9 record.

10 THE COURT: All right. And I will renew my
11 previous ruling.

12 MS. RANEY: And while we are on break I will do the
13 same.

14 THE COURT: Excuse me.

15 MS. RANEY: I said, while we are at the breaking
16 point I will go ahead and do the same Your Honor..

17 THE COURT: All right. Thank you.

18 DIRECT EXAMINATION CONT'D:

19 Q Was there any talk about between Clinton and Green
20 about where this lick, or robbery was going to occur?

21 A No.

22 Q Was there any talk about when it was going to occur?

23 A No.

24 Q Was there any discussion about -- not names, but people
25 that might have been targets; like man, woman, boy, girl

1 anything like that?

2 A No.

3 Q Was there any talk about where the robbery was going to
4 be?

5 A No.

6 Q Was there any talk about anything that might be around
7 the house or whatever the place was that the robbery was going
8 to be?

9 A No.

10 Q Was there any talk about cars?

11 A About a black car.

12 Q Who said something about a black car?

13 A Al.

14 Q What did Al say about a black car?

15 A Does she drive a black car.

16 Q Does she drive a black car. Is that what he said?

17 A Yeah.

18 Q Did he -- did you know who "she" was that he was
19 referring to?

20 A No.

21 Q Was there anything else said about either Clinton or
22 Green about this "she", this unnamed "she"?

23 A No.

24 Q Was there any other talk by Clinton or Green about
25 anybody else other than the unknown "she"?

1 A No.

2 Q Okay. Thursday night, January 19th of 2012, where were
3 you?

4 Let me ask you another question before I ask you this. You
5 told us you new Jenika Jones?

6 A Yes, that is correct.

7 Q Did you know on January 18th and 19th of 2012 and
8 apologize if I already asked you this. Did you know where
9 Jenika Jones lived then?

10 A No.

11 Q Did you know -- where did you last know her to live?

12 A I didn't know.

13 Q You didn't know?

14 A I didn't know.

15 Q That's fine. Did you find out that something had
16 happened to Jenika Jones?

17 A Yeah, the night of the murder.

18 Q And don't tell me what anybody said, but did you find
19 out because you were there? Did you find out because you got a
20 text message or you got a phone call?

21 Don't tell me what somebody said. How did you find out that
22 something had happened to Jenika Jones?

23 A Because the night when it happened Y'eisha Tinsley -- I
24 was coming and going to unlock my door to go in the house.

25 Q And don't tell me what was said, but did somebody tell

1 you face to face or somebody call you on the phone or what?

2 A Face to face.

3 Q Okay. Did you -- after you found out something had
4 happened to Jenika did you go somewhere that night?

5 A No.

6 Q You never went down to Roseanna Lane or anything else?

7 A No.

8 Q To where this was going on?

9 A No.

10 Q Thank you, ma'am. Answer anything Mr. Frick or Mr.
11 Raney has?

12 THE COURT: Thank you, solicitor. Mr. Frick.

13 MR. FRICK: Thank you, Your Honor.

14 CROSS EXAMINATION

15 BY MR. FRICK:

16 Q Miss Davis, you said that Wednesday --I guess it was
17 the 18th. That Wednesday you went over to Y'eisha's house for
18 breakfast?

19 A Yes.

20 Q It seems like that is something you do regularly?

21 A Yes.

22 Q Did you say you what time that was?

23 A It was around 10:30, 11 o'clock.

24 Q Do you go over there with anybody, yourself or are you
25 with somebody?

- 1 A It was me and my little girl.
- 2 Q When you got there folks already there?
- 3 A Yes.
- 4 Q Who was already there?
- 5 A Tate and Al and Madrey and Y'eisha.
- 6 Q Have you known all them for a while or know of them,
- 7 what was your ---
- 8 A I know them. I know them for a while.
- 9 Q So when you walked in the door you looked you saw
- 10 Devantee Clinton you knew that was Tate?
- 11 A Yes.
- 12 Q And you saw Mr. Green sitting there?
- 13 A Yes.
- 14 Q And you saw Madrey sitting there?
- 15 A Yes.
- 16 Q And that was it, right?
- 17 A Yeah, and Y'eisha.
- 18 Q Y'eisha. Okay. Had breakfast begun or were they
- 19 waiting for you to show up?
- 20 A No, we hadn't started breakfast yet.
- 21 Q Was there any conversation going on as you walked in
- 22 the door?
- 23 A No.
- 24 Q Okay. Where do you all sit?
- 25 A When you walk in she had a chair on the wall. I was

1 sitting on the end. I want to say Tate was -- I think Tate was
2 beside me and Al was beside -- Al was beside Tate.

3 Q So you kind of sitting beside in a chair or a couch?

4 A On a couch.

5 Q On a couch. So you are sitting here (indicating) Tate
6 is here, and Al is beside him?

7 A Yes.

8 Q Okay. When do think start talking about this lick?

9 A I was talking to Y'eisha at the time when they started
10 talking about it, but I was listening at the same time.

11 Q They were talking among themselves?

12 A To each other.

13 Q They didn't ask you hey, you want to join in on this?

14 A No.

15 Q They weren't asking Y'eisha, hey, you want to join in
16 on it?

17 A No.

18 Q Before or after breakfast?

19 A We didn't get to cook breakfast.

20 Q What happened?

21 A We started talking and stuff.

22 Q Just lost track of time?

23 A Yeah.

24 Q Didn't cook it later, no brunch?

25 A I cooked lunch at home.

1 Q All right. But that was in that morning, correct?

2 A Yes.

3 Q Did you go back to Y'eisha's house later that night?

4 A Later that night -- I don't think so.

5 Q Okay. All right. Let's jump ahead to -- well, briefly
6 on the conversation. No idea who they are talking about? Where
7 they are talking about?

8 A No.

9 Q When they are talking about it?

10 A Say that again.

11 Q You didn't know who they were talking?

12 A No.

13 Q Didn't know where they were talking about?

14 A No.

15 Q Or when they were talking?

16 A No.

17 Q Okay. Thursday. I think the solicitor asked you about
18 you found out from Y'eisha, am I correct about that?

19 A Yes.

20 Q Don't -- just like he said, don't say what anybody
21 said, but you found this information from her?

22 A Yes.

23 Q Do you have any idea where she got her information
24 from?

25 A No.

1 Q Okay. Hold on one second. I may be done.

2 Thank you, ma'am. Answer anything Miss Raney has.

3 THE COURT: Thank you, Mr. Frick. Miss Raney.

4 MS. RANEY: Thank you, Your Honor.

5 CROSS EXAMINATION

6 BY MS. RANEY:

7 Q Miss Davis, what did you do after you left Miss
8 Tinsley's house that morning. Do you remember?

9 A No.

10 Q No. After you heard this conversation between Mr.
11 Green and Mr. Clinton did you call the police that day?

12 A No.

13 Q I don't have any further questions?

14 THE COURT: Redirect solicitor?

15 MR. BARFIELD: None.

16 THE COURT: Thank you. Thank you, very much, Miss
17 Davis.

18 MR. BARFIELD: Ask that she be excused.

19 THE COURT: Any objection, Mr. Frick, Miss Raney
20 to her being excused.

21 MR. FRICK: I don't think there is any objection.

22 MS. RANEY: No, Your Honor.

23 THE COURT: All right. Thank you. Yes, ma'am,
24 you maybe excused.

25 (Witness excused.)

1 MR. BARFIELD: Jamal Twitty, please.

2 THE COURT: All right, if you come around and be
3 sworn.

4 JAMAL TWITTY, called as a witness, having been
5 duly sworn by the clerk, was examined and testified as
6 follows:

7 DIRECT EXAMINATION

8 BY MR. BARFIELD:

9 Q Tell us your name?

10 A Jamal Twitty.

11 Q Real slow.

12 A Jamal Twitty.

13 Q That was good. But keep talking real slow. Mr.
14 Twitty, do you live here in Lancaster County?

15 A Yes, sir.

16 Q How old are you?

17 A Twenty-eight.

18 Q I will ask you about some people first. Do you know
19 somebody named Devantee Tymar Clinton?

20 A Yes, sir.

21 Q Do you know him by nickname?

22 A Yes, sir.

23 Q What is the nickname?

24 A Tate.

25 Q Do you see Tate Clinton in the courtroom today?

1 A Yes, sir.

2 Q Where is he sitting and what is he wearing?

3 A Blue shirt.

4 Q Next to the fella in the three-piece suit looking at
5 the file folder?

6 A Yes, sir.

7 Q Raise your hand. Is that Mr. Tate Clinton?

8 A Yes, sir.

9 Q Do you know Al Martinez Green?

10 A Yes, sir.

11 Q Mr. Green raise your hand. Do you see Al Green in the
12 courtroom today.

13 A Yes.

14 Q Is that him with the hand raised over there?

15 A Yes, sir.

16 Q Do you know Dominique Davis?

17 A Yes.

18 Q How do you know Dominique Davis?

19 A Like I have been knowing her all my life.

20 Q That is fine. Do you know Y'eisha Tinsley?

21 A Yes, sir.

22 Q How do you know her?

23 A I have been nothing her for a while too.

24 Q Back in on January 18th and 19th of 2012, were you
25 living in Carolina Court?

1 A Yes, sir.

2 Q You were living there then?

3 A Yes, sir.

4 Q Did you know where Dominique Davis and Y'eisha Tinsley

5 lived back in January of 2012?

6 A Yes, sir.

7 Q Have you ever been to either one of their homes before

8 January of 2012? Had you been to their homes?

9 A Yes, sir.

10 Q Did you know somebody name Jenika Jones?

11 A Yes, sir.

12 Q How do you Jenika Jones?

13 A That's my cousin.

14 Q Okay. Did you know on January 18th and 19th of 2012

15 where Jenika Jones lived?

16 A No, sir.

17 Q Where did she last live that you knew about?

18 A Behind Blockbuster.

19 Q In a house or apartment?

20 A Apartment.

21 Q Do you know the name of the apartment behind

22 Blockbuster?

23 A No.

24 Q Did you see Tate Clinton and/or Al Green on January

25 18th of 2012?

1 A Yes, sir.

2 Q Where did you see them?

3 A I seen Al earlier that day at Y'eisha's house, that
4 morning.

5 Q Hold on. You seen Al earlier that day at Y'eisha's
6 house?

7 A Yes, sir.

8 Q How long were you at Y'eisha's house earlier that
9 morning?

10 A Not long. Probably like ten minutes, five, ten
11 minutes.

12 Q Did you see Dominique Davis at Y'eisha's house that
13 morning?

14 A No, sir.

15 Q Okay. Did you see Tate Clinton earlier that morning
16 anywhere?

17 A No, sir.

18 Q Did you see Tate Clinton or Al Green any time later
19 that day or into the night?

20 A Later on at night.

21 Q Where?

22 A Carolina Court. We were standing between Y'eisha's and
23 Dominique's house.

24 Q Between what?

25 A Y'eisha's and Dominique's house. We was standing

1 outside.

2 Q When you are standing outside are you on the sidewalk,
3 on the grass or on a covered walkway?

4 A Like a covered walkway.

5 Q All right. Who else was out there?

6 A Me, Teeshan.

7 Q Teeshan is who?

8 A Teeshan Harris.

9 Q Teeshan Harris, and who else?

10 A Maleek.

11 Q Maleek?

12 A Moore.

13 Q Maleek Moore. Okay. Did you see Tate Clinton and Al
14 Green?

15 A Tate. Tate was out there.

16 Q Okay. Was there any conversation between you and Tate
17 Clinton?

18 A Yes, sir.

19 Q About what time of night was this if I didn't ask you a
20 minute ago?

21 A Between 10 and 11. Somewhere in there.

22 Q What was the conversation between you and Tate Clinton?

23 A He asked me did I want to go on a lick with him.

24 Q All right. What did you take lick to mean?

25 A Robbery.

1 Q What did you say when Tate asked if you wanted to go on
2 a lick with him?

3 A I said, yeah, whatever.

4 Q I will jump way ahead. Did you at any time go on a
5 lick or robbery with Tate Clinton and/or Al Green?

6 A No, sir.

7 Q Did you have any conversation with Tate Clinton about
8 where the lick was going to be?

9 A Yeah.

10 Q How did that -- what did you say?

11 A He was like, um, they were going on a lick, I was like,
12 yeah, whatever. I was like where about.

13 Q You say what, where about?

14 A Where about.

15 Q Did he respond to that?

16 A Yeah.

17 Q What did he say?

18 A Not far.

19 Q That's all he said?

20 A Yes, sir.

21 Q Was there any talk about when to do this lick?

22 A Yeah. They wanted to do it then but we weren't going
23 to do it now.

24 Q All right. When that part of the conversation is going
25 on is Al Green around?

1 A No, sir.

2 Q Did you see Al Green while you were out there that
3 night?

4 A Later after the conversation had ended between me and
5 Tate.

6 Q Where did you see Al Green?

7 A He was walking down the sidewalk coming towards us.

8 Q And when you say towards us, who is still out there?

9 A Me, Tate, Teeshan and Maleek.

10 Q What happened when Al Green -- where did Al Green go?

11 A He came over to us. He was standing where we was in
12 the walkway.

13 Q Was there any conversation between you, Tate and Green
14 when Green walked up?

15 A Yes, sir, the conversation started back up.

16 Q Who started the conversation back up?

17 A Tate.

18 Q And what did Tate say to start up the conversation?

19 A He asked Al did he want to go on a lick.

20 Q Did Al respond to Tate's asking whether he wanted to go
21 on lick?

22 A Yes, sir.

23 Q What did he say?

24 A He say, yeah, whatever.

25 Q Was there any other conversation between you and Tate

1 after that?

2 A Yes, sir. He had me try to get a car.

3 Q Did you own a car?

4 A No, sir.

5 Q Did you know somebody who had a car?

6 A Yes, sir.

7 Q Whose car?

8 A My baby's momma.

9 Q Your baby's momma?

10 A Yes, sir.

11 Q What kind of car?

12 A Honda Accord.

13 Q What was your response to Tate's question to you if you
14 could get the car?

15 A I said, no, it was parked for the night. She ain't
16 going to let me drive it.

17 Q Did you ever get the car that night?

18 A No, sir.

19 Q Did you ever go anywhere with Tate Clinton or Al Green
20 that night?

21 A No, sir.

22 Q Did you ever see Tate Clinton with a gun?

23 A Have I ever?

24 Q Yes.

25 A Yeah.

1 Q Any time around about when this conversation occurred?

2 A Nah.

3 Q Did anybody have a gun that night is my first question?

4 A No, sir.

5 Q Before that night had you ever seen Tate Clinton with a
6 gun?

7 A No, sir.

8 Q Thank you, very much. Answer anything Mr. Frick or
9 Miss Raney has.

10 THE COURT: Thank you, solicitor. Mr. Frick.

11 MR. FRICK: Thank you, Your Honor.

12 CROSS EXAMINATION

13 BY MR. FRICK:

14 Q Mr. Twitty, you know Mr. Clinton for a while?

15 A Yes, sir.

16 Q You all grow up together basically?

17 A Yes, sir.

18 Q Okay. Mr. Green same thing?

19 A I mean, I know him you know what I am saying but ---

20 Q But known him for a while too?

21 A Yeah. Yes, sir.

22 Q Just basically from the neighborhood?

23 A Yes, sir.

24 Q Did you and Miss Davis did you all have some
25 relationship? I got confused. You said she is from around or

1 what?

2 A She stay in same complex, apartment complex

3 Q I got you. So were you staying over at Azalea at the
4 time?

5 A No, Carolina Court.

6 Q Carolina Court. I am sorry. I am getting things
7 confused myself.

8 That Wednesday, the 18th, you go over to Y'eisha's place?

9 A Earlier that day.

10 Q Earlier that day. Okay. What did you go over there
11 for?

12 A We were just chilling.

13 Q Okay. Do you recall about what time you got over
14 there?

15 A Probably about ten something that morning.

16 Q Okay. And you didn't see Mr. Clinton over there?

17 A No, sir.

18 Q All right. Nobody has talked about a lick over there
19 when you get there?

20 A No, sir.

21 Q Okay. But you said you didn't see Miss Davis over
22 there, is that correct?

23 A No, sir.

24 Q She wasn't there?

25 A No not when I was there.

1 Q Ten that morning she's not there?

2 A No, sir.

3 Q All right. That evening, you're back over there,
4 right?

5 A Yes, sir.

6 Q Or were you just kind of there all day. I am not
7 implying anything ban, I'm just saying --

8 THE COURT: Let him answer the question.

9 A We were just chilling.

10 Q Were you already out in the walkway when Mr. Clinton
11 was there or did you all get there at the same time? How did
12 this meeting occur?

13 A He was already standing out there. I had come outside
14 and we just started talking. Just chilling.

15 Q Was anybody out there with him at that time?

16 A Teeshan, Meelek.

17 Q Did they seem to be having a conversation or could you
18 tell?

19 A Nan, just goofing around.

20 Q Okay. All right. When you walk up -- don't tell me
21 what you all are saying, but just general conversation?

22 A Uh-huh.

23 THE COURT: Is that a yes?

24 THE WITNESS: Yes, sir.

25 Q At what point does Mr. Clinton decide he needs to

1 invite you on this robbery?

2 THE COURT: He wouldn't know if somebody decides.

3 Decides. Rephrase the question.

4 Q My question is, you all are talking. When did he ask
5 you to go on this robbery?

6 A I mean -- just came out. Do you want to go on a lick
7 bro. Yeah.

8 Q Just straight out of the blue?

9 THE COURT: Is that a yes?

10

11 A Yes, sir.

12 Q You indicate it's all right with you, right?

13 A Yes, sir.

14 Q Okay. In fact tell him let's don't do it now?

15 A Sir?

16 Q You advised him that he shouldn't do it right then,
17 right?

18 A Yes, sir.

19 Q That conversation ended?

20 A Uh-huh. Yes, sir.

21 Q She got to take it down. It's not for me. Then Mr.
22 Green walks up?

23 A Yes, sir.

24 Q Okay. Do you recall how long it was before he walked
25 up after this previous consideration had ended?

1 A Probably like -- probably a few minutes after the
2 conversation had ended.

3 Q Okay. After Mr. Green walks up then the conversation
4 about this robbery occurs again?

5 A Yes, sir.

6 Q Did anyone else walk up?

7 A No, sir.

8 Q Okay. How did you all part ways that evening?

9 A We went on own way.

10 Q You all hang out there for a while?

11 A Yeah. We stayed there for a minute. You know, we
12 smoke a little blunt that we had and we left. Everybody went
13 their own way.

14 Q No body go hitting on a lick that night?

15 A No, sir.

16 Q And Mr. Clinton is just inviting whoever that walks up
17 to go on this thing with him?

18 A Well, no, he had asked me. He asked Al.

19 Q Okay. Those are the people that walked up, right?

20 A Just Al walked up.

21 Q Okay. But he asked you too?

22 A Yes, sir.

23 Q All right. Thank you, sir.

24 THE COURT: Miss Raney.

25 CROSS EXAMINATION

1 BY MS. RANEY:

2 Q You testified when Mr. Clinton asked you to do a lick
3 your response was, yeah, whatever?

4 A Yes, ma'am.

5 Q And then afterwards when Mr. Green walked up to join
6 the conversation Mr. Green response when asked to do the robbery
7 was also, yeah, whatever?

8 A I mean he was down for it. You know what I am saying.
9 He was like, yeah, he's ready.

10 Q So he gave the same response you did that night?

11 A Ma'am?

12 Q Mr. Green and you both said, yeah, whatever in response
13 to Tate's question?

14 A Yes, ma'am.

15 Q But as far as you know you didn't go out and commit any
16 robbery or lick that night, right?

17 A No, ma'am.

18 Q Do you know what Mr. Green did later that night?

19 A No, ma'am.

20 Q Were you with Mr. Green on January 19th?

21 A No, ma'am.

22 Q Were you with Mr. Clinton on January 19th?

23 A No, ma'am.

24 Q I have no further questions.

25 THE COURT: Redirect solicitor.

1 MR. BARFIELD: None.

2 THE COURT: Thank you. Thank you very much Mr.
3 Twitty. You may step down.

4 MR. BARFIELD: May he be excused.

5 THE COURT: Any objections Mr. Frick, Miss Raney.

6 MR. FRICK: No objection, Your Honor.

7 MS. RANEY: None, Your Honor.

8 THE COURT: All right, you maybe excused.

9 (Witness excused.)

10 MR. BARFIELD: Give me thirty seconds, please.

11 THE COURT: All right. Yes, sir.

12 MR. BARFIELD: The State calls Temeca Nelson.

13 THE COURT: Miss Nelson, if you would come around
14 and be sworn.

15 TAMECA NELSON, called as a witness, having been
16 duly sworn by the clerk, was examined and testified as,
17 follows:

18 DIRECT EXAMINATION

19 BY MR. BARFIELD:

20 Q Miss Nelson, use that microphone and tell us your
21 name.

22 A Temeca Nelson.

23 Q And spell your first name?

24 A T-e-m-e-c-a.

25 Q You live here in Lancaster?

1 A Yes, sir.

2 Q Did you live in Lancaster back in actually on January
3 19, 2012?

4 A Yes, sir.

5 Q Where were you living then?

6 A 644 Gingercake Road.

7 Q Were you familiar back then with the mobile home park
8 out on Roseanna Lane?

9 A Yes, sir.

10 Q Did you have any connection to anybody out there?

11 A No, sir.

12 Q Okay. Did you have any -- did you ever go out there?

13 A No, sir. Well, I went that night.

14 Q Well, that night. Tell us about that night. First of
15 all where had you been that night?

16 A Me and my cousin was coming from Applebee's.

17 Q And your cousin's name is what?

18 A Shakela

19 Q Last name?

20 A Montgomery.

21 Q When you all left Applebee's where were you going
22 toward?

23 A We were going to Roseanna Lane to her brother's house.

24 Q All right. Did you turn on to Roseanna Lane? Did the
25 car you all were turn on to Roseanna Lane?

1 A I was coming off Roseanna going towards Great Falls
2 Highway.

3 Q No, I am talking about did you all go in to Roseanna
4 Lane?

5 A Yes, sir.

6 Q Did anything happen when you all pulled in to Roseanna
7 Lane?

8 A We going in. The car was coming out and had no lights
9 on.

10 Q All right. A car was coming out with no lights on.
11 What kinds of car? Describe the car?

12 A It was white Cadillac with a rag top.

13 Q White Cadillac with rag top?

14 A Yes, sir.

15 Q And you said it didn't have any lights on?

16 A No lights on.

17 Q How was it being driven? That's a stupid question.
18 Was it moving good? Was it moving bad?

19 A Its was moving fast.

20 Q Fast. Could you see inside -- what time was this?

21 A It was about 9:30, 10:30 something like that.

22 Q At night?

23 A Yes, sir.

24 Q Could you see inside the car?

25 A No, sir.

1 Q Could you tell how many people were in the car?

2 A No, sir.

3 Q Could you tell whether it was men or woman or male or
4 female in car?

5 A No.

6 Q Could you tell whether it was black or white people in
7 the car?

8 A No, sir.

9 Q Nothing about anybody in the car?

10 A No, sir.

11 Q Had you before that night ever seen that car before?

12 A No, sir.

13 Q After that night did you ever see that car again?

14 A Yes, sir.

15 Q All right, now talk loud. Get up in that microphone.

16 Where did you see -- when did you see the car again?

17 A I seen the car in the Piggly Wiggly parking lot with a
18 flat tire.

19 Q You saw that car in the Piggly Wiggly parking lot?

20 A Yeah, the car that I seen.

21 Q When did you see that car in the Piggly Wiggly parking
22 lot in relation to the night that it came out fast?

23 A I seen it the next day.

24 Q And what was the condition of the car in the Piggly
25 Wiggly parking lot?

1 A It was just sitting there. It had a flat tire.

2 Q Where is the Piggly Wiggly parking lot in relation to
3 Roseanna Lane?

4 A It is like up the street.

5 Q Thank you, ma'am. Answer anything Mr. Frick or Mr.
6 Raney has.

7 THE COURT: Mr. Frick.

8 CROSS EXAMINATION

9 BY MR. FRICK:

10 Q Who are you going to go visit over at Roseanna?

11 A Sir?

12 Q Who stayed over on Roseanna that you knew? You were
13 going to a particular place that evening, right.

14 A Yeah, I was going to Roseanna Lane.

15 Q Whose house were you going?

16 A I was to Shaketa's brother's house.

17 Q Shaketa's brother's house. Okay. And what's that
18 relation to you?

19 A That's my cousin.

20 Q That's your cousin. Okay. All right. Do you recall
21 about what time it was when you all got over there or at least
22 turned on to Roseanna?

23 A It was about 9:30, 10:30. About that time.

24 Q 9:30 to 10:30?

25 A Yeah.

1 THE COURT: Is that a yes? I didn't hear you.

2 Was your answer yes?

3 A Yes, sir.

4 THE COURT: All right. Thank you.

5 Q You didn't look at your watch?

6 A No. No.

7 Q All right. You been over to Roseanna a few times?

8 A Yeah.

9 Q Okay. This wasn't your first trip over there? First
10 time you ever been over there?

11 A That night.

12 Q Right, but in your life had you been over there before?

13 A No, sir. Not that night. My cousin stays over there.

14 Q Are you familiar with the place? That is all I am
15 trying to get to.

16 A (Inaudible response).

17 THE COURT: Is that a yes? You have to say yes
18 or no because this young lady has to take it down.

19 A Yes, sir.

20 Q Are there street lights down Roseanna Drive?

21 A Sir?

22 Q Are there street lights, city street lights?

23 A No, sir.

24 Q Okay. The car that is coming at you it didn't have
25 it's lights on, correct? The car that is coming at you it did

1 not have any lights on, correct?

2 A No, sir.

3 Q You say you think it looked liked a Cadillac, correct?

4 A Yes, sir.

5 Q Okay. The car you see the next day over at the Piggly
6 Wiggly parking lot you say that is the same car, right?

7 A Yes, the car that I saw.

8 Q How do you know it is the same car?

9 A Because the same car because it had a rag top on it.
10 It's white and it had a rag top on it.

11 Q Surely you are not trying to imply there is only one
12 rag top Cadillac in Lancaster?

13 THE COURT: Rephrase that question.

14 Q Have you ever see any other Cadillacs, white Cadillac
15 in Lancaster?

16 A No, sir.

17 Q You haven't, ever, this is the only one you have ever
18 seen?

19 A Yes, sir.

20 Q Okay. Thank you, ma'am. That is all the questions I
21 have.

22 THE COURT: Miss Raney.

23 MS. RANEY: I don't have any questions.

24 THE COURT: Redirect.

25 MR. BARFIELD: None.

1 THE COURT: Thank you. Thank you, very much Miss
2 Nelson. You may step down. Any objection to this
3 witness being excused.

4 MR. FRICK: None, Your Honor.

5 THE COURT: None, Your Honor.

6 THE COURT: All right. You maybe excused.

7 (Witness excused.)

8 MR. BARFIELD: May we approach briefly.

9 THE COURT: Yes, sir.

10 (WHEREUPON, there was an off the record
11 discussion.)

12 THE COURT: All right, Mr. Foreman, ladies and
13 gentleman of the jury it appears I have matter to take
14 up outside of your presence. So rather than hold you
15 captive for thirty minutes and then bring you out and
16 tell you to go to lunch I will tell you right now you
17 can go to lunch. Give me just a moment, please.

18 Please remember during this luncheon recess you are
19 not to discuss this case with others. That is
20 includes your fellow jurors, lunch mates, family
21 friends or anyone else. Do not read, watch, or listen
22 to any news accounts about the case. Do not do any
23 independent investigation or any investigation on the
24 internet or otherwise.

25 Remember to keep an open mind and do not begin your

1 deliberations until you heard all the evidence, all
2 the testimony, closing arguments by the attorneys, the
3 instruction on the law by the Court.

4 Any questions about those directions? All right,
5 if you please be back promptly at two o'clock. If you
6 please be back promptly at two o'clock. Thank you,
7 very much. Hope you all have a pleasant lunch.

8 (Jury leaves the courtroom.)

9 THE COURT: All right. Solicitor.

10 MR. BARFIELD: Your Honor, let me just kind of lay
11 this out. It's their motion so I will lay out the
12 issue and then they can decide how they want to
13 proceed with the motion.

14 The next witness is Pomp Blackmon. Testimony of
15 Mr. Blackmon will be that it was his Cadillac that was
16 loaned to several people. He was questioned by law
17 enforcement on 1-23 of '12. Gave a written statement.
18 He was shown two lineups which I think we have agreed
19 contained as to these two defendants only a picture of
20 Mr. Clinton. Never Mr. Green in either of these two
21 lineups. I don't have the officer here who did these
22 lineups and we will deal with that in a minute. He
23 will be here tomorrow. But I think we all agree that
24 Mr. Blackmon did not pick anybody out of these two
25 lineups as being the person he loaned the car to.

1 Then he was questioned again on 3-1 of '12. Gave
2 another written statement and was not shown lineups,
3 but was shown single photos of Mr. Clinton, which he
4 said was the person he loaned the car to and I think
5 he said one hundred percent sure or something close to
6 that and he was also shown a single photo of Mr. Green
7 and he was seventy percent sure in his statement. He
8 was seventy percent sure that Mr. Green was one of the
9 people who left in his car. That is -- and of course
10 Mr. Blackmon is here today. I intend to call him as
11 witness in this case either way depending on whether
12 you limit his testimony or not, but I have not done
13 any identification processes with Mr. Blackmon myself
14 so I don't know what is going to do when he is on the
15 witness stand when he is asked if he can identify
16 anybody in this case. So with that said I am prepared
17 to offer Clark Crump's testimony who is the
18 investigator who did the second statement with the
19 single photos.

20 MS. RANEY: I just wanted to make sure, it is my
21 understanding there is no photograph here today that
22 was used allegedly to ID my client, is that correct.

23 MR. BARFIELD: I do not have possession. We do
24 not have the photograph.

25 MS. RANEY: Then I am ready to go forward.

1 MR. BARFIELD: Okay. I will call Clark Crump.

2 CLARK CRUMP, called as a witness, having been duly
3 sworn by the clerk, was examined and testified as
4 follows:

5 DIRECT EXAMINATION

6 BY MR. BARFIELD:

7 Q Tell us your name, please sir?

8 A Clark Crump.

9 Q Mr. Crump, where did you work up until a few months
10 ago?

11 A Lancaster County Sheriff's office.

12 Q What did you do for sheriff's office?

13 A I was an investigator.

14 Q Okay. How long had you been employed by the sheriff's
15 office?

16 A Almost 16 years.

17 Q Okay. You are not with the sheriff's office any more?

18 A No, sir.

19 Q What's the deal with that?

20 A I am retired.

21 Q Did you along with everybody else at the sheriff's
22 office participate in the investigation of the murder of Jenika
23 Jones?

24 A Yes, sir.

25 Q At some point in the investigation did the issue of the

1 car used in this case arise?

2 A Yes, sir.

3 Q How early on did that occur?

4 A Within a a day or two is the best of my recollection.
5 Fairly soon.

6 Q Okay. What effort was made to identify the car and
7 perhaps who the owner or the possessor of the car was?

8 A It was prime concern for better part of several days
9 until we located the car.

10 Q And how did we get all to the car?

11 A I think some of our narcotics guys recognized the car
12 as it was described through their work and was able to locate
13 the car.

14 Q And whose car was it?

15 A Pomp Blackmon's.

16 Q Did Mr. Blackmon give statements in this case?

17 A Yes, sir.

18 Q One or more than one?

19 A Two, I believe.

20 Q Were you involved in the taking of one of those
21 statements?

22 A Yes, sir, the second one.

23 Q Were you involved at all in the taking of the first
24 statement?

25 A No, sir.

1 Q Were you involved in the showing of any photo lineups
2 to Mr. Blackmon at the time of the taking of the first
3 statement?

4 A No, sir.

5 Q From your status as an investigator in this case are
6 you aware that had occurred?

7 A Yes, sir.

8 Q Do you know who did that with the sheriff's office?

9 A I believe it was Lieutenant Howell and maybe Agent
10 Thompson.

11 Q Okay. Do you know the outcome of the effort of the
12 photo lineups shown Mr. Blackmon with the first statement?

13 A I believe they were inconclusive.

14 Q Okay. He didn't pick anybody?

15 A No, sir.

16 Q Do you know whose pictures were in those line-ups?

17 A I believe it was Mr. Clinton as well as Mr. Greens.

18 Q You didn't participate in that at all?

19 A No, sir.

20 Q How come there was a second statement by Mr. Blackmon?
21 Why was not the first statement good enough?

22 A We continued to get bits of evidence that they were
23 involved and that they were in Mr. Blackmon's car during the
24 commission of the crime.

25 Q They being?

1 A Clinton and Green.

2 Q Describe what happened when you went back to Mr.

3 Blackmon -- first of all do you remember the date when you went
4 back to Mr. Blackmon for the second statement?

5 A I believe from reading over my supplements and
6 statements I think it was maybe the first of March.

7 Q Okay. Let me just show you this real quick. I am
8 showing you sheriff's office original documents. Glance at what
9 is in those sleeves and tell me what they are? I will not over
10 them into evidence at this point. Do you what what that is?

11 A Yes, sir, I am familiar with it.

12 Q What is it? It looks like three pages of stuff there,
13 three or four?

14 A Two pages front and back. A Miranda form statement and
15 a photo.

16 Q And I am guessing there is probably a second page to a
17 statement somewhere in this. There you go.

18 A Okay.

19 Q Who took the written statement from Mr. Blackmon?

20 A I believe myself and investigator Catoe.

21 Q Is that correct?

22 A Yes, sir. Myself and Investigator Catoe took the
23 statement.

24 Q Was Mr. Blackmon a suspect being charged with anything?
25 Had he been arrested with anything connected with this case?

1 A No, sir.

2 Q Generally describe his ability to -- what were you all
3 trying to get out of Blackmon is the question?

4 A We were trying to ascertain who had borrowed his car on
5 that night.

6 Q Was he able to tell in the first statement? Was he
7 able to tell who had borrowed his car to the point that you all
8 could walk out in this world somewhere and lay your hands on
9 somebody?

10 A No, sir.

11 Q When he gave the second written statement was he able
12 to do that?

13 A He was able to positively identify one of the
14 individuals he gave the car to, yes, sir.

15 Q And identify him by what procedure?

16 A By a line-up -- not a line-up, but by a photograph.

17 Q Did he -- what was the issue with his inability to
18 identify somebody from your perceptive as an investigator, was
19 it he didn't remember who he saw? He didn't know who it was?
20 What was the issue?

21 A My experience, my perceptive would tell me he didn't
22 want to identify because of some supposed street code.

23 Q Okay. Now, describe -- did Mr. Blackmon use any names
24 for these two folks? How many people was he talking about when
25 you were taking a second statement? How many people did you say

1 had had possession of his car?

2 A He described I think four that actually left in the
3 vehicle.

4 Q Was he able -- did he tell you anything that led you to
5 believe that as to two of them he would ever be able to identify
6 them? As to two that he would not ever be able to identify?

7 A There were two that got into the vehicle he said he
8 could not identify. He didn't see them well enough to have any
9 way to identify them.

10 Q Were Clinton and Green suspects in this case at the
11 time of the taking of Blackmon's second statement on March 1st?

12 A Yes, sir.

13 Q So what did you do to see if Blackmon could identify
14 anybody from single photos? Was it single photos?

15 A Yes, sir.

16 Q I am showing you what is on the back of the sleeve.
17 What is that item right there?

18 A That is a photograph.

19 Q Of who?

20 A Devatee Clinton.

21 Q Is that the photograph you were using with Mr. Blackmon
22 on March 1st of 2012 when you are talking with him?

23 A Yes, sir.

24 Q All right. Just describe how this process worked?
25 What did you do?

1 A Well, as I say earlier we had gathered other evidence,
2 other statements stating that they were together that night,
3 Clinton and Tate -- Clinton and Green. They were together that
4 night. There was overwhelming evidence that they had committed
5 the crime, but nothing concrete. We had got a hold of Mr.
6 Blackmon's car. Had actually got a piece of the car from the
7 scene or probably I would say some 50 yards from the scene
8 close to a speed bump, a part of the body side molding had come
9 off the car and matched the car.

10 We had people in the neighborhood seeing the car racing out
11 at about the time of the incident. We had people identifying
12 them together at the club in the car. We had all these
13 different things converging together that they were in fact in
14 the car that night. That is what led to the need to talk to Mr.
15 Blackmon again.

16 Q So how did you go through this identification process
17 with Mr. Blackmon and that photograph? Just tell the judge what
18 you did.

19 A Well, quite simply we went in hopes of ruling them out,
20 quite frankly both of them. Was this who it was. In the
21 meantime they both had been rearrested. Appearances had
22 changed. We showed him single photographs. He was able to one
23 hundred percent identify Clinton and I think his terminology was
24 about seventy percent sure it was Green.

25 Q Now, you don't have a the photograph of Green that you

1 used at the time of the taking of that statement, is that
2 correct?

3 A That's correct.

4 Q Do we know where that photograph went?

5 A I have no idea.

6 Q Okay. When you presented the photograph of Clinton to
7 Pomp Blackmon what did you say to him? What would you have said
8 to him?

9 A Is this the guy you let borrow your car that night.

10 Q And did you tell him who it was, first of all?

11 A No, sir.

12 Q Did you tell him that that person had been arrested for
13 anything?

14 A No, sir.

15 Q Did you tell him that he should say that it was the guy

16 --

17 A No, sir.

18 Q -- in the picture who borrowed his car?

19 A No, sir.

20 Q Did you do anything to sway his response to your
21 showing him that picture at all?

22 A Absolutely not.

23 Q Had there been any discussion between you and Mr.
24 Blackmon about whether he actually even knew who Devantee
25 Clinton was?

1 A At the very beginning of the statement, we come to him,
2 you know, we're trying to find out who was in your car that
3 particular night. He said he really couldn't -- he didn't know
4 any names. He would recognize if he saw them.

5 Q He said he would recognize them if he saw them again?

6 A Yeah. At which point that's about the time I showed
7 him the photograph.

8 Q Did he ever claim to have knowledge of a person in the
9 world named Devatee or Tate Clinton?

10 A No, sir.

11 Q Did you at some point tell him the person's name who
12 was in the picture, Devatee Tate Clinton, after the photograph
13 process had been undertaken?

14 A Yes, sir, I asked him if he knew him as that. I
15 believe was the question.

16 Q Did he know him by that name?

17 A No, sir.

18 Q Did he indicate that he ever had any prior dealings
19 with this person in the photograph identified as Clinton?

20 A He indicated he let him borrow the car before.

21 Q Did he indicate when in relation to when this event
22 occurred in January of 2012?

23 A I believe the statement was a year or so ago. Was
24 something similar to the verbiage.

25 Q Same questions about Green. I am not going to ask them

1 all, but did he purport to have any knowledge about Al Martinez
2 Green?

3 A No, sir.

4 Q Did he seem to recognize Al Green's name when it came
5 up at some point during the interview?

6 A By the name, Al Martinez Green, no, sir.

7 Q Thank you, sir. Answer anything Mr. Frick or Mr.
8 Raney have?

9 MR. BARFIELD: Well, let me do this. Excuse my
10 just a moment. I think for purposes of this hearing I
11 need to offer the photograph, as a State's exhibit or
12 Court's exhibit, however you want it to be.

13 THE COURT: Court's exhibit.

14 MR. BARFIELD: For the record this is photograph
15 Investigator Crump identified as a single photograph
16 of Devatee Tymar Clinton.

17 (Court's Exhibit 1, photograph, marked for
18 identification as of this date.)

19 Your Honor, when I locate them in a minute I am
20 also going to offer as Court's exhibits the two
21 line-ups that Clinton's picture is in that I put on
22 the record a little bit ago a record that was shown to
23 Pomp Blackmon by Fred Thompson. We just haven't put
24 our hands on them yet.

25 THE COURT: Mr. Frick.

1 MR. FRICK: Thank you, Your Honor.

2 CROSS EXAMINATION

3 BY MR. FRICK:

4 Q Investigator Crump, did you participate in the
5 conversation with Mr. Blackmon, the first one he did back in
6 January?

7 A No, sir.

8 Q Okay. Were you aware that he had been shown a line-up?

9 A Yes, sir.

10 Q Okay. And you are aware that he picked no one out of
11 that line-up?

12 A Yes, sir.

13 Q You were present when he gave the statement to I think
14 Catoe's name is on the statement, but were you there?

15 A Yes.

16 Q And that one he is not shown a line-up again it is just
17 that single photograph?

18 A Yes, sir.

19 Q Do you know where you all got this from? I know it is
20 booking photo but is it an older one? A newer one?

21 A It was a newer one. He was recently arrested. I
22 believe that's a photo from the time he was arrested after the
23 murder. So it is very recent photo. Actually it looked exactly
24 like he did the night he got the car.

25 Q Okay. And are you aware of what the photo looked like

1 in the photo array?

2 A I've seen the line-up.

3 Q Okay. Did he look significantly different? We will
4 have it in a second I suppose, but do you recall?

5 A It was different photo. I do know that.

6 Q Okay.

7 MR. FRICK: I think they located that.

8 MR. BARFIELD: Your Honor, I will offer up the
9 exact form there in the sheriff's file; a document --
10 two-page document, identified as the first line-up
11 presented to Blackmon with what I call a factor sheet
12 showing who the people in the pictures are and then
13 the next one is identify with sticky note, second
14 line-up shown P. Blackmon also with a factor sheet and
15 I'll stabled these together as Court's exhibit 2 and
16 3, I suppose.

17 THE COURT: All right.

18 (Court's Exhibit 2 and 3, Line-up marked for
19 identification as of this date.)

20 RE CROSS EXAMINATION CON'T

21 BY MR. FRICK:

22 Q You said that you had seen the photo line-up that was
23 originally shown?

24 A I don't think I'd seen it prior to showing Mr. Blackmon
25 the single photo. I've seen it actually in the last week when

1 we were reviewing the case.

2 Q I will show you State's (sic) number 2. Does that look
3 like the line-up aside from sticky note on top of it?

4 A I am relatively certain that is the one that's in the
5 case file. I didn't show it to him.

6 Q I understand.

7 A That appearances to be a line-up that one of our
8 investigators would have shown.

9 Q Do you recognize Devatee Clinton by sight?

10 A Yes, sir.

11 Q Do you see him in that photo array?

12 A I would identify him as number three.

13 Q Okay. All right. Thank you sir.

14 Mr. Blackmon was only shown the two single photos on the day
15 that you were in with Mr. Catoe?

16 A A single photo of Mr. Clinton and a single photo of Mr.
17 Green.

18 Q And I think on Mr. Green he says he is about seventy
19 percent sure?

20 A He said, I believe that's him. I asked how sure are
21 you. He said about seventy percent.

22 Q Okay. You all recorded the conversation on the
23 statement?

24 A Yes, a written statement.

25 Q I will show you what I got right here. Does that look

1 like that statement?

2 A It appears to be a copy of.

3 Q Do you see in there as you flip through where he talked
4 about Mr. Green and his certainty. I think it is on the third
5 page.

6 A And you are asking about Mr. Green?

7 Q I am asking about Mr. Green right now, yes, sir.

8 A And what is the question again?

9 Q Did he say he was seventy percent sure on that one?

10 A His answer is I think so. I am about seventy percent
11 sure.

12 Q Okay. Does he give any indication about his certainty
13 on Mr. Clinton?

14 A It's my recollection he said that's him. The question
15 was asked is the photo Investigator Crump showed you the person
16 that you let borrow your car that night. His answer was yes.

17 Q Then later I think he is asked about a name, is that
18 correct?

19 A Yeah. He is asked do you know him by name. He said I
20 don't know him by name but my cousin, Billy, let's him borrow
21 his car as well.

22 Q And I think he said he was not one hundred percent
23 certain about something in there. Can you tell us what he said
24 I wasn't certain about?

25 A He said seventy percent on Green.

1 Q Right, but in regards to Mr. Clinton.

2 A He said that's the guy that borrowed the car from me.

3 Q Let see see if I can lead you a little further.

4 (Indicating) there is word in front of a hundred percent.

5 A I'm not --

6 Q I'm not a hundred percent. Isn't that what he said?

7 A No, uh-huh. Is the photo Investigator Crump showed the
8 person you let borrow the car that night, yes. It doesn't say
9 anything about the percentages.

10 Q Here is what I am looking at. Read that question
11 there?

12 A Once Investigator Crump show -- told you that the
13 person who you had identified as Devatee Clinton AKA, also
14 known as Tate. Do you recognize that name?

15 Q And his answer is?

16 A We talking about the photo or the name?

17 Q I am asking about that question.

18 A We asked him if he wasn't one hundred percent certain
19 about his name.

20 Q Okay, so he said he wasn't certain about the name?

21 A He wasn't certain about the name. He was certain about
22 who it was that borrowed his car.

23 Q I understand what you are saying. All I am asking you
24 right now is you asked him that question. His answer was I am
25 not one hundred percent certain?

1 A If he knew the guy's name.

2 Q All right. So he wasn't certain about a name, but when
3 he is showed the single photo he says that's is the guy?

4 A Yes.

5 Q He indicated at some point and I don't know if you were
6 involved in it. It might have been Fred. That he said he had
7 been talking to people about who he had loaned his car out to.
8 Do you recall that? I think it's in his statement.

9 A There is some verbiage in the case file somewhere about
10 him trying to find who he let borrow the car.

11 Q I talked to a lot of people trying to find out. Does
12 that sound right?

13 A I mean, if are you reading it.

14 Q Yeah.

15 A If I can read it.

16 Q Sure. I am looking at that question right there.

17 A Do you have any memory talking to anyone who let you
18 borrow the car that night. He said yeah, I talked to a lot of
19 people.

20 Q Okay, so between January and when this interview takes
21 place he's indicated he has talked to a lot people about who
22 that car went out to?

23 A He was trying to find out, but again in his statement
24 he couldn't find out the name but he did know who borrowed the
25 car.

1 Q Okay. You don't know who he talked to?

2 A A lot of people.

3 Q Right, but you don't know who those people were?

4 A But none of them could give him the name.

5 Q Okay. Just answer my question?

6 A I said a lot of people.

7 THE COURT: Don't argue. Just ask a question and
8 let him answer.

9 MR. FRICK: I understand. We go way back, Your
10 Honor. I apologize.

11 THE COURT: I don't care how far you all go back.
12 I know who is in control of this courtroom.

13 MR. FRICK: Yes, sir, I apologize.

14 THE COURT: Ask a question and you all can go back
15 as far as you want; today, tomorrow or the next day.

16 Q All right. But he didn't give you any names did he?

17 A No, sir, he didn't know the name of the guy.

18 Q Give me one more second. I maybe done.

19 Out of curiosity, why is he shown a single photo
20 instead of a line-up again?

21 A Again, a conversion of statements and different things
22 that kept continuing to point to Tate and Green being involved,
23 being in the car, being there that night, and earlier he was not
24 able to pick out who it was. At this time I didn't want to show
25 him another photo line-up just ask him the question. I wasn't

1 accusing neither one of them of the crime. I just wanted to
2 know who was in that car that night.

3 Q Okay. Did he give any indication of who the person who
4 he actually handed the car keys to was?

5 A To my knowledge, no. He just talked about who he let
6 have the car.

7 Q All right. Thank you, sir. That is all I have.

8 THE COURT: Thank you, Mr. Frick. Miss Raney.

9 MS. RANEY: Thank you, Your Honor.

10 CROSS EXAMINATION

11 BY MS. RANEY:

12 Q I apologize Investigator Crump, I didn't catch your
13 answer when Mr. Barfield asked how long you had been with the
14 police department?

15 A Sheriff's office, about 16 years.

16 Q About 16 years. And before meeting with Pomp Blackmon
17 on March the 1st had you reviewed the initial report and
18 description that he gave on January 20th of who took his car?

19 A More than likely in our weekly meetings and stuff I was
20 briefed on him not being able to you pick him out of line-up or
21 the different evidence that was coming together.

22 Q I can actually hand it up to you if you like. I think
23 what you are talking about is on January 23rd the sheriff's
24 office met with Mr. Blackmon to see if he could pick people out
25 of a line-up, right?

1 A That is my understanding, yes.

2 Q Were you aware of the fact that Mr. Blackmon reported
3 to the police on January 20th that his car had been taken and
4 not returned?

5 A To the city police department.

6 Q To the city police. Are you a familiar that he did
7 that?

8 A Yes.

9 Q Are you familiar with the description that he gave of
10 the person who took his car to the police on January 20th of
11 2012? If not, I can hand up the report.

12 A Of who took the car to the police?

13 Q On January 20th when Pomp Blackmon reported to the city
14 police that someone had taken his car are you familiar with a
15 description he gave the police of that someone that took his
16 car?

17 A No.

18 Q No. So when you met with Mr. Blackmon on March 1st you
19 were unaware of the previous description he gave back on January
20 20th?

21 A To the city I was unaware.

22 Q Okay. And have you had a chance to review the
23 statement that he gave to the sheriff's office back on January
24 23rd?

25 A My understanding I believe from reading over -- again

1 like I said it has been over a year. I didn't read that
2 statement in particular. He knew him from the neighborhood or
3 something maybe was his description.

4 Q Okay, and the two lineups hear I am making sure I get
5 them, marked for identification purposes as Court's exhibit
6 number two and number three, I will hand those up for you to
7 take a look at.

8 When you were speaking with Mr. Barfield you said that
9 these line-ups, number two and three, depict my client Mr.
10 Green?

11 A I don't believe Mr. Green is in either one of.

12 Q So Mr. Green is not actually in one of the line-ups
13 shown to Mr. Blackmon on another?

14 A I didn't show them the line-up on January 23rd.

15 Q Well, assuming numbers two and three are the lines-up
16 from January 23rd, is Mr. Green depicted in either of those
17 line-ups?

18 A I can't pick him out in either one of these lines-ups.

19 Q Is there also not a identifying sheet of who is
20 depicted in those line-ups on the second page of Courts two and
21 three?

22 A There is on State's exhibit three or -- Courts exhibit
23 three, and there is on Court's exhibit two.

24 Q And after you had a chance to look at States two and --
25 Court's exhibit two and three do you see my client's name there

1 on either of those?

2 A No, ma'am.

3 Q So is it fair to say my client's is not depicted in
4 either of those line-ups in two or three?

5 A Having reviewed them for the last minute I don't think
6 he is in either one of them.

7 Q Okay. Thank you. In reviewing the statement of
8 January 23rd that Mr. Blackmon gave to the Lancaster County
9 Sheriff's office do you recall what description he gave of the
10 individuals that took his car?

11 A No, ma'am.

12 Q Did you have a copy of his January 23rd statement with
13 you when you met with Mr. Blackmon March 1st of 2012?

14 A To my memory no.

15 Q Is it one of the things that you are looking as a
16 police officer when you are asking someone to look at line-ups
17 to see how closely the description given by the witness matches
18 the pictures in the line-up?

19 A Well, you form that line-up based on your suspect and
20 then five people of equal appearance, yes.

21 Q Five people of equal appearance and I believe when you
22 were speaking with Mr. Frick you said -- let me back up here --
23 I didn't want to show Mr. Blackmon a line-up on March 1st, 2012
24 correct?

25 A Correct.

1 Q So in instead what you choose to show Mr. Blackmon was
2 Court's exhibit number one, correct?

3 A That is the picture of Devatee Clinton I showed.

4 Q Of Mr. Clinton and then you say you also showed Mr.
5 Blackmon a single photo of Mr. Green, correct?

6 A That's correct.

7 Q And when we say single photo of Mr. Green, do you mean
8 he wasn't part of a line-up?

9 A It would have been similar appearance to the single
10 photo there whatever marked that is there.

11 Q Court's exhibit number one?

12 A Yes, ma'am.

13 Q And we don't know where that photo of Mr. Green is now?

14 A Well, it would have been in one our records management
15 system.

16 Q Where did those photos come from in our records
17 management system?

18 A That's a technical question. Somewhere within the
19 computer. I don't know how to answer. It is stored in our
20 record management system.

21 Q Is it possible that that photo would have been a
22 driver's license picture?

23 A No, ma'am.

24 Q Is it possible that photo would have been a booking
25 picture?

1 A If we had it in record management it was from an
2 arrest.

3 Q So your testimony is here today that the photo you
4 showed of Mr. Green to Pomp Blackmon you have no idea where that
5 photo came from?

6 A No, ma'am. I said it came from record management
7 system.

8 Q I understand. Do you recall what Mr. Green's hair
9 looked like in this photo?

10 A Again the photo would have come from our record
11 management system and it would have been the most recent one.
12 The question, where did it come from, it came from our record
13 management system.

14 Q But what I am asking you is, you showed this photo to
15 Mr. Blackmon on March 1st do you remember Mr. Green's hair style
16 in this photo that you showed to Mr. Blackmon?

17 A I believe it was black.

18 Q It was black. Do you remember how he wore it? How long
19 it was?

20 A No, ma'am.

21 Q Do you remember if the photo would have clearly
22 depicted that it was a booking photo?

23 A That's the only photos we have access too.

24 Q So it would have been a booking photo that you showed
25 Mr. Blackmon?

1 A Again, yes, ma'am. It would be a booking photo from
2 our record management system.

3 Q Okay. Well, earlier you told me you don't know where
4 those photos came from?

5 A No, ma'am. I told you it is technical question as far
6 as where it is housed in our computer somewhere and it's a
7 record management. It comes out on of record management system.
8 Now how it is housed and all the gigabytes I have no idea and
9 all that stuff. I am telling you it comes from our records
10 management system.

11 Q Well, I didn't mean to mislead you in any way. I was
12 just trying to clarify whether the photos in your system are
13 arrest photos, booking photos, drivers license photos?

14 A And again, I said it was from an arrest. So yes.

15 Q So, I think we are on the same page. It would have
16 been a booking photo?

17 A Yes.

18 Q Okay. And can you tell me what description Mr.
19 Blackmon gave of the individuals that were in his car that
20 night?

21 A Four black males.

22 Q How tall?

23 A I don't know that he gave a height for them. Again the
24 initial report where it was taken it was taken from the city.

25 Q And do you recall what if anything you said to Mr.

1 Blackmon when you showed him this alleged photograph of my
2 client?

3 A Is this one of the ones that was in your car.

4 Q Did you say anything else to him?

5 A Do you recognize this as being one of the ones in your
6 car and he said, yes, seventy percent.

7 Q In fact, I think Mr. Frick eluded to this, were you
8 present when Mr. Blackmon did this statement on March 2nd?

9 A Yes.

10 Q And that was done after he would have been shown the
11 photographs of my client and Mr. Clinton?

12 A In probably a five, ten minute timeframe it all
13 transpired.

14 Q Okay. So what I am handing you is a copy of the
15 statement that was given by Mr. Blackmon on March 1st, 2012.
16 His response when looking at the single photograph allegedly of
17 my client Al Green was I think so.

18 A It was definitely a picture of Al Green.

19 Q Well, you are alleging it was a picture of Al Green.
20 We don't have it here today, do we?

21 A No, it was a picture of Al Green. I wouldn't have
22 shown a picture of anybody else.

23 Q How did you know it was Al Green?

24 A Because I downloaded it out of record management system
25 as a picture of Al Green.

1 Q And there is never any mistakes in record management
2 system?

3 A Not that I am aware of.

4 Q So it is possible it wasn't Al Green in that photo,
5 isn't it?

6 A No, ma'am.

7 Q You just told me you are not aware of how the whole
8 record system works, right?

9 A Well, in context of what I am aware of it is not
10 possible.

11 Q It is not possible, but you lost the photo, didn't you?

12 A No, ma'am.

13 Q Well, where is it?

14 A I didn't keep the case file.

15 Q So who would have been in charge of that?

16 A It is in records management. That photo is still in
17 records management.

18 Q So is it possible then just to go to sheriff's office
19 and print it off of this records management system?

20 A You can print several pictures of Al Green off of
21 records management.

22 Q But you don't know whether or not you can print the one
23 you allegedly showed that day?

24 A I am certain we can print the one that was shown to him
25 that day.

1 Q Well then where is it?

2 A It is not in case file.

3 Q Okay. But you could get it off the computer and bring
4 it over here to the courtroom?

5 A If you could determine which one was shown.

6 Q So the answer is you don't know which one was shown to
7 him?

8 A No, ma'am. That is what I said when I started.

9 Q Okay. And whenever you went over in the presence of
10 Mr. Catoe and Mr. Blackmon you guys covered showing this
11 photograph to Mr. Blackmon he didn't say I am seventy percent
12 sure. In fact he said I think so. I am about seventy percent
13 sure, didn't he?

14 A Yes.

15 Q And didn't he also indicated in that statement that he
16 had been talking to numerous people trying to figure out who was
17 in his car that night?

18 A Yes, ma'am.

19 Q And whenever he talked to you and saw this alleged
20 photo of my client on March 1st it had been what a good month
21 and a half since he had lent his car out to these individuals?

22 A A little less than a month and a half.

23 Q Because he would have lent his car out back on January
24 19th of 2012, right?

25 A That's correct.

1 Q Were you aware of in your review of the case file or in
2 preparation of your meeting on March 1st with Mr. Blackmon that
3 he had previously told the police it was actually an Antwan
4 Barnett that was driving his car?

5 A That was one of the names that was brought up. I don't
6 know that Mr. Blackmon said that's who he let borrow the car.

7 Q Were you aware Mr. Blackmon had told the police I had
8 been drinking to the point I wasn't safe to drive his own car
9 when he loaned it out back on January 19th?

10 A I am not aware of his statement.

11 Q So you didn't ask Mr. Blackmon when you met with him on
12 March 1st, of 2012 whether he was intoxicated, under the
13 influence, anything like that which may have impaired his
14 ability to see who was in the car?

15 A I made sure his ability that day to answer my questions
16 was there.

17 Q But you can't speak to what it was back on January 19th
18 when he saw these people?

19 A I you have no idea.

20 Q Thank you. I don't have any further questions.

21 THE COURT: Redirect, solicitor?

22 MR. BARFIELD: I don't have any redirect.

23 THE COURT: All right.

24 MR. BARFIELD: Let me tell you suggest two things.

25 I am getting a copy made of the first statement that

1 Paul Blackmon gave and I would like to introduce that
2 as Court's exhibit too because it certainly contains
3 information about the people he described and I think
4 the Court needs that. It will be in here in just a
5 minute. Other than that, I know it is time for us to
6 go. Can we approach the bench very briefly.

7 THE COURT: Yes, sir.

8 MR. BARFIELD: Other than that, I am through with
9 Mr. Crump, if he wants to step down.

10 THE COURT: Do you have anything further?

11 MR. FRICK: I always like arguing with Clark, no.

12 (Witness excused.)

13 (WHEREUPON, there was an off the record discussion
14 held at the bench.)

15 THE COURT: Court will be in recess until 1:45.
16 Thank you.

17 (WHEREUPON, court was in recess.)

18 THE COURT: All right, solicitor, do you want to
19 call another witness.

20 MR. BARFIELD: Yes, sir. Let me tell you what my
21 plan is. First of all I offer Mr. Blackmon's first
22 statement to Fred Thompson, dated 1-23-12 as Court's
23 exhibit number four, I believe it is, in the interest
24 of a complete record concerning Pomp Blackmon told law
25 enforcement about the people who borrowed his car.

1 THE COURT: Any objections Mr. Frick, Ms. Raney.

2 MR. FRICK: I don't have any.

3 MS. RANEY: No, Your Honor.

4 THE COURT: All right.

5 (Court's Exhibit 4, statement, marked for
6 identification as of this date.)

7 MR. BARFIELD: And Your Honor my intention is to
8 just briefly call Pomp Blackmon for the issue we've
9 been dealing with and when that part is over with
10 Doctor Ross would be my first live witness in front of
11 the jury.

12 THE COURT: All right.

13 MR. BARFIELD: Pomp Blackmon.

14 POMP BLACKMON, called as a witness, having been
15 duly sworn by The Clerk, was examined and testified as
16 follows:

17 THE COURT: Come around here. Once you are
18 comfortably seated if you'll state your first and last
19 name, spelling your last.

20 THE WITNESS: Name is Pomp Blackmon,
21 B-l-a-c-k-m-o-n.

22 THE COURT: All right. Thank you, solicitor.

23 DIRECT EXAMINATION

24 BY MR. BARFIELD:

25 Q Mr. Blackmon, I would ask you just a few questions. We

1 are not going to do the whole nine years right now, but I will
2 ask you a few questions right now.

3 Are you involved in this case because somebody borrowed
4 your car and the sheriff's office believes it was used in murder
5 of Jenika Jones?

6 A Yes.

7 Q Do you recall giving a statement to Fred Thompson of
8 the sheriff's office on January 23rd of 2012?

9 A Yes.

10 Q Do you recall him showing you a couple of line-ups at
11 the time he took that statement, each one containing six
12 different pictures in it?

13 A Yes.

14 Q Okay. And do you recall being able to point to any of
15 those pictures and saying that was the person or persons who
16 borrowed your car?

17 A Not on the first line-up.

18 Q Do you remember talking to Clark Crump on March 1st --

19 THE COURT: Excuse me, solicitor, when he said not
20 on the first line-up, is he talking about the first
21 two on the 23rd?

22 MR. BARFIELD: Let me just ask you this question,
23 a different way.

24 Q When you talked to Fred Thomspon did you pick out any
25 pictures? When Fred Thomspon was taking a statement from you

1 did you pick out any pictures of the people who took your car?

2 A No.

3 Q Okay. Do you remember talking to Clark Crump on March
4 1st of 2012?

5 A Yes.

6 Q Do you remember him showing you two single pictures,
7 big pictures of a couple of people?

8 A Yes.

9 Q Okay. Now, let me just point blank, do you see the
10 people in the courtroom -- do you see anybody in the courtroom
11 today who you recall as being among the people who borrowed your
12 car that night?

13 A Yes.

14 Q All right. Tell me who you see in the courtroom today
15 that borrowed your car on January 19th of 2012?

16 A I know him as Tate, by nickname.

17 Q All right. Where is he sitting in the courtroom?

18 A Besides lawyer Fritz.

19 Q And what's he wearing?

20 A Blue shirt.

21 Q Okay. Mr. Clinton raise your right hand. Is that
22 fella you are talking about that you know as Tate?

23 A Yes.

24 Q Okay. What are you saying to us today about the man in
25 the blue shirt over there? What are you saying to us today

1 about him?

2 A He is the with that approached me and asked me to
3 borrow my car.

4 Q Do you see anybody else in the courtroom that was
5 involved in the borrowing of your car on January 19th of 2012?

6 A No, sir, I can't say.

7 Q That's fine. Now how come -- did the picture that
8 Clark -- this picture, Court's exhibit number one, do you
9 remember seeing that before?

10 A Yes, sir.

11 Q And when did you see that?

12 A That was the second, when officer Crump showed it to
13 me.

14 Q All right. Looking at this picture back in March of
15 2012 does that have anything to do with your ability to point to
16 the man in the blue shirt today and say he's the man that
17 borrowed your car?

18 A No.

19 Q The man in the blue shirt that you call Tate?

20 A Right.

21 Q Is today the first time you've seen him?

22 A No.

23 Q When and where had you seen him before generally
24 speaking?

25 A Generalize, I've seen him several times a year,

1 approximately a year and a half before that.

2 Q Have you ever had any dealings with him?

3 A Directly -- not directly. Indirectly basically.

4 Q Do you know what his name was other than Tate?

5 A Just the street name.

6 Q Did you know a last name?

7 A No.

8 Q Did you know a real first name?

9 A No, sir.

10 Q All right. That's all. Answer anything Mr. Frick or
11 Miss Raney has.

12 THE COURT: Mr. Frick.

13 CROSS EXAMINATION

14 BY MR. FRICK:

15 Q Mr. Blackmon, was it Investigator Thomspen that showed
16 you the first line-up?

17 A Yes, sir.

18 Q When he showed you this one, that's Court's exhibit
19 two --

20 A Yes, sir.

21 Q -- you didn't pick anybody out?

22 A No, sir.

23 Q That was a couple of days after people started asking
24 you questions about this?

25 A I can't recall exactly what date, but what they showed

1 me was black and white as well.

2 Q Okay. Okay. So they didn't show you this?

3 A I didn't see the colored one. This is the first time I
4 seen the colored one.

5 Q Okay. All right, black and white is what you saw?

6 A Yeah.

7 Q The one that is Court's number one, is this the picture
8 that they showed you?

9 A That's the second time, yes.

10 Q I am sorry. When officer Crump came and talked to you
11 this is picture he showed you?

12 A Yes.

13 Q He showed you one other picture that day is that
14 correct?

15 A I am pretty sure it was more than one.

16 Q But didn't show you another photo line-up or anything
17 like that?

18 A No, sir. I can't recall that.

19 Q Didn't show you any other pictures other than those two
20 two?

21 A I just believe it was just those two. I am not sure.

22 Q Okay. You had been asking around trying to figure out
23 who borrowed your car as well, hadn't you?

24 A I was trying to figure who the driver was.

25 Q Right. Okay.

1 A Because he wasn't the driver.

2 Q He wasn't the driver?

3 A No.

4 Q Okay. When you say he wasn't the driver you are
5 talking about who you are calling Tate?

6 A Tate.

7 Q You didn't know then and I guess other than being here
8 today you don't know that his name is Devatee Clinton?

9 A Just recently I knew that. Realized that.

10 Q Okay. How many people borrowed your car in January of
11 that year?

12 A Probably that was the only one. It is not my habit of
13 lending my car out like that.

14 Q I mean on that particular day?

15 A Oh, none that day. None.

16 Q Well, hold on. How many people were there at one time
17 when they asked to borrow the car?

18 A Two.

19 Q Two people?

20 A Well, no. It was one when he asked and I told him I
21 wouldn't let him drive because I knew he didn't have a driver's
22 license so he went and got a friend.

23 Q Okay. Do you recall who that was?

24 A No, I didn't know him, just briefly by face. Didn't
25 know his name.

1 Q All right. Then what, Tate comes up?

2 A He comes back with the driver.

3 Q Okay. All right. For my purposes I got confused.

4 What you are saying Tate comes and asks you initially to drive
5 the car?

6 A Right.

7 Q And you don't let him drive it?

8 A Right.

9 Q And then he comes back with someone else?

10 A Right.

11 Q At that point you let him borrow the car?

12 A Right.

13 Q Okay. I got to ask this question. What time of day
14 was it when he borrows the car?

15 A A little after seven.

16 Q Seven o'clock in the evening?

17 A In the evening.

18 Q Okay. Had you consumed anything that could affect your
19 senses?

20 A I consumed a couple of beers.

21 Q Okay.

22 A And I was in for the night and the reason I knew it was
23 a little after seven because I had just went and picked
24 something to drink and hadn't even opened it yet.

25 Q Okay.

1 A So I wasn't planning on going nowhere.

2 Q But you still had had a couple of beers?

3 A A couple of beers. Yes.

4 Q Thank you, sir. That is all the questions I have.

5 THE COURT: Miss Raney.

6 MS. RANEY: Thank you, Your Honor. Well,

7 apparently I do need to ask some questions.

8 CROSS EXAMINATION

9 BY MS. RANEY:

10 Q Okay, Mr. Blackmon, do you remember when you first
11 initially called the police to tell them that your car wasn't
12 back or wasn't back when you thought it was suppose to be?

13 A Yes, ma'am.

14 Q And that was Lancaster City Police Department?

15 A Correct.

16 Q And that was on January 20, 2012?

17 A The following day.

18 Q And they came out and made a short report?

19 A Correct.

20 Q Did they give you a copy of that report?

21 A I can't recall if they did or not.

22 Q Do you remember if you have ever seen it?

23 A I can't recall.

24 Q Well, is it fair to say that back on January 20th when
25 you called the Lancaster City Police Department you reported to

1 them that you had let a friend borrow your car that you could
2 not identify?

3 A Correct.

4 Q Correct.

5 A Identification by name. I mean, didn't know the
6 specific name because they were asking me who was it.

7 Q I am going to go ahead and hand you the Lancaster City
8 Police Department, very brief report from January 20th of 2012.
9 That is not your handwriting at the top of that is it?

10 A No.

11 Q That would be we are assuming a police officers
12 handwriting, right?

13 A That's correct.

14 Q And is it fair to say that the report says complaint --
15 complainant states he let a friend he couldn't identify use his
16 car?

17 A Correct.

18 Q It doesn't give any specifics about whether or not you
19 had any physical description or knew his name or anything like
20 that, correct?

21 A That's correct. That is what the paper says.

22 Q And then was your next interaction with the police
23 about who had borrowed your white car not until January 23rd,
24 three days later?

25 A Correct, because they didn't -- the investigation or

1 something didn't even happen until the following Monday from
2 what I understand.

3 Q Right. So you talked to Lancaster City Police on
4 January 20th of 2012 and then you talked to the Lancaster County
5 Sheriff on January 23rd, right?

6 A Right.

7 Q I mean, if it's not right don't agree with me.

8 A Yeah, I also called the city when I found my car and I
9 had told them, you know, I found my car and I was going to bring
10 it home, but I felt like something wasn't right, you know.

11 Q Right.

12 A Before I moved my car, so I did.

13 Q And when you call the city police to let them know hey,
14 I found my car, did you give any further description or
15 information about --

16 A I didn't have none.

17 Q -- who had driven your car?

18 A I had none. My car was just abandoned.

19 Q Okay. And then we get to January 23, 2012, this is
20 Court's exhibit number four that I am handing you, did you give
21 this statement to the Lancaster County Police Department?

22 A Yes, I am familiar with this.

23 Q Okay. So you have seen that before?

24 A Yes.

25 Q And they didn't make you sign that statement, that was

1 your own choice to do so, correct?

2 A Correct.

3 Q And your own choice to talk to the police?

4 A Yes.

5 Q Okay. So back on January 23rd, this would have been
6 about four days after these gentleman borrowed your car, right?

7 A Why.

8 Q Okay. And when you talked to the police on January
9 23rd you said a boy came to the door asking to wanting to borrow
10 your car to go to store?

11 A Yes.

12 Q And he wanted you to drive them, right?

13 A Yes.

14 Q But you didn't want to drive him because you had been
15 drinking and didn't feel comfortable driving, correct?

16 A I didn't know if he wanted to borrow my car or did he
17 want me to drive. It's just the way that he, you know, I
18 insinuated that he wanted me to take him somewhere. That's the
19 way I took it.

20 Q Well, in your statement that you gave to the sheriff's
21 office on January 23rd, which you have in front of you. I am
22 not trying to trick you here, if you don't remember please feel
23 free to look at it. You told the officers I've been drinking so
24 I couldn't drive.

25 A Of course.

1 Q Okay. And then you tell the officers that you thought
2 that the man that borrowed your car was GeeGee's son?

3 A I found that out later. You know some days had passed
4 through before that statement was made.

5 Q Okay.

6 A The name -- the name came from someone else. I didn't
7 know the name. That's why I was trying to to find out who did I
8 give my key to.

9 Q So when you're saying time had passed you mean -- I am
10 asking -- you are saying time had passed from the time Miss
11 Jones had been killed until the time you talked to police?

12 A From the first statement was given until the second
13 statement. I think that's what you are asking.

14 Q Okay. Well the January, this is the first actual
15 written statement?

16 A This is the first one.

17 Q January 23rd?

18 A I didn't have no name then.

19 Q Okay. So did you tell the police on January 23rd you
20 thought it was Gee Gee's son that borrowed your car?

21 A That's a few days later after I went out and asked who
22 had, you know ---

23 Q Okay. So you went out and talked to people on the
24 street trying to be find out who borrowed your car?

25 A They came to me saying such and such has your car.

1 Q Okay. How many people did you talk to about that?

2 A I don't know.

3 Q How many do you think?

4 A Two or three.

5 Q Two or three?

6 A People just come to me and say, you know.

7 Q Okay. And then you wouldn't let this guy borrow your
8 car because he didn't have a license, right?

9 A Correct.

10 Q And so he comes back with another guy?

11 A Right, the driver.

12 Q Okay. How did you know the second guy had a driver's
13 license?

14 A Because he produced a driver's license. Did I take the
15 time to read the name and address and everything, no, but I did
16 see a South Carolina driver's license.

17 Q Okay. But you don't remember the name that was on it?

18 A No.

19 Q And per your January 23rd statement to the police it
20 was your understanding they were coming right back from the
21 store?

22 A Hour, hour and a half. You know, I figured a couple of
23 hours.

24 Q And when they came back from the store they were going
25 to bring you beer and cigarettes?

1 A Yeah, because I asked for a cigarette. He said I'm
2 out. They said I'll get you some and I'll bring you a beer as
3 well. I said fine.

4 Q I know you can see where I am going, but our poor court
5 reporter is trying to keep up with both of us. So if you could
6 wait even if you know where I am going, to wait until we finish
7 so she had a much easier time with both of us, Mr. Blackmon.
8 Thank you.

9 A All right.

10 Q Okay. And when you give the statement on January 23rd
11 you tell the officers two more guys get in the car too?

12 A Correct.

13 Q But you couldn't see their faces?

14 A Correct.

15 Q Because they had hoodies on?

16 A Correct.

17 Q And the gentleman that you did loan your car to was
18 about twenty-six to twenty-eight years old?

19 A Say that again please.

20 Q The gentleman you did loan your car to was about
21 twenty-six to twenty-eight years old?

22 A And I was referring to Tate.

23 Q In your January 23rd --

24 A And the guy to that drove, yes. Yes.

25 Q Okay. So, in your January 23rd statement when the

1 police asked you, describe the person you loan your car to and
2 you answer he is been twenty-six and twenty-eight you are
3 talking about Tate?

4 A I can't -- I initially think that is who I was
5 describing to because actually that is who I loaned my car to,
6 but I gave the keys to someone else, so that's one of those grey
7 areas.

8 Q Was the someone else the guy with the driver's license?

9 A Correct.

10 Q And the other description you gave of that same person
11 was he was between 5'6" and 6' tall so that is also Tate?

12 A That's both of them. About the same height.

13 Q Okay. And you say he was a slender build and had a
14 mustache?

15 A That would be Tate.

16 Q That would be Tate as well. And you have your January
17 23rd statement in front of you. Other than those descriptions I
18 just read off with you and your statement that two gentleman had
19 hoodies on and you couldn't see their face, is it fair to say
20 there is absolutely no other identifying information concerning
21 who took your car in that January 23rd statement.

22 A I couldn't see the other two faces.

23 Q Right.

24 A But I know like I say, all I know is who knocked on my
25 door and I know the guy, I similarly know the guy that I give

1 the key to. Them is the only two people I actually saw.

2 Q Okay. But it is fair to you say in the statement you
3 don't give any information about the gentlemen's race, the other
4 two with the hoodies?

5 A No.

6 Q How tall they are?

7 A No, I didn't. I mean they was black. It is not in the
8 statement.

9 Q But you knew they were black?

10 A Of course.

11 Q Could you tell any other identifying information?

12 A No.

13 Q Other then race?

14 A It was so briefly. They had pulled out the yard and
15 they hopped in the car.

16 Q Okay. And the police showed you those two line-ups on
17 January 23rd, you remember that?

18 A Right.

19 Q Mr. Frick went over that with you. And then do you
20 remember at some point calling Investigator Thomspen and telling
21 him after talking to people you found out it was Antwan Barnett
22 that drove your car?

23 A No.

24 Q You don't remember?

25 A Antwan -- I might have. I don't recall that. But like

1 I said it was after someone had told me and dropped some names.

2 Antwan -- it would be him sure.

3 Q Does that help refresh your memory at all?

4 A Yeah. Like I say I don't know about names.

5 Q Okay. But you did tell the police at some point that
6 you thought it was and Antwan Barnett that was driving your car?

7 A Right. Right.

8 Q And then the next time you talked to the police is not
9 until March 8th of 2012, correct?

10 A Correct.

11 Q And that's whenever they get a second statement from
12 you?

13 A Right.

14 THE COURT: What happened to March 1st?

15 Q I am sorry, March 1st. March 1st, I apologize. That
16 is the next time you gave a statement and that's the only other
17 statement you gave to the police, right?

18 A Right.

19 Q Okay. And that's the statement that Mr. Frick just
20 went over in detail with you about?

21 A Right.

22 Q Okay. I don't have any further questions, Your Honor?

23 THE COURT: Redirect.

24 MR. BARFIELD: Nothing.

25 THE COURT: Thank you. Mr. Frick, anything

1 further?

2 MR. FRICK: No, sir.

3 THE COURT: Thank you. Thank you Mr. Blackmon,
4 you may step down.

5 MR. BARFIELD: Mr. Blackmon needs to stay because
6 we got to do some of this in front of the jury.

7 THE COURT: All right. Anything further before we
8 bring in our jury?

9 MR. BARFIELD: No, sir.

10 THE COURT: Mr. Frick?

11 MR. FRICK: I suppose you are going to admit -- I
12 am just asking what your ruling is on the admission.
13 I object to the identification of Mr. Clinton.

14 THE COURT: I am not going to rule now.

15 MR. FRICK: Okay.

16 THE COURT: As I understand it he will call Doctor
17 Ross. Do you intend to offer Mr. Crump and Mr.
18 Blackmon this afternoon?

19 MR. BARFIELD: Yes, sir.

20 THE COURT: When this afternoon?

21 MR. BARFIELD: Well, I'll do it however you want
22 to have it done.

23 This is my plan so you'll know. It was Doctor
24 Ross then Mr. Blackmon and then my crime scene
25 investigators to do the scene processing and the car

1 processing and that's probably all I am planning on
2 doing this afternoon. I got SLED people coming in the
3 morning.

4 THE COURT: All right. Well, let's do Doctor Ross
5 and then I will give the jury a break after that and
6 you can argue this motion and then after that break we
7 will come back with whatever my decision is, whether
8 we come back with Mr. Crump or Mr. Blackmon. Of
9 course Mr. Blackmon will be able to testify to
10 something. No doubt about that.

11 Be that as it may, bring us our jury please
12 sheriff.

13 (WHEREUPON, the jury enters the courtroom.)

14 THE COURT: All right. Welcome back ladies and
15 gentleman of the jury panel. Hope you all had a
16 pleasant lunch. I apologize for the delay. It was
17 not caused by either of the parties. They were on
18 time. They were actually early. I had a matter to
19 take up. We are going to press on with the
20 presentation of the State's case in its case in chief.
21 Solicitor, you may call your next witness.

22 MR. BARFIELD: Call Doctor Ross.

23 THE COURT: All right, Doctor Ross, if you come
24 around and be sworn for us please.

25 JANICE ROSS, called as a witness, having been duly

1 sworn by The Clerk, was examined and testified as
2 follows:

3 DIRECT EXAMINATION

4 BY MR. BARFIELD:

5 A Tell us your name, ma'am.

6 A Janice Edwards Ross.

7 Q And Doctor Ross what do you do for a living?

8 A I am a forensic pathologist.

9 Q A licensed medical doctor?

10 A Yes.

11 Q How long have you been a medical doctor?

12 A For 35 years.

13 Q Where did you get your medical degree?

14 A Upstate medical center in Syracuse, New York.

15 Q And once you became a doctor what did you have to do to
16 become a forensic pathologist?

17 A Did training in the field of pathology which is
18 generally we learn how to do autopsies and how to look at tissue
19 and make diagnosis of cancers and that kind of thing and use the
20 laboratory in the hospital for diagnosis.

21 Then forensic pathology we use that knowledge on legal
22 matters which is what forensic means.. We learn how to identify
23 patterns of injury in our autopsies and do a forensic autopsy
24 see so that we might document cause of death and manner of
25 death.

1 Q Are you board certified in forensic pathology?

2 A Yes.

3 Q Have you have been for how long?

4 A Since 1985.

5 Q Okay. Have you performed autopsies before?

6 A Yes.

7 Q About how many autopsies have you performed?

8 A Over six thousand.

9 Q Have you been called upon to testify in the courts of
10 this state previously as an expert in forensic pathology?

11 A Yes.

12 Q About how man times?

13 A Over one hundred times.

14 MR. BARFIELD; Your Honor, at this time I would
15 offer Doctor Ross as an expert in forensic pathology.

16 THE COURT: Any objection?

17 MR. FRICK: No objection.

18 MS. RANEY: No objection.

19 THE COURT: All right. Mr. Foreman, ladies and
20 gentleman of the jury, normally a person can not give
21 opinion testimony. Normally when a person testifies
22 they must testify as to either what they saw, heard
23 sense by smell or something of that nature. However,
24 there is an exception when someone is qualified
25 because of education or experience in a certain art,

1 science or profession they are permitted to give their
2 opinions in certain areas if the Court qualifies them
3 outright.

4 This witness, Doctor Janice Ross will be qualified
5 in the area of forensic pathology to give opinion
6 testimony in that area. It does not mean that you
7 must accept the opinion or opinions, but it is
8 evidence for you, the jury, to use in any way you see
9 fit.

10 Thank you, solicitor. You may continue.

11 CONT'D DIRECT EXAMINATION

12 BY MR. BARFIELD:

13 Q Doctor Ross, I don't want to get into tons and tons of
14 detail, but what is an autopsy?

15 A An autopsy consists of reviewing the outside and inside
16 of the body to identify patterns of injury and tissue that was
17 injured and then identify what caused the death.

18 Q As do you normally get some history of possibly
19 concerning what happened to a person before you perform an
20 autopsy?

21 A Yes, we do autopsies for coroners at their request and
22 there authorization. They call us to schedule the autopsy and
23 to give us a history.

24 Q Did you in fact receive a body from the Lancaster
25 County coroner I believe on January 20, 2012, identified as

1 Jenika Jones for the purpose of autopsy?

2 A Yes.

3 Q And was that body properly identified to you as Jenika
4 Jones?

5 A Yes.

6 Q Mail or female?

7 A Female.

8 Q State age according to history you got?

9 A Twenty-three.

10 Q Okay. General characteristics of the build of the
11 body; normal person, petit person, large person?

12 A Average size.

13 Q And what was the history that you received from the
14 corner and/or law enforcement along with this body before you
15 began that autopsy process?

16 A This victim was found at home on the couch with a
17 gunshot wound of the head. Furthermore apparently her four-year
18 old child went next door and told --

19 Q Don't say anything that the child said at this point.

20 A Okay. She was found dead on the couch.

21 Q Okay. Did you do an external examination of the body?

22 A Yes.

23 Q We are going to talk about gunshot wound in a little
24 bit, but other than a gunshot wound, did you find any evidence
25 of any injury externally on the body?

1 A No, I did not.

2 Q We are going to talk about internal examination
3 unrelated to the gunshot wound for just a minute. Did you do
4 internal examination of the body?

5 A Yes.

6 Q Other than evidence of gunshot injury internally in the
7 body was there any evidence of any other injury internally to
8 Miss Jones?

9 A No, there was not.

10 Q Was there any evidence of any diseased process or other
11 medical condition that you in any way attributed to contributing
12 to the death of Miss Jones?

13 A No, there was not.

14 Q Apparently normal, healthy female other than a gunshot
15 wound?

16 A Yes.

17 Q Was there a gunshot wound on the body?

18 A Yes.

19 Q Where was the gunshot wound?

20 A It was right in front of the left ear on the left
21 cheek.

22 Q All right. Are you from time to time able to tell
23 jurors or others that you are talking to anything about distance
24 of muzzle of gun away from tissue that it hits?

25 A Yes. We talk about as far as range of wound contact

1 meaning the muzzle of the gun is against the skin versus
2 intermediate where there maybe what we call tatooing and
3 stippling. That's when a bullet comes out of the end of the gun
4 so does some burning powder and some regular powder and that
5 powder will make little marks on the skin. But the powder only
6 goes a certain distance. So if we do see evidence of powder on
7 the skin we call that an intermediate range. It means that the
8 gun was a few inches away from the skin. And then a distance
9 range would be beyond where the powder would be present. So it
10 would be several inches to yards.

11 Q And intermediate to distance is that all to some degree
12 dependant upon caliber of the firearm, load of the ammunition
13 and things like that?

14 A Yes.

15 Q Now, what kind of a gunshot wound was this to the left
16 side of Miss Jones's head?

17 A This was a contact wounds.

18 Q Tell the jury what a contact wound is and how you can
19 say it is a contact wound?

20 A Around the wound was actually an impression of the
21 barrel of the gun, a muzzle imprint we call it.

22 Q Did you examine the internal portion of Miss Jones's
23 head?

24 A Yes, we found the bullet went -- excuse me, from this
25 here (indicating) from the front of the ear it went backward

1 slightly upward and slightly toward the right, slightly toward
2 the middle of the skull and it was found inside the skull just
3 in the back just toward the right midline.

4 Q You did recover the bullet?

5 A Yes.

6 Q I will show you a couple of pictures. First I will
7 show you just one picture. State's exhibit number 15 and your
8 monitor I think if it cut on will allow you to ---

9 MR. BARFIELD: My apologies.

10 Q I will do it the old fashioned way. I am showing you
11 State's exhibit number 15 Doctor Ross. Take that in your hand
12 and take a look at for as long as you need to.

13 A This is a photograph of the x-ray we took in the morgue
14 of the descendant's head.

15 Q Is that a photograph -- well, I am going to tell you
16 that is probably a crime scene investigator from the sheriff's
17 office taking a picture of the screen on your wall?

18 A Correct.

19 Q Is that accurate picture the x-ray that you took of
20 Jenika Jones's head?

21 A Yes, and it would show from front to back basically.

22 Q Okay. Now let me hold it this way for just a minute.
23 Now there is a -- where my thumb is and they can't see it over
24 there, but where my thumb is there is very light shaded object.
25 What is that object?

1 A Yes, that is metal. That would be on her x-ray would
2 show metal. That is a bullet.

3 Q Of course you x-rayed before you went inside the head,
4 is the correct?

5 A Correct.

6 Q And what did that turn out to be once you got inside
7 Miss Jones's head?

8 A That is the bullet.

9 Q I will put on the reader now. I think we are good.
10 Can you see that on your screen?

11 A Yes, sir.

12 Q And you can -- the lighting is not good but can you
13 actually annotate with your finger I believe, where you are
14 talking about the bullet is? See if you can use your finger to
15 mark where the bullet is on that picture.

16 A Sorry.

17 Q It's not picking up. That's fine. I will hand you an
18 envelope, which is all sealed up. I will open it before I hand
19 it to you.

20 Did you recover what you described and showed from the
21 photograph of the bullet, did you recover that from Mrs. Jones's
22 head?

23 A Yes.

24 Q I will hand you a sealed up envelope and if can you
25 identify what is in that envelope?

1 A Yes, this is the bullet we got out of Miss Jones's
2 brain at the time of autopsy, its sealed in our container and
3 labeled.

4 Q And when you recovered that did you seal it up?

5 A Yes.

6 Q And when you sealed it up did you hand it off to
7 somebody?

8 A Yes.

9 Q Who did you hand it off to?

10 A Jeff Steel.

11 Q Jeff Steel. And do you for whom Jeff Steel was
12 employed?

13 A I think it is Lancaster City Police.

14 Q County?

15 A County, I am sorry.

16 Q From Lancaster County?

17 A Yes.

18 MR. BARFIELD: Your Honor, at this time I would
19 offer fired bullet, State's number 34 for
20 identification.

21 THE COURT: All right, State's 34 for ID only.

22 MR. BARFIELD: Let me ask this. Any objection to
23 me offering it as an exhibit?

24 MR. FRICK: I think it will come in, so I won't
25 object.

1 MS. RANEY: No objection.

2 THE COURT: State's 34 in evidence. Without
3 objection.

4 (State's Exhibit 34, bullet, received in evidence
5 as of this date.)

6 Q As part of the autopsy process do you also collect
7 sometimes tissue samples, but also fluid samples?

8 A Yes.

9 Q And did you collect blood samples from the body of
10 Jenika Jones?

11 A Yes, we did.

12 Q Now, I am going to show you another envelope that is
13 sealed up and ask if you can manipulate that however you need to
14 see if you can identify what the contents of that envelope.

15 A I am not sure what is inside it.

16 Q Let me see if I can giggle the bag a little. I don't
17 know if that helps or not, but does that help you identify the
18 contents of those envelopes?

19 A It looks like tubes of blood from the autopsy.

20 Q And did you collect those tubes of blood from Jenika
21 Jones's autopsy?

22 Q Yes.

23 Q And did you seal them up appropriately so they would be
24 secured and non-tamperable?

25 A Yes.

1 Q What did you do with the tubes of blood that you
2 collected from Miss Jones's body at the autopsy?

3 A All the evidence went with Mr. Steel, Investigator
4 Steel.

5 MR. BARFIELD: Your Honor, at this time I am
6 going. To offer the blood standard as State's number
7 35.

8 MR. FRICK: No objection.

9 MS. RANEY: No objection.

10 THE COURT: State's 35 is in evidence without
11 objection.

12 (State's Exhibit 35, blood sample, received in
13 evidence as of this date.)

14 Q Doctor Ross, did you determine a cause of death for
15 Jenika Jones based on the autopsy that you performed? First of
16 all what day did you perform the autopsy?

17 A January 20, 2012.

18 Q Did you determine based on that autopsy and all the
19 information that was available to you a cause of death?

20 A Yes.

21 Q What was the cause of death?

22 A A laceration of the brain due to the gunshot wound to
23 the head.

24 MR. BARFIELD: Thank you, ma'am. Answer anything
25 Mr. Frick or Miss Raney has.

1 Q Is that to reasonable degree of medical certainty your
2 determination of the cause of death?

3 A Yes.

4 Q Thank you.

5 THE COURT: Mr. Frick.

6 MR. FRICK: Thank you, Your Honor.

7 CROSS EXAMINATION

8 BY MR. FRICK:

9 Q Doctor Ross, you performed this autopsy over in
10 Newberry?

11 A Yes.

12 Q You didn't come over to Lancaster to the scene?

13 A No, I did not.

14 Q In this particular case are you able to ascertain a
15 time of death?

16 A No, sir.

17 Q Are you able to ascertain in this particular case where
18 anybody might have been standing or direction or what was going
19 on prior to a gun being placed to someone head?

20 A All I can say is the direction of the bullet which was
21 the bullets go straight, but as far as placement of the persons,
22 no.

23 MR. FRICK: Thank you. That is all the questions.

24 THE COURT: Miss Raney.

25 MS. RANEY: No questions, Your Honor.

1 THE COURT: All right. Redirect?

2 MR. BARFIELD: None. Ask that Doctor Ross be
3 excused.

4 MR. FRICK: No objection.

5 MS. RANEY: No objection.

6 THE COURT: Thank you, Doctor Ross for being with
7 this afternoon you may step down. You maybe excused.

8 THE COURT: All right, do you have a matter to
9 take up before your next witness solicitor, Mr. Frick.
10 Ms. Raney?

11 MR. BARFIELD: Yes.

12 THE COURT: Mr. Foreman and ladies and gentleman,
13 if you all step out please momentarily. Do not
14 discuss the case during this brief recess. Thank you.

15 (Jury leaves the courtroom.)

16 THE COURT: All right. I think it was Miss
17 Raney's motion. I am not sure.

18 MR. FRICK: I will let her begin. That is fine
19 with me.

20 MS. RANEY: May it please the court, Your Honor.
21 With respect to the pretrial identification of my
22 client, Mr. Green, obviously the defense is going to
23 put forth that a single photo ID of my client whether
24 it is no exigent circumstance which is often present
25 in the show up ID soon after incident it's unduly and

1 highly suggestive made even more complicated and more
2 prejudicial here because we don't even have a copy of
3 the photo and the police can't produce a copy of the
4 photo that was allegedly shown to Mr. Blackmon. So
5 obviously I have concern without being able to see it
6 about was there anything suggestive in the nature of
7 the photo of itself beyond the fact that it was just a
8 single photo.

9 Did Your Honor want me to go on to step number two?

10 THE COURT: I will leave that up to you.

11 MS. RANEY: Okay. If Your Honor would find that
12 it wasn't unduly suggestive I would go to the second
13 step of Biggers analysis and there are several things
14 I would like to point out to the Court. I know the
15 Court is to consider opportunity of witness, which
16 would be Mr. Blackmon, to view my client at the time
17 of the incident.

18 Mr. Blackmon testified here today this was seven
19 o'clock at night. He did admit he had been drinking.
20 I also point out at seven o'clock in night in January
21 outside when it would already be dark out. With
22 respect to Mr. Blackmon's degree of attention, Your
23 Honor, he is not obviously the victim in this case and
24 case law is pretty clear that the victim is expected
25 or assumed rightfully so to have heighten degree of

1 attention of what is going on because they are going
2 through a very traumatic event. Whereas Mr. Blackmon
3 has testified today he loans his car out quite
4 frequently. There wasn't anything more special about
5 this particular event or more unique about this event
6 to cause him to pay a higher degree of attention to
7 what was going on at that time. And he admits that at
8 the time that he was loaning the car out he really
9 only saw the person that he was interacting with who
10 asked to borrow the car who then brought someone else
11 around who had a driver's license. He never even saw
12 the other two individual with the hoodies on, Your
13 Honor, not even so much as the side profile of their
14 face.

15 I would say his lack of attention is also
16 demonstrated by the weak description he gives the
17 officer much closer to time of the event of January
18 23rd when all he can do is give a description of the
19 guy who first came to the door and he was between 26
20 and 28, between 5'10" to 6', had slender build and had
21 a mustache. There is no description whatsoever given
22 of my client with respect to race, approximate age,
23 heavy, skinny, how he wore his hair did he have any
24 identifying marks like tatooes, eye color, hair color,
25 nothing whatsoever which of course all that also feeds

1 in to Mr. Blackmon's lack of accuracy of the witness's
2 description with respect to Mr. Green.

3 Your Honor, we also point out that Mr. Blackmon
4 testified here today that he talked to several people,
5 at least two or three people, trying to figure out who
6 he loaned his car to, who he could have given his car
7 to. We don't have real specific information about who
8 those people were that he talked to, but clearly when
9 he is starting to guess and doing things like
10 suggesting oh, it was Antwan Barnett, it's is not
11 coming from personal knowledge. This is rumor mill at
12 this point.

13 Lastly, Your Honor, I would just sum up that he
14 admits, Mr. Blackmon admitted here on the stand today
15 in his cross examination with Mr. Frick and also
16 through the testimony of Mr. Officer Crump that was
17 elicited when he was finally shown what we would argue
18 an unduly suggestive single photo ID of my client even
19 then with that being in placed in front of him he was
20 only able to say he was about seventy percent sure.
21 So we would argue that is not a reliable degree of
22 certainty. And finally, this was now on March 1st of
23 2012, six weeks or so had passed since his chance to
24 first observe the people in the car or who borrowed
25 the car. So for all those reasons we ask that you

1 suppress the pretrial ID of Mr. Green.

2 THE COURT: Thank you. Thank you Miss Raney. Mr.
3 Frick.

4 MR. FRICK: Your Honor, of course my case is a
5 little bit different. They do have the photo that is
6 produced. I would point out however there was an
7 initial lack of identification a couple of days after
8 the incident. Even until this day, Mr. Blackmon is
9 not aware outside of being present in Court hearings
10 or being present at this hearing the name of my
11 client. He just knows his street name. Was not able
12 to identify him back in January of 2012. He himself
13 says that there are many other intervening folks..
14 People are telling him many things on the street. He
15 is then shown a one picture line-up which I state is
16 unduly suggestive. Clearly law enforcement could have
17 shown him an additional line-up and it was
18 Investigator Crump's testimony they didn't want to do
19 that because they wanted to cut to the chase. That
20 re-enforces the suggestive nature of it.

21 I think that in and of itself that is unduly
22 suggestive and fails the Biggers test and I would ask
23 you to not allow the identification.

24 THE COURT: Thank you Mr. Frick. Solicitor.

25 MR. BARFIELD: Your Honor, as to Green this is

1 really one of those pieces of evidence that I don't
2 know if it helps me or hurts me. I think it is almost
3 a non issue. I think of course he is not going to
4 identify him in the courtroom because he couldn't
5 earlier and if he does in a little bit then I got a
6 problem.. I don't anticipate he is going to identify
7 Mr. Green in this courtroom.

8 What I have is an offer of evidence from Clark
9 Crump that he showed him a picture of Green and he
10 said I'm about seventy percent sure that is one of the
11 guys that had my car. I think that goes to the
12 weight, not the admissibility of the evidence. That's
13 really all I got to argue about Green.

14 I think he had clearly an opportunity to observe
15 him. He was concerned about the first guy not having
16 a driver's license so he inquired about the second and
17 the second produced a driver's license so he is paying
18 enough attention to know that the person he is dealing
19 with has some credentials on him that is not going to
20 get him in trouble with driving a car. He said it was
21 seven o'clock. He said they came to a face to face
22 confrontation apparently about the borrowing of this
23 car. He said he actually handed the keys to the
24 second guy who we I guess alleged is Green. I think
25 there was plenty of opportunity to observe enough to

1 make I think seventy percent sure identification. I
2 think that goes to the weight, not admissibility.

3 As to Clinton, of course we didn't know until Mr.
4 Blackmon got on the stand today whether he was going
5 to identify him in the courtroom or not. He testified
6 about the courtroom identification that a single photo
7 showed to him in March 1 2012 did not affect or impact
8 his ability to pick out Mr. Clinton in the courtroom
9 today. The thing you have to remember about Blackmon
10 and Clinton is, it is not that Clinton was somebody
11 Blackmon had never seen before who just walked up to
12 the door and borrowed his car. And now it's a
13 question of this mystery man we got to identify.
14 There was never any question on Blackmon's part that
15 he knew who he was thinking about. He had had
16 dealings with Clinton. He had seen him before. He
17 had taken him somewhere before, I think he said. So
18 it is not a stranger it is just someone he couldn't
19 put a name with and it took a lot of effort on his
20 part and on law enforcement's part for them to be able
21 to determine that it was in fact Devante Clinton. I
22 don't think there is anything -- a single photo
23 clearly is more suggestive than a six-person array,
24 but it is not like again we are trying to get Pomp
25 Blackmon to identify somebody that he had no dealings

1 with in the past. It is just somebody whose name he
2 couldn't remember.

3 I think today on the witness stand his
4 identification was given with much assurance. There
5 was know hesitation on his part at all and even
6 today's identification if we are looking at it in
7 relation to a photograph shown to him by Clark Crump
8 that has been two years. So I would further argue
9 that is no reason that today's he is able to point to
10 Devantee Clinton because of something he saw two years
11 ago.

12 I think it is admissible.

13 THE COURT: All right. Thank you.

14 Let me make sure I am tracking. On the 20th of
15 January of '12, Mr. Blackmon reports that his vehicle
16 that had been borrowed the night before had not been
17 returned and that had been reported to the Lancaster
18 Police Department.

19 MR. BARFIELD: Yes.

20 THE COURT: Correct?

21 MR. BARFIELD: Correct.

22 THE COURT: Would you hand me, solicitor, the
23 Court's exhibits. I think all the Court's exhibits
24 focus on this issue.

25 (WHEREUPON, the exhibits were handed to the

1 Court).

2 THE COURT: Solicitor, do you have -- are you aware
3 or as officers of the Court, Miss Rainey or Mr. Frick
4 have a case besides Tisdale (phonetics) on a one
5 photograph show-up, so to speak, about 40 days after
6 the event occurs by government agents.

7 MR. BARFIELD: I am not aware.

8 THE COURT: That is not suggestive, or it is or is
9 not. Either way. The ones I see are either non-
10 government agents like you see it on the news, in the
11 newspaper, such like that. You know one eye-witness
12 sees a picture after the news media release, after the
13 police release it to the news media and they see it
14 and since it is not a government involvement. Here
15 you have no pretrial identification even shown of Mr.
16 Green on whatever date the 23rd of January and you
17 have two non-identifications by six photograph lineups
18 on Mr. Clinton on the 23rd, correct.

19 MR. BARFIELD: Correct.

20 THE COURT: And then from January the 23rd until
21 March the 1st there is no contact that I am aware of
22 between law enforcement and Mr. Blackmon and then he
23 is shown Court's exhibit number 1.

24 MR. BARFIELD: Yes.

25 THE COURT: Are you aware of any, Mr. Frick or Miss

1 rainey?

2 MR. FRICK: Any additional case?

3 THE COURT: Yes, sir. I have looked at Tisdale.
4 I looked at Liberman.

5 MR. FRICK: Yes, sir. The only case that springs
6 to mind and I don't know that it was dealing with
7 particularly the one photo, that I was thinking of and
8 I apologize, I can't remember the name of the case.
9 The identification by the person who only saw the
10 person at bond's hearings. I think it was a Columbia
11 case. And that was ruled to be overly suggestive
12 because the only time he would have seen him was in
13 court settings. Obviously you probably say that would
14 be government contact.

15 My statement is that Mr. Blackmon is out on the
16 street getting word from the street so he is
17 influenced from that. I am not saying it is or isn't
18 government contact, but I don't have any evidence that
19 it is. But any other cases, no sir, I do not have
20 any.

21 MS. RANEY: I was not able to find any single
22 photo cases involving government, much less that we
23 now can't find the photo that was shown.

24 THE COURT: All right. Well, as to Mr. Green and
25 the analysis, both suggestiveness and the liability,

1 quite frankly I thought Mr. Blackmon was able to
2 reasonably respond to the questions involving the
3 attorneys. He's agreed to drinking two beers, that's
4 it. That's is two beers. He says, well, I didn't
5 want to drive because I'd been drinking. Good for
6 him. He's a good citizen in that regard. He gives a
7 general description. He explains the fact that he
8 didn't know the person's name. I think he must have
9 had a pretty high degree of attention because he would
10 know that the person that came to the door asking for
11 the car didn't have a driver's license. So he knew
12 that person well enough to know he didn't have a
13 driver's license and then required that person to go
14 get another individual that came back and showed him a
15 driver's license. To loan out his car I take it it
16 was like a contract. There was an offer and
17 acceptance. Consideration was the beer and
18 cigarettes. I kind of take it is that way that flows.
19 I took his testimony to be that I was trying to find
20 the name of the person driving the car, from his
21 testimony in Court. That I knew Tate, but I didn't
22 know his real name, or I was trying to find out Tate's
23 real name and then somebody came up, well, that's and
24 Antwan -- the "B" word. I can't remember his name.

25 MR. BARFIELD: Barnett.

1 THE COURT: Barnett. However, he is shown two
2 photographic line-ups. He doesn't explain why he
3 can't pick out Mr. Clinton on the 23rd of January in
4 both photographs. I will say Court's exhibit number
5 two, there is a different camera angle. There is a
6 different style to both Mr. Clinton's hair and
7 mustache in Court's exhibit number two as opposed to
8 Court's exhibit number three. And Court's exhibit
9 number one, the large photograph, quite frankly are
10 very similar to me. Court's exhibit number three
11 seems to be a little more spread out, but even if you
12 look at the background you will see the grey area that
13 starts right there and the lighting of the white
14 background you see the same thing right there. So it
15 looks like quite frankly to me, three is somewhat of a
16 smaller version of one. Of course I could be wrong.
17 I just make that observation.

18 This is is not by way of criticism if you have an
19 eye-witness that you think is important to part of the
20 case, that is important circumstantial evidence that
21 the Cadillac was used in the commission of a crime I
22 don't know why you don't have a forensic sketch of
23 that individual or individuals at the minimum. I
24 think a month and a half later, give or take, showing
25 one photograph line-up -- one photograph -- not a

1 line-up, is unduly suggestive and therefore the in
2 court identification of Mr. Clinton and Mr. Green by
3 Mr. Blackmon is not admissible in the State's case in
4 chief.

5 MR. BARFIELD: How about testimony about the
6 seventy percent identification during the photos
7 presentation when Clark Crump was interviewing him.

8 THE COURT: I don't think that is admissible even
9 though there are two -- even though there was no
10 photographic line-ups of Mr. Green shown, I think just
11 showing one photograph a large size is unduly
12 suggestive with that passage of time.

13 MR. BARFIELD: Yes, sir.

14 THE COURT: You know, to flip that, thirty percent
15 might be reasonable doubt.

16 MR. BARFIELD: That's right.

17 THE COURT: You know when you think about that, if
18 thirty percent of the jury thought it wasn't Mr.
19 Green, well then you know where the jury is headed.

20 Now of course Mr. Blackmon can testify.

21 MR. BARFIELD: I will have to speak to him
22 briefly.

23 THE COURT: Yes, sir, I understand. Like I say
24 again I am referring to the State's case in chief I am
25 not going to allow a question, well, you can't

1 identify so and so, and so and so be asked, because
2 that will be perpetuating fraud on the jury. I am not
3 saying Mr. Frick or Miss Raney would ask those type of
4 questions, but you can't wade out in there on the flip
5 side of that coin either. All right.

6 MR. BARFIELD: Yes, sir.

7 THE COURT: Take about ten minutes. Court will be
8 in recess ten minutes.

9 (WHEREUPON, there was a brief recess.)

10 THE COURT: Solicitor, do you want to step up a
11 minute.

12 THE COURT: Yes.

13 (Whereupon, there was an off the record
14 discussion.)

15 THE COURT: All right. Anything further before we
16 bring in the jury.

17 MR. BARFIELD: No, sir.

18 (Jury enters the courtroom.)

19 THE COURT: All right. Welcome back ladies and
20 gentleman of the jury panel. Continuing the trial of
21 the case by the presentation of the evidence and
22 testimony by the State in its case in chief. If you
23 would please continue to give the parties your
24 complete and undivided attention. Solicitor.

25 MR. BARFIELD: Call Pomp Blackmon.

1 THE COURT: All right. If you come around please
2 and be sworn Mr. Blackmon.

3 POMP BLACKMON, called as a witness, having been
4 duly sworn by the clerk, was examined and testified as
5 follows:

6 DIRECT EXAMINATION

7 BY MR. BARFIELD:

8 Q Tell us your name please, sir.

9 A Pomp Blackmon.

10 Q Mr. Blackmon, do you live here in Lancaster County?

11 A Yes.

12 Q Do you live in the City of Lancaster?

13 A Yes, sir.

14 Q How long have you lived in Lancaster?

15 A All my life, fifty years.

16 Q And what is your current address -- well, I don't need
17 your address. That is fine.

18 Were you living in Lancaster at your current address
19 back on January 19th of 2012?

20 A Yes.

21 Q Did you own an automobile back then?

22 A Yes, sir.

23 Q What kind of car was it?

24 A Cadillac Seville, 1991.

25 Q And how would you describe -- well, what color was it?

1 A Eggshell white.

2 Q What kind of top did it have on?

3 A A rag top.

4 Q Now, when somebody says rag top to me I am thinking

5 convertible, was your car actually a convertible?

6 A No, it looked like a convertible.

7 Q I will show you some pictures and that screen should

8 let you look at them. I am showing you State's exhibit number

9 16. Can you tell us what that is?

10 A That's my car.

11 Q Front view?

12 A Yes.

13 Q State's number 17, what is that?

14 A That's my car, rear view.

15 Q State's number 18, what is that?

16 A That's my car, side view.

17 Q Now, when you say that is my car is that still your

18 car?

19 A No, it's not.

20 Q We will come back and talk about that in just a little

21 bit. Again, well, I do want the address now. What address were

22 you at? What was your home address on January 19, 2012?

23 A 202 South Hughes.

24 Q And who else lives there?

25 A My mother.

1 Q All right.

2 THE COURT: What was the name of the street?

3 MR. BARFIELD: South Hughes, H-u-g-h-e-s.

4 Q Is that the location where these photographs that I
5 just put up, 16 through 18, is that where your car was
6 photographed?

7 A Yes, sir.

8 Q Were you home the evening of 1-19 of 2012?

9 A Yes, sir.

10 Q Did anybody come to your house?

11 A Yes, sir.

12 Q How many people -- well, first of all, what were you
13 doing?

14 A Laying across the bed watching TV..

15 Q And about what time was it?

16 A A little after seven.

17 Q In evening?

18 A In the evening.

19 Q Was it day light or dark?

20 A It was dark.

21 Q And how do you know someone had come to your house?

22 A Because they rung the doorbell.

23 Q And what doorbell was getting rung; front door, side
24 door, back door?

25 A Back door.

1 Q Okay. Is it the main door that people go in and out?

2 A Correct.

3 Q Did you go to the door?

4 A Yes.

5 Q Was there somebody at your door?

6 A Yes.

7 Q Describe the person that was at your door clothing
8 wise?

9 A About 5'8", had on like a jump suit. You know, the
10 freezer jumpsuit, whatever. One piece jump suit.

11 Q Do you remember what color the was?

12 A Blue, blueish black. It was dark.

13 Q Did that person make a request?

14 A Yes.

15 Q And what was the request?

16 A The way I took the request either take them -- drop
17 them off somewhere. Take them to the store or could they use my
18 car.

19 Q How many people were at your door when you answered the
20 door? When you first went to the door how many people were at
21 the door?

22 A There was only one.

23 Q And is this the person in the blue or dark jumpsuit?

24 A Correct.

25 Q Was it usually for somebody to knock on your door and

1 ask for a ride or the use of your car?

2 A It wasn't usually for somebody request for a ride, but
3 to use my car, yes.

4 Q Did you let -- did you agree to give the person a ride?

5 A No. I didn't.

6 Q Why?

7 A Because I had been drinking.

8 Q How much had you been drinking?

9 A I had probably a couple of beers at that time.

10 Q Were you drunk?

11 A No, sir.

12 Q Were you unable to talk and communicate with people?

13 A Of course.

14 Q Were you unable to talk?

15 A I was able to talk, yes.

16 Q So what did you do?

17 A I knew the person that requested the car didn't have a
18 driver's license so I am like, no, you don't have a driver's
19 license. And he said well, my cousin does. So he went right
20 around the block and his cousin came up and produced a driver's
21 license.

22 Q Did somebody come back to your door?

23 A They come right back.

24 Q When you are having this conversation are you in the
25 house, outside the house, in the driveway, standing in the

1 doorway?

2 A I am up under the carport there.

3 Q So, when somebody came back how many people came back?

4 A Just two.

5 Q All right. Did you let your car get away from you that
6 evening?

7 A Yes, I did.

8 Q And how did you do that?

9 A Well, upon seeing the driver's license and knowing the
10 guy that knocked on my door from previous --

11 Q Don't get into all that. What did you do? How did you
12 let them go in your car?

13 A I let him use the key. I hand the key to the driver.

14 Q Which was second person?

15 A Which was the second person.

16 Q Did they leave?

17 A Yes, they did.

18 Q Do you remember anything about the second person? What
19 he was wearing or anything?

20 A Nah, other than the jacket he had on.

21 Q What kind of jacket?

22 A It looked like one of those motorcycle jackets,
23 basically, but it had emblems on it like a racing jacket.

24 Q Did the two people get in your car and drive off?

25 A Yes, they did.

1 Q Did you see any other people in connection with your
2 car any time after that?

3 A Yes, I did.

4 Q What happened when the car pulled out or backed out or
5 however it got out?

6 A When the car pulled out my driveway approximately from
7 here to that wall there was a stop sign and two other people got
8 in the back seat.

9 Q Could you see -- of course this is seven o'clock at
10 night. Was it daylight or dark?

11 A It was dark.

12 Q Could you see any features about the other two people
13 who got in your car at the corner of the stop sign?

14 A Not really. They had hoodies on, you know.

15 Q Both of them did?

16 A Yeah, both of them that got in the back seat.

17 Q You don't know who they were?

18 A I couldn't tell you who it was.

19 Q Did your car go from that point?

20 A Oh, yes.

21 Q Did you go anywhere that night, the night of January
22 19th of 2012? Did you leave your house that night?

23 A No, sir. I went on in the house, finished watching a
24 program I was watching.

25 Q When did you expect your car to end up back under your

1 carport?

2 A Well, he said approximately an hour, hour and a half,
3 two hours at the most.

4 Q Did your car show back up that night?

5 A No, it didn't.

6 Q Okay. Did you find your car some time after that
7 night?

8 A Yes, I did.

9 Q How did you find your car? Were you out looking for it
10 or did somebody contact you about it? Don't tell what anybody
11 said.

12 A I was out looking for it.

13 Q And how were you looking for it? Did you have
14 something else to drive?

15 A No, I was on foot.

16 Q Okay.

17 A Going around different places.

18 Q Did you -- well, let me back up. Do you recall whether
19 the 19th of of January of 2012 was a Thursday? If you don't
20 that is fine I am just asking if you remember.

21 A I can't recall.

22 Q Well, the next day after your car got gone did you find
23 it that day?

24 A I found it the next day.

25 Q Where did you find your car the next day?

- 1 A In the packing lot of Piggly Wiggly.
- 2 Q Piggly Wiggly where?
- 3 A South 200 by the Airport cross roads.
- 4 Q Do you know where Roseanna Lane is?
- 5 A No, I don't.
- 6 Q That's fine. And where was your car -- well, first of
- 7 all, the next day what time of day was it when you found your
- 8 car?
- 9 A Around five or six o'clock. I recall it was getting
- 10 dark.
- 11 Q In the evening?
- 12 A In the evening.
- 13 Q And where at the Piggly Wiggly was your car?
- 14 A In the parking lot.
- 15 Q Where in the packing lot, that is a dumb question. Was
- 16 the store open?
- 17 A Yes, the store was open. It was like the front part in
- 18 the front of the store's parking lot.
- 19 Q Lick somebody was there shopping in your car?
- 20 A Yeah, they could have.
- 21 Q Was it parked where shoppers would have parked?
- 22 A Yes.
- 23 Q Were you able to take your car away that Friday
- 24 evening?
- 25 A No, I wasn't.

1 Q Why not?

2 A Because it had a flat tire.

3 Q Was there any other reason you couldn't get away from
4 there with it?

5 A The key was not in the ignition nor was it in the car.

6 Q Did you have another car key for car?

7 A Yeah, but it was at home.

8 Q Did you take your car that Friday evening?

9 A No, I didn't.

10 Q Do you remember which tire was flat?

11 A I believe it was the front driver's side.

12 Q All right. Completely flat or just a little bit?

13 A It was completely flat.

14 Q Was it flat when you let it get away from you the
15 evening before?

16 A No, it wasn't.

17 Q Did you get your car back?

18 A Yes, I did.

19 Q When did you get your car back?

20 A The next day.

21 Q Which would have been what day of the week if you
22 recall? If you don't that's fine.

23 A I believe it was Saturday.

24 Q How did you go about getting your car back?

25 A When I found my car, which I already put in the report.

1 I called the officer and let him know that look, I found my car.
2 I asked the manager could I leave it there overnight because it
3 was getting dark and I didn't have my tools to fix the tire.

4 Q So you are talking about Friday is when this
5 conversation is going on?

6 A Yeah, that Friday.

7 Q The night you found it?

8 A Right. The night I found it and he said it will be
9 fine, because I didn't want it get towed. The next day I went
10 and got it.

11 Q So let me back up a just a minute. You say Friday when
12 you found your car you called an officer?

13 A Because I had reported it.

14 Q Let's go back. When your car got missing or didn't get
15 brought back, did you report that?

16 A I called it first thing that morning.

17 Q And was your house in the city or out in the county?

18 A My house is in the city.

19 Q So when you were talking to law enforcement about your
20 car being missing on the night it didn't come back and then
21 being found on the day you found it, what agency were you
22 talking to?

23 A The city.

24 Q Not county sheriff's office?

25 A No.

1 Q All right. Now Saturday did you get your car?

2 A Yes.

3 Q How did you get your car road worthy?

4 A I can of fix-a-flat. Pumped it up until I got to the
5 service station. It was out of gas. Had to put gas in it and I
6 retrieved my spare key.

7 Q All right. Where did you go when you got all that
8 taken care of? Did you take the car home?

9 A Took it home.

10 Q Did you notice anything else about the condition of the
11 car any point from when you found it at the Piggly Wiggly
12 parking lot until some time later?

13 A Yes, when I found it at the Piggly Wiggly parking lot
14 after I called officers I just told them I felt something
15 suspicious. As I went through my car, you know --

16 Q Let's talk about the outside the car?

17 A The outside, nothing other than the tire and red mud.

18 Q Was there any damage to the car?

19 A No, not at that time. I didn't notice.

20 Q I will show you State's exhibit number 21. Do you know
21 what that is, you might not?

22 A I don't know. The first time I seen it.

23 Q Let me show you a series of photographs. Show you
24 State's exhibit number 19. Generally speak what is that a
25 picture of; is that your car?

1 A That is my car, yes.

2 Q And what part of the car?

3 A The rear tire, trunk area.

4 Q All right. Let me show you State's exhibit number 20.

5 What is that a picture of?

6 A It look like the rear fender, top upper rear fender.

7 Q And now I will show you State's exhibit number 21.

8 What is that a picture of?

9 A It seems -- okay, the molding come off.

10 Q What is that a picture of?

11 A That is the rear -- the top of the rear fender over the
12 door edge like where it close at.

13 Q Okay. On which side of the car?

14 A That would be on the passenger side, I believe.

15 Q Okay. And is there something unusual about that
16 picture. Is there something wrong with your car in that
17 picture?

18 A Yeah, the molding is missing. Something missing there.

19 Q All right. I will show you another picture, I will
20 show you this picture hand-to-hand first. I am showing you
21 State's exhibit number 22. Can you tell me what that is?

22 A That the molding that came off.

23 Q Can you tell which side of the car that picture is? It
24 is confusing to me to.

25 A I can't really tell.

1 Q That's fine. I will now show you State's number 22 on
2 the document reader. What is that picture of?

3 A It looks like the molding is back on.

4 Q Circle the piece of molding that you are talking about
5 with your finger?

6 A Is that all of it or just a part of it.

7 A Well -- I would imagine that is one piece. I would
8 imagine it is.

9 Q That is fine. Now the question is this, I am showing
10 you again State's exhibit number 21, where you described where
11 the molding missing. Was it like that when your car got gone
12 from you on the night of January 19th?

13 A No.

14 Q Was it like that when you got it back from the Piggly
15 Wiggly parking lot?

16 A Yes.

17 Q Do you personally know what happened to that piece of
18 molding that was missing on your car?

19 A No.

20 Q Did you drive your car at any time between it getting
21 loaned out and you finding it at Piggly Wiggly packing lot and
22 recovering it the next day?

23 A No.

24 Q I will show you what is in a bag. Can you tell us what
25 that is?

1 A That's the piece of molding.

2 Q Talk loud.

3 A That is the piece of molding.

4 Q Off what?

5 A Off the rear fender of the -- I believe it is the
6 passenger side of the car.

7 Q Of whose car?

8 A Of my car.

9 MR. BARFIELD: I would offer this bag with a
10 piece of molding as the next State's exhibit for
11 identification, if that is necessary.

12 MR. FRICK: Can we do it as ID right now. I would
13 like more foundation.

14 MR. BARFIELD: That's fine.

15 THE COURT: State's exhibit 36 for ID only.

16 (State's Exhibit 36, car molding, marked for
17 identification only as of this date.)

18 Q Flat tire, no key, piece of molding missing. Anything
19 else out of the ordinary about your car when you got it back
20 Saturday?

21 A Yes, I found a jumpsuit liked stuffed in the back under
22 my back seat.

23 Q Stop right there. I am going to show you a big wad of
24 paper with stuff in it. Look at that. Look at that closer if
25 you need to. Can I identify what that is?

1 A It's a jumpsuit.

2 Q And can you identify what jump that is? Let me ask the
3 question this way. This thing right here in this paper, have
4 you ever seen this before after I popped it up here?

5 A I pulled it out of my back seat.

6 Q That's my next question.

7 A Yes.

8 Q Where in your back seat was this item?

9 A Behind the passenger seat on the floor board.

10 Q Okay. Was it in there when your car got gone Thursday
11 day night?

12 A No.

13 Q Is it your jumpsuit?

14 A No.

15 MR. BARFIELD: Your Honor, I guess I need to move
16 that it be introduced for ID and put a sticker on it
17 since we started talking about the jumpsuit.

18 THE COURT: All right, 37. Any objection?

19 MR. FRICK: For ID Your Honor, no, sir.

20 THE COURT: State's 37, ID only.

21 (State's Exhibit 37, jumpsuit, marked for
22 identification as of this date.)

23 Miss Raney, please do not think I'm overlooking
24 you. I take it if objects for ID only that suits you also.

25 MS. RANEY: Absolutely, Your Honor. Thank you.

1 MR. BARFIELD: I am going to put the sticker on the
2 box instead of trying to put it on a piece of freezer
3 paper if that is okay.

4 Q Did your -- other than talking to the Lancaster Police
5 Department when your car got missing and talking to the
6 Lancaster Police Department when your car got found, did you
7 talk to the police about your car at some time after all of
8 that?

9 A Say that again, I got lost.

10 Q That was a bad question. I lost you.

11 Did you ever talk to the police about the events
12 surrounding your car as you described here to us? Did the
13 police come see you about your car?

14 A After I reported everything Monday morning an officer
15 came out and questioned me.

16 Q All right do you remember who it was that came out?

17 A Frederick Thomspon. Fred.

18 Q Kind of short?

19 A Yes.

20 Q With the sheriff's office?

21 A Yes.

22 Q And did you give him the coveralls? What happened with
23 the coveralls when Fred Thompson came out?

24 A I told him after I retrieved my car that I felt
25 something was funny and I pulled out coveralls and a Tyson ID

1 card.

2 Q Okay. Somebody's work ID?

3 A It was someone's work ID.

4 Q Had that been in your car when you got it loaned out?

5 A No, sir.

6 Q Do you know who, other than the name, do you know who
7 the person is whose ID it was?

8 A I did after the fact, right then I couldn't.

9 Q That's fine. Let me back up. State's exhibit number
10 37 for ID is the jumpsuit. The jumpsuit that I showed you a
11 minuter ago, before you found it in the back seat of your car
12 had you ever seen it before?

13 A I can't say.

14 Q The guy that came to your door you described him
15 wearing something?

16 A Right.

17 Q Could you say that was the jumpsuit that the guy was
18 wearing?

19 A I couldn't say.

20 Q Was it the same type article of clothing?

21 A Yeah, type. Same type, yes.

22 MR. BARFIELD: Beg the Court's indulgence for a
23 moment. Give me just a minute please, Your Honor.

24 THE COURT: Yes, certainly.

25 Q Were you suppose to be getting anything out of letting

1 these people use your car?

2 A Cigarettes and a beer. That's it.

3 Q Okay.

4 A Other than gas they were going to replace.

5 Q Exterior of your car, what kind of shape was it in? We
6 talked about molding, we talked about a flat tire, was it
7 different when you got it back in any way other than when it got
8 gone?

9 A Other than a little trash, you know. They had been
10 smoking in the car and missing the ashtray and what not.

11 Q How about the outside of the car?

12 A The outside other than red mud I didn't notice the
13 molding right off until later on.

14 Q Do you have any idea where the mud came from?

15 A No, I don't. I know it wasn't there when it left.

16 Q What did you do with the car? Was the car still yours?
17 I think in the picture I believe it had a paper tag on it, is
18 that right?

19 A Correct.

20 Q Had you just had it a little while?

21 A Yes.

22 Q Did you keep it after Fred Thomspen came to you and
23 talked to you on Monday? Did you keep it forever after that?

24 A No, I didn't. I kept it for maybe a month, month and a
25 half.

1 Q Then what did you do with it?

2 A I sold it.

3 Q Okay. And have you had any control over that car since
4 you sold it?

5 A No, sir.

6 Q Do you know who has got it now?

7 A Yes, sir.

8 Q Who has got it now?

9 A The county.

10 Q The sheriff's office?

11 A Sheriff's office.

12 Q Do you know where they got it?

13 A I don't know.

14 MR. BARFIELD: Thank you, sir. Please answer
15 anything Mr. Frick or Miss Raney has.

16 THE COURT: Thank you, solicitor. Mr. Frick.

17 MR. FRICK: Thank you, Your Honor.

18 CROSS EXAMINATION

19 BY MR. FRICK:

20 Q Mr. Blackmon, when you retrieved your car on that
21 Saturday, you noticed the jumpsuit and this ID, right?

22 A Correct.

23 Q And the ID obviously was an identification, right?

24 A Correct.

25 Q Okay. Did -- what did you do with those items?

1 A When Fred Thompson came to my house that Monday about
2 noon time -- something like that -- I let him know that's what I
3 found in it and I turned it over to him.

4 Q Had you left them in your car or had you taken them out
5 of your car?

6 A They were still in my car. I think I might have put
7 them in paper bag and put them in the truck. I'm thinking I
8 might have.

9 Q You don't exactly recall, but you didn't drag them in
10 the house?

11 A No.

12 Q Didn't wash the jumpsuit?

13 A Didn't put it on and wear it around that weekend.

14 A No. No.

15 Q But you did remove it and put it potentially in the
16 trunk?

17 A Pretty sure I moved out of the car and put it in the
18 truck.

19 Q That's fine. Aside from the molding you said that
20 there was some red mud on your car?

21 A Correct.

22 Q Do you remember how much or where?

23 A It wasn't a significant -- a whole lot, but it was
24 noticeable to me because I try to keep it half clean.

25 Q I understand. I understand well. Do you recall where

1 it was?

2 A Front fender area, you know. It's front wheel drive,
3 so ---

4 Q So your estimation somebody just driven down a muddy
5 road?

6 A That's what I'm thinking.

7 Q Or some place where there was some red clay?

8 A Yeah.

9 Q It wasn't smeared all over your car?

10 A No, it is use through up by the wheels.

11 Q Okay. You just gotten this car not long before this
12 incident, right?

13 A Yeah.

14 Q Still had a paper tag on it?

15 A True.

16 Q Why were you getting rid of it a month later?

17 A Well, one thing the incident that happened. I mean and
18 money was low. Bought the car and I had some problems out of
19 it. When it was time to get the tag and pay the taxes on it I
20 said, well, go ahead and get rid of it.

21 Q Fair enough.

22 MR. FRICK: Thank you, sir. That is all the
23 questions I have.

24 THE COURT: Miss Raney.

25 MS. RANEY: No questions Your Honor.

1 THE COURT: Thank you. Thank you, very much Mr.
2 Blackmon. You may step down.

3 MR. BARFIELD: Ask that he be excused.

4 MR. FRICK: No objection.

5 THE COURT: He maybe excused but he is still
6 subject to subpoena of the Court.

7 MR. BARFIELD: Yes, sir.

8 THE COURT: Thank you. Thank you very much for
9 being with with us Mr. Blackmon.

10 MR. BARFIELD: You can leave, but don't leave
11 town.

12 (Witness excused.)

13 THE COURT: All right, solicitor.

14 MR. BARFIELD: The State call Christy Rogers

15 CHRISTINE ROGERS, called as a witness, having been
16 duly sworn by the clerk, was examined and testified as
17 follows:

18 DIRECT EXAMINATION

19 BY MR. BARFIELD:

20 Q Tell us your name, please ma'am?

21 A Christine Michele Rogers.

22 Q And people call you Lieutenant Christ Rogers?

23 A Yes, sir.

24 Q By whom are you employed?

25 A Lancaster County Sheriff's Office.

1 Q How long have you been employed by the Lancaster County
2 Sheriff's Office?

3 A Seventeen years.

4 Q What do you do for the sheriff's office now?

5 A Currently I am lieutenant over crime scene and
6 evidence.

7 Q And how long have you been in that position?

8 A Three years.

9 Q Have you had -- first of all you got undergraduate
10 degree for something that relates to what you do for a living?

11 A I do. I have a bachelor of arts, chemistry major,
12 biology minor.

13 Q Have you put that to use in your position at the
14 sheriff's office?

15 A Yes, sir.

16 Q Have you had any special training through the sheriff's
17 office in crime scene investigations?

18 A I have.

19 Q Most recently what, the big one?

20 A Most recently and the biggest and most important would
21 be the ten-week national forensic academy held in Tennessee at
22 the University of Tennessee.

23 Q Okay. And when did you go do that?

24 A That was the fall of 2011.

25 Q Are there multiple facets to that ten-week program;

1 different topics?

2 A Yes, sir, there are.

3 Q Did you take everything you were suppose to be taking
4 during that ten-week course?

5 A I did.

6 Q Did you complete, satisfactorily complete all that?

7 A Yes, sir, I did.

8 Q For that ten-week successful completion of that course
9 what did you get, anything?

10 A We got a certificate.

11 Q Now, I am going to refer you to the homicide of Jenika
12 Jones. Were you part of the crime scene investigation team that
13 worked on this case?

14 A Yes, sir.

15 Q Who else worked on this case crime scene wise, all of
16 you?

17 A My whole unit yes, sir..

18 Q And tell the who is in you any?

19 A Investigator Ken Taylor and Investigator Jeff Steel.

20 Q Is there a primary CSI investigator on this case? That
21 might not be a fair question.

22 A I was on call, but it is really hared responsibility.

23 Q Did you get called out to go to this scene?

24 A Yes, sir, I did.

25 Q And where was the scene?

1 A [REDACTED] Roseanna Lane, Lancaster, Lancaster County.

2 Q Were you first crime sign investigator to arrive on the
3 scene?

4 A I was.

5 Q Did you stay there or did you go somewhere else?

6 A I stayed there long enough to gather some details that
7 I would need for the search warrant preparation.

8 Q And why did you need a search warrant?

9 A We would need to get authorization. There was no one
10 to give consent. There was a body inside and we would need
11 consent from a judge or authorization from a judge to search the
12 home to get evidence.

13 Q And did you get a search warrant to authorization you
14 and others to go inside an investigate inside that residence?

15 A I did.

16 Q I might have already asked you this. I apologize.
17 What is the address of the residence we are talking about?

18 A [REDACTED] Roseanna Lane.

19 Q Other than your work at that residence that night and
20 into the morning did you have any knowledge about who lived
21 there, anything else?

22 A I had no knowledge about who lived there.

23 Q How long did take you to get the search warrant? What
24 time did you get there?

25 A It was after ten o'clock.

1 Q All right.

2 A Closer to eleven. I don't recall the exact time.

3 Q How long did it take you to get a search warrant after
4 you left to go do that?

5 A It was a couple of hours had passed from the time I
6 first arrived at the scene until I was back with a search
7 warrant in hand.

8 Q So very possibly it is on into the night of January
9 2012 by the time you are actually there with a search warrant?

10 A It was after midnight.

11 Q Was anybody else there to assist you? Well, let me
12 back up.

13 During that two hours, what is your understanding about
14 what was going on on that piece of property outside and inside
15 during that two hours you are gone?

16 A There were deputies on the scene when I left that had
17 secured the scene, that were controlling the scene and barring
18 any access to it until I could arrive back with a search
19 warrant.

20 Q We heard some testimony from law enforcement earlier
21 today about folks being inside the house before any of what you
22 are fixing to describe occurred. Did you do a walk through
23 before you went and got a search warrant?

24 A I did not. I didn't enter the house.

25 Q You hadn't seen the inside of it?

1 A No, sir.

2 Q When you got back was the scene still secured?

3 A Absolutely.

4 Q Was there any people in there rifling around, shuffling
5 things around, moving junk around, anybody inside the house at
6 all when you got back?

7 A No, sir, the scene was secured.

8 Q Now, did Ken Taylor come help you with this?

9 A He did.

10 Q Generally just describe -- and I don't want to get into
11 all the detail at this late hour, but I do want to cover it all.
12 What is your objective as a crime scene investigator when you
13 got -- did you confirm there was a dead body inside that house?

14 A We did.

15 Q Did that dead body stay inside that house until you
16 were you done or way into the process of being done with what
17 you had to do?

18 A We spent hours on the scene before the body was
19 removed.

20 Q I will jump way ahead. How long were you -- how long
21 was law enforcement at that crime scene the night of two --
22 excuse me, 1-19 of '12 into the morning of 1-20 of '12? What
23 time did you clear? Do you have a report, an investigation work
24 sheet or anything that tells you what time you all cleared up?

25 A Absolutely.

1 Q And can you tell us that time?

2 A I know it was after five. I would have to refer.

3 Q If you would look that up for me.

4 A We cleared the scene at 5:29. That was the morning of
5 the 21st.

6 Q 5:30 in the morning in January?

7 A That's correct.

8 Q Go back to my original question. What is your
9 objective and purpose of being at that scene as a crime scene
10 investigator? What are you doing?

11 A Our primary objective is to document the scene exactly
12 as it appeared as we got there through notes, through
13 photographs and later sketches before we start searching for
14 evidence.

15 Q Okay. Was that done?

16 A Yes, sir, it was.

17 Q I think you all made a video of somebody walking
18 through looking at things. Do you remember doing that, somebody
19 did?

20 A Yes, sir.

21 Q Was -- after things were documented, were things
22 collected and taken back to the sheriff's office --

23 A Yes, sir.

24 Q -- for processing at your facility and also to be sent
25 off to another facility?

1 A Yes, sir.

2 Q Give me the general description of the inside of that
3 house other than there being a dead body in that house, was
4 there blood in that house?

5 A Yes, sir.

6 Q Other than there being a dead body and blood in that
7 house was there anything else that appeared out of the ordinary
8 from a general sense?

9 A Yes, sir.

10 Q Tell us what it was?

11 A Besides the body and the blood that was mainly in the
12 den and kitchen area of the home, the bedroom on the north end
13 of the trailer which I identified as the master bedroom was
14 ransacked.

15 Q I will ask you some questions -- I will show you some
16 pictures and ask you some questions. State's number one, can
17 you identify what that is picture of?

18 A Yes, sir. That's the scene at [REDACTED] Roseanna Lane.

19 Q State's number two, what is that picture of?

20 A It appears to be the front door.

21 Q Okay. Do you recall the condition of that front door
22 when you got there?

23 A Yes, sir. The dead bolt of the door was in the locked
24 position. The dead bolt was extended, but the door was not
25 closed and there did not appear to be any signs of forced entry

1 to the door.

2 Q I will show you some pictures of that in just a second.
3 State's numbers three, four and five. I will put them up one at
4 time.

5 Can you tell me what that is picture of?

6 A That is the door showing the dead bolt extended.

7 Q Is that the condition it was in when you first saw it?

8 A Yes, sir.

9 Q Do you have any information from anybody else who
10 arrived at this residence, law enforcement or otherwise, that it
11 was in any different condition right after this event happened?

12 A No, sir, I don't.

13 Q State's number four, can you tell me what that is?

14 A Yes, sir. That is just a picture showing that there
15 was no damage to the door. There wasn't signs of forced entry.
16 The door component seemed to be in there original place.

17 Q Is that door jamb that would have matched up with that
18 dead bolt that we just looked at a picture of?

19 A Yes, sir.

20 Q Inside the house anything askew that got your attention
21 inside the house?

22 A Yes, sir, the master bedroom.

23 Q The house was positioned how in relation -- was there a
24 road in front of the house or along by the house?

25 A The road was beside the house.

1 Q And did the mobile home face perpendicularly to the
2 road or was it parallel to the road?

3 A It was perpendicular to the road.

4 Q So the skinny end of the mobile home was pointed toward
5 the road, is that what you are saying?

6 A That's correct.

7 Q Now, the entrance door that you showed us -- that I
8 show a picture a little bit ago, where is that in relation to
9 the master bedroom that you are talking about in relation to the
10 length of the home?

11 A The door was centrally located in the home. So the
12 master bedroom if you are going in that front door would have
13 been to the left.

14 Q Walk in the front door and then walk --

15 A You go through the kitchen area and down the hallway to
16 get to master in the back.

17 Q I will show you State's number six. Can you tell me
18 what that is a picture of?

19 A That is bedroom that I am referring to as the master
20 bedroom.

21 Q And what about that picture to you is unusual if
22 anything?

23 A This was the only bedroom in the house that appeared to
24 be disturbed and was in complete disarray. Things were thrown
25 about all over the room.

1 Q I will show you another picture, State's number seven.
2 What is that picture of?

3 A That is the same bedroom.

4 Q Picture number eight, what is that picture of?

5 A That's the same bedroom, the master bedroom of that
6 house.

7 Q And specifically annotate on there, point on there
8 anything that you see got your attention?

9 A In this photo things have been thrown on the bed and
10 the dresser is knocked over to a point it is leaned in onto the
11 mattress. It is displaced.

12 Q One more picture of that bedroom, State's number nine.
13 What is that a picture of?

14 A It's the same bedroom and the same picture but just
15 from a different angle closer to the doorway or the hallway
16 door. Again there are things that have been thrown onto the
17 floor. Again same things on the bed and that dresser that I
18 refer to is in this picture as well. It is knocked over.
19 Drawers are pulled out.

20 Q Okay.

21 A And this house was -- the other parts of the house was
22 neat, orderly. This was only room that had this appearance.

23 Q And this might not be your bailiwick, but through your
24 part of the investigation do you know if there was anything
25 missing from the house?

1 A I do not.

2 Q From the overall sheriff's investigation do you know if
3 anything was missing?

4 A I don't.

5 Q Where was the victim inside the house?

6 A She was lying on the couch in the den.

7 Q I will should you State's exhibit 11. Do you know what
8 that is picture of?

9 A Yes, sir, I do.

10 Q Now, with respect to where that -- and what is that
11 picture of?

12 A That's a picture of the den and the victim lying on the
13 couch.

14 Q With respect to where the victim is, where is the door,
15 the main door?

16 A To the left of that corner section of the couch.

17 Q Coming back this way from her feet?

18 A Coming back, right, her feet are pointing back towards
19 the direction of the door but not towards the door. It's kind of
20 hard to say.

21 Q And we will use the chart in a little bit and make it a
22 little bit simpler.

23 Did you notice any obvious injury to the victim?

24 A Yes, sir.

25 Q Was any ballistics evidence recovered inside that

1 house?

2 A Yes, sir.

3 Q Did you see it? Somebody else I think recovered it,
4 but did you see it?

5 A I did.

6 Q What was it?

7 A A cartridge casing.

8 Q And where was that cartridge casing recovered from?

9 A From the position of the victim on the couch it would
10 have been the opposite corner of the room. Kind of behind the
11 couch in between the couch and the wall.

12 Q I am going to put State's number 11 back up which you
13 identified a minute ago as the victim on the couch.

14 A Yes, sir.

15 Q And I have a picture of the cartridge case behind the
16 couch which we get to in a minute. Can you indicate on that
17 picture which direction we are talking about that this cartridge
18 case was found in?

19 A Yes, sir.

20 A It would be back in that direction.

21 Q Okay. Now, your arrow appears to be pointing to
22 something up on the arm of the couch incidentally I think. Do
23 you remember what that was? Do you remember if there was
24 something up on the arm of the couch, that black object right
25 there on the top of arrow. Do you remember what that is?

1 A I don't remember.

2 Q Okay. That is fine. I will show you another picture.
3 State's number 12. Is that picture familiar to you?

4 A Yes, sir.

5 Q There's a yellow cone that has got -- I think that is
6 number nine, is that right?

7 A Yes.

8 Q What is that cone indicating?

9 A It is indicating the position of the cartridge casing
10 on the floor.

11 Q And is the cartridge casing actually shown next to the
12 cone, circle that if you would.

13 A It is.

14 Q And again, this is not a trick question, I am sorry for
15 asking it again, but do you know what that item is?

16 A I don't recall what that is.

17 Q That's fine. One more picture of the cartridge case,
18 State's number 13. Can you tell us what that is?

19 A Yes, sir. That's the cartridge casing with the
20 evidence marker demonstrating position.

21 Q Now, can you tell us who actually scooped that up among
22 the folks on your team?

23 A Yes, sir. The cartridge casing was collected by
24 Investigator Taylor.

25 Q Were there areas that you suspected contained blood

1 inside that mobile home?

2 A Yes, sir.

3 Q Generally speaking describe blood patterns and stains?

4 Where was it? Where was blood in that house?

5 A Mostly in den area. There were some areas located in
6 the kitchen and then along the hallway that would have led to
7 the south end of the trailer and then into one bedroom on the
8 south end of the trailer.

9 Q Were you aware or did you become aware that there were
10 children inside that house or during or some time after this
11 occurred?

12 A Yes, sir.

13 Q Did you ever observe those children that night or any
14 of them?

15 A No, sir.

16 Q Did you see their clothing that night?

17 A I didn't see it, but I was made aware that there was
18 blood, or suspected blood on the clothing.

19 Q Now, based on your crime scene training and your
20 examination of this scene, did you reach any conclusions about
21 how blood might have been transferred from the den area to other
22 places?

23 A Yes, sir.

24 Q How?

25 A It appeared that the children had walked through the

1 blood and then trailed some of the blood to other parts of the
2 house.

3 Q Were there footprints?

4 A Yes, sir.

5 Q Were there there any footprints found inside that house
6 that you at attributed to adult footprints?

7 A No, sir

8 Q In blood?

9 A No, sir.

10 Q Did you take some samples of blood stains?

11 A Yes, sir, I swabbed different areas throughout the
12 house.

13 Q When you see a substance that you think might be blood
14 what is the abbreviation that you all use?

15 A We were trained to use RBS, which is reddish brown
16 stains.

17 Q Did you take from reddish brown stains from various
18 locations?

19 A I did.

20 Q Is there any indication through your investigation or
21 the sheriff's office investigation that anybody bled in that
22 house other than the victim?

23 A No, sir.

24 Q And I probably should have asked you this earlier. Did
25 you learn who the victim was?

1 A Yes, sir.

2 Q And her name is what?

3 A Jenika Jones.

4 Q Lieutenant Rogers, I will move completely away from the
5 scene to another matter. Let me ask you this first, did you
6 participate in the processing of Pomp Blackmon's Cadillac and do
7 some other things on this case also unrelated, directly to the
8 scene?

9 A Yes, sir, on one of the occasions.

10 Q Now, I will go to something completely different. What
11 are buccal swabs?

12 A Buccal means cheek. We take swabs of the inside a
13 person's cheek to get DNA standard from them.

14 Q Okay. And how do you collect -- how do take a swab
15 from inside someone's cheek?

16 A We have sterile swabs that we use. We just break open
17 the sterile swabs and then rub the -- it is also like a q-tip
18 end of the swab on their cheek and kind of scrape skin cells
19 off.

20 Q When your collecting buccal swabs from a person do you
21 take one q-tip or two q-tips or can it vary?

22 A It can vary. I like to do two just to make sure I am
23 getting enough sample during the process.

24 Q And when you finish swabbing around in the mouth, whad
25 do you do with the q-tip? Is it one tip q-tip?

1 A Our are. They are single ended.

2 Q And what do you do with them?

3 A They are air dried and then they are packaged to keep
4 them from being contaminated.

5 Q And when they are properly air dried and packaged are
6 they sealed in some fashion?

7 A Yes.

8 Q Now, does the Lancaster Sheriff's Offices have the
9 ability to analyze buccal swabs or do DNA work?

10 A No, sir, we do not.

11 Q Where do you send that stuff?

12 A Everything is sent to state lab at SLED or South
13 Carolina Law Enforcement Division.

14 Q Now, I will show you a sealed up envelope and ask you
15 to take a minute to look at it and ask you if can you identify
16 it for me?

17 A Yes, sir.

18 Q What is in that envelope first of all?

19 A It is buccal swabs from Devatee Clinton.

20 Q And how do you know it is buccal swabs from Devatee
21 Clinton?

22 A Because of our label and our item number.

23 Q Have you seen that item before?

24 A Yes, sir.

25 Q Where did you first see it?

1 A I collected it myself.

2 Q From whom?

3 A Clinton.

4 Q And when did you collect it?

5 A It was after Schmerber hearing in Chester.

6 Q And does the date appear anywhere on there, if it
7 doesn't that's fine.

8 A No, sir, not on this label.

9 Q That's fine. Once you collected those buccal swabs
10 from Devantee Clinton what did you do with them?

11 A They were sent to the state lab as well.

12 Q And have they gone to SLED and come back already, is
13 that how you all got them back again?

14 A Yes, sir.

15 Q Now, at any time after you collected them any issue
16 about the integrity of the security of the samples?

17 A No, sir.

18 Q And when you collected them what would you have done
19 with them?

20 A After they were air dried I would have packaged them
21 and then submitted them into evidence and they would have been
22 logged into the system.

23 Q And when you submit something into evidence do you have
24 to go through somebody to do that?

25 A Yes.

1 Q At the sheriff's office?

2 A Yes, sir, I do.

3 Q Who is that person?

4 A Our evidence custodian Ann Horton.

5 A Miss Horton, raise your hand. Does she pretty much
6 touch everything that goes in and out of evidence?

7 A Yes, sir.

8 Q Okay. And did you do that with buccal swabs from
9 Devatee Clinton?

10 A Yes, sir.

11 MR. BARFIELD: At this time I offer the buccal
12 swabs for identification purpose.

13 THE COURT: States 38 for ID only.

14 (State's Exhibit 38, buccal swabs, marked for
15 identification as of this date.)

16 MR. BARFIELD: Mr. Tailor, can you of assist me to
17 make sure this thing stays on the board while I show
18 some things.

19 Permission for the witness to step down?

20 THE COURT: Yes, you may step down but make sure
21 to keep you voice up.

22 Q Lieutenant Rogers, can you tell us what is shown on the
23 easel now, first of all?

24 A Yes, sir. Its an enlarged version or copy of the
25 sketch of the crime scene. It was completed by Investigator

1 Taylor.

2 Q Is it to scale?

3 A It is near to scale.

4 Q And although it is not absolutely to scale is it
5 accurate representation of the layout of that mobile home?

6 A Yes, sir. It is.

7 Q Had a laser pointer the last time I did this but the
8 batteries went dead so we got to use fingers.

9 I just want you to show us a few things on that diagram.
10 Show us the front door.

11 A It's here.

12 Q And you got to talk loud. Show us the couch that you
13 are referring to where Jenika Jones's body was?

14 A The couch is here, like an L-shape. I refer to it as a
15 sectional.

16 Q And is her body shown on the diagram?

17 A Yes, sir, it is here.

18 Q All right. Where generally speaking -- well, this
19 legend matches numbers, is that correct?

20 A Yes, sir. It does.

21 Q Just kind of run through what you marked on the legend
22 on that sketch based on your examination of the scene?

23 A Number 1, evidence marker one, marked an area of
24 suspected blood and these appear to be bloody footprints in the
25 kitchen. That would be to the left of that entry door.

1 Q Okay. What is number two?

2 A Number two, was a grey sweater that was lying on the
3 kitchen floor. So, it is right there beside the table.

4 Q I will just jump ahead. Tell us what number three is.

5 A Number three is the next area of suspected blood that
6 we encountered in the house. It was not much in between what we
7 saw right there in front of the cabinets and kitchen and then
8 this next area is designated three or evidence marker three.

9 Q All right. Four?

10 A Four is the next area that we designated as another
11 area where we encountered more RBS or reddish brown stains that
12 we suspected to be blood in front of the end of the couch.

13 Q Five?

14 A Five is here. This is another area that it appeared to
15 be footprints, small footprints, and suspected blood that led
16 back to the bedroom that was on the southern end of the trailer.

17 Q Now the bedroom on the southern end the trailer is that
18 the one as being described as ransacked?

19 A No, sir, that is the opposite end.

20 Q What is number eight?

21 A Number eight was a pair of blue jeans, children's blue
22 jeans that was on the floor of this bedroom.

23 Q And what was significant about those blue jeans?

24 A The blue jeans --

25 Q Generally speaking, not the small stuff, but generally

1 speaking?

2 A The blue jeans had stains on them that where what we
3 classify as RBS, reddish brown stains, and it appeared that at
4 first it maybe that someone had walked on them and transferred
5 the blood to them but we later moved the jeans and found there
6 was blood on the underside and on the floor underneath the
7 jeans.

8 Q Okay. Number nine, tell us what number nine is?

9 A Number nine indicates the position, what you saw
10 earlier in the photographs of the cartridge casing that was
11 lying on the den floor behind and in between the couch and the
12 wall.

13 Q And was there is a head stamp on the cartridge case
14 that told you caliber?

15 A Yes.

16 Q And what caliber was the cartridge case?

17 A It was 380.

18 Q And generally what type of firearm is 380 discharged
19 out of?

20 A Generally a handgun and semi-automatic handgun.

21 Q And if is a semi-automatic handgun what happens to the
22 cartridge case once the cartridge is fired out of it?

23 A If the gun is functioning properly it will eject the
24 cartridge casing.

25 Q Does any of the positions of the items that you found

1 specifically the victim and number nine the cartridge case
2 enable you to say or render any opinion about position of the
3 victim, position of shooter, position of gun when the gun was
4 shot? Can you tell us anything about that at all based on
5 approximately what you have here?

6 A Yes.

7 Q Tell us what you can?

8 A The position of the victim, the blood that we observed
9 on scene, the wounds that we observed to the victim, the casing
10 and position that it was found, all of those things indicated us
11 that the shooting occurred right there in the den.

12 Q Where she was pretty much?

13 A Where she was on the couch.

14 Q All right. Thank you, ma'am. You can take your seat
15 again if you would please, ma'am.

16 MR. BARFIELD: I would offer the diagram as the
17 next State's exhibit?

18 THE COURT: Any objection,

19 MR. FRICK: No objection.

20 MS. RANEY: No objection.

21 THE COURT: State's 39 in evidence without
22 objection.

23 (State's Exhibit 39, diagram, received in
24 evidence as of this date.)

25 MR. BARFIELD: That is all for Lieutenant Rogers,

1 please answer anything Mr. Frick or Ms. Raney has.

2 THE COURT: Thank you, solicitor. Mr. Frick?

3 MR. FRICK: I don't have any questions for
4 Lieutenant Rogers.

5 THE COURT: Miss Raney.

6 MS. RANEY: Thank you, Your Honor.

7 CROSS EXAMINATION

8 BY MS. RANEY:

9 Q Lieutenant Rogers, when you were speaking with
10 solicitor Barfield you mentioned having to leave the scene to go
11 get a search warrant, correct?

12 A Yes, ma'am.

13 Q And part of the process when you get a search warrant
14 is to return to the house, correct?

15 A Yes, ma'am.

16 Q That you have been authorized to search?

17 A Yes, ma'am.

18 Q And then you make inventory of the items that you will
19 actually be removing from the property?

20 A Yes, ma'am.

21 Q And those items that are being removed from the
22 property are listed on what we call a return?

23 A Yes, ma'am.

24 Q Search warrant return?

25 A That is correct.

1 Q Do you have a copy of that with you or did you need me
2 to hand one up to you?

3 A I may have one.

4 Q Because if not I have one here?

5 A I have one, yes, ma'am.

6 Q So in this case is it fair to say that the search
7 warrant return was done at about 12:30 am on January the 20th?

8 A No, ma'am. That was the time that it was executed.

9 Q That was the time that it was execute?

10 A Yes.

11 Q So that would be the time that you actually started
12 along with the members of your team looking for evidence and
13 processing the scene?

14 A Yes, ma'am, after it was executed that would have been
15 the time we started documenting and processing.

16 Q Okay, and then you were there at the scene until about
17 5:30 in the morning I believe you said?

18 A Yes, ma'am.

19 Q Okay. And then part of what you did in connection with
20 this investigation was to complete what I believe you refer to
21 as a death investigation work sheet?

22 A Yes, ma'am.

23 Q And one of the things that is covered in a death
24 investigation work sheet is a description of some of the items
25 that were actually recovered from the scene by your unit,

1 correct?

2 A Yes, ma'am.

3 Q And one of the things that was recovered by the CSI
4 team and your unit was a cell phone, correct?

5 A Yes, ma'am.

6 Q And was it actually you that took that item and put it
7 into evidence with the sheriff's office and Miss Horton?

8 A Yes, ma'am.

9 Q And where was the cell phone located?

10 A If I recall it was on the back of the couch in the den
11 area where the victim was located.

12 Q Okay. And on the death investigation work shift it
13 list not only the item that was recovered but whether or not
14 that item was to be analyzed correct?

15 A Yes, ma'am.

16 Q And then which department would do the analysis?

17 A No one in our department does cell phone forensics.

18 Q And when I say department is it fair to say that some
19 things, like lifting fingerprints and seeing if they match maybe
20 done in house at the sheriff's office?

21 A Yes, ma'am.

22 Q And some things like DNA testing maybe done by SLED?

23 A Yes, ma'am.

24 Q And when we say SLED they are in Columbia?

25 A That is correct, the state lab is.

1 Q The state lab is in Columbia and this state lab is
2 really conducting forensic testing or DNA testing from evidence
3 that is coming in all over the State of South Carolina, correct?

4 A Yes, ma'am.

5 Q And SLED is a resource available to you basically seven
6 days a week?

7 A Some portions of it are available on call on the
8 weekends, sure.

9 Q But if you need something tested or some type of DNA
10 test performed that you are not able to do in-house you have
11 ability to send that item to SLED to see if they can perform the
12 testing?

13 A Yes, ma'am.

14 Q Okay. Are you aware of whether or not any testing was
15 done on the cell phone itself that was recovered?

16 A No, ma'am I am not.

17 Q Do you know if any other officer on your specific team
18 performed any test on the cell phone?

19 A I am sure we did not. We would not have. We don't
20 have training for that.

21 Q Does the Lancaster County Sheriff's office even have
22 the capability to try and recover data from cells phones or is
23 that something that would be done through SLED?

24 A No, ma'am, we usually use the State for that.

25 Q That would be SLED that you are referring to when you

1 say the state?

2 A Yes, ma'am.

3 Q Thank you. And I notice also on the investigation work
4 sheet that there were several touch DNA swabs taken into
5 evidence?

6 A Yes, ma'am.

7 Q And it looks like those were taken into evidence by Mr.
8 Taylor?

9 A Correct.

10 Q And those DNA swabs, could you explain what a touch DNA
11 swab is?

12 A Well, you are looking for skin cells that may have been
13 left behind by a person that touched the surface that you are
14 swabbing.

15 Q And can you tell what specific areas of the Jones's
16 house was swabbed for the presence of touch DNA?

17 A Yes, ma'am.

18 Q And could you let the jury know?

19 A Yes, ma'am. Investigator Taylor swabbed the doorknob
20 of the front door, interior and exterior door knobs.

21 Q Was there just one door to the home or was there a
22 screen door as well?

23 A There was storm door and then the regular door of the
24 home.

25 Q Okay, and when we say "regular door of the home" lets

1 see if this is set up. Is this what you are referring to as we
2 see hear in State's exhibit number three is the regular door fo
3 the home or the storm door.

4 A That is the main door.

5 Q Okay. Thank you. Are you aware if any touch DNA swabs
6 were obtained in bedroom area, the master bedroom?

7 A No, ma'am.

8 Q Do you know what areas of the the master bedroom were
9 checked for the presence or even if they were checked for
10 presence of any fingerprints that may have been left behind?

11 A Yes, ma'am.

12 Q Could you describe for the jury what areas of the
13 bedroom were checked for fingerprints?

14 A There were different surfaces, dresser, drawers and
15 Investigator Taylor will have to testify but he dusted some
16 other surfaces in the master bedroom.

17 Q Okay. So any searching for fingerprints evidence in
18 the master bedroom would have been be done by Investigator
19 Taylor and not by you?

20 A In this case. Yes, ma'am.

21 Q Okay, and if he had -- I am assuming Investigator
22 Taylor is a man -- if he had taken any swabbing to look for the
23 presence of touch DNA in the bedroom that would have been
24 something he would have done in this case not you?

25 A Yes, ma'am:

1 MS. RANEY: I don't any further questions. Thank
2 you.

3 THE WITNESS: Yes, ma'am.

4 THE COURT: Anything on redirect, solicitor.

5 MR. BARFIELD: Just a couple real quick.

6 THE COURT: Sure.

7 REDIRECT EXAMINATION

8 BY MR. BARFIELD:

9 Q Give the jury an example of some evidence the sheriff's
10 office might process in-house?

11 A Latent prints, or fingerprint evidence is processed
12 in-house, so we do the swabbing.

13 Q Do you all do any DNA processing --

14 A We do.

15 Q -- testing?

16 A We swab. We swab only. We collect standards in
17 samples but we don't do the testing or the comparison. That is
18 all done at SLED?

19 Q And then generally speaking are there as a matter of
20 general policy with SLED, are you familiar with SLED policies
21 and their procedure and their protocols and the way they want to
22 do business with local law enforcement agencies?

23 A Yes, sir.

24 Q Are there any general rules about specifically
25 concerning DNA evidence?

1 A Yes, sir.

2 Q General guidelines that SLED gives to local agencies
3 about how much stuff you all can take down?

4 A Yes, sir. We are restricted to the number of items for
5 DNA that we can submit given their back load or backlog.

6 Q And generally what is the number right now?

7 A For homicides they allow us to submit five of items.

8 Q Okay. Are there circumstances where they will change
9 the rules if necessary?

10 A Yes, sir.

11 Q Okay.

12 MR. BARFIELD: Thank you. That is all. Answer
13 anything else?

14 THE COURT: Recross Mr. Frick?

15 MR. FRICK: No, sir.

16 THE COURT: Miss Raney.

17 MS. RANEY: No, sir.

18 THE COURT: Thank you. Thank you very much
19 captain. You may step down.

20 THE COURT: How long is your next witness?

21 MR. BARFIELD: It is another crime scene
22 investigator. We will do it however you want to do
23 it. I got two more crime scene investigators and they
24 are both probably going to be decreasing in length.

25 THE COURT: That wasn't my question. My question

1 was how long is your next witness?

2 MR. BARFIELD: I ain't going to answer you
3 question. You know I can't do that. Twenty minutes.

4 THE COURT: That's a great answer.

5 MR. BARFIELD: We're lawyers.

6 (WHEREUPON, there was an off the record
7 discussion.)

8 THE COURT: You may call your next witness.

9 MR. BARFIELD: Jeff Steel.

10 JEFF STEEL, called as a witness, having been duly
11 sworn by the clerk, was examined and testified as
12 follows:

13 DIRECT EXAMINATION

14 BY MR. BARFIELD:

15 Q Tell us your name please, sir.

16 A Jeff Steel.

17 Q Mr. Steel, by whom are you employed?

18 A Lancaster County Sheriff's Office.

19 Q How long have you been employed?

20 A Thirteen years.

21 Q What do you do for sheriff's office?

22 A Sir.

23 Q What do you do for sheriff's office?

24 A I am crime scene investigator.

25 Q How long have you been on the crime scene unit?

1 A About five years.

2 Q Have you been to the forensic academy in Knoxville?

3 A Yes, sir I have.

4 Q When did you go?

5 A January of 2010.

6 Q Did you complete it?

7 A Yes, sir, I did.

8 Q Get your certificate?

9 A Yes, sir.

10 Q Have you worked crime scenes science then?

11 A Yes, sir.

12 Q Now, I am going to ask you about a couple of odds and
13 ends. Not odds and ends. They are all important. I will ask
14 you about some things.

15 Did you do some work on the case involving a homicide death
16 of Jenika Jones?

17 A Yes, sir, I did.

18 Q Do you do -- do you do anything at the scene on
19 Roseanna Lane that night?

20 A Yes, sir, I arrived to assist in processing.

21 Q Okay, and were you there all night long or did you go
22 and do other things while some of that was going on?

23 A No, sir, Lieutenant Rogers asked me to respond to the
24 the coroner's office and take major case prints from the victim.

25 Q What are major case prints?

1 A It is print that you have to actually take from the
2 victim where you could get accurate comparison when trying to
3 make an identification.

4 Q Did you do that? Do you get major case fingerprints?

5 A Yes, sir.

6 Q Did you get that from Jenika Jones at the coroner's
7 office?

8 A Yes, sir, I did.

9 Q I am going to show you a manila envelop and a plastic
10 envelope and ask if you can identify what that is?

11 A Yes, sir, that is it.

12 Q And without getting into a lot of detail how do you
13 take prints from a hand?

14 A I take ink -- I little ink pad and you pulled their
15 fingers out and you try to get all the joints and all the
16 friction ridge detail you can get from the finger which would
17 allow you to make adequate comparison. That's what I done here.

18 Q Did you get what you consider a major case prints from
19 Jenika Jones?

20 A Yes, sir, I did.

21 Q Okay.

22 MR. BARFIELD: I would like to offer the major
23 case prints as the next State's exhibit?

24 THE COURT: Mr. Frick?

25 MR. FRICK: You said exhibit?

1 MR. BARFIELD: Exhibit.

2 MR. FRICK: I don't have any objection. That is
3 fine.

4 MS. RANEY: Miss Raney.

5 MS. RANEY: No objection.

6 THE COURT: State's 40 in evidence without
7 objection.

8 (State's exhibit 40 received, major case prints, in
9 evidence as of this date.)

10 DIRECT EXAMINATION CONT'D:

11 Q Did you become aware that an autopsy had been
12 scheduled for Jenika Jones?

13 A Yes, sir, I did.

14 Q And when was the autopsy schedule for and actually
15 performed?

16 A The following day after the actual incident.

17 Q Okay. Did you have you any role in the autopsy?

18 A Yes, sir, I did.

19 Q Did you attend the autopsy?

20 A Yes, sir, I did.

21 Q In a homicide case with the sheriff's office is it
22 common for one of you, if possible, to attend the autopsy?

23 A Yes, sir it is.

24 Q Did you of take possession of any evidence from the
25 autopsy?

1 A Yes, sir, I did.

2 Q I am showing you State's exhibit number 34. Can you
3 identify State's exhibit number thirty four?

4 A Yes, sir.

5 Q And what is State's exhibit number 34?

6 A It is bullet that came out the victim's head.

7 Q And that was provided to you by whom?

8 A By Newberry Pathology, Doctor Ross.

9 Q Was it sealed up when you got it?

10 A Yes, sir, it was.

11 Q Did it stay sealed when you had it?

12 A Yes, sir.

13 Q When you got back to Lancaster with it what did you do
14 with it?

15 A I submitted into evidence.

16 Q It went through Ann Hortan's hands?

17 A Yes.

18 Q Did you do anything with it other than turn it into
19 evidence?

20 A No, sir, I didn't.

21 Q I will show you State's exhibit number 35. Can you
22 tell me what 35 is. You tell me generally speaking what number
23 35 is?

24 You might need to move the bag around a little bit to be
25 able to read what is in it.

1 A Yeah, this is tube of blood that was brought back from
2 the victim from Newberry Pathology.

3 Q Did you take possession of that at the autopsy?

4 A Yes, sir, I did.

5 Q And who gave you that?

6 A Newberry Pathology.

7 Q And was it sealed up when you got it?

8 A Yes, sir, it was.

9 Q Did it stay seal up when you had it?

10 A Yes, sir.

11 Q What did you do when you got back to Lancaster?

12 A Submitted it into evidence.

13 Q Through Ann Horton?

14 A Yes, sir.

15 Q Did you at the scene -- I'm skipping around a little
16 bit. Back to Roseanna Lane did you seize any items of evidence
17 yourself?

18 A Yes, sir, I did.

19 Q What did you pick up at the scene? What did you seize
20 at the scene?

21 A I didn't pick up anything. I observed the cartridge
22 casing.

23 Q Okay. You didn't collect anything yourself at the
24 scene? Is that what you are telling us?

25 A No, sir, I did not.

1 Q Okay. Did you participate in the processing of a car
2 shown in State's exhibit number 16 which I am putting on the
3 screen right now. Have you ever seen that car before?

4 A Yes, sir.

5 Q Did you participate in the processing of that car?

6 A Yes, sir, I did.

7 Q And did you participate in that processing where it is
8 shown in this photograph or at another location?

9 A Another location.

10 Q Okay. What was the other location where the car was
11 when you participated in its processing?

12 A It's the old Lancaster task force office off of
13 Springdale Road.

14 Q Okay. Who was in control of the car at that time?

15 A The sheriff's office.

16 Q Do you remember the date that you processed the car or
17 participated in the processing of car?

18 A I believe it was 3-7-2012.

19 Q All right. And who else participated in the processing
20 of that car?

21 A Lieutenant Christy Rogers and Investigator Ken Taylor.

22 Q Had the car been processed earlier by somebody else
23 with the sheriff's office?

24 A Yes, sir.

25 Q Were you involved in that processing at all?

1 A No, sir.

2 Q What was the purpose of processing the car on 3-7 of
3 2012?

4 A We were specifically looking for blood evidence.

5 Q And how did you go about looking for blood evidence
6 inside that car?

7 A We use a reagent called bluestar forensic.

8 Q And when you say reagent, is this liquid? Is it
9 powder? What is it?

10 A It's a liquid, sir.

11 Q And how do you use it?

12 A You generally spray it on the affected area, or an area
13 that you are searching generally in a low light conditions. And
14 then it will luminesce. You put a light on it and you will be
15 able to see the blood areas. It reacts heavily to blood.

16 Q Does it react to other stuff or just blood?

17 A It will react to other items, but it's generally
18 specific to blood.

19 Q Okay. Is that a presumptive test or a conclusive test?

20 A I am not sure on that sir.

21 Q Did you use the bluestar on the interior of the
22 Cadillac?

23 A Yes, sir, we did.

24 Q On March 7th of 2012?

25 A Yes, sir.

1 Q Did you get any positive reaction to indicate the
2 presence blood?

3 A Yes, sir.

4 Q Describe those locations where you got a positive
5 reactions from the bluestar forensic substance?

6 A Positive reactions, the front driver's seat fabric just
7 beneath the steering wheel was a positive reaction. We also got
8 the fabric -- I mean, the seat belt from the front passenger's
9 side seat also.

10 Q All right.

11 A And we collected -- also collected some samples from
12 the back rear seats, but they were -- they didn't test positive.
13 I did a presumptive test on those and they came back negative
14 but it was a small amount. I couldn't get a good sample.

15 Q Okay. Were some swabs taken out of the inside of that
16 car?

17 A Yes, sir.

18 Q Were some cuttings taken from the inside of that car?

19 A Yes, there were.

20 Q And when I say cutting what am I talking about?

21 A We actually took a scalpel and cut the affected area
22 away from the vehicle and packaged it for evidence.

23 Q Nowm, who owed the car by this time? Do you know the
24 story behind that?

25 A No, sir.

1 Q That's fine.

2 MR. BARFIELD: Thank you, very much. Answer any
3 questions Mr. Frick or Mr. Raney has.

4 THE COURT: Thank you, solicitor. Mr. Frick?

5 MR. FRICK: Thank you, Your Honor.

6 CROSS EXAMINATION

7 BY MR. FRICK:

8 Q Investigator Steel, you didn't go out to Roseanna on
9 the 20th or the 19th, in to the 20th did you?

10 A Yes, sir, I went. I was there.

11 Q Okay. You weren't the main CSI agent on that case. I
12 don't mean to diminish your role. Were you there to assist that
13 evening?

14 A Yes, sir.

15 Q Okay. Your major thing was to go get the fingerprints,
16 correct, from Miss Jones?

17 A Yes, sir.

18 Q Then you went to Newberry the next day?

19 A Yes, sir.

20 Q And then in March you did the processing of the car for
21 any blood evidence?

22 A Yes, sir.

23 Q Okay. Was there anything else? Am I missing anything
24 else that you participated in this case?

25 A Not that I can recall.

1 Q Okay. And you found a few spots that you collected as
2 far as what was determined to be blood or potentially to be
3 blood?

4 A We collected the swab and sent them to SLED, yes, sir.

5 Q And in the car is what I meant?

6 A Yeah.

7 Q Okay. That is in March, right?

8 A Yes, sir.

9 Q The incident date on this thing is back in January,
10 right?

11 A Yes, sir.

12 Q Okay, but in March you all are still seeking and trying
13 to find relevant evidence in this case, right?

14 A Yes, sir.

15 Q Okay. When you put the bluestar on this stuff did you
16 swab it to select the evidence or potential evidence?

17 A You can, but we generally photograph it and then we
18 swab it.

19 Q Okay. So you photographed it, right, these spots that
20 you checked?

21 A Yes, sir.

22 Q For lack of better term. I know that is not a
23 technical term. Photograph it and then you swab it?

24 A Yes, sir.

25 Q What happened to those swabs?

1 A Well, we sent them to SLED.

2 Q Okay. All right.

3 MR. FRICK: Thank you, sir. That is all the
4 questions I have.

5 THE COURT: Thank you, Mr. Frick. Miss Raney.

6 MS. RANEY: No questions Your Honor.

7 THE COURT: Redirect solicitor?

8 MR. BARFIELD: No.

9 THE COURT: Thank you. Thank you, very much
10 Detective Steel.

11 (Witness excused.)

12 THE COURT: All right, Mr. Foreman, ladies and
13 gentlemen of of the jury panel I think now would be a
14 good time to take our evening recess. Please remember
15 my instructions. Do not discuss this case with others
16 including fellow jurors, family, friends or anyone
17 else. Do not read, watch, listen to any news accounts
18 of the case. Do not do any independent investigation
19 or any investigation on the internet as I have
20 instructed you several times throughout the course of
21 this trial,.

22 Remember to keep an open mind. Do not begin your
23 deliberations until you have heard all the evidence,
24 the testimony, closing arguments by the attorneys and
25 the instruction of the law by the Court.

1 With that being said, ladies and gentleman, I have
2 another matter to take up at 9:30 in the morning so I
3 would ask you all to please be back promptly at ten,
4 to try and control the amount of time you're held
5 captive back here, so you will be out here in
6 courtroom with the case moving along. So if you
7 please be back in the morning promptly at ten o'clock..
8 Thank you. Thank you, very much. You are now excused
9 for the evening. Hope you all have a pleasant
10 evening. Thank you.

11 (WHEREUPON, the jurors leave the courtroom.)

12 THE COURT: All right, Mr. Frick and Miss Raney, I
13 would like to hear whatever arguments you all have on
14 the record as to State's exhibit number 11?

15 MR. FRICK: The picture?

16 THE COURT: No, sir. The testimony of Miss Davis
17 and Mr. Twitty.

18 MR. FRICK: Oh, yes, sir. Yes, sir. I had
19 objected to their statements as we had the pretrial
20 hearing yesterday. I think the State was eliciting
21 those under 404B, but as we discussed it further I
22 think that Your Honor brought out a slightly different
23 point and my objection on it was under 403, that it is
24 more prejudicial then probative.

25 I took it that you already ruled on that. I just

1 wanted to make a contemporaneous motion on the record
2 to preserve it.

3 THE COURT: All right then, Miss Raney, did you
4 have any objections in that regard?

5 MS. RANEY: Nothing further other than what Mr.
6 Frick said, Your Honor, given your pretrial rulings I
7 was just trying preserve the issue with
8 contemporaneous objection.

9 THE COURT: All right. Of course I was guided by
10 State versus Collins, opinion number 4941 offered by
11 chief Justice Pugh. In the 403 analysis, 403 provides
12 that although relevant evidence maybe excluded if it's
13 probative value is substantially outweighed by the
14 danger of unfair prejudice. Probative means tending
15 to prove or disapprove. Probative value is the
16 measure of the importance of that tendency to that
17 outcome of the case. It is the weight that a piece of
18 evidence -- that a piece of relevant evidence will
19 carry in helping the trier of fact decide the issues.
20 The more essential the evidence, the greater its
21 probative value.

22 Thus a Court analyzing probative value considers
23 the importance of the evidence and the significance of
24 the issues to which the evidence relates. In
25 following up then you go on 403 the danger of unfair

1 prejudice. You must balance the probative value of
2 the evidence against the danger of unfair prejudice.
3 Prejudice that is unfair is distinguished from the
4 legitimate impact all evidence has on the outcome of
5 the case. Unfair prejudice does not mean the damage
6 to a defendant's case that results from the legitimate
7 probative force of the evidence, whether it refers to
8 evidence which tend to suggest a decision on an
9 improper basis. All evidence is meant to be
10 prejudicial. It is only unfair prejudice which must
11 be scrutinized under Rule 403. Generally, it is
12 evidence which in balancing its probative versus
13 unfair would lead a jury to make a decision based on
14 on motion or something of that nature. Here you have
15 statements made, conversation within the presence of
16 Miss Davis between defendant Clinton and defendant
17 Green concerning making a lick.

18 Our cases or many throughout South Carolina
19 criminal juris prudence that that type of testimony
20 has been presented, State versus Thomspen, there has
21 been variety of cases in that regard. So she heard
22 that testimony and then of course Mr. Twitty was asked
23 to participate by -- according to his testimony by Mr.
24 Clinton, in making a lick and also Mr. Twitty
25 testified he heard Mr. Clinton ask Mr. Green to assist

1 in making a lick. That is not unfair prejudice. That
2 is not tending to suggest or lead the jury to improper
3 to a verdict on improper motion or manner or emotion.
4 Actually that goes to the charge of murder. That goes
5 to elements of the offense of both planning,
6 participating and the issue of intent in that regard.
7 So I would reaffirm my rulings as to those
8 conversations and reaffirm of course my rulings under
9 404(B), those are not 404(B) analysis of the armed
10 robbery of Mr. Roseborough.

11 All right. Anything further from the State,
12 solicitor.

13 MR. BARFIELD: No.

14 THE COURT: The defense, Mr. Frick.

15 MR. FRICK: No, sir.

16 THE COURT: Miss Raney?

17 MS. RANEY: No, sir.

18 THE COURT: All right. Thank you, very much.
19 Court will be in recess until ten o'clock in the
20 morning.

21 * * * * *

22 (WHEREUPON, court was in recess until March 12, 2013.)
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10 (WHEREUPON, the trial resumed on March 12, 2014)

11 THE COURT: Thank you. Thank you, very much. Good
12 morning. Please be seated.

13 MR. BARFIELD: We are waiting for the defendants.

14 THE COURT: All right. Anything from the State
15 before we bring in our jury, solicitor?

16 MR. BARFIELD: No, sir.

17 THE COURT: Defense, Mr. Frick?

18 MR. FRICK: No, sir.

19 THE COURT: Miss Raney?

20 MS. RANEY: Just briefly, Your Honor on a
21 scheduling matter. I know, Your Honor indicated that
22 you hope we finished by 5:30 every day and I would ask
23 the Court if it is at all possible if we could finish
24 by 5:30 today. My dog sitter can't put out the dogs
25 today, so I am just put that out there.

1 THE COURT: Yes, ma'am, we will certainly try too.

2 MS. RANEY: Thank you.

3 THE COURT: All right, bring the jury in.

4 (WHEREUPON, the jury enters the courtroom.)

5 THE COURT: Mr. Foreman and ladies and gentleman
6 of the jury, good morning. Welcome back. Hope you
7 all had a pleasant evening. I apologize for the
8 delay. It had absolutely nothing to do with the
9 parties involved in the case whatsoever. It was
10 another issue I had to address on my own. Be that as
11 it may we are continuing the trial of the case by the
12 presentation of evidence and testimony by the State in
13 its case in chief.

14 If you please continue to give the parties your
15 complete and undivided attention as you have done
16 throughout the trial in this case.

17 Solicitor, you may call your next witness.

18 MR. BARFIELD: The State calls Ken Taylor.

19 THE COURT: All right. Officer Taylor if you come
20 around and be sworn.

21 KEN TAYLOR, called as a witness, having been duly
22 sworn by the clerk, was examined and testified as
23 follows:

24 DIRECT EXAMINATION

25 BY MR. BARFIELD

1 Q Tell us your name please.

2 A My name is Ken Taylor.

3 Q Where are you employed?

4 A Lancaster County Sheriff's Office.

5 Q How long have you been employed by the Lancaster County
6 Sheriff's Office?

7 A About eight and a half years now.

8 Q What is your current job with the Lancaster County
9 Sheriff's Office?

10 A Crime scene investigator.

11 Q How long have you been a crime scene investigator for
12 the sheriff's office?

13 A About four and a half years.

14 Q How did you learn or get trained to be a crime scene
15 investigator?

16 A Of course we had a lot of on the job training and spent
17 a ten-week week block at the National Forensic Academy, Oakridge
18 Tennessee at the University of Tennessee.

19 Q And when did you go to the National Forensic Academy?

20 A January 2010.

21 Q I believe you and Investigator Steel went at the same
22 time?

23 A Yes, sir.

24 Q Did you complete the course at the National Academy?

25 A Yes.

1 Q Did you get a certificate?

2 A Yes.

3 Q Do you have any additional and specialized training in
4 latent fingerprint identification?

5 A Yes, sir, I do.

6 Q Tell us about that?

7 Q Fall 2009 I completed a forty-hour course at the South
8 Carolina Criminal Justice Academy in basic latent print
9 recognition comparison. Part of our training at the forensic
10 academy had a small block dealing with latent prints recognition
11 and comparison and I have continued online course made available
12 through West Virginia University through a federal grant for
13 Science of fingerprints that I completed just this past year.

14 Q And have you actually done work in latent fingerprint
15 identification?

16 A Yes.

17 Q Is latent fingerprint identification now one of the
18 portions of forensic science that can be done in-house by the
19 Lancaster County Sheriff's Office?

20 A Yes, it is.

21 Q And normally since you all got your crime scene team up
22 and running do you all normally do your own latent print
23 identification?

24 A Yes, we do.

25 MR. BARFIELD: Your Honor, at this time would I

1 offer Mr. Taylor as an expert witness in latent
2 fingerprint identification.

3 THE COURT: Mr. Frick?

4 MR. FRICK: No objection, Your Honor.

5 THE COURT: Miss Raney.

6 MS. RANEY: No objection, Your Honor.

7 THE COURT: All right. And again ladies and
8 gentleman normally a person can not give opinion
9 testimony. Normally when a person testifies they must
10 testify as to either what they saw, heard or sense by
11 smell or something of that nature. However, there is
12 exception when someone is qualified because of
13 education or experience they are permitted to give
14 their opinions in certain areas if the Court qualifies
15 them that. This witness, Officer Ken Taylor will be
16 qualified in the area of forensic fingerprint
17 identification to give opinion testimony in that area.
18 It does not mean you must accept the opinion, but it
19 is it evidence for you the jury to use in any way you
20 see fit.

21 Thank you. Thank you, solicitor, you may continue.

22 DIRECT EXAMINATION CONT'D:

23 Q Investigator Taylor, did you participate in the
24 forensic portion of the crime scene portion and the forensic
25 portion of the investigation involving the death of Jenika

1 Jones?

2 A Yes, I did.

3 Q When did your involvement in this investigation begin?

4 A It was on the night of January 19, 2012.

5 Q And where did your involvement begin?

6 A At the residence [REDACTED] Roseanna Lane.

7 Q I will digress for just a minute. Are you familiar
8 with that area of Lancaster County?

9 A I am familiar with it in a general sense, yes.

10 Q Are you familiar with the the Piggly Wiggly and Airport
11 Crossroads?

12 A Yes, sir.

13 Q And approximately how far is it from this scene at [REDACTED]
14 Roseanna to the Piggly Wiggly grocery store near Airport
15 Crossroads?

16 A It is approximately a mile, possibly just barely less
17 than a mile.

18 Q All right. What time did you get to Roseanna Lane that
19 night?

20 A I was called by my Lieutenant Christy Rogers to respond
21 about 10:30. I got there probably a little after 11.

22 Q Was Christy Rogers there when you got on the scene?

23 A No, she had left. She had gone back to our office to
24 prepare and affidavit for search warrant.

25 Q Was a search warrant obtained?

1 A Yes, it was.

2 Q And what was your role with respect to the search
3 warrant once it has been obtained?

4 A I executed the search warrant there at the residence.

5 Q Now, was there any living adult to execute the search
6 and serve it on?

7 A No, sir. No one was inside other than the victim.

8 Q So what do you do to execute a search warrant when
9 there is nobody there to hand it to?

10 A We leave it at the place of the residence.

11 Q At some point -- I will talk about outside first. At
12 some point was there any search done of the exterior of the home
13 not concerning the home itself, but the yard, the driveway the
14 road, the area around the house?

15 A Yes.

16 Q Was anything that night of any significance found by
17 crime scene investigators outside the house?

18 A No, sir.

19 Q All right. Did you make any observations of the -- how
20 many doors were there on this mobile home?

21 A As I you recall there were two.

22 Q And I mean entry, exit doors from outside to inside?

23 A I would say two..

24 Q And was there a door on the back of the house?

25 A Yes.

1 Q Go ahead and talk about that for a minute. Was there
2 an examination done of that door?

3 A Yes.

4 Q The condition of that door meaning open, shut, locked,
5 unlocked?

6 A It was closed and in tack and secured if I recall.

7 Q Any evidence of anything amiss with the back door of
8 that mobile home?

9 A No, sir.

10 Q How about the front door when you got there, what was
11 the condition of the front door open or closed?

12 A The front door was open.

13 Q Just cracked open or open open?

14 A If I recall it was standing pretty much open.

15 Q What was the condition of the knob, the locking
16 mechanism of that door?

17 A The dead bolt was visibly I would say in a locked
18 position. It was sticking out of the door, but it was in tack.
19 It didn't appear damaged.

20 Q Did you have occasion to examine the door jam where the
21 dead bolt would have engaged to lock the door?

22 A Yes, I did.

23 Q I will put up a couple of pictures; State's number
24 three. Do you know what that is?

25 A Yes, it looks like the main entry door with the dead

1 bolt sticking out of the side.

2 Q Is that the condition it was in when you first saw it?

3 A Yes.

4 Q And then State's number four, can you tell us what that
5 is?

6 A Yes, sir. That is going to be the door jam at the door
7 frame where that dead bolt and the lock would insert inside.

8 Q Any indication at that door, the rear door or any
9 windows -- I presume there were windows on this mobile home?

10 A Yes, there were.

11 Q Any indication of forced entry into this mobile home?

12 A No.

13 Q When you walked in -- well, you walk in the front door
14 is the trailer running long ways from you at that point? That
15 was a stupid question.

16 When you walk in the door is the length of the trailer to
17 your right and left?

18 A Yes, it is.

19 Q What is to your right when you walk in the door?

20 A You immediately walk in to kind of the divider between
21 the living room, den area and the kitchen is to the left. The
22 the living room, den area would to be the right.

23 Q Was there a victim inside the house when you were
24 there?

25 A Yes.

1 Q And where was the victim, Miss Jones?

2 A The victim was lying on a couch just inside the door,
3 just to the right of the door.

4 Q Was there any -- were there any home furnishings or
5 what some people might call knickknacks or anything disturbed in
6 the area where the victim was?

7 A Not really. Typically how I describe things like that,
8 it had a lived in look. There were things sitting around.
9 Things moved around. It looked normal. Nothing seemed out of
10 place of anything on the table or anything like that.

11 Q Any -- other than the victim and her condition and
12 result of her condition, anything lying on the floor that you
13 would not have expected to be there, other than ballistics
14 evidence?

15 A Well, there was a I think it was a sweater or
16 sweatshirt next to the kitchen table across from the entry door
17 and there was a picture lying on the floor just inside the door
18 behind the couch.

19 Q Okay. Did you find -- could you tell -- I guess from
20 common sense as much as anything else -- where that picture had
21 been at some point?

22 A The wall where the door was if I am trying to
23 illustrate with my hand, if you come in the front door and you
24 came in there threshold immediately to your right the couch was
25 along that wall. The picture looked like it had possibly been

1 on a nail that was in that wall just inside that door. There
2 was another picture just beyond that that looked a matched set
3 and the one appeared to have fallen off the wall.

4 Q Was the nail in the wall?

5 A Yeah, nail, screw, hanger, it was in the wall that it
6 may have been attached to.

7 Q Did you examine the body of Miss Jones?

8 A Yes.

9 Q Any evidence of injury that you observed?

10 A We did see a what appeared to be a gunshot wound to her
11 left cheek, jaw area on her head.

12 Q Was there blood anywhere in the room where the victim
13 was?

14 A Yes.

15 Q Just generally describe where the blood was or what you
16 suspected to be blood?

17 A Covering her face, head, arms, upper portion of her
18 shoulders, her right side I believe, the cushions on the couch
19 beneath her body, pooling blood beneath the couch right under
20 where she was lying, multiple spatter and stains out in front of
21 that area, blood had run down underneath the couch and along the
22 back wall, and a lot of bloody footprints leading from the body
23 back towards a bedroom on the south end of the mobile home.

24 Q Okay. Did you find any ballistic evidence there at the
25 scene?

1 A Yes, we did.

2 Q What did you find? We found a casing, cartridge
3 casing.

4 Q Where was it found?

5 A On the southern end of that open living room area
6 behind the corner of the couch where the victim's body was
7 lying.

8 Q I will show you a couple pictures. Showing you State's
9 exhibit number 11. Try to get the glare spot out of the way.
10 Can you tell us what that picture is showing?

11 A Yes, sir, that's looking at the couch, sectional couch
12 in the living room area where Miss Jones's body was found.

13 Q Now can you annotate on that picture as close as
14 possible -- there is no picture of a cartridge casing in this no
15 depiction of the cartridge, but can you tell us generally in
16 this picture what direction you found this cartridge casing?

17 A Yes, it was on this end of the couch right down here.

18 Q Try that again. There we go.

19 A That is the far right hand side of the couch. The
20 casing was found on the floor just beyond that. Just behind
21 that.

22 Q All right. I will put another picture up. State's
23 number 12. What is that a picture of?

24 A That is looking down behind that portion of the couch
25 on the floor where the casing was found.

1 Q And what is that yellow thing in the picture?

2 A That is evidence marker label number nine. That helps
3 us keep track of the item.

4 Q All right. Do you recall what that is?

5 A I am not certain what it is. It appears to be a ladies
6 purse or something but I am not certain.

7 Q That's fine. And then one more picture, State's number
8 13. What is that picture of?

9 A That is another close up view of that same evidence
10 marker and the cartridge casing that was found there on the
11 floor.

12 Q I'll hand up an envelope. I think it is sealed up.
13 You got some way to open that up?

14 A No, sir.

15 MR. BARFIELD: At the risk of getting arrested I
16 got something that will open it up. It's legal in all
17 schools in the State of South Carolina. I hope it is
18 legal up here.

19 Q Can you tell me what is in that envelope?

20 A Yes, this is the casing, cartridge casing that we were
21 looking at pictures with the evidence marker nine.

22 MR. BARFIELD: Your Honor, at this time I offer
23 the cartridge casing and the SLED packaging the next
24 State's exhibit -- let me ask you another couple of
25 questions.

1 Q What did you do with this cartridge casing?

2 A We collected it and submitted it as evidence.

3 Q And I am going to ask this question once today and I am
4 not going have to use this name fifteen times. When you say you
5 submitted it into evidence where do you mean you submit it in
6 evidence?

7 A There at our office, the evidence building, 1528 --
8 well, it is now 1528 Pageland Highway, I don't it was then, but
9 Miss Horton is the custodian of evidence. She takes care of
10 that.

11 Q And you submit it to a locked compartment of some sort?

12 A Yes.

13 Q And describe that for the jury so we will do this once
14 on this item and we don't have to do it every time?

15 A We have a process of lockers that are mounted in our
16 evidence building and when deputies or investigators, if we have
17 an item that is small enough to fit there when we gather that on
18 scene, we insert it into the locker. We put the key into
19 another secure location wherein Miss Horton can access those
20 keys to go unload that evidence and check it into our building.

21 In our older building we may have also had an additional
22 drop box that we used to drop smaller items and that again was
23 accessed by Miss Horton and those were approved by the sheriff.

24 Q Now, when you seized and secured this cartridge case
25 did you seal it up somehow?

1 A Yes.

2 Q And did you turn it in, submit it into evidence?

3 A Yes.

4 Q Did you do anything with it?

5 A No, sir.

6 Q From then until this morning?

7 A No, sir.

8 MR. BARFIELD: Your Honor, I would offer the
9 cartridge case as the next State's exhibit.

10 MR. FRICK: No objection, Your Honor.

11 MS. RANEY: No objection, Your Honor.

12 THE COURT: All right, State's 41, cartridge
13 casing in evidence without objection.

14 (State's Exhibit 41, cartridge casing, received
15 in evidence as of this date.)

16 Q Investigator Taylor, did you at some point -- well, at
17 some point while you were present on the scene was the body of
18 Miss Jones removed from the scene?

19 A Yes.

20 Q And at any point did you do any more examination of the
21 couch itself?

22 A Yes, I did.

23 Q Concerning potential ballistic evidence?

24 A Exactly. We were looking to see if there was an exit
25 wound on the body of Miss Jones which we didn't find.

1 Q Did not?

2 A Correct. And we looked to see if there were any other
3 casing that may have been found there or any other bullet
4 fragments, things like that and we didn't find anything.

5 Q And how extensive was your search of the couch, any
6 items on the couch in the area around and under the couch?

7 A We removed the cushions and we pulled the couch away
8 from the wall and looked underneath and thoroughly search the
9 floor.

10 Q Was there any other -- well, we covered this. Never
11 mind.

12 Did you do examination of the main doorway to the home?

13 A Yes.

14 Q How many doors were in that door way?

15 A There is a metal and glass, what we refer to as a a
16 storm door on the outside and then there was a main entry door,
17 one solid door.

18 Q Okay.

19 Q Tell the jury first of all what is touch DNA?

20 A Touch DNA what we refer to there is in a sense every
21 time you touch something or you go somewhere you leave part of
22 you behind, typically skin cells and when we are looking for
23 touch DNA we are trying to gather some of that on a sterile
24 cotton swab so that it later can be tested and may be try to
25 match it back to a donor or source.

1 Q Did you attempt to collect touch DNA from either or
2 both of the doors, the main doors --

3 A Yes.

4 Q -- into the house on the front. I am talking about the
5 front doors?

6 A Yes, sir,

7 Q What areas did you test or swab?

8 A I believe I checked around the door handles. Let me
9 spot where I got that listed here.

10 Yes, the storm door handle on the exterior door itself. On
11 the exterior handle I took some swabs from the underside of that
12 handle and then the inside and outside doorknob of the metal
13 entry door.

14 Q I will show you a sealed up envelope and ask you what
15 appears to contain two paper envelopes. Can you tell me what
16 those items are?

17 A Yes, sir. These are the swabs that I collected from
18 the storm door handle and the main door.

19 Q Now, when you say you collected swabs tell the jury
20 what do you mean by collecting swabs?

21 A I usually take some sterile water and put on one of the
22 swabs. Usually we will collect two at a time or two separately
23 and just swab that across that surface of the area to let the
24 swab itself absorb that and we use sterile cotton swabs.
25 Usually wooden handle with a sterile cotton tip and then those

1 air dried, they are air dried, and they are packaged in a either
2 little paper envelope or a cardboard box -- a little tiny box
3 that is made for it and then usually we seal them in a paper
4 envelope. Sometimes plastic, but it's usually paper.

5 Q We heard some testimony yesterday about the collection
6 of buccal swabs. When you are collecting swabs from like a door
7 handle is it basically the same process?

8 A Well, it is similar. It is just of course buccal
9 meaning cheek. You are looking for the actual skins cells from
10 inside versus cheek, whereas here we are looking for the skin
11 cells that are left deposited on the outside of something.

12 Q Do you use the same kinds of swabs?

13 A Yes.

14 Q Those swabs, is that something you go to Rite Aid to
15 buy or is that is something that is prepackaged in a kit?

16 A It is prepackaged. We purchase them as a sterile --
17 sterile cotton swabs usually from some type of medical supply or
18 a forensic supply.

19 Q All right. Will you take the knife and open the
20 plastic envelope in a way that we can put the other two
21 envelopes back in it after we get through talking about it in a
22 minute.

23 A Yes.

24 Q Pull out what you describe as the envelope containing
25 the swabs from the storm door?

1 A Okay.

2 Q Is that what that is?

3 A Yes.

4 Q Okay. And pull out --

5 MR. BARFIELD: Well, at this time Your Honor, I
6 offer the swabs from the storm door as State's exhibit
7 number 42 -- I think.

8 MR. FRICK: No objection.

9 MS. RANEY: May I just take a look at the envelope
10 first, Your Honor.

11 MR. BARFIELD: Let me hold the envelope.

12 MS. RANEY: I have no objection.

13 MR. BARFIELD: Let me go ahead and get the other
14 one in at the same time.

15 Q Which envelope is the envelope from the swabs from the
16 doorknob?

17 A That is going to be this one. (Indicating).

18 MR. BARFIELD: Your Honor, I would offer the door
19 handle swabs as the next State's exhibit 42, and then
20 the doorknob swabs as the next State's exhibit number
21 43.

22 THE COURT: Any objection?

23 MR. FRICK: That is fine Your Honor.

24 MS. RANEY: No objection.

25 THE COURT: State's 42 and 43 is in evidence

1 without objection.

2 (State's Exhibit 42 and 43, swabs, received in
3 evidence as of this date.)

4 MR. BARFIELD: Your Honor, with the Court's
5 permission I will put them back in the SLED glassine
6 envelope.

7 THE COURT: Yes, sir.

8 Q What is a latent fingerprints?

9 A Latent fingerprints is one that is deposited on a
10 surface but it is generally hidden to the eye.

11 Q And how do you find out if there is a latent
12 fingerprint somewhere?

13 A Our usual practice is to use a dust and just apply it
14 to the area and see if some ridges appear as part of that print.

15 Q Did you do any fingerprint work concerning the entry
16 door to the mobile home at [REDACTED] Roseanna Lane?

17 A Yes, we did.

18 Q Describe for the jury how you did that?

19 A Dusted the storm door, inside outside and also the main
20 entry door again using dust to see if we can reveal any prints
21 on it.

22 Q Did you find anything on the storm door itself?

23 A Let's see ---

24 Q Did you find any what you believed to be latent prints
25 on the storm door itself?

1 A Yes. Yes, sir, on the inside of the storm door window?

2 Q And how many latent prints did you find on the inside?

3 A I made three tape lifts.

4 Q Now, I am going to hand you another envelope and ask if
5 you can identify what is in that envelope?

6 A Yes, sir. These are the three latent print cards that
7 I collected there.

8 Q Did you find anything that you thought might be a
9 latent print or prints on the main door or any portion of the
10 main door?

11 A Yes.

12 Q What?

13 A Saw what looked like a possible print on the dead bolt
14 lock assembly on the exterior of the metal entry door.

15 Q Let me show you, put the picture up again real quick?

16 Q On the outside portion of it you said?

17 A Yes.

18 Q I am showing you State's exhibit number five, is that
19 inside?

20 A That is probably the inside.

21 Q State's exhibit number three?

22 A Yes, that is the outside.

23 Q Now, when you say the dead bolt locking mechanism, tell
24 me where -- circle, annotate on there where you are talking
25 about?

1 A It would be the assembly there facing the outside.

2 Q Now, did you make effort to lift in some fashion that
3 latent print off that assembly?

4 A Yes.

5 Q And how do you do that?

6 A Well, on that one sometimes when things have odd
7 surface or it is not a flat smooth surface or even if it is a
8 flat smooth surface, if it has a rough texture, like a grainy
9 texture to it usually the type of tape that we use doesn't
10 adhere well, or again if it is curved or oddly shaped the tape
11 doesn't stretch and fit into all those grooves and areas. But a
12 lot of times the print may still be there. So we mix up a
13 little compound. Brand name for it is Mikrosil and it's
14 basically if you are familiar with the old play-doh, silly-type
15 stuff, it will adhere to whatever form you press it in to. We
16 mix that up and apply it to the area above where it is been
17 dusted and then once it dries it turns into kind of a rubbery
18 very easily pliable piece of material. Then we would simply
19 peel that off and then if there was a print there it would be
20 the print in reverse and then the process would be to photograph
21 it, invert the photograph and then try to examine that print at
22 that point.

23 Q All right. Now, concerning the latent prints that you
24 lifted off the inside glass of the storm door and the dead bolt
25 mechanism of the main door, I will not get into tons and tons of

1 detail, but when you get back to your lab at the sheriff's
2 office how do you determine if there is anything there that you
3 can do anything with?

4 A We look at the prints again, either a lift on a card or
5 the Mikrosil casing type lift. The method that the most
6 examiners that I'm familiar with go through it is kind of a
7 described by an acronym entitled ACEV, A-C-E-V; analyze,
8 compare, evaluate and verify. And so typically you analyze a
9 print to start with and look for the quality, the amount or the
10 quantity of identifiable points. Things like that. And if you
11 feel you have sufficient to maybe effect an identification or
12 even go forward with a comparison which you then would move to
13 the next step which would be compare.

14 In this situation once I examined these I didn't come to a
15 determination that I had enough to compare. So I stopped my
16 examination at that point.

17 Q Nothing that you could use for comparison purposes to
18 somebody's known fingerprints?

19 A Correct.

20 MR. BARFIELD: Your Honor, at this time I offer
21 the latent lifts from the inside glass of the storm
22 doors, State's 44 and the Mikrosil casing from the
23 dead bolt as States 45.

24 MR. FRITZ: No objection.

25 MS. RANEY: Your Honor, I actually have never seen

1 those. Can I take a look as them.

2 I have no objection Your Honor.

3 THE COURT: All right, States 44 and 45 -- what
4 was 45.

5 MR. BARFIELD: State's 45 is the latent print from
6 the dead bolt mechanism from the exterior door.

7 THE COURT: All right, 44 and 45 are in evidence
8 without objection.

9 (State's Exhibit 44 and 45, latent lifts and
10 Mikrosil casing, received in evidence as of this
11 date.)

12 Q We will go back inside the house and ask you some
13 questions about some other matters inside the house.

14 Did you at some point have an occasion to examine the
15 entire mobile home at [REDACTED] Roseanna Lane, the interior?

16 A Yes, I did.

17 Q How many bedrooms were in that mobile home?

18 A I believe there is a total of three.

19 Q Okay. Anything about either of the three bedrooms that
20 drew your attention?

21 A Yes.

22 Q Which bedroom first?

23 A The bedroom on the far north end of the trailer, what I
24 would describe as the master bedroom.

25 Q What was -- what about that bedroom caused you to

1 think?

2 A It appeared to have been pretty much ransacked. The
3 mattress had been moved partially off of the boxsprings on the
4 bed. A dresser looked like it had been partially turned over.
5 Drawers were spilled out. Clothing appeared to have been dumped
6 out of the some of the drawers.

7 There was another small chest or nite stand on another
8 wall adjacent to that wall where it looked liked the drawers had
9 been pulled out and the clothing had been dumped out.

10 There was a large pile of shoes, looked liked they been
11 pulled out of the closet and dumped on the floor.

12 Q Okay. I will show you, not on this reader, but hand
13 you State's exhibit six through ten. Look as those and tell me
14 what they describe. Not item by item but just general.

15 A Yes, sir. This does show the bedroom. Shows the items
16 overturned and the clothing and all dumped out on the floor. It
17 looks like I can see the shoes where they appeared to have moved
18 out of that closet as well.

19 Q Did you make any effort to develop any latent -- to
20 discover any latent fingerprints or any touch DNA within that
21 bedroom?

22 A I dusted the drawers in several areas. The things that
23 looked like they have been moved around, turned over but didn't
24 find any. Didn't reveal any latent prints.

25 Q Was there anything of forensic value that you

1 discovered in that bedroom?

2 A No.

3 Q Was there in any other room of the house that you
4 discovered by way of forensic evidence, latent fingerprints,
5 touch DNA, anything else discovered in that house other than the
6 room where the victim was?

7 A No, sir. Just the only other thing the trail of bloody
8 footprints leading down to the south bedroom. Nothing was
9 gathered there other than some clothing items.

10 Q Let's go ahead and talk about bluestar forensic
11 solution. Is it solution or what is it?

12 A It is a liquid solution.

13 Q And what is bluestar? What is it?

14 A It's a reagent that reacts with I believe the
15 hemoglobin in blood.

16 Q Okay. And how do you use blue star?

17 A It is usually sprayed on to a surface and when it comes
18 in contact with blood that blood will -- or that fluid on that
19 blood would mix with that blood will then fluoresce. It is
20 referred to chemiluminescence. Basically a chemical
21 luminescence.

22 Q This is not science, but some sort of a candle looking
23 under black light?

24 A Sure, but it will glow without use of a black light.

25 Q Do you use black light some times when you are using

1 blue star or some form of artificial light?

2 A No, it will luminescence on its own.

3 Q Okay. Anything else at the scene that we have not
4 talked about?

5 A Nothing that I can think of.

6 Q I will show you another picture or two. I will show
7 you State's exhibit 16. Are you familiar with what is shown in
8 that picture?

9 A Yes.

10 Q What is that picture?

11 A That is Cadillac Seville that I processed.

12 Q And how many times did you have your hands on that
13 Cadillac Seville?

14 A Twice.

15 Q When was the first time you had your hands on that
16 Cadillac Seville?

17 A First time was on January 23, 2012.

18 Q And where did you have your hands on that car then?

19 A It was at 202 Hughes Street in Lancaster.

20 Q Is this picture taken at Hughes Street from that day?

21 A Yes, it is.

22 Q When was the second time you had your hands on that
23 Cadillac?

24 A The second time was March 7, 2012.

25 Q Where was where were you messing around with the

1 Cadillac that time?

2 A That was at an old building we use to refer to as a
3 task force building. It was outbuilding the sheriff's office
4 used for storage of some items. It was a place where we could
5 go make a low light facility so we can use the blew star.

6 Q Now January 23rd, the picture I showed you a minute
7 ago, when you left there that day did the Cadillac stay there?

8 A Yes.

9 Q Okay. How did the sheriff's office come to be in
10 possession of the Cadillac at the old task force office back in
11 March or later in March?

12 A I am not sure when but at some point the sheriff's
13 office took ownership of the Cadillac and it had been stored I
14 believe at the sheriff's office impound lot and then we moved it
15 over to the task force building for that purpose.

16 Q All right. Generally speaking what were you trying to
17 accomplice on January 23rd when you dealt with the Cadillac over
18 at 202 Hughes Street?

19 A Just looking for any physical evidence that I thought
20 might lead us to determine who the occupants of the car might
21 have been.

22 Q What was the weather that day; do you recall?

23 A If I recall it was raining.

24 Q Was the car under cover where you found it?

25 A It was under a metal awning, yes.

- 1 Q Was the car dry?
- 2 A No, it was still wet..
- 3 Q Did you work on the inside of the car?
- 4 A Yes.
- 5 Q Did you work on the outside of the car?
- 6 A Yes.
- 7 Q Let's talk about the inside of the car first?
- 8 A Okay.
- 9 Q Did you attempt to lift any latent prints from inside
- 10 the car?
- 11 A Yes, I did.
- 12 Q Were you able to do so?
- 13 A No, I didn't find any.
- 14 Q Did you attempt to lift any latent prints from the
- 15 outside of the car?
- 16 A Yes.
- 17 Q Was there anything different about how you had to
- 18 process the outside of the car then normally you would do on the
- 19 inside?
- 20 A Yes. The outside of the car again even though it was
- 21 under the metal awning it was still wet from the mist and rain
- 22 that had fallen, and so I had to use a chemical product called
- 23 small particle reagent. Again another chemical that bonds to
- 24 the parts of your fingerprints that are left on surfaces.
- 25 Q Okay. Were you able to lift any latent prints from

1 outside the car?

2 A No.

3 Q I will ask you what areas, outside and inside in a
4 minute. Did you lift any latent prints from the outside of the
5 car?

6 A No.

7 Q Inside the car where did you try to find latent prints?

8 A I worked on the steering wheel, gear shifter, rear view
9 mirror, driver door and the window.

10 Q How about the outside?

11 A On the driver door handle and immediately around the
12 door handle.

13 Q All right. Now let's talk about your processing of the
14 car and again, I forgot what date you said. What date was it
15 that you processed the second time?

16 A Second time was March 7, 2012.

17 Q Between the sheriff's office taking possession of that
18 car and you seeing it on March 7th, had it been locked up
19 somewhere?

20 A Yes.

21 Q What were you trying to do on March 7th of 2012?

22 A On that instance -- or on that occasion our focus was
23 mainly to find any blood that may have been left in the car.

24 Q How were you going to try to find blood in or on the
25 car?

1 A Well, again just a visual examination, vision
2 inspection and using the blue star chemical that we use.

3 Q And what areas of the car -- well, did you find
4 anything inside the car that you suspected to be blood?

5 A Yes, we did.

6 Q Where?

7 A On the back seat cushions and I believe on the front
8 seat cushions and on the passenger front seat seatbelt.

9 Q Okay. I am going to show you some pictures and we
10 looked at them yesterday, and you tell me -- if you can tell me
11 which areas of the car this is from; State's number 31?

12 First of all, can you tell me what that is a picture of?
13 Is that a picture of somebody's car?

14 A Yes, sir. That is I believe the back seat of the
15 Cadillac, and scale ruler there next to a stain.

16 Q All right. And is that stain something that was of
17 interest to you?

18 A Yes.

19 Q Do you recall whether that is a stain you actually
20 collected in some fashion?

21 A I believe Investigator Steel collected a swab from that
22 stain.

23 Q Was he present when you were also working this car?

24 A Yes, he was.

25 Q And circle the stain.

1 (WHEREUPON, the witness complies.)

2 Q Thank you. Showing you State's exhibit 32. Can you
3 tell these folks what that is a picture of?

4 A That is also in the back seat of the same Cadillac.

5 Q And is there something there that was collected in some
6 fashion?

7 A There is. There is a stain here on the back of the
8 seat upright.

9 Q I will show you State's number 33. Tell me again if I
10 need to adjust that picture?

11 A I think that maybe correct.

12 Q And do you recall what part -- is that also inside that
13 same car?

14 A Yes, sir, that is as far as I recall is also on the
15 back seat.

16 Q And is there something in there that you collected in
17 some fashion?

18 A Yes, sir. These obvious stains here. Investigator
19 Steel swabbed some portion or all of that.

20 Q All right. Are there any photographs that you are
21 aware of that actually show anything in the front seat? Did you
22 all collect some stuff from the front seat?

23 A Yes, we did. We actually cut the material out of the
24 front seat; both the front driver's seat and passenger's seat.
25 We cut probably about a foot square out of each of those.

1 Q We will get to that in just a minute. I will hand you
2 an envelope and you will have to open it up and tell us what is
3 in there. Take a look at that please.

4 A There is three individual bags here. The one is
5 labeled three swabs of red, brown stains from the rear seat that
6 was collected by Investigator Jeff Steel.

7 Q All right. Hold on just a minute. You said that is
8 the rear seat?

9 A Yes, sir.

10 Q All right. Let me hold on to that for a minute. And
11 again, was this all collected in your presence?

12 A Yes.

13 Q Were you all their working together?

14 A Yes.

15 Q Look at the next envelope?

16 A The next envelope is going to be part of the fabric
17 from the front passenger seat that was cut out and collected by
18 myself.

19 Q All right. What is the next envelope?

20 A The final envelope is a piece of stained fabric from
21 the front driver's seat that was cut out by me.

22 Q All right. Go ahead and open it. You don't need to
23 open that, but tell me, what is in that envelope?

24 A This is going to be the seat belt that we cut from the
25 front passenger seat area of the Cadillac.

1 MR. BARFIELD: Bare with me, Your Honor, just a
2 minute.

3 I will offer all these items. Give these folks an
4 opportunity to look at them.

5 MS. RANEY: No objection.

6 MR. FRICK: No objection.

7 MR. BARFIELD: I will identify them. I am
8 offering up first, three swabs from rear seat.

9 THE COURT: Forty-six?

10 COURT REPORTER: Yes.

11 MR. BARFIELD: I am offering up next a cutting from
12 front driver's seat.

13 Now I am offering a cutting from front passenger
14 seat, and finally the cutting from the seat belt.

15 THE COURT: All right, State's 46, 47, 48 and 49
16 is in evidence without objection, Mr. Frick?

17 MR. FRICK: No objection..

18 MS. RANEY: No objection.

19 (State's Exhibits 46, three swabs, 47-49 cuttings,
20 received in evidence as of this date.)

21 Q When you collected those items that we just put into
22 evidence, did you secure them in the proper way?

23 A Yes.

24 Q And what did you do when you got them secured?

25 A We transported them to the sheriff's office evidence

1 room and submitted them there.

2 Q Let's go back to January 23rd of 2012. When you first
3 dealt with that automobile, did you met somebody that day that
4 you came to know as Pomp Blackmon?

5 A Yes, I did.

6 Q Did you and he have some conversation?

7 A Other than just meeting each other and Investigator
8 Fred Thompspon was there and he communicated for the most part
9 with Mr. Blackmon, but I talked with Mr. Blackmon when we got
10 permission from him to actually process the car.

11 Q And did you collect any evidence from the person of Mr.
12 Blackmon?

13 A Yes, I did.

14 Q What did you get from Mr. Blackmon?

15 A He gave consent to collect buccal swabs to be used for
16 possible comparison later on.

17 Q And why did you need Pomp Blackmon's buccal swabs?

18 A For DNA.

19 Q For DNA comparison?

20 A For DNA comparison, yes.

21 Q And why did you need to know about his DNA?

22 A Potential evidence that we hoped we might find inside
23 the car. We wanted to be a able to allow a state lab to rule
24 him out.

25 Q I will show you an envelope. Can you tell me what is

1 in that?

2 A Yes, sir. These are the buccal swabs that I collected
3 from Mr. Blackmon.

4 Q Did you collect and process them and secure them in the
5 fashion that you described you do for buccal swabs earlier?

6 A Yes, I did.

7 Q Did you log them in evidence at the sheriff's office?

8 A Yes.

9 Q Okay. Did you at some point during your work on this
10 case meet somebody named Wayne Anthony Blakeney Jr, I believe
11 that is his name?

12 A Yes, sir, I did.

13 Q When did you met Mr. Blakeney?

14 A On March 8, 2012.

15 Q Did you collect any evidence from the person of Mr.
16 Blakeney?

17 A Yes, I did.

18 Q What?

19 A Buccal swabs also.

20 Q Can you identify what is in that envelope?

21 A Yes, sir. These are the buccal swabs that I collected
22 from Mr. Blakeney.

23 Q Did you collect them as you are trained to do and
24 secure them as you are trained to do?

25 A Yes.

1 Q And what did you do after you collected them?

2 A Submitted them into our evidence room.

3 Q Did you on some occasion you met a fellow that you came
4 to know as Delico Lamar McDow?

5 A Yes.

6 Q When did you met him?

7 A On March 20, 2012.

8 Q Did you collect any physical evidence from the person
9 of Mr. McDow?

10 A Yes, I did.

11 Q Can you identify what is in that envelope?

12 A These are the buccal swabs that I collected from Mr.
13 McDow.

14 Q Did you collect them and secure them in the way you are
15 trained to do?

16 A Yes.

17 Q And what did you do after you got them?

18 A Submitted it into our evidence facility.

19 Q And did you at some point during your participation in
20 the investigation of this case met somebody you came to know as
21 the defendant Al Martinez Green?

22 A Yes, sir. I did.

23 Q When did you met Mr. Green?

24 A That was on November 8th of 2012.

25 A Can you identify what is in that envelope?

1 A Yes, sir. These are the buccal swabs I collected from
2 Mr.. Green.

3 Q Did you collect them and secure them in the way you are
4 trained to do?

5 A Yes, I did.

6 Q What did you do with them after you collected them?

7 A Submitted them into our evidence facility.

8 Q Okay. Other than again, same question as one of the
9 other items I asked you before. Did you do anything with them
10 after you sealed them up and submitted them into evidence?

11 A No.

12 Q And have you dealt with them between then and now?

13 A No.

14 MR. BARFIELD: Your Honor, at this time I offer
15 the buccal swabs as State's exhibits.

16 MR. FRICK: No objection.

17 MS. RANEY: No objection.

18 MR. BARFIELD: Blackmon, first. Blakney next.
19 McDow, was the last one that was marked as 52 and
20 finally Green.

21 THE COURT: You marked State's 50, 51, 52 and 53,
22 is that correct, in evidence without objection.

23 MR. FRICK: No objection.

24 MS. RANEY: No objection.

25 (State's Exhibits 50-53, buccal swabs, received in

1 evidence as of this date.)

2 MR. BARFIELD: Permission for the witness to step
3 down.

4 THE COURT: Yes, sir, you may step down. Just
5 keep your voice up.

6 Q Investigator Taylor, can you tell the jury what this is
7 we are looking at?

8 A This is a large printout of a picture that was printed
9 for us just to depict the area around where the incident
10 occurred here in Lancaster County.

11 Q With the pointer first of all show us does the aerial
12 -- I will call it an aerial photograph. Does the photograph it
13 show Highway 200?

14 A Yes, it does.

15 A This is going to be Highway 200, Great Falls Highway

16 Q Run the pointer in the direction of travel to Great
17 Falls?

18 A Going to Great Falls from Lancaster you will move this
19 direction.

20 Q And conversely if you are going to Lancaster which way
21 are you going?

22 A Going back to town you are going that direction.

23 Q All right. Is Roseanna Lane shown on that photograph?

24 A Yes, it is.

25 Q Point to Roseanna Lane.

1 A Roseanna Lane and Culton Way both turn off here and
2 then they split. Roseanna goes this way and Culton this way,
3 but Roseanna comes all the way down to here.

4 Q And does Roseanna have an exit point somewhere?

5 A No, it doesn't. It's a circle or a cul-de-sac that
6 turns around right here at the end and then you got to go back
7 out to get to Great Falls Highway.

8 Q Does Culton have a terminus or does it have an exit?

9 A It also terminates here about the end and you have to
10 turn around to go back out to get back to Great Falls Highway.

11 Q Let me back up and get out on Highway 200 again. Which
12 way generally is the Piggly Wiggly that has been referred to in
13 the testimony earlier?

14 A From coming out of Roseanna and Culton you would turn
15 right and go back up to Piggly Wiggly store.

16 Q And is the Piggly Wiggly -- I am trying to remember
17 which one is the Piggly Wiggly. Is that the one on 200 or on
18 Airport Road after you turn off 200?

19 A It's the one on Great Falls Highway.

20 Q Now, show the jury where the incident occurred, the
21 address of [REDACTED] Roseanna Lane?

22 A [REDACTED] Roseanna Lane is this mobile home here. It's not
23 the end one but the one next to the end, right here.

24 (Indicating)

25 Q And when you say it is not the end one where is the end

1 one? Is it shown on there?

2 A Yes, sir. There is one mobile home on that side of the
3 street just beyond [REDACTED] which is here, shown by the red, and
4 there is one more right here just almost off the edge of our
5 picture here.

6 Q Okay. All right that is all the questions I have
7 concerning the chart -- picture. You can take a seat.

8 MR. BARFIELD: Your Honor, I am going to offer the
9 photograph as the next State's exhibit.

10 MR. FRICK: That is fine.

11 MS. RANEY: No objection.

12 THE COURT: All right, what number is it?

13 COURT REPORTER: That is 54.

14 THE COURT: Aerial photograph is in evidence
15 without objection.

16 (State's Exhibit 54, aerial photograph received in
17 evidence as of this date.)

18 MR. BARFIELD: Thank you, very much. Answer
19 anything Mr. Frick or Miss Raney has.

20 THE WITNESS: Yes.

21 THE COURT: Thank you. Thank you, solicitor. Mr.
22 Frick.

23 MR. FRICK: Judge, would it be possible to take
24 about a two-minute break before I start cross
25 examination?

1 THE COURT: That is not possible. We will take a
2 break, but we could never get reassembled within two
3 minutes.

4 MR. FRICK: I understand.

5 THE COURT: So we will take about a ten-minute
6 recess. If you please step to your jury room ladies
7 and gentleman. Take about ten minute recess. Do not
8 discuss the case during this brief recess.

9 (Juror leave the courtroom.)

10 THE COURT: You may not discuss your testimony
11 with anyone.

12 THE WITNESS: All right.

13 (WHEREUPON, there was a recess.)

14 THE COURT: Anything from the State before we
15 bring the jury back in?

16 MR. BARFIELD: No, sir.

17 THE COURT: From the defense?

18 MR. FRICK: No, sir.

19 MS. RANEY: No, sir.

20 THE COURT: All right.

21 (WHEREUPON, the jury enters the courtroom.)

22 THE COURT: The jury is back present in the
23 courtroom. Mr. Frick.

24 MR. FRICK: Thank you, Your Honor.

25 CROSS EXAMINATION

1 BY MR. FRICK:

2 Q Investigator Taylor, about when did you get on the
3 scene of Roseanna Lane.

4 A Probably some time between 11 and 11:30, maybe a
5 quarter after, twenty after.

6 Q Okay. Now, just so I am clear. I am not asking you to
7 look at it right now, but you prepare what we call an incident
8 report about your role in the investigation, right?

9 A Yes.

10 Q And I will note that you are always quite thorough and
11 I saw that you were on this one as well. So it is a rather
12 lengthy report?

13 A Usually.

14 Q And you covered what your role at Roseanna Lane, I
15 think seeing the car, on both occasions?

16 A Correct.

17 Q Was there any other part? Am I missing a part? Were
18 those three of your major parts?

19 A Other than collecting the buccal swabs on the other
20 instances.

21 Q Right. Let's start back at Roseanna that night when
22 you get there. Scene had already been secured when you got
23 there?

24 A Yes.

25 Q Are you the -- I don't know if there is a chief

1 investigator on this situation. Are you the chief CSI
2 investigator on this scene?

3 A Typically it falls to whoever is on call for that
4 particular night or evening. If is after hours, then my
5 lieutenant, Christy Rogers was actually on call. She arrived
6 first and so she would usually have been looked at as the
7 primary. I was called in to back her up or to assist her.

8 Q Okay. But she left to go secure the search warrant?

9 A Yes, sir.

10 Q After you get the search warrant that is when you go
11 in?

12 A Yes.

13 Q Solicitor asked you about the door and you explained
14 that you didn't see any damage to the door?

15 A No, sir.

16 Q Attempted to get some fingerprints or get some lifts?

17 A Yes.

18 Q But couldn't find anything discernible off it?

19 A Nothing useable.

20 Q You also -- did you do any touch DNA on the doors?

21 A Yes, we did, on the door knobs and the door handle.

22 Q Were you looking in the same spots or were these
23 different spots?

24 A Probably just a different area. I try to think of how
25 I might handle something if I was going to open a door to where

1 maybe my skin might have come in contact with it.

2 Q Okay. Which one do you do first?

3 A You can do either. Usually if we are going to print
4 something first and we think we may have an opportunity to swab
5 for DNA afterward we will use what we call a one time use
6 fingerprint kit that has never been used before so we don't
7 contaminate the dust or the instrument from one scene to another
8 and that's what we did in this case.

9 Q Okay. So you do the dusting first?

10 A Yes, I believe I did in this case.

11 Q But with an absolutely fresh can, hasn't been used?

12 A Yeah, I brush everything.

13 Q Then you come back and do the swabs for the DNA?

14 A Yes.

15 Q So you done everything in your training to insure that
16 the DNA has not been contaminated?

17 A Correct.

18 Q All right. That's at the door. Lets see. I will
19 stick with touch DNA and fingerprints right now. I will try and
20 compartmentalize it that way as we go through this.

21 Where did you go next looking for either DNA or
22 fingerprints?

23 A The next area that we checked for fingerprints was the
24 north bedroom that appeared to have been ransacked.

25 Q Okay. That's is what I think somebody called the

1 master bedroom?

2 A Yes.

3 Q And it was in disarray was it not?

4 A Yes, it was.

5 Q I think the the mattress looks like it was off the bed?

6 A Yes, sir, it appeared to be been moved halfway off the
7 bed.

8 Q Got several pictures. I think this one may show -- I
9 will show you what been marked State's number nine. Is that the
10 bedroom we are talking about?

11 A Yes, it is.

12 Q Okay. And that's the mattress we are talking about?

13 A Correct.

14 Q There appears to be a chest of drawers. Is that your
15 estimation as well?

16 A Yes, sir along the far wall of that open door.

17 Q Yes, sir, that what I am looking at. It looks like
18 some drawers been taken out?

19 A Yes.

20 Q Just stuff strewed about the room?

21 A Yes.

22 Q Okay. And this is the condition that it was in when
23 you got there?

24 A Yes, it is.

25 Q You attempted to get some prints?

1 A Yes.

2 Q Let's stay with fingerprints right now. You attempted
3 to get some fingerprints on this?

4 A Yes.

5 Q Where did you attempt? Can you give me some idea if
6 you recall?

7 A Yeah. Typically I would have dusted around the door,
8 the drawer faces, things like that. Maybe along the top area of
9 the countertop. Anything that was obvious there that looked
10 like somebody might have gripped it or something like that.

11 Q Is that where you looked? Were there any other places
12 in the room?

13 A Nothing that I can think of. Well, there was another
14 smaller chest immediately to the left in this picture right over
15 in this area here. It is kind of covered up by these things.
16 There was some other drawers and things. We checked that area
17 too.

18 Q Checked that, okay. Did you find any -- we keep saying
19 lift and prints. The lift is -- and correct me if I am wrong.
20 The lift is when you think you got something. You put the tape
21 on it and then you go look at it later, right?

22 A You pull it away. You lift onto the surface of the
23 tape or whatever.

24 Q All right, did you get any lifts?

25 A None there, no, sir.

1 Q Or from any stuff in the bedroom?

2 A No.

3 Q Now, the doorknob, did you look at doorknob for any
4 reason?

5 A I don't recall that I you did.

6 Q Light switch, anything like that?

7 A No, sir.

8 Q Okay. Any of those -- there is a good deal of items on
9 the floor. Did you see anything that you tested?

10 A I may have dusted some of the items, some of the larger
11 items. I don't recall specifically. Typically I do. Some
12 times you do. Some times you don't. It depends on what
13 presents itself to you there.

14 Q Okay. If you had gotten any lifts you likely would
15 have listed them down. I would be surprised if you didn't.

16 A Correct.

17 Q I don't see that you did.

18 A It would be documented if I did.

19 Q Okay. So no lifts on any other items in that room?

20 A Correct.

21 Q Okay. Touch DNA. Did you look for touch DNA?

22 A In that particular room I don't believe we did.

23 Q Okay. That's fine. Is there any reason why you did
24 not?

25 A In all truthfulness I can't explain. It is something

1 we didn't get to by the time we moved on to some place else. I
2 don't know.

3 Q We keep saying touch DNA. Is there other DNA that you
4 can look for. Other things you can look for?

5 A Yeah, you can look for and find DNA in saliva, blood,
6 other bodily fluids, things like that.

7 Q All right. None of those were done as well?

8 A Correct.

9 Q Were there any other rooms in that residence that you
10 checked?

11 A No.

12 Q I think you may some observations, but you didn't go in
13 there and look for fingerprints or DNA

14 A No. No other rooms appeared to have be effected.

15 Q Okay. There were some footprints?

16 A Yes.

17 Q That went from the scene. I will call it the scene, to
18 one of the bedrooms?

19 A Correct.

20 Q Were you able or was anybody able -- it might have been
21 you -- to make a determination as to where those footprints
22 might have come from?

23 A Well, the footprints were predominately around the area
24 in front of where Miss Jones was found on the couch. There was
25 heavy pooling blood there and the footprints appeared to

1 probably have been one of her children.

2 It is my understanding that two of the children were in the
3 house when law enforcement arrived. One of the children had
4 alerted the neighbor who called law enforcement. The prints
5 that were visible in the blood I think I measured them, if I
6 recall, they were about four, four and a half inches long so we
7 assumed that probably would have been one of the children's bare
8 feet.

9 Q Okay.

10 A And it appeared to be in a pathway going several trips
11 back and forth from where she was back around to the south
12 bedroom which was about 12, 14 feet away from where the
13 footprints seem to stop, turn around and come back two or three
14 times.

15 Q Were any of the footprints larger than that four
16 inches?

17 A No, sir. They all looked about the same.

18 Q Okay. So, it is fair to you say you didn't see any
19 adult size footprints?

20 A I don't believe there were any of what I would consider
21 an adult.

22 Q Okay. All right. Were the children already outside of
23 the house when you went in?

24 A Yes.

25 Q At any point did you observe the children?

1 A Yes.

2 Q When did you observe the children?

3 A I collected the clothing that they were wearing. They
4 were being tended to by some EMS responders and kind of kept off
5 away from everybody. Just to keep them safe and keep them out
6 of the cold in one of the EMS trucks.

7 Q And and what was the condition of that clothing?

8 A Blood on just about all the children's clothing. Some
9 more than the other.

10 Q Okay. All right. Can you -- there were three of them,
11 is there anyway did you have any description to keep the three
12 of them straight?

13 A Yes, the oldest one I believe he was about four. He
14 told me his first name and I believe he told me his sister's
15 name which was the middle child. The youngest child I don't
16 recall if I was able to get a name at first, accept one of the
17 EMS workers was able to tell who was who.

18 Q Let's start with the youngest child. You collected his
19 clothes?

20 A Yes.

21 Q Do you recall the condition of his clothes?

22 A Yes, the lower portion I think it was kind of like a
23 child's pajama-type suit. The lower portion was really
24 saturated in blood. It looked like he had been sitting in the
25 pool of blood.