

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM EDGEFIELD COUNTY
Court of General Sessions

S.C. SUPREME COURT

Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No. 2017-002224

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

The State, ... Respondent,

v.

Montrell Deshawn Troutman, ... Petitioner.

APPENDIX – VOLUME I of II

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**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Montrell Deshawn Troutman, Appellant.

Appellate Case No. 2017-002224

Appeal From Edgefield County
D. Craig Brown, Circuit Court Judge

Unpublished Opinion No. 2020-UP-129
Submitted March 1, 2020 – Filed May 6, 2020

AFFIRMED

Chief Appellate Defender Robert Michael Dudek and
William Grayson Lambert, of Burr & Forman, LLP, both
of Columbia, for Appellant.

Attorney General Alan McCrory Wilson and Senior
Assistant Deputy Attorney General William M. Blich,
Jr., both of Columbia; and Solicitor Samuel R. Hubbard,
III, of Lexington, all for Respondent.

PER CURIAM: Montrell Troutman appeals his convictions for voluntary manslaughter, assault and battery of a high and aggravated nature, first-degree assault and battery, and possession of a weapon during the commission of a violent

crime, arguing the trial court abused its discretion and violated his rights under the Confrontation Clause by limiting cross-examination of Keith Mathis. We affirm.

On direct examination, Mathis testified he had a prior conviction for giving false information to law enforcement. On cross-examination, the trial court excluded testimony about the facts underlying the prior conviction. During the proffer of the excluded testimony, Mathis stated the prior conviction "involved a shooting of Leric Merriweather," the victim in this case. However, the proffer failed to reveal evidence that Mathis's prior conviction involved a lie, a cover-up, or the removal of evidence to protect Merriweather. In fact, Mathis explicitly denied he provided false information to protect Merriweather.

We hold the trial court did not abuse its discretion or violate the Confrontation Clause by limiting cross-examination because the proffered testimony showed Troutman would not have elicited evidence of bias or motive to lie. *See State v. Gracely*, 399 S.C. 363, 371, 731 S.E.2d 880, 884 (2012) ("This [c]ourt will not disturb a trial court's ruling concerning the scope of cross-examination . . . absent a manifest abuse of discretion."); *State v. Dickerson*, 395 S.C. 101, 117, 716 S.E.2d 895, 904 (2011) (finding the trial court did not abuse its discretion by excluding proffered testimony that did not reveal evidence of bias or motive to lie); *State v. Gillian*, 360 S.C. 433, 450, 602 S.E.2d 62, 71 (Ct. App. 2004), *aff'd as modified*, 373 S.C. 601, 646 S.E.2d 872 (2007) ("The appropriate question under a Confrontation Clause analysis is whether there has been any interference with the defendant's opportunity for effective cross-examination.").¹

AFFIRMED.²

LOCKEMY, C.J., and GEATHERS and HEWITT, JJ., concur.

¹ Moreover, even if the trial court erred, we find any error was harmless. *See Gracely*, 399 S.C. at 375, 731 S.E.2d at 886 ("A violation of the Confrontation Clause is not per se reversible but is subject to a harmless error analysis."); *State v. Perez*, 423 S.C. 491, 498, 816 S.E.2d 550, 554 (2018) (stating whether a Confrontation Clause violation is harmless depends on "the importance of the witness[s] testimony to the prosecution's case, whether the testimony was cumulative, the presence or absence of evidence corroborating or contradicting the testimony of the witness on material points, the extent of cross-examination otherwise permitted, and, of course, the overall strength of the prosecution's case" (quoting *Delaware v. Van Arsdall*, 475 U.S. 673, 684 (1986))).

² We decide this case without oral argument pursuant to Rule 215, SCACR.

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PETITION FOR REHEARING

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Pursuant to Rule 221(a), SCACR, Montrell Deshawn Troutman petitions this Court for rehearing from the Court’s unpublished decision affirming the circuit court’s judgment.

INTRODUCTION

Time and again, courts have held that cross-examination is an essential protection for criminal defendants. *See, e.g., Watkins v. Sowders*, 449 U.S. 341, 349 (1981); *State v. Wallace*, 44 S.C. 357, 22 S.E. 411, 412 (1895). In a two-page, unpublished opinion, this Court did not take issue with that principle. Instead, it held that Montrell Troutman’s Sixth Amendment right to confront a key witness in the State’s case—Keith Mathis—was not violated.

That holding is wrong. For one, it overlooks the well-established rule that a jury is free, when a witness has lied about one thing, to reject other parts of that witness’s testimony. Here, Mathis lied about having lied to the police, claiming he did not give false information to the police in 2011 despite having pled guilty to doing so. The jury therefore could have concluded that Mathis was lying about what he lied about in 2011: protecting Leric Merriweather, his “really good” friend, after a shooting incident.

For another, the Court’s holding misapprehends the importance of a critical fact. Mathis fled his dying friend’s side in the minutes after the shooting, before the police arrived. The State never even tried to explain why. But Troutman did. Troutman’s theory was that Mathis was trying to hide the gun that Merriweather said he was going to get in the moments right before the shooting. By not getting to

cross-examine Mathis about lying to protect Merriweather in 2011, Troutman was denied the opportunity to develop the facts to prove his explanation for Mathis's flight and to support his claim of self-defense.

FACTUAL AND PROCEDURAL BACKGROUND

Troutman kills Merriweather in a confrontation in June 2015.

After moving from Florida to Edgefield, Montrell Troutman met Leric Merriweather, who lived nearby. (R. p. 353, lines 6–15; p. 35, lines 17–19.) The two men generally got along with each other, but at times, Merriweather would pick on Troutman, call him names, and threaten him, particularly when other people were around, and they had “problems” in late May 2015. (R. p. 353, line 20–p. 354, line 10; p. 612, lines 22–23.)

The conflict between Troutman and Merriweather came to a head on June 6, 2015. Merriweather had friends over to grill that day, and during the afternoon, Troutman stopped by Merriweather's house with another man, while riding in that man's car. (R. p. 355, lines 10–15; p. 373, lines 13–18; p. 63, lines 1–11; p. 64, lines 17–20; p. 65, lines 5–8; p. 91, lines 9–13; p. 355, lines 10–15; p. 373, lines 13–18.) While Troutman was there, a confrontation arose between Merriweather and a man named Dwayne Jones, prompting Jones to pull a gun. (R. p. 65, lines 12–22.) Witnesses disagreed about how involved Troutman was in this confrontation, but they agreed that at least Merriweather shouted at Troutman. (*Compare* R. p. 101, lines 7–23; p. 108, line 22–p. 109, line 10, *with* R. p. 355, line 23–p. 356, line 11; p. 379, lines 7–17.)

Later that day, Troutman and Merriweather met on a street near where both men lived. Testimony conflicted on how they met this second time on June 6. According to Keith Mathis and two others, the car in which Mathis, Merriweather, and a third man were riding had stopped, and those three were talking to a fourth man when Troutman walked by, pointed at Merriweather, and showed he had a gun. (R. p. 128, lines 19–24; p. 168, lines 9–23; p. 168, lines 1–19; p. 130, lines 2–6; p. 131, lines 13–16.) According to Troutman, he was walking down the road when Merriweather’s car passed him, then stopped and backed up. (R. p. 359, lines 10–21.) Merriweather, Mathis, and the third man got out of the car. (R. p. 359, line 22–p. 360, line 1.) Troutman showed the three men his gun in an effort to try to go by, without pointing at anyone or trying to start a fight, but he was not allowed to pass. (R. p. 360, line 2–p. 361, line 2.)

Whatever happened, Troutman and Merriweather were soon “going back and forth.” (R. p. 132, lines 1–7.) Merriweather was exclaiming “fighting words.” (R. p. 172, line 13.) And he threatened to burn Troutman’s house down, with his stepchildren inside. (R. p. 360, line 22–p. 361, line 24; p. 363, line 19–p. 364, line 1.)

Merriweather continued to challenge Troutman, demanding to know why Troutman showed a gun with no bullets. Merriweather said that he was going to get his own gun and moved back toward his car, sat down in his car, and then got back out. (R. p. 146, lines 8–13; p. 363, lines 11–15; p. 410, line 10.) Merriweather was still “overtalking” after getting back out of his car. (R. p. 144, line 11; p. 147, lines 7–11.)

The confrontation continued. As Merriweather and Troutman exchanged more words, Merriweather knocked Troutman’s phone off of the trunk of the car. Troutman picked it up and took two or three steps back. (R. p. 132, line 21–p. 133, line 15.)

Merriweather then got within “about two feet” of Troutman and was “talking kind of loud.” (R. p. 133, lines 23–25.) Merriweather had his fists “balled up” as if “he wanted to fight” Troutman. (R. p. 147, lines 21–23; p. 173, lines 1–6.) At the same time, Mathis—standing on the other side of the car and approaching from a different direction—had a bottle in his hands. (R. p. 147, line 24–p. 148, line 1; p. 395, line 14–p. 396, line 13.) Troutman said Mathis was “ready to launch the bottle” at him. (R. p. 364, lines 4–7.)

Unsure of whether Merriweather had gotten a gun out of his car like he said he was going to do, (R. p. 363, lines 16–18), Troutman pulled the gun from his pocket and shot Merriweather in the chest, (R. p. 133, line 17–p. 134, line 4; p. 364, lines 2–3; p. 397, lines 12–16). Merriweather took off running. (R. p. 174, lines 17–23; p. 399, lines 9–18.) Troutman fired multiple more times, as Mathis and the third man both ran away; the third man was grazed in the leg by one bullet. (R. p. 136, lines 10–12; R. p. 200, lines 12–23.)

Troutman testified that he was “scared and nervous” and “in fear of [his] life” when he fired. (R. p. 364, lines 8–9; p. 367, line 22–p. 368, line 1). He initially showed Merriweather, Mathis, and the third man the gun only “to scare them off” so he could “just go home.” (R. p. 362, lines 12–13.)

Mathis flees the scene before the police or EMS arrive.

Mathis and Merriweather were old friends and “had each other [*sic*] backs.” (R. p. 180, lines 11–23.) Yet between when someone called 911 at 8:43 P.M. (right after the shooting) and the few minutes before emergency personnel responded, Mathis left the scene and his friend’s side. (R. p. 239, lines 19–22.)

Police found “a bunch of people in the yard” when they arrived. (R. p. 290, line 22–p. 291, line 1.) During the process of securing the scene, the police never spoke to Mathis. In fact, the officer in charge of the scene testified that he did not “know that name.” (R. p. 292, lines 11–13.) And no one testified to seeing Mathis at the scene after the shooting. Mathis testified that he “sat there with Mr. Merriweather for a second” in the moments after the shooting when Merriweather fell in a driveway. (R. p. 176, line 24.) Mathis never said where he went before the police arrived. (R. p. 185, lines 12–18).

During their search of the scene, the police never found any gun. (R. p. 288, lines 14–16.)

Troutman is charged and convicted.

Troutman ultimately was charged in four indictments. One was for murder, two were for attempted murder, and the fourth was for possession of a weapon during the commission of a violent crime in violation of S.C. Code § 16-23-490. (R. pp. 2, 5, 8, 11.)

Before the trial started in October 2017, the State moved *in limine* to exclude certain evidence. As relevant here, the State asked the trial court to exclude evidence about Mathis, particularly a 2011 shooting incident. (R. p. 34, line 14–p. 35, line 21.) Mathis was convicted of giving false information to police about that incident, and that

false information, according to Troutman, “was covering up for Leric Merriweather.” (R. p. 31, line 21); *see also* Case No. 71827ED (Edgefield Cty. Magistrate). Troutman opposed this attempt to limit the evidence that could be introduced about Mathis. (R. p. 29, line 23–p. 32, line 3.)

During the trial, Mathis was cross-examined on his relationship with Merriweather. He admitted that he and Merriweather were “really good friends” and “had each other [*sic*] back,” (R. p. 180, lines 14–21), but he denied that he would lie for Merriweather, (R. p. 181, lines 3–4). Mathis’s testimony continued after a bench conference, and Mathis contended that, despite having admitted to being convicted of giving false information to the police on direct examination, (R. p. 179, lines 9–11), what he told the police “wasn’t false,” (R. p. 184, line 15). After his testimony was finished, the circuit court gave Troutman the chance to proffer evidence about the 2011 conviction. Mathis admitted that the 2011 conviction involved a shooting incident with Merriweather, but he denied that he was “covering up for” his friend. (R. p. 188, lines 12–24.)

Troutman was tried by a jury in Edgefield County, from October 16-20, 2017. Troutman claimed he acted in self-defense. The jury returned guilty verdicts on lesser-included offenses on the three most significant charges. On the murder indictment, the jury’s guilty verdict was for voluntary manslaughter. On the two attempted murder indictments, the jury came back with guilty verdicts on assault and battery of a high and aggravated nature and assault and battery in the first degree. The jury found

Troutman guilty of possessing a weapon during the commission of a violent crime. (R. p. 477, line 21–p. 483, line 24.)

The court sentenced Troutman to thirty years on the voluntary manslaughter conviction. (R. p. 3.) It gave him twenty years on the ABHAN conviction, to run concurrently with the thirty-year sentence on the voluntary manslaughter conviction. (R. p. 9.) The trial court imposed a sentence of ten years on the assault and battery in the first degree conviction, to run consecutively to the other two sentences. (R. p. 6.) And finally, the court sentenced Troutman to time served (868 days) on the fourth count. (R. p. 12.)

This Court affirms the circuit court.

On appeal, Troutman raised a Sixth Amendment challenge to the limitation on his cross-examination of Mathis. This Court rejected that argument. It held that Troutman’s proffer of Mathis did not show that that Mathis’s 2011 conviction “involved a lie, a cover-up, or the removal of evidence to protect Merriweather” and that “Mathis explicitly denied he provided false information to protect Merriweather.” *State v. Troutman*, 2020-UP-129, at 2 (Ct. App. May 6, 2020).

Troutman now petitions this Court for rehearing.

REASONS FOR GRANTING THE PETITION

I. This Court’s reliance on Mathis’s denial that he lied for Merriweather in 2011 is misplaced.

The cornerstone of the Court’s decision to affirm the circuit court is Keith Mathis’s statement that he did not lie, cover up, or remove any evidence to help Leric

Merriweather in 2011. The Court’s analysis, however, puts more weight on Mathis’s denial than it can bear, for at least two reasons.

A. The jury was free to reject Mathis’s denial about the subject of his 2011 conviction because Mathis already lied about having lied to police.

From a legal perspective, the Court overlooked the legal principle of *falsus in uno, falsus in omnibus*. Under that doctrine, a factfinder who concludes that a witness lied about one thing may reasonably conclude that the factfinder lied about other things. *See, e.g., Glenn v. W. Union Tel. Co.*, 84 S.C. 155, 65 S.E. 1024, 1027 (1909) (“If the jury concluded that they had not been received, they had the right to conclude that the testimony of the agents that they had been mailed was false, and to apply to their testimony the maxim, ‘Falsus in uno, falsus in omnibus,’ and to disregard their other testimony as to efforts to deliver.”); *see also Black’s Law Dictionary* 679 (9th ed. 2009) (defining *falsus in uno, falsus in omnibus* to mean that “if a jury believes that a witness’s testimony on a material issue is intentionally deceitful, the jury may disregard all of that witness’s testimony”). The logic of this rule is that if someone is willing to lie once, his likely willing to lie again. *Cf. Bartlett’s Familiar Quotations* 357 (Justin Kaplan ed. 17th ed. 2002) (“He who permits himself to tell a lie once, finds it easier to do it a second and third time, till at length it becomes habitual.” (quoting Thomas Jefferson, Letter to Peter Carr (Aug. 19, 1785))).

It cannot be disputed that Mathis lied about his 2011 conviction in at least one respect. He was convicted for giving false information to law enforcement. (R. p. 179, lines 9–11.) The statute criminalizing that action makes it “is unlawful for a person

to knowingly make a false complaint to a law enforcement officer concerning the alleged commission of a crime by another.” S.C. Code § 16-17-725(a). To be guilty of that crime, a person must knowingly give false information. In other words, he must lie. Yet, despite admitting on direct examination he pled guilty to this crime, Mathis insisted on cross-examination that he told the police “wasn’t false.” (R. p. 184, line 15.) That denial was a false statement. Because it was false, the jury was entitled under the *falsus in uno, falsus in omnibus* doctrine to conclude that Mathis’s other testimony was likewise false.

Particularly so when it came to his other testimony on that 2011 conviction. If Mathis was willing to lie about having lied to the police, the jury could have reasonably concluded that Mathis was also willing to lie about what he lied about. Troutman should have been able to cross-examine Mathis about whether he lied to protect his Merriweather. Mathis, of course, could have denied doing so, (*see* R. p. 188, lines 12–24), but it would have then be up to the jury whether to believe that denial.

The jury, however, never got the chance to make that credibility determination. The circuit court refused to allow Troutman to cross-examination Mathis on this subject, despite the *falsus in uno, falsus in omnibus* doctrine.

B. Troutman’s theory of why Mathis fled his dying friend’s side is a reasonable one.

From a factual perspective, the Court’s opinion ignores a puzzling but critical fact about what happened in the moments after the shooting: Mathis left Merriweather’s side in the minutes between the 911 call and the police arriving. Merriweather was his “really good friend[].” (R. p. 180, lines 14–15.) Merriweather was lying on a driveway

with a gunshot wound to his chest, clearly in pain and distress. Yet Mathis left. He must have had a reason.

The State, however, never offered one. In fact, the State's case glossed over Mathis's flight.

Troutman had a theory: Mathis fled to protect Merriweather, just like he lied to protect Merriweather four years before in 2011. Specifically, Mathis wanted to protect Merriweather from being discovered with a gun in his possession. During the altercation, Merriweather said that he was going to get his own gun and then quickly got in and out of his car. (R. p. 146, lines 8–13; p. 363, lines 11–15; p. 410, line 10.) Admittedly, no one testified they saw Merriweather holding a gun, but that does not mean Merriweather did not stick a gun in his pocket or have one in his car he did not pull out. Given the close relationship between Mathis and Merriweather, the jury could have reasonably concluded Mathis would have known that Merriweather had a gun. And it could have also concluded that Mathis wanted to keep his friend's gun from being discovered by police. That Mathis would want to do so makes sense, if Merriweather did not have a permit to carry the gun. *See* S.C. Code § 16-23-20.

Cross-examining Mathis more fully about the 2011 conviction would have allowed Troutman to develop facts to support this theory. Indeed, this is exactly what cross-examination and the Confrontation Clause ensure a criminal defendant has the right to do. As the Fourth Circuit once put it, “prohibiting a criminal defendant from cross-examining a witness on relevant evidence of bias and motive may violate the Confrontation Clause, if the jury is precluded from hearing evidence from which it

could appropriately draw adverse inferences on the witness's credibility." *United States v. Turner*, 198 F.3d 425, 429 (4th Cir. 1999). Thus, "[c]onsiderable latitude is allowed in the cross-examination of a witness for potential bias." *State v. Clark*, 315 S.C. 478, 481, 445 S.E.2d 633, 634 (1994). In light of this latitude, to "limit a criminal defendant's right to engage in cross-examination to show bias on the part of the witness, the record must clearly show the cross-examination is inappropriate." *State v. Mizzell*, 349 S.C. 326, 331, 563 S.E.2d 315, 317 (2002).

The record here does not show that cross-examination of Mathis on his 2011 conviction would have been "inappropriate." Troutman's theory was not the type of "inherently speculative" argument or "fishing expedition[]" without any basis in fact that courts have treated as a reason to deny a criminal defendant the right to cross-examine a witness. *United States v. Martinez-Vives*, 475 F.3d 48, 53–54 (1st Cir. 2007). To the contrary, Troutman's theory was the only one offered by either side for why Mathis left his dying friend. Troutman had a constitutional right to question Mathis about this theory, and the circuit court wrongly denied him that right.

In fact, cross-examination is the only realistic way that the truth of Mathis's flight was likely to be uncovered. Despite the hope that no one would ever lie under oath, experience belies that aspiration. To lie in response to friendly questioning is easy, but to maintain false claims in the face of intense cross-examination is much more difficult. That is why "cross-examination has always been considered a most effective way to ascertain truth." *Watkins*, 449 U.S. at 349; *see also Douglas v. Alabama*, 380 U.S. 415, 419 (1965) (cross-examination serves the purpose "not only of testing the

recollection and sifting the conscience of the witness, but of compelling him to stand face to face with the jury in order that they may look at him, and judge by his demeanor upon the stand and the manner in which he gives his testimony whether he is worthy of belief” (quoting *Mattox v. United States*, 156 U.S. 237, 242–43 (1895))). Forcing Mathis to answer tough questions in front of the jury about his 2011 conviction would have ensured Troutman the chance to present the full defense that the Confrontation Clause guarantees.

II. This constitutional violation was not harmless.

In a footnote, the Court held—without any analysis—that even if Troutman’s Confrontation Clause right was violated, the violation was harmless. That conclusion is incorrect because Mathis’s testimony was critical to the State’s case.

A Confrontation Clause violation is harmless only “if the evidence is overwhelming and the violation so insignificant by comparison that [a court is] persuaded, beyond a reasonable doubt, that the violation did not affect the verdict.” *State v. Holder*, 382 S.C. 278, 285, 676 S.E.2d 690, 694 (2009). Proving an error was harmless is a “heavy burden.” *Anderson v. Warden, Md. Penitentiary*, 696 F.2d 296, 300 (4th Cir. 1982) (en banc).

Here, there was no physical evidence of who instigated the confrontation on June 6, 2015. Thus, credibility determination were all the jury had on which to base its verdict, so the “opportunity to elicit testimony from the State’s witnesses regarding any potential bias was critical to [the] defense.” *State v. Perez*, 423 S.C. 491, 499, 816 S.E.2d 550, 555 (2018).

This opportunity was particularly critical when it came to Mathis. *See id.* at 498, 816 S.E.2d at 554 (noting the “importance of the witness’ testimony to the prosecution’s case” is a factor in the harmless error analysis). Even the State admits Mathis’s testimony “was significant.” Appellee’s Br. 9. Understandably so. He was an eyewitness to the confrontation between Troutman and Merriweather in the moments before the shooting, and Troutman said that Mathis even raised a bottle to throw at him, making Mathis a participant in this confrontation. (R. p. 147, line 24–p. 148, line 1; p. 364, lines 4–9; p. 395, line 14–p. 396, line 13.) Just like the defendant in *Alaska v. Davis*, 415 U.S. 308 (1974), Troutman’s right to confront a crucial witness was limited in a way that prevented him from making a record that showed that witness’s bias. The limited cross-examination here may have disclosed Mathis’s friendship with Merriweather and conviction for lying to police, but Troutman did not have the opportunity flesh out how those two things were connected in a way that was relevant to the facts in this case.

None of the other evidence overwhelmingly proves Troutman’s guilt. To be sure, the State was correct that no one testified that Merriweather was armed at the time of the shooting. But that fact does not defeat Troutman’s self-defense argument. Troutman claimed that Merriweather initiated the altercation and he (Troutman) feared for his life. (R. p. 364, lines 8–9; p. 367, line 22–p. 368, line 1.) Part of what gave rise to this fear was Merriweather’s saying that he was going to get his gun and then getting back in his car for a moment before continuing his argument with Troutman.

This fear was an important issue for Troutman’s defense. *See State v. Dickey*, 394 S.C. 491, 501, 716 S.E.2d 97, 102 (2011) (“Word accompanied by hostile acts may, depending on the circumstances, establish a plea of self-defense.”). Even if a gun was not visible at the moment of the shooting, the jury could have reasonably concluded that Merriweather’s actions made Troutman believe that he was in imminent danger, in light of the incident at Merriweather’s house earlier that day, Merriweather’s claim that he was going to get his gun, and Merriweather’s aggressive approach toward Troutman. *Cf. State v. Wigington*, 375 S.C. 25, 35, 649 S.E.2d 185, 190 (Ct. App. 2007) (holding that the elements of self-defense were not met when a prior altercation between the defendant and victim was six years old and the victim did not approach the defendant during the incident).

Moreover, the State’s focus on the fact that Merriweather was not holding a gun at the moment of the shooting does not mean that Merriweather did not have a gun in his car. Indeed, all of the testimony to which the State pointed focused on whether Merriweather had a gun at the moment of the shooting when Merriweather was charging at Troutman, not whether Merriweather had a gun in his car that he may have gotten. *See Appellee’s Br. 4* (citing Tr. pp. 346, 369, 398–399, 419–20, 652). Likewise, the fact that police never found a second gun does not mean that Merriweather did not have a gun in his car (or even in his pocket). If Troutman’s theory of Mathis’s flight from the scene is correct, then that means that Mathis was successful in covering up (again) for his friend.

To provide the jury with reasonable doubt, Troutman had to have the opportunity expose Mathis's bias in sufficient detail to reveal for the jury how close Mathis and Merriweather were and how Mathis had, in the past, tried to protect his friend after a shooting incident. *See Davis*, 415 U.S. at 317 (recognizing that cross-examination must be permitted so that a defendant can expose the "biases prejudices, or ulterior motives of the witness as they may relate directly to issues or *personalities* in the case" (emphasis added)). Troutman had the right to present this bias to the jury, which had the exclusive right to evaluate how credible Mathis was based on all of the facts. *See Perez*, 423 S.C. at 499, 816 S.E.2d at 554–55.

CONCLUSION

The petition for rehearing should be granted.

Respectfully Submitted,

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May 19, 2020
Columbia, SC

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM EDGEFIELD COUNTY
Court of General Sessions

Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No. 2017-002224

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

RECEIVED
May 19 2020
SC Court of Appeals

The State, ... Respondent,

v.

Montrell Deshawn Troutman, ... Appellant.

CERTIFICATE OF SERVICE

I certify that this PETITION FOR REHEARING was served on all counsel of record via electronic mail, pursuant to Supreme Court Order 2020-03-20-01, § (g)(3), on May 19, 2020, and a copy of that electronic mail is attached to this certificate::

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s/ Wm. Grayson Lambert
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From: Lambert, Grayson
Sent: Tuesday, May 19, 2020 2:20 PM
To: 'wblitch@scag.gov'
Cc: 'Dudek, Robert'
Subject: State v. Troutman, No. 2017-002224 - Petition for Rehearing
Attachments: State v. Troutman, No. 2017-002224 - Petition for Rehearing.pdf

William,

I hope you are doing well and staying healthy.

Please find attached a copy of the petition for rehearing in this appeal, which we will be electronically filing today.

Regards,
Grayson

RECEIVED
May 19 2020
SC Court of Appeals

The South Carolina Court of Appeals

The State, Respondent,

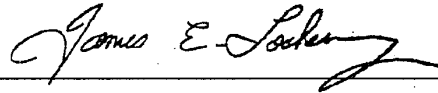
v.

Montrell Deshawn Troutman, Appellant.

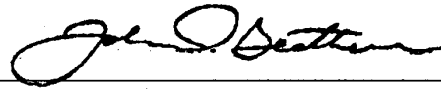
Appellate Case No. 2017-002224

ORDER

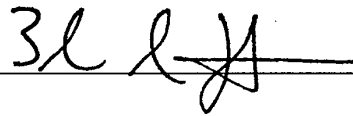
After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



C.J.



J.



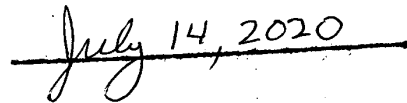
J.

Columbia, South Carolina

cc:

Alan McCrory Wilson, Esquire
Robert Michael Dudek, Esquire
William Grayson Lambert, Esquire
William M. Blitch, Jr., Esquire
Samuel R. Hubbard, III, Esquire
The Honorable D. Craig Brown

FILED



THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM EDGEFIELD COUNTY
Court of General Sessions

Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No. 2017-002224

Case Nos. 2017-GS-19-01817,
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2017-GS-19-01819, and
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SC Court of Appeals

The State,.....Respondent,

v.

Montrell Deshawn Troutman,.....Appellant.

FINAL BRIEF OF APPELLANT

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STATEMENT OF THE ISSUE ON APPEAL

Whether the trial court violated Troutman's right under the Confrontation Clause when it refused to allow him to cross-examine a critical witness about the witness's bias.

INTRODUCTION

Cross-examination plays an essential role at trial. *Watkins v. Sowders*, 449 U.S. 341, 349 (1981). It provides a defendant with "[o]ne of the most effective modes" to unmask a witness's bias or lack of credibility. *State v. Wallace*, 44 S.C. 357, 22 S.E. 411, 412 (1895). The Sixth Amendment's Confrontation Clause protects a criminal defendant's right to cross-examine a witness to expose such defects in the witness's testimony. *Pointer v. Texas*, 380 U.S. 400, 406 (1965).

During his trial for murder and attempted murder, the trial court denied Troutman his right to confront and cross-examine a critical witness against him: Keith Mathis. Mathis was a "really good friend" of Leric Merriweather (whose death resulted in Troutman's voluntary manslaughter conviction but whom Troutman maintains he killed in self-defense), and Mathis had previously lied to the police to cover up for Merriweather after Merriweather shot at another man in 2011. In the immediate aftermath of the shooting in this case, Mathis fled the scene, rather than staying to help his dying friend and talk to police. Troutman never had the opportunity to question Mathis in a meaningful way about his bias to develop for the jury an alternative to the State's theory: Mathis fled the scene that night to cover up, once again, for his friend. Therefore, Troutman's Sixth Amendment right was violated, and Troutman is entitled to a new trial.

STATEMENT OF THE CASE

Troutman Moves to Edgefield and Meets Merriweather

Montrell Troutman moved from Miami, Florida to Edgefield around New Year's 2015 to be closer to his fiancée's family. (R. p. 353, lines 6–15). Within three or four weeks of moving to Edgefield, Troutman met Leric Merriweather, who lived down Rosa Hill Street from Troutman. (R. p. 35, lines 17–19). Although Troutman and Merriweather got along, Merriweather would pick on him, call him names, and threaten him, particularly when other people were around. (R. p. 353, line 20–p. 354, line 10). The two men had “problems” just a week before June 6, 2015. (R. p. 612, lines 22–23). During his six months in Edgefield, Troutman discovered Merriweather's temper and grew afraid of Merriweather. (R. p. 354, lines 4–14).

The Cookout at Merriweather's House on June 6, 2015

On the afternoon of June 6, 2015, Merriweather was at home with Abigail Carter and their two sons when Dwayne Jones came over and then more people stopped by, after seeing the initial crowd grilling. (R. p. 63, lines 1–11; R. p. 64, lines 17–20; R. p. 65, lines 5–8; R. p. 91, lines 9–13). Keith Mathis and Carlo Harris also came over for a while, but they left so that they could go “smoke some weed.” (R. p. 65, lines 16–17; R. p. 158, line 11–p. 159, line 10).

Meanwhile, Troutman was grilling out at his friend Elliott's house. Around mid-afternoon, Troutman, Elliott, and another friend, named OB, left to buy cigarettes from a nearby gas station. (R. p. 354, line 15–p. 355, line 9).

On the way back to their cookout, OB, Elliott, and Troutman stopped by Merriweather's house, which was OB's decision. (R. p. 355, lines 10–15; R. p. 373, lines 13–18). When they arrived at Merriweather's house, Troutman went far enough into Merriweather's yard to greet Merriweather and others, before walking back toward the car in which they had arrived that was on the edge of the road. (R. p. 355, lines 22–24; R. p. 374, line 18–p. 375, line 2).

At this point, the testimony diverges. According to Abigail Carter, Troutman and Dwayne Jones "had . . . a few words," which led Jones to pull a gun. (R. p. 65; lines 12–22). Merriweather was upset when Jones pulled the gun because Merriweather's children were at the house. Merriweather told both Troutman and Jones to leave, ultimately trying to push Jones out of the yard. Jones fell down, and then he got up and left. (R. p. 65, line 17–p. 67, line 1). As Merriweather was demanding that Troutman and Jones leave, Merriweather and Troutman argued and cussed at each other. (R. p. 101, lines 7–23; R. p. 108, line 22–p. 109, line 10).

According to Troutman, the altercation at Merriweather's cookout began between Merriweather and Jones. Troutman was standing by the road, listening to music, when he heard Merriweather shout that Troutman "can get it too," despite the fact that Troutman hadn't said anything to Merriweather other than hello. (R. p. 355, line 23–p. 356, line 11; R. p. 379, lines 7–17). Merriweather got within three or four feet of Troutman's face before Troutman left, walking back down the street toward his house. (R. p. 356, lines 12–15; R. p. 383, lines 11–25).

Shortly after this altercation ended, Merriweather called Mathis and Harris to tell them what happened. (R. p. 160, lines 11–13). Mathis and Merriweather were old friends and “had each other [*sic*] backs.” (R. p. 180, lines 11–23). Mathis and Harris “ran back” to Merriweather’s house, where they found Merriweather “upset” about Troutman “trying to fight him in his own yard.” (R. p. 160; lines 14–18; R. p. 162, lines 1–13).

The Time Between the Cookout and the Shooting

Troutman walked the short distance from Merriweather’s house down the street to his house. After telling his fiancée and then her mother about what happened, Troutman and his fiancée’s mother went to Johnny Martin’s house for a short time and then to the store to buy beer and cigarettes. (R. p. 256, lines 19–25; R. p. 380, lines 17–23; p. 382, lines 7–14).

When he arrived home from the store, Troutman lay down, but he heard Raymond Harris calling his name. Based on what Harris told him,¹ Troutman went into his backyard and dug up a gun that he had buried. (R. p. 357, line 9–p. 358, line 3).

The Shooting

Troutman shot Merriweather. That much is undisputed. But the testimony about the moments that led up to the shooting conflicts in significant ways.

¹ At trial, Troutman didn’t testify as to what Raymond Harris told him (presumably because it would have been hearsay). During his *in camera*, pretrial testimony, he said that Harris told him that Merriweather, Mathis, and Carlo Harris were “riding around in the car with guns looking for” him. (R. p. 19, lines 14–18).

After getting the gun from his backyard, Troutman went through a path behind his house to his friend TK's house to "vent" about what had happened that day with Merriweather. But TK wasn't home, so Troutman turned around to go back to his house. Instead of retracing his steps through that backyard path, Troutman went to the road, to walk home down Morange Street (which intersected with Rosa Hill Street, where his house was) to "release some steam." (R. p. 358, line 10–p. 359, line 1; R. p. 388, line 7–p. 389, line 1).

According to Keith Mathis, Carlos Harris, and Santonio Ryans, Merriweather, Mathis, and Harris had gone to purchase beer so that Merriweather could calm down. (R. p. 163, lines 2–17; R. p. 207, lines 16–23). On their way back to Merriweather's house, they spotted Ryans in his yard, so the three men (Merriweather was driving) stopped to tell Ryans what had happened at Merriweather's house that afternoon. (R. p. 121, line 17–p. 125, line 1; R. p. 164, line 10–p. 166, line 20; R. p. 216, line 21–p. 217, line 8).

As they were talking, Troutman came walking down Morange Street toward Rosa Hill Street.² (R. p. 125, lines 2–14). He was on the right side of the road, but he cut over to the left side and walked by Merriweather's driver's side door and into the edge of Ryans's yard. (R. p. 128, lines 1–18; R. p. 197, lines 1–14). Then Troutman

² The witnesses whose testimony the State offered were in tension in at least one respect. Mathis and Harris testified that Troutman got out of a green Honda on Morange Street. (R. p. 167, lines 9–17; R. p. 195, line 24–p. 196, line 3). Ryans, however, didn't mention any car in his testimony; he said that Troutman was simply "walking down the road." (R. p. 125, line 6). Troutman denied having gotten out of a car. (R. p. 359, lines 4–9).

retraced his steps by the driver's side door back to the road, without saying anything but pointing at Merriweather. (R. p. 128, lines 19–24; R. p. 168, lines 9–23; R. p. 168, lines 1–19). When he got back into the road, Troutman showed that he had a gun. (R. p. 130, lines 2–6; R. p. 131, lines 13–16).

Troutman's version of how he ended up by Merriweather's car was different. Troutman testified that he was walking down Morange Street when Merriweather's car passed him, then stopped and backed up. (R. p. 359, lines 10–21). Merriweather, Mathis, and Harris got out of the car. (R. p. 359, line 22–p. 360, line 1). Troutman showed the three men his gun in an effort to try to go by, without pointing at anyone or trying to start a fight, but he wasn't allowed to pass. (R. p. 360, line 2–p. 361, line 2).

Once Merriweather, Mathis, and Harris were out of the car, the testimony becomes more consistent in what happened. Merriweather, now out of the car, was upset when he saw the gun, but he claimed that it was the same gun that was at his house and didn't have any bullets. (R. p. 132, lines 2–4; R. p. 171, lines 4–8; R. p. 363, lines 7–8).

Harris and Mathis then got out of the car (Harris on the driver's side near Merriweather, and Mathis on the passenger's side). By this time, the men were "going back and forth." (R. p. 132, lines 1–7). Merriweather was exclaiming "fighting words." (R. p. 172, line 13). And he threatened to burn Troutman's house down, with his stepchildren inside. (R. p. 360, line 22–p. 361, line 24; R. p. 363, line 19–p. 364, line 1).

Merriweather continued to challenge Troutman as to why Troutman pulled a gun with no bullets. Merriweather said that he was going to get his own gun and moved

back toward his car, sat down in his car, and then got back out. (R. p. 146, lines 8–13; R. p. 363, lines 11–15; R. p. 410, line 10). Merriweather was still “overtalking” after getting back out of his car. (R. p. 144, line 11; R. p. 147, lines 7–11).

The confrontation continued. As Merriweather and Troutman exchanged more words, Merriweather knocked Troutman’s phone off of the trunk of the car. Troutman picked it up and took two or three steps back. (R. p. 132, line 21–p. 133, line 15).

Merriweather then got within “about two feet” of Troutman and was “talking kind of loud.” (R. p. 133, lines 23–25). Merriweather had his fists “balled up” as if “he wanted to fight” Troutman. (R. p. 147, lines 21–23; R. p. 173, lines 1–6). At the same time, Mathis—standing on the other side of the car and approaching from a different direction—had a bottle in his hands. (R. p. 147, line 24–p. 148, line 1; R. p. 395, line 14–p. 396, line 13). Troutman said Mathis was “ready to launch the bottle” at him. (R. p. 364, lines 4–7).

Unsure of whether Merriweather had gotten a gun out of his car like he said he was going to do,³ (R. p. 363, lines 16–18), Troutman pulled the gun from his pocket and shot Merriweather in the chest, (R. p. 133, line 17–p. 134, line 4; R. p. 364, lines 2–3; R. p. 397, lines 12–16). Merriweather took off running toward Ryans’s backyard. (R. p. 174, lines 17–23; R. p. 399, lines 9–18). Troutman fired multiple more times, as Mathis and Harris both ran away; Harris was grazed in the leg by one bullet. (R. p. 136, lines 10–12; R. p. 200, lines 12–23).

³ It was undisputed that no one saw Merriweather, Mathis, or Harris with a gun when Troutman fired.

Troutman testified that he was “scared and nervous” and “in fear of [his] life” when he fired his gun. (R. p. 364, lines 8–9; R. p. 367, line 22–p. 368, line 1). He initially showed Merriweather, Mathis, and Harris the gun only “to scare them off” so he could “just go home.” (R. p. 362, lines 12–13).

The Hour After the Shooting

Immediately after the shooting, Troutman began walking down Morange Street toward Rosa Hill Street. (R. p. 137, lines 11–13). When he reached the intersection of those streets, Troutman turned left, away from the direction of his house. (R. p. 201, lines 8–23).

Meanwhile, a 911 call was placed at 8:43 PM. (R. p. 239, lines 19–22). Emergency personnel responded within minutes. Merriweather was put in an ambulance and taken to a hospital, (R. p. 335, lines 14–25), but he died from the gunshot wound, (R. p. 344, line 20–p. 345, line 14).

Police arrived at Ryans’s house five minutes after the 911 call and found “a bunch of people in the yard.” (R. p. 290, line 22–p. 291, line 1). During the process of securing the scene, the police never spoke to Mathis. In fact, the officer in charge of the scene testified that he did not “know that name.” (R. p. 292, lines 11–13). And no one testified to seeing Mathis at the scene after the shooting. Mathis testified that he “sat there with Mr. Merriweather for a second” in the moments after the shooting when Merriweather fell in Ryans’s driveway. (R. p. 176, line 24). Mathis never said where he went before the police arrived. (R. p. 185, lines 12–18). Harris, however, remained with

Merriweather until help arrived. (R. p. 200, lines 15–23). During their search of the scene, the police never found any gun. (R. p. 288, lines 14–16).

After Troutman turned left on Rosa Hill Street after the shooting, he made his way into the woods, toward a railroad track. (R. p. 234, lines 1–15). He eventually reached his fiancée on her cell phone, who was at their home with the police. Troutman spoke to the police and turned himself in as he walked out of the woods. (R. p. 246, line 18–p. 250, line 12; R. p. 366, line 16–367, line 1).

The Charges against Troutman

Troutman ultimately was charged in four indictments. The first indictment—for murder in violation of S.C. Code § 16-3-10—was issued on August 26, 2015. (R. p. 2). The last three indictments were issued in October 2017. Two were for attempted murder in violation of S.C. Code § 16-3-29, (R. pp. 5, 8), and the third was for possession of a weapon during the commission of a violent crime in violation of S.C. Code § 16-23-490, (R. p. 11).

Evidentiary Rulings at Trial

Before the trial started in October 2017, the State moved *in limine* to exclude certain evidence. Relevant to the issue on appeal, the State asked the trial court to exclude evidence about Mathis, particularly the 2011 shooting incident. (R. p. 34, line 14–p. 35, line 21). Mathis was convicted of giving false information to police, and that

false information, according to Troutman, “was covering up for Leric Merriweather.” (R. p. 31, line 21); *see also* Case No. 71827ED (Edgefield Cty. Magistrate).⁴

Troutman opposed this attempt to limit the evidence that could be introduced about Mathis. (R. p. 29, line 23–p. 32, line 3).

During the trial, Mathis was cross-examined on his relationship with Merriweather. He admitted that he and Merriweather were “really good friends” and “had each other [*sic*] back,” (R. p. 180, lines 14–21), but he denied that he would lie for Merriweather, (R. p. 181, lines 3–4). Mathis’s testimony continued after a bench conference, during which he contended that, despite having admitted to being convicted of giving false information to the police on direct examination, (R. p. 179, lines 9–11), what he told the police “wasn’t false,” (R. p. 184, line 15). After his testimony was finished, the court gave Troutman the chance to proffer evidence about the 2011 conviction. Mathis admitted that the 2011 conviction involved a shooting incident with Merriweather, but he denied that he was “covering up for” his friend. (R. p. 188, lines 12–24).

The Jury’s Verdict and Sentencing

Troutman was tried by a jury in Edgefield County, from October 16-20, 2017.

⁴ Although this conviction was never entered in to the record, this Court may of course take judicial notice of court records. *See, e.g., Colonial Penn Ins. Co. v. Coil*, 887 F.2d 1236, 1239 (4th Cir. 1989) (observing that “the most frequent use of judicial notice of ascertainable facts is in noticing the contend of court records” (internal alteration omitted)); *see also* Rule 201(f), SCRE (“Judicial notice may be taken at any stage of the proceeding.”).

After both sides presented their cases, the trial court charged the jury. As Troutman requested, the court charged the jury on lesser-included offenses, including voluntary manslaughter, assault and battery of a high and aggravated nature (ABHAN), and assault and battery in the first degree. The court also instructed the jury on self-defense. (R. p. 449, line 12–p. 474, line 20).

The jury returned guilty verdicts on all four counts. On the murder indictment, the jury's guilty verdict was for voluntary manslaughter. On the two attempted murder indictments, the jury came back with guilty verdicts on ABHAN and assault and battery in the first degree. And on the possession of a weapon during the commission of a violent crime, the jury found Troutman guilty. (R. p. 477, line 21–p. 483, line 24).

The court sentenced Troutman to thirty years on the voluntary manslaughter conviction. (R. p. 3). It gave him twenty years on the ABHAN conviction, to run concurrently with the thirty-year sentence on the voluntary manslaughter conviction. (R. p. 9). The trial court imposed a sentence of ten years on the assault and battery in the first degree conviction, to run consecutively to the other two sentences. (R. p. 6). And finally, the court sentenced Troutman to time served (868 days) on the fourth count. (R. p. 12).

Troutman timely appealed. (Notice of Appeal).

STANDARD OF REVIEW

The admission of evidence at trial is within a trial court's discretion. *State v. Colf*, 337 S.C. 622, 625, 525 S.E.2d 246, 247 (2000). An abuse of discretion occurs

whenever “the court’s decision is unsupported by the evidence or controlled by an error of law.” *State v. King*, 422 S.C. 47, 54, 810 S.E.2d 18, 22 (2017).

Legal questions, such as the interpretation of constitutional provisions, are reviewed *de novo*. *Sellner v. State*, 416 S.C. 606, 610, 787 S.E.2d 525, 527 (2016).

ARGUMENT

The Trial Court Denied Troutman His Constitutional Right by Limiting the Cross-Examination of Mathis.

A. The Confrontation Clause Ensures that a Defendant May Meaningfully Cross-Examine the State’s Witnesses about Bias.

A critical function of cross-examination is to expose a witness’s bias or lack of credibility. *E.g.*, *State v. King*, 367 S.C. 131, 137, 623 S.E.2d 865, 868 (Ct. App. 2005) (noting that “bias or other defects in a witness’s testimony [are] revealed primarily through cross-examination”). Indeed, cross-examination is one of a defendant’s most effective ways to create reasonable doubt. *See Delaware v. Van Arsdall*, 475 U.S. 673, 687–88 (1986) (Marshall, J., dissenting) (observing that “denial of cross-examination concerning a witness’ bias may deprive the defense of its best opportunity to expose genuine flaws in the prosecution’s case”); *Watkins*, 449 U.S. at 349 (“[U]nder our adversary system of justice, cross-examination has always been considered a most effective way to ascertain truth.”). As the United States Supreme Court has explained, cross-examination serves the purpose “not only of testing the recollection and sifting the conscience of the witness, but of compelling him to stand face to face with the jury in order that they may look at him, and judge by his demeanor upon the stand and the manner in which he gives his testimony whether he is worthy of belief.”

Douglas v. Alabama, 380 U.S. 415, 419 (1965) (quoting *Mattox v. United States*, 156 U.S. 237, 242–43 (1895)).

Effective cross-examination is most important in a criminal trial, when the defendant's liberty is at stake. The Founders recognized this, and in the Sixth Amendment, a defendant is assured the right "to be confronted with the witnesses against him." U.S. Const. amend. VI; *see also Pointer*, 380 U.S. at 406 (incorporating the Confrontation Clause against the states through the Fourteenth Amendment). This right "guarantees a defendant the opportunity to cross-examine a witness concerning bias." *State v. Gracely*, 399 S.C. 363, 372, 731 S.E.2d 880, 885 (2012). Bias, of course, is a sweeping concept. *See State v. Brewington*, 267 S.C. 97, 100–01, 226 S.E.2d 249, 250 (1976) ("Since it is the function of the jury to determine the credibility of witnesses and the weight to be given their testimony, as a general rule, anything having a legitimate tendency to throw light on the accuracy, truthfulness, and sincerity of a witness may be shown and considered in determining the credit to be accorded his testimony, and on cross-examination, any fact may be elicited which tends to show interest, bias, or partiality of the witness." (internal citation and quotation marks omitted)); *see also* Rule 608(c), SCRE.

A defendant's Confrontation Clause right is violated whenever "he is prohibited from engaging in otherwise appropriate cross-examination designed to show a prototypical form of bias from which jurors could draw inferences relating to the reliability of the witness." *Gracely*, 399 S.C. at 372, 731 S.E.2d at 885 (internal alteration and quotation mark omitted) (citing *Van Arsdall*, 475 U.S. at 680). A trial

court may only “impose reasonable limits on the scope of cross-examination,” for reasons such as “harassment, prejudice, confusion of the issues, witness’ safety, or interrogation that is repetitive or only marginally relevant.” *State v. Gillian*, 360 S.C. 433, 451, 602 S.E.2d 62, 71 (Ct. App. 2004), *aff’d as modified*, 373 S.C. 601, 646 S.E.2d 872 (2007).

But the trial court may not “limit a criminal defendant’s right to engage in cross-examination to show bias on the part of the witness” unless “the record . . . clearly show[s] the cross-examination is inappropriate.” *State v. Mizzell*, 349 S.C. 326, 331, 563 S.E.2d 315, 317 (2002); *see also State v. Graham*, 314 S.C. 383, 385–86, 444 S.E.2d 525, 527 (1994). Ultimately, given the liberty interests at stake, “[c]onsiderable latitude is allowed in the cross-examination of a witness for potential bias.” *State v. Clark*, 315 S.C. 478, 481, 445 S.E.2d 633, 634 (1994); *see also United States v. Turner*, 198 F.3d 425, 429 (4th Cir. 1999) (“[P]rohibiting a criminal defendant from cross-examining a witness on relevant evidence of bias and motive may violate the Confrontation Clause, if the jury is precluded from hearing evidence from which it could appropriately draw adverse inferences on the witness’s credibility.”).

B. Troutman Was Denied the Opportunity to Cross-Examine Mathis about Issues that Would Expose His Bias.

Troutman’s theory of the case was that Merriweather, Mathis, and Harris initiated the confrontation that led to the shooting. In addition to Troutman’s own testimony that supported that theory, Troutman argued that the jury shouldn’t believe Mathis’s testimony about what happened, given the fact that Mathis was

admittedly a close friend of Merriweather. (R. p. 435, line 17–p. 436, line 1; R. p. 437, lines 12–19).

Troutman not only generally attacked Mathis's bias as Merriweather's close friend. He also pointed specifically to what Mathis did in the immediate aftermath of the shooting to cast doubt on his testimony. Troutman noted that he wasn't the only person who left the scene right after the shooting—Mathis did too. (R. p. 441, lines 1–9). Mathis and Merriweather were "really good friends." (R. p. 180, lines 14–15). Mathis knew that his really good friend had been shot in the chest. Yet, rather than provide aid and comfort to that friend, Mathis fled the scene. *See* (R. p. 176, line 24; R. p. 292, lines 11–13).

Troutman was denied the chance to cross-examine Mathis in a meaningful way about why Mathis left the scene. Although the State elicited from Mathis a two-word confirmation that he had been convicted of giving false information to the police in 2011, (R. p. 179, lines 9–11), drawing out the underlying facts of that conviction was essential to demonstrating Mathis's bias and lack of credibility to the jury. That conviction, according to the police report, involved an incident in which Merriweather and another man shot at each other, with Merriweather using a sawed-off shotgun. Mathis lied to the police when first questioned about his role in the incident, during which he knocked on the other man's door to get the other man to come outside before Merriweather shot at that man.

In short, Mathis had lied to protect his really good friend, who had shot at someone else. Given that he had lied for Merriweather once about an incident

involving a gun, it was not a wild leap to think that he might do so again. Multiple witnesses, including witnesses offered by the State, testified that Merriweather said he was going to get his gun in the moments leading up to the shooting. (R. p. 132, lines 12–15; R. p. 146, lines 8–13; R. p. 363, lines 11–15; R. p. 410, line 10). The police, however, never found any gun. (R. p. 288, lines 14–16).

A reasonable inference is that Mathis—who fled the scene and abandoned his dying friend—took the gun that Merriweather said he was going to get out of his car so that the police wouldn't find it when they arrived. The record contains no other reason for why Mathis (who was simply a victim under the State's theory) should have run away before the police arrived.

Were Troutman's theory lacking evidentiary or logical support, the trial court could have constitutionally prohibited cross-examination about it. *See, e.g., United States v. Martinez-Vives*, 475 F.3d 48, 53–54 (1st Cir. 2007) (“[T]he Confrontation Clause does not give a defendant the right to cross-examine on every conceivable theory of bias. . . . Where the theory of bias is inherently speculative, the court may prohibit cross-examiners from mounting fishing expeditions.” (internal quotation marks and citation omitted)). But Troutman's wasn't such a theory. Rather, it was well grounded in the facts, offering to make sense of Mathis's flight in a way that the State never could (or even tried to do). And if the jury believed that Mathis was again lying to protect his friend and had reasonable doubt about whether Merriweather did have a gun with him that night (even if Merriweather didn't actually grab it or use it), that would lend strong support to Troutman's claim of self-defense. Put simply,

when the trial court prohibited Troutman from asking Mathis questions about the 2011 incident that could show his bias and lack of credibility, the trial court denied Troutman a “meaningful opportunity to present a complete defense.” *Holmes v. South Carolina*, 547 U.S. 319, 324 (2006).

Moreover, the record does not “clearly show” that this cross-examination of Mathis was inappropriate. *Mizzell*, 349 S.C. at 331, 563 S.E.2d at 317. After the *in camera* proffer after the testimony of Keith Mathis, the trial court offered no explanation for its decision not to allow cross-examination of Mathis about the 2011 incident. (R. p. 189, lines 2–15). That leaves the pretrial discussion of the State’s motion as the only place in the record with any substantive discussion of this issue. Troutman sought to be allowed to cross-examine Mathis about lying to help Merriweather in 2011, leaving the scene, and failing to talk to the police until May 2017 to show Mathis’s bias and develop support for his self-defense claim. (R. p. 31, line 14–p. 32, line 3; R. p. 32, line 19–p. 33, line 24). The court’s conclusion—with which the State agreed—was that no rule of evidence allowed cross-examination on the facts underlying the 2011 incident. (R. p. 34, line 6–p. 35, line 21).⁵

⁵ During this argument, Troutman made explicitly clear that his goal was to confront Mathis about his bias. Troutman admittedly did not use the words “Confrontation Clause” or “Sixth Amendment.” But magic words have never been required to preserve this issue for appellate review. As this Court has observed, trial objections that make clear the nature of the objection, “together with the arguments . . . presented on appeal,” are sufficient to preserve a Sixth Amendment issue for review, given that this is a right that “must remain inviolate.” *State v. Mitchell*, 378 S.C. 305, 314, 662 S.E.2d 493, 498 (Ct. App. 2008).

Thus, the entire basis for preventing cross-examination about Mathis's bias was that it wasn't allowed under the South Carolina Rules of Evidence. This conclusion, however, suffers from multiple flaws. For one, no South Carolina case appears to address whether the facts giving rise to a conviction that could be introduced under Rule 609(a) may be elicited from a witness under Rule 608(b). Some federal courts, such as the Ninth Circuit, have held that they cannot. *See United States v. Osazuwa*, 564 F.3d 1169, 1173 (9th Cir. 2009). Whatever persuasive authority those cases may be, no South Carolina court has directly addressed the issue of whether the facts that led to a conviction—rather than the conviction itself—may be the subject of cross-examination under Rule 608(b). Here, the trial court never offered any analysis of this issue, so the record does not clearly show that this cross-examination was impermissible.

For another, even if the trial court were right about the scope of cross-examination under Rule 608(b), its conclusion still ignores the relationship of the Sixth Amendment and the South Carolina Rules of Evidence. Like every part of the U.S. Constitution, the Sixth Amendment's Confrontation Clause is the "supreme Law of the Land." U.S. Const. Art. VI, cl. 2. A defendant's right to confront witnesses is thus "potentially broad enough to require admission of evidence that is otherwise excludable under" the rules of evidence. *United States v. Oliver*, 278 F.3d 1035, 1041 (10th Cir. 2001) (citing *United States v. Abel*, 469 U.S. 45, 56 (1984)); *see also Holmes*, 547 U.S. at 324 (observing that the latitude to establish rules of evidence for excluding evidence from criminal trials has constitutional limits); *United States v.*

Canan, 48 F.3d 954, 959 (6th Cir. 1995) (noting that the Sixth Amendment may impose “independent” rules on the introduction of evidence); *United States v. Mikos*, No. 02 CR 137-1, 2003 WL 22110948, at *11 (N.D. Ill. Sept. 11, 2003) (“Simply put, the Constitution exists independent of the Federal Rules of Evidence.”); *cf.* Fed. R. Evid. 609, Note to 1990 Amendments (“In any case in which the trial court believes that confrontation rights require admission of impeachment evidence, obviously the Constitution would take precedence over the rule.”).

In this case, cross-examining Mathis about the events underlying the 2011 conviction was essential to showing Mathis’s bias and to casting doubt about his credibility regarding what happened leading up to and immediately after the shooting. Even if the South Carolina Rules of Evidence didn’t allow that cross-examination, the Confrontation Clause did so that Troutman would have “a fair trial.” *Gillian*, 360 S.C. at 449, 602 S.E.2d at 71.

No other reason was necessary for excluding this testimony. *See id.* at 451, 602 S.E.2d at 71. For instance, the State never argued that it would be harassing or confusing. The trial court never indicated that the testimony would be either repetitive or only marginally relevant. And the prejudice arguments from the State all focused on Merriweather, not Mathis. (R. p. 21, line 21–p. 40, line 11). Indeed, the decision to prevent Troutman from cross-examining Mathis hung entirely—and incorrectly—on the rules of evidence, without recognizing the constitutional import of the bias argument that Troutman raised.

C. Troutman Was Prejudiced by the Trial Court's Limitation on Cross-Examination.

A violation of a defendant's constitutional right requires that a conviction be set aside whenever that violation is not harmless beyond a reasonable doubt. *Mizzell*, 349 S.C. at 333, 563 S.E.2d at 318. Whether an error is that harmless "depends on the particular facts of each case." *Id.* Factors to consider include "the importance of the witness' testimony in the prosecution's case, whether the testimony was cumulative, the presence or absence of evidence corroborating or contradicting the testimony of the witness on material points, the extent of cross-examination otherwise permitted, and of course the overall strength of the prosecution's case." *Id.*, 563 S.E.2d at 318–19 (quoting *Van Arsdall*, 475 U.S. at 684).

Ultimately, the violation of a defendant's right under the Confrontation Clause is harmless only "if the evidence is overwhelming and the violation so insignificant by comparison that [a court is] persuaded, beyond a reasonable doubt, that the violation did not affect the verdict." *State v. Holder*, 382 S.C. 278, 285, 676 S.E.2d 690, 694 (2009); *see also State v. Bryant*, 369 S.C. 511, 518, 633 S.E.2d 152, 156 (2006) ("[A]n insubstantial error not affecting the result of the trial is harmless where a defendant's guilt has been conclusively proven by competent evidence such that no other rational conclusion can be reached."). Proving that a constitutional error was harmless is a "heavy burden." *Anderson v. Warden, Md. Penitentiary*, 696 F.2d 296, 300 (4th Cir. 1982) (en banc).

Troutman's inability to cross-examine Mathis cannot be harmless given the lack of physical evidence related to the issues on which that cross-examination would

have focused. The State offered no physical evidence of who instigated the confrontation in the moments before the shooting or about what Mathis did in the moments right after the shooting before the police arrived; the only evidence was testimony. In other words, the jury's conclusion about what happened in the moments leading up to and right after the shooting "rested solely on credibility determinations." *State v. Perez*, --- S.C. ---, --- S.E.2d ---, No. 2015-001576, 2018 WL 2709474, at *4 (2018); cf. *State v. Broadnax*, 414 S.C. 468, 479, 779 S.E.2d 789, 794 (2015) (holding that an error was harmless because of "overwhelming evidence" of the defendant's guilt, including the recovery by police of a gun and a bag of money after an armed robbery). Credibility determinations, of course, belong solely to the jury, which "may believe all, some, or none of the testimony" from any witness, and not to an appellate court reviewing a transcript. *Perez*, 2018 WL 2709474, at *4 (quoting *Ross v. Paddy*, 340 S.C. 428, 434, 532 S.E.2d 612, 615 (Ct. App. 2000)).

Furthermore, not hearing cross-examination of Mathis was particularly significant, given that no other witness testified about either Mathis's close friendship with Merriweather (including having lied to police to protect Merriweather in 2011) or where Mathis went (and what he may have taken with him) when he fled the scene. Thus, even if the prejudice caused by the limitations on the cross-examination of Mathis wasn't already established by the lack of physical evidence on these subjects, the jury didn't hear conclusive or overwhelming evidence on these particular issues that could make this constitutional error harmless. See *Gracely*, 399 S.C. at 376, 731 S.E.2d at 877 (describing *Mizzell* as holding that an error was

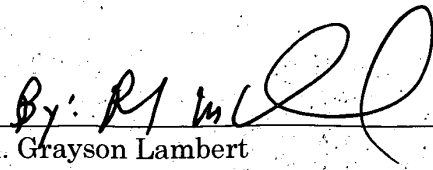
not harmless because “if the jury found [the witness whose cross-examination was limited] unbelievable, there would be no other evidence before them tying the defendant’s to the scene of the crime”).

At its core, the violation of Troutman’s right under the Confrontation Clause denied him the opportunity to present facts necessary to present his theory to the jury. That means the error cannot be harmless. *See Davis v. Alaska*, 415 U.S. 308, 317 (1974) (“We cannot speculate as to whether the jury, as sole judge of the credibility of a witness, would have accepted this line of reasoning had counsel been permitted to fully present it. But we do conclude that the jurors were entitled to have the benefit of the defense theory before them so that they could make an informed judgment as to the weight to place on [a witness’s] testimony which provided a crucial link in the proof of petitioner’s act.” (internal alteration and quotation mark omitted)); *Gracely*, 399 S.C. at 377, 731 S.E.2d at 887 (observing that “a ruling preventing a full picture of the possible bias of those witnesses cannot be harmless”).

CONCLUSION

The judgment should be vacated, and the case should be remanded for a new trial.

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March 26, 2019
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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM EDGEFIELD COUNTY
Court of General Sessions

Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No. 2017-002224

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

The State,.....Respondent,

v.

Montrell Deshawn Troutman,.....Appellant.

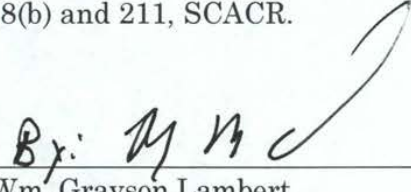
CERTIFICATE OF COMPLIANCE

This Final Brief complies with Rules 208(b) and 211, SCACR.

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Honorable D. Craig Brown, Circuit Court Judge
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STATEMENT OF ISSUES ON APPEAL

- I. The trial court properly restricted Appellant's ability to go on a fishing expedition in his cross-examination of the State's witness regarding bias, or speculate before the jury on possible bias, when the proffer of his cross-examination of the witness failed to reveal any evidence of bias.

STATEMENT OF THE CASE

The Edgefield County Grand Jury indicted Appellant on charges of murder, two counts of attempted murder, and possession of a weapon during the commission of a violent crime. (True-billed Indictments; R.1-2; 4-5; 7-8; 10-11). He proceeded to trial before the Honorable D. Craig Brown and jury from October 16-20, 2017. The jury was charged with lesser included offenses related to the murder and attempted murder charges. The jury found Appellant guilty of voluntary manslaughter, assault and battery of a high and aggravated nature (ABHAN), assault and battery in the first degree, and possession of a weapon during the commission of a violent crime. (T. 723-724; R.477-478). The trial court sentenced Appellant to thirty years imprisonment for voluntary manslaughter; twenty years, concurrent, for ABHAN; ten years, consecutive, for assault and battery first degree, and time served for the possession charge. (Sentencing Sheets; R.3; 6; 9, 12). Appellant filed a Notice of Appeal.

STATEMENT OF FACTS

The victim, Leric Merriweather, got meat to have a cookout with some family and friends at his house. (T.259; R.63). Carlo Harris and Keith Mathis stopped by, but left after staying a short time. (T.261; R.65). While Merriweather was outside, Appellant came into the yard. After some talking, things escalated and Dwayne Jones, a cousin who was at the cookout, pulled a gun. Merriweather got upset and demanded Jones and Appellant leave. (T.262-263; R.66-67).

According to Retrell Chinn, when she arrived at the cookout, there was a lot of commotion going on. (T.287-288; R.91-92). She testified Appellant and Merriweather were in an argument. Darius Ross, a neighbor, also confirmed an argument occurred between Appellant and Merriweather in Merriweather's yard. He said there was lots of arguing and cussing. (T.304-305; R.108-109). Shortly after Ross went back home, he saw Appellant walking up the street. He testified Appellant was angry or upset. (T.308-309; R.112-113).

After Appellant left Merriweather's yard, he called Harris and Mathis. The two returned to Merriweather's house, where he explained what had transpired with Appellant. (T.356-357; R.160-161). Mathis tried to get Merriweather to calm down after the argument with Appellant, so they went in Merriweather's car to the store to buy beer. (T.358-359; R.162-163).

After stopping at the gas station for beer, Merriweather pulled his car up to Santonio Ryan's house to talk with him. Merriweather remained in the car along with Harris and Mathis. (T.319-320; 360; R.123-124; 164). While they were talking, they saw Appellant walking down the road.¹ Appellant crossed the road and passed beside Merriweather's driver side window. He then went into Ryan's yard, before retracing his steps back past Merriweather's window. As he passed, Appellant pointed at Merriweather. (T.364; R.168).

¹ Ryan did not indicate where Appellant came from, merely that he saw him walking toward the group at Merriweather's car. Mathis testified Appellant got out of a green Honda and headed towards them. (T.363; R.167).

After Appellant passed and pointed, Merriweather got out of his car. Appellant then pulled out a gun in front of victim and the other persons present, pulled the slide back to load a bullet in the chamber, and placed it back in his pocket. (T.326; 366; R.130; 170). Merriweather indicated the gun Appellant had was the same one from Merriweather's house and that Merriweather did not believe it had any ammunition in it. (T.328; 367; R.132; 171). Both Harris and Mathis got out of the car as Merriweather approached Appellant. (T.367; R.171).

Merriweather wanted to fight Appellant. He approached Appellant with his fists balled up ready to fight. (T.343; 368; R.147; 172). Appellant pulled his gun back out and shot Merriweather in the chest. Only Appellant had a weapon at the time of the confrontation. (T. 346; 369; 398-399; 419-420; 652; R.150; 173; 202-203; 223-224; 415). Appellant continued firing at Harris, Mathis, and Merriweather until the gun ran out of ammunition. (T.330; 332; 370-372; R.134; 136; 174-176). Merriweather ran behind Ryan's house while Mathis and Harris both ran from Appellant. Harris ultimately was grazed in the leg. (T.332; 373; R.136; 177). Appellant walked away from the scene and Merriweather came back around to the front of the house. (T. 332-333; R.136-137). Merriweather died as a result of his wound. As Appellant admitted, he "shot and killed an unarmed man." (T.651; R.414).

STANDARD OF REVIEW

In criminal cases, the appellate court sits to review errors of law only. State v. Wilson, 345 S.C. 1, 5-6, 545 S.E.2d 827, 829 (2001); State v. Butler, 353 S.C. 383, 388, 577 S.E.2d 498, 500 (Ct. App. 2003). “The admission of evidence is within the discretion of the trial court and will not be reversed absent an abuse of discretion.” State v. Pagan, 369 S.C. 201, 208, 631 S.E.2d 262, 265 (2006). “An abuse of discretion occurs when the conclusions of the trial court either lack evidentiary support or are controlled by an error of law.” Id.

“A trial judge has considerable latitude in ruling on the admissibility of evidence and his rulings will not be disturbed absent a showing of probable prejudice.” State v. Kelley, 319 S.C. 173, 176, 460 S.E.2d 368, 370 (1995). “The trial judge retains discretion to impose reasonable limits on the scope of cross-examination.” State v. Mizzell, 349 S.C. 326, 331, 563 S.E.2d 315, 317 (2002). “If the defendant establishes he was unfairly prejudiced by the limitation, it is reversible error.” Id. “This Court will not disturb a trial court’s ruling concerning the scope of cross-examination of a witness to test his or her credibility, or to show possible bias or self-interest in testifying, absent a manifest abuse of discretion.” State v. Gracely, 399 S.C. 363, 371, 731 S.E.2d 880, 884 (2012).

ARGUMENT

- I. **The trial court properly restricted Appellant's ability to go on a fishing expedition in his cross-examination of the State's witness regarding bias, or speculate before the jury on possible bias, when the proffer of his cross-examination of the witness failed to reveal any evidence of bias.**

Appellant contends the trial court erred in restricting his ability to cross-examine Keith Mathis regarding a prior 2011 conviction on the basis that the underlying facts of the conviction would demonstrate a bias in favor of Merriweather and a willingness to cover up for Merriweather. Appellant had the opportunity to proffer any testimony or evidence regarding the prior conviction for providing false information to police. He failed to establish any evidence of bias, so the trial court properly restricted his cross-examination of Mathis to include only reference to the conviction pursuant to Rule 609(a)(2), SCRE.

"The Sixth Amendment rights to notice, confrontation, and compulsory process guarantee that a criminal charge may be answered through the calling and interrogation of favorable witnesses, the cross-examination of adverse witnesses, and the orderly introduction of evidence." State v. Graham, 314 S.C. 383, 385, 444 S.E.2d 525, 527 (1994) (quoting State v. Schmidt, 288 S.C. 301, 303, 342 S.E.2d 401, 402 (1986)). "A defendant has the right to cross-examine a witness concerning bias under the Confrontation Clause." Mizzell, 349 S.C. at 331, 563 S.E.2d at 317 (citing Davis v. Alaska, 415 U.S. 308 (1974)). "A defendant demonstrates a Confrontation Clause violation when he is prohibited from 'engaging in otherwise appropriate cross-examination designed to show a prototypical form of bias . . . from which jurors . . . could draw inferences relating to the reliability of the witness.'" Gracely, 399 S.C. at 372, 731 S.E.2d at 885 (quoting State v. Stokes, 381 S.C. 390, 401–02, 673 S.E.2d 434, 439 (2009)).

Additionally, Rule 608(c), SCRE, provides that “bias, prejudice or any motive to misrepresent may be shown to impeach the witness either by examination of the witness or by evidence otherwise adduced.” Rule 608(c) “preserves South Carolina precedent holding that generally, ‘anything having a legitimate tendency to throw light on the accuracy, truthfulness, and sincerity of a witness may be shown and considered in determining the credit to be accorded his testimony.’ ” State v. Jones, 343 S.C. 562, 541 S.E.2d 813 (2001) (quoting State v. Brewington, 267 S.C. 97, 226 S.E.2d 249 (1976)).

In the instant case, Appellant sought to show that Mathis would remove evidence of the gun possessed by Merriweather because of his prior conviction for providing false information in prior a case involving Merriweather in a shooting. During the proffer, the following colloquy occurred:

Q In 2011, you were convicted of giving false information to the police, correct?

A Yes, sir.

Q And that incident involved a shooting that -- and involved a shooting of Leric Merriweather, correct?

A Yes, sir.

Q And the false information that you were convicted of giving was covering up for Leric Merriweather being involved in that shooting, correct?

A No, sir.

Q Okay.

[Appellant’s Counsel]: That’s pretty much all we intended to do.

(T.384-385; R.188-189).

Nothing in the information provided to the trial court by Appellant during his proffer of testimony established any basis to argue Mathis removed evidence or had a bias in favor of Merriweather. The only information that came out of the proffer was that the charge involved a shooting of Merriweather.² Mathis specifically denied covering anything up in that case and Appellant presented absolutely no evidence the false information related to a cover-up, removal of evidence, or anything similar to what he argues the testimony would have shown. Mathis' credibility was sufficiently impeached through the testimony regarding his conviction for providing false information, and the trial court properly denied Appellant's request to go on a fishing expedition in order to try and infuse rank speculation into the trial regarding whether Mathis covered up a gun no one—including Appellant—even saw in his possession. See State v. Aleksey, 343 S.C. 20, 34, 538 S.E.2d 248, 255 (2000) (“[T]rial [courts] retain wide latitude insofar as the Confrontation Clause is concerned to impose reasonable limits on such cross-examination based on concerns about, among other things, harassment, prejudice, confusion of

² On appeal, Appellant craves reference to Case No. 71827ED (Edgefield Cty. Magistrate), arguing this Court can take judicial notice of the record in that case. However, Appellant never presented the records to the trial court, never argued at trial the records were evidence demonstrating bias or that Mathis would conceal facts on behalf of Merriweather, nor established on appeal their relevancy to the issue of bias. As a result, it would be improper for this Court to consider the facts in the records to determine whether the trial court properly admitted the testimony at trial when the trial court was not given the opportunity to consider the records. See I'On, L.L.C. v. Town of Mt. Pleasant, 338 S.C. 406, 421–22, 526 S.E.2d 716, 724 (2000) (“An appellate court may not, of course, reverse for any reason appearing in the record. The losing party must first try to convince the lower court it is has ruled wrongly and then, if that effort fails, convince the appellate court that the lower court erred. This principle underlies the long-established preservation requirement that the losing party generally must both present his issues and arguments to the lower court and obtain a ruling before an appellate court will review those issues and arguments.”); Id. at 422, 526 S.E.2d at 724 (“Imposing this preservation requirement on the appellant is meant to enable the lower court to rule properly after it has considered all relevant facts, law, and arguments. . . . It prevents a party from keeping an ace card up his sleeve—intentionally or by chance—in the hope that an appellate court will accept that ace card and, via a reversal, give him another opportunity to prove his case.”).

the issues, witness' safety, or interrogation that is repetitive or only marginally relevant.” (quoting Delaware v. Van Arsdall, 475 U.S. 673, 679 (1986)).

Additionally, any error in failing to allow the cross-examination is entirely harmless in light of the facts presented in this case. The South Carolina Supreme Court has recently reiterated that even a Confrontation Clause violation may be harmless and explained the analysis for determining harmless error:

“A [C]onfrontation [C]laue error is harmless if the evidence is overwhelming and the violation so insignificant by comparison that we are persuaded, beyond a reasonable doubt, that the violation did not affect the verdict.” State v. Holder, 382 S.C. 278, 285, 676 S.E.2d 690, 694 (2009) (quoting State v. Vincent, 131 Wash.App. 147, 120 P.3d 120, 124 (2005)). When determining whether an error is harmless, this Court considers, *inter alia*: “the importance of the witness’ testimony in the prosecution’s case, whether the testimony was cumulative, the presence or absence of evidence corroborating or contradicting the testimony of the witness on material points, the extent of cross-examination otherwise permitted, and, of course, the overall strength of the prosecution’s case.” [Delaware v. Van Arsdall, 475 U.S. 673, 684 (1986)].

State v. Perez, 423 S.C. 491, 498, 816 S.E.2d 550, 554 (2018).

While Mathis’ testimony was significant in the instant case, the remaining factors indicate any error was entirely harmless. The testimony that was presented in the proffer failed to expand upon the testimony solicited in front of the jury during cross-examination allowed by the trial court. Appellant was able to bring forth the fact Mathis was good friends with Merriweather and that he had previously been convicted of providing false information to police. As a result, his credibility was already damaged by the cross-examination.

Further, testimony presented during trial indicated no one saw Merriweather with a weapon. (T.346; 369; 398-399; 419; R.150; 173; 202-203; 223). Appellant admitted he did not know whether Merriweather had a weapon on him. (T.604; 647; R.367; 410). After first telling

police Merriweather had the gun and he got it away from Merriweather, Appellant later told the police that Merriweather did not have a gun. (T.643-644; 646; R.406-407; 409). Others testified Merriweather was confronting Appellant with balled up fists ready to fight, but definitely without a gun. (T.343; 368-369; R.147; 172-173). Appellant ultimately admitted he killed an unarmed man. (T.651; R.414).

Even if the testimony regarding possible bias had been admitted, it would not have had any impact on the jury's verdict because the only reason it was sought to be admitted was to try and contend Merriweather may have had a weapon that Mathis took from the scene. Appellant admitted at trial he never saw a gun and he shot an unarmed man. No cross-examination raising the mere speculation regarding Mathis' actions would alter the testimony from Appellant himself. As a result, any error in failing to allow the testimony before the jury was entirely harmless.

Accordingly, the trial court did not err in allowing the additional cross-examination of Mathis. Appellant's rank speculation is not a substitute for proof establishing the relevancy of the prior conviction in this case. He failed to demonstrate through his proffer that any meaningful information would be elicited from which the jury could derive a motive or bias beyond that already established through the testimony presented. Additionally, any possible error was entirely harmless as the basis for seeking to establish the bias was to show Mathis may have removed Merriweather's gun from the scene, but all evidence in the record indicates Merriweather was unarmed at the time of the shooting. Therefore, this Court should affirm Appellant's convictions and sentences.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court be affirmed.

Respectfully submitted,

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March 15, 2019

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Edgefield County
Honorable D. Craig Brown, Circuit Court Judge
Appellate Case Tracking No. 2017-002224

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SC Court of Appeals

The State,

Respondent,

vs.

Montrell Deshawn Troutman,

Appellant.

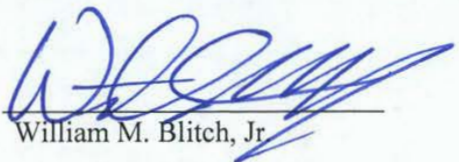
CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief of Respondent complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

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March 15, 2019

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM EDGEFIELD COUNTY
Court of General Sessions

Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No. 2017-002224

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

ORIGINAL

The State,.....Respondent,

v.

Montrell Deshawn Troutman,.....Appellant.

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ARGUMENT

The State repeatedly calls Troutman's argument about Mathis's bias "rank speculation." Appellee's Br. 8, 10. Simply saying that, however, doesn't make it true. Far from the fishing expedition the State claims it is, Troutman's argument is the only theory that makes sense of unexplained facts—facts like Merriweather claiming that he was going to get his gun and getting back in his car briefly during the heated exchange with Troutman in the moments before the shooting and facts like Mathis fleeing from the side of his dying best friend before the police arrived.

Both at trial and on appeal, the State never engaged with these facts. But these facts fit neatly into a theory that Troutman has put forth. For the jury to accept this theory, Troutman had to discredit Mathis's testimony. After all, given Mathis's major role in the events of June 6, 2015, his testimony was a key part of the State's case (a concession that the State makes but tries to gloss over in its harmful-error analysis). One way to do that was by exposing Mathis's bias on cross-examination.

The Sixth Amendment's Confrontation Clause guarantees Troutman the right to expose that bias. *See, e.g., Watkins v. Sowders*, 449 U.S. 341, 349 (1981); *State v. Wallace*, 44 S.C. 357, 22 S.E. 411, 412 (1895). In fact, the right to confront witnesses is so effective for revealing bias that the U.S. Court of Appeals for the Sixth Circuit recently observed that this right is "the greatest legal engine ever invented for uncovering the truth" and has thus been a central focus in popular movies such as *A Few Good Men*. *Doe v. Baum*, 903 F.3d 575, 581 & n.1 (6th Cir. 2018).

Although Jack Nicholson's breakdown on the witness stand as Colonel Nathan Jessup in *A Few Good Men* (his "you can't handle the truth" line) may be more famous than the cross-examination of Mathis in this case, the role of cross-examination here is more important: this involves real life, not the movies. When Troutman was not permitted to question Mathis about his bias, Troutman's right under the Sixth Amendment was violated. To remedy that right, he is entitled to a new trial, at which he is permitted to expose Mathis's bias to the jury on cross-examination.

I. The State Ignores the Factual Disputes that Are Critical to the Issue on Appeal.

In its cursory recounting of the facts of this case, the State recites only those facts that fit into its theory of the case. Thus, it cites the testimony about the fight at Merriweather's house being between Merriweather and Troutman, and it ignores the testimony that the fight started between Merriweather and Dwayne Jones, with Merriweather then confronting Troutman during the cookout at Merriweather's house. See Appellee's Br. 3. And it tells only one side of the story of what happened in the moments before the shooting, disregarding what Troutman said transpired and even part of what the State's own witnesses said. See Appellee's Br. 3–4.

Were this an appeal challenging the sufficiency of the evidence, the State's approach would be appropriate. When the sufficiency of the evidence is the issue on appeal, the Court must view the evidence in the light most favorable to the State. See, e.g., *State v. Pearson*, 415 S.C. 463, 470, 783 S.E.2d 802, 806 (2016).

But this case isn't about the sufficiency of the evidence. It's about the Confrontation Clause. Knowing these other facts is essential to evaluating

Troutman's claim that he was wrongly denied the chance to probe Mathis about his bias. *See State v. Gracely*, 399 S.C. 363, 372, 731 S.E.2d 880, 885 (2012) (holding that a criminal defendant must be permitted cross-examine a witness "to show a prototypical form of bias from which jurors could draw inferences relating to the reliability of the witness" (internal alterations omitted) (citing *Delaware v. Van Arsdall*, 475 U.S. 673, 680 (1986))). Only by engaging with the evidence that didn't fit the State's theory can the Court determine whether "the record . . . *clearly* show[s] the cross-examination is inappropriate." *State v. Mizzell*, 349 S.C. 326, 331, 563 S.E.2d 315, 317 (2002) (emphasis added).

That means that the conflicting versions of what happened at Merriweather's house on the afternoon of June 6, 2015 must be considered. So too with the different stories of the moments leading up to the shooting. What Mathis did in the moments after the shooting (when he fled the scene before police arrived, leaving his close friend in his final moments) is likewise relevant here. All of this evidence—which does not fit neatly within the State's theory, given its omission from the State's brief—is important in determining whether Troutman was denied his constitutional right to confront the witnesses against him.

II. Troutman Was Denied His Constitutional Right to Cross-Examine Mathis.

The State does not dispute the central role that cross-examination plays in discerning the truth. Indeed, it cites many of same cases from the South Carolina Supreme Court and the United States Supreme Court on which Troutman relied. The issue here is thus whether Troutman was denied his Sixth Amendment right.

He was. The State's position that the Confrontation Clause wasn't violated here boils down to two points. First, the State claims that nothing in the proffer supports a conclusion that Mathis took a gun away from the scene of the shooting. See Appellee's Br. 7. Second, it posits that Mathis was already "sufficiently impeached" by being asked about his conviction for giving false information to police. Appellee's Br. 8. Neither argument has merit.¹

A. The State Takes an Isolated Approach to Mathis's Proffer that Disregards Facts that Support Troutman's Theory and Made Cross-Examination of Mathis Reasonable.

As for its first argument, the State takes a myopic view of the evidence, focusing exclusively on the proffer. During that exchange with Troutman's counsel, Mathis denied that his 2011 conviction for giving false information to police involved "covering up" for Merriweather. (R. p. 188, lines 19–23). Mathis's bland denial cannot bear the weight that the State's argument places on it.

As an initial matter, the State's reliance on this denial ignores the idea that someone who has lied once will likely lie again. Cf. *Black's Law Dictionary* 679 (9th ed. 2009) (defining *falsus in uno, falsus in omnibus* to mean that "if a jury believes that a witness's testimony on a material issue is intentionally deceitful, the jury may disregard all of that witness's testimony"). Or, as Thomas Jefferson put it, "He who

¹ The State never explicitly acknowledges that a criminal defendant's Confrontation Clause right to expose a witness's bias allows for questioning that might not otherwise be permitted under the Rules of Evidence. But the State appears to concede as much in the opening paragraph of its argument, when it argues that because Troutman didn't "establish any evidence of bias," he was limited to cross-examining Mathis under Rule 609(a)(2), SCRE. Appellee's Br. 6.

permits himself to tell a lie once, finds it easier to do it a second and third time, till at length it becomes habitual.” *Bartlett’s Familiar Quotations* 357 (Justin Kaplan ed. 17th ed. 2002) (quoting Thomas Jefferson, Letter to Peter Carr (Aug. 19, 1785)).

This concept makes clear that if Mathis was willing to lie to police in 2011, he presumably was willing to lie about why he lied, and he was willing to lie again about the events of June 6, 2015. In fact, Mathis—despite initially admitting his conviction about lying to police—later lied on the witness stand about having lied to police. (R. p. 184, lines 12–16). Thus, it’s not a leap for a jury to conclude that he had lied about what happened on June 6 between Merriweather and Troutman. Therefore, his simple denial in his proffer of having covered for Merriweather in 2011 is no basis for concluding that Troutman lacked a basis for pursuing his questions about Mathis’s bias.

Additionally, the State’s argument on the proffer disregards other evidence in the record. Not only did Troutman testify that Merriweather claimed he was going to get his own gun in the moments before the shooting, Santonio Ryans (the State’s witness) also testified that Merriweather said this, right before briefly getting back in his car and then continuing his altercation with Troutman. (R. p. 146, lines 8–13; p. 363, lines 11–15; p. 410, line 10). Even if Merriweather did not grab a gun when he got back in his car, his claim that he was going to get his gun, followed by his quick move into his car, could have raised Troutman’s worry that Merriweather might shoot him first.

The State's narrow focus on the proffer also ignores the fact that Mathis fled the scene before police arrived. That simple fact is, upon reflection, stunning. Merriweather had been shot and was clearly in dire condition. Merriweather was Mathis's "really good friend[]." (R. p. 180, lines 14-15). Police arrived within a mere five minutes. (R. p. 290, lines 20–p. 291, line 1). Rather than wait this short period of time to provide aid and comfort to his friend and to help the police know who shot Merriweather, Mathis took off.

This necessarily raises the question of why Mathis fled the scene. One reasonable explanation is that Mathis was trying—once again—to protect his good friend Merriweather by making sure that Merriweather wasn't also found with a gun when police started searching the scene.

Troutman's attempt to cross-examine Mathis therefore was not "rank speculation" or a "fishing expedition," as the State describes it. It was a legitimate, reasonable attempt to expose Mathis's bias. See *State v. Gillian*, 360 S.C. 433, 451, 602 S.E.2d 62, 71 (Ct. App. 2004) (explaining that a trial court may impose only "reasonable limits on the scope of cross-examination"), *aff'd as modified*, 373 S.C. 601, 646 S.E.2d 872 (2007). With these facts about Merriweather claiming that he was going to get a gun and Mathis fleeing the scene, the record did not "clearly" show that this cross-examination was inappropriate. *Mizzell*, 349 S.C. at 331, 563 S.E.2d at 317. Nothing in the limitation of cross-examination here was necessary to prevent "harassment, prejudice, [or] confusion of the issues," to ensure "witness' safety," or to avoid "interrogation that is repetitive or only marginally relevant." *Id.* Rather, this

limitation denied Troutman the “[c]onsiderable latitude [that] is allowed in the cross-examination of a witness for potential bias” and that would have made sense of facts that the State did not (and could not) explain. *State v. Clark*, 315 S.C. 478, 481, 445 S.E.2d 633, 634 (1994).

B. Mathis Was Not Sufficiently Impeached by Being Asked about His Conviction for Lying to Police.

The State’s second contention for why Troutman’s Confrontation Clause right was not violated fares no better. Mathis was asked about his conviction for giving false information to police by the State, in an apparent attempt to preempt Troutman from drawing out that conviction and soften its blow to the jury. (R. p. 179, lines 9–11). The State insists that this short question-and-answer was sufficient to impeach Mathis.

This simple question and answer, devoid of any context, was far from sufficient cross-examination. As courts have repeatedly recognized, context matters. *Cf. Burlington N. & Santa Fe Ry. Co. v. White*, 548 U.S. 53, 69 (2006) (declaring that “[c]ontext matters” when evaluating factual scenarios); *United States v. Branch*, 537 F.3d 328, 336 (4th Cir. 2008) (explaining that “context matters: actions that may appear innocuous at a certain time or in a certain place may very well serve as a harbinger of criminal activity under different circumstances”) (quoted by *State v. Provet*, 391 S.C. 494, 505, 706 S.E.2d 513, 519 (Ct. App. 2011)); *Xcaliber Int’l, Ltd. LLC v. Georgia ex rel. Carr*, 253 F. Supp. 3d 1220, 1238 (N.D. Ga. 2017) (“As per usual, however, context is king.”).

Mathis's conviction for lying to police did not involve something without any similarities to this case. It wasn't about having an open container during a traffic stop, his tax returns, or even about a domestic-violence incident. Rather, it was about Merriweather, a gun, and a shooting. That context may well have impacted the jury's evaluation of Mathis's conviction and his credibility. Without this context, the cross-examination was not constitutionally sufficient.

III. The Denial of Troutman's Confrontation Clause Right Was Not Harmless.

A Confrontation Clause violation mandates reversal whenever the violation was not harmless. Our Supreme Court, relying on the U.S. Supreme Court precedent, has repeatedly listed the important factors to consider in analyzing whether a Confrontation Clause error is harmless: "the importance of the witness' testimony in the prosecution's case, whether the testimony was cumulative, the presence or absence of evidence corroborating or contradicting the testimony of the witness on material points, the extent of cross-examination otherwise permitted, and of course the overall strength of the prosecution's case." *State v. Perez*, 423 S.C. 491, 498, 816 S.E.2d 550, 554 (2018) (quoting *Van Arsdall*, 475 U.S. at 684). Proving that an error is harmless is a high burden. *See State v. Holder*, 382 S.C. 278, 285, 676 S.E.2d 690, 694 (2009) (explaining that an error is harmless only "if the evidence is overwhelming and the violation so insignificant by comparison that [a court is] persuaded, beyond a reasonable doubt, that the violation did not affect the verdict").

The State says that it has met this burden here, calling any violation of the Confrontation Clause "entirely harmless." Appellee's Br. 9, 10. Hardly so.

A. Mathis's Testimony Was Critical to the State's Case.

The State tries to gloss right over the importance of Mathis's testimony—the very first factor on this list. In a passing comment, the State admits that Mathis's testimony “was significant.” Appellee's Br. 9.

But it says nothing more about this factor. Understandably so, as even a cursory consideration of this factor makes clear that it weighs heavily against a finding of harmless error. Mathis was a key witness for the State. He was an eyewitness to the confrontation between Troutman and Merriweather in the moments before the shooting, and Troutman said that Mathis even raised a bottle to throw at him, turning Mathis into a participation in this confrontation. (R. p. 147, line 24–p. 148, line 1; p. 364, lines 4–9; p. 395, line 14–p. 396, line 13).

The U.S. Supreme Court's decision in *Alaska v. Davis*, 415 U.S. 308 (1974), is instructive here: In that case, a “crucial witness for the prosecution” was a young man who had seen the defendant with the stolen safe on the day of the crime. *Id.* at 309–10. This witness had a juvenile record that could have been used to impeach him, but the trial court limited cross-examination in such a way that the defendant's “counsel was unable to make a record from which to argue why [the witness] might have been biased.” *Id.* at 318. The Supreme Court reversed the defendant's convictions based on this Confrontation Clause violation. *Id.* at 320–21.

Just like the defendant in *Davis*, Troutman's right to confront a crucial witness was limited in a way that prevented him from making a record that showed that witness's bias. The limited cross-examination here may have disclosed Mathis's

friendship with Merriweather and conviction for lying to police, but Troutman did not have the opportunity flesh out how those two things were connected in a way that was relevant to the facts in this case.

B. The Other Evidence Is Not Overwhelming, Given the Facts that Fit with Troutman's Theory but Not with the State's Theory.

While ignoring the critical role of Mathis's testimony, the State focuses heavily on the fact that Merriweather was unarmed at the time of the shooting. But this isolated fact does not make the Confrontation Clause violation harmless.

Troutman never denied shooting Merriweather; he did, however, claim that Merriweather initiated the altercation and he (Troutman) feared for his life. (R. p. 364, lines 8–9; p. 367, line 22–p. 368, line 1). Part of what gave rise to this fear was Merriweather's saying that he was going to get his gun and then getting back in his car for a moment before continuing his argument with Troutman.

This fear was an important issue for Troutman's defense. See *State v. Dickey*, 394 S.C. 491, 501, 716 S.E.2d 97, 102 (2011) ("Word accompanied by hostile acts may, depending on the circumstances, establish a plea of self-defense."). Even if a gun wasn't visible at the moment of the shooting, the jury could have reasonably concluded that Merriweather's actions made Troutman believe that he was in imminent danger, in light of the incident at Merriweather's house earlier that day, Merriweather's claim that he was going to get his gun, and Merriweather's aggressive approach toward Troutman. Cf. *State v. Wigington*, 375 S.C. 25, 35, 649 S.E.2d 185, 190 (Ct. App. 2007) (holding that the elements of self-defense were not met when a prior altercation

between the defendant and victim was six years old and the victim did not approach the defendant during the incident).

Moreover, the State's focus on the fact that Merriweather wasn't holding a gun at the moment of the shooting does not mean that Merriweather didn't have a gun in his car. Indeed, all of the testimony to which the State has pointed focused on whether Merriweather had a gun at the moment of the shooting when Merriweather was charging at Troutman, not whether Merriweather had a gun in his car that he could have gotten. See Appellee's Br. 4 (citing Tr. pp. 346, 369, 398–399, 419–20, 652). Likewise, the fact that police never found a second gun does not mean that Merriweather didn't have a gun in his car. If Troutman's theory of Mathis's flight from the scene is correct, then that means that Mathis was successful in covering up for his friend.

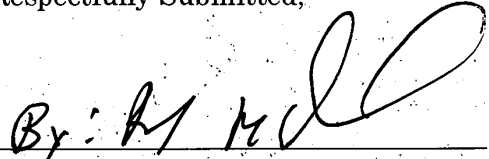
To provide the jury with reasonable doubt, Troutman had to have the opportunity expose Mathis's bias in sufficient detail to reveal for the jury how close Mathis and Merriweather were and how Mathis had, in the past, tried to protect his friend after a shooting incident. See *Davis*, 415 U.S. at 317 (recognizing that cross-examination must be permitted so that a defendant can expose the "biases prejudices, or ulterior motives of the witness as they may relate directly to issues or *personalities* in the case" (emphasis added)). Troutman had the right to present this bias to the jury, which had the exclusive right to evaluate how credible Mathis was based on all of the facts. See *Perez*, 423 S.C. at 499, 816 S.E.2d at 554–55.

Troutman was denied that right when it came to cross-examining Keith Lamont Mathis. And given the central role that Mathis played in the State's case, it's impossible to conclude that this violation of Troutman's Sixth Amendment right was harmless beyond a reasonable doubt.

CONCLUSION

The judgment should be vacated, and the case should be remanded for a new trial.

Respectfully Submitted,

By: 
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Counsel for Appellant

March 26, 2019
Columbia, SC

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM EDGEFIELD COUNTY
Court of General Sessions

Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No. 2017-002224

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

The State, ...Respondent,

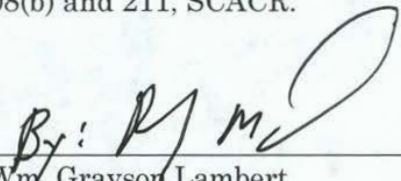
v.

Montrell Deshawn Troutman, ...Appellant.

CERTIFICATE OF COMPLIANCE

This Reply Brief complies with Rules 208(b) and 211, SCACR.

RECEIVED
MAR 26 2019
SC Court of Appeals

By: 
Wm. Grayson Lambert
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Chief Appellate Defender
Post Office Box 11589
Columbia, S.C. 29211

March 26, 2019

5

24352

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM EDGEFIELD COUNTY
Court of General Sessions

Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No. 2017-002224

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

RECEIVED
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SC Court of Appeals

The State, ...Respondent,

v.

Montrell Deshawn Troutman, ...Appellant.

RECORD ON APPEAL

Wm. Grayson Lambert
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Solicitor, Eleventh Judicial Circuit

ATTORNEYS FOR RESPONDENT

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WITNESSES
EPD
PICA

ARREST WARRANT NUMBER
2015A1910200080

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

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

DOCKET NO. 2015-GS-19- 351

The State of South Carolina

County of EDGEFIELD

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2015

THE STATE
vs.

MONTRELL DESHAWN TROUTMAN

CDR#0116

Indictment for

MURDER

DONALD V. MYERS, SOLICITOR

RECEIVED
OCT 25 2017
SC Court of Appeals

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

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

10-20-17
DATED

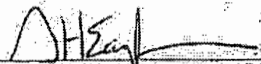
STATE OF SOUTH CAROLINA)
COUNTY OF EDGEFIELD)

INDICTMENT FOR
MURDER

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

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

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


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Edgefield

STATE VS.

Montrell Deshaun Troutman

AKA:

Race: Sex: M Age: 36

DOB: SS:

Address:

City, State, Zip: Edgefield, SC 29824

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: voluntary manslaughterin violation of § of the S.C. Code of Laws, bearing CDR Code # 0217☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted; ☐ Lesser Included Offense; ☐ Defendant Waives Presentment to Grand Jury; (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation; ☐ Negotiated Sentence; ☐ Recommendation by the State.

ATTEST:

SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center.for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of

probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2017 GS-18-1818☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and appliedby the State Department of Corrections: 868 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100

§ 14-1-211(A)(2) (DUI Surcharge) \$100

§ 56-5-2995 (DUI Assessment) \$12

§ 56-1-286 (DUI Breath Test) \$25

Proviso 47.9 (Public Def/Prob) \$500

§ 14-1-212 (Law Enforce. Funding) \$25

§ 14-1-213 (Drug Court Surcharge) \$150

§ 50-21-114(BUI Breath Test Fee) \$50

§ 56-5-2942(I) (Vehicle Assessment) \$40/ea

Proviso 90.5 (SCCA Surcharge) \$5

3% to County (if paid in installments)

TOTAL \$

Clerk of Court/ Deputy Clerk

Court Reporter

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS190089

A/W#: 2015A1910200080

Date of Offense: 6/6/2015

S.C. Code §: 16-03-0010

CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☒ LEADS

WITNESSES

Edgefield Police Department

Sgt. Mark Pica

Law Enforcement Case #:

SR

ARREST WARRANT NUMBER

E17-STR-0018

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: OCT 4 2017

VERDICT

Assault + Battery 1st Degree

Guilty

Foreperson of Petit Jury

Date:

10/20/17

DOCKET NO. 2017GS1901818

The State of South Carolina

County of Edgefield

COURT OF GENERAL SESSIONS

OCTOBER TERM 2017

THE STATE

vs.

Montrell Deshawn Troutman

CDR #: 3410

Indictment for

Attempted Murder

§ 16-03-0029

S.R. Hubbard III, SOLICITOR

RECEIVED
OCT 25 2017
SC Court of Appeals

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

10-20-17
DATED

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF EDGEFIELD)
)

INDICTMENT FOR
Attempted Murder

§ 16-03-0029

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

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

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


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Edgefield
STATE VS.Montrell Deshawn Troutman

AKA:

Race: SS Sex: M Age: 38

DOB:

Address:

City, State, Zip: Edgefield, SC 29824

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: A 2 B 157

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS1907818A/W#: E17-STR-0018Date of Offense: 6/6/2015S.C. Code §: 16-03-0029CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSIn violation of § 3412 of the S.C. Code of Laws, bearing CDR Code # 3412
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

10730
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2015 GS 19-351
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections. 868 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
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§ 50-21-114 (BUI-Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca
3% to County (if paid in installments)	\$

TOTAL

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

PTUP

 days/hours Public Service EmploymentObtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender FundOther: ☐ Appointed PD or appointed other counsel.
§Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code: 2185Sentence Date: 10-20-17

WITNESSES

Edgefield Police Department

Sgt. Mark Pica

Law Enforcement Case #:

SR

ARREST WARRANT NUMBER

E17-STR-0017

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: OCT 17 2017

VERDICT

Assault & Battery High & Aggravated Nature

Guilty

Foreperson of Petit Jury

Date:

10/20/17

DOCKET NO. 2017GS1901817

The State of South Carolina

County of Edgefield

COURT OF GENERAL SESSIONS

OCTOBER TERM 2017

THE STATE

vs.

Montrell Deshawn Troutman

CDR #: 3410

Indictment for

Attempted Murder

§ 16-03-0029

S.R. Hubbard III, SOLICITOR

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

10-20-17
DATED

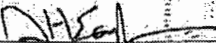
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COUNTY OF EDGEFIELD)

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


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Edgefield
STATE VS.

Montrell Deshawn Troutman

AKA:

Race: Sex: M Age: 38

DOB: SS:

Address:

City, State, Zip: Edgefield, SC 29824

DL#: SID#: SC02211243

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: ADHANin violation of § of the S.C. Code of Laws, bearing CDR Code # 3411
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or Lowd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] Solicitor 100730 SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2017 GS 18 1818 + 2015 GS 19351☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections. 888 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

Recipient:

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

TOTAL

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

INDICTMENT/CASE#: 2017GS1907817

A/W#: E17-STR-0017

Date of Offense: 6/6/2015

S.C. Code §: 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

3411

(CSC w/minor 1st or Lowd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.[Signature] Solicitor 100730 SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
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of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
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Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

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

Presiding Judge

Judge Code: 2180Sentence Date: 10-20-17

WITNESSES

Edgefield Police Department

Sgt. Mark Pica

Law Enforcement Case #:

SR

ARREST WARRANT NUMBER

E17-STR-0019

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 10/25/17

VERDICT

Guilty

Foreperson of Petit Jury

Date:

DOCKET NO. 2017GS1901819

The State of South Carolina

County of Edgefield

COURT OF GENERAL SESSIONS

OCTOBER TERM 2017

THE STATE

vs.

Montrell Deshawn Troutman

CDR #: 0549

Indictment for

Possession of a Weapon During the
Commission of a Violent Crime

§ 16-23-0490

S.R. Hubbard III, SOLICITOR

RECEIVED
OCT 25 2017
SC Court of Appeals

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

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

10-20-17
DATED

STATE OF SOUTH CAROLINA)
COUNTY OF EDGEFIELD)

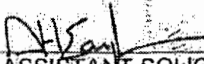
INDICTMENT FOR
Possession of a Weapon During the
Commission of a Violent Crime

§ 16-23-0490

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

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

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


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Edgefield
STATE VS
Montrell Deshawn Troutman

AKA:

Race: Sex: M Age: 38DOB: SS#: Address: City, State, Zip: Edgefield, SC 29824DL#: SID#: SC02211243*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: possession of a weaponIn violation of § of the S.C. Code of Laws, bearing CDR Code # 0549
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☒ County Detention Center,for a determinate term of 868 days/months/years or ☐ under the Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years and/or paymentof \$, plus costs and assessments as applicable*, the balance is suspended with probation for

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 868 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUPTotal: \$ plus 20% fee: \$ days/hours Public Service EmploymentPayment Terms: ☐ Set by SCDPPPS Recipient:

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

TOTAL

Clerk of Court/ Deputy Clerk Charles ReidCourt Reporter: Shay Sh. 322 and

SCCA/217 (07/2016)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS1901819A/W#: E17-STR-0019Date of Offense: 6/6/2015S.C. Code § 16-23-0490CDR Code #: 0549

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

1 State of South Carolina

Court of General Sessions

2 County of Edgefield

3
4
5 State)

6 v.)

7 Montrell Deshawn Troutman)

8 Defendant.)

Transcript of Record

15-GS-19-0351

17-GS-19-1817

17-GS-19-1818

17-GS-19-1819

9
10 October 16 - 20, 2017

11 Edgefield, South Carolina

12
13 B E F O R E:

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

16
17 A P P E A R A N C E S:

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

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

22
23
24 Stacy L. Sheppard, RPR
25 Official Court Reporter

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1 saying that?

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

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

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

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

9 **THE COURT:** Any redirect?

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

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

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

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

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

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

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

22 DIRECT EXAMINATION

23 BY MR. DRYLIE:

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

- 1 Q Around what time was that?
- 2 A I don't know exactly what time, ma'am.
- 3 Q You mentioned the gun. When did you get the
- 4 gun?
- 5 A After I woke up.
- 6 Q Okay. When?
- 7 A That was -- it had to be 7:00, 7:30, something
- 8 like that.
- 9 Q All right.
- 10 A Eight o'clock, around that time.
- 11 Q I'm going to try to keep up. So you know you
- 12 were at the cookout around 3:30, 4:00. Now you're
- 13 saying around 7:00, 8:00?
- 14 A Yeah, because another dude, Raymond Harris,
- 15 came to my house, too.
- 16 Q Why did Raymond Harris come to your house?
- 17 A Told me they was riding around in the car with
- 18 guns looking for me.
- 19 Q You told law enforcement that?
- 20 A Yes.
- 21 Q You did? You told law enforcement that?
- 22 A Well, no, I told my -- the investigator.
- 23 Q But back on June 7th and June 15th, twice
- 24 speaking with law enforcement, you told them that?
- 25 A No, ma'am.

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

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

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

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

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

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

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

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

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

23 **MS. RADLEIN:** That's correct, Your Honor. I
24 was just trying to get to my notes. I apologize.
25 It's the State's position that the deceased

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

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

7 **MS. RADLEIN:** Okay.

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

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

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

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

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

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

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

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

20 **THE COURT:** Go ahead.

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

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

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

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

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

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

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

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

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

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

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

3 **THE COURT:** All right.

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

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

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

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

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

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

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

1 hearsay.

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

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

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

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

1 redacting before I can answer it.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 kind of -- have you transcribed the statements?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 **THE COURT:** I understand.

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

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

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

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

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

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

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

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

18 Yes, sir.

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

1 the jury should be able to hear that.

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

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

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

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

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

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

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

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

1 go into the facts and circumstances of that?

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

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

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

12 **THE COURT:** Okay.

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

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

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

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

4 **THE COURT:** Extrinsic information.

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

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

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

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

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

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

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

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

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

2 **THE COURT:** Yes.

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

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

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

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

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

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

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

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

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

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

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

19 Any other questions on that?

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

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

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

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

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

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

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

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

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

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

25 **THE COURT:** Anything?

1 **MR. DRYLIE:** Nothing.

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

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

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

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

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

11 **THE COURT:** Thank you.

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

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

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

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

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

21 **THE COURT:** Defense counsel?

22 **MR. DRYLIE:** We are.

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

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

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

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

6 No one's stood.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 instructions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 **THE COURT:** Defense counsel?

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

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

1 is so recognized for opening statements.

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

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

5 OPENING STATEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 to talk to the police about what had happened.

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

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

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

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

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

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

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

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

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

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

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

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

16 ABIGAIL CARTER,

17 having been duly sworn, testified as follows:

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

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

22 DIRECT EXAMINATION

23 BY MS. RADLEIN:

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

25 **A** Good morning.

1 Q How are you doing this morning?

2 A All right.

3 Q Do you currently live in Edgefield?

4 A Yes, ma'am.

5 Q How long have you lived in Edgefield?

6 A All my life.

7 Q Do you currently work as well?

8 A Yes, ma'am.

9 Q And where do you work?

10 A It's a cleaning company called BriTen.

11 Q Is that also here in town?

12 A Yes, ma'am.

13 Q Do you have any children?

14 A Two boys.

15 Q What are their names?

16 A L.M. . and O.M.

17

18 Q And how old are they?

19 A Eight and five.

20 Q And you said one is L.M.

21 Would that be Leric -- would Leric Merriweather be

22 his father?

23 A Yes, ma'am.

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

25 Merriweather. How long have you been with Leric

1 Merriweather?

2 A For about 11 years.

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

5 A Yes, ma'am.

6 Q And how long have you lived together?

7 A For about ten.

8 Q And did you live here in Edgefield?

9 A Yes, ma'am.

10 Q How old are you now?

11 A Twenty-eight.

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

13 A Twenty-six.

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

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

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

19 A Yes, ma'am.

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

21 Can y'all hear in the back row?

22 I need you to speak up, please.

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

24 **THE COURT:** Yes.

25 BY MS. RADLEIN:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 **A** Outside.

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

16 **A** Outside.

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

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

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

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

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

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

25 **Q** And then Fred Turner?

1 **A** Friend of the family.

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

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

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

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

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

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

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

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

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

25 **A** Jones.

1 Q And who is Dwayne to you?

2 A My cousin.

3 Q All right. So he was at the cookout and you

4 said he pulled out a gun?

5 A Yes, ma'am.

6 Q And where were you? Where were you when this

7 all happened?

8 A Sitting on my front porch.

9 Q Would you say that your front yard is big or is

10 it small?

11 A Small.

12 Q So if anything was happening in the front yard,

13 you would have seen it?

14 A Yes, ma'am.

15 Q And you said that Wayne and, referring to the

16 defendant, Montrell Troutman, in this case exchanged

17 some words and then what happened next?

18 A He was just -- he had the gun out and that's

19 when Leric was telling Dwayne, like, to put up the

20 gun because his kids out here. And Leric went to

21 put on his shoes and he came back out there. And he

22 was steadily telling them to leave; they wouldn't

23 leave. So he pushed Wayne -- tried to push Wayne

24 out the yard, but Wayne fell on the ground and

25 that's when Wayne, like, finally got up and he was

1 walking up the road.

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

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

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

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

10 MR. CASTO: Objection; hearsay.

11 THE COURT: Sustained.

12 BY MS. RADLEIN:

13 Q So after that, what happened next?

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

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

19 A Yes, ma'am.

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

22 A Yes, ma'am.

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

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

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

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

6 **THE COURT:** Yes.

7 BY MS. RADLEIN:

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

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

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

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

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

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

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

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

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

20 **A** Morange.

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

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

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

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

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

3 **A** My house.

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

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

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

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

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

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

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

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

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

18 **THE COURT:** Yes.

19 BY MS. RADLEIN:

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

23 **A** About three minutes.

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

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

1 step down.

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

3 (Witness leaves the witness stand.)

4 BY MS. RADLEIN:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 **A** Going up Morange Street.

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

13 **A** Rosa Hill Street.

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

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

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

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

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

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

1 get there.

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

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

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

9 A Yes.

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

12 A That's Santonio Ryans' house.

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

15 A Yes, ma'am.

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

18 A Yes, ma'am.

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

21 A Yes, ma'am.

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

24 THE COURT: Any objection?

25 MR. CASTO: No objection.

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

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

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

7 **THE COURT:** All right.

8 (Witness leaves the witness stand.)

9 BY MS. RADLEIN:

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

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

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

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

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

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

20 BY MS. RADLEIN:

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

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

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

1 there?

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

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

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

7 **Q** Okay.

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

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

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

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

14 BY MS. RADLEIN:

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

17 **A** (Witness complies.)

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

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

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

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

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

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

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

5 **Q** And did you see the ambulance come?

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

7 **Q** And then what did you do after that?

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

14 **Q** And what car did you drive then?

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

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

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

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

21 (Pause.)

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

24 **THE COURT:** Cross-examination?

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

1 CROSS-EXAMINATION

2 BY MR. CASTO:

3 Q Hi, Abigail. How are you?

4 A Hello.

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

8 A Yes, sir.

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

12 A Yes.

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

16 A Yes.

17 Q Among those folks was Dwayne Jones, right?

18 A Yes.

19 Q Johnny Martin also came by, right?

20 A Yes.

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

23 A Yes.

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

1 **A** Yes.

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

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

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

9 **A** Yes.

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

14 **A** Yes.

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

17 **A** Yes.

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

20 **A** Yes.

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

23 **A** Yes.

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

1 **A** Yes.

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

3 **A** Yes.

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

5 **A** No.

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

9 **A** No.

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

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

15 (The jury retires to the jury room.)

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

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

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

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

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

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

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

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

12 IN CAMERA EXAMINATION

13 BY MR. CASTO:

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

16 **A** No, sir.

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

20 **A** Yes, sir.

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

23 **A** Yes, sir.

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

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

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

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

8 A Yes, sir.

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

12 A Yes, sir.

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

15 A Yes, sir.

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

18 A Yes, sir.

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

21 A Yes, sir.

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

1 A Yes, sir.

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

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

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

11 A Yes, sir.

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

14 A Yes, sir.

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

18 A I can't remember.

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

22 A Yes, sir.

23 Q It was?

24 A Yes, sir.

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

1 is that right?

2 **A** Yes, sir.

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

4 **A** Yes, sir.

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

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

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

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

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

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

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

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

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

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

1 to be.

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

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

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

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

22 We'll stand down for about ten minutes.

23 (Brief Recess.)

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

1 Anything before I bring the jury back out?

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

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

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

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

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

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

10 (Pause.)

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

12 (The jury returns to the courtroom.)

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

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

15 CROSS-EXAMINATION cont.

16 BY MR. CASTO:

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

19 **A** Yes.

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

23 **A** Yes.

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

- 1 **A** Yes.
- 2 **Q** All right. Ultimately, after this happens,
- 3 Dwayne does leave, right?
- 4 **A** Yes.
- 5 **Q** Johnny Martin is there. He leaves in a car
- 6 with Rachel Carter and Frederic Turner; is that
- 7 right?
- 8 **A** Yes.
- 9 **Q** Montrell also leaves and he's seen walking or
- 10 he's seen -- I believe, he's headed back to his
- 11 home; is that right?
- 12 **A** Yes.
- 13 **Q** Okay. Now, earlier in the afternoon, two
- 14 guests that you said were there was Carlo Harris and
- 15 Keith Mathis. Throughout the trial, he'll be called
- 16 Pooh, right?
- 17 **A** Yes.
- 18 **Q** Okay. You had Carlo Harris and you had Keith
- 19 Mathis or Pooh, right? They were there for a little
- 20 while and they left, correct?
- 21 **A** Yes.
- 22 **Q** In relation -- well, those are friends of
- 23 Leric; is that correct?
- 24 **A** Yes.
- 25 **Q** I think they're all from the same area,

1 correct?

2 A Yes.

3 Q They grew up together?

4 A Yes.

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

7 A I don't know that.

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

10 A Yes.

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

12 A Yes.

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

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

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

22 A No.

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

25 A Yes.

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

3 A Yes.

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

7 A Sir?

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

10 A Yes.

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

14 A Yes.

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

16 A Yes.

17 Q It's Carlo, right?

18 A Carlo, uh-huh. Yes.

19 Q And it is Keith, correct?

20 A Yes.

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

22 A Yes.

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

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

1 store.

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

5 A Yes.

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

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

10 MR. CASTO: Thank you.

11 Beg the Court's indulgence.

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

14 THE COURT: Any redirect?

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

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

17 Call your next witness.

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

20 RETRELL CARTER CHINN,

21 having been duly sworn, testified as follows:

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

25 THE WITNESS: My full name is Retrell Carter

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

2 DIRECT EXAMINATION

3 BY MR. EARGLE:

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

6 A I'm from Edgefield, South Carolina.

7 Q Were you born and raised here?

8 A Born and raised.

9 Q Where did you go to school?

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

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

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

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

25 A Yes, sir.

1 Q And when you received that information, I
2 believe you said it was from your grandmother?
3 A Yes, sir.
4 Q Did -- what did you do?
5 A She told me they was cooking out, so I went
6 over Abigail Carter's house.
7 Q Okay. And once you got to Abigail Carter's
8 house, can you tell the jury who was there?
9 A Abigail Carter; her two kids, L.M. and
10 O.M. ; Leric Merriweather was there; my mother,
11 Rachel Carter; Johnny Martin; Carlo Harris; and
12 Pooh, I don't know his real name; Dwayne Jones;
13 Frederic Turner; Nikki Gordon; and myself.
14 Q And who is Johnny Martin to you?
15 A Actually, he's nothing to me. He's -- he was a
16 friend of Rachel Carter's.
17 Q He was a friend of Rachel Carter and Rachel
18 Carter is related to you how?
19 A That's my mother.
20 Q What was the atmosphere like at this cookout?
21 A Excuse me?
22 Q The atmosphere, what was it like? How would
23 you describe it, the individuals there?
24 A Well, as I proceeded to get out the car, I
25 heard a lot of commotion going on. I stopped for a

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

5 Q Now, where was this commotion occurring?

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

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

9 THE COURT: Yes, sir.

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

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

13 (Witness leaves the witness stand.)

14 BY MR. EARGLE:

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

18 A Yes, sir, I do.

19 Q What house is that?

20 A It's Abigail Carter's house.

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

22 A Yes, sir.

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

1 commotion was going on?

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

4 Q It was behind which tree?

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

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

8 A Yes, sir.

9 Q So it was in the yard?

10 A Yes, sir.

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

12 A (Witness resumes the witness stand.)

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

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

19 BY MR. EARGLE:

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

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

23 Q Who was doing the arguing?

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

- 1 **Q** So Leric was arguing with the person you knew
- 2 as Troutman or Miami?
- 3 **A** Yes, sir.
- 4 **Q** Where were they arguing?
- 5 **A** Leric was in the yard behind the tree and
- 6 Troutman, he was walking towards -- to the little
- 7 flats coming from Abigail house going up into New
- 8 Buncombe.
- 9 **Q** Okay. When you say flat, what are you
- 10 referring to?
- 11 **A** It's like a little slightly hill you're going
- 12 down to get into New Buncombe.
- 13 **Q** Is that part of Rosa Hill Road?
- 14 **A** Yes, sir, it is.
- 15 **Q** Okay. In relation to the house, if I'm
- 16 understanding you correctly, the road dips down and
- 17 then kind of flattens out?
- 18 **A** Yes, sir.
- 19 **Q** Is that what you're referring to as the flat?
- 20 **A** Yes, sir.
- 21 **Q** And so the person you knew and saw was Troutman
- 22 or Miami?
- 23 **A** Yes, sir.
- 24 **Q** Leric is in his yard?
- 25 **A** Yes, sir.

1 Q Miami is in the flat?

2 A Yes, sir.

3 Q Am I tracking you correctly?

4 A Yes, sir.

5 Q Okay. And they're arguing?

6 A Yes, sir.

7 Q Is there anything else you remember about the

8 location at Leric's home there on Rosa Hill?

9 A As I proceeded to get out the car?

10 Q Yes, ma'am.

11 A I proceeded to get out. And I seen Dwayne

12 Jones standing up beside the car and he was getting

13 money out of the car putting it in his pocket,

14 saying that Johnny had -- Johnny Martin had --

15 **MR. DRYLIE:** Objection; hearsay.

16 **THE COURT:** Sustained.

17 BY MR. EARGLE:

18 Q Just say what you saw.

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

20 pocket.

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

22 A Until we got a call that said Leric

23 Merriweather had been shot.

24 Q Until Leric Merriweather had been shot?

25 A Yes, sir.

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

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

5 **Q** Okay.

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

8 **THE COURT:** All right.

9 (Witness leaves the witness stand.)

10 BY MR. EARGLE:

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

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

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

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

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

20 **A** Yes.

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

23 **A** Nikki Gordon.

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

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

1 Q Okay. And y'all rode to where?

2 A To New Buncombe.

3 Q To New Buncombe?

4 A At Santonio Ryans' house.

5 Q Santonio Ryans' house.

6 State's Exhibit 21, do you recognize that home?

7 A Yes, I do.

8 Q And whose home do you know that to be?

9 A Santonio Ryans'.

10 Q And what did you do when you got there?

11 A I parked my vehicle in front of Abigail

12 Carter's car. And we got out and went -- it was up

13 on a sidewalk where a gentleman was holding him in

14 his arms.

15 Q You can point where you're referring to the

16 sidewalk.

17 A It was right here {indicating}.

18 Q Right up there?

19 A Yes, sir.

20 Q Okay. And I believe you just mentioned Abigail

21 Carter's car. Do you remember what type of car that

22 was?

23 A It was the gray Charger.

24 Q Gray Charger.

25 And do you remember or recall where it was

1 parked?

2 A Yes, sir.

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

5 THE COURT: I think so.

6 BY MR. EARGLE:

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

10 A (Witness complies.)

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

13 A Yes.

14 Q Is that correct?

15 A Yes, sir.

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

18 A (Witness resumes the witness stand.)

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

24 A Yes, it's a --

25 Q Towards the front of the home?

1 A Yes.

2 Q And what did you observe there?

3 A I observed a young man holding Leric in his

4 arms.

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

6 A I witnessed a young man holding Leric

7 Merriweather in his arms.

8 Q All right. Thank you.

9 How long did you stay there on the scene?

10 A Probably about 15 minutes.

11 Q Were you there when the ambulance arrived?

12 A Yes, I was.

13 Q Do you recall seeing Mr. Merriweather being

14 attended by the EMS personnel?

15 A What you mean -- you say attended?

16 Q Yes, ma'am. Cared for?

17 A Yes.

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

19 A Yes, he was.

20 Q And by what means?

21 A I mean, we left in an ambulance.

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

23 A Yes, sir.

24 Q With Leric Merriweather?

25 A Yes, sir.

1 **Q** And where was he taken?

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

8 **Q** Where eventually was he taken?

9 **A** Edgefield Hospital.

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

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

13 **Q** All right.

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

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

16 (Pause.)

17 BY MR. EARGLE:

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

20 **A** Yes, sir.

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

23 **A** Yes, sir.

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

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

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

5 Restate your question.

6 BY MR. EARGLE:

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

10 **A** Yes, sir.

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

13 **A** Yes, sir.

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

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

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

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

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

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

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

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

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

3 Q But you could hear them?

4 A Yes.

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

7 A Yes, sir.

8 Q All right.

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

11 CROSS-EXAMINATION

12 BY MR. DRYLIE:

13 Q Good morning.

14 A Good morning.

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

17 A Yes, sir.

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

20 A I didn't.

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

23 A Yes.

24 MR. DRYLIE: No further questions.

25 THE COURT: Any redirect?

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

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

4 Call your next witness.

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

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

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

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

12 DIRECT EXAMINATION

13 BY MS. RADLEIN:

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

15 **A** Good.

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

17 **A** I'm all right.

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

19 **A** Eighteen.

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

21 **A** Edgefield.

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

24 **A** Edgefield.

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

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

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

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

4 **Q** I want to speak to you about June 6th of 2015.

5 Do you recall that day?

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

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

10 **A** Yes.

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

12 **A** He was my neighbor.

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

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

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

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

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

22 **BY MS. RADLEIN:**

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

25 **A** Yes.

1 **Q** Go ahead and speak up. Okay?

2 **A** Yes.

3 **Q** And how do you recognize it?

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

5 **Q** And keep your voice up. Okay?

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

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

9 **Q** Okay. Is that the defendant?

10 **A** Yes.

11 **Q** Okay.

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

14 **THE COURT:** What exhibit number is it?

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

16 **BY MS. RADLEIN:**

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

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

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

23 **MR. DRYLIE:** Without objection.

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

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

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

5 **THE COURT:** Yes.

6 Sir, you may step down.

7 (Witness leaves the witness stand.)

8 BY MS. RADLEIN:

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

11 **A** (Witness complies.)

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

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

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

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

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

21 **A** Right there.

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

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

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

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

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

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

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

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

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

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

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

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

21 **A** Uh-huh.

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

23 **A** No.

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

25 And you recognize State's Exhibit 24 as Leric

1 Merriweather's home?

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

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

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

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

6 **A** Eight.

7 **Q** What kind of dogs?

8 **A** American Bullies.

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

10 **A** Uh-huh.

11 **Q** Okay.

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

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

14 BY MS. RADLEIN:

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

16 **A** Uh-huh.

17 **Q** So when you -- you mentioned that you went to
18 Leric's house to look at his dogs?

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

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

21 **A** Pit Bulls.

22 **Q** Okay. And so after you -- you mentioned when
23 you got there, there was a -- you said it was
24 arguing?

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

- 1 Q What type of arguing?
- 2 A Just going back and forth, cussing.
- 3 Q Sorry?
- 4 A Just cussing.
- 5 Q Okay. Did you see who was arguing?
- 6 A Leric and Miami, they were arguing. I don't
- 7 know what about. I just know they were arguing.
- 8 Q And you indicated Miami. Are you referring to
- 9 the defendant in this case, Montrell Troutman?
- 10 A Yes, ma'am.
- 11 Q Okay. What, if anything, did you do next?
- 12 A I left and went home.
- 13 Q Okay. And when you say home, how did you get
- 14 back home?
- 15 A I walked.
- 16 Q I'm going to ask you if you recognize State's
- 17 Exhibit 25?
- 18 A Yes, ma'am. I'm trying to find my house.
- 19 Q Okay. What intersection do you live on?
- 20 A Looks like this {indicating}, the biggest one.
- 21 Q Okay. Go ahead. What streets?
- 22 A I stay on Rosa Hill Street.
- 23 Q Go ahead and keep your voice up. The jury --
- 24 A I live on Rosa Hill Street.
- 25 Q Okay. And what's the other street you live off

1 of?

2 A It connects to Morange Street.

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

5 A Going towards Old Buncombe.

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

7 A That's connected to Rosa Hill Street.

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

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

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

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

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

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

21 A Two minutes. His house not far.

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

24 A Yes, ma'am.

25 Q Okay. Is there anything else on the property

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

3 A Oh, that was around?

4 Q Yes.

5 A Yes, ma'am.

6 Q Okay. Where do you keep your dogs?

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

9 Q Okay. So on the photograph of your house and
10 the defendant's house, where would your dogs be?

11 A The left.

12 MS. RADLEIN: Permission for him to step down,
13 Your Honor.

14 (Witness leaves the witness stand.)

15 Q Go ahead on this map and show the jury where
16 would the dogs be.

17 A There's a --

18 COURT REPORTER: I can't hear --

19 BY MS. RADLEIN:

20 Q You have to keep your voice up, okay, because
21 she has to hear you as well.

22 A There's a whole pasture on this side of the
23 house {indicating}.

24 MS. RADLEIN: Let the record reflect he's
25 pointing on State's Exhibit 28 to the -- looking at

1 the photograph, to the left of the house.

2 **THE COURT:** All right. So noted.

3 BY MS. RADLEIN:

4 **Q** So you stated that there was an argument and
5 you left and went back home.

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

7 **Q** What did you do when you got home?

8 **A** I was cleaning my dog kennels and feeding my
9 dogs.

10 **Q** Okay. And where would you be cleaning them?

11 **A** (No response.)

12 **Q** Where at your house?

13 **A** Oh, in the pasture where I keep my dogs at.

14 **Q** Okay. Did you see the defendant again after
15 you left Leric's house?

16 **A** Yes, when he was walking home, he came back
17 home.

18 **Q** Okay. And what, if anything, did you say to
19 the defendant when he got back home?

20 **A** Nothing.

21 **Q** Okay. What, if anything, did you hear him say
22 when you got back home?

23 **A** He was cursing. He was mad, to be honest.

24 **Q** Okay. Would you describe him as upset or calm?

25 **A** Upset.

1 **Q** Okay. Is there anything else about his
2 demeanor or his -- how he was acting that you can
3 describe for the jury?

4 **A** He was just walking around the yard angry until
5 his girlfriend came outside.

6 **Q** Okay. Go ahead and tell me about that. What
7 happened next?

8 **A** Then she was -- I can't cuss. I can't say what
9 she said.

10 **MR. DRYLIE:** I'd object to the hearsay if he's
11 going into anything she said.

12 **THE COURT:** Objection's -- he's not going into
13 that.

14 Go ahead.

15 **THE WITNESS:** All right. Well, she was cursing
16 and then some words were said and then he had called
17 someone.

18 BY MS. RADLEIN:

19 **Q** Okay. And then what happened next?

20 **A** The guy named Johnny had drove by and took a
21 right at the stop sign on Morange Street and left,
22 and then he had went into the house. And then when
23 I got about on my third kennel cleaning with my
24 third dog, Johnny had rode back through and went
25 down back towards Leric's house. And then he left

1 the yard going back towards Leric house. And then I
2 heard more arguing, because you can hear what's
3 going on, you hear more arguing. And then when he
4 came back, he just went in the house and then I went
5 in the house.

6 Q Okay. And then just to be clear, you mentioned
7 Johnny's name and you mentioned he. When you were
8 speaking about he, are you talking about the
9 defendant, Montrell Troutman?

10 A Yes, ma'am.

11 Q Okay. And you said Johnny. Do you know who
12 Johnny is?

13 A I know of him.

14 Q Okay. Do you know of his relationship with the
15 defendant?

16 A They were friends.

17 Q Okay. And you said you saw the defendant come
18 back to the house?

19 A Yes, ma'am.

20 Q All right. Do you know if it was daylight or
21 nighttime at this time?

22 A It was daylight.

23 Q Okay. Was it late in the evening or early in
24 the afternoon?

25 A Like, late in the evening.

- 1 Q Okay. And did you get to see the defendant
2 again that night?
- 3 A No. When I went in the house, I didn't come
4 out until I heard gunshots.
- 5 Q Okay. Now, you mentioned you heard gunshots.
6 Where did you hear gunshots?
- 7 A Me and my friend, Zack, was in the living room
8 watching TV.
- 9 Q Okay. And did you know where the gunshots were
10 coming from?
- 11 A Uh-huh. I could tell.
- 12 Q Okay. You went uh-huh. You have to --
- 13 A Yes, ma'am.
- 14 Q How old were you back then in 2015?
- 15 A Sixteen.
- 16 Q Okay. And so you're in the house with your
17 friend, Zack, and you hear gunshots and you said you
18 can tell where they're coming from. Okay. Did you
19 determine where they actually came from?
- 20 A (No response.)
- 21 Q Did you figure out where it was coming from?
- 22 A Yes, ma'am. We ran up there.
- 23 Q Where was it coming from?
- 24 A My friend, LJ, house.
- 25 Q Okay. And LJ's house, who else lives at LJ's

1 house?

2 **A** His brother, Tony Ryans, and his sister and
3 mom.

4 **Q** Okay. We're going to keep our voices up so
5 everyone can hear you clearly. Okay?

6 Do you know what LJ, your friend, LJ's house
7 looks like?

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

9 **Q** Okay. I'm going to show you State's Exhibit
10 21. Do you recognize it?

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

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

13 **A** The crime scene. That's where Leric got shot
14 at.

15 **Q** Okay. And when you went up there, you said --
16 the last time you saw the defendant was in the house
17 and then you went in the house. So you don't know
18 anything after that, correct?

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

20 **Q** And did you have an opportunity to see the
21 defendant again?

22 **A** We ran past him, but we didn't say anything.
23 Like, we didn't know what was going on. And then
24 when we made it to the yard, we just seen LJ holding
25 Leric. He was just bleeding on the sidewalk.

- 1 Q Okay.
- 2 A Coughing up blood. That was it.
- 3 Q Okay. I'm going to clarify some of that. You
- 4 said when you were going towards LJ's house, you saw
- 5 the defendant. Where did you see him?
- 6 A Beside LJ's house in Mr. Martin's yard.
- 7 Q Okay. Would that be the house right next door?
- 8 A Yes, ma'am.
- 9 Q Okay. And what, if anything, was he doing?
- 10 A Walking off.
- 11 Q Okay. Where did he go?
- 12 A I don't know.
- 13 Q So the last time you saw him, what direction
- 14 was he walking in?
- 15 A Away from the house, like, going past my
- 16 granddaddy's house, cutting through the yard.
- 17 Q Okay. And when you say your granddaddy's
- 18 house, where is your granddaddy's house in relation
- 19 to your house?
- 20 A Right across the street.
- 21 Q Okay. So on the left side of the street?
- 22 A Yes, ma'am.
- 23 Q Okay. At any point, did you see the defendant
- 24 go home where you guys live?
- 25 A No, ma'am.

1 **Q** Okay.

2 **MS. RADLEIN:** Beg the Court's indulgence.

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

4 (Pause.)

5 **MS. RADLEIN:** No further questions at this

6 time.

7 Go ahead and answer any questions the defense

8 might have for you.

9 **THE COURT:** Cross-examination?

10 **MR. DRYLIE:** No questions, Judge.

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

12 **MS. RADLEIN:** Request that this witness be

13 excused, Your Honor.

14 **THE COURT:** Any objection?

15 **MR. DRYLIE:** Without objection.

16 **THE COURT:** Sir, you may step down. You're

17 free to go. You have no further responsibility.

18 Have a nice day.

19 Call your next witness, please.

20 **MS. RADLEIN:** Thank you, Your Honor. The State

21 calls Santonio Ryans.

22 SANTONIO RYANS,

23 having been duly sworn, testified as follows:

24 **THE CLERK:** Please be seated. State your full

25 name, spell your last name for the record and pull

1 up to the mic.

2 **THE WITNESS:** Santonio Ryans, R-y-a-n-s.

3 DIRECT EXAMINATION

4 BY MS. RADLEIN:

5 **Q** Good morning, Mr. Ryans.

6 **A** Good morning.

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

8 **A** I'm all right.

9 **Q** Okay. I'm going to go ahead --

10 **MS. RADLEIN:** Permission to approach this
11 witness, Your Honor.

12 **THE COURT:** Yes.

13 BY MS. RADLEIN:

14 **Q** Go ahead and put this microphone -- I need you
15 to speak clearly so everyone on the jury can hear
16 you. Okay?

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

18 **Q** Is it all right if I call you Antonio?

19 **A** Yes.

20 **Q** Antonio, where do you live?

21 **A** [REDACTED] Morange Street.

22 **Q** Is that in Edgefield?

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

24 **Q** And here in Edgefield County as well?

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

1 Q Okay. And how long have you lived there?
2 A All my life.
3 Q All your life at [REDACTED] Morange Street?
4 A (Witness nodded head.)
5 Q All right. And are you currently employed?
6 A Yes, ma'am.
7 Q And where do you work?
8 A Satterfield.
9 Q And how often do you work?
10 A Seven days a week.
11 Q And what hours do you work?
12 A 10:00 to 6:00.
13 Q At [REDACTED] Morange Street, who else do you live
14 there with?
15 A My brother, Ryan Williams; Ashley, my sister;
16 and my mother.
17 Q I want to speak to you about June 6th of 2015.
18 Do you recall that day?
19 A Yes, ma'am.
20 Q Do you recall what you were doing on that day?
21 A Just at home chilling, watching TV.
22 Q Go ahead and speak up for me. And what, if
23 anything, happened later on that day? What else
24 were you doing?
25 A Sitting outside talking to my homeboy, Ken,

1 when he came by the house.

2 **Q** And you mentioned your friend, Ken. What's
3 Ken's full name?

4 **A** Kendrick Nicholson.

5 **Q** Do you remember what time of day this was when
6 he came by?

7 **A** I can't remember the exact time.

8 **Q** Was it daylight or nighttime?

9 **A** It was still daylight a little bit.

10 **Q** Was it late in the evening or early in the
11 afternoon?

12 **A** It was a little late in the evening.

13 **Q** Did you have an opportunity to see Leric
14 Merriweather on that day?

15 **A** Yes, I did.

16 **Q** Go ahead and tell the jury where you saw him.

17 **A** He rode past my house when me and Ken was out
18 talking close to my backyard, and he rode by, threw
19 his hand up and said he'll be right back. And he
20 went up the road for probably about three to five
21 minutes, came back. He pulled right in front of my
22 yard in front of the tree and he was talking to us,
23 telling us what went on at his house.

24 **Q** All righty. I'm going to clear up some things.

25 **MS. RADLEIN:** Permission to move about the

1 courtroom, Your Honor.

2 **THE COURT:** Yes.

3 BY MS. RADLEIN:

4 **Q** I'm going to show you what's been, I believe,
5 admitted into evidence as State's Exhibit 21. Do
6 you recognize this photograph?

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

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

9 **A** My house.

10 **MS. RADLEIN:** Request permission for the
11 witness to step down, Your Honor.

12 **THE COURT:** Yes.

13 Sir, you may step down.

14 (Witness leaves the witness stand.)

15 BY MS. RADLEIN:

16 **Q** I'll ask that you keep your voice up for the
17 court reporter and all of the members of the jury.

18 **A** All right.

19 **Q** Looking at this photograph, you said you were
20 kind of in the backyard, the side of the house. Can
21 you point on there where you were when you first saw
22 Leric?

23 **A** Right here in this area. Right in this area
24 right here {indicating}.

25 **MS. RADLEIN:** Let the record reflect he's

1 pointing on State's Exhibit 21 to the left of the
2 house if you're looking at the photograph.

3 Q And on that picture, do you see the driveway?

4 A Yes, ma'am.

5 Q Would that area you're pointing at be beyond
6 that driveway?

7 A Yes, ma'am.

8 Q So you mentioned that Leric turned around and
9 came back, correct?

10 A Yes, ma'am.

11 Q Do you recall what kind of car he was driving
12 that day?

13 A A dark blue Dodge Charger.

14 Q All righty. I'm going to show you what's been
15 entered into evidence as State's Exhibit 22. You
16 mentioned that he pulled in front of your house.
17 Can you place this Dodge Charger where you recall
18 Leric pulling that vehicle?

19 A (Witness complies.)

20 MS. RADLEIN: Let the record reflect he's
21 placing State's Exhibit 22 on top of State's Exhibit
22 21 just in front of the tree on the photograph.

23 THE COURT: So noted.

24 BY MS. RADLEIN:

25 Q Where were you standing when he pulled into --

1 into your yard?

2 **A** Well, we walked to the driver's side of his
3 window.

4 **Q** And as you were walking, did he come out the
5 car?

6 **A** No, ma'am. He was sitting in the car with all
7 three of them.

8 **Q** And you mentioned all three of them. Who else
9 was in the vehicle?

10 **A** Keith and Carlo.

11 **Q** And do you recall where they were sitting in
12 the vehicle?

13 **A** Carlo was on the passenger side and Keith was
14 in the back on the passenger side.

15 **Q** And you mentioned that you were there with Ken.
16 Did Ken walk up there with you?

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

18 **Q** And when you walked up to the vehicle, do you
19 recall how close you were standing to the vehicle?

20 **A** Maybe two feet away from the driver window.

21 **Q** Were any of them outside of the car when you
22 walked up to --

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

24 **Q** Approximately how long would you say you were
25 out there speaking to them?

1 **A** Maybe 10 minutes, 10 to 15 minutes.

2 **Q** And can you tell the jury what do you recall
3 happening next?

4 **A** Well, we was talking about what went on at his
5 house. And while he was talking, I look up and I
6 seen the guy, Miami, walking down the road.

7 **Q** And when you say the guy, Miami, are you
8 referring to the defendant in this case, Montrell
9 Troutman?

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

11 **Q** And when you say walking down the road, what
12 direction was he walking in?

13 **A** Coming from the bypass going, like, walking
14 towards Rosa Hill way, Rosa Hill Street.

15 **Q** I'm not sure if everyone is familiar with the
16 bypass and Rosa Hill, so I'm going to go ahead and
17 show you what's marked as State's Exhibit 1 for ID.
18 Do you recognize this?

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

20 **Q** And how do you recognize it?

21 **A** The bypass and Rosa Hill Street and my house.

22 **Q** And is this a fair and accurate representation
23 of the area?

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

25 **MS. RADLEIN:** Your Honor, at this time, the

1 State requests to move into evidence and publish
2 State's Exhibit 1.

3 **THE COURT:** Any objection?

4 **MR. DRYLIE:** No objection.

5 **THE COURT:** Without objection, State's Exhibit
6 1 admitted.

7 (State's Exhibit Number 1, map, admitted
8 into evidence.)

9 BY MS. RADLEIN:

10 **Q** Looking at State's Exhibit 1, can you show the
11 jury where your house is on there?

12 **A** Right here {indicating}.

13 **Q** And you mentioned the bypass to them. Where is
14 the bypass?

15 **A** Right here {indicating}.

16 **Q** And then you mentioned Rosa Hill. Where is
17 Rosa Hill?

18 **A** (Witness indicating.)

19 **Q** And, again, using that map, what direction did
20 you see the defendant in this case walking?

21 **A** He was in this area coming towards my house
22 area.

23 **Q** And when you saw him, did you see where he was
24 coming from before that?

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

1 Q And is that because you were speaking to people
2 in the car?

3 A I was talking to Leric.

4 Q Go ahead and tell the jury what happened next.

5 A When I seen him, I told Leric to calm down so
6 maybe he'll just walk past the house. And --

7 Q Let me stop you for one second. You told him
8 to calm down. Is -- you mentioned that you guys
9 were talking about what happened earlier. Without
10 saying exactly what was said, did you come to know
11 that the individual walking down the road is the
12 situation that was being discussed?

13 A Yes, ma'am.

14 Q Okay. So go ahead. So after you mentioned it
15 to Leric, what happened next?

16 A After I mentioned it to Leric, Leric calmed
17 down, he didn't talk as loud. And the guy,
18 Montrell, he was walking past -- well, getting ready
19 to walk past my house, but he cut behind Leric car,
20 the trunk of the car, came towards the driver's side
21 of the car in the grass and walked all the way in
22 front of the car to the tree in my yard and turned
23 back around and walked the same path that he walked
24 in my yard to the tree. He walked the same path
25 right back to the road behind the car again.

1 Q I'm going to clarify that, but I want to back
2 up and make sure it's clear initially as well. When
3 you first saw him walking down the road, can you
4 tell the jury if he was on the left side of the
5 road, the center of the road or on the right side of
6 the road?

7 A The right side of the road.

8 Q And the right side of the road would be on the
9 opposite side of the street of your house?

10 A Yes, ma'am.

11 Q Let's go back to State's Exhibit 21 and 22.
12 You mentioned that he walked by the driver's side of
13 Leric's house. Can you show the -- driver's side of
14 Leric's car. Can you show the jury his path of
15 travel?

16 A Came from the right side of the road coming to
17 the left. He walked from behind the car, came all
18 the way around to the tree.

19 Q All right. Once he got to the tree, what did
20 he do next?

21 A Turned right back around and walked the same
22 path right back out to the road.

23 Q Did he say anything as he was walking by?

24 A No, ma'am.

25 Q What did you say?

- 1 **A** No, ma'am.
- 2 **Q** Where were you standing when he walked by
- 3 you -- walked by?
- 4 **A** Still right there at the driver's side of the
- 5 window.
- 6 **Q** So did he walk behind you or did he walk in
- 7 between you and Leric?
- 8 **A** Behind.
- 9 **Q** And where was Ken standing?
- 10 **A** Right beside me.
- 11 **Q** And so he -- did he walk behind Ken or in front
- 12 of Ken?
- 13 **A** Behind.
- 14 **Q** Is it safe to say he walked in your grass to do
- 15 that?
- 16 **A** Yeah, he was in the grass.
- 17 **Q** What, if anything, was he doing as he was
- 18 walking?
- 19 **A** Just walking, listening -- he was listening to
- 20 his music, walking by. He had his headphones out
- 21 being you could hear the music a little bit. And
- 22 when he turned back around, he didn't really make no
- 23 actions or nothing, just kept walking and walked
- 24 back into the road.
- 25 **Q** And then go ahead and tell the jury what

1 happened next.

2 **A** When he walked back into the road, that's when
3 Leric got out the driver's side of the car. And we
4 seen -- seen him go in his back pocket, pull the gun
5 out, cock the gun back, put it back in his back
6 pocket.

7 **Q** And you mentioned you saw the gun. Do you
8 recall what color the gun was?

9 **A** It was black.

10 **MS. RADLEIN:** Beg the Court's indulgence.

11 **THE COURT:** Ladies and gentlemen of the jury,
12 this is not a real gun, if you were wondering.
13 Okay?

14 (State's Exhibit Number 29, previously
15 marked Court's Exhibit Number 4, plastic gun, marked
16 for identification.)

17 **MS. RADLEIN:** Your Honor, at this time, the
18 State is marking a replica gun as State's Exhibit
19 29.

20 **THE COURT:** Any objection by defense counsel?

21 **MR. DRYLIE:** To them marking it, no.

22 **MS. RADLEIN:** For demonstrative purposes.

23 BY MS. RADLEIN:

24 **Q** Can you tell the jury whether or not the gun
25 that you saw was fairly similar to this one?

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

2 **Q** And who had that gun?

3 **A** Montrell.

4 **Q** And did you know what type of gun it is -- it
5 was?

6 **A** Not really --

7 **THE COURT:** Sir, I need you to speak up.

8 **THE WITNESS:** No. I don't know really what
9 type it was.

10 BY MS. RADLEIN:

11 **Q** But you knew it was a small gun?

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

13 **Q** Okay. And after he -- you described that he
14 cocked the gun. Approximately, where was he
15 standing when he did that?

16 **A** Back in the road, about in the middle --

17 **COURT REPORTER:** I can't hear him.

18 **THE WITNESS:** In the middle ways of the road.

19 BY MS. RADLEIN:

20 **Q** And where was Leric at that time?

21 **A** Right by the driver door. He was just getting
22 out his car.

23 **Q** And you mentioned that Carlo, Keith were in the
24 vehicle?

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

1 **Q** What, if anything, did they do?

2 **A** They got out after Leric said, That was the
3 same gun that was at my house; it don't have no
4 bullets in it.

5 **Q** So they got out of the vehicle and what, if
6 anything, happened next?

7 **A** They were just going back and forth. Leric
8 said, That's the same gun that was at my house. It
9 don't have no bullets. Why did you pull a gun out
10 on me that don't have no bullets in it?

11 And Keith was getting out -- well, he was out
12 of the car, got out the car, too. And they were
13 just -- him and Leric were still -- Leric was still
14 talking about the gun. And Leric said, I'll be
15 back; I'm going to go get my gun. But he didn't get
16 to make it nowhere. He didn't even get a chance to
17 really get in his car. He got right back out and
18 they was -- Leric came to the back side of his car
19 and they was going back and forth just having words.

20 **Q** Okay. And then what happened next?

21 **A** Montrell came over there. They was talking,
22 talking for a while. And Leric, like, he got a
23 little loud again, getting mad. Montrell put his
24 phone, iPad, I don't know what it was with the
25 earphones in it, he had it sitting on Leric's trunk

1 of his car, and he threw it off.

2 Q When you say he, who are you talking about?

3 A Leric.

4 Q Okay. Where did he throw it?

5 A In my driveway area about right up in here in
6 my driveway.

7 Q Okay. And then what happened next?

8 A Montrell went to pick it up and didn't say
9 nothing else after that. He picked it up, put it in
10 his back pocket and walked back, like, two or three
11 steps backwards.

12 Q Okay. And then go ahead and tell the jury what
13 happened.

14 A Pooh -- well, Keith was over closer towards my
15 mailbox that was still like in the --

16 COURT REPORTER: I couldn't hear that.

17 THE WITNESS: Keith was by my mailbox, closer
18 to my mailbox as more in the road area. And Leric
19 had -- he walked over closer to my driveway. He was
20 in the driveway where Montrell was at and Carlo was
21 in the grass area. And they was going -- him and
22 Leric was going back and forth -- well, he really
23 didn't say too much. Leric was still talking kind
24 of loud and he got within about two feet to -- about
25 two, three feet within Leric and he pulled the gun

1 out his back pocket.

2 BY MS. RADLEIN:

3 Q Okay. And then what happened?

4 A He shot Leric in the chest.

5 Q And then what happened?

6 A He went towards Pooh shooting -- well, Keith,
7 shooting towards the road area.

8 Q Okay. And then?

9 A He was walking towards the road area shooting
10 at Keith. And when he got about up in this area of
11 the dirt in the road, he turned the gun towards
12 Carlo and shot twice.

13 Q All righty. After that, where did Leric go?

14 A When he shot Leric in the chest about right up
15 in this area, Leric fell back and took off running
16 and ran behind my house.

17 Q And then where did Keith go?

18 A He took off running out in the road and ran,
19 like, going down the hill.

20 Q And then where did Carlo go?

21 A Carlo was on the driver's side of the Charger
22 in the front area by the hood.

23 Q And what were you doing while this was
24 happening?

25 A In the driveway just watching.

- 1 Q You just stood there?
- 2 A Yes, ma'am.
- 3 Q Why didn't you run?
- 4 A I was shocked.
- 5 Q And where was Ken?
- 6 A Ken was behind me. He was right there where my
7 brother car was at in the driveway.
- 8 Q And was there anyone else out there with you
9 and Ken?
- 10 A Ken and his son.
- 11 Q And how old was his son?
- 12 A Five at the time.
- 13 Q And what, if anything, did his son and Ken do?
- 14 A Well, when he shot Leric, his son started
15 hollering and Ken turned -- Ken turned around, ran
16 -- I mean, picked his son up and ran to put his son
17 in the house.
- 18 Q Now, you testified that he shot at Leric and
19 then turned. Was -- can you tell the jury, just to
20 clarify, was the defendant standing stationary at
21 that time?
- 22 A Yes, ma'am.
- 23 Q And when you said he turned, can you describe
24 to the jury how he turned?
- 25 A Him and Leric was, like, right in this area.

1 And when he shot Leric, he went and turned towards
2 the road.

3 Q So he moved his hand?

4 A Yes, ma'am.

5 Q And then when he shot at Carlo, what, if
6 anything, did he do to shoot at him?

7 A Well, after he got finished shooting at Keith,
8 he turned it at Carlo on the front side of the Dodge
9 Charger.

10 Q And can you tell the jury if you know whether
11 or not Carlo was shot?

12 A Yeah, grazed him on the leg.

13 Q And then go ahead and tell the jury what
14 happened next.

15 A After he shot twice at Carlo on the side of the
16 Dodge Charger, it wasn't no more bullets in the gun
17 and it went to clicking. So he kept going like it
18 was still bullets in it, but the gun was just click,
19 click. And he looked at the gun and looked at --
20 looked around in the yard and he walked up the road
21 towards Rosa Hill Street.

22 Q Okay. When you said that he -- it was
23 clicking, is it because you heard something or saw
24 something when you said he was clicking on the gun?

25 A It was clicking that means, I guess, there

1 wasn't no more bullets.

2 Q So you were close enough to actually hear that?

3 A Yes, ma'am.

4 Q And when he -- you said he turned and walked,
5 was that gun still in his hand when he turned and
6 walked?

7 A Yes, ma'am.

8 Q Go ahead and keep your voice up for the court
9 reporter.

10 A Yes, ma'am.

11 Q And looking at State's Exhibit 1, what
12 direction did he go walking in?

13 A Walking in this area going towards Rosa Hill.

14 Q And then did you see where he went after that?

15 A I can't -- I can't remember if he was walking
16 towards Buncombe Road or Rosa Hill. I don't know
17 which way he went after I seen him. Like, last time
18 I seen him was right up in here. That's when Leric
19 came from running behind my house. And Leric said,
20 Call 9-1-1, call 9-1-1; it hurt. So we called
21 9-1-1.

22 Q And I just want to clarify this real quickly.
23 When you said you saw the defendant walking on --
24 when you pointed on State's Exhibit 1, you're
25 pointing towards Rosa Hill Road. Did you later come

1 to find out where he went?

2 **MR. DRYLIE:** Objection; hearsay.

3 **THE COURT:** Overruled.

4 BY MS. RADLEIN:

5 **Q** Did you later come to find out where he went?

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

7 **Q** And who did you find out that information from?

8 **MR. DRYLIE:** Judge, I've got a matter of law
9 real quick.

10 **THE COURT:** Can y'all approach over here a
11 minute, please?

12 (Whereupon, a bench conference was held off
13 the record, in the presence of the jury, but out of
14 the hearing of the jury.)

15 **THE COURT:** You may continue.

16 BY MS. RADLEIN:

17 **Q** And after -- after you last saw the defendant,
18 what did you do next?

19 **A** When I last saw him, he was, like, right up on
20 the Rosa Hill area. That's when I turned around.
21 That's when Leric was looking, saying, Is he gone?
22 And come from running around the house saying, Call
23 9-1-1, call 9-1-1; it hurts. He was spitting up
24 blood out of his mouth and holding on his chest.
25 And when he moved his hand, you can see the gunshot.

1 **Q** And looking at State's Exhibit 21. Can you
2 point out for the jury where he -- where Leric was
3 the next time you saw him?

4 **A** Coming from -- he was on the back side on the
5 corner of the house. And when we turned around and
6 looked, he was coming from back there. He was
7 asking was he gone. And he was running from back
8 there spitting up blood and he said, Call 9-1-1,
9 call 9-1-1; it hurt. And that's when he was going
10 towards the ground just spitting up blood.

11 **Q** And what, if anything, happened next? What
12 else did you observe?

13 **A** I mean, we called 9-1-1 and tried to tell him
14 not to lay down or anything to keep trying to
15 spitting blood up so he won't choke on his blood or
16 whatnot. And my little brother and them came out
17 and held him up there on the concrete trying to
18 apply pressure to his chest where the hole was at.

19 **MS. RADLEIN:** Beg the Court's indulgence.

20 **THE COURT:** Mr. Ryans, you can come back and
21 take the stand.

22 (Witness resumes the witness stand.)

23 (Pause.)

24 **BY MS. RADLEIN:**

25 **Q** I'm going to hand you several exhibits, State's

1 Exhibit 2, 3, 4, 5, 6, 18, and 19. Go ahead and
2 take your time and look through them. I'm going to
3 ask you if you recognize them.

4 **A** (Witness reviewing documents.)

5 **Q** And do you recognize those photographs?

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

7 **Q** And what do you recognize them to be?

8 **A** Driveway of our house.

9 **Q** And are these a fair and accurate
10 representation of how your house looked back on June
11 6th of 2015?

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

13 **MS. RADLEIN:** At this time, Your Honor, the
14 State seeks to move into evidence State's Exhibit 2,
15 3, 4, 5, 6, 18 and 19.

16 **THE COURT:** Any objection?

17 **MR. DRYLIE:** No objection.

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

19 (State's Exhibit Numbers 2 through 6, 18 and
20 19, photographs, admitted into evidence.)

21 **MS. RADLEIN:** Permission for the witness to
22 step down again, Your Honor.

23 **THE COURT:** Yes.

24 (Witness leaves the witness stand.)

25 **BY MS. RADLEIN:**

1 Q Looking at State's Exhibit 2, can you tell the
2 jury what they're looking at in this picture?

3 A Our mailbox, driveway, the house, my brother
4 car, my mother's car and my car.

5 Q And looking at State's Exhibit 3, a slightly
6 different angle, can you go ahead and tell the jury
7 what they're looking at?

8 A Mother car, my brother car, my car, driveway
9 and house.

10 Q Okay. And on this photograph, would it be
11 depicted where you said your brother was tending to
12 Leric Merriweather?

13 A Yes, but it'd be in front of his car.

14 Q Looking at State's Exhibit 18, do you see that
15 area on this photograph?

16 A Yes, ma'am.

17 Q And looking at State's 19, do you see that area
18 on this photograph as well?

19 A Yes, ma'am.

20 Q I'm going to show you just a few more. Looking
21 at State's Exhibit 4, can you tell the jury what
22 they're looking at in this photograph?

23 A The driveway and the front part of my yard and
24 the road area.

25 Q Okay. You mentioned earlier, while you were

1 testifying, a tree. Do you see the tree in this
2 photograph?

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

4 **Q** And is that tree where you testified on a
5 previous exhibit where the car was parked?

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

7 **Q** And looking at State's Exhibit 5, a different
8 angle, can you tell the jury what they're looking at
9 here?

10 **A** House, driveway, that's a tree and the road.

11 **Q** And looking at State's Exhibit 6, a slightly
12 different angle.

13 **A** A road, you see the driveway, the house, the
14 cars and the tree ain't in that one.

15 **COURT REPORTER:** What was the last part?

16 **THE WITNESS:** Oh, the tree, the tree wasn't in
17 this picture.

18 **MS. RADLEIN:** No further questions of this
19 witness at this time.

20 **THE COURT:** Sir, you may return to the witness
21 stand.

22 (Witness resumes the witness stand.)

23 **THE COURT:** Cross-examination?

24 ****

25 ****

1 CROSS-EXAMINATION

2 BY MR. DRYLIE:

3 Q Good morning, Santonio. Now, you grew up here
4 in Edgefield, right?

5 A Yes, sir.

6 Q Okay. And you lived here your whole life?

7 A Yes, sir.

8 Q And you were friends with Leric Merriweather,
9 weren't you?

10 A Yes, sir.

11 Q Okay. And with Pooh and Carlo?

12 A Yes, sir.

13 Q Okay. Now, I just want to talk to you a minute
14 about some of the things that you said were
15 happening. Now, when Leric got out of his car, he
16 was angry, wasn't he?

17 A I can't really say that.

18 Q Okay. Well, you stated he was talking loud,
19 right?

20 A Yes, sir.

21 Q Okay. And he was yelling things?

22 A He wasn't really yelling. He was just talking
23 loud so we can hear it.

24 Q Now, you gave a statement to the police in this
25 case, correct?

1 **A** Yes, sir.

2 **Q** Back in May?

3 **A** Yes, sir.

4 **Q** All right. And you stated that he was
5 overtalking, correct?

6 **A** That's when he was out -- that's after he had
7 done pulled a gun out and cocked the gun back and
8 put it back in his back pocket, that's when they was
9 back there both of them was talking. Montrell and
10 Leric was talking back there, that's when he started
11 overtalking.

12 When he was in the car, when he first was in
13 the car and it was just all three of them sitting in
14 the car and me and Kendrick Nicholson outside the
15 car, he wasn't overtalking.

16 **Q** When it was just them, but when he got out of
17 the car, he started talking loud, right?

18 **A** Yeah. When he got out of the car, he said,
19 That gun -- that's been the same gun that was at my
20 house; it don't have no bullets. Why you pull out
21 the gun -- why you pulling a gun out on me that
22 don't have bullets?

23 **Q** Okay. And now you say Leric said that he was
24 going to go get his gun, right?

25 **A** Yes, sir.

- 1 **Q** And then he walked back to his car, didn't he?
- 2 **A** No. He was already at his car.
- 3 When he first got out of his car, he looked
- 4 over his car, that's when Montrell pulled a gun out,
- 5 cocked the gun back, put it back in his back pocket.
- 6 Leric seen the gun. He never walked away from his
- 7 car. He was right there at the driver door area.
- 8 **Q** Now, on May 21st, you met with Lieutenant
- 9 Cockrell, right?
- 10 **A** Yes.
- 11 **Q** On May 21st of this year, you met with
- 12 Lieutenant Cockrell of the Edgefield Police
- 13 Department?
- 14 **A** Yes, sir.
- 15 **Q** Okay. And you wrote a statement for him,
- 16 correct?
- 17 **A** Yes, sir.
- 18 **Q** All right. And I'm going to pass this up to
- 19 kind of refresh your memory. We've got the bottom
- 20 of the statement here. If you would just read over
- 21 that real quick.
- 22 **A** (Witness complies.)
- 23 **Q** So now on May 21st of this year when you met
- 24 with Lieutenant Cockrell --
- 25 **A** Yes.

1 Q -- you stated that Leric said he was going to
2 get his gun and got back in his car, correct?

3 A Yes. But like I said, when he was right there
4 by it, he had his driver door open. When Montrell
5 walked past -- back past the trunk, he got out his
6 car. He never took a step anywhere. He was still
7 right there by the driver door.

8 So when Montrell cocked the gun back and put it
9 back in his back pocket, he seen the gun and that's
10 when he said, That's the same gun that's been at my
11 house, and all that. And after all that passed by,
12 he said he was going home to get his gun. He sat
13 down in the car, got back out the car.

14 So, I mean, it was never like he closed the
15 door, like, getting ready to leave or anything. He
16 had the door open, got right back out the car
17 because Carlo was trying to get both of them to come
18 on. Carlo was trying to put Leric in the car and --

19 Q I understand that, but I'm just asking you,
20 what you stated on that day was that he said he was
21 going to get his gun, he got in his car and then got
22 back out. I'm not saying he closed the door, but he
23 sat down and was in that area, correct?

24 A He said he was going to go home to get his gun.

25 Q Okay. But he got back in his car and he was

1 sitting down there, correct?

2 A He sat down.

3 Q Okay. And then he got back out?

4 A Yes, sir.

5 Q And when he got back out, that's when he was

6 being really loud towards Montrell, correct?

7 A No. They went to the back end of the car.

8 They was talking at first and I guess he wasn't

9 agreeing to what Montrell said, that's when he got

10 loud. He started overtalking Montrell then at that

11 point.

12 Q And now you stated when Montrell fired the

13 shots, he was standing still, correct? Montrell

14 was?

15 A Yes, sir.

16 Q Okay. And what was Leric doing? Was Leric

17 coming at him?

18 A Leric was in the spot, like, two to three steps

19 away from Montrell. He wasn't coming at him.

20 Q But did he have his fists up?

21 A He had his fists balled up, but he --

22 Q Like he was going to fight him, right?

23 A Like he wanted to fight him.

24 Q Okay. And did Pooh have a bottle in his hands

25 while this was going on?

1 **A** Yes. He was drinking a beer.

2 **Q** Okay. How far was Pooh away from Montrell?

3 **A** Probably about 10 to 15 steps away. Pooh was
4 at my mailbox. They was in my driveway.

5 **Q** Okay. Somebody at the mailbox -- was Montrell
6 in the driveway or in the road?

7 **A** Montrell was in my driveway.

8 **Q** Now, you didn't see a car drop Montrell off,
9 correct?

10 **A** I mean, I didn't see none of that, no.

11 **Q** And I'm just asking you if you saw that?

12 **A** No, I didn't see that.

13 **MR. DRYLIE:** Beg the Court's indulgence.

14 (Pause.)

15 **MR. DRYLIE:** No further questions, Judge.

16 **THE COURT:** Any redirect?

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

18 REDIRECT EXAMINATION

19 BY MS. RADLEIN:

20 **Q** When you first saw the defendant walk up, can
21 you tell the jury whether or not Leric Merriweather
22 immediately got out of the vehicle?

23 **A** Leric was still in his car when he walked up.

24 **Q** Okay. And then when the defendant walked up,
25 can you clarify was he walking in your grass?

1 **A** Yes, he walked in the grass.

2 **Q** And when he initially was walking up, was he on
3 the other side of the road?

4 **A** Yes. He was on the right-hand side of the
5 road.

6 **Q** Can you tell the jury whether or not Keith
7 Mathis, Carlo Harris or Leric Merriweather yelled at
8 the defendant to walk over to the car?

9 **A** No one said nothing to him.

10 **Q** And I believe on direct you testified that you
11 guys were talking about what happened earlier?

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

13 **Q** And you indicated that you told Leric to lower
14 his voice?

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

16 **Q** Did he, in fact, lower his voice?

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

18 **Q** If the defendant had just kept walking on the
19 right side of the road, what, if anything, do you
20 think would have happened?

21 **A** Nothing.

22 **MR. DRYLIE:** Objection; speculation.

23 **THE COURT:** Objection sustained.

24 BY MS. RADLEIN:

25 **Q** When the defendant was walking on the road

1 towards your house, did any of those three
2 individuals go to him and threaten him in any way?

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

4 **Q** You testified that he had -- was drinking a
5 beer?

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

7 **Q** Did Keith -- can you tell the jury whether or
8 not Keith threatened the defendant with the bottle
9 of beer?

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

11 **Q** What, if anything, was Keith doing with the
12 bottle?

13 **A** Drinking a beer, had it in his hand.

14 **Q** And you testified that Leric -- you saw Leric
15 go into -- was still by his door?

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

17 **Q** Did you ever see him with a gun?

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

19 **Q** Do you recall what he was wearing that day?

20 **A** Shorts and I don't think he had a shirt on.

21 **Q** And what -- and how do you remember whether or
22 not he had a shirt on?

23 **A** Because I know as when he came from around the
24 house, he didn't have on a shirt. He was holding
25 his hand over the hole where he'd been shot at.

- 1 Q So you actually saw the gunshot hole?
- 2 A Yes.
- 3 Q And it wasn't through a shirt?
- 4 A No.
- 5 Q Okay. And on his bottoms, what did he have on?
- 6 A Shorts.
- 7 Q And on his feet, do you recall if he had --
- 8 whether he was wearing shoes or not?
- 9 A I can't recall. I know he had -- I think he
- 10 had on shoes, but I can't recall.
- 11 Q So when he got out of the vehicle, just you
- 12 seeing him, can you tell the jury whether or not if
- 13 he had a gun in his hand?
- 14 A No, ma'am.
- 15 Q You would have seen it?
- 16 A Yeah, I would have seen a gun.
- 17 Q If he got out his vehicle and had a knife in
- 18 his hand, would you have seen it?
- 19 A I would have seen it.
- 20 Q And if he got out of the vehicle with any other
- 21 thing to threaten the defendant with, would you have
- 22 seen it?
- 23 A Yes, ma'am.
- 24 Q Now, you mentioned Carlo. Did Carlo have a
- 25 gun?

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

2 **Q** If Carlo had a gun, would you have seen it?

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

4 **Q** And you mentioned Keith. He had the beer in

5 his hand. What, if anything else, did he have in

6 his hand?

7 **A** That was it.

8 **Q** If he had a gun in his hand, would you have

9 seen it?

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

11 **Q** Can you tell the jury whether or not you saw

12 anyone physically touch Montrell Troutman?

13 **A** No one touched him.

14 **Q** Can you tell the jury if anyone threatened

15 Montrell Troutman?

16 **A** No one threatened him.

17 **Q** Can you tell the jury whether or not anyone

18 threatened to kill Montrell Troutman?

19 **A** No one did.

20 **Q** Was there only one gun involved in this case?

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

22 **Q** And who left the scene with that gun?

23 **A** Montrell.

24 **Q** And had there been another gun or the gun was

25 at your house in your yard would you have seen it?

1 **A** Yes, ma'am, I would have seen it.

2 **MS. RADLEIN:** No further questions at this
3 time.

4 **THE COURT:** Any recross?

5 **MR. DRYLIE:** None, Your Honor.

6 **THE COURT:** Sir, you may step down. Thank you.
7 All right. Ladies and gentlemen, we've been
8 going about an hour and a half. Does anyone need a
9 break?

10 Can the lawyers approach over here at side bar
11 a minute?

12 (Whereupon, a bench conference was held off
13 the record, in the presence of the jury, but out of
14 the hearing of the jury.)

15 **THE COURT:** All right. Ladies and gentlemen,
16 I'm going to give you a break right now. I'm going
17 to let you go ahead and go to lunch rather than --
18 if all of you had to go to the restroom, it would
19 probably take about 15 minutes to get everybody in
20 and out. And rather than bring you back in here for
21 20 minutes and then to go to lunch, I'm just going
22 to let you go to lunch now.

23 Be back at 1:45 and we'll resume at 1:45. Do
24 not discuss the case. Do not discuss the case at
25 all with anyone. Don't do any independent

1 investigation. As I've told you from the outset,
2 you're going get tired of hearing me say it, you're
3 to decide this case based solely upon the testimony
4 and evidence that's presented in this courtroom and
5 nowhere else.

6 You-all have a nice lunch. I'll see you back
7 at 1:45.

8 Everybody else remain seated while the jury
9 exits the courtroom.

10 (The jury was excused for lunch.)

11 **THE COURT:** All right. Anything before we
12 stand down for lunch?

13 **MS. RADLEIN:** Your Honor, there's one thing
14 that we wanted to discuss, but it's in your
15 discretion if you want to do it now or when we get
16 back from lunch. It's regarding a witness this
17 afternoon. We disagree in terms of -- or we need
18 some clarity in terms of a prior record, whether or
19 not it's admissible or not.

20 **THE COURT:** Have y'all gone through the record?

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

22 **THE COURT:** What's the issue?

23 **MS. RADLEIN:** The issue is whether or not a
24 term of probation is considered confinement by the
25 rules. That will put the conviction within that

1 ten-year limit.

2 **MR. DRYLIE:** I think it's an '06 conviction for
3 criminal conspiracy.

4 **THE COURT:** It's a what?

5 **MR. DRYLIE:** 2006 conviction for criminal
6 conspiracy.

7 **MS. RADLEIN:** And, Your Honor, just to be
8 candid with the Court, I've had judges go either way
9 on this because there isn't any clear --

10 **THE COURT:** It's clearly a ten-year rule, but
11 the rule -- and I've seen -- hold on just a second.

12 (Pause.)

13 **THE COURT:** It's clearly a discretionary call.
14 When does probation end?

15 **MS. RADLEIN:** Your Honor, I believe --

16 **MR. DRYLIE:** In 2008. I think it was a
17 two-year term of probation. I believe it was three
18 years suspended on two; is that correct?

19 **MS. RADLEIN:** It was five years suspended on
20 two years probation, Your Honor.

21 **THE COURT:** And he got sentenced to probation
22 when? In two-thousand what?

23 **MR. DRYLIE:** '6.

24 **THE COURT:** I'll allow it. I'll allow you to
25 ask him.

1 **MR. DRYLIE:** Thank you, Judge.

2 **THE COURT:** Anything else?

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

4 **THE COURT:** 1:45.

5 (Whereupon, there was a luncheon recess.)

6 **THE COURT:** Anything from the State before I
7 bring the jury out?

8 **MR. EARGLE:** No, sir, Your Honor.

9 **THE COURT:** Defense counsel?

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

11 **THE COURT:** You can bring them.

12 (The jury returns to the courtroom.)

13 **THE COURT:** All right. Call your next witness.

14 **MR. EARGLE:** Thank you, Your Honor. The State
15 calls Keith Mathis.

16 KEITH LAMONT MATHIS,
17 having been duly sworn, testified as follows:

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

20 **THE WITNESS:** My name is Keith Mathis, Keith
21 Lamont Mathis, M-a-t-h-i-s.

22 DIRECT EXAMINATION

23 BY MR. EARGLE:

24 **Q** Keith, where are you from?

25 **A** From Johnston, South Carolina.

- 1 Q Now, is that in Edgefield County?
- 2 A Yes, sir.
- 3 Q Born and raised?
- 4 A Yes, sir.
- 5 Q Still live in Edgefield County?
- 6 A Yes, sir.
- 7 Q Let me take you back to June the 6th of 2015.
- 8 Do you remember that day?
- 9 A Yes, sir.
- 10 Q Can you please tell the jury what you were
- 11 doing that day?
- 12 A Well, earlier that day, I wasn't even out yet.
- 13 I was just -- had took a shower, came home, walked
- 14 around the street. I was just chilling, like, by
- 15 the projects. And I think -- I think somebody said
- 16 something about Mr. Leric Merriweather was cooking
- 17 on his grill. I don't think it was for a lot of
- 18 people to come. I think it was just for his family,
- 19 a little get-together.
- 20 Q Okay. And when you said you had just gotten
- 21 up, you were kind of hanging out, where were you
- 22 living at that time?
- 23 A I was living at Country Manor in Edgefield,
- 24 South Carolina.
- 25 Q And Country Manor is -- is that a --

1 **A** Apartment complex down the road from Edgefield
2 Hospital.

3 **Q** Okay. Did you have the occasion to go over to
4 Leric's home that day?

5 **A** Yes, sir.

6 **Q** And do you recall who all was at Leric's house?

7 **A** When I got there, it was Leric Merriweather,
8 Abigail Carter, his kids, Johnny -- Johnny Martin,
9 Retrell Carter, Carlo, Wayne -- Wayne Jones and
10 Miami.

11 **Q** Okay. And, Keith, just when you're speaking,
12 if you would, just so -- I know I'm having a little
13 bit of a difficult time. I'm older, I have a
14 problem hearing anyhow, but I want to make sure the
15 jury's hearing everything you're saying, so just
16 kind of slow it down if you don't mind.

17 So you showed up over at Leric's home. How
18 long did you stay?

19 **A** Approximately about 15 minutes probably.

20 **Q** Okay.

21 **A** Twenty minutes.

22 **Q** Okay. Did you leave?

23 **A** Yes, sir.

24 **Q** Did you leave by yourself?

25 **A** No, sir.

1 Q Who left with you?

2 A Carlo Harris.

3 Q Carlo Harris?

4 A Carlo Harris.

5 Q Okay. Why did y'all leave Leric's home?

6 A Well, we left -- we left his home because he
7 was cooking on the grill and I wanted to smoke some
8 weed and then we couldn't smoke around his kid. So
9 me and Carlo, we walked around the street to Carlo's
10 mother house to smoke.

11 Q Okay. So if I'm hearing you correctly, you and
12 Carlo left Leric's to smoke some weed?

13 A Yes, sir.

14 Q Y'all went -- did you walk?

15 A Yes, sir, we walked.

16 Q To Carlo's mother's home?

17 A Yes, sir.

18 Q And where is her house located?

19 A Her house is located down, not even half a mile
20 down the road on Morange Street from Santonio Ryans'
21 house.

22 Q Okay. How long were y'all down there?

23 A It couldn't have been five, seven minutes. I
24 mean, I never did -- I never did get a chance to
25 even light what I had fixing to smoke. I never did

1 get a chance to light it.

2 Q You never got a chance to light what?

3 A The blunt.

4 Q The blunt being?

5 A Marijuana.

6 Q The marijuana?

7 A Yes, sir.

8 Q And why didn't you get a chance to light the
9 marijuana if that's why you and Carlo went to his
10 mother's home?

11 A Well, about the time I got through rolling it,
12 the blunt, and I was fixing to, Carlo got a phone
13 call.

14 Q Okay. And as a result of that phone call, what
15 did you and Carlo do?

16 A We ran around to Leric house. We didn't walk,
17 we ran. We ran -- we ran around to Leric house to
18 see what was going on.

19 Q Okay. And when you and Carlo got there, what,
20 if anything, was going on?

21 A What, if anything, was going on?

22 Q Yes, sir.

23 A I don't know. We just -- just coming to see.
24 I mean, it just -- we were just going to see what
25 was going -- what was happening to Leric in his

1 house, in his home, around his family.

2 Q Okay. Was anything going on?

3 A Well, about the time me and Carlo ran around
4 the street, we don't -- we don't hear nothing but
5 cars leaving out the yard. We hear Johnny Martin
6 car flying up the road. I mean, we really didn't
7 see nobody leaving out the yard because everybody
8 had done jumped in their cars and was {indicating}.
9 We just hear pipes, cars' motors and everybody
10 leaving. By the time me and Carlo get to the yard,
11 Leric was running out to the road to us. He was
12 telling us what had happened.

13 Q Was he upset?

14 A Yes, sir.

15 Q When y'all got there -- and if I'm
16 understanding you correctly, y'all ran back there
17 and people were leaving?

18 A Yes, sir.

19 Q And Leric was upset?

20 A Yes, sir.

21 Q Did he tell you what he was upset about?

22 A He said -- he said Johnny --

23 MR. DRYLIE: Objection to hearsay.

24 THE COURT: Overruled.

25 BY MR. EARGLE:

1 **Q** Answer the question, please, sir. Did he tell
2 you what he was upset about?

3 **A** Yes, sir.

4 **Q** Okay. What was he upset about?

5 **A** Miami.

6 **Q** What about Miami?

7 **A** Miami and Johnny was trying to fight him in his
8 yard. He was trying to tell them to leave his yard
9 from around all that, around his kids. And he felt
10 like he was getting disrespected in his yard. I
11 mean, I know Leric for a long time. I mean, he love
12 his family and he wouldn't let nothing come around
13 his family or harm his family or nothing.

14 **Q** Did that play a part in your decision and
15 Carlo's decision to leave the home earlier to go
16 smoke marijuana?

17 **A** No. No, sir.

18 **Q** Once he told you what was going on, what did --
19 what, if anything, did y'all do?

20 **A** What did we do?

21 **Q** Yes.

22 **A** I told him to chill out. I told him, Man,
23 don't worry about it unless they come back around
24 here. I told him, Let's go to the store and get
25 some beer and don't worry about it.

1 **Q** Okay. And what did y'all do?

2 **A** We went to Amoco, got some beer.

3 Remind you, Leric never did have a shirt on the
4 whole day. He was cooking on the grill without his
5 shirt on. He had basketball shorts on, black and
6 red shorts. He had black and red shoes on with no
7 shirt. He was cooking on the grill. We jumped in
8 his car and went to the store. He wanted to go get
9 some beer.

10 He had the money. I didn't have no money at
11 the time, so he went in the store. You can't go in
12 the store without a shirt on. He used Carlo Harris'
13 shirt. Carlo took his shirt off and gave it to
14 Leric and he went in the store and got some beer.
15 Leric took that shirt back off and gave it to Carlo.
16 Carlo put his shirt back on. We ride. We went
17 around the street, down Morange Street.

18 **Q** Okay. Do you recall what car y'all were in?

19 **A** We was in -- it's like dark blue, dark gray, a
20 little blue Dodge Charger.

21 **Q** Who was driving?

22 **A** Leric Merriweather.

23 **Q** And where were you seated?

24 **A** I was seated behind the passenger side, Carlo
25 Harris -- behind Carlo Harris.

1 **Q** In the back seat?

2 **A** In the back seat.

3 **Q** And how about Carlo?

4 **A** Carlo was sitting in the front passenger side.

5 **Q** Okay. And I believe you said y'all headed back
6 down to the neighborhood?

7 **A** Yes, sir.

8 **Q** And where did you go when you were in the
9 neighborhood?

10 **A** Well, we was -- we was headed -- we was headed
11 to Ms. Annie Perry house, Carlo Harris' mama, but
12 Leric seen Santonio Ryans in the yard and I guess he
13 wanted to holler at Santonio. So we went down the
14 road, passed Santonio house, by Annie Perry house,
15 and turned around. When we turned around, Leric
16 pulled up in front of Santonio Ryans' house in front
17 of the tree.

18 **Q** Okay.

19 **MR. EARGLE:** Your Honor, may I approach?

20 **THE COURT:** Yes.

21 **MR. EARGLE:** Your Honor, if I can have the
22 witness to step down.

23 **THE COURT:** All right.

24 (Witness leaves the witness stand.)

25 **BY MR. EARGLE:**

1 Q Do you recognize what's been entered as State's
2 21?

3 A Yes, sir.

4 Q Could you please tell the jury what this
5 picture represents?

6 A It represents Santonio Ryans' house.

7 Q Let me hand you what is State's 22, which is a
8 small picture of a car or decal of a car. Could you
9 put on State's 21 exactly where Leric pulled into or
10 in front of Santonio Ryans' home?

11 A It was, like, two tires on the grass and the
12 two right tires, like, was on the road just a little
13 bit, just like right up here somewhere.

14 Q Okay. Between the driveway and the tree; is
15 that correct?

16 A Yes, sir.

17 Q All right. If you would, just have a seat,
18 please.

19 A (Witness resumes the witness stand.)

20 Q And once y'all pulled back into that location,
21 what did y'all do?

22 A Well, we was sitting in the car. I mean, I
23 haven't -- I haven't said anything to Santonio
24 Ryans. Leric and Santonio was talking to each
25 other. Carlo on the passenger side. I was in the

1 back. The only ones was talking was Leric and
2 Santonio Ryans.

3 Q Do you recall or remember what they were
4 talking about?

5 A They was talking -- Leric was telling him about
6 what had happened in the yard.

7 Q What was Leric's demeanor like?

8 A I mean, he was kind of upset, a little bit
9 still, but I could tell that he had calmed down
10 because --

11 Q He was talking -- I apologize. You go ahead
12 and answer.

13 A Well, I know he had done been calmed down
14 anyway after I had told him, Let's go get some beer,
15 don't worry about it no more. I know he had done
16 calmed down. But he was talking to Santonio Ryans.
17 He was kind of calm. He was talk -- just telling
18 him, man, he can't believe that Johnny and Miami
19 disrespected him in his yard and stuff like that.
20 They was just talking.

21 Q Now, do you recall was there anyone else in
22 Santonio Ryans' yard besides Santonio?

23 A Ken Nicholson. He was standing beside Santonio
24 Ryans.

25 Q So if I'm understanding you correctly, we have

1 Santonio and Kendrick outside of your vehicle, Leric
2 driving, Carlo in the front passenger seat and you
3 in the rear seat?

4 **A** Yes, sir.

5 **Q** Is that correct?

6 **A** Yes, sir.

7 **Q** At some point, did you have an occasion to see
8 Montrell Troutman?

9 **A** Yes. I think Leric was asking Santonio
10 something and Santonio bent down a little bit and
11 was talking to Leric in the window. That's probably
12 why he didn't see Troutman get out the car. He got
13 out of --

14 **Q** You said, See Troutman get out of the car.
15 What car are you referring to?

16 **A** He got out of a green Honda. I don't know who
17 was driving.

18 **Q** Okay. And in relation to where y'all were
19 parked, where did he get out of a green Honda?

20 **A** Where we was parked at, I was in the back seat.
21 When I looked out the back seat, I was -- our car --
22 our car, like, on the side of the grass, right? His
23 car was in the road, on the regular side of the road
24 where it supposed to be coming down. From that back
25 end of the Dodge Charger, it was about 10 feet or 15

1 feet away where they stopped at. He got out the
2 back seat and that's when he walked up into the
3 yard.

4 Q Okay. So what you're saying is he was in a
5 green Honda. He got out. He came from the rear of
6 the Charger that y'all were in?

7 A Yes, sir.

8 Q And what did he do at that point?

9 A He got out the car. I was still in the back
10 seat. Carlo still in the front seat. Leric was
11 still in the driver's seat. Santonio talking to
12 Leric like he was. Kendrick was standing beside
13 him. When Montrell got out that car, he walked up
14 to the back end, like, where I was, but he made,
15 like, around because he know Mr. Merriweather was
16 driving that car.

17 Q Okay. When you say around, are you saying he
18 went around towards the roadway or towards the
19 driver's side that was facing Santonio's home?

20 A No. He stepped on the grass. He came in
21 Santonio Ryans' yard and pointed like this
22 {indicating} at Leric through that window and that's
23 when Leric got mad.

24 Q Okay. So he walked up and he pointed at Leric?

25 A Yes, sir.

1 Q Did he say anything to him?

2 A He didn't say nothing. He didn't say nothing
3 at all. He just pointed and came back that same way
4 he came in the yard, back around the car and back to
5 the road.

6 Q So he went past Leric around and then back by
7 the car again?

8 A When he got out of that car, he walked to the
9 back end by -- well, like, where I was in the back
10 seat passenger and he walked around the car. He
11 didn't go in the front way around the car. He came,
12 like, the back of the trunk and he walked in the
13 grass, and, like, he did something like a little
14 point at Leric through the window. And he made that
15 same way he walked in the yard, he make that same
16 way back out to the road.

17 Q So he did a U-turn, came back the same --

18 A Same way -- same route that he took in that
19 yard, same route he came back out.

20 Q And what happened next?

21 A That's -- I think Mr. Merriweather said
22 something to him and got out the car.

23 Q Okay. What happened? Tell the jury.

24 A He was standing by the door, the doorway. Him
25 and Miami was saying something. About the time

1 Mr. Merriweather was standing, he got out the car,
2 he was standing by the door, Mr. Troutman had
3 grabbed his gun or whatever. He had grabbed his gun
4 and -- I call it cock, y'all call it slide -- he
5 slid it back to put a bullet in the head of the
6 chamber and he threwed it back in his back pocket.

7 MR. EARGLE: May I approach, Your Honor?

8 THE COURT: Yes.

9 BY MR. EARGLE:

10 Q Keith, let me show you State's 29.. Does the
11 gun somewhat look like this one?

12 A Yes, sir. Yes, sir.

13 Q About the same size?

14 A Yes, sir.

15 Q Same color?

16 A Yes, sir.

17 Q So you have Leric facing the defendant?

18 A Yes, sir.

19 Q Or a person we know as Troutman or Miami?

20 A Yes.

21 Q And Miami has the gun?

22 A Yes, sir.

23 Q And he does this motion right here

24 {indicating}?

25 A Yes, sir.

- 1 Q Accurate in saying that?
- 2 A Yes, sir.
- 3 Q Okay. What happens from that point?
- 4 A Leric was telling him, That's the same gun that
- 5 you had from my yard earlier; it ain't got no
- 6 bullets in it. And I was trying to tell
- 7 Mr. Merriweather, Man, you don't know if it's -- do
- 8 he even got bullets or not.
- 9 Q At that point in time, Keith, where were you?
- 10 Were you still inside the car or were you outside
- 11 the car?
- 12 A I was still inside the car. He had done scared
- 13 me. I was just getting out. After he put it back
- 14 in his pocket, I was getting out. I was getting out
- 15 the car. I was trying to get Leric back in the car.
- 16 Q Okay. And how about Carlo? Where was Carlo?
- 17 A Carlo out the car, too.
- 18 Q Okay. So you're out the car; Carlo's out the
- 19 car; Leric's out the car?
- 20 A Yes, sir.
- 21 Q And Leric and Miami are face-to-face?
- 22 Accurate?
- 23 A Yeah. They face-to-face. They closest to each
- 24 other than anybody else was.
- 25 Q And Leric, based on what you just said, was

1 under the belief, based on what he said, was -- he
2 didn't believe the gun had any bullets in it; is
3 that accurate?

4 **A** Yes, sir.

5 **Q** What happened then?

6 **A** Well, Leric was -- they was steady talking,
7 talking, talking, talking. And I guess Leric --

8 **Q** When you say talking --

9 **A** Arguing.

10 **Q** -- was it like you and I talking here?

11 **A** No. No, sir.

12 **Q** What were they doing?

13 **A** They were fighting words, fighting words.
14 Leric was telling him, Put the gun down and let's
15 fight, and all this and this and that. And about
16 that time, I was trying to tell Mr. Merriweather to
17 get back because I didn't know if he had gun -- or
18 had bullets in the gun or not. He scared me when he
19 first cocked it and put it back in his pocket. You
20 know what I'm saying.

21 Mr. Merriweather was still wanting to fight him
22 because Mr. Merriweather was thinking that he had no
23 bullets because they were playing with the gun with
24 no bullets earlier in his yard. So me knowing
25 Leric, Leric had his hands up like this

1 {indicating}, he was wanting to fight Miami,
2 Troutman.

3 Q He had his fists closed?

4 A Yeah, in fighting stand. He wanted to fight
5 Troutman I guess. And Troutman just pulled out the
6 gun.

7 Q Did Leric, while he was standing there like
8 this {indicating}, attempt to punch?

9 A Nah, he never did swing. I mean, he never did
10 get the chance to do this {indicating} or nothing.
11 By the time he did this, Troutman was already ready
12 for him.

13 Q So he's standing like this. Did he have a gun
14 in his hand?

15 A No, sir.

16 Q Did he have a knife in his hand?

17 A No, sir.

18 Q Did he have any type of weapon in his hand?

19 A He had no weapon. Remind you, he got
20 basketball shorts on. You can't not put no gun like
21 that around basketball shorts. He had red, black
22 shoes on. I remember this like it happened
23 yesterday.

24 Q And what happened as Leric was standing there
25 in front of Montrell Troutman?

1 **A** I'm a little -- I'm a little further behind
2 Leric because I was trying to grab Leric back, but
3 Leric didn't want to get back; Leric wanted to fight
4 the man. And I was trying to tell Mr. Merriweather,
5 Man, come on, man, get back. And that when Leric
6 threw his hands up to fight, Troutman pulled out the
7 gun, shot one time. First shot hit him dead in the
8 chest pointblank range. They were close up to him.
9 He shot him one time.

10 I couldn't even move after that first shot
11 because when Leric turned to the side, I realized
12 that the bullet went all the way through his chest.
13 Because when he turned to the side, remind you he
14 didn't have no shirt on all day, so when he turned
15 to the side, I could see the hole in the back, you
16 know what I'm saying. I couldn't even move.

17 **Q** What did Leric do at that point in time?

18 **A** Leric realized he was hit and he grabbed his
19 chest. And I believe his adrenaline was rushing so
20 much that he just took off. He took off --

21 **Q** Took off in which direction?

22 **A** He ran around Santonio Ryans' house. He ran
23 before I did.

24 **Q** Was he running towards Montrell Troutman?

25 **A** He was running away from Montrell Troutman.

- 1 Q He was running away from him?
- 2 A Yes, sir.
- 3 Q And how about you?
- 4 A Well, after I seen the gunshot, I was shocked.
- 5 I mean, I was frozed {sic} up for a little second.
- 6 I believe he shot at me, like, one time before I
- 7 even started running. I just stand there like God
- 8 came and swept the bullet down.
- 9 Q But before you started running -- you ran also?
- 10 A Yes, sir.
- 11 Q Which way did you run? Did you run --
- 12 A I ran the same way Mr. Merriweather. I run
- 13 away from this man.
- 14 Q You run away from Montrell Troutman?
- 15 A Yes, sir.
- 16 Q Did you continue to hear gunshots?
- 17 A Oh, yeah. He shot three more times at me.
- 18 Q So if I'm hearing you correctly, one shot,
- 19 Leric?
- 20 A Yes, sir.
- 21 Q Hit in the chest?
- 22 A Yes, sir.
- 23 Q Another shot towards you?
- 24 A Yes, sir.
- 25 Q And then you heard three more shots while you

1 and Leric were running away back --

2 **A** Running away trying to get away from
3 Mr. Troutman. We're trying to get around some
4 cover. I ran around the little tree that's in
5 Santonio Ryans' yard, and I ran around Santonio
6 house. And Carlo Harris was running behind me. And
7 I saw Carlo Harris get hit in the leg. He was
8 running behind me.

9 **Q** So Carlo got hit also?

10 **A** Yes, sir.

11 **Q** Do you recall what happened after y'all ran
12 around Santonio Ryans' house?

13 **A** Well, we ran around the house and that's when
14 I -- Carlo kind of fell and I looked down like, Man,
15 damn. I was like -- excuse my language. I was
16 like, Carlo, you done got hit, man. And he was
17 like, I know, man; I know; I felt it. But his
18 adrenaline was rushing so much, he just kept running
19 with me. And by the time me and Carlo got around
20 the corner, all the way around Santonio Ryans'
21 house, that's when Leric had done made it around
22 there already and he just collapsed in the driveway.

23 **Q** And what did you do?

24 **A** I sat there with Mr. Merriweather for a second.
25 I'm sitting here, no gun, no nothing still, and I'm

1 watching Mr. Troutman walk down the road like ain't
2 nothing happened. He just --

3 Q Which way did Montrell Troutman walk? From the
4 direction he initially approached y'all from the
5 rear or did he go -- did he walk this way, towards I
6 believe it's Rosa Hill or did he go back from the
7 way he came?

8 A He didn't go back the way he came. When he hit
9 Leric, when he shot at Mr. Merriweather, he walked
10 past Santonio Ryans' house. The way he was shooting
11 them bullets, he walked that way to his house.
12 That's the way he go to his house.

13 Q Was he running?

14 A He didn't run. He walked down the road with
15 the gun in his hand still. And like Mr. Ryans said,
16 he was clicking at me because they said he wanted to
17 get me worser {sic} than anybody else, but the gun
18 was clicking. When I was around Santonio Ryans'
19 house, I was checking on Carlo's leg. When we
20 stopped, I was telling Mr. Harris, You're hit. I
21 could hear his gun clicking. He was trying to make
22 like -- he was trying to make bullets in it before
23 he can finish me off.

24 Q Let me ask you this, Keith: Did you have a gun
25 on you?

- 1 **A** No, sir.
- 2 **Q** Did you have a knife on you?
- 3 **A** No, sir.
- 4 **Q** Did you have any type of weapon on you?
- 5 **A** No, sir. I never do -- I never had a weapon.
- 6 **Q** Did Carlo?
- 7 **A** No, sir.
- 8 **Q** Have a knife?
- 9 **A** No, sir.
- 10 **Q** A weapon?
- 11 **A** No, sir.
- 12 **Q** A gun?
- 13 **A** No, sir.
- 14 **Q** Did you or Carlo or Leric threaten to kill
- 15 Montrell Troutman?
- 16 **A** No, sir.
- 17 **Q** Did Leric Merriweather, when he was out there
- 18 standing face-to-face with Montrell Troutman, have a
- 19 gun?
- 20 **A** No, sir.
- 21 **Q** Did he have a knife?
- 22 **A** No, sir.
- 23 **Q** Did he threaten to kill Montrell Troutman?
- 24 **A** No, sir.
- 25 **Q** Keith, you've got a criminal history, don't

1 you?

2 **A** It ain't that bad. I mean, I done got -- ain't

3 nobody perfect. I got in trouble before, yes, sir.

4 **Q** You've been in trouble before with the law?

5 **A** Yes, sir.

6 **Q** And, in fact, back in 2006, you got a

7 conviction for criminal conspiracy; is that correct?

8 **A** Yes, sir.

9 **Q** And also in 2011, you have a conviction for

10 giving false information to law enforcement?

11 **A** Yes, sir.

12 **Q** That's correct?

13 **A** Yes, sir.

14 **Q** Do you see the person who killed Leric?

15 **A** Yes, sir.

16 **Q** Who shot at you?

17 **A** Yes, sir.

18 **Q** And who shot at Carlo --

19 **A** Yes, sir.

20 **Q** -- in this courtroom today?

21 **A** Yes, sir.

22 **Q** Would you point him out for the jury, please?

23 **A** Montrell Troutman {indicating}.

24 **MR. EARGLE:** Your Honor, let the record reflect

25 that this witness has identified Montrell Troutman

1 as the individual who killed Leric Merriweather,
2 shot at Keith Mathis and shot Carlo Harris.

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

4 **MR. EARGLE:** Thank you, Your Honor.

5 Please answer any questions the defense
6 attorney may have.

7 **THE COURT:** Cross-examination?

8 **MR. DRYLIE:** Thank you, Judge.

9 CROSS-EXAMINATION

10 BY MR. DRYLIE:

11 **Q** Afternoon. You and Leric had known each other
12 a long time, right?

13 **A** Yes, sir.

14 **Q** Y'all were really good friends?

15 **A** Yes, sir.

16 **Q** Closer than brothers would you say? Pretty
17 close?

18 **A** Yeah, you can say that.

19 **Q** Okay. And you'd do anything for Leric?

20 **A** Not anything. We had each other back, but we
21 wouldn't do anything. We knew better.

22 **Q** But you had each other's backs, right?

23 **A** Yeah.

24 **Q** Okay. You know, you were so close that Leric
25 called you that afternoon and you went running over

1 there, correct?

2 **A** Correct.

3 **Q** Okay. And would you lie for Leric?

4 **A** No, sir.

5 **Q** Okay.

6 **MR. DRYLIE:** And, Judge, I have a matter of
7 law. Or can we approach?

8 **THE COURT:** Yes.

9 (Whereupon, a bench conference was held off
10 the record, in the presence of the jury, but out of
11 the hearing of the jury.)

12 **THE COURT:** You may continue.

13 BY MR. DRYLIE:

14 **Q** Now, when Leric -- y'all left to go get beer,
15 correct?

16 **A** Yes, sir.

17 **Q** Okay. And then you're coming back and you stop
18 at Santonio Ryans' house, right?

19 **A** Yes, sir.

20 **Q** And that's not very far from where Montrell
21 Troutman lives, correct?

22 **A** It's a little bit down the road.

23 **Q** Okay. Can you see Troutman's place from there?

24 **A** No, sir.

25 **Q** Okay. Now, when y'all were there, you say you

- 1 saw a green Honda and Montrell got out of it,
2 correct?
- 3 **A** Yes, sir.
- 4 **Q** But you were sitting in the back seat, correct?
- 5 **A** Yes, sir.
- 6 **Q** Okay. So you're saying that you were looking
7 back at the time that green Honda was there and
8 that's how you saw that?
- 9 **A** Yes, sir.
- 10 **Q** Okay. Now, you state that Leric -- when Leric
11 and Montrell started arguing, Leric got his fists
12 up, correct?
- 13 **A** Yes, sir.
- 14 **Q** And that he wanted to fight?
- 15 **A** Yes, sir.
- 16 **Q** You seen Leric fight?
- 17 **A** No, sir.
- 18 **Q** Okay. Now, you stated on direct examination
19 that Leric was wearing basketball shorts, right?
- 20 **A** Yes, sir.
- 21 **Q** And you said you can't put a gun in basketball
22 shorts, correct?
- 23 **A** Yes, sir.
- 24 **Q** How do you know you can't put a gun in
25 basketball shorts?

1 **A** It just -- I mean, it just -- I mean, it really
2 -- you just can't put a gun in basketball shorts.
3 It's just a point that if you got basketball shorts
4 on with no shirt, you're going to -- obviously,
5 you're going to see a gun around some kind of way.
6 Basketball shorts, they're real limber. I mean,
7 they can't hold too much. You're going to see
8 something around his waist.

9 It ain't like he had pants on, jeans on, a
10 shirt on. He didn't even have a shirt on to cover
11 up a gun if he had it in basketball shorts. He's
12 wide open. You can see everything. You can see
13 everything. He had basketball shorts on and shoes.
14 You can see his whole waistline. This man didn't
15 have no gun.

16 **Q** Okay. Now, after the shooting takes place, you
17 state you ran around the house with Carlo, correct?

18 **A** Yes, sir.

19 **Q** Okay. And so you're running around the house
20 and then you get back up to where Leric is, right?

21 **A** Yes, sir.

22 **Q** And you're checking on Leric and you're
23 checking on Carlo?

24 **A** I checked on Carlo from before I even got to
25 Leric, Mr. Merriweather. Carlo had a good little

1 graze. I know Carlo was going to be all right. My
2 most concern was Leric.

3 Q Okay. That's fine. But if you're checking on
4 them, how did you see Montrell walking away?

5 A Because I'm in the driveway. I'm in the
6 driveway of Santonio Ryans' yard. You can see
7 Montrell walking down to the yard until he get to
8 that tree. When he get to that tree, that's when
9 everything block off. I seen Montrell walk down the
10 road like it was just a regular day, nothing
11 happened, with the gun in his hand.

12 Q Okay. Now, you stated in 2011, that you were
13 convicted of giving false information to police,
14 correct?

15 A It wasn't false -- I just ain't know what
16 happened. I couldn't say what happened.

17 Q But you were convicted of that?

18 A Yes, sir.

19 Q Okay. Now, let me ask you this: When was the
20 first time you talked to police about this incident?

21 A (No response.)

22 Q Was it May of this year?

23 A No, no. Actually, it was a couple -- about a
24 month or two actually after the scene, after it had
25 happened.

1 Q Oh, who did you talk to?

2 A Well, I really didn't talk to nobody. Me and
3 Carlo went to Mike house and we just left our phone
4 number and address, and they said they were going to
5 get in touch with us.

6 Q Okay. But you didn't talk to anybody then,
7 right?

8 A No, sir.

9 Q You didn't talk to anybody the night that this
10 happened?

11 A No, sir.

12 Q Okay. Where did you go the night that this
13 happened?

14 A They tried to get in touch with me. I was
15 stressed out, you know what I'm saying. It was a
16 month, two later. I was losing weight. I was
17 crying. Man, it messed me up. So I moved to
18 Augusta where my baby mama at.

19 Q Okay. But the first time you actually gave a
20 statement to the police, was it May of this year?

21 A Yes, sir.

22 Q Okay.

23 MR. DRYLIE: Beg the Court's indulgence.

24 (Pause.)

25 Q Now, Keith, I just have a couple more questions

1 for you real quick. The night that this happened,
2 how long did you stay at the scene?

3 **A** I stayed at the scene probably about, like,
4 five minutes. I mean, when the ambulance was
5 coming, I was walking down the road.

6 **Q** So when the ambulance was coming, when you hear
7 the sirens, you walked down the road?

8 **A** Yes, sir.

9 **Q** And when the police were coming, you walked
10 down the road?

11 **A** Yes, sir. I was already down the road when the
12 police got there and the ambulance.

13 **Q** Okay. So when the police and the ambulance
14 were there, you had already gone?

15 **A** Yes, sir.

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

17 **THE COURT:** Any redirect?

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

19 REDIRECT EXAMINATION

20 BY MR. EARGLE:

21 **Q** What was your primary concern when you came
22 around the house and you saw one of your best
23 friends, Leric Merriweather, lying in that driveway?

24 **A** I didn't want to lose him. He kept -- he kept
25 begging me for the ambulance.

1 **Q** What was his condition like?

2 **A** Well, I had him at first and he was bleeding
3 and blood kept coming out of his throat. So I
4 couldn't take it no more. I couldn't see him like
5 that. So LJ came and got him.

6 Man, it hurt me, man. I known him since -- we
7 played in the sandbox together.

8 **Q** So you were upset?

9 **A** Yes, sir.

10 **Q** Was there anything else you could do for your
11 friend Leric?

12 **A** I couldn't do nothing. I couldn't do nothing
13 for him.

14 **MR. EARGLE:** I have nothing further, Your
15 Honor.

16 Thank you.

17 **THE COURT:** Any recross?

18 **MR. DRYLIE:** No, Your Honor.

19 **THE COURT:** All right. Sir, you may step down.

20 Ladies and gentlemen, I'm going to ask you to
21 step to the jury room for just a minute, just a
22 minute. Do not discuss the case. I'll get you back
23 out here as soon as I can.

24 (The jury retires to the jury room.)

25 **THE COURT:** Mr. Mathis, would you come back

1 around to the stand, please, sir? I'll remind you
2 you're still under oath. Okay?

3 **MR. MATHIS:** Yes, sir.

4 **THE COURT:** Mr. Drylie, I'm going to allow you
5 to ask a few questions pertaining to what I had
6 ruled was not coming in a minute ago, to proffer it
7 on the record in case -- I don't think I'm wrong,
8 but I want your client protected.

9 **MR. DRYLIE:** Thank you, Judge.

10 IN CAMERA EXAMINATION

11 BY MR. DRYLIE:

12 **Q** In 2011, you were convicted of giving false
13 information to the police, correct?

14 **A** Yes, sir.

15 **Q** And that incident involved a shooting that --
16 and involved a shooting of Leric Merriweather,
17 correct?

18 **A** Yes, sir.

19 **Q** And the false information that you were
20 convicted of giving was covering up for Leric
21 Merriweather being involved in that shooting,
22 correct?

23 **A** No, sir.

24 **Q** Okay.

25 **MR. DRYLIE:** That's pretty much all we intended

1 to do.

2 **THE COURT:** Does the State have any questions
3 pertaining to this issue?

4 **MR. EARGLE:** No, sir, Your Honor.

5 **THE COURT:** Mr. Mathis, you may step down, sir.
6 All right. We'll stand down just for --

7 **MR. DRYLIE:** Judge, I'm sorry. Just for the
8 record, we'd object to not being allowed to --
9 obviously, I think we're protected; I'm just making
10 sure.

11 **THE COURT:** Your objection's noted. And I've
12 let you proffer what you need to proffer or what you
13 wanted to proffer. How about that?

14 **MR. DRYLIE:** Thank you, Judge.

15 **THE COURT:** All right. We'll stand down.

16 (Brief recess.)

17 **THE COURT:** All right. Anything from the State
18 before I bring the jury back out?

19 **MR. EARGLE:** No, sir, Your Honor.

20 **THE COURT:** Defense counsel?

21 **MR. DRYLIE:** No, Your Honor.

22 **THE COURT:** Bring me the jury, please.

23 (The jury returns to the courtroom.)

24 **THE COURT:** Hope y'all had a nice break and
25 ready to proceed.

1 At this time, I'm going to recognize the State.
2 Call your next witness, please.

3 **MS. RADLEIN:** Thank you, Your Honor. The State
4 calls Carlo Harris.

5 CARLO HARRIS,
6 having been duly sworn, testified as follows:

7 **THE CLERK:** Please be seated. State your full
8 name, spell your last name for the record. Make
9 sure you speak up.

10 **THE WITNESS:** Carlo Harris. Harris,
11 H-a-r-r-i-s.

12 DIRECT EXAMINATION

13 BY MS. RADLEIN:

14 **Q** How are you doing today, Carlo?

15 **A** I'm all right.

16 **Q** Can you tell the jury where you're from?

17 **A** Edgefield, South Carolina.

18 **Q** And is this where you were born and raised?

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

20 **Q** And where did you go to school?

21 **A** Strom Thurmond.

22 **Q** And do you know the victim -- the deceased
23 victim in this case, Leric Merriweather?

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

25 **Q** And how long have you known him?

1 **A** For a long time.

2 **Q** You guys go to high school together?

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

4 **Q** Did you go to middle school together?

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

6 **Q** Do you know the defendant, Montrell Troutman,

7 in this case?

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

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

10 **A** He the one pulled the trigger.

11 **Q** Where do you live?

12 **A** I stay on [REDACTED] Morange Street, Edgefield.

13 **Q** I want to take you to June 6 of 2015. Do you

14 remember that day?

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

16 **Q** Do you remember what you were doing that

17 morning?

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

19 **Q** Go ahead and tell the jury what you did that

20 morning.

21 **A** I was at the house. And later on that evening,

22 Leric had came by the house and said he was doing

23 something at his house. He was throwing something

24 on the grill for his kids and everything like that.

25 So I had rode down there with him. We was in the

1 yard for a little while. Then it was some more
2 people came over there. Pooh Bannon came over
3 there, that's Keith Mathis. All them came over
4 there.

5 And we had left, had walked -- we had walked to
6 my house, like me, Pooh Mathis -- Keith Mathis. And
7 I'll say about five, seven minutes later, I got a
8 phone call from Leric saying he was about to fight.
9 So me and Pooh had went back down there. And when
10 we had got back down there, everybody else was gone.
11 It was just me, Pooh and Leric now still in the
12 yard. And I told Leric, Let's go to the store, buy
13 some beer. And that's when everything had happened.

14 Q Okay. I want to now take you back and clarify
15 some things. I think you said Pooh Bannon?

16 A Mathis.

17 Q And you're referring to Keith Mathis in this
18 case?

19 A Yes, ma'am.

20 Q And you said you received a phone call and
21 determined something had happened?

22 A Yes, ma'am.

23 Q Did you learn where this incident occurred, I
24 guess?

25 A Yes, ma'am.

1 Q And where did it happen?

2 A Down at Leric house.

3 Q So when you said you left, you're referring to

4 leaving your house and going back to Leric's house?

5 A Yes, ma'am.

6 Q And how did you and Keith get to Leric's house?

7 A We had walked.

8 Q About how long of a walk is it?

9 A It ain't about -- about a five-minute walk up.

10 It ain't even -- ain't that long probably.

11 Q And once you got there, was anyone else there?

12 A No.

13 Q And you said that you went to -- you decided

14 to -- you told Leric that you were just -- Let's

15 just go get some beer. What was the purpose of

16 telling him that?

17 A I mean, I just thought we had just wanted to,

18 you know, drink some beer, you know, to just ease

19 everything down.

20 Q So take me through what happened next.

21 A Well, we had rode through New Buncombe and Rosa

22 Hill Street and we had made that left. We was going

23 down by Santonio Ryans and them house. And he had

24 seen a longtime friend and he throwed his hand up at

25 him. And he had went up the road, made a little

1 U-turn and he came on back down and he had parked on
2 the side of the road.

3 Q Okay.

4 MS. RADLEIN: Permission to move about the
5 courtroom and permission for the witness to step
6 down.

7 THE COURT: Yes, ma'am.

8 (Witness leaves the witness stand.)

9 BY MS. RADLEIN:

10 Q Carlo, I'm going to hand you what's been
11 entered in evidence as State's Exhibit 22. Let me
12 ask you this: When you left, who was driving?

13 A Leric Merriweather.

14 Q Okay. And what car were you driving?

15 A We was in that dark blue Charger.

16 Q Okay. And so do you recognize this?

17 A Yes, ma'am.

18 Q I'm going to go ahead and -- looking at State's
19 Exhibit 21, and place State's Exhibit 22 where you
20 pulled up in front of Santonio Ryans' house?

21 A Yes, ma'am.

22 Q And then, just to be clear, you do recognize
23 State's Exhibit 21?

24 A Yes, ma'am.

25 Q And what do you recognize that to be?

1 **A** Santonio Ryans' yard.

2 **MS. RADLEIN:** Let the record reflect that he
3 placed the Dodge Charger, State's Exhibit 22, on
4 State's Exhibit 21.

5 **THE COURT:** So noted.

6 BY MS. RADLEIN:

7 **Q** And you can take your seat.

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

9 **Q** Once you pulled up -- once Leric parked the
10 car, where were you in the vehicle?

11 **A** The front, the passenger side.

12 **Q** And you said Keith was with you. Where was
13 Keith?

14 **A** He was in the back.

15 **Q** And you said he saw a longtime friend. Was
16 that Santonio?

17 **A** Ken.

18 **Q** And what's Ken's name; do you know?

19 **A** Nicholson, Ken Nicholson.

20 **Q** And where did he see Ken?

21 **A** Standing in Santonio Ryans' yard.

22 **Q** And then tell the jury what you recall
23 happening next.

24 **A** Well, him and Santonio Ryans was talking and I
25 looked out my rearview mirror and I seen a green car

1 stop down the road a little bit. And I seen
2 Montrell, he get out and he come up on the side of
3 the car, on the driver's side. He walk up in the
4 grass. He walked by the car. Then he -- he turned
5 back around and he stood on the -- at back of the
6 car, and that's when everything had started.

7 Q When you saw -- you said a green car. Do you
8 recall what kind of car it was?

9 A It was a Honda.

10 Q And what direction was it coming from when you
11 saw it?

12 A The back way.

13 Q And on the back way, would it be coming from
14 the Rosa Hill side or the other side?

15 A The other side, from my side.

16 Q And you said you saw the defendant. Could you
17 tell what part of the car he was coming out of?

18 A I think he got out the back -- out the back
19 seat.

20 Q And if you don't recall something, I don't want
21 you to guess. You can just say you don't remember.

22 A Yes, ma'am.

23 Q Okay. But you know you saw him get out of the
24 car?

25 A Yes, ma'am.

- 1 **Q** And you indicated that he walked down the road.
2 When he first started walking, what side of the road
3 was he walking on?
- 4 **A** The right-hand side.
- 5 **Q** And if you're -- you're talking about the
6 right-hand side. Was Santonio Ryans' house on the
7 left or the right?
- 8 **A** Santonio Ryans' house on the left.
- 9 **Q** So he was on the opposite side of the road?
- 10 **A** Yes, ma'am.
- 11 **Q** And then you described that he started walking.
12 Tell me what his next step was.
- 13 **A** His next step was he had came in Santonio
14 Ryans' yard.
- 15 **Q** And when you say his yard, looking at State's
16 Exhibit 21, are you referring to the grass area?
- 17 **A** Yes, ma'am.
- 18 **Q** By where you were parked?
- 19 **A** Yes, ma'am.
- 20 **Q** And go ahead and take me through what his next
21 step was after that.
- 22 **A** And he had stopped by the trunk of the car and
23 they would start arguing. I mean -- and I'm telling
24 Leric the whole time, Hey, bro, I see him, you know,
25 because he was, you know, pulling for something. I

1 didn't know what it was. And then the third time,
2 that's all I seen was fire come from the barrel, I
3 mean, you know.

4 Q When -- let's clarify some things. When he
5 walked up initially, were you inside the car or
6 outside the car?

7 A We was inside the car at first.

8 Q All right. And then you said he had stopped at
9 the trunk of the car?

10 A Yes, ma'am.

11 Q Were you inside the car then or outside the
12 car?

13 A We were still inside the car I think.

14 Q At what point did you get out of the car?

15 A When Leric had got out.

16 Q Okay. Where was -- had the defendant,
17 Montrell, had he done anything else when he
18 approached the car before you got out of the car?

19 A I can't remember.

20 Q All righty. And so the next thing you remember
21 is when Leric got out the car, you got out the car?

22 A Yes, ma'am.

23 Q And then -- I know you said that's when
24 everything started happening, but let's see if we
25 can state it for the jury. Okay?

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

2 **Q** So the next thing you remember, was Keith in
3 the car or outside of the car at that point?

4 **A** He got out, too.

5 **Q** And where -- where was the defendant standing
6 at that point?

7 **A** He was, like, in the grass-way by the driveway.

8 **Q** And then what happened next?

9 **A** They was passing back words for words. And
10 like I said, I had told him, Hey, bro, I see him
11 reaching for something, you know. And the third
12 time, we was fixing to go back to the car and
13 Montrell had said something else to him and that's
14 when he had turned around. And when he had turned
15 around, it's -- all I had heard was, You ain't got
16 no bullets in the gun. And the next thing I know he
17 had shot him.

18 **Q** And where were you standing when you saw him
19 pull the trigger?

20 **A** I was right there. I was right beside Leric
21 Merriweather. I literally seen the fire come from
22 the gun.

23 **Q** Do you remember what Leric was wearing?

24 **A** He had on some shorts, some shoes and no shirt
25 on.

1 **Q** And after you -- you described seeing the fire
2 come from the gun, what, if anything, did you
3 witness then?

4 **A** All I seen when he had hit Leric in the chest,
5 Leric had fell down and started running, ran around
6 the house, and that's when he had turned his gun at
7 Mathis and started shooting at Mathis. Mathis ran
8 around the house. I couldn't move. I was
9 shell-shocked because I ain't never seen nothing
10 like that before, and that's when, I guess, the
11 bullet had caught me, too.

12 **Q** And when you said the bullet caught you, do you
13 know where it caught you?

14 **A** In my right leg.

15 **Q** What, if anything, do you recall happening
16 next? What did you do?

17 **A** I had went over there to check on Leric because
18 he was down on the pavement. And I had went over
19 there to talk to him. And all he kept saying to me
20 was, Hey, bro, tell them to hurry up, tell them to
21 hurry up. And that's when I had fell down because I
22 had felt -- I had been shot, too. I was grazed. I
23 mean, you know, I was grazed.

24 **Q** Let me back up for a little bit. After the
25 defendant was pulling the trigger and he was

1 shooting, can you tell the jury whether or not
2 anyone was going towards him?

3 A No, ma'am.

4 Q Okay. For all intents and purposes, when Keith
5 and Leric were running, were their backs toward the
6 defendant at this time?

7 A Yes.

8 Q And after he was finished shooting, can you
9 tell the jury if you saw what direction the
10 defendant left in?

11 A He was going back up towards, like, Rosa Hill
12 Street.

13 Q Did you see where he went from there?

14 A All I seen was he had -- he walked up the road
15 and he had turned to the left. He turned to the
16 left.

17 Q And do you know where the defendant lives?

18 A Yes, I know where he stay.

19 Q And where does he live?

20 A He stay down on the right-hand side.

21 Q So when you say he turned to the left, is it
22 safe to say he didn't turn towards his house?

23 A No, ma'am, he didn't.

24 Q When you realized you were shot, what, if
25 anything, did you do?

1 **A** I couldn't do nothing. I mean, all I kept
2 seeing him doing was like this here, shaking the
3 gun, I mean, just like this here {indicating}. I
4 was like this here {indicating}. He was just
5 shaking the gun and he just walked on up the road
6 like nothing ain't never happened.

7 **Q** Do you remember what kind of gun it was?

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

9 **Q** And you said you went over to Leric. What, if
10 anything, did you see when you went over to Leric?

11 **A** I seen a hole in the chest, seen blood coming
12 up out of his mouth. And I seen meat, you know.
13 And that's when he had told me, Hey, bro, tell them
14 to hurry up. He say that about four or five times.
15 I couldn't take it no more. I just fell down, I
16 mean.

17 **Q** You said you saw -- I didn't understand. You
18 said you saw meat?

19 **A** Yes, ma'am. Meat came up out of his mouth. He
20 was, like, choking on his own blood. So he was
21 spitting up, a whole lot of stuff coming up out of
22 his mouth.

23 **Q** Did you ever see -- when he was down there, did
24 Leric have a gun in his hand?

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

1 **Q** Did he have a gun in the car?

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

3 **Q** Did you have a gun?

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

5 **Q** Did Keith have a gun?

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

7 **Q** Did you have a knife?

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

9 **Q** Did Keith have a knife?

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

11 **Q** When Leric walked behind the vehicle where the
12 defendant was standing, can you tell the jury if he
13 had anything whatsoever in his hands?

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

15 **Q** When the defendant left the scene walking, can
16 you tell the jury whether or not he left the gun at
17 the scene or he left walking with the gun?

18 **A** He left walking with it.

19 **Q** When you were there, did you hear anyone
20 threaten Montrell Troutman's life?

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

22 **Q** Did you threaten him?

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

24 **Q** Did you threaten to kill him?

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

- 1 Q Did Keith threaten him?
- 2 A No, ma'am.
- 3 Q Did Keith threaten to kill him?
- 4 A No, ma'am.
- 5 Q Did Leric threaten him?
- 6 A No, ma'am.
- 7 Q Did Leric threaten to kill him?
- 8 A No, ma'am.
- 9 Q Did you get treated for your gunshot wound?
- 10 A Well, I had -- no, ma'am. I went to the
- 11 hospital, but I ain't go in.
- 12 Q Okay. Did anyone -- and do you recall if
- 13 anyone at the scene assisted you with your gunshot
- 14 wound?
- 15 A Yes, ma'am.
- 16 Q Do you remember who that was?
- 17 A No, ma'am.
- 18 Q And what, if anything, do you remember on how
- 19 they assisted you at the scene?
- 20 A All I had knew was they had -- they seen my leg
- 21 and they had wrapped it up. They wrapped it up for
- 22 me. That's about it.
- 23 Q And did the ambulance come?
- 24 A Yes, ma'am.
- 25 Q Was it one ambulance or more than one?

- 1 **A** It was two.
- 2 **Q** Okay. And do you recall if any of the EMS
- 3 workers came to you?
- 4 **A** Yes, ma'am.
- 5 **Q** And did you -- did they also treat you?
- 6 **A** Yes, ma'am.
- 7 **Q** And what, if anything, did they do?
- 8 **A** They had wrapped my leg up for me.
- 9 **Q** They wrapped it again?
- 10 **A** Yes, ma'am.
- 11 **Q** And did you go with the ambulance?
- 12 **A** Yes, ma'am.
- 13 **Q** And did they determine that you were okay?
- 14 **A** Yes, ma'am.
- 15 **Q** Now, Carlo, do you have a 2014 marijuana
- 16 conviction?
- 17 **A** Yes, ma'am.
- 18 **Q** And that would be for distribution?
- 19 **A** Yes, ma'am.
- 20 **Q** Do you have any doubt in your mind who pulled
- 21 the trigger that day?
- 22 **A** No, ma'am.
- 23 **Q** And do you see that person in the courtroom?
- 24 **A** Yes, ma'am.
- 25 **Q** And who is that person?

1 **A** Montrell {indicating}.

2 **Q** And is that the person that pulled the trigger
3 on Leric?

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

5 **Q** And is that the person that shot you?

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

7 **Q** And is that the person that shot at Keith
8 Mathis?

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

10 **MS. RADLEIN:** No further questions at this
11 time.

12 **THE COURT:** Cross-examination?

13 **MR. DRYLIE:** Thank you, Judge.

14 CROSS-EXAMINATION

15 **BY MR. DRYLIE:**

16 **Q** Afternoon.

17 **A** All right.

18 **Q** You and Leric were really close, right?

19 **A** Yes, we was.

20 **Q** And you've been friends for a long time?

21 **A** Yes.

22 **Q** You went to school together?

23 **A** Yes.

24 **Q** Okay. And, in fact, y'all were such good
25 friends, he called you when he was going to get in a

1 fight, right?

2 A Yes.

3 Q Okay. Y'all were his boys?

4 A Yes, we was.

5 Q Okay. Now, you were at Leric's house that day

6 during the barbecue, right?

7 A Yes, sir.

8 Q And you didn't really see any fighting there,

9 did you?

10 A No, sir.

11 Q Okay. And then you left and went to your

12 house, correct?

13 A Yes, sir.

14 Q All right. And then y'all come back, correct?

15 A Yes, sir.

16 Q And when y'all come back, Leric was upset?

17 A I mean, he was kind of hot.

18 Q He was what?

19 A He was kind of hot.

20 Q He was kind of hot. Okay.

21 And so you tell him, Let's go get some beer and

22 calm down?

23 A Yes.

24 Q Okay. And y'all go to the gas station?

25 A I don't recall going to the gas station. I

1 mean, because it'd been a while. We probably did go
2 to the gas station, but I don't recall.

3 Q Okay. That's fine.

4 Now, you ended up talking with law enforcement
5 that night, correct?

6 A Yes.

7 Q What does LB mean?

8 A L Burner.

9 Q L Burner. And that's what you called Leric?

10 A Yes. That's what we called him.

11 Q What?

12 A Yes, sir, that's what we called him.

13 Q That's what you called him. I'm sorry. I just
14 couldn't hear you.

15 A Yes, sir.

16 Q And he had that tattooed on his neck, didn't
17 he?

18 A I can't recall.

19 Q All right. Now, you talked to police again and
20 that was almost two years after the shooting,
21 correct?

22 A I can't recall.

23 Q You can't recall?

24 A No.

25 Q Okay. And you were close with Leric, right?

1 **A** Yes.

2 **MR. DRYLIE:** Beg the Court's indulgence.

3 (Pause.)

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

5 **THE COURT:** Any redirect?

6 **MS. RADLEIN:** No, Your Honor.

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

8 **THE WITNESS:** Yes, sir.

9 **THE COURT:** Call your next witness, please.

10 **MR. EARGLE:** Thank you, Your Honor. State
11 calls Ken Nicholson.

12 KENDRICK NICHOLSON,
13 having been duly sworn, testified as follows:

14 **THE CLERK:** Please be seated. State your full
15 name, spell your last name for the record.

16 **THE WITNESS:** Kendrick Nicholson,
17 N-i-c-h-o-l-s-o-n.

18 DIRECT EXAMINATION

19 BY MR. EARGLE:

20 **Q** Mr. Nicholson, where did you grow up?

21 **A** Edgefield, South Carolina.

22 **Q** If you would, kind of lean toward -- or pull
23 that mic toward you. We need the jury to be able to
24 hear you real well. Thank you, sir.

25 You said you grew up in Edgefield?

- 1 **A** Yeah, Edgefield.
- 2 **Q** Okay. Did you attend schools here?
- 3 **A** Yeah.
- 4 **Q** What schools?
- 5 **A** JET and Thurmond.
- 6 **Q** Where?
- 7 **A** JET and Thurmond -- Strom Thurmond.
- 8 **Q** Where do you live now, Mr. Nicholson?
- 9 **A** In Sumter, South Carolina.
- 10 **Q** Do you have a job?
- 11 **A** Uh-huh.
- 12 **Q** Who do you work for?
- 13 **A** Eden Electrical.
- 14 **Q** And what's your job with Eden's Electrical?
- 15 **A** I'm an electrician.
- 16 **Q** You're an electrician?
- 17 **A** Uh-huh.
- 18 **Q** Let me take you back to June the 6th of 2015.
- 19 Do you recall that day?
- 20 **A** Uh-huh.
- 21 **Q** Did you answer?
- 22 **A** Yes, sir.
- 23 **Q** Were you in Sumter or were you here in
- 24 Edgefield?
- 25 **A** Nah, I was in Edgefield -- I was staying in

1 Columbia at the time.

2 Q You were staying where?

3 A In Columbia.

4 Q In Columbia?

5 A Uh-huh.

6 Q But you were in Edgefield that day?

7 A Yeah.

8 Q Were you visiting anyone?

9 A Uh-huh. I had came down to visit my dad.

10 Q Visit your dad?

11 A Uh-huh.

12 Q Do you know Leric Merriweather?

13 A Yes, sir.

14 Q How do you know Leric?

15 A Went to school together.

16 Q And was he younger than you or older than you?

17 A He was younger than me, right about two years

18 younger, something like that.

19 Q How would you describe your relationship with

20 Leric?

21 A Me and Leric pretty cool, you know. We went to

22 school, you know, but we didn't hang out or nothing

23 like that, but he was a pretty cool fellow.

24 Q Would you consider yourself friends?

25 A Yeah.

1 **Q** But y'all just didn't hang out together?

2 **A** No, we never hung out.

3 **Q** Okay. On this particular day, did you have a
4 chance to see Leric Merriweather?

5 **A** Yes, I saw him earlier that day.

6 **Q** Will you tell the jury about that encounter?

7 **A** Well, I had stopped over my dad's house. He
8 was out there sitting on the porch and I had told
9 him I was going to go holler at my homeboy, Antonio.
10 So I went around the curve --

11 **Q** I'm sorry. I didn't hear you. You were going
12 where?

13 **A** I had left from my dad's house and I was going
14 over to Santonio house to go holler at him.

15 **Q** Who is Antonio?

16 **A** Santonio.

17 **Q** Okay. What's his last name?

18 **A** Ryans.

19 **Q** Okay. Go ahead.

20 **A** And I was going around the curve to his house
21 and I seen Leric standing in the yard, him and Pooh
22 and Carlo. They was out cooking on the grill. So I
23 stopped and hollered at him and ask him, you know,
24 just messing with him, ask him was he having a
25 party. So he was like, No, I ain't having no party.

1 And I was like, How are you having a party and you
2 ain't invite me? So he was like, I ain't having no
3 party, but, you know, you're more than welcome, you
4 know, to come by. So I told him, I was going to go
5 holler at Tony and I'll come back later. So that's
6 what I did, I went and hollered at Tony.

7 Q So you briefly stopped at Leric's house, he was
8 cooking out and you said you were on your way to
9 Antonio Ryans' house?

10 A Uh-huh.

11 Q And that you had planned on coming back over
12 there later?

13 A Yeah.

14 Q Did you go on over to Antonio Ryans' house?

15 A Yeah, I went over there.

16 Q How long were you there?

17 A Probably -- I mean, for the rest of the day. I
18 was over there for the rest of the day.

19 Q And what were y'all doing over there?

20 A I was just -- I had stopped and hollered at
21 him. I asked him did he want to go back over to
22 Leric house because Leric had, you know, they was
23 having a cookout, but he said he didn't want to go
24 back, so I just stayed over there. I was going to
25 go back, but I never did get a chance to go back.

1 **Q** Okay. While you were at Antonio's house, did
2 you have a chance to see Leric again?

3 **A** Yeah. He came through probably about 45
4 minutes after that.

5 **Q** Was he walking?

6 **A** No, he was driving.

7 **Q** He was driving. Driving a car?

8 **A** Uh-huh.

9 **Q** Okay. Which way was he headed?

10 **A** He was coming up by Tony house, passing us.
11 And he went up and did a loop and came back around,
12 stopped behind me.

13 **MR. EARGLE:** Permission to approach the
14 witness, Your Honor.

15 **THE COURT:** Yes.

16 **MR. EARGLE:** Permission for the witness to step
17 down.

18 (Witness leaves the witness stand.)

19 BY MR. EARGLE:

20 **Q** Mr. Nicholson, if you'll look here at State's
21 21, can you tell the jury if you recognize this
22 photograph?

23 **A** Yeah. That's Tony house.

24 **Q** That's whose house?

25 **A** Santonio.

1 **Q** You have to say it loud enough so the court
2 reporter can hear.

3 **A** Oh, Santonio's house.

4 **Q** That's Santonio's house?

5 **A** Uh-huh.

6 **Q** And this was the house you went to after you
7 left Leric's?

8 **A** Yes, sir.

9 **THE COURT:** All right. Hold on. I need you to
10 speak up. You've got your back to my court
11 reporter. She's trying to take down what you say.
12 I can't hear you; I guarantee you she's having
13 difficulty hearing you. So I need you to speak up.
14 Okay?

15 **THE WITNESS:** Okay.

16 **THE COURT:** It makes it harder, especially when
17 your back and head is turned to us. Your voice is
18 going towards the jury, but I need you to speak loud
19 and clear. Okay? Thank you.

20 BY MR. EARGLE:

21 **Q** Do your best to talk as loud as I do.

22 So you're there at Santonio Ryans' house and my
23 understanding is that you saw Leric pass by and then
24 turn around and come back down; is that right?

25 **A** Yes, sir.

1 **Q** And let me show you what's State's 22, which is
2 this vehicle. Can you show the jury on this State's
3 21 where the -- Mr. Leric parked his vehicle?

4 **A** By the bush and the tree.

5 **THE COURT:** Speak up.

6 **THE WITNESS:** By the bush and the tree.

7 BY MR. EARGLE:

8 **Q** Thank you, sir. You can go have a seat now.

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

10 **Q** Now, when Leric pulled up, was anybody in the
11 car with him?

12 **A** Yeah. Carlo and Pooh was in the car with him.

13 **Q** And Pooh?

14 **A** Yeah. Yes, sir.

15 **Q** And do you know Pooh's real name?

16 **A** No, sir.

17 **Q** You just know him as Pooh?

18 **A** Yes, sir.

19 **Q** Okay. Do you recall what was being said, what
20 y'all were talking about?

21 **A** He stopped by and he was just telling us about
22 -- well, when he stopped, I had asked him, you know,
23 I was like, What's going on with the cookout? So he
24 was, like, telling us what was going on at his
25 house. He had a little verbal altercation at his

1 house and, you know, he was just telling us about
2 it.

3 Q What did Leric tell you?

4 A He said that it was a guy at his house that had
5 been flashing a gun around his family and he was
6 upset about it.

7 Q What was Leric's demeanor like?

8 A He was mad.

9 Q He was mad?

10 A Oh, yeah.

11 Q Okay. While y'all were talking, was anyone
12 else -- tell the jury who all was there while y'all
13 were talking.

14 A Me, Tony, Carlo, Pooh, Leric, my son was out
15 there, Ashley -- I think they might have been in the
16 house.

17 Q Okay. You said your son was out there?

18 A Yeah, my son was out there.

19 Q What's your son's name?

20 A Jonathan Nicholson.

21 Q Jonathan?

22 A Jonathan Nicholson.

23 Q And how old is Jonathan?

24 A He'll be seven in January.

25 Q How old was he back in 2015 on June the 6th?

1 **A** He was five.

2 **Q** He was five years old?

3 **A** Yes, sir.

4 **Q** And he was out there in the yard with y'all?

5 **A** Yes, sir.

6 **Q** Did anyone else come up on the scene?

7 **A** Not at the time. Later.

8 **Q** Okay. Who came up later?

9 **A** The guy that shot Leric.

10 **Q** And do you know who that was?

11 **A** That -- that was my first time ever seeing him.

12 I ain't never seen him before.

13 **Q** Did anyone tell you who he was?

14 **A** Yeah. When he was walking up towards the road

15 after Leric had told us about what had happened,

16 Tony was like, Oh, there goes Miami right there. So

17 that's when I looked down the road and I saw him,

18 like, walking towards us.

19 **Q** Now, when you were talking, you and Antonio

20 were talking with Leric and Carlo and Pooh, where

21 were they? Were they inside the car?

22 **A** I can't remember if they were inside the car or

23 not.

24 **Q** Okay. But y'all were outside?

25 **A** Uh-huh.

1 Q Correct?

2 A Yes, sir.

3 Q Okay. And y'all were facing each other?

4 A Yes, sir.

5 Q Were y'all, you and Antonio, facing --

6 A Leric in the car.

7 Q -- Leric in the car?

8 A Yes, sir.

9 Q And from which direction did this person who

10 was identified to you as...

11 A Miami.

12 Q Miami?

13 A Yes, sir.

14 Q Miami. Which way did he approach y'all?

15 A He was coming from down the road, like, from

16 the other end.

17 Q So if this is the driveway here --

18 A Uh-huh.

19 Q -- was he coming from that way?

20 A Yes. He was coming from that way.

21 Q Okay. Can you tell the jury, as he approached

22 y'all, what was he doing?

23 A He just had some headphones on listening to

24 music. He was, you know, like, bopping real hard.

25 Q And where did he come -- did he stay in the

1 roadway?

2 A Well, he came -- I can't remember if he stayed
3 in the roadway or not.

4 Q Do you remember if he passed y'all?

5 A He passed us. He turned around, but I can't
6 remember, like, if he stayed in the roadway or not,
7 but he passed us.

8 Q Okay. So he passed where the car was?

9 A Uh-huh.

10 Q Went on down the street towards Rosa Hill?

11 A Yeah, and made a U-turn, just like made a real
12 quick U-turn.

13 Q So he made a U-turn and came back?

14 A Uh-huh.

15 Q Now, do you recall when he came back after
16 making that U-turn, was he in the street or was he
17 on the other side of the car?

18 A I can't remember that either.

19 Q You can't remember that. That's fine. If you
20 don't remember, you don't remember.

21 Please tell the jury what you observed after he
22 came back.

23 A After he came back, him and Leric just started,
24 you know, arguing about, you know, like, what was
25 going on, whatever. And Leric would say, That's

1 what I want to talk to you about. And, you know,
2 him and Leric was just, you know, talking and
3 arguing, whatever. So that's when, you know, like,
4 they was up in each other's face. And I seen him
5 pull a pistol out. So when he -- when I seen him
6 pull the pistol out --

7 **Q** You saw who pull the pistol out?

8 **A** The dude that shot Leric.

9 **Q** Okay.

10 **A** So when I seen him pull the pistol out, that's
11 when I told Tony and them to back up because my son
12 was right there. I told everybody to back up
13 because, you know, I had heard Leric say, That's the
14 same gun you had earlier this week, but it ain't got
15 no bullets in it. So I told Tony, You don't know if
16 it got bullets in it or not. So I told him to back
17 up. Plus my son was right there, you know what I'm
18 saying.

19 **Q** Right. And what happened next?

20 **A** They were still arguing or whatever.

21 **Q** Was it a verbal argument? Was it a physical
22 confrontation?

23 **A** No. They was just, you know, going back and
24 forth talking to each other, you know, arguing.

25 **Q** Just mouthing back and forth?

1 **A** Yeah.

2 **Q** What happened then?

3 **A** After that, I mean, they might have came a
4 little closer over there where we was, so we were
5 still backed up and that's when he shot at him. So
6 when he shot him, my son was right there, so I,
7 like, I grabbed my son because I thought -- I wanted
8 to make sure he wasn't shot. So that's when I
9 started looking at him, you know, like, looking
10 around at his body, make sure he wasn't shot.

11 **Q** Let me ask you this, Mr. Nicholson: What was
12 your five-year-old son Jonathan's reaction to
13 hearing gunshots?

14 **A** He started hollering and he ran to me. That's
15 what made me think that he was shot.

16 **Q** He started hollering?

17 **A** Yeah.

18 **Q** And ran?

19 **A** And he ran to me.

20 **Q** And you said you grabbed him?

21 **A** Yeah. I grabbed him and I looked at his body
22 to make sure he wasn't, you know, shot. And I ran
23 him in the house.

24 **Q** You ran him in the house?

25 **A** After I looked at his body and found out he

1 wasn't shot, I took him in the house.

2 **Q** Okay. Do you recall how many gunshots you
3 heard?

4 **A** No, sir.

5 **Q** One?

6 **A** I seen him when he shot Leric in the chest and
7 I heard gunshots after that, but my focus was more
8 on my son, so I couldn't really tell you how many
9 gunshots it was.

10 **Q** But it was more than one?

11 **A** Oh, yeah, it was more than one.

12 **Q** Okay. But your main concern, and
13 understandably so, was the safety of your child?

14 **A** Yeah, because I wanted to, you know, make sure
15 he wasn't, you know, shot.

16 **Q** Now, while y'all were standing out there
17 talking and the person who was identified to you as
18 Miami was there, did you see Leric Merriweather with
19 a gun?

20 **A** No, sir.

21 **Q** A knife?

22 **A** No, sir.

23 **Q** Any type of weapon?

24 **A** No, sir.

25 **Q** How about Carlo Harris?

1 **A** No, sir.

2 **Q** No gun, no knife, no weapon?

3 **A** No, sir.

4 **Q** How about Pooh?

5 **A** No, sir.

6 **Q** No gun, no knife, no weapon?

7 **A** No, sir.

8 **Q** Did they ever threaten this man named Miami?

9 **A** I didn't hear them threaten him, no, sir.

10 **Q** Did they try to attack him?

11 **A** No, sir.

12 **Q** It was a verbal altercation?

13 **A** Yes, sir. Him and Leric, they were just

14 arguing.

15 **Q** Just between he and Leric and they were

16 arguing?

17 **A** Yes, sir.

18 **Q** And that's when this man, Miami, pulled out a

19 pistol and shot Leric?

20 **A** Yes, sir.

21 **Q** Did you happen to see what Miami did once he

22 shot Leric?

23 **A** He walked down the street like ain't nothing

24 happen.

25 **Q** I'm sorry?

1 **A** He walked down the street like didn't anything
2 happen. Like, after he shot, he just walked down
3 the road.

4 **Q** And when he walked down the road, was he
5 walking back from where he came or in the other
6 direction?

7 **A** The other direction.

8 **Q** The other direction?

9 **A** Yes, sir.

10 **Q** Did you come to have a chance to come back out
11 of the house?

12 **A** Yes, sir. After I took my son in the house, I
13 just quickly put him in the house and I came back
14 out to go around the house, but that's when Leric
15 ran, he ran around the house. So I went around to
16 meet him. And so when I was coming around, he had
17 his hand on his chest. And that's when I got --
18 when I got to him, he took his hand down and I seen
19 the hole in his heart and that's when he fell. He
20 was coughing up blood.

21 **Q** Did he say anything?

22 **A** He was like, Call the ambulance; this shit
23 hurts. Excuse my language.

24 **MR. EARGLE:** That's all the questions I have.
25 Please answer any questions the defense may have.

1 Thank you, sir.

2 THE WITNESS: You're welcome.

3 THE COURT: Cross-examination?

4 CROSS-EXAMINATION

5 BY MR. DRYLIE:

6 Q Afternoon.

7 A How are you doing?

8 Q So you grew up in Edgefield, correct?

9 A Yes, sir.

10 Q And you don't live here anymore?

11 A No, sir.

12 Q But when you were growing up here, you went to
13 school with Leric, right?

14 A Yes, sir.

15 Q And y'all were close?

16 A No, sir, we wasn't close. I mean, I just knew
17 him from school.

18 Q You were friends with him, right?

19 A Yes, sir.

20 Q Because you asked him, You can't have a party
21 without me, right?

22 A Yes, sir.

23 Q Now, when Leric got out of the car, was he mad?

24 A Yes, sir.

25 Q Okay.

1 **MR. DRYLIE:** Beg the Court's indulgence.

2 (Pause.)

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

4 **THE COURT:** Any redirect?

5 **MR. EARGLE:** Just one, Your Honor.

6 REDIRECT EXAMINATION

7 BY MR. EARGLE:

8 **Q** Mr. Nicholson, would you describe your
9 relationship with Leric Merriweather as that of a
10 real close friend or a casual friend?

11 **A** Just a casual friend.

12 **MR. EARGLE:** Thank you.

13 Thank you, Your Honor.

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

15 Call your next witness.

16 **MS. RADLEIN:** Thank you, Your Honor. The State
17 calls Alexander Mack.

18 ALEXANDER MACK,

19 having been duly sworn, testified as follows:

20 **THE CLERK:** Please be seated. State your full
21 name and spell your last name for the record and
22 make sure you scoot up to the mic.

23 **THE WITNESS:** First name Alexander Mack.
24 Alexander, last name Mack.

25 **THE CLERK:** How do you spell it?

1 **THE WITNESS:** A-l-e-x-a-n-d-e-r M-a-c-k.

2 **THE CLERK:** Thank you.

3 DIRECT EXAMINATION

4 BY MS. RADLEIN:

5 **Q** Alexander Mack, where are you from?

6 **A** Edgefield.

7 **Q** And how long have you been in Edgefield?

8 **A** All my life.

9 **Q** So you were born and raised here?

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

11 **Q** And do you have a nickname?

12 **A** Elliott.

13 **Q** Is that your middle name?

14 **A** Nick -- they just call me nickname.

15 **Q** So everyone -- if anyone was saying Alexander,
16 they would know that you were referring to Elliott?

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

18 **Q** And can I call you Elliott?

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

20 **Q** Elliott, do you want to be here testifying
21 today?

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

23 **Q** You do? Okay. But you are under subpoena by
24 the State?

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

1 Q Do you know the defendant, Montrell Troutman?
2 A Yes, ma'am.
3 Q And how do you know him?
4 A I met him when he first moved down here.
5 Q For all intents and purposes, are you friends
6 with the defendant?
7 A Yes, ma'am.
8 Q I want to take you to the night of June 6th,
9 2015. Do you recall that day?
10 A Yes, ma'am.
11 Q Can you tell the jury if you recall seeing the
12 defendant on that day?
13 A Yes, ma'am.
14 Q And where did you see him?
15 A I think he came by my house.
16 Q And -- you said you think he came by your
17 house. Did he come by your house?
18 A Yes, ma'am.
19 Q And do you recall around what time he came by
20 your house?
21 A No, ma'am.
22 Q Was it daylight or nighttime?
23 A Daylight.
24 Q It was daylight?
25 A Yes, ma'am.

1 Q Okay. Was it early in the afternoon or late in
2 the evening?

3 A Late in the evening.

4 Q And when he came by your house, what, if
5 anything, did he say to you?

6 A Well, he referred to me as he believed he had
7 just -- he had just got two.

8 Q Let me make sure I understand that. He said, I
9 believe I just got two?

10 A Yes, ma'am.

11 Q And what did you take that to mean?

12 A That he had just shot two.

13 Q And why did you take that to mean he shot two
14 people?

15 A Because, like, streetwise it's got when, like,
16 you just -- just shot.

17 Q And I apologize. I said the word people. When
18 he said got two, what did the two mean to you?

19 A He had just did something to two people.

20 Q What, if anything else, did he say to you; do
21 you recall?

22 A No, ma'am.

23 Q Do you recall what he did next?

24 A Shortly after that, we heard sirens. And he
25 walked back towards my house, towards the railroad

1 tracks.

2 MS. RADLEIN: Permission to move about the
3 courtroom, Your Honor.

4 THE COURT: Yes.

5 BY MS. RADLEIN:

6 Q I'm going to show you State's Exhibit 1. Do
7 you see your house on this map?

8 A (Witness reviewing document.)

9 Q Let me ask you this: What's your address?

10 A [REDACTED] Rosa Hill.

11 Q Okay. Do you see Rosa Hill Street?

12 A Yes, ma'am.

13 Q Okay. And looking at Rosa Hill Street, how far
14 up Rosa Hill do you live?

15 A As soon as you come on Rosa Hill, cross over to
16 Rosa Hill Street.

17 Q Okay. And do you know where the defendant
18 lived back then?

19 A If you -- before you get to my house, his house
20 would be on the right.

21 Q Okay. So would that be down Rosa Hill Street?

22 A Yes, ma'am, be on Rosa Hill.

23 Q On Rosa Hill. So coming from Morange Street,
24 do you see Morange Street on this map?

25 A Yes, ma'am.

1 **Q** To get to your house, do you go left or right
2 on Rosa Hill?

3 **A** You go straight across.

4 **Q** But if you're at the intersection, do you make
5 a left onto Rosa Hill or a right onto Rosa Hill?

6 **A** If you're coming off Rosa Hill, you go straight
7 across the road.

8 **Q** And if you're coming off of Morange? If you
9 were driving down this street, would you go left or
10 right to your house?

11 **A** Be on the left.

12 **Q** Okay. And if you were coming down this street
13 to get to the defendant's house, would it be a left
14 or a right?

15 **A** His would be on the right.

16 **Q** And then that would be at the intersection of
17 Rosa Hill?

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

19 **Q** And Morange Street?

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

21 **MS. RADLEIN:** Your Honor, permission for the
22 witness to step down.

23 **THE COURT:** Yes.

24 (Witness leaves the witness stand.)

25 **BY MS. RADLEIN:**

1 **Q** Just so the jury can see what you just showed
2 me. So you're coming this way on Morange Street to
3 Rosa Hill. Which way do you go to your house, left
4 or right?

5 **A** It would be on the left.

6 **Q** Okay. If you can point on here.

7 **A** It --

8 **COURT REPORTER:** I didn't hear that.

9 **THE COURT:** Speak up.

10 BY MS. RADLEIN:

11 **Q** Keep your voice up so the court reporter can
12 hear you and the Judge as well.

13 **A** It will be on the left.

14 **Q** Okay. And if you're coming, again, down this
15 street towards Rosa Hill, where would the
16 defendant's house be?

17 **A** On the right.

18 **Q** Okay. You can take your seat.

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

20 **Q** And when he came to your house -- when he came
21 to your house, you indicated -- which is on the left
22 on Rosa Hill, where exactly did he go after he left?

23 **A** After he left, he went behind my house.

24 **Q** And what is behind your house?

25 **A** A railroad track.

1 Q Okay. And what else is back there? What do
2 you refer to the back behind your house?

3 A The backyard?

4 Q Yes. Where exactly -- what area is that? Was
5 it another house?

6 A No, ma'am.

7 Q What is it?

8 A Just like a little railroad track.

9 Q Okay. And what's beyond the railroad track?

10 A Nothing.

11 Q Okay. Can you tell the jury whether or not
12 there's woods back there?

13 A Yes, ma'am.

14 Q So did he go towards the woods?

15 A Yes, ma'am.

16 Q Now, Elliott, do you recall speaking to law
17 enforcement about this case? Did the police come
18 and ask you if you saw the defendant that night?

19 A Yes, ma'am.

20 Q And what did you tell them?

21 A Yes, ma'am.

22 Q No. What did -- what did you initially tell
23 them, initially?

24 A That -- did I tell them?

25 Q Did you tell the police you saw the defendant

1 that night?

2 A Yes, ma'am.

3 Q Back on -- back on May 24, 2017, do you
4 remember speaking to Lieutenant Cockrell about this
5 case -- of the Edgefield Police Department?

6 A Yes, ma'am.

7 Q Okay. And did he ask you if you saw the
8 defendant that night?

9 A Yes, ma'am.

10 Q And what did you -- do you recall what you told
11 him?

12 A Yes, ma'am.

13 Q What did you tell him?

14 A- I told him he had came by and after we were --
15 that's when he left.

16 MS. RADLEIN: Permission to approach the
17 witness, Your Honor.

18 THE COURT: Yes.

19 MR. DRYLIE: Can we approach, Judge?

20 THE COURT: Yes.

21 (Whereupon, a bench conference was held off
22 the record, in the presence of the jury, but out of
23 the hearing of the jury.)

24 MR. DRYLIE: I'm withdrawing. I'm sorry.

25 BY MS. RADLEIN:

1 **Q** I just want to make things clear for the jury
2 and they have a full picture of what happened. So I
3 want you to just read this. You don't have to read
4 it out loud.

5 **A** (Witness complies.)

6 **Q** Did that refresh your memory?

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

8 **Q** So if you spoke to the police, you don't
9 remember what you said?

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

11 **Q** If I told you that you didn't initially
12 cooperate with the police, do you remember if that's
13 true or not?

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

15 **Q** Did you want to be involved in this case in the
16 beginning?

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

18 **Q** Was it until recently that you disclosed what
19 you remember?

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

21 **MS. RADLEIN:** No further questions at this
22 time.

23 **THE COURT:** Cross-examination?

24 **MR. DRYLIE:** Beg the Court's indulgence for
25 just a second.

1 (Pause.)

2 **MR. DRYLIE:** No questions, Judge.

3 **THE COURT:** Sir, you may step down.

4 Call your next witness, please.

5 **MS. RADLEIN:** Thank you, Your Honor. The State
6 calls Deputy Eddie Lyell.

7 EDDIE RAY LYELL,
8 having been duly sworn, testified as follows:

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

11 **THE WITNESS:** My first name is Eddie,
12 E-d-d-i-e, Ray Lyell, L-y-e-l-l.

13 DIRECT EXAMINATION

14 BY MS. RADLEIN:

15 **Q** Thank you. Where are you currently employed?

16 **A** The Edgefield County Sheriff's Office, ma'am.

17 **Q** And what is your current rank?

18 **A** Current rank, I'm a patrol deputy.

19 **Q** Okay. And how long have you been in law
20 enforcement?

21 **A** Total years 35.

22 **Q** And how long have you been with the Edgefield
23 County Sheriff's Office?

24 **A** Over nine years.

25 **Q** And -- and back in June of 2015, were you also

1 with the Edgefield County Sheriff's Office?

2 A Yes, ma'am, I was.

3 Q What was your position back then?

4 A I was a school resource officer at Strom
5 Thurmond High School.

6 Q I want to speak to you on -- regarding June 6th
7 of 2015 --

8 A Yes, ma'am.

9 Q -- and the nature of your involvement in this
10 actual shooting incident. Do you recall responding
11 to a call as it relates to this case?

12 A Yes, ma'am.

13 Q Do you recall where the call came from or what
14 was the incident location?

15 A I believe they put out the call to [REDACTED] Morange
16 Street.

17 Q And did you know whether or not that was in
18 Edgefield County?

19 A Yes, ma'am. It's in the city limits of
20 Edgefield.

21 Q And can you go ahead and tell the jury what
22 time did that call come out?

23 A I remember that we -- that I was working at
24 Strom Thurmond High School on a security detail and
25 about 20 -- excuse me -- I say 2043 hours, I

1 apologize, about 17 minutes before nine o'clock on
2 that evening, a call came out in reference to a
3 shooting and on Morange Street.

4 Q And so you said 17 minutes before 9:00, so that
5 would be 8:43?

6 A 8:43, yes, ma'am.

7 Q So you said it was a shooting incident?

8 A Yes, ma'am.

9 Q And when I refer to the time of the call, would
10 that be the time you were dispatched or would that
11 be the time law enforcement was notified of
12 something happening?

13 A I believe -- I heard the call go out on the
14 radio, so that was around 2043 -- I apologize --
15 8:43 P.M.

16 Q And so that would be a time that someone called
17 9-1-1?

18 A That's what I understood, yes, ma'am.

19 Q So that if I -- if I say the 9-1-1 call came in
20 at 8:43, would be that be accurate based on the
21 records that you have?

22 A From what I understand, yes, ma'am.

23 Q And that was in the P.M., correct?

24 A Yes, ma'am.

25 Q You did say 2043?

1 **A** Yes, ma'am. I apologize using military time.

2 **Q** And do you know what time you arrived on scene?

3 **A** I did not look at my watch, but when I arrived
4 on the scene -- it's normal when we go on scene,
5 that we call the radio dispatcher, our dispatcher,
6 and notify them. And I went on scene at about 8:58,
7 about two minutes to 9:00.

8 **Q** And you said you were at Strom Thurmond that
9 day?

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

11 **Q** So how long does it normally take you to get
12 from Strom Thurmond to just a mile down the street
13 here?

14 **A** Actually, Strom Thurmond may be a little bit
15 further from Morange Street, so it took a little
16 bit. There were two of us, working the security
17 detail, so -- at Thurmond, so I talked to the other
18 officer and we decided that he would stay at
19 Thurmond and I would go to the scene. So it took,
20 apparently, about -- by the time that I went on the
21 radio saying I was there and the time there,
22 approximately 15 minutes to get there.

23 **Q** So about 15 minutes after the call came in, you
24 were on scene?

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

1 Q And were you traveling lights and sirens to the
2 scene?

3 A I was, yes, ma'am.

4 Q And why would you have been traveling -- going
5 lights and sirens?

6 A Because we were notified there was a suspect
7 that was not in custody and that the shooting had
8 occurred and somebody who was injured and I didn't
9 know to the extent of the injuries at that time, but
10 -- so with that, we -- I expedited at a safe, you
11 know, a safe precautionary, but I did go lights and
12 sirens to get down there as quick and as safe as I
13 could.

14 Q So based on the nature of the call, it's
15 standard protocol to go lights and sirens depending
16 on the nature of the call?

17 A Yes, ma'am.

18 Q And you said that -- you said also because
19 there were a suspect?

20 A We were -- it came over the radio there was a
21 suspect, yes, ma'am.

22 Q And would that have been pretty immediately
23 after the shooting occurred?

24 A I'm not sure when the dispatcher gave the exact
25 -- I know that we heard the call go out, then our

1 mind goes into responding, to assisting. And in my
2 case, because that was not my actual duty, position,
3 we went as a -- as a backup or as a -- assisting the
4 Edgefield City Police Department. So I don't know
5 if I answered your question directly. I apologize.

6 Q I think you did.

7 So in terms of a suspect being known prior to
8 you arriving on scene, were you a -- can you tell me
9 whether or not you were aware of a suspect, a main
10 suspect?

11 A I was aware there was a suspect, yes, ma'am.

12 Q And go ahead and tell me what was the nature of
13 your involvement. I believe you said you arrived
14 roughly before nine o'clock, a minute till 9:00?

15 A Yes, ma'am, approximately.

16 Q What was the -- what was your next course of
17 action?

18 A To meet with other officers there to get as
19 much information as we could in reference to the
20 suspect. And then we began gathering information,
21 where the suspect may be, what area he could have
22 been, where he was last seen running, trying to get
23 all of this information so we could try and locate
24 the suspect.

25 Q And did you determine where the suspect could

1 possibly be?

2 **A** We had, talking to the other officers who were
3 a bit more familiar with Edgefield City because they
4 were Edgefield officers, kind of -- we teamed up and
5 went looking for the suspect and we went to a
6 location off Morange Street.

7 **MS. RADLEIN:** Your Honor, I'm sorry. May we
8 approach?

9 (Whereupon, a bench conference was held off
10 the record, in the presence of the jury, but out of
11 the hearing of the jury.)

12 **Q** I apologize. Tell me what's the next thing you
13 did once you were briefed on the situation.

14 **A** We began searching the area. We went to a
15 location where we were advised he could have
16 probably -- possibly have gone to.

17 **Q** And do you recall what that location was?

18 **A** I don't recall the address, ma'am. It was
19 right in the area on the corner of Rosa Hill and
20 Morange Street, and I believe that would be the
21 southeast corner approximately.

22 **Q** So leaving the crime scene, would you say it
23 was on the left corner of Morange and Rosa Hill or
24 the right corner? And I can show you a map.

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

1 **MS. RADLEIN:** Permission to approach. I
2 apologize, Your Honor.

3 **Q** Looking at State's 1 and Morange Street and
4 Rosa Hill.

5 **A** Yes, ma'am. This is Morange. This is Rosa
6 Hill. The residence was right in this area here
7 {indicating}.

8 **Q** Okay.

9 **MS. RADLEIN:** Permission for the witness to
10 step down, Your Honor.

11 **THE COURT:** All right.

12 (Witness leaves the witness stand.)

13 BY MS. RADLEIN:

14 **Q** Looking at State's Exhibit 1, I'm going to put
15 on here for the jury, and if you can go ahead and
16 show the jury what you just showed me.

17 **A** Yes, ma'am. The area that we received
18 information where he was possibly staying was right
19 -- this is Rosa Hill. This is Morange. If you go
20 this direction down Morange, we come to Buncombe
21 Street. If you go this way, this here is the bypass
22 of Bauskett Street. So this was the area we were
23 focusing on right in here {indicating}.

24 **Q** And while you're down here, I'm going to go
25 ahead and show you State's Exhibit 28 and ask you if

1 you recognize it?

2 **A** Yes, ma'am, that's very familiar to me right
3 there.

4 **Q** And why is it familiar to you?

5 **A** Because this is where we went to try and to see
6 where the suspect may be.

7 **Q** Can you tell the jury whether or not you
8 received information that this could possibly be his
9 residence?

10 **A** Yes, ma'am. We received that possibly could be
11 his residence. I believe we received information
12 his girlfriend lived there.

13 **Q** And tell me what, if anything, you did once you
14 started searching that area?

15 **A** We did not find him in the house. We were
16 allowed to check the house. We did not find him in
17 the house.

18 **Q** I want to stop you there. You said you were
19 allowed to check the house?

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

21 **Q** Who gave you --

22 **A** The girlfriend.

23 **Q** Okay. All righty.

24 **A** So we began searching around the house. There
25 was a -- I think that's the dog -- I can't tell, but

1 there was a dog cage back there. And there's -- if
2 you went back to the other one, you see there's a
3 lot of woods right in this area behind the house.
4 So we were looking in there to see if we could see
5 any indication that anybody was running through
6 there or looking for indications that we like to
7 look at when we're trying to track. And we didn't
8 see anything, nothing to indicate where he may be.

9 **Q** Nothing looked as if it was disturbed?

10 **A** Not that we could tell.

11 **Q** And then tell me -- and you did mention you
12 went in the residence. Did you go throughout the
13 entire residence searching for the defendant?

14 **A** Yes, ma'am, we did. We did. We went in the
15 residence.

16 **Q** All right. And then tell me -- tell the jury
17 what you did next.

18 **A** As I said, we were checking the perimeter of
19 the home looking for anything. At some point in
20 time, we walked back this way. We didn't have any
21 success in locating. So I walked back this way here
22 {indicating}. And, at that point, the girlfriend
23 was on the cell phone and she said, Here, he's on
24 the phone.

25 **Q** Okay. And not going into exactly what was

1 said, but were you able to actually -- were you able
2 to determine that you were on the phone with the
3 suspect, to the best of your ability?

4 **A** I took it was him because she had said, He's on
5 the phone. And so -- and she knew we were, you
6 know, looking for him.

7 **Q** So you understood that to be when he, being the
8 suspect, was on the phone?

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

10 **Q** And, at that point, were you able to determine
11 roughly or generally where he was located?

12 **A** At that time, no, ma'am, we did not.

13 **Q** All right. And what was your next course of
14 action?

15 **A** This started getting a conversation with him to
16 get himself to turn himself in. We were -- we were
17 really worried about his safety, her safety, you
18 know, all the officers' safety. Everybody is a
19 concern, the victim's family, you know. We didn't
20 know what emotions were really high. So we had a
21 lot of concerns on the scene.

22 **Q** And at this point, to the best of your
23 knowledge, before locating the suspect, did you know
24 whether or not the gun was actually recovered?

25 **A** I did not know.

1 **Q** Was that also a concern for you on this day?

2 **A** Absolutely. Always, when we're dealing with
3 things like that, we are very concerned.

4 **Q** And can you tell the jury whether or not the
5 suspect was taken into custody on that night?

6 **A** He was. Would you want me to expound on that?

7 **Q** Yes. And I can show you another exhibit, if
8 that would help as well, marked for ID as State's
9 Exhibit 27. Do you recognize this?

10 **A** Yes, ma'am. That's Morange Street. And that's
11 the -- if you go this direction here, that goes
12 toward Buncombe Street toward the middle of town.

13 **MS. RADLEIN:** At this time, Your Honor, the
14 State would seek to move State's Exhibit 27 into
15 evidence and publish as well.

16 **MR. DRYLIE:** Without objection.

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

18 (State's Exhibit Number 27, photograph,
19 admitted into evidence.)

20 **BY MS. RADLEIN:**

21 **Q** Go ahead and point that out to the jury again.

22 **A** This right here is Morange Street and there's a
23 lot of woods on this side. And over here, there's
24 an old railroad ravine down in this area right here.
25 And on the other page, the house that we were at was

1 right over in this area here.

2 Q I'll flip back for a second so you can continue
3 to explain that to the jury.

4 A You see this tree, this is kind of the border
5 that I was talking about on the other picture. This
6 is where the house is. So once I got on the phone
7 talking, I come to the road. We didn't know where
8 he was other than we understood he was in some
9 woods, but because there's woods here and woods back
10 there, we did not know which woods. So I began
11 talking to him, telling him to give himself up. He
12 told me --

13 Q And so, at that point, did he actually turn
14 himself in?

15 A He did. He -- like I said, I talked to him and
16 I said, You need to come out, you know, come out
17 wherever you're at. I've got officers on that --
18 and what I did was I called on the police radio and
19 I told the dispatcher to limit all traffic, all
20 radio traffic, because it was, you know, a serious
21 situation and that I had him on the phone. And so
22 they did.

23 And then I told other -- tell the other
24 officers we need to, you know, I got him on the
25 phone and we want, you know, we're trying to get him

1 to come out wherever he was. We still didn't know
2 where he was.

3 Q And, at that point, did you see other officers
4 come and take him into custody?

5 A We had other officers -- when he came out, we
6 saw him come out from right around these woods here
7 in this area {indicating}. And I told him, Lay on
8 the ground, get on the road, lay on the ground, no
9 weapons. You know, we didn't want to see a weapon
10 because of our safety and everything. I don't think
11 I said, don't want to see a weapon. I said, you
12 know, we want you to give yourself up.

13 Q Because that was a concern?

14 A It's always a concern, yes, ma'am.

15 Q And going to touch on that a little bit. You
16 mentioned the weapon. Did you ever see the gun that
17 night?

18 A Never did, no, ma'am.

19 Q Did you assist in searching for the gun?

20 A Yes, ma'am.

21 Q Looking at this, do you know what area you
22 searched looking for the gun?

23 A Since he came out of this area here
24 {indicating} and after he was in custody and I had
25 an officer immediately -- I was down in this area

1 here when he actually came out of the woods here, so
2 I told an officer -- Officer Jackson, I think -- Go
3 get your car, let's get him in custody and get him
4 away from the scene.

5 Q Okay.

6 A So after we got him in custody and we began
7 trying to check this area all around in here for --
8 it's really overgrown and at night, so it's very
9 difficult to see, but we were still trying to see
10 what we could find. There's a house you can't see
11 over across the street here. We went behind the
12 home looking -- looking just everywhere, in trash
13 bins and things like that, just to see if we could
14 locate the weapon, but we never -- I never had and I
15 don't know --

16 Q So, to the best of your knowledge, the weapon
17 was never recovered?

18 A Not that I'm familiar with.

19 Q And you can take your seat.

20 A (Witness resumes the witness stand.)

21 Q And earlier you were referring to some records
22 in terms of what time you arrived on scene, what
23 time the call went out. Do you also have records on
24 what time Montrell Troutman, the defendant in this
25 case, was actually taken into custody?

1 **A** According to the records when -- now, again, I
2 was not looking at my watch because of everything
3 going on, but we did say 1067.

4 **Q** And what does 1067 mean?

5 **A** 1067 means we had one in custody.

6 **Q** And is that standard? Does law enforcement use
7 codes when it comes to radioing back and forth on --

8 **A** We do. Other departments may use something
9 else, but we do. We say 1067.

10 **Q** And at what time was the suspect 1067?

11 **A** At 9:45.

12 **Q** Is there --

13 **A** Let me, if I could, back up, ma'am. It was at
14 9:44. We got him out of the area on the way to the
15 law enforcement center at 9:45. So it took us a
16 minute to get --

17 **Q** So at 9:45, 1067, suspect in custody?

18 **A** Yes, ma'am. 9:44, excuse me.

19 **Q** I apologize. That's my fault. You did say
20 that. I misspoke.

21 So suspect -- and I'm just going to make sure I
22 didn't get confused. 1067 at 9:44 P.M.?

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

24 **Q** So you arrived on scene one minute to 9:00.
25 And 45 minutes after you were on scene, the suspect

1 was taken into custody?

2 A Yes, ma'am.

3 Q Just to make sure we're clear on the record,
4 that suspect ended up being the defendant in this
5 case, Montrell Troutman?

6 A That's -- at that time, ma'am, I didn't know
7 him by that name. All I knew was a nickname.

8 Q But you came to find --

9 A Yes, ma'am.

10 MS. RADLEIN: No further questions at this
11 time.

12 THE COURT: Cross-examination?

13 CROSS-EXAMINATION

14 BY MR. DRYLIE:

15 Q Afternoon.

16 A Hey. How are you, sir?

17 Q Good. How about you?

18 A Good.

19 Q Now, when you get down there, you go to
20 Ms. Hatcher's house, correct?

21 A If that's the girlfriend.

22 Q The girlfriend's house?

23 A Yes, ma'am {sic}.

24 Q Okay. You're down there and you're checking on
25 everyone's safety for one thing, correct?

1 **A** Yes.

2 **Q** You said you were concerned because tensions
3 were running high and there was a lot of emotion
4 down there?

5 **A** There was, yes, sir.

6 **Q** Okay. And now, at some point, you're given
7 this cell phone, correct?

8 **A** Yes.

9 **Q** And Montrell was on the other line?

10 **A** That's what I understood. I did not know him
11 by that name.

12 **Q** But it turns out that that was Montrell?

13 **A** Yes, sir.

14 **Q** And he was on the other line?

15 **A** Yes, sir.

16 **Q** And he tells you he wants to turn himself in,
17 correct?

18 **A** Yes, sir. He wants to turn himself in and he
19 doesn't want to get hurt.

20 **Q** Correct. And you tell him what to do, right?

21 **A** Yes, sir.

22 **Q** You tell him to walk towards the sirens and he
23 comes towards the lights, right?

24 **A** I just remember officers being down there. I
25 don't know if we had a car down there, but we had

1 officers on the street.

2 Q Okay. But you told him to go towards the
3 officers essentially, correct?

4 A Yes, sir.

5 Q And he does that?

6 A Yes, sir.

7 Q And he gets on the ground and he complies?

8 A Yes, sir. That's -- I'm standing a good way --
9 I'd have to show it to you again, but I'm not
10 standing right where he is, but there are officers
11 that he turns himself in to. I've still got the
12 phone in my hand and, you know, trying to make sure
13 he's coming out.

14 Q But he's not running away and he's not
15 resisting y'all or anything like that?

16 A He did not, no, sir.

17 MR. DRYLIE: No further questions.

18 THE COURT: Any redirect?

19 MS. RADLEIN: No redirect, Your Honor.

20 THE COURT: Sir, you may step down. Thank you.

21 THE WITNESS: Thank you, sir.

22 THE COURT: All right. Anyone on the jury need
23 a break? Do you need to stand up for a minute and
24 stretch your legs? If you need a break, raise your
25 right hand. I'll let you have a break for a few

1 minutes.

2 (Pause.)

3 **THE COURT:** Call your next witness.

4 **MS. RADLEIN:** Thank you, Your Honor. The State
5 calls Investigator Curtis Morris.

6 CURTIS ALAN MORRIS,
7 having been duly sworn, testified as follows:

8 **THE CLERK:** Please state your full name, spell
9 your last name for the record.

10 **THE WITNESS:** Curtis Alan Morris. Last name
11 spelling M-o-r-r-i-s.

12 DIRECT EXAMINATION

13 BY MS. RADLEIN:

14 **Q** Investigator Morris, where are you currently
15 employed?

16 **A** The Edgefield County Sheriff's Office.

17 **Q** And how long have you been employed there?

18 **A** Since 2005.

19 **Q** And how long have you been in law enforcement?

20 **A** Since 1998.

21 **Q** I'm not great with math. How many years have
22 you --

23 **A** Nineteen.

24 **Q** Nineteen years. I apologize. Nineteen years
25 of law enforcement experience.

1 And what is your current position at the
2 Edgefield County Sheriff's Office?

3 **A** Crime scene forensic investigator.

4 **Q** And what exactly are your job responsibilities
5 as a crime scene investigator?

6 **A** I investigate all criminal scenes that I'm
7 called to, as well as maintain evidence.

8 **Q** And would that be at the sheriff's office?

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

10 **Q** Are there times where you assist other
11 agencies?

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

13 **Q** And how often would that occur?

14 **A** Whenever I'm called to a scene.

15 **Q** So throughout your experience since 2005,
16 roughly, you would say it's pretty often that you
17 assisted other agencies?

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

19 **Q** And let's be clear, where would these agencies
20 be located? Would they be only in Edgefield County?

21 **A** No, ma'am. I'm occasionally called outside of
22 Edgefield County.

23 **Q** Okay. And I want to talk specifically about
24 this particular incident. On June 6th, 2015, the
25 reason why we're all here today, do you recall

1 assisting another agency in this case?

2 **A** Yes, ma'am, the Edgefield Police Department.

3 **Q** Did you -- can you go ahead and let the jury
4 know what the nature of your involvement was,
5 beginning with the incident location?

6 **A** The incident location originally was called to
7 assist in processing the crime scene itself on
8 Morange Street.

9 **Q** In this case -- I know you assist other
10 agencies outside of the county -- did you determine
11 that that was actually here in Edgefield County?

12 **A** Yes, ma'am, in Edgefield County within the city
13 of Edgefield.

14 **Q** I'm not sure your records reflect it, but do
15 you know what time the -- you arrived on scene?

16 **A** I would have to look real quick.

17 I arrived at approximately 2048 hours.

18 **Q** In standard time?

19 **A** It would be 8:48.

20 **Q** And so we know that the call came in at 8:43.
21 Do your records reflect that as well?

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

23 **Q** And so you arrived on scene within five minutes
24 of the call?

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

1 **Q** What did you determine once you arrived on
2 scene?

3 **A** That there'd been a shooting at [REDACTED] Morange
4 Street.

5 **Q** And was the suspect at the scene when you
6 arrived?

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

8 **Q** Well, take me through, what was the first thing
9 you did when you arrived on scene?

10 **A** When I arrived on the scene, I asked several
11 people that were there running around where the
12 person was that had been shot and they pointed me in
13 that direction.

14 **Q** You say they pointed you in that direction. Do
15 you remember what the residence looked like when you
16 arrived, if I showed you a photograph of it?

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

18 **MS. RADLEIN:** Your Honor, permission to move
19 about the courtroom and approach this witness.

20 **THE COURT:** Yes.

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

22 **BY MS. RADLEIN:**

23 **Q** I'm going to show you several exhibits that
24 we've introduced into evidence, State's 4, 5, 6, 2,
25 3, 18, 19 and 21. These are the exhibits we'll be

1 working with. I want to give you an opportunity to
2 look through them and let me know if you recognize
3 them.

4 **A** Yes, ma'am, all but the Exhibit 21.

5 **Q** Now, in Exhibit 21 -- let's deal with the first
6 few that we -- you looked at. How do you recognize
7 the first few?

8 **A** These were photos I've taken.

9 **Q** So you personally took those photos?

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

11 **Q** Now, exhibit -- you said 21?

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

13 **Q** You did not take that photograph?

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

15 **Q** Does Exhibit 21 reflect the same images in the
16 previous exhibit of the house?

17 **A** In general, yes, ma'am.

18 **Q** Just a daylight photograph of it?

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

20 **Q** Once you arrived on scene, you determined where
21 the shooting took place?

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

23 **Q** And you -- I think you were talking about the
24 victim. Take me through that. Explain to the jury
25 what's the next step. What did you do?

1 **A** Upon being pointed to where the victim was --
2 he was leaning up against a car -- I approached him.
3 There were some ladies that was attempting to render
4 first aid to him and had a cloth over what was
5 believed to be a gunshot wound; there was still
6 blood coming out from under the cloth itself. And I
7 told them they had to hold more direct pressure to
8 that to stop the bleeding itself, and then I showed
9 them how to do so. And once that was done, the
10 bleeding slowed down, it wasn't stopped, and EMS
11 arrived and took care of him after that.

12 **Q** Looking at State's Exhibit 2 --

13 **MS. RADLEIN:** Permission for the witness to
14 step down.

15 **THE COURT:** Yes.

16 (Witness leaves the witness stand.)

17 BY MS. RADLEIN:

18 **Q** And if there's a better exhibit that depicts
19 it, please let me know. On this particular exhibit,
20 do you see the area where you went and, I guess,
21 interacted with the victim in this case?

22 **A** Approximately, because of the angle -- the
23 angles are wrong, but it would be on the other side
24 of this car at the front fender.

25 **Q** I'm going to go ahead and put State's Exhibit 3

1 down. How about on this exhibit?

2 **A** A little better angle, but it would be where
3 Officer Butts is standing.

4 **Q** Looking at Exhibit 18?

5 **A** This general area here {indicating}.

6 **Q** And in that general area, is that where you
7 were describing seeing the victim, as well as two
8 individuals applying pressure to his gunshot wound?

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

10 **Q** And then what was your next step? What was
11 your primary focus after that?

12 **A** After that, another victim walked up to me and
13 said that he had been shot as well and rendered a
14 little bit of aid to his, I believe, right lower
15 leg, but it was a grazing wound.

16 **Q** And do you remember who that individual is?
17 And if you need to refer to your report, you can as
18 well.

19 **A** I believe his name was Carlo Harris. Carlo
20 Harris.

21 **Q** And you indicated that he indicated he was
22 shot. Were you able to determine that there was a
23 fresh wound?

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

25 **Q** And how were you able to determine that it was

1 a fresh wound?

2 A It still had blood on it, fresh blood.

3 Q So you observed the blood yourself?

4 A Yes, ma'am.

5 Q And were you able to confirm that it appeared
6 to be a gunshot wound injury?

7 A It appeared to be a grazing wound.

8 Q And you said you treated it. What was the
9 nature -- how did you treat the wound?

10 A I applied gauze pad around it to stop the
11 bleeding, pressure and a gauze pad.

12 Q And I apologize; you can take your seat.

13 A (Witness resumes the witness stand.)

14 Q Now, you mentioned EMS did arrive?

15 A Yes, ma'am.

16 Q And what, if anything, happened after EMS
17 cleared the scene, for all intents and purposes?

18 A After EMS departed, the other officers on scene
19 roped off the scene itself.

20 Q And you say, Roped off the scene. What exactly
21 is roping off a scene?

22 A I apologize. It is putting up crime scene tape
23 to secure the scene.

24 Q And what is the purpose of that?

25 A To keep any bystanders or nonwitnesses, nobody

1 that's supposed to be in the scene, to keep them
2 out.

3 **Q** And when it comes to investigating a crime,
4 particularly a shooting incident, why is that
5 important?

6 **A** You have less contamination of evidence, you
7 get to secure the scene itself to maintain the
8 evidence as it is.

9 **Q** And, to the best of your knowledge, was the
10 crime scene secured?

11 **A** To my knowledge, yes, ma'am.

12 **Q** And how big was the crime scene?

13 **A** (No response.)

14 **Q** And we can look at some exhibits if it helps to
15 describe it. Was it just where you treated the
16 victim in this case, the shooting --

17 **A** No, ma'am. It was the front yard area and out
18 into the street.

19 **MS. RADLEIN:** Permission for the witness to
20 step down again.

21 **THE COURT:** Yes.

22 (Witness leaves the witness stand.)

23 **BY MS. RADLEIN:**

24 **Q** Looking at State's Exhibit 6, can you describe
25 to the jury what they're looking at here?

1 **A** This area, this is the crime scene tape here
2 {indicating}. This would have been a roped-off
3 area, went all the way around here, come around to
4 this side of the house, as well as to the other side
5 and around this fence line.

6 **Q** I'm going to publish State's Exhibit 5.

7 **A** Another angle as well with the crime scene tape
8 here, here. And the fence line was where this end
9 of the crime scene tape was taped off.

10 **Q** And just one more angle just so it's clear,
11 looking at State's Exhibit 4.

12 **A** Again, yes, this is the crime scene tape here.
13 This was -- this is the crime scene tape here.
14 Inside this area is where the scene itself was, this
15 side of the patrol car.

16 **Q** Thank you. You can take your seat.

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

18 **Q** After the scene was secured, what, if anything,
19 do you recall doing?

20 **A** Once the scene was secured, I began
21 photographing what I could.

22 **Q** And then what was your next course of action?

23 **A** After the scene was secured and I began
24 photographing, Deputy Lyell was on the phone with
25 the suspect in this case.

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

2 **A** Basically photographing until we got the word
3 that he was coming out of the woods.

4 **Q** Did you get to see the defendant?

5 **A** No, ma'am, not on the scene.

6 **Q** Okay. Did you interact with him at any point?

7 **A** Yes, ma'am, after he was taken into custody.

8 **Q** Go ahead and take me through what the nature of
9 your interaction was.

10 **MR. DRYLIE:** Judge, we just ask that this be
11 subject to our pretrial objections.

12 **THE COURT:** So noted.

13 BY MS. RADLEIN:

14 **Q** Go ahead and take me through what the nature of
15 your interaction was.

16 **A** Went to the detention center where he was being
17 held in the holding cell and performed a GSR kit.

18 **Q** So your sole purpose of going to the suspect
19 was to collect -- you said perform a GSR kit?

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

21 **Q** And what exactly is GSR?

22 **A** It's gunshot residue.

23 **Q** And what is the purpose of collecting gunshot
24 residue?

25 **A** It is to determine if a person fired or was

1 within proximity of a fired gun.

2 **Q** How often, approximately, have you collected
3 GSR?

4 **A** It would be a guess. Ten or more times, if not
5 more than that.

6 **Q** Did you collect the defendant's GSR -- did you
7 perform a GSR collection on the defendant that
8 night?

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

10 **MS. RADLEIN:** I'm going to go ahead and have
11 this marked.

12 (State's Exhibit Number 30, GSR kit, marked
13 for identification.)

14 **Q** State's 30, and I'll hand you a pair of gloves.
15 If you'll go ahead and open State's Exhibit 30 and
16 tell me if you recognize it.

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

18 **Q** And how do you recognize the item?

19 **A** This was the GSR kit that I took from the
20 suspect.

21 **Q** And how do you recognize that to be the GSR kit
22 you took from the suspect as it relates to this
23 case?

24 **A** It has my handwriting on it.

25 **Q** And is there anything that identifies it with

1 the incident on June 6th, 2015?

2 **A** Yes, ma'am. It gives the case number and the
3 subject name.

4 **Q** And what's the subject's name on that kit?

5 **A** Montrell Troutman.

6 **MS. RADLEIN:** At this time, Your Honor, the
7 State seeks to move State's Exhibit 30 into
8 evidence.

9 **THE COURT:** Any objection?

10 **MR. DRYLIE:** No objection.

11 **THE COURT:** Without objection, State's Exhibit
12 30 -- did you say 30?

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

14 **THE COURT:** Is so admitted.

15 (State's Exhibit Number 30, GSR kit,
16 admitted into evidence.)

17 BY MS. RADLEIN:

18 **Q** I'm going to hand you another item that I'll
19 mark as State's Exhibit 31 for demonstrative
20 purposes.

21 (State's Exhibit Number 31, GSR kit, marked
22 for identification.)

23 I'm going to ask you if you recognize it.

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

25 **Q** And what do you recognize that to be?

1 **A** It is an unused sealed GSR kit.

2 **Q** Is that kit similar to the kit you just
3 identified as being used in this case?

4 **A** That's the exact same kit.

5 **MS. RADLEIN:** Permission for the witness to
6 step down, Your Honor.

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

8 BY MS. RADLEIN:

9 **Q** I'm going to ask you a series of questions
10 regarding how you collected gunshot residue from the
11 defendant in this case.

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

13 **Q** If you will take the jury through your normal
14 process and what it would have been on this day.

15 **A** In particular when a GSR kit like this is used,
16 it is sealed with plastic all the way around. You
17 have to --

18 **THE WITNESS:** Permission to use my pocket knife
19 to open this up.

20 **THE COURT:** Yes.

21 **THE WITNESS:** You have to use -- open the seal.
22 Once you break the plastic, there is another seal on
23 the box itself to show that it has not been tampered
24 with. You have to break this seal as well.

25 BY MS. RADLEIN:

1 **Q** And what is the importance of that?

2 **A** Integrity. To show that this collection kit
3 has never been used before and to maintain custody.

4 **Q** And if the seal had been broken, would you have
5 used it to collect gunshot residue?

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

7 **Q** Why or why not?

8 **A** If that seal had been broken, that could have
9 showed that the contents inside would have been
10 tampered with -- could have been tampered with and
11 you wouldn't be able to stand up here in court and
12 say that it was a sealed kit.

13 **Q** And, in this case, the actual kit that you used
14 on this defendant, Montrell Troutman, was it sealed
15 prior to you using it?

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

17 **Q** Okay. Go ahead tell the jury what's the next
18 step.

19 **A** The next step is opening this box which
20 contains the materials to do the kit. When you open
21 the kit, you have this form, which is the
22 instructions, as well as information. The
23 instructions on how to collect the kit itself is on
24 one side and the information on the event you have
25 to record on the other side.

1 Q And in referring to that, do you complete that
2 form with each and every kit?

3 A To the best of my ability.

4 Q And what is the importance of completing that
5 form?

6 A This form documents your information as far as
7 a firearm, where the event occurred at, the possible
8 suspect, what type of ammunition, who the victim may
9 be, who it was -- who the GSR kit was conducted by,
10 as well as other information, such as is the suspect
11 or victim left or right handed, what their previous
12 job was, what their -- current occupation, that
13 information.

14 Q Can you tell the jury if there's any importance
15 about the time that's recorded on that form?

16 A The time -- the collection information, you
17 have to give who it was taken by, as well as the
18 date and the time the collection was taken. The
19 reason behind the timeframe itself is SLED protocol
20 requires that it be within three hours of the event.

21 Q And now you mentioned SLED. Who is -- or what
22 is SLED?

23 A SLED is the State Law Enforcement Division.

24 Q And now you're mentioning them for what
25 purpose? Do they receive this kit?

1 **A** They receive the kit for testing.

2 **Q** And is that standard for gunshot residue kits
3 to go to SLED for testing?

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

5 **Q** Go ahead. What's the next step once you -- I
6 guess -- do you complete that form before or after
7 you begin the process of collecting the evidence?

8 **A** You collect as much information on the form as
9 you can and you take the kit -- you complete the
10 collection kit and if there's some information that
11 you may not have at the time, you can fill it in
12 within a few moments of completing the kit. But
13 once this is done, copies are made and then this
14 form itself is sealed in the kit after the
15 collection is done.

16 **Q** And you said sealed in the kit and then so it's
17 sealed in the kit that goes to SLED?

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

19 **Q** What's the next step or what would have been
20 your next step on this particular day?

21 **A** On this, after the form was filled out, the
22 contents of the kit itself, if you have an area, can
23 be removed. In this particular incident, there was
24 a seat -- a bench to the right-hand side where we
25 were standing. The contents were put on the little

1 -- the bench itself and then collected from the
2 suspect and placed back in here.

3 Q And can you take the jury through the process
4 of actually collecting the evidence?

5 A (Witness demonstrating.)

6 Q What exactly are you doing right now?

7 A Removing -- this is a two-part test here, the
8 one that was collected from Mr. Troutman. One is an
9 SEM, which is scanning electron microscope.

10 Q Can I ask you one question?

11 A Yes, ma'am.

12 Q Do you think you would have enough room to work
13 on here for the jury to see?

14 A Sure. Do you want me to move onto the rail?

15 Q Or on the -- if that's enough room for you.

16 A Well, this is usually freehand, so.

17 Q However you do it.

18 A Gloves.

19 Q And now you mentioned the gloves. What's the
20 importance of the gloves?

21 A The kit itself contains, as well as the
22 paperwork, a seal for sealing the box and gloves for
23 conducting the test. So if I weren't to have my
24 gloves like I normally carry with me, it comes with
25 a set that you can use to make sure that there's no

1 contamination.

2 **Q** So when you collected the evidence from the
3 defendant in this case, can you tell the jury
4 whether or not you were actually wearing gloves?

5 **A** Yes, ma'am, I always wear gloves.

6 Each item here as shown as -- such as this one
7 right here, it shows where you take the particular
8 collection from, in this case, being the right back
9 of the hand, which, on the form, if you follow the
10 directions on the back, which you should, it tells
11 you exactly the areas you are taking the collection
12 from. If it's the right back, it'll be right hand..

13 You open the vial up. It's a sticky substance
14 on this tab. And in this case, right back,
15 following the directions here, you would go from the
16 thumb area pressing down lightly taking the GSR --
17 collecting for GSR, excuse me. And you do that 10
18 to 12 times, seal that back in the tube that it
19 originally come with and place back in the kit. And
20 you do that for the left and right front and back
21 hands for the tabs.

22 Then you have the swabs which shows you the
23 same thing, left palm, right palm, left back, right
24 back and so on. And you would use about three drops
25 of this five percent nitric acid per Q-tip to swab

1 that same area. Once that is done with those, you
2 have what is called a controlled sample, which will
3 be these Q-tips here, and you would take that from
4 something like the back of one of the legs or from
5 an area that would not have been exposed to the area
6 where GSR would be at.

7 Then once that's put back in the kit, you
8 finish your form up, put it in the kit, close your
9 kit up. And there is a tab on the outside that has
10 to be snapped off, that is a lock. Once that goes
11 in, fold over, you have an integrity seal. Once
12 this integrity seal is stripped and then put over
13 here, put over the tab itself to make sure nobody
14 goes inside that box before it's submitted to SLED.

15 **Q** And would that be the procedure you followed on
16 that night when you collected evidence from the
17 defendant in this case?

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

19 **Q** And then, to the best of your knowledge, was
20 the kit sent off to SLED for testing?

21 **A** To my knowledge.

22 **Q** For this particular case, I'm going to show you
23 a copy of the information sheet that you were just
24 referencing.

25 **MS. RADLEIN:** I'll mark it as State's Exhibit

1 32.

2 (State's Exhibit Number 32, GSR information
3 sheet, marked for identification.)

4 **Q** I'm going to hand it to you and ask you if you
5 recognize it?

6 **A** Yes, ma'am, I do.

7 **Q** And how do you recognize it?

8 **A** This is just a shrunken version of the form I
9 done that night.

10 **Q** And how do you know it relates to this case?

11 **A** It has the case number, has Edgefield Police
12 Department and has my writing.

13 **MS. RADLEIN:** At this time, Your Honor, the
14 State seeks to move State's Exhibit 32 into
15 evidence.

16 **MR. DRYLIE:** No objection.

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

18 (State's Exhibit Number 32, GSR information
19 sheet, admitted into evidence.)

20 BY MS. RADLEIN:

21 **Q** In looking at the form, can you walk through
22 the jury completing this form?

23 **A** On this form itself, the agency investigating
24 the incident would have been Edgefield Police
25 Department; their address; the case agent at the

1 time would have been Sergeant Mark Pica and his
2 phone number, that would be the phone number of the
3 police department; the case number given to this
4 particular incident; what type of incident, being a
5 shooting incident, a homicide; the victim being
6 Leric Merriweather; the suspect, Montrell Troutman;
7 the event information for the firearm was unknown.
8 We did not know what type of firearm.

9 Q Quick question: You wrote down as a shooting
10 incident slash homicide. Did you determine that
11 there was a homicide by the point -- by the time
12 that you completed this form?

13 A Yes, ma'am.

14 Q So underneath the event information, you can
15 pick up there, what's the next information that you
16 record on the form?

17 A The number of shots fired that we knew of were
18 five; and then the brief description of the event
19 itself: In this case, suspect, after verbal
20 altercation, shoots two persons. Five unknown shots
21 fired. Suspect left scene, captured approximately
22 59 minutes later. Then the collection information,
23 myself, Investigator Curtis Morris, my badge number
24 is S14; the date, 6/6 of 2015; the time, 2158 hours.

25 Q And in standard time, what is 2158?

1 **A** 2158 would have been 9:58.

2 **Q** 9:58.

3 So I'm going to write on here that the GSR -- I
4 guess -- let me clarify this: Would that be the
5 time that it was actually collected?

6 **A** That would have been the time it was collected,
7 yes, ma'am.

8 **Q** And is that 9:58 P.M.?

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

10 **Q** Is there any other information on the form?

11 **A** Yes, ma'am. The collection information again,
12 it's where I started, the name of subject would be
13 Montrell Troutman. It asked, Is the victim -- is
14 the victim or a suspect for the kit itself? In this
15 case, it would have been the suspect that I circled.

16 Is the person left or right handed? You have
17 to circle one. He told me he was right handed.

18 Occupation of the suspect: At this point, I
19 asked him about that. He said he was a landscaper.

20 Description of activity of subject between the
21 time of the incident and the time of collection:
22 And hiding is what we put in here.

23 **Q** After you collected the gunshot residue -- you
24 can take your seat -- what's the next thing you did
25 as it relates to this case?

1 **A** (Witness resumes the witness stand.)
2 After the GSR kit was taken, I was called by
3 Sergeant Pica and asked to mirandize the subject in
4 this case and ask him where the gun was.
5 **Q** At that point, did you ever return to the crime
6 scene?
7 **A** Say again, please.
8 **Q** Did you ever return to the crime scene?
9 **A** Yes, ma'am.
10 **Q** Go ahead and take me through what's the next
11 thing you did once you returned to the crime scene?
12 **A** Upon returning to the crime scene, finished
13 photographing and marking the particular shell
14 casings in the area as evidence in the case. And
15 after doing so, it was just collection.
16 **Q** And what do you mean by collection?
17 **A** Actually physically taking into possession the
18 shell casings themselves.
19 **Q** I'm going to hand you a series of exhibits,
20 State's Exhibit 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
21 and 17. I'm going to ask if you recognize them?
22 **A** Yes, ma'am.
23 **Q** And how do you recognize them?
24 **A** I took these photographs.
25 **MS. RADLEIN:** Your Honor, at this time, the

1 State seeks to move Exhibits 7 through 17 into
2 evidence.

3 THE COURT: Any objection?

4 MR. DRYLIE: No objection.

5 THE COURT: Without objection, so admitted.

6 (State's Exhibit Numbers 7 through 17,
7 photographs, admitted into evidence.)

8 MS. RADLEIN: Permission for the witness to
9 step down again.

10 THE COURT: Yes.

11 (Witness leaves the witness stand.)

12 BY MS. RADLEIN:

13 Q Looking at State's Exhibit 7, do you recognize
14 that?

15 A Yes, ma'am.

16 Q And State's Exhibit 8, do you recognize that?

17 A Yes, ma'am.

18 Q And what do you recognize 7 and 8 to be?

19 A Shell casings from the scene.

20 Q Okay. And I see markers on there. What do the
21 markers indicate?

22 A Those are my markers, indicate which item is
23 and where they're located.

24 Q And what's the importance of that?

25 A For triangulation.

1 Q And what exactly is triangulation?

2 A Using fixed points on the scene itself to be
3 able to take three different points and bring them
4 to one to show exactly where a particular item was
5 at the time of recovery.

6 Q And looking at State's Exhibit 5, how many
7 markers do you see in that image?

8 A Five.

9 Q You can use this if you need to. Looking at
10 State's Exhibit 9, do you recognize that?

11 A Yes, item number two.

12 Q And 10.

13 A Close-up of item number two.

14 Q And what is depicted in this photograph?

15 A Again, a spent shell casing.

16 Q And looking at State's Exhibit 11.

17 A Item number three.

18 Q And State's 12.

19 A Again, item number three being a shell casing.
20 Will be item number four.

21 Q And looking at State's Exhibit Number 13. I
22 apologize. And State's Exhibit 14.

23 A Again, item number four with a spent shell
24 casing.

25 Q Looking at State's Exhibit 15.

1 **A** That would be item number five.

2 A close-up of item number five being a spent
3 shell casing.

4 **Q** And that's State's Exhibit 16. And then
5 State's Exhibit 17.

6 **A** A closer version of number five, a spent shell
7 casing.

8 **Q** And I'm not sure if you recall, do you recall
9 what type of shell casings they were?

10 **A** I believe they were .380s, .380 caliber.

11 **Q** And looking again at a different angle on
12 State's Exhibit 6, can you point out to the jury
13 where, physically, the shell casings are in relation
14 to the, I guess, the house?

15 **A** This will be the house itself and each
16 individual marker here depicts where those shell
17 casings are.

18 **Q** When you're marking these exhibits, can you
19 tell the jury if you -- if you take notes while
20 you're doing this?

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

22 **Q** And what's the purpose of taking notes?

23 **A** It's to write down, again, where these
24 particular items are located while being in
25 triangulation.

1 **Q** And the triangulation that we mentioned, do you
2 do the triangulation while you're there at the
3 scene?

4 **A** Yes.

5 **Q** And what, if anything, is your next step after
6 collecting the evidence?

7 **A** After collecting evidence, you go back to your
8 office and try to do a crime scene sketch.

9 **Q** I'm going to hand you what's been previously
10 marked as State's Exhibit 23. And this is just a
11 copy. I'm going to ask you if you recognize State's
12 Exhibit 23?

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

14 **Q** And what do you recognize that to be?

15 **A** My crime scene sketch.

16 **Q** And do you recognize it as a sketch as it
17 relates to this particular shooting incident?

18 **A** Yes, ma'am. This would be a sketch of [REDACTED]
19 Morange Street scene.

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

23 **THE COURT:** Any objection?

24 **MR. DRYLIE:** No objection.

25 **THE COURT:** So admitted.

1 (State's Exhibit Number 23, diagram,
2 admitted into evidence.)

3 BY MS. RADLEIN:

4 Q , Looking at State's Exhibit 23 --

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

6 (Pause.)

7 Q Looking at State's Exhibit 23, can you go ahead
8 and explain to the jury how you go about, I guess,
9 creating this?

10 A Okay. Again, this is not to scale from the
11 scene itself. So, in this particular version, it
12 shows the house, the driveway, a fence line in which
13 a post on the fence line was used as a marker for
14 one of the triangulation areas, also as well as a
15 very large tree and two very large bushes, which
16 were the only standing areas that we could use as a
17 point, reference point.

18 Q You mentioned markers. Those are different
19 than the place card one, two, three, four, five that
20 you're referring to. What are these markers?

21 A The markers one, two, three, four and five
22 indicate on here where the shell casings were
23 located.

24 Q And looking at this, were those shell casings
25 located in the roadway?

1 **A** Four out of the five were.

2 **Q** And now you mentioned the markers. What's
3 the -- what's the purpose of the markers as it
4 relates to the placement of where the shell casings
5 were recovered?

6 **A** Are you talking about these markers?

7 **Q** That's correct.

8 **A** Markers A, B, C and C-2 are where I take my
9 measurements to each one of these items here for
10 triangulation purposes.

11 **Q** Thank you, Investigator Morris.

12 I'm going to now hand you what I will mark as
13 State's Exhibit 33.

14 (State's Exhibit Number 33, manila envelope
15 with shell casings, marked for identification.)

16 **Q** I'm going to hand you what's been marked as
17 State's Exhibit 33 and ask you if you recognize the
18 contents? And you can...

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

20 **Q** And what do you recognize the contents of
21 State's Exhibit 33 to be?

22 **A** These are items one through five being the
23 shell casings collected that night.

24 **Q** And how do you recognize them to be the shell
25 casings recovered on that night?

1 **A** Because this is my writing on the evidence bag
2 that they were collected in.

3 **MS. RADLEIN:** Your Honor --

4 (State's Exhibit Numbers 34 through 38,
5 shelling casings, marked for identification.)

6 **MS. RADLEIN:** Your Honor, at this time, the
7 State seeks to introduce State's Exhibit 33, 34, 35,
8 36, 37 and 38. And for the record, 34 would be item
9 one shell casing, 35 would be item two shell casing,
10 36 would be item three shell casing, 37 would be
11 item four shell casing, and 38 would be item five
12 shell casing.

13 **THE COURT:** Any objection?

14 **MR. DRYLIE:** No objection.

15 **THE COURT:** So admitted without objection.

16 (State's Exhibit Numbers 33 through 38,
17 manila envelope with shell casings, admitted into
18 evidence.)

19 BY MS. RADLEIN:

20 **Q** Once you collect -- let me ask you this: Are
21 you wearing gloves when you collect the evidence?

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

23 **Q** And when you collect -- this is State's Exhibit
24 34, item one. And how do you know that this is the
25 shell casing you recovered? If you can explain it

1 to the jury.

2 A It has on the evidence bag itself our agency as
3 well as the item number that corresponds with the --
4 corresponds with the crime scene sketch item one.
5 And item one here has my name, date and then
6 location and a suspect, if possible.

7 Q And then looking at State's Exhibit 35?

8 A This would be item two, again, my name where it
9 was collected by me and it corresponds with item
10 number two on the crime scene sketch.

11 Q And State's Exhibit 36?

12 A Would be item three, again, my name where I
13 collected it on the scene that night and it would
14 correspond with item three on the crime scene
15 sketch.

16 Q And 37?

17 A Would be item number four collected by myself
18 and it would correspond with item number four on the
19 crime scene sketch.

20 Q And 38?

21 A Item 38 -- again, item number five, which
22 corresponds with item number five on the crime scene
23 sketch, also collected by me.

24 Q And what -- at this point, what do you do with
25 the evidence?

1 **A** Once the evidence is collected and sealed, it's
2 turned over to the case investigator.

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

4 **A** (Witness resumes the witness stand.)

5 **Q** Just a couple follow-up questions. I'll ask
6 you this: Did you do anything else at the crime
7 scene?

8 **A** No, ma'am.

9 **Q** While you were on the crime scene, for all
10 intents and purposes, was it your crime scene?

11 **A** Yes, ma'am.

12 **Q** You controlled that crime scene?

13 **A** Yes, ma'am.

14 **Q** Can you tell the jury whether or not a gun was
15 recovered at the crime scene?

16 **A** There was no gun recovered.

17 **Q** And to the best of your knowledge, if a gun was
18 recovered at the crime scene that you previously
19 testified was marked off, would you have collected
20 it?

21 **A** Yes, ma'am.

22 **Q** And would you have documented it?

23 **A** I would have photographed it, yes, ma'am, and
24 documented it.

25 (State's Exhibit Number 39, shorts, marked

1 for identification.)

2 Q Go ahead and mark as State's Exhibit 39 and
3 have you look at it and tell me if you recognize it.

4 A Yes, ma'am.

5 Q And what do you recognize it to be?

6 A This is the victim's shorts, Leric
7 Merriweather's shorts.

8 MS. RADLEIN: At this time, the State seeks to
9 move item 39 into evidence.

10 THE COURT: Any objection?

11 MR. DRYLIE: I don't have any objection.

12 THE COURT: Without objection, so admitted.

13 (State's Exhibit Number 39, shorts, admitted
14 into evidence.)

15 BY MS. RADLEIN:

16 Q You mentioned that it was Merriweather's
17 shorts. After you did determine it was a homicide,
18 can you tell the jury whether or not you had any
19 cause to go to -- do you know if an autopsy was
20 performed in this case?

21 A To my knowledge, there was an autopsy
22 performed.

23 Q And, to the best of your knowledge, do you know
24 whether or not these shorts were recovered at the
25 autopsy?

1 **A** Yes, ma'am.

2 **Q** If you wouldn't mind taking the shorts out of
3 the bag.

4 **A** (Witness complies.)

5 **Q** And, to the best of your knowledge, were these
6 the shorts that belonged to the deceased victim in
7 this case?

8 **A** Yes, ma'am.

9 **MS. RADLEIN:** No further questions at this
10 time.

11 **THE COURT:** Can the lawyers approach a minute?

12 (Whereupon, a bench conference was held off
13 the record, in the presence of the jury, but out of
14 the hearing of the jury.)

15 **THE COURT:** All right. Cross-examination?

16 CROSS-EXAMINATION.

17 BY MR. DRYLIE:

18 **Q** Afternoon, Investigator Morris.

19 **A** Good afternoon, sir.

20 **Q** So you get the call at 8:43 P.M., correct?

21 **A** Yes, sir.

22 **Q** And then you get there at 8:48?

23 **A** Yes, sir.

24 **Q** And are there a bunch of people in the yard,
25 when you get there?

- 1 A Yes, sir.
- 2 Q Okay. Are you the first officer on the scene
- 3 or were there already a couple people there?
- 4 A There were already other officers there.
- 5 Q Okay. So you've got officers on the scene and
- 6 you've got people milling about in the yard,
- 7 correct?
- 8 A Yes, sir.
- 9 Q And when you get there, you go over to see
- 10 Leric Merriweather, correct?
- 11 A Yes, sir.
- 12 Q And then you go and attend to Carlo Harris,
- 13 correct?
- 14 A He come to me.
- 15 Q He came to you. I'm sorry.
- 16 A Yes, sir.
- 17 Q But you're dealing with them first, correct?
- 18 A Yes, sir.
- 19 Q So the crime scene is not roped off immediately
- 20 when you get there, correct?
- 21 A No, sir.
- 22 Q Okay. And there's people all around and stuff
- 23 like that?
- 24 A Yes, sir.
- 25 Q You can't say what happened to anything before

1 you got there, correct?

2 **A** No, sir.

3 **Q** Okay. Now, when -- you performed GSR on
4 Mr. Troutman in this case, correct?

5 **A** Yes, sir.

6 **Q** But you never performed any GSR on Leric
7 Merriweather, did you?

8 **A** No, sir.

9 **Q** You never did it on Keith Mathis?

10 **A** No, sir.

11 **Q** Okay. Was Keith Mathis even on scene when you
12 got there that night?

13 **A** I don't know that name, sir.

14 **Q** Okay. What about Carlo Harris? Did you ever
15 do GSR on him?

16 **A** No, sir.

17 **Q** Okay. Now -- so the only person you ever did
18 GSR on was Montrell Troutman, correct?

19 **A** In this case, yes, sir.

20 **Q** In this case, that's what I -- I'm sorry.

21 Okay. And now -- so you're at the crime scene
22 and you start taking photos, correct?

23 **A** Yes, sir.

24 **Q** And you started taking some photos. There are
25 some photos of some shell casings, correct?

- 1 **A** Yes, sir.
- 2 **Q** And there's photos of the scene?
- 3 **A** Yes, sir.
- 4 **Q** I think there's a photo of a liquor bottle,
5 correct?
- 6 **A** Yes, sir.
- 7 **Q** And a photo of a beer bottle on the ground?
- 8 **A** Yes, sir.
- 9 **Q** And so then, at some point, you leave to go do
10 the GSR, correct?
- 11 **A** Yes, sir.
- 12 **Q** And then you come back and you keep taking
13 photos?
- 14 **A** Yes, sir.
- 15 **Q** All right. And that's when you actually mark
16 off where each of the shell casings were. When you
17 came back or was it before you left?
- 18 **A** No, it was when I came back, sir.
- 19 **Q** It was when you came back?
- 20 **A** Yes, sir.
- 21 **Q** And then you kept taking photos and just
22 documenting the scene?
- 23 **A** To the best of my ability, yes, sir.
- 24 **Q** Okay.
- 25 **MR. DRYLIE:** Beg the Court's indulgence.

1 (Pause.)

2 Q And just, finally, you don't know if anything
3 could have been moved before you got there, do you?

4 A No, sir.

5 MR. DRYLIE: Okay. No further questions.

6 THE COURT: Any redirect?

7 MS. RADLEIN: Briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MS. RADLEIN:

10 Q Is it possible to secure a crime scene when the
11 ambulance is still on it?

12 A Not in general, no, ma'am.

13 Q Is it standard protocol to wait till the
14 ambulance clears the crime scene to actually secure
15 it and rope it off?

16 A If need be. I mean, they can come in and out
17 as need be.

18 Q And, in this case, was it secured after the
19 ambulance --

20 A Yes, ma'am, after EMS departed the scene.

21 MS. RADLEIN: No further questions, Your Honor.

22 MR. DRYLIE: No recross.

23 THE COURT: All right. Sir, you may step down.

24 Thank you.

25 THE WITNESS: Thank you, sir.

1 asking what it meant.

2 **THE COURT:** All right. Very well.

3 All right. Bring me the jury, please.

4 (The jury enters the courtroom at 9:50 A.M.)

5 **THE COURT:** Good morning, ladies and gentlemen.

6 I hope you-all had a nice evening last night and are
7 ready to proceed here today. At this time, I'm
8 going to recognize the State to call their next
9 witness.

10 **MR. EARGLE:** Thank you, Your Honor. State
11 calls Agent James W. Green.

12 JAMES W. GREEN,
13 having been duly sworn, testified as follows:

14 **THE CLERK:** Thank you, sir. Please be seated.
15 State your full name, spell your last name for the
16 record.

17 **THE WITNESS:** James Green, G-r-e-e-n.

18 DIRECT EXAMINATION

19 BY MR. EARGLE:

20 **Q** Mr. Green, will you tell the jury where you're
21 employed?

22 **A** I'm employed by the South Carolina Law
23 Enforcement Division, commonly referred to as SLED.

24 **Q** And what are your job duties at SLED?

25 **A** I'm a forensic firearms investigator -- excuse

1 me -- a forensic firearms examiner. What I do is I
2 look at firearm's ammunition components, bullets and
3 cartridge cases, and try to see if they were fired
4 by the same gun or not and then send the reports to
5 the submitting agency and then testify in court, if
6 it ultimately leads to that.

7 Q Let me back up just a little bit, Agent Green.
8 Where are you from originally?

9 A Charleston.

10 Q Charleston.

11 And did you attend college?

12 A Yes, sir.

13 Q Where did you attend college?

14 A I received my bachelor's and my master's in
15 criminal justice from Charleston Southern
16 University.

17 Q Okay. And in reference to firearms
18 identification, what training have you received
19 specific to that field?

20 A When I began at SLED, I started a firearm and
21 tool mark course of instruction. It's an,
22 approximately, three- to three-and-a-half-year
23 course of instruction, studying under
24 court-qualified firearms examiners learning to do
25 what I do now.

1 **Q** And that specialty, what does that entail?

2 **A** Looking at fired ammunition components through
3 the microscope. Our main tool we use is a
4 comparison microscope. There's two microscopes
5 connected by a single optical bridge that lets us
6 look at two objects simultaneously. And we're
7 looking for the tiny microscopic striations or
8 impressions left on the cartridge case or the bullet
9 as a result of being fired by a firearm.

10 **Q** And as a firearms identification certified
11 individual, have you ever been certified in court to
12 testify as an expert?

13 **A** Yes, sir.

14 **Q** Approximately how many times?

15 **A** Sixty-two, I believe.

16 **Q** Sixty-two in firearms identification?

17 **A** Yes, sir.

18 **MR. EARGLE:** Your Honor, at this time, the
19 State moves to have Agent James W. Green identified
20 as a expert in firearms identification.

21 **MR. DRYLIE:** No objection. No voir dire.

22 **THE COURT:** Ladies and gentlemen, let me give
23 you a charge real quickly. Normally, ladies and
24 gentlemen, a person cannot give opinion testimony.
25 Normally, when a person testifies, they must testify

1 as to what they saw, heard or sensed by smell or
2 something of that nature.

3 However, there is an exception. When someone
4 is qualified because of education or experience,
5 they are permitted to give opinion testimony in
6 certain areas if the Court qualifies them to do so.
7 This witness is going to be qualified as an expert
8 in the field of firearm identification to give
9 opinion testimony in that area. That does not mean
10 that you must accept the opinion, but it is evidence
11 for you to use in any way that you see fit and give
12 it the weight and credibility that you believe is
13 appropriate.

14 You may continue, sir.

15 **MR. EARGLE:** Thank you, Your Honor.

16 BY MR. EARGLE:

17 **Q** Agent Green, let me bring your attention to
18 SLED lab number L15-07782. Are you familiar with
19 that document?

20 **A** Which document are you referring to?

21 **Q** It's a SLED -- State Law Enforcement Division
22 Forensic Services Laboratory Report with a lab
23 number of L15-07782, incident date of 6/6/2015?

24 **A** Yes, sir. I issued a report in that case.

25 **Q** And would you tell the jury -- just give them

1 an overview of what you received to analyze.

2 A I received five fired .380 auto caliber
3 cartridge cases.

4 MR. EARGLE: Your Honor, may I approach the
5 witness?

6 THE COURT: Yes.

7 MR. EARGLE: Thank you.

8 BY MR. EARGLE:

9 Q I'm going to hand you what's been entered into
10 evidence as State's Exhibit 33 and the contents
11 thereof. Do you recognize that and if so, how?

12 A Yes, sir. State's Exhibit 33 is SLED
13 laboratory container L15-07782 container B. It's
14 the outer packaging that the evidence I received was
15 submitted in from the agency. And inside State's
16 Exhibit 33 are the five fired cartridge cases that I
17 received in this case.

18 Q Okay. And did you have the opportunity to
19 examine those fired casings?

20 A Yes, sir, I did.

21 Q And would you explain to the jury the process
22 you went through, what you were looking for and your
23 conclusions therefrom?

24 A Yes, sir. Whenever we get evidence at the
25 laboratory, specifically the firearms department,

1 what we'll do is we'll look at all the evidence
2 received, we'll document it as received, the way it
3 was packaged, we'll fill out the appropriate
4 departmental worksheets and then we'll look through
5 our comparison microscope at the evidence. What
6 we're looking for are tiny microscopic striations or
7 impressions left on the working surfaces of the
8 evidence. In this case, it would be the cartridge
9 cases.

10 Each firearm will mark ammunition differently
11 than the next. It's kind of like fingerprints for a
12 gun. There have been studies of 10, 15
13 consecutively made firearms. And even though
14 they're made consecutively by the same tools, they
15 all mark differently so a trained examiner can
16 differentiate which bullet came from this gun or
17 which cartridge case came from this gun based on
18 those markings.

19 Once I got the evidence in this case, I looked,
20 all of them had the same caliber. They all had the
21 same general markings as far as the breech face
22 markings, so I knew I was in the same class of
23 firearms. I put them on a comparison microscope and
24 started microscopically comparing them, seeing what
25 similarities I saw, see if I saw any differences.

1 And immediately what jumped out was three of
2 the cartridge cases were made by one manufacturer or
3 CCI. It had aluminum cartridge case bodies and
4 nickel primers. Two of them were made by Tulammo,
5 T-u-l-a-m-m-o. That's a Russian manufacturer. They
6 use steel cartridge case bodies, which is much
7 harder than the nickel. And they use a brass, like
8 a heavy primer, which is much harder than the nickel
9 from the CCI.

10 Through my comparisons, I was able to determine
11 that the three CCI cartridge cases were fired by the
12 same gun. The two Tulammo cartridge cases were
13 fired by the same gun. And when I compared the two
14 subset groups I had, the three CCIs and the two
15 Tulas, I saw a lot of similarities between the two,
16 but not enough to say they were all fired by the
17 same gun.

18 Q You said you saw similarities between the two
19 different types. If I'm understanding you
20 correctly, you had two rounds made by one
21 manufacturer, three rounds made by another
22 manufacturer. The type of metal that was used from
23 the two manufacturers are different; is that
24 correct?

25 A Yes, sir.

1 **Q** And you saw similarities between the two, but
2 there were enough similarities for you to
3 conclusively say that they were fired from the same
4 weapon; is that accurate?

5 **A** The three CCIs cartridge cases were fired by
6 the same gun. The two Tulammo cartridge cases were
7 fired by the same gun. And while I saw a lot of
8 similarities between the two, there was not enough
9 to say they were all fired by the same gun. They
10 were fired by a gun with a lot of similarities
11 between the two.

12 **Q** And when you make that final determination to
13 determine if they were fired by the same weapon, is
14 that a 75 percent chance, a 90 percent chance they
15 were fired by the same weapon? What percentage do
16 you use to make that following determination as to
17 whether or not they were fired by the same weapon?

18 **A** I'm a hundred percent sure that the three CCI
19 cartridge cases were fired by the same gun. I'm not
20 a hundred percent sure that the two Tulammo
21 cartridge cases were fired by the same gun. If I
22 wasn't a hundred percent sure, I would not have
23 reported a positive conclusion on the two subsets.

24 **Q** One hundred percent doubt -- one hundred
25 percent certainty no doubt?

1 **A** Correct.

2 **Q** Let me ask you this: Would it have assisted
3 you if you had the firearm that fired one of these
4 shell casings that the firearm was in the same
5 condition at the time it fired one of the shell
6 casings to examine against the other shell casings
7 with like ammo, meaning one round Russian
8 manufacturer, I believe you called it -- is it
9 Tulammo?

10 **A** Yes, sir.

11 **Q** And the other being CCI? Would that have
12 assisted you in making a determination as to the
13 weapon firing or a weapon -- one weapon firing the
14 same ammo?

15 **A** Yes, sir. Whenever a firearm is submitted to
16 the laboratory and it's used in a crime, or
17 allegedly used in a crime, we'll look at the
18 ammunition, the fired bullets, the fired cartridge
19 cases, submitted and we'll shoot ammunition as close
20 to that as possible, if not, the exact same
21 ammunition. Because it's been proven that the same
22 gun will mark different types of ammunition slightly
23 differently.

24 So, yes, sir, if I had a gun, I would have shot
25 some CCI ammo and I would have shot some Tulammo

1 cartridges to see if the same gun was indeed marking
2 two different brands of ammunition slightly
3 differently.

4 **Q** In this case, you didn't have a weapon, did
5 you?

6 **A** No, sir. All I had submitted to me were the
7 five cartridge cases.

8 **MR. EARGLE:** Thank you, Agent Green. Please
9 answer any questions the defense may have.

10 **THE COURT:** Cross-examination?

11 CROSS-EXAMINATION

12 BY MR. DRYLIE:

13 **Q** Good morning.

14 **A** Good morning.

15 **Q** Just so I understand your testimony, you can't
16 say that all five shell casings were fired by the
17 same gun, correct?

18 **A** Correct.

19 **MR. DRYLIE:** No further questions.

20 **THE COURT:** Anything? Any redirect?

21 **MR. EARGLE:** No, Your Honor. Thank you.

22 **THE COURT:** Sir, you may step down. Thank you.
23 Call your next witness, please.

24 **MS. RADLEIN:** Thank you, Your Honor. The State
25 calls Lieutenant Jennifer Nates.

1 JENNIFER NATES,
2 having been duly sworn, testified as follows:

3 THE CLERK: Thank you, ma'am. Please be
4 seated. State your full name and spell your last
5 name for the record.

6 THE WITNESS: Jennifer Nates, N, as in Nancy,
7 -a-t-e-s.

8 DIRECT EXAMINATION

9 BY MS. RADLEIN:

10 Q Good morning.

11 A Good morning.

12 Q Where are you currently employed?

13 A I'm employed by the South Carolina Law
14 Enforcement Division in the Trace Evidence Section.

15 Q And what is your current position?

16 A I am lieutenant of the trace evidence section.

17 Q And how long have you been at SLED -- at State
18 Law Enforcement where we commonly refer to as SLED?
19 How long have you been employed there?

20 A I've been there 20 years.

21 Q And how long have you been in your current role
22 as lieutenant?

23 A I think around seven years.

24 Q And you mentioned trace evidence. What exactly
25 is trace evidence?

- 1 **A** The trace evidence department is a department
2 that analyzes several different types of evidence.
3 The categories of testing that fall under trace are
4 gunshot residue; fire debris, which is any evidence
5 from a fire scene; paint evidence, which includes
6 automotive paint or architectural paint, a lot of
7 that evidence will come from hit and runs or
8 burglaries. We also analyze glass evidence, fiber
9 evidence, tape, bank dye and general unknown
10 identifications or comparisons.
- 11 **Q** Let me ask you this: Do you keep records of
12 how many times, as it relates to this case, I guess,
13 -- we're dealing with GSR -- how many times you have
14 performed a GSR analysis?
- 15 **A** A GSR analysis? I don't keep a record of the
16 GSR analysis, but I have performed in excess of
17 probably 500 cases or at least 2500 samples of
18 gunshot residue.
- 19 **Q** And what exactly is your education and training
20 for this job?
- 21 **A** I received a Bachelor of Science degree in
22 chemistry from a small state school in Pennsylvania.
23 It's called California University of Pennsylvania.
24 Once I received my degree, I performed an internship
25 at SLED in the trace evidence section.

1 Upon the completion of that internship, I
2 applied for and was given a position in the drug
3 analysis section. I completed their training
4 program, attended the police academy and began
5 analyzing drug and poison cases for approximately
6 one year.

7 At that time, there was an opening in trace
8 evidence and I applied for a transfer and I was
9 transferred to that section. I then began a
10 four-year training program in trace evidence, which
11 was under the lieutenant of the department and the
12 senior analyst.

13 This included a lot of shadowing, a lot of job
14 shadowing, taking courses and classes on the
15 instrumentation that would be utilized for that job,
16 also to go into conferences and attending classes on
17 the types of analyses that would be performed. I
18 also had to take written tests in each area of
19 analyses, take competency tests in those areas and
20 then do a mock court at the end of the training in
21 order to be deemed competent in the areas of trace
22 analysis.

23 Q And have you testified in court before?

24 A I have.

25 Q Do you know -- have you been qualified as an

1 expert in this area as well?

2 A I have been.

3 Q Do you know how many times you've testified in
4 court and been qualified as an expert?

5 A I have testified 112 times.

6 Q And how many of those times were regarding GSR
7 analysis?

8 A Approximately 90 were in gunshot residue
9 analysis.

10 MS. RADLEIN: At this time, Your Honor, the
11 State seeks to move Lieutenant Jennifer Nates as an
12 expert in trace analysis -- be qualified as an
13 expert in trace analysis.

14 THE COURT: Any objection?

15 MR. DRYLIE: We agree she's qualified, Judge.

16 THE COURT: All right. Ladies and gentlemen of
17 the jury, same charge I gave you a minute ago with
18 regards to expert testimony applies to this young
19 lady as well.

20 You may continue.

21 MS. RADLEIN: Thank you, Your Honor.

22 BY MS. RADLEIN:

23 Q Lieutenant Nates, can you explain to the jury
24 what exactly is gunshot residue?

25 A Gunshot residue is the term that is used to

1 describe any of the debris or residue that is
2 generated when a firearm is discharged. This can
3 include residue from the primer composition from the
4 lead bullet, from jacketing on the bullet if it's
5 present, and from any debris that is present on the
6 gun itself. It can include rust that may be in the
7 barrel or lead that is left there from prior
8 firings.

9 It also includes stippling, which is when a
10 person is shot, sometimes gunpowder particles will
11 be embedded in their skin. This falls under that
12 umbrella definition of gunshot residue. It includes
13 organic gunshot residue, which is the components of
14 the cartridge that are found in the smokeless
15 powder.

16 Our lab specifically analyzes for what we call
17 primer gunshot residue. We are looking specifically
18 for the residue that is generated from the primer
19 composition in the cartridge or the part of the
20 bullet.

21 **Q** And when you actually, I guess, complete an
22 analysis on a GSR kit, what exactly are you looking
23 for?

24 **A** Since we are looking for primer gunshot
25 residue, we are specifically analyzing for three

1 elements: Lead, barium and antimony. These are the
2 three elements present in the primer composition of
3 the cartridge.

4 Q And what exactly are you able to determine, I
5 guess, based on your results? What do your results
6 actually indicate, whether they're positive or
7 negative?

8 A When we analyze for gunshot residue, we are
9 looking for the presence of microscopic particles
10 that contain lead, barium and antimony. These
11 particles must be molten in appearance. If they are
12 found, we can decide or we can come to the
13 conclusion that gunshot residue was present on that
14 sample. If there is no gunshot residue present or
15 we don't find any of these microscopic particles
16 during our analysis, our conclusion would be that
17 there was no gunshot primer residue found.

18 Q I want to talk specifically about gunshot
19 residue kits done on victims in certain cases. Can
20 you tell -- tell the jury whether or not it's common
21 to find GSR on a victim of a shooting incident?

22 A It is very common to find gunshot residue on
23 shooting victims because the gun is usually pointed
24 in their direction for them to have sustained a
25 gunshot wound. The majority of the residue comes

1 out of the barrel of the gun, which is pointed
2 toward the victim. In testing that has been done
3 from numerous crime labs, approximately 80 percent
4 of victims have gunshot residue on them from being
5 shot.

6 Q So what, if any, evidentiary value is there if
7 GSR is found on a victim of a shooting?

8 A There is not much value on finding GSR on a
9 shooting victim. Many of the labs throughout the
10 United States do not perform this analysis on victim
11 kits. We are currently in the process of trying to
12 not do this analysis any longer because if I find
13 GSR on a victim, I can tell you that they may have
14 been around a weapon when it was fired, handled a
15 weapon or fired a weapon, but we already know they
16 have sustained a gunshot wound, so we know they
17 should have gunshot residue on them.

18 Usually, there are certain cases, and they're
19 very rare, if someone is extremely far away from a
20 shooter when you find -- when they are shot, if
21 gunshot residue is found on this type of victim,
22 then part of the scenario can be they may have fired
23 a gun, but those are the only cases we're able to
24 come to that conclusion.

25 Q And in terms of the individual actually pulling

1 the trigger, where is gunshot residue most commonly
2 found on the person actually who fires the weapon?

3 **A** On a person who fires a weapon, the GSR kits
4 are used to collect samples from their hands, the
5 right palm, right back, left palm and left back of
6 the hands. It can be found on the hands and it can
7 be found on their clothing areas that are in close
8 proximity to that weapon when it is discharged.

9 **Q** Can GSR be easily removed?

10 **A** GSR is very fragile evidence. We like to make
11 the comparison to when you bake and you have flour
12 on your hands. Now, you can't see GSR, you can see
13 the flour on your hands, but you can dust it off.
14 If you wash your hands, you can remove it.

15 Gunshot residue can be absorbed into your body.
16 It will also be removed if you sweat, if you touch
17 anything. Anything you touch can remove the gunshot
18 residue. Putting your hands in and out of your
19 pockets, that can remove it.

20 So on a living individual, we do not analyze
21 any kit that is collected beyond six hours. If we
22 find gunshot residue on a kit that is collected
23 beyond six hours, we're not able to link it to that
24 shooting incident because there is no reasonable
25 expectation for gunshot residue to remain on your

1 hands that long after a shooting incident.

2 Q You mentioned the six hours. Where does that
3 six-hour window come from?

4 A That came from numerous testing that was done
5 at SLED and throughout different agencies in the
6 United States.

7 Q Is there any, I guess, correlation between the
8 type of weapon, the caliber of the weapon in terms
9 of the -- expecting to find gunshot residue on the
10 person actually pulling the trigger in this case?

11 I'm not sure if that makes sense. Let me try
12 to clarify. Is there any correlation between the
13 caliber of the weapon and its production of gunshot
14 residue?

15 A Okay. In a weapon, smaller caliber weapons
16 will have less primer residue because it's a smaller
17 cartridge. You're not going to fire a .44 bullet
18 out of a .22 weapon. So the larger caliber weapons
19 need to have a larger round, which will produce more
20 GSR.

21 The four- to six-hour range for the collection
22 is to encompass those larger caliber bullets because
23 a lot of times when an officer goes on the scene, he
24 may not know what type of weapon was used. So if we
25 tell them don't collect it after three hours and it

1 was a larger caliber weapon, they should collect it
2 up to six hours.

3 So the six-hour timeframe is there so that it
4 will encompass the smaller caliber weapons up to the
5 larger caliber weapons, but, realistically, we don't
6 expect to find it more than three to four hours
7 after the shooting.

8 Q I want to make sure I understand this because
9 I'm not that familiar with firearms. So in terms of
10 the window, the zero- to six-hour window, are we
11 expecting gunshot residue on the smaller caliber
12 weapons in the smaller window and the larger caliber
13 weapons in a -- more on the larger end? Is that
14 what you're saying?

15 A I expect the smaller caliber weapons that if
16 gunshot residue is deposited within three to four
17 hours, it would probably be gone. The larger
18 caliber weapons, they may go out to the six-hour
19 range for the deposition and able to collect it at
20 that time.

21 Q Regarding this actual case, did you analyze
22 evidence?

23 A I did.

24 Q And I believe the lab number is L15-07782?

25 A That is it.

1 **MS. RADLEIN:** Permission to approach the
2 witness, Your Honor.

3 **THE COURT:** Yes.

4 BY MS. RADLEIN:

5 **Q** I'm going to hand you what's been entered into
6 evidence as State's Exhibit 30 and ask you if you
7 recognize it?

8 **A** This is the envelope that I received. Whenever
9 evidence is logged into our laboratory, it is
10 assigned a laboratory number. It's called the L
11 number. So this would be the unique lab number that
12 any evidence submitted after the original submission
13 will receive this same lab number for tracking
14 purposes. In this case, it was L15-7782 item one.
15 And my initials and date are on here from when I
16 opened it to inventory the evidence.

17 **Q** Lieutenant Nates, would you need gloves to take
18 that kit out?

19 **A** No, ma'am. Do you want me to open it?

20 **Q** If you don't mind.

21 **A** This is actually one of the -- if you look, I
22 have the lab number and the item number. We print a
23 sticker for them to identify the evidence with my
24 initials and date. And this contains the actual
25 particle lifts. Can I open this?

1 **Q** Yes.

2 **A** We have several different types of GSR kits
3 that we analyze. We are currently streamlining it
4 to accept a certain type of kit and this is one of
5 the kits that we accepted at that time. Which I may
6 not be able to open. Do you have a little knife or
7 some scissors?

8 **Q** We have scissors.

9 You mentioned that you're streamlining the
10 kits. Would these kits be -- I guess, are they
11 SLED's kits that are sent out to different agencies?

12 **A** These are not SLED's kits. These were kits
13 that we would accept because the agencies can order
14 their own GSR kits or they can take the ones that we
15 provide. So we have a specific kit that is going
16 into effect January 1st of next year, so that it
17 will be streamlined and every agency will use the
18 same kit.

19 **Q** So, in this particular case, I believe we --
20 we've already received testimony that there is --
21 the contents of the kit. In opening that kit, are
22 all the contents that would be standard -- that are
23 standard for a kit present in that kit?

24 **A** In this kit, it was a two-part kit. There is a
25 part in here that we do not no longer analyze. So

1 this is -- all the parts are in here. One section
2 of it we did not perform an analysis on.

3 **Q** And in that particular kit, do you see the
4 information form that would have been submitted?

5 **A** Yes. It is right here.

6 **Q** And would that be the original?

7 **A** This is the original. All GSR kits should have
8 an information form that allows the officer to
9 document the subject's name, any activity that may
10 have taken place after the shooting incident, the
11 time of the collection, who collected it and any
12 information on debris or blood or anything present
13 on the hands. We take this and scan it so that the
14 original stays with the evidence.

15 **Q** Is there any information on the actual
16 information sheet that you're looking for prior to
17 performing your analysis?

18 **A** The information that we look for is to see if
19 the victim -- if it's a deceased individual or a
20 living subject because if it's a living subject, we
21 have to make certain that the kit was collected
22 within six hours of the incident. We also look for
23 the name to make sure it matches what the kit was
24 submitted as.

25 **Q** And on this particular kit, were you able to

1 actually perform an analysis?

2 **A** I was.

3 **Q** And from your analysis, were you able to
4 perform an expert opinion as to the results of your
5 examination?

6 **A** I was.

7 **Q** And what were -- what were those results?

8 **A** On the kit that was submitted for Montrell
9 Troutman, on the right hand and on the left hand,
10 particles of gunshot residue were found. Gunshot
11 residue can come from discharging a firearm, being
12 in the vicinity to the discharge of a firearm or
13 coming into contact with a surface that has gunshot
14 residue on it. So I found gunshot residue on each
15 sample that was submitted from this kit from each
16 area of the hands.

17 **Q** I want to ask you a couple of questions and
18 different scenarios. If the subject in this case
19 handled the weapon after the shooting prior to
20 collection, could the, I guess, the presence of
21 gunshot residue, and in this case the amount that
22 was actually found, be attributable to the positive
23 findings?

24 **A** When we find gunshot residue on a person's
25 hands, I can't tell you the gunshot residue is there

1 from that person firing a weapon because you can
2 have it deposited on your hands from firing a
3 weapon, from handling a weapon that has been
4 recently fired or from being very -- in close
5 proximity to the discharge of a firearm. In this
6 case, you asked me if it -- could you repeat that
7 part?

8 Q If -- if it's possible for handling the weapon,
9 in this case maybe an hour after the actual
10 shooting, could that impact the actual GSR analysis?

11 A Right. I can fire a weapon and then go do
12 something for three hours and pick up the weapon
13 again and I can have that residue deposited on my
14 hands from handling the weapon after the shooting.

15 Q Is gunshot residue quantified in any way? You
16 talked about the particles earlier in terms of -- is
17 there a threshold amount of particles that you
18 actually have to find to indicate on your report a
19 positive finding?

20 A We will report if we find a single particle of
21 gunshot residue because it is present, but two are
22 needed to report that particles in the plural were
23 present on a person's hands.

24 Q If there are more particles than two present,
25 is there anything additional that would indicate?

1 **A** It doesn't indicate anything additional.
2 Usually, anything more than one rules out transfer
3 from extraneous forces or I touched something that
4 had GSR on it. Usually, the more particles that you
5 have, the more likely it is from potentially firing
6 or your hands were in contact with that weapon.

7 **Q** And in this case, based on your analysis, was
8 there a large quantity of gunshot residue recovered?

9 **A** We don't quantify, but, in this case, I did
10 confirm 17 particles on the areas of hands.

11 **Q** And, in this case, the shooting took place on
12 June 6th of 2015. The 9-1-1 call came in around
13 8:43 at night. We have information that the
14 defendant walked away from the scene and was hiding
15 in the woods for almost an hour. What, if any,
16 impact could that have had on the actual presence of
17 gunshot residue when you mentioned that gunshot
18 residue is fragile?

19 **A** Anything the subject would have done after the
20 alleged shooting could remove the evidence. If he's
21 sweating, hands in the pockets or touching anything,
22 that could remove the residue. If there was a gun
23 on the subject, he could have recontaminated his
24 hands with that residue. So when I find gunshot
25 residue, I cannot tell you how it was deposited on

1 the hands other than those scenarios, but it could
2 have been removed and redeposited due to the
3 timeframe and to the activity.

4 Q And, in this case, it being we know that it was
5 a .380 caliber pistol used, which is a -- would that
6 be considered a small caliber firearm?

7 A What we consider for gunshot residue for
8 smaller caliber are the .22s and the .380s. They
9 are in the smaller range of the calibers.

10 Q And then earlier, probably not eloquently, but
11 I asked about that timeframe of that window. And I
12 believe your testimony was with smaller caliber
13 firearms, you're looking at that three- to four-hour
14 window or less in terms of the presence of gunshot
15 residue?

16 A As opposed to the six hours, yes.

17 Q And then just to confirm, there was gunshot
18 residue present on both of his hands over an hour
19 after the shooting?

20 A Yes.

21 MS. RADLEIN: No further questions at this
22 time.

23 CROSS-EXAMINATION

24 BY MR. DRYLIE:

25 Q Good morning.

1 **A** Good morning.

2 **Q** Now, just so I'm clear, you stated that if a
3 gun's fired and someone else or someone picks up
4 that gun and takes it somewhere else, gunshot
5 residue could be on them, correct?

6 **A** Yes.

7 **Q** Okay. And now, in this case, to the best of
8 your knowledge, the only person that you -- the only
9 person that you had gunshot residue tests for were
10 Montrell Troutman, correct?

11 **A** That was the only GSR kit I received for
12 analysis.

13 **Q** So you didn't receive one for anyone else?

14 **A** I did not.

15 **MR. DRYLIE:** No further questions.

16 REDIRECT EXAMINATION

17 BY MS. RADLEIN:

18 **Q** What is the range of -- how far can gunshot
19 residue go depending on the gun?

20 **A** Depending on the gun, there is so many
21 variables that affect it. There has been one study
22 that has shown that it could go 30 to 40 feet in
23 front of the muzzle, but that's just with a certain
24 testing and with one gun. So there's such a range
25 with all of the variables that can affect it, but it

1 has been found up to 30 to 40 feet from the gun.

2 **MS. RADLEIN:** No further questions.

3 **MR. DRYLIE:** Nothing.

4 **THE COURT:** Thank you, ma'am. You may step
5 down.

6 Call your next witness.

7 **MR. EARGLE:** Thank you, Your Honor. State
8 calls William James Tyler Nelson.

9 WILLIAM JAMES TYLER NELSON,
10 having been duly sworn, testified as follows:

11 **THE CLERK:** Thank you, sir. Please be seated.
12 State your full name, spell your last name for the
13 record.

14 **THE WITNESS:** William James Tyler Nelson. Last
15 name, N-e-l-s-o-n.

16 DIRECT EXAMINATION

17 BY MR. EARGLE:

18 **Q** Mr. Nelson, introduce yourself to the jury.
19 Just give them a little background about yourself,
20 where you're from, your educational background.

21 **A** I was raised and born in Edgefield County, been
22 a paramedic now for six years, been in EMS for a
23 total of ten.

24 **Q** And are you still a paramedic?

25 **A** I am.

1 Q Full time?

2 A I'm part time, just went part time in July,
3 currently obtaining my RN.

4 Q I'm sorry. I didn't get that last --

5 A I'm currently obtaining my RN license.

6 Q Your RN, registered nurse?

7 A That's correct.

8 Q Let me take you back to June the 6th of 2015.
9 Do you recall that date?

10 A Yes, sir.

11 Q Where were you working at that time?

12 A Edgefield County EMS.

13 Q And did you have an opportunity to receive a
14 call for assistance on Morange Street here in the
15 town of Edgefield?

16 A Yes, sir.

17 Q Do you have your report from that night?

18 A I do.

19 Q If you need it for reference to refresh your
20 memory, I'm going to ask you a series of questions.
21 Do you recall when that -- you received a call for
22 service?

23 A It was 2045.

24 Q 2045 being?

25 A 8:00 P.M.

1 **Q** 8:45 P.M.?

2 **A** That's correct.

3 **Q** Okay. And do you remember what time you
4 arrived?

5 **A** 2052, which will be 8:52 P.M.

6 **Q** And what type of call were you responding to?

7 **A** I was dispatched for a shooting.

8 **Q** And when you arrived, did you find a patient?

9 **A** I did.

10 **MR. EARGLE:** Permission to approach, Your
11 Honor.

12 **THE COURT:** Yes.

13 BY MR. EARGLE:

14 **Q** I'm handing you what's been marked State's 21.
15 Do you recognize that?

16 **A** I do.

17 **Q** You do.

18 **MR. EARGLE:** Permission for the witness to step
19 down, Your Honor.

20 **THE COURT:** Yes.

21 (Witness leaves the witness stand.)

22 BY MR. EARGLE:

23 **Q** You said you recognize this photo. Can you
24 tell the jury was the victim present in that
25 photograph or at what you're looking at as the

1 photograph?

2 **A** He was. There was a car that was parked right
3 along here and he was laying right in the front
4 yard. It was really dark that night and there was a
5 ton of people in the front yard, so -- but from what
6 I recall, we parked our ambulance -- we actually
7 pulled in the driveway right here and there was
8 another ambulance parked here. And we actually had
9 to get out and walk through the crowd. So there was
10 tons of subjects out in the front yard.

11 **Q** But he was -- looking at that photograph, he
12 was near the house toward the sidewalk leading to
13 the front door?

14 **A** That's correct.

15 **Q** All right. Have a seat, please.

16 **A** (Witness resumes the witness stand.)

17 **Q** And would you tell the jury, when you got to
18 your patient, what type of condition was he in?

19 **A** In poor condition at the time.

20 **Q** And when you say poor condition, what do you
21 mean?

22 **A** He had a palpable carotid pulse.

23 **Q** Let me stop you there. What's a palpable
24 carotid pulse?

25 **A** Whenever you get -- he was unresponsive, no

1 movement whatsoever. He was attempting to breathe
2 at the time. And I'll explain that. The carotid
3 pulse we basically feel down to make sure that they
4 have a carotid pulse, that there is a pulse present
5 to make sure -- to see what we're dealing with
6 first.

7 Whenever I say that he was barely breathing at
8 the time, he was attempting to breathe. He was
9 breathing anywhere we -- I wrote in my report
10 agonal. It's anywhere between four to six times a
11 minute, which is not capable of sustaining life at
12 that time.

13 Q What does the average -- do you know what the
14 average pulse in a person's -- what -- palpable --

15 A Carotid pulse.

16 Q Carotid pulse.

17 What's the average person?

18 A Sixty to a hundred.

19 Q Sixty to a hundred.

20 And he was how much again?

21 A Sixty.

22 Q Six?

23 A Sixty.

24 Q Sixty?

25 A Sixty.

1 Q Okay. And your victim?

2 A His respirations?

3 Q Yes.

4 A His respirations -- a normal adult would be 12
5 to 20 times a minute, which is what we normally
6 breathe. He was only breathing four to six times a
7 minute.

8 Q What, if anything, did you do at that time?

9 A At that time, the scene was unsafe. We were
10 unable to tend to the patient at the time. We had
11 tons of people falling on top of us and we wasn't
12 able to work at that time. So we actually -- my
13 partner had got the stretcher to me. So we just
14 picked him up, put him on the stretcher so we can
15 get him somewhere to we -- we could attempt to -- to
16 save him.

17 Q And where did you take him once you -- you said
18 you put him on a stretcher?

19 A That's correct.

20 Q And where did you take him from there?

21 A We had to push him through several people in
22 the front yard to get to the back of our truck which
23 then we loaded him into our ambulance and closed the
24 door, so that way we could be in a confined space
25 where nobody was allowed to be in our way.

1 **Q** And once you got him in that confined space
2 where you could administer aid to him, what did you
3 do?

4 **A** At that time, we basically follow what we've
5 been taught over the years, which we follow ABCs:
6 Airway, breathing, circulation. Airway comes first,
7 breathing comes second, circulation.

8 At that time, he had -- his airway was clear,
9 but as I stated, he was unresponsive, unconscious at
10 that time. He was not able to control any movement.
11 We inserted an OPA in his airway. OPA is
12 oropharyngeal airway. It's basically a piece of
13 plastic that goes to keep your tongue -- because
14 even though we sleep at night and we can control our
15 tongue, he was not able to do that. So we actually
16 had to insert a piece of plastic that keeps his
17 tongue off the back of his throat so we can breathe
18 for him.

19 **Q** If I can stop you there. Why was he not able
20 to do that?

21 **A** Most unlikely deprived of oxygen.

22 **Q** Oxygen depravation?

23 **A** That's right.

24 **Q** And when you saw him -- and you may have said
25 this, I may not have heard it -- did you notice any

1 type of wounds on him?

2 **A** Bystanders were holding some type of object
3 over his chest, which we removed. We wasn't able to
4 do anything then, but we removed it and he did have
5 a -- what appeared to be a gunshot wound over his
6 left --

7 **Q** A gunshot wound where?

8 **A** Over his left nipple area.

9 **Q** Okay. Okay. So he's in the back of the
10 ambulance and take us from where you left off and
11 what you continued to do.

12 **A** We ended up inserting the OPA and then we ended
13 up having to breathe for him because four to six
14 times a minute, you're not able to sustain life at
15 that point in time, you're not able to oxygenate
16 your own body. So we actually had to start
17 breathing for him, which we used what we call a BVM,
18 Bag-Valve-Mask. We proceeded to give him artificial
19 ventilations, which we were breathing for him, and
20 then we listened to lung sounds at that point.

21 **Q** How does that work, that breathing for him?

22 **A** You basically -- it's just a bag that has
23 oxygen going in one side, a mask on the other. You
24 place it over their face and you actually -- some
25 people call it bagging, but we refer to it as

1 artificial ventilation. And you just continue to
2 breathe for him at a rate of 12 to 20 times a
3 minute, which is what a normal adult would breathe.

4 Q So what's coming out of that bag into his body?

5 A Oxygen.

6 Q And what did you do then?

7 A At that point in time, once we started
8 ventilating him, we noticed that he didn't have any
9 chest rise and fall on the left side. We have -- a
10 normal human has equal chest rise and fall. He
11 didn't have any chest rise and fall on the left
12 side, he did on the right, so we knew that there was
13 an issue.

14 We listened to lung sounds. You first listen
15 to the top apexes and then the bases at the bottom.
16 He didn't have any lung sounds on the left side
17 whatsoever. At this point in time, we know that
18 there's an issue. He's not receiving air into his
19 left lung, so we have to figure out what the problem
20 is. We go straight to pleural decompression at that
21 time.

22 Q And what's that?

23 A Pleural decompression is you have -- I don't
24 know if any of you ever heard of pleurisy, but
25 basically your lungs sit inside of a sac and around

1 that -- your lungs and between your lungs and that
2 sac, it's called your pleural space. And there's
3 some fluid in there that keeps your lungs from
4 rubbing up against that, which is what leads to
5 pleurisy.

6 Well, what happens is whenever you have
7 something that has penetrated through your lung, now
8 air is escaping out of your lung into that sac and
9 there's no other way because that sac -- there's no
10 other way for it to escape. So what happens is air
11 is leaking out of your lung into that sac and it --
12 it's basically almost like inflating a tire. Coming
13 out of your lung, every time you breathe in or we
14 breathe for him, it escapes out his lung and it
15 pushes his lung, puts air between the pleural sac
16 and his lung and it collapses that lung. So he was
17 not able to -- his lung was collapsed. He was not
18 able to profuse or exchange oxygen in and out of the
19 left lung.

20 **Q** And after performing these procedures on your
21 patient, what was the plan of action to secure
22 better treatment for him?

23 **A** Having pneumothorax, which is basically what we
24 call that air trapped into your space, that's a
25 life-threatening condition. Pleura decompressions

1 is the only thing that's going to be able to revive
2 him at that time. So we, basically, inserted the
3 needle into his second -- between his second and
4 third rib and expelled that air, so that way his
5 lung reinflated and he was able to exchange oxygen.

6 Now, at this time, you've got to realize he was
7 without oxygen for six to eight minutes from the
8 time that we arrived to the time that we were able
9 to perform this. So, at that time, we started
10 breathing for him and he was able to exchange
11 oxygen, but his organs were already without oxygen
12 for at least ten minutes.

13 Q How would you describe his condition?

14 A Poor, critical.

15 Q Was there a plan to take him to a hospital for
16 treatment?

17 A With a gunshot victim, because it's an entrance
18 wound within the body, you never know where that
19 bullet went or what it destroyed. The only thing
20 that's going to be capable of fixing him is a trauma
21 unit. We needed to get him to a trauma center as
22 soon as possible, which we were attempting to do in
23 the process. We called for one before we even
24 arrived on the scene because we knew what we were
25 dealing with.

1 We attempted to take him from the scene to the
2 LZ. From the time that we got the call to the
3 time --

4 **Q** Let me stop you there. You attempted to take
5 him from the scene to an LZ. What do you mean by
6 LZ?

7 **A** An LZ is a loading zone, basically where a
8 helicopter lands. We take the patient, we put them
9 in a helicopter and then they take off.

10 **Q** He was that critical that y'all felt the need
11 to get him to a helicopter to get him to a place
12 where he can be treated?

13 **A** Absolutely.

14 **Q** Did you meet the helicopter?

15 **A** We did not.

16 **Q** Why not?

17 **A** He ended up crashing en route. I believe it
18 was five minutes.

19 **Q** When you say he ended up crashing en route, who
20 are you referring -- or what are you referring to?

21 **A** He went from -- I'm trying to think of the best
22 term to use. He went from critical to being
23 severely critical to -- he basically downgraded.
24 His condition went for the worst. He went from a
25 heart rate of 60, which we had him on the cardiac

1 monitor, he went from a heart rate of 60 and dropped
2 straight down to 30 beats per minute, which was not
3 capable of sustaining life at that point.

4 Q Mr. Nelson, I know you speak fast. If you
5 don't mind, just slow it down a little bit.

6 A Okay.

7 Q That lady in front of you is recording
8 everything you say and everyone needs to hear it all
9 as well. Thank you.

10 So his condition deteriorated quickly?

11 A That's correct.

12 Q What happened with the plan to get him to a
13 helicopter?

14 A We ended up having to change our plan to get
15 him -- he needed a doctor right then and right
16 there. A doctor can do a lot more than what we can
17 do in the back of our small ambulance. So we had to
18 take him to the closest appropriate facility at that
19 time to get him stabilized.

20 Q Were you able to identify who your patient was?

21 A I was not.

22 Q Where did y'all end up taking your patient?

23 A Edgefield County Hospital.

24 Q What did y'all do with him then?

25 A Transferred him over to a doctor.

1 **Q** From the time you first approached your patient
2 there on Morange Street to the time you got him to
3 the hospital, did he say anything to you?

4 **A** He did not.

5 **Q** Was he conscious or unconscious?

6 **A** He was unconscious.

7 **Q** From the time you first saw your patient to the
8 time you left him at the hospital, how would you
9 describe his condition?

10 **A** Critical.

11 **Q** I'm sorry. I didn't hear you.

12 **A** Critical.

13 **Q** Critical.

14 He didn't say anything?

15 **A** He did not.

16 **Q** Did he have any movement about his body?

17 **A** He did not.

18 **Q** But you did everything you could to sustain his
19 life; is that correct?

20 **A** Absolutely.

21 **MR. EARGLE:** Thank you. Please answer any
22 questions the defense may have.

23 **THE COURT:** Cross-examination?

24 ****

25 ****

1 CROSS-EXAMINATION

2 BY MR. DRYLIE:

3 Q Good morning.

4 A Good morning.

5 Q Now, when you arrived on scene, you stated that
6 there were tons of people about?

7 A That's correct.

8 Q Okay. And they were in the yard?

9 A That's correct.

10 Q They're in the roadway?

11 A That's correct.

12 Q And then in the driveway, too?

13 A That's correct.

14 Q Okay. Were you the first ambulance on scene?

15 A I was.

16 Q Okay. And then another ambulance came
17 afterwards, correct?

18 A That's correct.

19 Q And were police officers on the scene at that
20 point; do you remember?

21 A They were.

22 Q They were? Okay.

23 Do you remember -- would you mind stepping down
24 for just a second?

25 A (Witness leaves the witness stand.)

1 **Q** Okay. Now, you stated you pulled in the
2 driveway here, correct?

3 **A** We did.

4 **Q** And then there was another ambulance here?

5 **A** That's correct.

6 **Q** Do you remember was there a Dodge Charger here?

7 **A** I do not recall.

8 **Q** Okay. But there were people all throughout
9 this whole area, correct?

10 **A** That's correct. They were mainly in this
11 general area right here {indicating}.

12 **MR. DRYLIE:** No further questions.

13 (Witness resumes the witness stand.)

14 **THE COURT:** Any redirect?

15 **MR. EARGLE:** Yes, sir, just one, Your Honor.

16 Thank you.

17 REDIRECT EXAMINATION

18 BY MR. EARGLE:

19 **Q** If I remember correctly, you said when you
20 approached your patient, there were individuals
21 assisting him, holding his wound?

22 **A** That's correct.

23 **MR. EARGLE:** Thank you, Your Honor. That's all
24 I have.

25 **THE COURT:** Anything?

1 **MR. DRYLIE:** Nothing.

2 **THE COURT:** Sir, you may step down. Thank you.

3 **MS. RADLEIN:** Your Honor, may we approach?

4 **THE COURT:** Yes.

5 (Whereupon, a bench conference was held off
6 the record, in the presence of the jury, but out of
7 the hearing of the jury.)

8 **THE COURT:** Ladies and gentlemen, I'm going to
9 let you step to the jury room for just a few
10 minutes. Do not discuss the case. Do not discuss
11 the case. I'll get you back out here as quickly as
12 possible.

13 (The jury retires to the jury room.)

14 **THE COURT:** All right. We'll stand down for
15 just a few minutes.

16 (Brief Recess.)

17 **THE COURT:** All right. I'm going to bring the
18 jury out and release them until one o'clock.

19 **MS. RADLEIN:** Yes, Your Honor.

20 **MR. DRYLIE:** Yes, sir.

21 **THE COURT:** All right. Bring me the jury,
22 please, sir.

23 (The jury returns to the courtroom.)

24 **THE COURT:** Ladies and gentlemen of the jury,
25 just come right here. No need to sit down right

1 now; just file in right here, please. I don't want
2 you to get too comfortable in there yet because I'm
3 fixing to release you for an early lunch.

4 All right. Ladies and gentlemen, I'm going to
5 release you for an early lunch right now. I'm going
6 to ask that you be back here at one o'clock, at one
7 o'clock, and we will, at that time, resume the trial
8 of this case. Do not discuss the case. Don't
9 discuss the case at all. Don't do any independent
10 investigation. As I've told you from the outset,
11 you're to decide this case based solely upon the
12 testimony and evidence that's presented in this
13 courtroom and nowhere else.

14 You-all are free to go. I'll see you back at
15 one o'clock. Thank you.

16 (The jury was excused for lunch.)

17 **THE COURT:** All right. You're going to put the
18 doctor up at 1:00 and that's -- you said you're
19 going to rest after that?

20 **MS. RADLEIN:** That's correct, Your Honor.

21 **THE COURT:** Anything before we break or stand
22 down at this point?

23 **MS. RADLEIN:** Nothing, Your Honor.

24 **MR. DRYLIE:** Not right now, Your Honor.

25 **THE COURT:** All right. If y'all will be back

1 at 12:30, 12:30.

2 (Whereupon, there was a luncheon recess.)

3 (State's Exhibit Numbers 40 through 44
4 marked for identification.)

5 **THE COURT:** All right. Is the State ready to
6 proceed?

7 **MS. RADLEIN:** The State is ready, Your Honor.

8 **THE COURT:** Defense counsel?

9 **MR. DRYLIE:** We are.

10 **THE COURT:** All right. Call your next -- well,
11 let's get the jury in first.

12 (The jury returns to the courtroom.)

13 **THE COURT:** All right. Good afternoon, ladies
14 and gentlemen. I hope you-all had a nice lunch and
15 are ready to proceed this afternoon.

16 At this time, I'm going to recognize the State.
17 Call your next witness, please.

18 **MS. RADLEIN:** Thank you, Your Honor. The State
19 calls Dr. Janice Ross.

20 JANICE EDWARDS ROSS,
21 having been duly sworn, testified as follows:

22 **THE CLERK:** Thank you, ma'am. Please be
23 seated. State your full name and spell your last
24 name for the record.

25 **THE WITNESS:** Janice Edwards Ross, R-o-s-s.

1 DIRECT EXAMINATION

2 BY MS. RADLEIN:

3 Q Good afternoon, Dr. Ross.

4 A Good afternoon.

5 Q Can you go ahead and describe your -- explain
6 to the jury your educational background?

7 A Yes. I'm a forensic pathologist with Newberry
8 Pathology Associates. To get to where I am, I did
9 four years of college at the University of South
10 Carolina. I received my MD, my Doctorate of
11 Medicine, from Upstate Medical Center in Syracuse,
12 New York, where I did further training in the field
13 of pathology.

14 The field of pathology trains us to identify
15 cancers and different diseases by using the
16 microscope and by using laboratories from the
17 hospital with chemistries and urinalyses or
18 whatever. We also learned how to do an autopsy to
19 find a cause of death.

20 I did further training in medical examiners'
21 offices to learn forensic pathology, which is the
22 field where we learn how to identify patterns of
23 injury to find out the causes of death, whether it's
24 an accident or homicide or whatever, and to document
25 such injuries for the court of law. We also, during

1 a forensic autopsy, take samples for -- of fluids
2 for toxicology.

3 Q Dr. Ross, approximately how many autopsies do
4 you believe you performed?

5 A Over 11,000.

6 Q And that's throughout your entire career?

7 A Yes.

8 Q And have you ever testified in court before as
9 an expert?

10 A Yes, in South Carolina, almost 200 times.

11 MS. RADLEIN: Your Honor, at this time, the
12 State seeks to offer Dr. Janice Ross as an expert in
13 forensic pathology.

14 THE COURT: Any objection?

15 MR. CASTO: No objection. No voir dire, Your
16 Honor.

17 THE COURT: Ladies and gentlemen, my same -- or
18 prior charge to you with regards to expert witnesses
19 applies here.

20 You may continue.

21 MS. RADLEIN: Thank you, Your Honor.

22 BY MS. RADLEIN:

23 Q Dr. Ross, what is the purpose of a forensic,
24 autopsy?

25 A This is to identify the cause of a death as --

1 just what it says, what caused the death, along with
2 the manner of death. The manner of death, there are
3 five types: Natural, like heart disease; suicide;
4 homicide; accident; or sometimes we can't determine,
5 so we put undetermined. So the forensic autopsy
6 puts together everything, the cause of death and all
7 the findings, and concludes with a manner of death.

8 **Q** And, Dr. Ross, can you -- if you would, in
9 general terms, describe the procedure in actually
10 conducting an autopsy.

11 **A** Yes. Our autopsies are authorized by the
12 coroners of different counties. The patients are
13 brought to us, we do an external examination with
14 photography and we do an inventory of anything on
15 the person. We do photographs, clothed and
16 unclothed. And, in this case, there was evidence of
17 a gunshot wound, so we did further X-rays to
18 identify whether or not there were any remaining
19 bullet or bullet fragments in the body.

20 **Q** You mentioned that there was a gunshot wound in
21 this case, and so just to confirm, you did conduct
22 the autopsy of Leric Merriweather in this case?

23 **A** Yes.

24 **Q** And the gunshot wound, can you tell the jury
25 exactly where it was located?

1 **A** It was located in the left chest kind of above
2 and towards the middle of the body as far -- in
3 relationship to the left nipple. And the bullet
4 then went to the back, went out of the back, the
5 left back.

6 **Q** In describing that, what, if anything, does
7 that tell you?

8 **A** Bullets go straight. So this bullet was going
9 from the front to the back slightly downward. It
10 went down about an inch from the front to the back,
11 and it went slightly towards the middle of the body.
12 In so doing, it went through the -- both lungs,
13 lobes of the left lung, and caused a lot of
14 hemorrhage internally.

15 **Q** And before I get to that, can you describe the
16 entrance of the gunshot wound? Specifically, was
17 there any evidence of soot or stippling?

18 **A** No.. There was -- it was a distant shot. When
19 the bullet comes out of the gun, so does powder and
20 soot, but the powder and soot only go a certain
21 distance. So if we just have an entrance wound of
22 the bullet without the soot or the stippling, which
23 is caused by the powder, then we call it a distant
24 wound. And that would be at least -- that would
25 mean that the gun was at least two feet away from

1 the person.

2 **MS. RADLEIN:** Permission to approach the
3 witness, Your Honor.

4 **THE COURT:** Yes.

5 BY MS. RADLEIN:

6 **Q** I'm going to show you what's been marked for
7 identification as State's Exhibit 40, 41, 42, 43 and
8 44. I'm going to ask you if you recognize them?

9 **A** Yes. These are photographs from the autopsy
10 along with a diagram that I made myself.

11 **MS. RADLEIN:** Your Honor, at this time, the
12 State seeks to move State's Exhibit 40 to 44 into
13 evidence.

14 **THE COURT:** Any objection?

15 **MR. CASTO:** No objection, Your Honor.

16 **THE COURT:** So admitted.

17 (State's Exhibit Numbers 40 through 44
18 admitted into evidence.)

19 **MS. RADLEIN:** Permission to publish.

20 **THE COURT:** Yes.

21 **MS. RADLEIN:** And permission for the witness to
22 step down.

23 **THE COURT:** Yes.

24 (Witness leaves the witness stand.)

25 BY MS. RADLEIN:

1 **Q** Dr. Ross, if you wouldn't mind describing to
2 the jury what exactly they're looking at in State's
3 Exhibit 40.

4 **A** That's the entrance wound in the front of the
5 chest. It's nice and round and has little abrasion.
6 When the bullet goes into the skin, it pushes the
7 skin so the edges are abraded.

8 **Q** And you mentioned that there was no evidence of
9 soot or stippling. Would they be apparent in this
10 photograph if there were?.

11 **A** Yes. Soot would, like soot anywhere, would be
12 black. The stippling would be little tiny pinpoint
13 red dots if it were there.

14 **Q** And then just so I'm clear, can you explain
15 what exactly stippling is?

16 **A** Stippling is where the powder hits the skin and
17 it leaves just a little tiny dot, because some of
18 it's burning and some is still and some's not.

19 **Q** And in looking at State's Exhibit 41, Dr. Ross,
20 if you would explain to the jury what they're
21 looking at here.

22 **A** That's the exit wound in the back.

23 **Q** And looking at State's Exhibit 42?

24 **A** This is just to demonstrate the front of the
25 body where the entrance -- the entrance wound was

1 and the back of the body where the exit wound was.

2 Q And looking at State's Exhibit 43?

3 A Just a side view just to further describe how
4 the bullet goes front to back and slightly downward.

5 Q Is there anything that you can explain that
6 would indicate such a downward path of travel since
7 you testified that bullets travel straight?

8 A It just -- it doesn't really give me a position
9 of the two people. It just means that the gun was
10 just maybe slightly above the entrance wound and
11 pointed towards the middle of the body or the person
12 could be leaning over somewhat if the body -- if the
13 bullet comes in straight.

14 Q And in looking at State's Exhibit 44, did you
15 also take this photograph?

16 A Yes.

17 Q And would this be how Leric Merriweather
18 actual -- the patient actually came to you?

19 A Yes.

20 Q And he would have been wearing those basketball
21 shorts at the time?

22 A Yes.

23 Q Thank you, Dr. Ross. Just briefly...

24 A (Witness resumes the witness stand.)

25 Q And if you can tell the jury what exactly was

1 your final -- your final cause of death in this
2 case.

3 **A** It was due to exsanguination, which means to
4 bleed out, due to laceration of the left lung due to
5 the gunshot wound to the chest.

6 **Q** And in this particular case, due to the
7 patient's injuries, can you tell the jury whether or
8 not there would have been a -- had the patient been,
9 I guess, at the hospital and actually undergone
10 surgery, the likelihood of saving his life?

11 **A** It would be possible if he were right there.
12 When you lacerate a lung, it doesn't stop by itself.
13 Like sometimes when you've cut your skin, it'll stop
14 after a few seconds. When you open up a wound in a
15 lung, it doesn't stop unless you actually go in and
16 clamp it off. So if he were -- had the opportunity
17 to get to the operating room within minutes and was
18 supported with a lot of fluids, he possibly could
19 have survived.

20 **Q** Dr. Ross, I want to ask you just a question in
21 your report. In conducting an autopsy, do you
22 record the dimensions of the patient in terms of his
23 height and weight?

24 **A** Yes. We measured him at 65 inches. We don't
25 have a scale, so we don't -- we estimate the weight.

1 **Q** And so at 65 inches, approximately how many
2 feet would that be?

3 **A** That's 5 feet, 5 inches.

4 **Q** So at the time of his death, he was 5 feet and
5 5 inches?

6 **A** Correct.

7 **Q** And you said the approximate weight?

8 **A** Approximated it at 180 pounds.

9 **Q** And one last thing, Dr. Ross: In your report,
10 did you note whether or not, when you received the
11 patient, if he was wearing a shirt?

12 **A** I noted all the clothing, and we have that on
13 the evidence form also, but there was not a shirt
14 present.

15 **MS. RADLEIN:** Thank you, Dr. Ross. No further
16 questions at this time.

17 **THE COURT:** Cross-examination?

18 CROSS-EXAMINATION

19 BY MR. CASTO:

20 **Q** Good afternoon, Dr. Ross.

21 **A** Good afternoon.

22 **Q** Just briefly, when you say the trajectory of
23 the bullet, it doesn't really give you the position
24 of the parties, does it?

25 **A** No, it does not.

1 **Q** In other words, you know, like you said, I
2 mean, the person could have been slightly bent over
3 or what have you, possibly; is that right?

4 **A** That's correct.

5 **MR. CASTO:** All right. Thank you very much,
6 Doctor.

7 **MS. RADLEIN:** No redirect, Your Honor.

8 **THE COURT:** Doctor, you may step down. Thank
9 you.

10 All right. Call your next witness, please.

11 **MS. RADLEIN:** Thank you, Your Honor. At this
12 time, the State rests its case.

13 **THE COURT:** Can the attorneys approach, please?

14 (Whereupon, a bench conference was held off
15 the record, in the presence of the jury, but out of
16 the hearing of the jury.)

17 **THE COURT:** All right. Ladies and gentlemen,
18 the State has rested its case. There are some
19 matters of law that I need to take up outside of
20 your presence that may take a while and rather than
21 have you sit here and wait for the balance of the
22 afternoon, I'm going to let you go home for the
23 balance of the day. Okay? I'm going to ask that
24 you be back here tomorrow morning at 9:30 A.M., be
25 back here at 9:30. And we will resume as promptly

1 **THE COURT:** Bring me the jury, please. \

2 (The jury enters the courtroom at 10:23
3 A.M.)

4 **THE COURT:** All right. Good morning, ladies
5 and gentlemen. I hope you-all had a nice evening.
6 The bailiff handed out to me what I asked you-all to
7 do yesterday, to select a foreperson.

8 Ms. Mason, that is your seat. All right?
9 You're the foreperson. You'll be the jury
10 spokesperson here in court. It will be your
11 responsibility, after this case is given to the
12 jury, for you to write the verdict, sign and date
13 such, but I'll talk to you about that more as we get
14 closer.

15 All right. At this time, we are going to
16 continue the trial of this case.

17 Defense counsel is so recognized.

18 (Court's Exhibit Number 7, jury note, marked
19 for identification.)

20 **MR. DRYLIE:** Thank you, Your Honor. The
21 defense calls Montrell Troutman to the stand.

22 MONTRELL DESHAWN TROUTMAN,
23 having been duly sworn, testified as follows:

24 **THE CLERK:** Thank you, sir. Please be seated.
25 State your full name, spell your last name for the

1 record.

2 **THE WITNESS:** Montrell Troutman,
3 T-r-o-u-t-m-a-n.

4 DIRECT EXAMINATION

5 BY MR. DRYLIE:

6 **Q** Montrell, where are you from?

7 **A** Miami, Florida.

8 **Q** And when did you move to Edgefield?

9 **A** Almost three years ago.

10 **Q** Okay. And why did you move to Edgefield?

11 **A** To be closer to my fiancée mother.

12 **Q** Okay. And who did you live with here in
13 Edgefield?

14 **A** My fiancée.

15 **Q** Okay. Anyone else live in the house?

16 **A** Yeah, my stepkids.

17 **Q** How long after you moved to Edgefield did you
18 meet Leric Merriweather?

19 **A** About three weeks to a month.

20 **Q** Did y'all get along?

21 **A** Yes.

22 **Q** Would he pick on you at times?

23 **A** Yes.

24 **Q** What would he say to you?

25 **A** He was always calling me all kind of names and,

1 you know, when he get around certain people, he'd
2 treat me different. Now, when we're by ourself,
3 it's different.

4 **Q** And had he threatened you before?

5 **A** Yes.

6 **Q** Now, would this happen all the time? Would he
7 be predictable?

8 **A** Well, it don't happen all the time, you know.
9 Sometime, like I say, when we're by ourself, it's
10 different. When he's in front of people, he change.

11 **Q** And did Leric appear to have a temper?

12 **A** Yes.

13 **Q** At times, were you scared of Leric?

14 **A** Yes.

15 **Q** Now, I want to talk to you a minute about what
16 happened on June 6th, 2015. Tell me what you did
17 when you woke up that day.

18 **A** I woke up and I took a shower. I got dressed.
19 I went to a friend's house and we barbecued.

20 **Q** Okay. So were you just hanging out over there?

21 **A** Yes.

22 **Q** And who was over there?

23 **A** Me, Elliott, a couple other people came, I
24 didn't know their name, and then another friend
25 named OB came over there.

1 Q Okay. And how did you end up leaving that
2 house?

3 A I can't hear you, sir.

4 Q How did you end up leaving that house?

5 A Oh, well, OB.

6 Q And where did y'all go?

7 A To the gas station.

8 Q What for?

9 A To get him some cigarettes.

10 Q Okay. And where did you go after that?

11 A We was on our way back and then we stopped by
12 Mr. Merriweather house.

13 Q Okay. Did you know you were going to Leric's
14 house that day?

15 A No, sir.

16 Q Now, did you have a gun on you when you went to
17 Leric's house?

18 A No, sir.

19 Q Were you looking for trouble when you went to
20 Leric's house?

21 A No, sir.

22 Q What did you do when you got to Leric's house?

23 A I spoke to everybody and I continued to stand
24 in the road and listen to my music on my phone.

25 Q Did Leric get in a fight with someone while you

1 were there?

2 **A** Yes, sir.

3 **Q** Who did he get in a fight with?

4 **A** A dude named Dwayne.

5 **Q** What did he do?

6 **A** He knocked him down.

7 **Q** After Leric hit Dwayne, did he say something to
8 you?

9 **A** Yes, sir.

10 **Q** What did he say?

11 **A** You can get it, too.

12 **Q** As a result of what he said, what did you do?

13 **A** I looked; I see a lot of his friends taking off.
14 their shirt and stuff like that, fixing to jump on
15 me. And so Johnny told me to leave and so I left.

16 **Q** Okay. So after that, you went home?

17 **A** Yes.

18 **Q** What did you do when you got home?

19 **A** Well, me and my mother-in-law, they came over.
20 We left.

21 **Q** Okay. Where did you go?

22 **A** We went to Johnny house and then we went to the
23 store.

24 **Q** What did you buy at the store?

25 **A** Some beer and some cigarette.

1 Q And then where did you go?

2 A We went back home.

3 Q Were you upset about what had happened over at
4 Leric's house?

5 A Yes.

6 Q Were you tired of being picked on for being the
7 new guy in town?

8 A Yes.

9 Q After you got back home from the store, what
10 did you do?

11 A I talked to my mother-in-law, sister-in-law and
12 my fiancée for a little while and I tried to lay
13 down.

14 Q Okay. What did you do when you got up from
15 laying down?

16 A Well, I heard somebody out there calling my
17 name, so I walked to the road.

18 Q Okay. And who was out there calling your name?

19 A Raymond Harris.

20 Q And as a result of what he told you, what did
21 you do?

22 A What did I do?

23 Q Uh-huh.

24 A Well, I went back in my house, then I went out
25 my backyard.

1 Q Okay. And what did you do in your backyard?

2 A I went to an abandoned house and retrieved a
3 gun.

4 Q Okay. Where did you get that gun?

5 A From an abandoned house in my backyard.

6 Q But, originally, where did you get that gun?

7 A Oh, I bought it off the streets.

8 Q Okay. And why did you have that gun?

9 A For protection.

10 Q And then where did you go?

11 A Well, I went to a friend house so I could vent
12 and talk to him, let him know, you know, what was
13 going on so I could cool myself down because I
14 didn't want no problems with nobody.

15 Q Okay. And who is your friend?

16 A TK.

17 Q And what happened when you got to his house?

18 A He wasn't home.

19 Q Where did you go after that?

20 A I put my headphones on and I went around the
21 corner to go home.

22 Q Okay. So was that on Morange Street?

23 A Yes, sir.

24 Q And you were walking down Morange Street
25 towards your house?

- 1 **A** Yes, sir.
- 2 **Q** And your house was further up Morange Street?
- 3 **A** Yes, sir.
- 4 **Q** Okay. Now, did you get dropped off in a green
- 5 Honda Accord on Morange Street?
- 6 **A** No, sir.
- 7 **Q** Did Constance Martin drop you off in a car on
- 8 Morange Street?
- 9 **A** No, sir.
- 10 **Q** Now, when you were walking down Morange Street,
- 11 what side of the street were you on?
- 12 **A** I was, like, in the middle.
- 13 **Q** Okay. And what did you see?
- 14 **A** I see a car pulls up, like, up the street some
- 15 and then it stopped and backed back out.
- 16 **Q** Did you recognize that car?
- 17 **A** Yes, sir.
- 18 **Q** Do you know whose car that was?
- 19 **A** Yes, sir.
- 20 **Q** Whose car was that?
- 21 **A** Leric Merriweather's.
- 22 **Q** Now, what happens when you get closer to
- 23 Leric's car?
- 24 **A** I seen it's three of them get out the car.
- 25 **Q** Okay. And who gets out of the car?

1 **A** Carlo, Keith Mathis and Leric.
2 **Q** Now, are you trying to go past them?
3 **A** Yes, sir.
4 **Q** Did you walk past the car on the driver's side
5 door?
6 **A** No, sir.
7 **Q** Did you walk into the yard?
8 **A** No, sir.
9 **Q** Did you do a U-turn and walk back by?
10 **A** No, sir.
11 **Q** Were you pointing at Leric Merriweather?
12 **A** No, sir.
13 **Q** Were you trying to start a fight?
14 **A** No, sir.
15 **Q** Were you trying to start any sort of
16 altercation?
17 **A** No, sir.
18 **Q** Were you just trying to go by them?
19 **A** Yes, sir.
20 **Q** And were you still walking in the street?
21 **A** Yes, sir.
22 **Q** Now, what happens when you try and go by the
23 car?
24 **A** They was yelling all types of stuff, so I told
25 them, I don't want no trouble. What's going on?

1 You know, I didn't start nothing with y'all, so I
2 don't know why you're bothering me.

3 **Q** Who was yelling stuff?

4 **A** Leric and Keith Mathis.

5 **Q** Okay. And what is Leric saying to you?

6 **A** You're not from around here, you know, get from
7 around here. I'm going to burn your house down with
8 you and your kids in your house. Stuff in that
9 manner.

10 **Q** Is he threatening you?

11 **A** Yes, sir.

12 **Q** Okay. Is Pooh saying anything?

13 **A** Yes, sir.

14 **Q** What is he saying to you?

15 **A** He's telling him that, You're going to let him
16 disrespect us like that?

17 **Q** Okay. And what are you saying back to them?

18 **A** I just tell them, I don't want no trouble. I
19 don't want no problem. Why are y'all picking on me?
20 Y'all always picking on me when y'all get mad with
21 me. I didn't do nothing to y'all.

22 **Q** Now, is Leric threatening you and in front of
23 you at this time?

24 **A** Yes, sir.

25 **Q** And were you scared of him?

1 **A** Yes, sir.

2 **Q** Now, you had a gun on you, correct?

3 **A** Yes, sir.

4 **Q** At some point, did you show Leric the gun that
5 was on you?

6 **A** Yes, sir.

7 **Q** Why did you do that?

8 **MS. RADLEIN:** Objection, Your Honor.

9 **THE COURT:** Overruled.

10 BY MR. DRYLIE:

11 **Q** Why did you do that?

12 **A** I tried to scare them off so they can leave me
13 alone so I can just go home.

14 **Q** Okay. And your house was further up the
15 street?

16 **A** Yes, sir.

17 **Q** Did you think that after showing them the gun,
18 you'd be allowed to pass?

19 **A** Yes, sir.

20 **Q** And just so -- at that moment, what did you
21 want to do?

22 **A** Just go home.

23 **Q** Did Leric let you go by after that?

24 **A** No, sir.

25 **MS. RADLEIN:** Objection, Your Honor.

1 **THE COURT:** Can you approach, please? What's
2 the grounds for the objection?

3 **MS. RADLEIN:** Leading.

4 **THE COURT:** Rephrase your question. You didn't
5 say that a minute ago. Sustained as to leading.

6 BY MR. DRYLIE:

7 **Q** What happened after you showed Leric your gun?

8 **A** They got even madder.

9 **Q** Okay. Were you allowed to pass by them?

10 **A** No, sir.

11 **Q** What did Leric do after that?

12 **A** He told me he's going to get his gun.

13 **Q** And what did he do?

14 **A** He get in his car, then he got back out his
15 car.

16 **Q** Okay. Did you know if he had a gun on him at
17 that point?

18 **A** No, sir.

19 **Q** Okay. Was he still -- what happened after
20 that?

21 **A** He was pretty pissed off.

22 **Q** Okay. What was he saying?

23 **A** Like I said again, he was like, You can't live
24 around here no more. I'm going to burn your house
25 down with your kids in your house. You're going to

1 have to pack up and leave, you and your family.

2 Q Okay. And what was he doing?

3 A Coming towards me, like, aggressive.

4 Q Okay. And what was Pooh doing?

5 A Getting ready to launch a bottle at me.

6 Q And what's going through your mind at this
7 point?

8 A I'm scared and nervous. I was in fear of my
9 life.

10 Q Now, were you scared because he was coming at
11 you?

12 A Yes, sir.

13 Q Okay. And what was Pooh doing at this time?

14 A Coming closer with a bottle in his hand, fixing
15 to launch it at me.

16 Q And were you afraid of them?

17 A Yes, sir.

18 MS. RADLEIN: Objection, Your Honor.

19 THE COURT: Grounds?

20 MS. RADLEIN: Leading.

21 THE COURT: Sustained.

22 BY MR. DRYLIE:

23 Q What happened next?

24 A That's when everything happened. They was
25 coming towards me. I panicked and pulled the gun

1 out my back pocket and shot.

2 Q Did you know who you were shooting at?

3 A Well, what you mean I know who I was shooting
4 at? I mean, I know that people was there, but, you
5 know, I was shooting in fear. I didn't try to shoot
6 anybody.

7 Q Okay. Now, where were you standing when you
8 started shooting?

9 A In the road.

10 Q Okay. Were you in Santonio Ryans' driveway?

11 A No.

12 Q What were you aiming at?

13 A Really don't -- I really don't recall aiming,
14 you know, I just pulled it out and started shooting
15 because I was scared.

16 Q And what was going through your mind at that
17 time?

18 A Just hurry up and get it over with so I can go
19 home. I was just real nervous and scared, you know.

20 Q Okay. And do you remember how many shots you
21 fired?

22 A No, sir.

23 Q What did you do after you fired the gun?

24 A I dropped it and I walked up the street real
25 fast.

1 **Q** Did you go home?
2 **A** No, sir.
3 **Q** Why didn't you go home at that point?
4 **A** I was still scared and nervous, and I was
5 scared for my family's safety.
6 **Q** Where did you go?
7 **A** In the woods.
8 **Q** Did you see Alex Mack that night?
9 **A** No, sir.
10 **Q** Did you say anything to him?
11 **A** No, sir.
12 **Q** Now, at some point, did you call somebody?
13 **MS. RADLEIN:** Objection, Your Honor.
14 **THE COURT:** Sustained.
15 BY MR. DRYLIE:
16 **Q** Who did you call?
17 **A** My mother-in-law and my fiancée.
18 **Q** And what happened when you called your
19 girlfriend?
20 **A** The police were there and I told her to put the
21 police on the phone; I want to turn myself in.
22 **Q** And then what did you do?
23 **A** I turned myself in.
24 **Q** Now, that night were you interviewed by the
25 police?

1 **A** Yes, sir.

2 **Q** What did you tell them?

3 **A** Well, I told them we tussled for the gun.

4 **Q** Was that true?

5 **A** No, sir.

6 **Q** Okay. Why did you tell them that?

7 **A** Still scared and nervous. I didn't know what
8 to do, you know.

9 **Q** Okay. Now, Montrell, when you fired at Leric,
10 did you know whether or not he had a gun on him?

11 **A** No, sir.

12 **Q** Were you afraid?

13 **A** Yes, sir.

14 **MS. RADLEIN:** Objection, Your Honor.

15 **THE COURT:** Can y'all approach a minute,
16 please?

17 (Whereupon, a bench conference was held off
18 the record, in the presence of the jury, but out of
19 the hearing of the jury.)

20 **THE COURT:** Objection sustained as to leading.

21 BY MR. DRYLIE:

22 **Q** When Leric was coming at you that night, what
23 was going through your mind?

24 **A** I thought they was fixing to hurt me.

25 **Q** Why did you pull the trigger?