

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM BERKELEY COUNTY
Court of General Sessions

Kristi L. Harrington, Circuit Court Judge

Opinion No. 5586 (S.C. Ct. App. filed August 8, 2018)

The State,

Respondent,

v.

Sha'Quille Washington,

Petitioner.

**APPENDIX
VOLUME I OF II**

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
General Sessions Court
Kristi L. Harrington, Circuit Court Judge

Case No. 2015-GS-08-01333
Appellate Case No. 2015-002668

The State,

Respondent,

v.

Sha'Quille Washington,

Appellant.

RECORD ON APPEAL
VOLUME 1 OF 2

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EMW/0223355/2013-08-02204

WITNESSES

Berkeley County Sheriff's Office

AGENCY CASE NUMBER

201308308764

ARREST WARRANT NUMBER

2013A0810200341

DATE OF ARREST

08/27/2013

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury

9-8-15
Date:

VERDICT

Voluntary Manslaughter Guilty

[Signature]
Foreperson of Petit Jury

10-16-15
Date:

DOCKET NO. 2015-GS-08-01333

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2015

THE STATE

VS.

SHA'QUILLE MI'LEAK JAMAL
WASHINGTON

B/M DOB: [REDACTED]

Indictment for

MURDER

SC Code: § 16-03-0010, 0020

CDR Code: 0116

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

15 SEP - 8 PM 1:46

FILED

Kwm

7

Kwm

STATE OF SOUTH CAROLINA

INDICTMENT

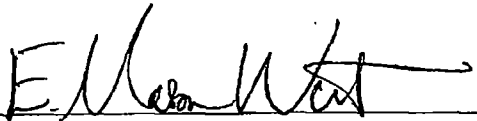
COUNTY OF BERKELEY

At a Court of General Sessions, convened on September 8, 2015, the Grand Jurors of Berkeley County present upon their oath:

MURDER

That in Berkeley County on or about August 25, 2013, the defendant, Sha'quille Mi'leak Jamal Washington, with malice aforethought, did kill and murder Herman Manigault by means of a gunshot, and Herman Manigault did die as a proximate result thereof; in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

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


E. MASON WEST
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

9

COUNTY OF BERKELEY

STATE VS:

SHA'QUILLE M'LEAK JAMAL WASHINGTON

AKA: Shaquille M. Washington, Shaquille Malik Washington

Race: Black/African American Sex: M

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: Huger, SC 29450-9448

DL# [REDACTED] SID# [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or☐ PLEADS

TO: Voluntary Manslaughter

In violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

☐ 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.

(def.'s initials)

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

ATTEST:

E. Mason West, Assistant Solicitor 100788
SC Bar #

Defendant

Attorney for Defendant

1587
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 Service 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.☐ The Defendant is to be placed on 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 HearingTotal: \$ plus 20% fee: \$ ☐ Ordered PTUP days/hours Public Service EmploymentPayment Terms: Obtain GED ☐☐ Set by SCDPPPS 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: Recipient: *Fine: \$ §14-1-206 (Assessments 107.5%) \$ §14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00§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 Enforc. Funding) \$25 \$ 25.00§14-1-213 (Drug Court Surcharge) \$150 \$ §50-21-114 (BUI Breath Test Fee) \$50 \$ §56-5-2942(J) (Vehicle Assessment) \$40/ea \$ Proviso 90.5 (SCCA Surcharge) \$5 \$ 5.003% to County (if paid in installments) \$ \$ 3.90TOTAL \$ 133.90Clerk of Court/Deputy Clerk: L. HillCourt Reporter: Mia PearsonPresiding Judge: [Signature]Judge Code: 215ASentence Date: 10/16/15

KRM

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

STATE OF SOUTH CAROLINA)

v.)

Sha'quille Washington,)

Defendant.)

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT
Case No.: 2015-GS-08-01333

ORDER

5 DEC 10 AM 9:04
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

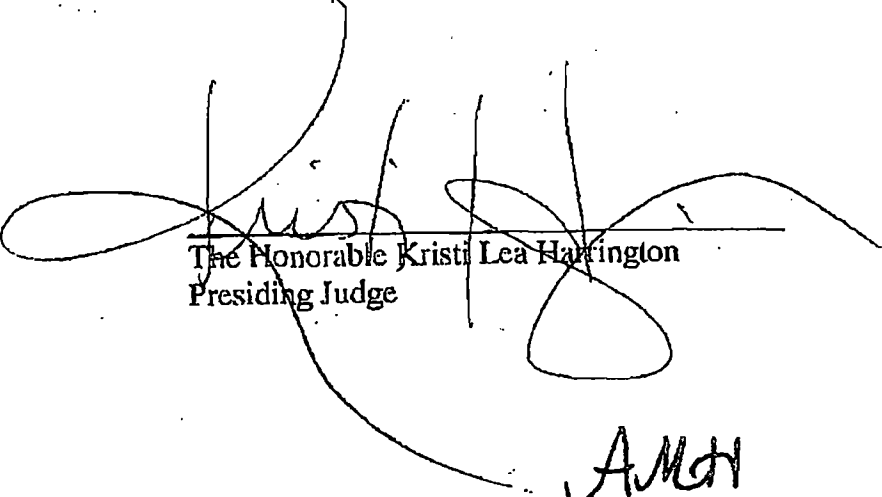
THIS MATTER IS BEFORE THE COURT on Defendant Sha'quille Washington's Motion for Reconsideration of Sentence. On October 16, 2015, Defendant was convicted of Voluntary Manslaughter. On October 16, 2015, Defendant received a sentence of thirty (30) years in the South Carolina Department of Corrections.

The Defendant's Motion was filed on October 19, 2015. Defendant's Supplemental Motion for Reconsideration of Sentencing was filed on December 7, 2015. Upon review of the case and the Motion provided by the Defendant, the Court finds that the sentence imposed shall remain in place.

THEREFORE, IT IS HEREBY ORDERED that Defendant's Motion to Reconsider Sentence is DENIED.

IT IS ORDERED.

December 8, 2015
Moncks Corner, South Carolina


The Honorable Kristi Lea Harrington
Presiding Judge

AMH

-5-

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[Exhibits premarked by the State unless otherwise noted]

MARKED/ADMITTED

JACKSON V. DENNO HEARINGSTATE'S

State's Exhibit Number 1 / 53
[CD / Defendant's Interview]

State's Exhibit Number 46 / 62
[CAD Report]

State's Exhibit Number 47 / 61
[Defendant's Statement]

DEFENDANT'S

Defendant's Exhibit Number 1 / 71
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The State vs. Sha'Quille Washington
Striking of the Jury
October 12, 2015

1 [Whereupon, a recess is taken from 12:05 p.m. to
2 1:15 p.m.]

3 THE COURT: Thank you. Be seated.

4 Mr. West, are you ready?

5 MR. WEST: I'm not sure where Mr. Davis is.

6 THE COURT: Well, that wasn't my question. Are you
7 ready?

8 MR. WEST: The State witnesses are here and we're
9 prepared to proceed.

10 THE COURT: Okay. Where is Mr. Davis?

11 [Whereupon, Mr. Davis enters the courtroom]

12 MR. DAVIS: All of these clocks are different. I
13 apologize. Clock says --

14 THE COURT: There is nothing funny going on here.

15 MR. DAVIS: -- ten minutes after. The clocks
16 are -- they're different.

17 THE COURT: The rule of sequestration has been
18 invoked.

19 MR. WEST: Well, we'll need to get this hearing --

20 [Off the record momentarily]

21 THE COURT: Waiting on you.

22 MR. WEST: All right. Thank you, Judge.

23 We're prepared to go forward with the Jackson v.
24 Denno hearing with regard to the statement given by the
25 defendant.

Jackson v. Denno Hearing
Bobby Shuler
Direct Examination by Mr. West

1 the video, if you feel it necessary.

2 THE COURT: Do you anticipate playing the entire
3 video for purposes of this hearing?

4 MR. WEST: For purposes of this hearing, I think
5 the voluntariness of the defendant's statement can be
6 established towards the beginning of the statement. And
7 it will also show that he was never under arrest and
8 that he was free to leave, because he in fact did go
9 home after the interview.

10 THE COURT: Why don't you show --

11 Mr. Davis, you listened to this interview?

12 MR. DAVIS: I want to see the part dealing with
13 the -- Your Honor, dealing with the part -- dealing with
14 the Miranda aspects. Okay? Yes.

15 THE COURT: I think -- and you let me know if you
16 need to watch any more.

17 I've listened to the entirety, and I do think it is
18 nice to see in conjunction with the video. But I don't
19 know that we need to hear the whole --

20 MR. DAVIS: I concur, Your Honor.

21 THE COURT: -- length. And it was --

22 THE WITNESS: Yeah. It was long.

23 THE COURT: -- somewhat lengthy. Thank you.

24 MR. WEST: Your Honor, in a matter unrelated to the
25 Jackson v. Denno, I believe some of Mr. Davis' witnesses

Jackson v. Denno Hearing
Bobby Shuler
Direct Examination by Mr. West

1 are present in the courtroom after we instructed them to
2 be sequestered.

3 MR. DAVIS: I didn't have a chance to discuss it
4 with -- I thought the Court --

5 THE COURT: I don't know who these --

6 MR. DAVIS: Yeah.

7 THE COURT: -- individuals are.

8 MR. DAVIS: Well, some of them are the State's
9 witnesses, too. You have Ms. Melissa Washington on your
10 witness list, so did you instruct her in any way?

11 MR. WEST: They've been instructed by the Court.

12 MR. DAVIS: Well, if they've been instructed by the
13 Court, then there's nothing I can do.

14 THE COURT: All right. Tyleesha Richardson, Ashley
15 Brown, Kenneth Grant, Renard Devoe -- please stand if I
16 call your name -- Robin Williams, Tyson Singleton,
17 Melissa Washington, Charlene Washington, Francis Jenkins
18 Arianna Coakley, Christina Lockwood, Sam Lawrence,
19 Cynthia Lawrence, Darius Alls -- please remain standing
20 -- Aja Williams, Larry Kinlock, Kevin Watson, Drequan
21 Lockwood.

22 Tell me your name, ma'am. We'll start --

23 MS. MELISSA WASHINGTON: I'm Melissa Washington.

24 MS. CHARLENE WASHINGTON: I'm Charlene Washington.

25 MR. SINGLETON: Tyson Singleton.

Jackson v. Denno Hearing
Bobby Shuler
Direct Examination by Mr. West

1 THE COURT: What has been invoked is called the
2 rule of sequestration and what that means is that
3 witnesses can't be present to -- in the courtroom when
4 other witnesses are testifying.. So you will have to
5 remain outside. You may not --

6 Please do not give me the look. All right?

7 You need to remain outside. Do not discuss your
8 testimony with anyone, and that does include the State
9 and Mr. Davis. Do you understand? You may talk to them
10 only about scheduling. But do not talk to any witnesses
11 that come out or that are planning on going in.

12 But I do need you to remain, because we will call
13 you. Okay? Thank you.

14 UNIDENTIFIED: I had a question. So I'm a witness,
15 because I never -- I never got --

16 THE COURT: Mr. West, I'm not going to engage.
17 Thank you.

18 MR. WEST: I understand.

19 THE COURT: Ms. Brown, if you would -- I don't know
20 where the support person is. If you could make sure --
21 all right.

22 [Whereupon, witnesses exit the courtroom]

23 THE COURT: Mr. West and Mr. Davis, if you would
24 please look at the audience. There were a lot of names
25 that I called that no one was present. I don't know who

Jackson v. Denno Hearing
Bobby Shuler
Direct Examination by Mr. West

1 those individuals are.

2 MR. DAVIS: Well, Your Honor, my witness list, if
3 you called it out and they didn't stand, then they're
4 not present.

5 THE COURT: Is there anyone else, Mr. West, that
6 you think?

7 MR. WEST: Court's indulgence. I want to talk with
8 Detective Investigator McGowen.

9 [Off the record momentarily]

10 MR. WEST: I don't believe any other State's
11 witness are present, Your Honor.

12 THE COURT: All right. You may continue. Thank
13 you.

14 MR. WEST: Ms. Brown is working on the technology,
15 Your Honor.

16 THE COURT: All right. Thank you, Ms. Brown.

17 [Off the record momentarily]

18 [Whereupon, State's Exhibit Number 1, interview
19 of Sha'Quille Washington, plays from 1:32 p.m. to
20 1:46 p.m.]

21 [Whereupon, State's Exhibit Number 1 is not
22 transcribed by the court reporter]

23 MR. WEST: That's the extent of what Mr. Davis has
24 requested to see, Your Honor.

25 THE COURT: Do you want to see anymore, Mr. Davis?

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State vs. Sha'Quille Washington
Proceedings
October 13, 2015

PROCEEDINGS

1
2 THE COURT: Anything before we bring in the jury,
3 Mr. West?

4 MR. WEST: Briefly, Your Honor.

5 The State and the defense have agreed upon, my
6 understanding, the crime scene photos, so we are going
7 to stipulate that they are going to be entered into
8 evidence. That would be State's --

9 MR. DAVIS: Your Honor, I would ask that it don't
10 be displayed in front of the jury in opening statements.

11 MR. WEST: I will not use it in my opening, but I
12 intended to use it for some of our first witnesses.

13 MR. DAVIS: I have no problem with that.

14 MR. WEST: So that would be State's Exhibits Number
15 2 through 10.

16 THE COURT: 2 through 10. No objection?

17 MR. DAVIS: We'll concur, Judge.

18 THE COURT: State's 2 through 10 into evidence
19 without objection.

20 [Whereupon, State's Exhibit Numbers 2 through 10
21 are admitted into evidence by the Court]

22 THE COURT: Mr. West, you are agreeing to not use
23 them in opening?

24 MR. WEST: I'm agreeing not to use them in opening,
25 but I will use them for the first witnesses.

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1 THE COURT: All right.

2 MR. WEST: Also, just for the record, Your Honor,
3 the defense counsel has been granted the opportunity to
4 review all the rap sheets for our witnesses. I do have
5 copies for him available, if he needs them for his
6 cross-examination, but they were provided yesterday for
7 his review, just so the record is clear on that.

8 MR. WEST: I don't believe there's anything else
9 further from the State, Your Honor, at this time.

10 THE COURT: Anything from the defendant?

11 MR. DAVIS: Nothing, Your Honor.

12 THE COURT: We're a little ahead of schedule.

13 Mr. West, Mr. Davis, since the rule of
14 sequestration has been revoked, please review and make
15 sure that there is no one in the courtroom who should
16 not be.

17 MR. WEST: Thank you, Your Honor.

18 And I've also instructed the bailiff to check any
19 witnesses, or any persons that come in, in accordance
20 with the witnesses the State has provided.

21 I also would like the record to reflect that there
22 are two firearms involved in this case. Have gone
23 through the measures necessary to check those firearms.
24 We don't intend to introduce them into evidence.

25 THE COURT: Where are they?

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OPENING STATEMENT

MR. WEST: Sha'Quille Washington, or Shike, as some people call him, is a murderer. He murdered Herman Manigault, in the parking lot of a nightclub called A Place In The Woods, on August the 25th, 2013. He shot him in the back as he was face down in that gravel lot. He fled the scene with his Uncle Larry Kinloch. But Herman Manigault laid there, and he died right in front of his girlfriend Arianna Coakley and his cousin Larry Jenkins.

This is the point in the trial where the State is going to lay out a roadmap for the trial. It's not a point in time where we argue anything. Trust me, there will be plenty of argument throughout the trial and at the end, so this is just an overview of the facts in the case and some of the things you can come to expect.

So there's three things I really want to point out. One is going to be the people involved, two is going to be the evidence involved, and three is going to be the law that the judge is going to instruct you on at the end of the trial.

And so the first and most obvious person that you need to become familiar with is Sha'Quille Washington. Again, people call him Shike. His father's name is Corey Brown, though, sometimes you're going to hear

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1 people refer to him as Sha'Quille Brown. But for the
2 most part during this trial, everybody is going to refer
3 to him as Shike.

4 The second person that you need to become familiar
5 with is Herman Manigault. He is who Shike murdered.
6 He's who Shike shot. He's the victim in this case.
7 Some people called him Trey. So if you hear somebody
8 call him Trey, Trey is Herman Manigault.

9 One of the other people involved was Arianna
10 Coakley. You just heard that she was Herman's
11 girlfriend. She was at the nightclub, A Place In The
12 Woods, and she is going to tell you in vivid description
13 exactly what she saw and heard at the time of the
14 murder.

15 Next is going to be Larry Jenkins. Now, you'll
16 notice there's another Larry involved in this case,
17 Larry Kinloch. I don't believe you'll ever confuse the
18 two because you're going to notice right away they don't
19 look a thing alike and you're going to notice who's
20 cooperative and who's telling the truth. Larry Jenkins
21 is Herman's cousin. He was with Herman that night, and
22 he is going to tell you exactly what he saw and he is
23 going to describe exactly how he saw Shike shoot Herman.

24 Larry Kinloch is Shike's uncle. He's who took
25 Shike away from the scene that night. You're going to

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1 hear from him. And I imagine -- I can't exactly predict
2 exactly what he's going to say but I imagine a lot of it
3 is going to be lies, and it's going to be your job as
4 jurors to judge the credibility of him as a witness.
5 But he's an important witness because you'll also hear
6 things from him that point to Shike being the shooter.

7 The next thing I want to talk to you about is some
8 of the evidence in the case. This is number two. This
9 isn't a case where there's going to be a whole lot of
10 physical evidence but the physical evidence that is
11 provided to you, you'll be able to take back in your
12 jury room and you'll be able to consider it as part of
13 everything in this case. At the end, you'll compare it
14 to the eyewitness testimony, the other testimony from
15 the witnesses from the witness stand, and see what
16 corroboration there is.

17 One of the key pieces of evidence you're going to
18 see during this trial is a video interview of Sha'Quille
19 Washington. He gave a statement the morning that this
20 happened. This happened around 3:30 or 4:00 in the
21 morning. He was at the sheriff's office the next day
22 about 9:00-ish, 9:15-ish, giving a statement as to his
23 recollection of the events. You're going to notice
24 several things in this statement.

25 This statement is going to be very important at the

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1 end of the trial. I'm going to point out several things
2 to you in that statement at the end of the trial. But
3 while you're watching it, pay very close attention
4 because you're going to hear several details that only
5 the shooter would know. You're going to hear several
6 details that are just going to be Shike putting himself
7 at the scene, himself saying he was there. He's going
8 to say that he was feet away from Herman Manigault right
9 when he was shot. He's going to say he shot -- he saw
10 the shooting. But then he's going to stop. He's going
11 to minimize his involvement.

12 He's going to take himself away from what actually
13 would make it a murder. And that can probably be
14 expected in someone in his shoes. But what you're going
15 to see is a statement where almost everything in that
16 statement is going to be contradicted by everything else
17 that is brought in throughout this case.

18 Other pieces of evidence that you're probably not
19 going to see is not see surveillance. Nobody had their
20 cell phones out recording. The murder weapon was never
21 found. But what you're going to see and hear during
22 this trial, and is also evidence, is the people talking
23 from the witness stand. Testimony from witnesses is
24 evidence, so you're going to have to consider that and
25 judge their credibility throughout the trial.

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1 The last thing I want to talk to you about is the
2 law in this case. The law is pretty straightforward.
3 He's charged with murder. Murder is defined in the law
4 as the unlawful killing of another with malice
5 aforethought. The judge just told you at the end of
6 this trial she is going to define several legal concepts
7 for you. She's the judge of the law. You are the judge
8 of the facts. So when she gives you the law at the end
9 of the trial, you're going to have to apply what you
10 heard from the witness stand to what she says. That's
11 your job as jurors.

12 What the definition of unlawful killing of another
13 with malice aforethought equals is murder. And what we
14 have here is a pretty self-explanatory definition.
15 Unlawful killing of another. He shot Herman. He killed
16 him. That's pretty self-explanatory. What's going to
17 be in debate some, I imagine during this trial, is going
18 to be the malice aforethought.

19 So what's malice? Malice is an evil heart. It's a
20 wickedness. Was there any bad intention when Shike shot
21 Herman? That's going to be the question in this trial.
22 And if the State can prove those elements, then the
23 State has proven murder.

24 Now, what you're going to see when you come to
25 deliberate at the end of this is that, again, your job

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1 is to apply the law to the facts. The facts in this
2 case: took a matter of seconds, but several lives will
3 be forever changed. No one can turn back the hands of
4 time. Arianna and Larry can't unsee what they saw.
5 They can't unhear what they saw [sic]: Shike can't
6 unmurder Herman Manigault. He can't unshoot him. He
7 can't unpull the trigger. But what you're going to
8 notice is that all the evidence that's brought to you is
9 going to lead you to the unquestionable verdict that
10 this defendant is guilty of murder.

11 THE COURT: Mr. Davis.

12 MR. DAVIS: Thank you very much, Your Honor.
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State vs. Sha'Quille Washington
Opening Statement by Mr. Davis
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OPENING STATEMENT

1
2 MR. DAVIS: Ladies and gentlemen of the jury, I
3 want to say good morning. I want to introduce myself.
4 I have the pleasure this morning of representing a young
5 man who finds himself where many people in our society
6 find themselves: charged with an offense. You know, if
7 that was the end of the game, we wouldn't need y'all.

8 This young man is Sha'Quille Washington. He's
9 seventeen years of age. He's in the eleventh grade.
10 Pretty good basketball player, hurt his ACL, Hanahan
11 High School. And he was still in school, and still all
12 indications were that he was going to finish high
13 school. Seventeen years of age.

14 This is Sha'Quille. Some say Shike. Sha'Quille
15 Washington. He is a human being. Herman Manigault, a
16 human being. I want to start of that premise because
17 it's very important. It took me a while to get where
18 I'm at in life, in reference to age and some maturity or
19 what-have-you. Everyone in this courtroom have a role.
20 A role. The judge have kind of outlined what her role
21 is and I anticipate she's going to do her role and
22 duties as mandated by the Constitution. The solicitor,
23 he's going to do his role. He's going to do what's
24 required of him. And he's kind of outlined to you what
25 he believes he can prove. That remains to be seen.

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1 But at the moment, everything is open. We are
2 going to go with what he have said he's able to prove.
3 In that process of what he said he can prove, I want you
4 to understand that the judge has alluded to earlier that
5 the truth that we seek, the justice that we harness, can
6 come from any witness, is what I want you to understand.
7 I'm not going to be at the point that accurately tell
8 you everything the witnesses is going to present.

9 One of the greatest part of our Bill of Rights is
10 the right to cross-examination, the right to confront,
11 the right to question, the right to get the second half
12 of the equation. And so this morning I'm asking you
13 that if some truth is derived, if some truth or some
14 facts that are critical is brought out by cross-
15 examination of supposedly the State witnesses, it
16 doesn't matter. It shouldn't matter.

17 Now, there was a process for each one of you to sit
18 in these respective seats. You know, if I had my choice
19 I would just probably put people I knew on the jury, put
20 my friends and maybe some family, but the system don't
21 allow that. I am very confident in the role that each
22 one of you is going to play, because each one of you
23 have a role, also.

24 And it's just one thing I'm asking. Maybe two. I
25 don't want you to lose sight that Sha'Quille Washington

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1 is a person. I think too far -- many times in our
2 society, once we can dehumanize an individual we can
3 blame him, we can treat him in any manner we want to
4 treat him. If we can say he is that punk, or he is some
5 little ant, lack of a better term, then we can do
6 anything with him. And since we can do anything with
7 him, then your job as juror become easier because then
8 you can conclude any bias or prejudice you may have
9 against him. So in this whole midst, I don't want you
10 to lose the point that Sha'Quille Washington is a
11 person..

12 I want you to start at that premise. That's the,
13 process for that happened individual who stood in front
14 of me and made the decision to put their hand that they
15 promised to have no friend to reward and no enemy to
16 punish, that you as jurors will do your at most to stay
17 focused, because that's what it's going to require.
18 You're going to have to stay focused. And I don't want
19 you distracted by me. I want you to stay focused right
20 here [indicates]. I like to think of this as my fact-
21 finding chair. Fact-finding chair. This is where the
22 truth lies. Not who called the witness, but what is --
23 what come forth from the witness.

24 So, Mr. Davis, you are asking us to make sure to
25 always remember that Sha'Quille Washington, Herman

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1 Manigault, III, these are real people. These are lives
2 being affected. Yes, August the 25th, a birthday party
3 out in the woods, A Place In The Woods. A little light,
4 not a heavily-lighted place. A Place In The Woods,
5 birthday party, will forever be changed in reference to
6 the Manigault family. A birthday party. Today I
7 represent a young man whose life, in your role and
8 capacity as a jury, can forever be changed.

9 I believe in this system. I believe in this
10 system. This is what gets me up every morning, is this
11 system. I believe in it. But I guarantee you the
12 system is only as good as the people and the actors that
13 are in the system. It's only as good as the people who
14 are in the system. And so I know each one of you come
15 with unique obligation this morning. And this week --
16 because some of you in this jury process had some other
17 things that were pressing in your lives. I understand
18 that. And I listened, and the judge listened. But I'm
19 asking you that you're going to have to self-deny
20 yourself in reference to your interest because a life is
21 at stake and it's required that you focus and primarily
22 put all your attention, because I have no magical trick,
23 I have no slight of hand. I am just like you.

24 He says a roadmap, the State says. I like to think
25 of it today that we're on a journey to find out what the

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1 truth is. That's it. I am confident I will be
2 satisfied in my heart, the Washington in their heart,
3 the Manigault in their heart, if in this process you
4 make your decision on the truth, on the facts. There
5 are currently in our hearts too many hearts of war where
6 we dehumanize, we blame, and we reach decisions contrary
7 to staying focused on the truth.

8 I don't want anybody to be contrary to their moral
9 constitution. That's not what I'm asking. What I'm
10 asking for this morning is for each one of you who have,
11 made the decision to say you want to play the role as a
12 juror this week is to remain focused, remain open-
13 minded, don't get distracted, stay focused, and at the
14 end, at the end, if this journey leads you where I
15 believe it will lead you, your job, your responsibility,
16 your duty, is going to be awesome.

17 See, I've learned over the years that individuals
18 really don't like to stand in judgment of others. It's
19 funny, but we really don't. We really don't like to
20 stand in judgment of others. But when we're put to the
21 test to judge others, we want to be confident that in
22 that judgment process we had all the necessary elements,
23 we had all the necessary facts, we are confident, we're
24 confident, that whatever our decision may be is a
25 decision that we have reached based on facts. You do

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1 that for me. You do that for Washington. You do that
2 for the system. You do that for all the citizens of
3 Berkeley County who you represent.

4 I am confident this case is not what it may have
5 appeared, because the judge has shared with you that I
6 did not even have to come before you at this point. I
7 did not have to. This young man, Sha'Quille Washington,
8 is innocent until proven guilty. There should be no
9 predispositions in fact he's a murderer until the facts
10 says he's a murderer. He is innocent until that is
11 proven beyond a reasonable doubt. Not without
12 questioning, but beyond a reasonable doubt. That's the
13 -- that's the test.

14 You know what is the thing about this, also? In
15 our system, he's really not required to testify. He is
16 not required to prove anything. Because sometimes it's
17 hard to prove the innocence. So they're putting the
18 burden on the State of South Carolina, with all its
19 resources, all its resources. That's who Sha'Quille is
20 up against this week, all its resources.

21 So I'm asking each one of you, individually and
22 collectively, to remain focused, listen to everything,
23 and then whatever decision you reach we can live with.
24 But to rush to judgment, to be blind-sided by pictures
25 of blood, of carnage, of injury wound, without the full

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picture, would be a travesty of justice. Thank you.

THE COURT: Call your first witness.

MR. WEST: Your Honor, may it please the Court.

The State calls Larry Jenkins.

[Whereupon, Mr. Jenkins enters the courtroom]

THE COURT: Sir, please come forward and be sworn.

[Whereupon, Mr. Jenkins comes forward]

THE CLERK OF COURT: Please raise your right hand.

Place your left hand on the Bible.

[Whereupon, Mr. Jenkins is duly sworn by the clerk

of court as follows: do you solemnly swear or affirm

the testimony you will give the Court in the trial of

this case will be the truth, the whole truth, and

nothing but the truth, so help so you God]

THE WITNESS: Yes, ma'am.

THE CLERK OF COURT: Please be seated.

[Whereupon, Mr. Jenkins takes the witness stand]

THE CLERK OF COURT: State your full name. Spell

your last name for the record.

THE WITNESS: My name is Francis Larry Jenkins.

J-E-N-K-I-N-S.

MR. WEST: Good morning, Mr. Jenkins. How are you

today?

THE WITNESS: I'm good.

- - -

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Francis Larry Jenkins
Direct Examination by Mr. West
October 13, 2015

FRANCIS LARRY JENKINS,
Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. WEST:

Q. Would you tell the jury a little bit about
yourself.

A. I work full time. I'm in the military. All around
good guy.

Q. How were you related to Herman Manigault?

A. He was my first-blood cousin.

Q. Do you know the defendant, Sha'Quille Washington?

A. No, I do not.

Q. Do you remember being at a nightclub called A Place
In The Woods on August the 25th, 2013?

A. Yes, I do.

Q. Tell the jury how you got there.

A. How I got there? It was me, my cousin Trey -- my
cousin Herman. Arianna, a female, was with us and Taj,
another female that was with us, we got there in my Honda
Sonata.

Q. Okay. Where were you coming from before you got
there?

A. Where was I coming from? Before we got there, we
just came from our house.

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1 But we picked up Arianna and we picked up Taj from
2 a gas station, Kangaroo, off of Rivers.

3 Q. Did you know Arianna and Taj?

4 A. Yes.

5 I knew Arianna. Taj I met for the first time that
6 night.

7 Q. What time would you say you got to the club?

8 A. I would have to say it was probably 11:00. Like
9 around there in 11:00. About 11:25, around there.

10 Q. Was there any special occasion going on in A Place
11 In The Woods, the reason you were there?

12 A. I'm just going out, just hanging out with my
13 cousin, that's all.

14 Q. When you got to the club, what did you do?

15 A. Hung out, talked to my cousin, tried to, you know,
16 talk to some females, and they was like just --

17 Q. It's a party; right?

18 A. Just socializing, yes.

19 Q. Right.

20 A. Pretty much, yes.

21 Q. Lot of people there?

22 A. Yes, a lot of people there.

23 Q. Did you ever see the defendant at the club?

24 A. Yes, I had.

25 Q. You said you didn't know him beforehand?

Francis Larry Jenkins
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1 A. Didn't know him beforehand.

2 Q. When was the first time you saw Sha'Quille
3 Washington?

4 A. When he bumped into me earlier that night, about
5 around the beginning of the -- when everything when we got in
6 there. He bumped into me, kind of just start staring me down.
7 Went over to his section. Saw him. He sat down. Just kind
8 of like just stared us down for a little bit. So that's when
9 the first time I saw him.

10 Q. So you got a good look at him?

11 A. I got a good look at him.

12 Q. All right. Was he with anybody?

13 A. Well, there was a lot of folks there. I don't know
14 if he was, you know, indirectly with anybody because as I
15 said, I just seen this guy there.

16 Q. You didn't know anybody?

17 A. Yeah.

18 Q. Were you involved in a fight that night?

19 A. Yes, I was.

20 Q. Tell the jury about that.

21 A. Well, towards the end of the night me and my cousin
22 Trey, or Herman, we went outside.

23 Now, when we're going outside I'm thinking, you
24 know, everything is starting to wrap out, we're going to, you
25 know -- thinking about go hanging out with our -- my company

Francis Larry Jenkins
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1 at the time. And so I go outside.

2 I'm thinking about -- you know, see where we're
3 about to go. It was toward like the -- at the entrance of the
4 club where it all kind of happened.

5 He took his shirt off. Once he got his shirt off,
6 I remember him getting stick from behind.

7 Q. All right. I'm going to back you up.

8 A. Uh-huh.

9 Q. You're using he's and stuff.

10 A. Oh. I'm sorry.

11 Q. Could you use the names?

12 A. Okay. I remember when Herman, he took his shirt
13 off, and when he took his shirt off he got stick from behind.

14 Q. What do you mean stick from behind?

15 A. He got hit.

16 Q. How?

17 A. Hit. Just hit from -- hit in the back of his head.

18 Q. Do you know who hit him?

19 A. Huh?

20 Q. Do you know who hit him?

21 A. The one who hit him? Off the bat, no, I do not.

22 I just remember there was two -- you know, there
23 was more than two folks that hit him. And the -- when I say
24 the second dude, that's the guy that I got into it because I
25 wasn't about to let my cousin get jumped. But, yeah.

Francis Larry Jenkins
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1 Q. You said you got into it with the second dude.

2 A. Uh-huh.

3 Q. Describe that dude.

4 A. That, I have an issue with because I really
5 couldn't -- because ever since that night, I couldn't describe
6 him because we was getting in -- we was getting into the
7 altercation.

8 It was hard, you know, seeing everything was going
9 on, so I couldn't really describe that gentleman. But towards
10 the end of it, I hear a couple of shots went off after the --
11 you know, me and him getting into it.

12 Q. We'll get into shots.

13 A. Okay.

14 Q. I want to talk a little bit about the fight.

15 A. All right.

16 Q. Did the guy you were fighting, did he have a gun?

17 A. Not that I know of.

18 Q. You didn't get shot?

19 A. I didn't get shot. No, I didn't.

20 Q. And y'all were just wrestling on the ground?

21 A. Pretty much, yes.

22 MR. DAVIS: Object to the leading, wrestling on the
23 ground. Object to leading.

24 THE COURT: Overruled.

25 MR. DAVIS: Okay.

Francis Larry Jenkins
Direct Examination by Mr. West
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1 A. Okay.

2 Q. [Mr. West] During your fight with this individual,
3 who else was around?

4 A. I remember the defendant, the mister --

5 Q. Mr. Washington?

6 A. Mr. Washington, yes.

7 He was out there. I remember that for a real good
8 fact. Which that's what I remember out of the fight.

9 Q. Was Arianna out there?

10 A. I was in the fight. I don't remember all that.

11 Q. Now, you mentioned the shooting just a little while
12 ago.

13 A. Yes.

14 Q. Tell the jury how that came about.

15 A. Well, with the shooting is I remember I heard a few
16 shots ring out first.

17 Now, the first thing I thought about was checking
18 myself for any stab marks, for any bullet wounds, because, you
19 know, your adrenalin is going on in there so you don't know if
20 you got shot or what happened. So that's the first thing I
21 remember.

22 The next thing I remember after that is seeing my
23 cousin on the ground and seeing Mr. Washington kind of with
24 his right hand over here, kind of shooting towards the ground,
25 like kind of like when you're in school you're trying to throw

Francis Larry Jenkins
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1 away a piece of trash, like, you know, you're trying to kind
2 of hide it, and shot towards the ground.

3 I know he at least missed one time because I saw
4 the ground spark up. And I remember like, you know, poppers.
5 When you're like in school, you know the little poppers,
6 you see them spark up? I remember seeing that. That was a
7 very --

8 Q. Well, you said you remember at least three shots.

9 A. Yeah.

10 THE COURT: Was that -- could you answer out loud,
11 please?

12 THE WITNESS: Oh. I'm sorry.

13 THE COURT: Could you respond out loud?

14 Q. [Mr. West] How many shots did you --

15 A. I heard -- I heard a few shots.

16 Before I saw anything, I heard a few shots. That's
17 when I checked myself. I think that was while -- one to two
18 shots I remember on that.

19 And then I saw the -- Mr. Washington shoot at least
20 three more times in the ground while my cousin was on the
21 ground.

22 Q. Okay. Could you describe the gun that you saw?

23 A. It was like a revolver type. The make was silver,
24 is what I remember.

25 He kind of tried to have it kind of concealed in

Francis Larry Jenkins
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1 his hand, but I remember it being kind of like a revolver kind
2 of build like how the barrel and everything was.

3 Q. You described earlier how he was shooting.

4 MR. WEST: Your Honor, if I could get him to stand
5 up and describe?

6 THE COURT: You may stand up.

7 A. He was kind of shooting like this, kind of like not
8 really paying attention, just kind of like trying to just
9 shoot like kind of high like that, shooting down with his
10 right hand.

11 Q. [Mr. West] Was he walking towards or away from
12 Herman?

13 A. He was walking away.

14 Q. How close would you say he was?

15 A. Pretty close.

16 He was like I would say from here to here
17 [indicates].

18 Q. Less than a yard?

19 A. Less than a yard.

20 Q. How many shots do you think hit Herman?

21 A. Well, out of the three I saw, I would say at least
22 two. Because as I said, I saw one spark at least.

23 Q. After the shooting, what did you do?

24 A. After the shooting, I ran to my cousin. I sat down
25 and waited for the EMTs.

Francis Larry Jenkins
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1 And I know he got shot in the back because I held a
2 Polo hat on one of his wounds on his back.

3 Q. What did the defendant do after the shooting?

4 A. Don't know. He was gone by then.

5 Q. Okay. Did you see him as he left --

6 MR. DAVIS: I'm going to object, Your Honor, as to
7 leading. He said he don't know.

8 THE COURT: Rephrase your question.

9 A. Okay.

10 Q. [Mr. West] You saw the defendant going away from
11 Herman, is what your testimony was earlier?

12 A. Yes.

13 Q. Where did he go?

14 A. It looked like he was going towards a car when
15 he -- after the fact. But as I say, when I ran to him, he was
16 already gone, he already ran off.

17 Q. Did you see where the guy that you were fighting
18 went?

19 A. No, I did not.

20 Q. And who was with you while you said you were
21 holding Herman on the ground?

22 A. Arianna; it was Taj; everybody that was pretty much
23 with us; another light-skinned gentleman. But as I said, I
24 didn't know him. I kind of just came to Charleston at the
25 time.

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1 But, yes, definitely for the fact like I remember
2 Arianna holding his head. Most definitely I remember that. I
3 remember Herman, his eye was kind of messed up when he was on
4 the ground.

5 Q. What do you mean messed up?

6 A. Like it was bruised. His eye was bruised.

7 Q. Like he had been hit?

8 A. Like he had been hit, yes.

9 Q. Do you remember any other wounds?

10 A. As I said, the back wound. Definitely he got shot
11 in the back because, as I said, I was holding the Polo hat on
12 his back. I remember that definitely. He was bleeding from
13 the face. Other than that, no.

14 Q. You said you waited for law enforcement to arrive?

15 A. Yes, sir.

16 Q. How long did it take them to get there?

17 A. I would say we were probably out there for a good
18 while. Thirty minutes.

19 Q. So this is a pretty remote area?

20 A. Yes, it's a pretty remote area.

21 Q. When law enforcement arrived, were you still there?

22 A. Yes, I was.

23 Q. Did you talk to law enforcement?

24 A. They were talking to everybody. I didn't really
25 give any type of explanation until I got to the hospital.

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1 Q. Did you ever give a statement to police?

2 A. Yes, I did.

3 Q. Was it in writing, or video-recorded, or how did
4 you do it?

5 A. It was in writing.

6 Q. Did the police ever present to you any sort of
7 photo line-up?

8 A. Yes, they did.

9 MR. DAVIS: Your Honor, I'll stipulate that he
10 picked this young man out of the photo line-up.

11 THE COURT: Mr. West?

12 MR. WEST: Thank you, Your Honor.

13 For purposes of the record and introduction of
14 evidence, I'm showing the witness State's Number 41
15 and 42.

16 A. Uh-huh.

17 Q. [Mr. West] Do you recognize these documents?

18 A. Yes, I do.

19 Q. And how do you recognize them?

20 A. They were presented to me by the officers that, you
21 know, talked to me.

22 Like descriptions, or --

23 Q. Is there any sort of identifying marks on either of
24 those documents that would help you identify that those are,
25 in fact, the documents that were shown to you?

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1 A. Yes.

2 My initials are on both of these documents; my
3 handwriting, signature on the back; there's my initials on the
4 back; the time that I dated it and the date that I dated it.

5 Q. And as Mr. Davis has already stipulated to, is the
6 person in the courtroom that you picked out of that photo
7 line-up?

8 A. Yes, he is.

9 Q. Did anybody from the sheriff's office ever tell you
10 who to pick or suggest who to pick?

11 A. No, they did not.

12 Q. Is the person that you picked -- what is the reason
13 that you picked him?

14 A. The main reason I picked him is because he had the
15 haircut that night, which was kind of like shaved to the side
16 and on top was kind of messy. I kind of described it like as
17 a high-top, because that was the best thing I could describe
18 it as at the time. But, yes.

19 Plus, he had like a neck tattoo, as well, which I
20 remember. And he had like a white shirt with a -- he had a
21 white shirt with like kind of -- with stuff on it.

22 Q. Does he look any different today than he did when
23 you saw him?

24 A. Yes, he does.

25 Q. How?

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1 A. Hair changed.

2 Q. Describe that.

3 A. Well, from that night, as I said, he kind of had
4 the messy hair, kind of shaved on the side, and now he's just
5 got natural hair.

6 Q. How sure are you that defendant is the person who
7 shot your cousin?

8 A. A hundred percent sure.

9 Q. Any doubt in your mind?

10 A. No doubt.

11 Q. Sha'Quille Washington is the person you saw shoot
12 Herman Manigault?

13 A. Yes, I did.

14 MR. WEST: Thank you. No further questions at this
15 time.

16 MR. DAVIS: May it please the Court, Your Honor?

17 THE COURT: Yes, sir.

18 MR. DAVIS: Hey. Good morning, Larry. How are you
19 doing?

20 THE WITNESS: Good morning.

21 MR. DAVIS: You know, I told you yesterday I thank
22 you for your service in the reserves.

23 THE WITNESS: I appreciate that.

24 MR. DAVIS: I told you my son is in the reserve,
25 one of my sons. Okay. Thank you.

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CROSS-EXAMINATION

BY MR. DAVIS:

Q. Larry, other than you and I having a discussion yesterday with some things, you and I have never discussed this case?

A. [Indicates negatively]

MR. DAVIS: You've got to say something because --

THE WITNESS: Oh. No.

MR. DAVIS: -- she's got to record everything.

A. No.

THE WITNES: I'm sorry.

Q. [Mr. Davis] We've never discussed this case?

A. No, we have not.

Q. No.

Okay. And, Larry, you know why we're here today; right?..

A. Yes, we are.

Q. Yes.

And in that process, you placed your hand on that Bible and you promised to tell the truth, have you not?

A. Yes, I did.

Q. And in direct examination, you have brought out some very poignant facts. Okay?

A. Okay.

Q. You are related, you said first-blood, to Herman

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1 Manigault?

2 A. Yes, I am.

3 Q. How old was Herman?

4 A. Twenty years old.

5 Q. Twenty years.

6 I share with you that fellow with the messy, funny
7 haircut, he was seventeen.

8 A. Uh-huh.

9 Q. Now, apparently that night some hotheads were
10 involved, I would say.

11 A. [Indicates affirmatively]

12 Q. Not only had messy haircuts, but there were some
13 hotheads?

14 A. Uh-huh.

15 Q. Do you agree with that?

16 A. I agree with that.

17 Q. Sir?

18 A. Yes, sir.

19 Q. Yeah.

20 And I tell people you've got to be careful what
21 kind of hearts you have. The world is full of people with two
22 type of heart, I would say. But that's not -- the judge is
23 going to stop me in a minute.

24 But some hotheads, you would agree?

25 A. [Indicates affirmatively]

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1 Q. Now, you said in the club -- y'all probably got to
2 the club what time, do you think? You said about eleven
3 o'clock?

4 A. About 11:30, later.

5 Q. And, you know, I asked you yesterday, I said when I
6 used to be your age and you go in most African-American clubs,
7 it's kind of dark in there. They partied with the lights out.
8 You know, I don't know --

9 A. Uh-huh.

10 Q. -- about friends on the other side. But we partied
11 in the dark most of the time.

12 So that night at the birthday party for Slim Bubba,
13 tell us how -- what was going on with the lighting inside.

14 A. Oh. The lighting inside? Yes, sir.

15 Well, with the lighting inside, you're right. Yes,
16 the dance part, completely dark.

17 Q. Thank you.

18 A. You are right on that. It was completely dark on
19 the dance part.

20 But towards where the pool hall and where the bar
21 is, that was lit.

22 Q. You could see?

23 A. You could see.

24 Q. You could look in the girl's eye at that party?

25 A. Oh. Yes, you can.

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1 Q. You can get your rap on?

2 A. Yes, sir.

3 Q. Okay. Are you married?

4 A. No, I'm not.

5 Q. How old are you?

6 A. Twenty-five.

7 Q. That's okay.

8 You made a reference also, in direct examination,
9 that this guy, Sha'Quille Washington, had a funny, messy
10 haircut that night. He bumped into you; right?

11 A. Yeah.

12 Q. He didn't hit you, but you bumped into each other?

13 A. Yeah.

14 Q. But you felt like it was a bad vibe or something
15 wasn't right?

16 A. Uh-huh.

17 Q. Okay. And then you said on direct examination by a
18 question by the State, you said they stared at us.

19 A. Uh-huh.

20 Q. Now, when the staring is going on --

21 You know, I've got a cat at the house and that cat
22 sometimes stares at a rat a long time before there is any
23 movement. And I don't mean to put people in that. But, you
24 know, there's some rules of engagement.

25 Was he standing alone in the staring process, or

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1 was someone else with him?

2 A. That I do not know.

3 Q. That's what you cannot recall?

4 A. That's what I cannot recall.

5 Q. I want to fast-forward a little bit to your
6 testimony on direct examination.

7 There's no question, though, that a fight is taking
8 place?

9 A. Yes.

10 Q. And Herman, bless his soul, took off his shirt?

11 A. Uh-huh.

12 Q. And what did that suggest to you when he took his
13 shirt off?

14 A. Well, once he took his shirt off --

15 Q. Uh-huh.

16 A. -- it wasn't too much to do after that because
17 that's when the fight happened.

18 Q. If you take your shirt off in the park, in the
19 playground, what's going to happen?

20 A. Oh. It's going to be a fight.

21 Q. Thank you. And that's what took place that night,
22 a fight.

23 Now, I want to thank you for your candor and
24 truthfulness on direct examination. I thank you because you
25 said you don't know who struck Herman first? Sir?

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1 A. Yes, I did.

2 Q. And that's the truth. You don't know.

3 But you do know this. Once you were on the outside
4 and the fight is engaged, there are apparently either a two-
5 on-one or there's going to be a two-on-two. And tell the
6 ladies and gentlemen of the jury how it becomes a two-on-two.

7 A. It becomes a two-on-two?

8 Q. Uh-huh.

9 A. When another person goes -- gets into -- gets
10 involved.

11 Q. And who is that other person?

12 A. That would have been me.

13 Q. Thank you, Larry Jenkins. Thank you.

14 And so now we have a two-on-two, supposedly?

15 A. Uh-huh.

16 Q. But at one time it apparently suggest itself -- or
17 not suggest -- the facts. The facts were there were, to your
18 assessment, a two-on-one?

19 A. Uh-huh.

20 Q. Now --

21 THE COURT: Is that a yes?

22 A. Yes. Yeah.

23 THE COURT: Thank you.

24 THE WITNESS: Sorry.

25 Q. [Mr. Davis] Now, I got a diagram that I want to

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1 share with you. It is not to scale.

2 MR. DAVIS: Judge, could I have this marked for
3 identification Number 2, I would imagine. In lieu of
4 the motion, this will be Number 2. Just a scale for
5 demonstrative purposes, Your Honor.

6 THE COURT: Madam Court Reporter will mark it.
7 Thank you.

8 MR. DAVIS: Thank you very much. Thank you, Judge.

9 [Whereupon, Defendant's Exhibit Number 2 is marked
10 by the court reporter]

11 Q. [Mr. Davis] Young man, I'm going to need your
12 help. I'll tell you, I'm old-school and I ain't got that
13 high-tech stuff so --

14 MR. DAVIS: Y'all got an easel or something I can
15 put this on?

16 And, Judge, I'm going to ask this young man to step
17 down and I'm going to put a pen in his hand and he's
18 going to help me with locations, if I can.

19 THE COURT: Mr. Jenkins is very soft-spoken, so I'm
20 hesitant to let him get too far away from the
21 microphone.

22 MR. DAVIS: We'll just have to stay in this corner,
23 Mr. Jenkins. Okay?

24 [Off the record momentarily]

25 MR. DAVIS: Now, let me get a little marker.

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1 Now, son, you're going to have to speak a little
2 louder. Okay?

3 THE WITNESS: Okay.

4 MR. DAVIS: Thank you.

5 Q. [Mr. Davis] We want to say this is the club --

6 A. Okay.

7 Q. -- A Place In The Woods. That's okay?

8 A. Yes, sir.

9 Q. And apparently in the places where there's a
10 division here in some degree --

11 A. Yes, sir.

12 Q. -- do you think you could help me a little bit in
13 there?

14 A. A division?

15 Q. I mean, you know, you remember you said the dark
16 part where the party was going on and the lighted area where
17 you could get a drink and talk to the girls.

18 A. Right around in this area right here.

19 Q. Put a line straight down, please.

20 A. Straight down like this?

21 Q. Yeah, yeah, yeah. Please.

22 A. Right around here.

23 MR. DAVIS: I got to start -- man, I need a better
24 pen than that. I've got to do better than that. I need
25 a marker.

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1 And, you know, pink is the perfect color this
2 morning. Okay? Thank you.

3 A. Right here?

4 Q. [Mr. Davis] Yeah. Straight up. So --

5 A. Right around there.

6 Q. And that area over here is the lighted area?

7 A. No, no. That's the dark area.

8 Q. So we've got a small dance area?

9 A. Yeah, with a -- I think we had a stage, too.

10 Q. A stage?

11 A. Yeah.

12 Q. Now, this is the whole club. What's all over here?

13 A. I'm sorry.

14 Q. Okay. Come on.

15 A. And over here in this area right here was --

16 Q. The bar.

17 A. -- the lit area.

18 Q. You get a drink --

19 A. Hold on. I'm sorry. You want me to --

20 Q. I'm telling you, you really working. Thank you.

21 MR. DAVIS: I need another marker. Black,
22 preferably. Okay.

23 THE COURT REPORTER: Speak up.

24 THE WITNESS: Oh. Sorry.

25 THE COURT: Madam Court Reporter, are you having

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1 trouble hearing?

2 THE COURT REPORTER: A little bit.

3 MR. DAVIS: This is important, Judge.

4 Okay. Thank you, sir.

5 THE WITNESS: All right.

6 Q. [Mr. Davis] So retrace the area where you --

7 A. This is the lit area over here, all in this area.

8 THE COURT: Mr. Jenkins, could you pull that
9 microphone to you? Thank you.

10 THE WITNESS: Does that work?

11 A. Okay. Yes, this is where the lit area was.

12 Q. [Mr. Davis] And over in this area, you can buy
13 drinks?

14 A. Yes.

15 Q. Alcohol?

16 A. Uh-huh.

17 Q. Y'all are old enough to buy drinks?

18 A. Uh-huh.

19 Q. And y'all were drinking that night?

20 A. I was.

21 Q. You were. Okay.

22 Any of that funny stuff? Marijuana?

23 A. No.

24 Q. You didn't see none of that?

25 A. No.

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1 Q. You didn't see any?

2 A. No, because I won't allow it in my vehicle.

3 Q. Okay. Thank you.

4 But there's no question this is the drinking area?

5 A. This is, yes.

6 Q. Okay. And over here you dance?

7 A. Yes.

8 Q. Now, this is a little stoop. Put stoop on there
9 for me.

10 A. Stoop?

11 Q. Yeah. That's the entrance and exit, apparently.

12 A. Yes, sir.

13 Q. Any back door to the place?

14 A. Any back door?

15 Q. If it is, you don't know where it's at?

16 A. Yeah.

17 Q. Right?

18 A. Yeah.

19 Q. So this little stoop is to the front. And the door
20 is centered; right?

21 A. Right.

22 Q. Yeah.

23 Now, when y'all made your departure to leave --

24 we'll come back to this just a little later -- made your

25 departure to leave, everyone had to come through and walk on

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1 that stoop; right?

2 A. Yes.

3 Q. Now, when you were leaving and the fight was going
4 on, how far were y'all from the stoop?

5 A. How far --

6 Q. Yeah.

7 A. -- from the stoop?

8 Because I remember vehicles were in there, like two
9 vehicles.

10 Q. And I will stop you right there. Thank you for
11 your honesty again.

12 A. Uh-huh.

13 Q. There apparently was a parked van right here?

14 A. Yes.

15 Q. Right?

16 A. Yes.

17 Q. Okay. Let's put -- I'll put van on there. You
18 agree with that?

19 A. Yes.

20 Q. And then there was apparently a vehicle over here?

21 A. Yeah.

22 Q. And so my question to you, Larry --

23 A. Uh-huh.

24 Q. -- how far from the club did the fight, or you
25 recall, the fight started in distance?

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1 A. I would say about like right there [indicates].

2 Q. Right there. But on this side or that side?

3 A. On that side. Because when everything took place,
4 I remember pushing Buddy into the vehicle.

5 Q. So you believe on this side?

6 A. Yes.

7 Q. Instead of right here?

8 A. Yes.

9 Q. Okay. That's important.

10 I want you to initial that. Put Larry Jenkins,
11 L.J., there. That's what you recall. Okay?

12 Now, Larry, you will admit that that's about ten
13 feet, twelve feet, away from the club?

14 A. From the club?

15 Q. I mean, from the entrance to the door.

16 A. The club.

17 Q. And the stoop? Sir?

18 A. And the stoop.

19 Q. Yeah.

20 And tell the jury what type of lighting you recall
21 out there.

22 A. Well, for outside?

23 Q. Yes, sir.

24 A. Well, there was a couple of streetlights out there,
25 so it was pretty good.

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1 Q. Streetlights?

2 A. Yeah.

3 Q. Okay. And two of these lights?

4 A. Uh-huh.

5 Q. So it was pretty good?

6 A. It was pretty good. I could see the whole parking
7 lot.

8 Q. Okay. Thank you.

9 Now, can you give the jury, the juror, a
10 description of the guy that you grabbed? And on direct you
11 said you was tussling with him on the ground, I guess. Tell
12 me -- give me a description of him.

13 A. A description of the gentleman?

14 Q. Yeah.

15 A. The only thing I can say, he was taller than me.

16 Q. All you can say is what?

17 A. He was taller than me.

18 Q. You can't recall anything else specific about him?

19 A. No, I cannot.

20 Q. And you notice the prosecutor asked another
21 question. He said could you tell whether he had a weapon or
22 not.

23 A. Yes.

24 Q. And your response was you could not; right?

25 A. No, I couldn't.

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1 Q. Matter of fact, you didn't even supposedly would
2 have known that this young man had a weapon until you say he
3 presented one and started shooting down to the side. Isn't
4 that true?

5 A. That is true.

6 Q. Now, this is the question for you, son. When the
7 shooting started, you said your immediate concern was who?

8 A. My cousin.

9 Q. Well, let me take you back to your direct
10 examination again.

11 You said your immediate concern was to check
12 yourself.

13 A. Oh.

14 Q. Larry?

15 A. You're right.

16 Q. I know I'm right. Thank you, though.

17 Was to check yourself.. And, you know, there's
18 nothing wrong with that. That's the smart thing to do was to
19 check yourself, because some shots had been fired; right?

20 A. Right.

21 Q. Now, I want you to -- I want you to take it through
22 this slowly. After you checked yourself, what happened to the
23 guy you were holding?

24 A. Don't remember.

25 Q. Sir?

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1 A. Don't remember.

2 Q. You don't remember.

3 Do you have any visual on him after you checked
4 yourself?

5 A. No, I do not.

6 Q. You do not.

7 Because your attention then is to this kid,
8 Sha'Quille Washington, who is pow, pow, pow, down to the
9 shoulder of his leg; isn't that true?

10 A. Well, after I was looking for my cousin, yes.

11 Q. That's right.

12 Now, Larry, my wife tells me sometime I think I
13 know everything. I hope that's not the case. I've never been
14 involved in combat. I don't know how I will respond, or
15 anyone respond, when bullets are flying. Do you agree with
16 that?

17 A. Uh-huh.

18 Q. I know you're in the military so they kind of train
19 you a little different than most of us. Okay? But even in
20 your training that night, you will admit that your primary
21 focus, after you heard those shots, were to check yourself,
22 weren't you?

23 A. Yes, sir.

24 Q. After that, you scanned the battlefield, for lack
25 of a better word --

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1 A. [Indicates affirmatively]

2 Q. -- because that's what it had become, the
3 battlefield. And then you saw this young man with a weapon.
4 And it is your testimony, sir, that you believe he shot your
5 cousin, your first cousin?

6 A. Well, ninety-five percent. Right.

7 Q. Ninety-five percent?

8 A. I don't believe. I know.

9 Q. You can't say a hundred percent.

10 A. [No response]

11 Q. You know, son, I -- Larry, I thank you for your
12 candor and truth. Thank you.

13 Now, the State didn't ask you this, so I'm going to
14 ask you this because I -- we're on this journey for the truth.
15 Was there security personnel out there?

16 A. Was there security personnel out there?

17 Q. Yeah.

18 A. At the club? Well, there was somebody that pat me
19 down so if that counts as security, then, yes.

20 Q. For a pat-down?

21 A. Yes.

22 Q. But you didn't go through the kind of security you
23 come to here in Berkeley County this morning?

24 A. No.

25 Q. Through a metal detector?

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1. A. No.

2. Q. Now, you had to pay to go into that birthday party?
3. Or was it free?

4. A. Well, actually, Herman paid for me.

5. Q. Herman did. So you had to pay?

6. A. Yes.

7. Q. Now, who had the fancy of this young lady by the
8. name of Coakley? Whose date was that?

9. A. That was Herman's.

10. Q. Herman's.

11. Did you know how long they had been associated with
12. each other?

13. A. Well, since I got here, I knew they were pretty
14. serious.

15. Q. How long had you been here?

16. A. Well, at that point, I came in -- I came to
17. Charleston right around about July.

18. Q. July. This happened in August?

19. A. Uh-huh.

20. Q. So about a month; right?

21. A. [Indicates affirmatively]

22. Q. And from your own personal knowledge, this Coakley
23. girl, she lived in the places of -- A Place In The Woods
24. vicinity, or she lived some other place?

25. A. She lived some other place.

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1 Q. Huh?

2 A. She lived some other place.

3 Q. Some other place.

4 A. Uh-huh.

5 Q. But she has contact, apparently, with this area.

6 A. [No response]

7 Q. Did you know Slim Bubba, the birthday guy, the
8 rapper?

9 A. Kind of sort of. He tried to have me promoted.

10 Q. As a promoter?

11 A. Yeah.

12 He tried to get me -- he gave me a whole stack of
13 flyers.

14 Q. And the events of that night still haunts you, does
15 it not?

16 A. Yes, it does.

17 Q. You didn't go out to A Place In The Woods that
18 night looking for a fight, did you?

19 A. No, I didn't.

20 Q. I know you didn't.

21 And if I accept your testimony, Larry, and the jury
22 accept your testimony, we've got about six shots going off at
23 this place; true?

24 A. Five to six.

25 Q. Five to six.

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1 And there's no question that you disagree on the
2 ninety-five percent or what percentage that you saw this young
3 man take off running after? Sir? You saw him take off?

4 A. I saw him take off.

5 Q. Law enforcement arrived, secured the scene, I hope.
6 But they didn't take a statement from you that night, did
7 they?

8 A. They didn't take a statement from me at the club.
9 They took a statement from me at the hospital.

10 Q. Your testimony on direct, you didn't see where
11 Larry Kinloch, whose name was -- I guess it was number five on
12 this board, statement, Larry Kinloch. You didn't see where he
13 go, where did he went?

14 A. No, I did not.

15 Q. And you can't tell this jury whether or not he had
16 a weapon or not?

17 A. Couldn't tell.

18 Q. Now, they were no beef -- I'm going to try to be
19 part of your generation -- beef between you and Mr. Washington
20 before August the 25th, 2013, two years ago? Sir?

21 A. Didn't even know him.

22 Q. Didn't even know him.

23 Do you have any knowledge you can share with this
24 jury whether there existed any beef between Larry Kinloch and
25 Herman Manigault?

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1 A. I wouldn't be able to tell you.

2 Q. Wouldn't tell you.

3 Well, a common thread in this, though, could be --
4 I'm going to ask you, could it be Ms. Coakley?

5 A. I wouldn't be able to tell you.

6 Q. Wouldn't be able to tell me.

7 Were there a lot of other people inside the club?
8 How many people do you think were in the club? Just an
9 estimation..

10 A. Just an estimation? Thirty-five or forty.

11 Q. Thirty-five or forty people.

12 And the stare-down is on you in the direction of
13 Ms. Coakley and Ms. Lockwood and Herman Manigault; isn't that
14 true?

15 A. I wouldn't say that, because I don't even know if
16 they were paying -- even paying attention at first.

17 Q. But you were?

18 A. I was.

19 Q. Y'all had been drinking?

20 A. I had a drink, yes.

21 Q. Witness anybody else drinking?

22 A. No.

23 Q. You didn't? You didn't have a drink with your
24 first cousin?

25 A. No. No. I won't let that happen in my car.

Francis Larry Jenkins
Cross-Examination by Mr. Davis
October 13, 2015

1 Q. I ain't talking in the car. You was driving. Who
2 was driving?

3 A. Who was driving me?

4 Q. Yeah.

5 Well, you were drinking and you the driver. I
6 mean, come on, Larry.

7 A. No. I had a drink at the party.

8 Q. At the party.

9 My question, again, Larry: did you witness him
10 doing any drinking?

11 A. My cousin? No, I didn't witness him doing any
12 drinking.

13 Q. At all that night?

14 A. No.

15 Q. What time did you meet your cousin down there?

16 A. What time?

17 Q. Yeah. What time did you get up with your cousin?

18 A. Well, we got up about round about ten o'clock. He
19 knocked on my window, told me, hey, let's go, let's go to the
20 A Place In The Woods, you know. First time out. Just, you
21 know, out there.

22 Just wanted to have fun. I never know -- never
23 been around in the Charleston area before so it was just, you
24 know, a new experience for me. So when he did that, I was
25 like, why not, you know.

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Francis Larry Jenkins
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October 13, 2015

1 Q. You were doing the driving?

2 A. I was doing the driving.

3 Q. So y'all said you stopped at the Kangaroo. What
4 did you purchase at the Kangaroo?

5 A. We didn't purchase anything. We just picked up --

6 A. You met the girls at the Kangaroo?

7 A. Yeah.

8 Q. Well, let me ask you this question, then. Did you
9 witness any of the girls doing any drinking?

10 A. No. No, I didn't.

11 Q. Nobody drinking but you?

12 A. No. I didn't say that. I just said I didn't
13 witness it.

14 Q. Okay. Okay. Okay. Thank you.

15 MR. DAVIS: Just a minute

16 [Whereupon, Mr. Davis and the defendant confer]

17 MR. DAVIS: Larry, thank you.

18 THE WITNESS: All right.

19 THE COURT: Mr. West, redirect?

20 MR. WEST: Thank you, Your Honor.

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Francis Larry Jenkins
Redirect Examination by Mr. West
October 13, 2015

REDIRECT EXAMINATION

BY MR. WEST:

Q. Mr. Jenkins, that was a long cross-examination so I'm going to hit a couple of points here.

Specifically, I want to talk about the fight.

A. Okay.

Q. You don't know, by name, who you were fighting; correct?

A. No, I do not.

Q. When you were fighting this person, would it have been physically possible for that person to shoot anybody?

A. Not at that point, no.

Q. And you say that there was going to be a fight outside. Did anybody else bring a gun to the fist-fight?

A. No, we didn't. Just us.

Q. Just Shike?

A. Just Shike.

Q. Shike brought a gun to a fist-fight?

MR. DAVIS: Your Honor, I ask that they don't point at the young man in that regard, please.

THE COURT: He is allowed to do that. Thank you.

Q. [Mr. West] And there were some questions about drinking. If Herman was drinking, does that change who shot him?

A. No, it doesn't.

Francis Larry Jenkins
Redirect Examination by Mr. West
October 13, 2015

1 Q. You said there were thirty-five to forty people in
2 the club. At the time of the shooting, was there that many
3 people still there, or had people left?

4 A. People had left, yes.

5 Q. Is there anything Mr. Davis asked you that would
6 change your opinion of who shot Herman Manigault?

7 A. Not a thing.

8 MR. WEST: Thank you.

9 THE COURT: Mr. Davis, recross?

Francis Larry Jenkins
Recross-Examination by Mr. Davis
October 13, 2015

RECROSS-EXAMINATION

BY MR. DAVIS:

Q. Larry, we're not here about opinion, are we, sir?

A. No.

Q. We are here about what?

A. Facts.

Q. Thank you.

And you have shared with the jury, in relationship to the facts, that you cannot say with one hundred percent certainty that this kid shot Mr. Jenkins [sic]; isn't that true?

A. You talking about my cousin, Mr. Manigault?

Q. Uh-huh.

A. I can a hundred percent say he shot my cousin.

Q. So your ninety-five percent was not what you said earlier?

A. Well, the ninety-five percent I said earlier --

Q. Yeah.

A. -- as in where we were going in regards with it?

Q. Son, I just want the truth. That's all I'm trying to get.

You said you weren't -- you said you were about ninety-five percent certain. The solicitor stood up and asked you, said, well, did anything Mr. Davis said change your opinion. I ask you a question pointedly --

Francis Larry Jenkins
Recross-Examination by Mr. Davis
October 13, 2015.

1 A. Uh-huh.

2 Q. -- are we here today for opinion or are we here
3 today for facts? That's it. Everybody can have an opinion.
4 What about facts?

5 A. The fact, sir, that I saw him shoot him.

6 MR. DAVIS: Okay. No more questions.

7 THE COURT: You may step down, Mr. Jenkins.

8 Ladies and gentlemen, we have reached an
9 appropriate time for us to take our mid-morning break.

10 Do not begin your deliberations. Do not discuss
11 this case amongst yourselves.

12 You may take your notepads with you or leave them
13 right in your chair.

14 Please rise for the jury. Mr. Jenkins, just have a
15 seat.

16 [Whereupon, the jury exits the courtroom at
17 10:48 a.m.]

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

19 Mr. Jenkins, you may step down.

20 THE WITNESS: Okay.

21 [Whereupon, Mr. Jenkins is excused and exits the
22 witness stand]

23 THE COURT: Anything before we take our comfort
24 break?

25 MR. DAVIS: Not now, Judge.

Francis Larry Jenkins
Recross-Examination by Mr. Davis
October 13, 2015

1 11:02 a.m.]

2 THE COURT: Thank you. Be seated.

3 Call your next witness.

4 MR. WEST: Thank you, Your Honor.

5 If it please the Court, the State calls Arianna
6 Coakley.

7 [Whereupon, Ms. Coakley comes forward]

8 THE CLERK OF COURT: Please raise your right hand.
9 Place your left hand on the Bible.

10 [Whereupon, Ms. Coakley is duly sworn by the clerk
11 of court as follows: do you solemnly swear or affirm
12 the testimony you will give the Court in the trial of
13 this case will be the truth, the whole truth, and
14 nothing but the truth, so help so you God]

15 THE WITNESS: Yes, ma'am.

16 THE CLERK OF COURT: Please be seated.

17 [Whereupon, Ms. Coakley takes the witness stand]

18 THE CLERK OF COURT: State your full name. Spell
19 your last name for the record.

20 THE WITNESS: Did you say spell my last name?

21 THE CLERK OF COURT: Yes, ma'am.

22 THE WITNESS: Arianna Rashall [phonetic] Coakley.
23 C-O-A-K-L-E-Y.

24 MR. WEST: Good morning, Ms. Coakley. How are you?

25 THE WITNESS: I'm fine.

Arianna Coakley
Direct Examination by Mr. West
October 13, 2015

ARIANNA COAKLEY,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. WEST:

Q. Could you tell the jury a little bit about
yourself?

A. I work.

Q. Where do you live?

A. In North Charleston.

Q. Do you recall the incident that brings us here
today?

A. Yes.

Q. Were you at A Place In The Woods on August 25th,
2013?

A. Yes, sir.

Q. Who did you go with?

A. I went with Larry, Herman, and Christina.

Q. Okay. Does Christina go by anything else?

A. Taj.

Q. And when you say Larry, is that Larry Jenkins?

A. Yes, sir.

Q. And what's your relationship to Herman?

A. Me and him been dating on and off since I was
fourteen.

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Arianna Coakley
Direct Examination by Mr. West
October 13, 2015

1 Q. Who drove to A Place In The Woods?

2 A. Larry.

3 Q. And who initiated that contact? What started y'all
4 meeting up that night?

5 A. We was supposed to ride with somebody else that
6 didn't come and get us, and Herman and Larry had already been
7 out there and they said they would come and meet us so we
8 could come up there.

9 Q. Where did they meet you?

10 A. At Kangaroo on Rivers.

11 Q. Okay. So they picked you up from the gas station.
12 Did y'all go straight back to the club?

13 A. We stopped on the other Kangaroo on Clemens Ferry
14 to use the bathroom and then we --

15 Q. Okay. What time would you say you got to the club?

16 A. In between 2:30, three o'clock.

17 Q. When you first got there, what was the place like?

18 A. There wasn't really nobody there.

19 Q. People started leaving by that time?

20 A. I mean, there was no -- there was like nobody
21 there.

22 Q. Do you remember seeing the defendant?

23 A. Yes.

24 Q. Do you know Mr. Washington?

25 A. Yes.

Arianna Coakley
Direct Examination by Mr. West
October 13, 2015

1 Q. How do you know him?

2 A. I don't personally know him, but I know him as a
3 person for about eight years. He had a problem with my
4 cousin. So that's originally how I know him.

5 Q. What do you know him as?

6 A. Shike.

7 Q. Shike.

8 And you said you knew him for eight years, at
9 least?

10 A. [Indicates affirmatively]

11 Q. You recognize his face?

12 A. Yes.

13 Q. When you saw him that night, what was he doing when
14 you first saw him?

15 A. He just was standing there.

16 Q. Was he with anybody else?

17 A. His uncle.

18 Q. Who's his uncle?

19 A. Larry Kinloch.

20 Q. Do you know Larry Kinloch?

21 A. Yes.

22 Q. How do you know Larry Kinloch?

23 A. The week before the incident happened, he
24 approached me trying to talk to me.

25 Q. Okay. Did you ever have any relationship with him?

Arianna Coakley
Direct Examination by Mr. West
October 13, 2015

1 A. No.

2 Q. Y'all never dated?

3 A. Nope.

4 Q. Okay. How did that contact become -- come about?

5 A. What contact?

6 Q. With Larry Kinloch.

7 A. He just walked up to me.

8 Q. Do you remember if Shike was with anybody else?

9 A. No.

10 I just saw him and Larry. They were together the
11 week before, too.

12 Q. And you and Herman and Larry Jenkins and Taj were
13 together the whole night?

14 A. Yes.

15 Q. Okay. Do you remember a shooting occurring?

16 A. Yes.

17 Q. Right before the shooting, tell the jury what
18 happened between you and Shike.

19 A. Herman kept coming up to me, while we were at
20 A Place In The Woods, saying that Shike keep looking at him.
21 I told him not to pay it attention because Shike is a little
22 boy and just leave it alone.

23 And Herman went outside. And like a little while I
24 saw Shike and his uncle went behind him so I followed them,
25 too. And they just been standing. And I couldn't hear what

Arianna Coakley
Direct Examination by Mr. West
October 13, 2015

1 Shike said to Herman but I hear Herman say, what's up. And
2 Shike started hitting him with his left hand.

3 At the time, I didn't know he had a gun. But he
4 turned around and he put the gun in my face and he looked at
5 me and he say, I ain't playing, I ain't playing. And I backed
6 up to the door. And he jumped down and ran around. And
7 before I could get to the ground and see what was going on, I
8 heard four gunshots.

9 Q. He put a gun in your face?

10 A. Yes.

11 Q. Describe the gun.

12 A. Probably about that [indicates] big.

13 It was small enough to fit in his hand, because I
14 couldn't see it at first when he was hitting Herman.

15 Q. What color was it?

16 A. It was silver.

17 Q. Do you remember the difference between -- or do you
18 know the difference between a revolver and semiautomatic
19 weapon?

20 A. Yes.

21 It wasn't an automatic, because it has a skinny
22 thing. That's a revolver.

23 Q. So the -- clarify that for me. Clarify that for
24 me. You said it was an automatic but it's a revolver.

25 A. I said it's not an automatic because --

Arianna Coakley
Direct Examination by Mr. West
October 13, 2015

1 Q. Not an automatic.

2 A. -- because the silver thing is a revolver. I know
3 the difference.

4 Q. And you vividly remember that gun?

5 A. Yes.

6 I can't forget somebody putting a gun in my
7 face.

8 Q. What did you think he meant by saying, I'm not
9 playing?

10 A. Clearly he wasn't playing about shooting Herman,
11 because he repeated it twice and looked me in my face.

12 Q. You didn't actually see the shots, though, did you?

13 A. No, because at the same time, I was walking up
14 fast.

15 Q. Now, before the shots, you said you saw Shike hit
16 Herman. Where did he hit him?

17 A. He hit him on the side of his face. And Herman
18 started sliding down to go away, and he continued to hit
19 Herman.

20 And I guess he saw me about to hit him with the
21 Heineken bottle and the next thing I know, he has gun in my
22 face telling me he's not playing.

23 Q. How many times did Shike hit Herman?

24 A. About twice. I only saw him hit him twice.

25 Q. And one was in the eye. Where was the other one?

Arianna Coakley
Direct Examination by Mr. West
October 13, 2015

1 A. Well, it had to have been in the back of his head,
2 because he was spinning around to get away.

3 Q. The back of his head?

4 A. Uh-huh.

5 Q. Did Herman have a gun?

6 A. No, Herman did not have a gun.

7 Q. Did you see anybody else with a gun that night?

8 A. No. Just the one that was in my face.

9 Q. Now, you said you didn't actually see the shooting.
10 Was there something in the way?

11 A. Yes. There was a van.

12 MR. WEST: I'm showing the witness what has been
13 previously marked, and entered into evidence through
14 stipulation, State's Number 3 and Number 4.

15 [Whereupon, the witness reviews documents]

16 Q. [Mr. West] Are those accurate depictions of the
17 area of when you saw the shooting?

18 A. Yes, sir.

19 Q. All right. I'm going to show --

20 MR. WEST: Permission to publish, Your Honor?

21 THE COURT: You may. State's 3 and 4?

22 MR. WEST: 3 and 4, Your Honor.

23 Would you please publish State's Number 3. Full
24 screen. There we go.

25 . Could we please get some help with the lights, Your

Arianna Coakley
Direct Examination by Mr. West
October 13, 2015

1 Honor?

2 [Off the record momentarily]

3 MR. WEST: I'm going to give you a laser pointer.
4 The top of the laser pointer has a red button on it.
5 And it points away. Okay?

6 I'm going to ask you to describe some things, using
7 that laser pointer, so that you can give a better
8 description of the scene.

9 I'm also going to ask you to refer to Defense's
10 Number 2. The defense has presented a map of the scene,
11 as well.

12 So when you're looking at these, just compare them
13 side-by-side and tell me whether you think they're
14 accurate and describe what we're talking about.

15 Q. [Mr. West] Where were you standing when Shike --
16 you first saw Shike go outside?

17 A. Somewhere here.

18 Q. And it's dark on there. But there's a stoop there;
19 right?

20 A. Yes.

21 Q. And that's represented in Defendant's Number 2?

22 A. Uh-huh.

23 Q. So you're standing on the stoop. And where were
24 Herman while you were standing on the stoop?

25 A. Toward -- he was on the ground, but towards the

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Arianna Coakley
Direct Examination by Mr. West
October 13, 2015

1 back of the van, about here.

2 Q. Okay. Where was Larry Jenkins?

3 A. Here.

4 Q. Okay. That's when everything first started?

5 A. Yes.

6 Q. How about Larry Kinloch?

7 A. He was on the other side of Larry. Here.

8 Q. Did you see Larry Jenkins and Larry Kinloch
9 fighting?

10 A. Uh-huh.

11 I believe Larry Kinloch hit the other Larry right
12 after Shike started hitting Herman.

13 Q. Okay. Who initiated the fight? Who hit who first?

14 A. Shike.

15 Q. Shike threw the first punch, if you will?

16 A. Hit Herman first. Yes.

17 THE COURT: Ms. Coakley, I'm going to need you to
18 speak loudly. Can you pull that microphone a little
19 closer to you? Thank you.

20 Q. [Mr. West] Where on that picture did Shike point a
21 gun in your face?

22 A. On the stoop.

23 Q. After he pointed the gun at your face, what was
24 your reaction?

25 A. I dropped the Heineken bottle in my hand and I

Arianna Coakley
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October 13, 2015

1 put my hands up. And I started backing up slowly towards
2 the door, and he stood there long enough for me to touch the
3 door.

4 Q. Were you scared?

5 A. Yes. I was very scared.

6 Q. Now, when Larry Kinloch and Larry Jenkins were
7 fighting, does the fight move or does it stay on the stoop?

8 A. It moved.

9 Q. Okay. Where did it move?

10 A. Here. I couldn't see, but I could hear the gravel.

11 Q. Right.

12 How about the dispute between Shike and Herman?
13 Where did that move?

14 A. [Indicates]

15 Q. In there? Towards the --

16 A. In here.

17 Q. -- front of the van?

18 A. Uh-huh. He ended up over here.

19 Q. I'm going to give you a different angle, okay, in
20 State's Number 4. Is that a different vantage point where you
21 would have been standing from? Is that from the stoop --

22 A. Uh-huh.

23 Q. -- looking towards Hammond Corner Road?

24 A. That's a different -- I wasn't standing at that
25 angle. I was more to the right side of the van.

Arianna Coakley
Direct Examination by Mr. West
October 13, 2015

1 Q. You were more to the right side of the van?

2 A. Uh-huh.

3 Q. And that van is the same van that was there the
4 whole time?

5 A. Yes.

6 Q. And that's a picture from the stoop. Is the club,
7 A Place In The Woods, behind you?

8 A. Yes, sir.

9 Q. So just for clarification of the record. That's on
10 the stoop, in front of the club, facing Hammond Corner Road?

11 A. Yes, sir.

12 Q. After Shike pointed the gun in your face and said,
13 I'm not playing, where did he go?

14 A. He jumped down off the stoop and went around the
15 right side of the van.

16 Q. And that van you said would have obstructed your
17 view so you couldn't see the shots?

18 A. Uh-huh.

19 Q. But you heard shots?

20 A. Yes.

21 Q. When you heard the shots, what was your first
22 reaction?

23 A. I started panicking.

24 I just thought like, I hope he didn't shoot Herman;
25 Lord, don't let it be Herman.

Arianna Coakley
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October 13, 2015

1 Q. And when the shots stopped, what did you do?

2 A. I paused, and then I went around the road to see
3 where was Herman.

4 Q. Did you see Shike leave?

5 A. [Indicates negatively]

6 Q. No? Did you see Larry Kinloch leave?

7 A. No.

8 Q. Do you know how they got there?

9 A. No.

10 Q. Did you stay on scene until Berkeley County
11 sheriff's deputies arrived?

12 A. Yes.

13 Q. How long would you say that was?

14 A. About fifteen minutes.

15 Q. Where were you while you were waiting?

16 A. By Herman.

17 Q. What were you doing?

18 A. I had his head between my leg and I was rubbing his
19 head. And I had my hand in his face so I could feel his
20 little breath, if he still was breathing or not.

21 Q. Could he talk?

22 A. [Indicates negatively]

23 Q. And sheriff's deputies arrived fifteen minutes
24 after. Did you stay there while the sheriff's deputies were
25 there?

Arianna Coakley
Direct Examination by Mr. West
October 13, 2015

- 1 A. Uh-huh.
- 2 Q. Did you ever leave?
- 3 A. After they pulled him away in the EMS I left.
- 4 Q. Where did you go?
- 5 A. To his mother's house to let her know what happened
- 6 to him.
- 7 Q. You had to deliver the news?
- 8 A. Yes. Because he had my cell phone on him and my
- 9 ID.
- 10 Q. Who went with you?
- 11 A. Me, Larry, Taj, and Drequan.
- 12 Q. And after you delivered the news, did you ever
- 13 speak with police?
- 14 A. Yes.
- 15 Q. When you spoke to police, did you give a statement?
- 16 A. Yes, I did.
- 17 Q. In that statement, did you ever make any
- 18 identifications?
- 19 A. Yes.
- 20 Q. And what -- who is the person you identified as the
- 21 shooter? who you thought was the shooter?
- 22 A. [Indicates]
- 23 Q. You're pointing.
- 24 A. Shike.
- 25 Q. Shike. The defendant?

Arianna Coakley
Direct Examination by Mr. West
October 13, 2015

1 A. Yes.

2 Q. Were you ever presented with a photo line-up of any
3 kind?

4 A. Yes. Several --

5 MR. DAVIS: If we could, Your Honor -- let me cut
6 him off, because we'll stipulate that she picked him out
7 of a line-up, they knew each other.

8 MR. WEST: Okay.

9 Then upon the stipulation of defense counsel, we
10 would enter State's Number 39 and Number 40.

11 THE COURT: Without objection?

12 MR. DAVIS: No objection, Your Honor.

13 THE COURT: State's 39 and 40 into evidence without
14 objection.

15 MR. DAVIS: That's -- let me see 39 and let me see
16 40. I don't want no --

17 [Whereupon, Mr. Davis reviews documents]

18 MR. DAVIS: Okay.

19 [Whereupon, State's Exhibit Number 39 is admitted
20 into evidence by the Court]

21 [Whereupon, State's Exhibit Number 40 is admitted
22 into evidence by the Court]

23 Q. [Mr. West] Do you recognize State's Exhibits
24 Number 39 and 40?

25 A. Yes.

Arianna Coakley
Direct Examination by Mr. West
October 13, 2015

1 Q. Is there any sort of markings or identifications
2 that would help you to recognize them?

3 A. Recognize who I identified?

4 Q. Right.

5 Any signatures or markings that you would have
6 made?

7 A. [No response]

8 Q. Did you circle anybody? Or sign it? Yes?

9 A. I circled there.

10 Q. Okay. You circled Shike?

11 A. [Indicates affirmatively]

12 Q. And you signed under it?

13 A. Yes.

14 Q. And also in State's Number 40, were you advised of
15 anything before you made the identification of the defendant?

16 A. No.

17 Q. Well, let me clarify. The sheriff's office didn't
18 tell you who to pick; is that correct?

19 A. Yes.

20 Q. Did they suggest anybody or --

21 A. No.

22 Q. -- persuade you to pick anybody?

23 A. No.

24 Q. You picked Shike because Shike was the person that
25 pointed a gun in your face?

Arianna Coakley
Direct Examination by Mr. West
October 13, 2015

1 A. Yes. That's right.

2 Q. Is there any doubt in your mind that the defendant
3 here today is the person that pointed a gun in your face?

4 A. No. I know he's the person.

5 MR. WEST: Thank you, Your Honor. No further
6 questions for this witness at this time.

7 MR. DAVIS: May it please the Court, Your Honor.

8 THE COURT: Yes, sir.

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Arianna Coakley
Cross-Examination by Mr. Davis
October 13, 2015

CROSS-EXAMINATION

BY MR. DAVIS:

Q. Ms. Coakley?

A. Coakley.

Q. Yeah, Coakley.

Okay. You and I met for the first time yesterday;
right?

A. Yes.

Q. Ma'am?

A. Yes.

Q. Very brief. I just introduced myself; isn't that
correct?

A. Yes.

Q. Now, would it be fair to say that things that you
told law enforcement earlier, in relationship to August the
25th, 2013, would tend to be more accurate than things that
you recall today?

A. I'm sorry. Could you repeat that?

Q. Let me put it like this. Would it be fair that
things that you told law enforcement early on, August the
26th, 25th, of 2013, would tend to be more accurate than
things that you are testifying to today because they were more
fresher in your mind?

A. So what you're asking me is what I told them August
26th is more accurate than what I'm saying today?

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Arianna Coakley
Cross-Examination by Mr. Davis
October 13, 2015

1 Q. Would tend to be more accurate. Yes, ma'am.

2 A. No.

3 Q. When you gave a statement earlier by video, they
4 asked you who was the guy and you shared with them that you
5 actually had to go and find out the name of the individual.
6 That was not true, isn't that?

7 A. No.

8 Q. You knew the guy when you referenced in the video
9 that --

10 Wait a minute. Wait.

11 A. Okay.

12 Q. Okay. Thank you.

13 -- you knew the guy that went outside --

14 A. Uh-huh.

15 Q. -- with, or after, Shike was Larry Kinloch? You
16 knew that; right?

17 A. Uh-huh.

18 Q. So when you told the officers that you were going
19 to secure the name of that guy, that black guy that went out
20 with the black shirt, you knew at that time that that guy was
21 Larry Kinloch, didn't you?

22 A. No.

23 Q. Why wouldn't you? This is the same guy you
24 testified direct testimony a few minutes ago was the guy that
25 approached you a week earlier and tried to hit on you; isn't

Arianna Coakley
Cross-Examination by Mr. Davis
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1 that true?

2 A. Yes.

3 But I never said that he shot -- that he was the
4 person that shot Herman.

5 Q. We're not talking about shooting. This is what
6 we're talking about. We're talking now about identification.
7 You --

8 A. Who said that I --

9 Q. -- were talking to law enforcement earlier. You
10 gave two statements. You did two separate things. You gave a
11 written statement and then you did one by audio --

12 A. Sir, my story has not changed.

13 Q. Let me finish.

14 My question is in the audio you described, as if
15 you didn't know, Larry Kinloch when in fact you knew Larry
16 Kinloch; isn't that true?

17 A. No.

18 Q. Okay. You knew this much: that Larry had hit on
19 your earlier --

20 A. And that is all I know --

21 Q. -- and that was the reason --

22 A. -- that I didn't know him personally.

23 Q. Was that the reason for the stare-down? You? Were
24 you the reason?

25 A. Was the reason for what stare-down?

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1 Q. For the stare-down inside the club.

2 A. No, I was not the reason for the stare-down inside
3 the club.

4 Q. Let me ask you this question. Was Larry Kinloch
5 standing beside Sha'Quille Washington at any time? the little
6 boy you described in your testimony a few minutes ago?

7 A. [No response]

8 Q. Do you understand my question?

9 A. Who's the little boy?

10 Q. You said the little boy. You said don't mess with
11 that --

12 THE COURT: Ladies and gentlemen, this is a
13 courtroom. It is a place of honor, dedicated to the
14 protection and preservation of citizens' rights. This
15 is not a living room, it is a courtroom. If you cannot
16 conduct yourselves accordingly, my deputies will escort
17 you outside and we will handle the matter later. This
18 is my final warning.

19 Q. [Mr. Davis] On the day when you talked to
20 Detective Wilson and Shuler, do you --

21 A. Are you asking me if Larry was standing by Shike?

22 Q. Yes.

23 A. Yes. But --

24 Q. And then -- thank you.

25 THE COURT: Mr. Davis, Ms. Coakley, I understand

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1 what you're trying to do. But she --

2 MR. DAVIS: I'll slow down, Judge. I promise.

3 THE COURT: Please, you've got to --

4 MR. DAVIS: I promise. I promise.

5 THE COURT: -- quit talking over people --

6 MR. DAVIS: I promise. I promise.

7 THE COURT: -- Mr. Davis --

8 MR. DAVIS: I promise.

9 THE COURT: -- just like you're doing now.

10 Ms. Coakley, if you could please wait until he
11 finishes his question, before you respond so that we have
12 a complete record. My court reporter is trying very
13 diligently to write down what you are saying, as well as
14 what Mr. Davis is saying. Thank you.

15 MR. DAVIS: Thank you, Judge.

16 THE WITNESS: Yes, ma'am.

17 Q. [Mr. Davis] And in the videotape, you told law
18 enforcement Herman says why is that guy staring at me. Didn't
19 you tell them that?

20 A. No, I did not. I said Herman said Shike keeps
21 looking at me.

22 Q. Oh. Looking at me. Okay.

23 A. Yes.

24 Q. And Herman says, I'm going to snap in a minute.
25 That's what you said; isn't that true?

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1 A. Yes, about the third time he approached me saying
2 that Shike keeps looking at him.

3 Q. And he said, I am going to snap in a moment..
4 Didn't he say that?

5 A. Yes, he did.

6 Q. Now, and was Herman and Larry Jenkins at the club
7 earlier that night before they picked y'all up?

8 A. Yes, they were.

9 Q. Do you know what transpired earlier that night
10 before they picked you up?

11 A. No.

12 Q. Okay. So you don't know what happened before you
13 were picked up from the Kangaroo? You, Taj, and another
14 individual at the Kangaroo; right?

15 A. [No response]

16 Q. You don't know what happened at the A Place In The
17 Woods before you got there; isn't that true?

18 A. It is.

19 But if something had happened --

20 Q. My question is --

21 A. -- he would have --

22 Q. -- my question is --

23 A. -- say something.

24 Q. You can answer this question. Do you know what
25 happened before you got there?

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1 A. No.

2 Q. And there's no question that Herman Manigault, III,
3 and Larry Jenkins, the first cousin, they were there before
4 and earlier; isn't that true?

5 A. Yes.

6 Q. Now, when you got there was Shike, Sha'Quille
7 Washington, who you recognized as don't worry with that little
8 boy -- you told Herman that -- was he already there when you
9 got there?

10 A. Yes, he was already there.

11 Q. What time did y'all got -- arrive there?

12 A. It was between 2:30 and three o'clock.

13 Q. And y'all were drinking, were you not?

14 A. They were drinking. I didn't get to finish my
15 drink.

16 Q. You said I don't -- you know, Herman, I don't drink
17 no straight liquor; right?

18 A. I never got a chance to finish it, so, no, I was
19 not drinking. A drink --

20 Q. This is --

21 A. -- was made for me.

22 Q. You told law enforcement on your video, now, you
23 know, Herman, I don't drink straight liquor. Didn't you say
24 that?

25 A. Yes. I just mentioned that.

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1 Q. And was Herman drinking?

2 A. Yes.

3 Q. Now, did you witness with your own eyes Herman
4 Manigault, III, taking his shirt off outside before the fight?

5 A. No.

6 MR. DAVIS: Thank you. No --

7 Q. [Mr. Davis] But I know -- stop.

8 A. -- his shirt was on.

9 Q. You didn't -- stop. Stop.

10 THE COURT: Okay.

11 MR. DAVIS: Be responsive --

12 THE COURT: Mr. Davis --

13 MR. DAVIS: -- to the question, Your Honor.

14 THE COURT: Please let her finish.

15 THE WITNESS: I wasn't finished answering.

16 MR. DAVIS: Okay.

17 THE WITNESS: You were -- you interrupted me.

18 MR. DAVIS: Go ahead. I'm sorry. I apologize. Go
19 ahead, Ms. Coakley. I'm sorry.

20 A. No, I did not see Herman take his shirt off, but I
21 know when Shike hit Herman he had his shirt was on. His shirt
22 was on when I saw him walk outside and Shike followed him a
23 little while later. Next question?

24 Q. [Mr. Davis] I didn't ask you -- Ms. Coakley?

25 A. Yes.

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1 Q. You picked up a Heineken bottle. What is a
2 Heineken bottle made of? Material?

3 A. Glass.

4 Q. Can you administer great bodily injury with a glass
5 instrument?

6 A. If you hit the person hard enough, yes.

7 Q. And you had that in your hand, about to strike this
8 young man, the little boy, Sha'Quille Washington, when he
9 turned around and defended himself with a gun in your
10 direction, did he not?

11 A. Yes.

12 Q. Had he did anything to provoke you striking him
13 with a bottle that administer great bodily injury to him?

14 A. Yes.

15 Q. What had he done to you, ma'am?

16 A. He was hitting my boyfriend.

17 Q. Oh. He was hitting your boyfriend?

18 A. Uh-huh.

19 Q. Okay. What was your boyfriend doing with his shirt
20 off?

21 A. I told you, sir, his shirt was on when Shike hit
22 him. His shirt was never off. It was on.

23 Q. Now, this is the question again. Were you outside
24 with Herman before Larry Jenkins was outside with him?

25 A. No, I wasn't.

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1 Q. So Larry Jenkins went outside before you came
2 outside?

3 A. Herman and Larry walked outside before I did,
4 because I went outside after I saw Shike and Larry Kinloch
5 immediately on their trail. Make sense?

6 Q. What makes sense is -- strike.

7 Now, did you -- you're under oath -- witness this
8 young man shoot anyone?

9 A. No, I did not.

10 Q. Thank you. Now, I want to --

11 MR. DAVIS: I need that easel again. I'm going to
12 come -- I need to get a little close. Okay?

13 Q. [Mr. Davis] This is Defendant's Exhibit Number 1
14 [sic]. It's not to scale.

15 A. Uh-huh.

16 Q. Inside the club, you know, the dancing area, was it
17 lighted or was it dark?

18 A. It wasn't lit and it wasn't dark.

19 Q. It wasn't lit and it wasn't dark. So what was it?

20 A. You could still see, but it wasn't completely lit.
21 It wasn't lit, neither was it dark.

22 Q. Was there area in the club, A Place In The Woods,
23 where you could actually go and buy drinks and it was -- had
24 more lighting than the dancing area?

25 A. The pool area was lit. Where you buy the drinks it

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1 was not that lit, but you were still able to see very well.

2 Q. So where you buy the drinks from was not that very
3 lit. It wasn't lighted properly?

4 A. [No response]

5 Q. I just want to -- we're just trying -- I'm just
6 trying to find out, please. I wasn't there.

7 Where the drinks are sold, was there proper
8 lighting there or was it not? Ma'am?

9 A. Yes.

10 Q. Yes what?

11 A. It wasn't properly lit.

12 Q. Okay. Now, the dance floor, was it dark or was it
13 properly lit?

14 A. It was dark.

15 Q. Ma'am?

16 A. Dark.

17 Q. Okay. Thank you.

18 Now, I'm pointing to this exhibit. And there's
19 been some discussion about it. I apologize if it's not as
20 large as it should be. But would it be fair to say that this
21 is the stoop?

22 A. Uh-huh.

23 Q. And this is the entrance and exit --

24 A. Yes.

25 Q. -- to the club?

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1 A. Yes.

2 Q. Had you been to A Place In The Woods prior to
3 August the 25th, 2013?

4 A. Yes.

5 Q. How many times you would say?

6 A. I can't count.

7 Q. It's that many?

8 A. Uh-huh.

9 Q. Okay. That's all right. Okay. Many times?

10 A. [Indicates affirmatively]

11 Q. Okay. So you're very familiar with the place?

12 A. Yes.

13 Q. And you're very familiar with Sha'Quille, aren't
14 you not?

15 A. I didn't know his full name. I just knew him by
16 Shike, so I'm not that familiar.

17 Q. Okay. Thank you.

18 Now, where exactly were you when you put that
19 Heineken bottle in your hand to (strike that young man
20 Mr. Washington?

21 A. I was inside the club when I grabbed the bottle.

22 Q. Well, I know you got the bottle from inside, but I
23 want to know -- so you were on the stoop when you were getting
24 ready to hit him?

25 A. [No response]

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1 Q. I don't know.

2 Okay. You want to be fair to put an x -- I don't
3 want -- I want you to do it, please. And after you do it, I
4 want you to put your initials beside it. Put A.C.

5 A. [Witness complies]

6 Q. Help me, please. Where your x?

7 A. In between that --

8 Q. Right there?

9 A. Uh-huh.

10 Q. And it's your testimony that you were about to hit
11 him --

12 A. Yes.

13 Q. -- and he turned around and pointed a gun at you.
14 Did he fire a shot at you?

15 A. No, he did not.

16 Q. Did he say, I'm going to kill you?

17 A. No.

18 Q. Okay. He told you to back off. What did he say?

19 A. No, he did not say back off.

20 Q. He said, I'm not playing.

21 A. He looked at me and he said, I ain't playing, I
22 ain't playing.

23 Q. Well, a fight was going on, was it not?

24 A. A fight he initiated. Yes, it was.

25 Q. Well, who wanted your affection? Shike, Sha'Quille

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1 Washington, or Larry Kinloch?

2 A. What does that question have to do with anything?

3 Q. Answer the question.

4 A. Okay.

5 Q. Who?

6 A. Larry asked for my number --

7 Q. Oh.

8 A. -- but it wasn't consistent enough for me to see
9 that he was fighting for my attention. It was not that
10 serious, sir.

11 Q. But he wanted your number? Ma'am?

12 A. Yes, that's it. He just asked me for my number.

13 Q. And your boyfriend for four years was who?

14 A. Herman. He never knew that, --

15 Q. Herman Manigault --

16 A. -- information.

17 Q. Herman Manigault, III, was your boyfriend for four
18 years; right? Ma'am?

19 A. Yes.

20 Q. And he had already shared with you that he was
21 about to snap; isn't that true? That's your words --

22 A. Uh-huh.

23 Q. -- isn't it?

24 A. Uh-huh.

25 Q. Uh-huh? I'm about to snap?

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1 A. Yes.

2 Q. And you didn't witness when he took his shirt off,
3 did you?

4 A. No, I did not.

5 Q. And you didn't witness, and can't tell these
6 twelve, fourteen people on the jury, that you saw Sha'Quille
7 Washington shoot Herman Manigault, III?

8 A. I can tell the jury what I saw.

9 Q. Well, that's my question. Did you -- can you tell
10 the jury you saw, in fact, that he did?

11 A. No --

12 Q. Thank you.

13 A. -- Jury, I cannot.

14 But I can tell you from the time that that gun was
15 moved from my face, before I could make it to the bottom I
16 heard gunshots.

17 Q. You heard gunshot.

18 And when you heard a gunshot, how many people were
19 in that vicinity when you heard gunshots? The vicinity from
20 which the shots were heard, how many people or individual were
21 in that vicinity?

22 A. I want to say about four or five.

23 Q. And tell us -- I'm sorry. I'm sorry. I'm sorry,
24 Ms. Coakley. I didn't mean to cut you off.

25 Four. That's correct; right?

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1 A. Could be four. Maybe five.

2 Q. Could be four, maybe five.

3 Tell us -- identify them four, maybe five, if you
4 know.

5 A. When I came around the van I saw Larry Jenkins, I
6 saw Aja Williams, I saw Christina Lockwood, Drequan Lockwood.
7 And there was someone else. I just remember his face. I
8 don't know his name. And there was Herman laying on the
9 ground twitching.

10 Q. I got it.

11 But one thing: there were two people not around
12 the van when you got there.

13 A. Of course they wouldn't be there.

14 Q. Where were those two individuals who were not
15 around the van?

16 A. Shike and Larry.

17 Q. They had what?

18 A. Apparently ran off.

19 Q. And you don't know what happened on the other side
20 of that van; isn't that true?

21 A. I know there was a gun in my face.

22 Q. Oh, we know it was a gun in your face because there
23 was a bottle in your hand; isn't that true?

24 A. What does the bottle have to do with a gun?

25 Q. What were you going to do with the bottle?

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1 A. Try to prevent something that still happened
2 anyway.

3 Q. Well, have you ever thought for a minute that maybe
4 you enticed the situation more --

5 A. I couldn't --

6 Q. -- with the bottle in your hand?

7 A. I couldn't have enticed the situation of Shike, who
8 was already looking at Herman, now, could I?

9 Herman said he was about to snap, but I saw Shike
10 hit Herman first. So who snapped?

11 Q. Well, let's take that a step farther.

12 A. Shall we.

13 Q. Were there any security in place at the club?

14 A. Clearly not, if Shike had a gun.

15 Q. Clearly not, because Shike had a gun?

16 A. Couldn't have been enforced too well.

17 Q. And nobody was patted down going in the club?

18 A. Well, I was patted down. So I assume he wasn't.

19 Q. I don't know. I wasn't there --

20 A. Well, I'm telling you --

21 Q. -- we're trying to find -- ma'am --

22 A. -- I was patted down.

23 THE COURT: Do not speak over each other. Thank
24 you, Ms. Coakley.

25 Q. [Mr. Davis] Ma'am, we're trying to find the truth.

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1 That's all we trying to do. Okay?

2 My point is you said there was no security there.
3 I asked you a simple question whether or not you were patted
4 down, people were searched, going into the club. True? True
5 or false?

6 A. True.

7 Q. Thank you.

8 Now, how many shots did you hear?

9 A. Four.

10 Q. In your statements, you said you heard four or
11 five.

12 A. There was four.

13 Q. So your statement that was given on the 26th of
14 August, 2013, is not as accurate and as descriptive as what
15 you have said today? Ma'am?

16 A. Yes.

17 MR. DAVIS: I want this marked.

18 I'll give you a chance to read over your statement.

19 I'm not trying to fool you.

20 This will be Number 3, Your Honor.

21 [Whereupon, Defendant's Exhibit Number 3 is marked
22 by the court reporter]

23 Q. [Mr. Davis] Maybe it will refresh your memory.

24 Okay?

25 A. The truth does not change.

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Cross-Examination by Mr. Davis
- October 13, 2015

1 Q. Thank you.

2 MR. DAVIS: May I approach, Your Honor?

3 THE COURT: You may.

4 Q. [Mr. Davis] I want you to look at what's been
5 marked as Defense Number 3. And I want you to take your time
6 and read it and tell me does it change your response to me in
7 reference to whether you heard four shots or four to five
8 shots.

9 [Whereupon, the witness reviews documents]

10 Q. [Mr. Davis] Are you satisfied now?

11 A. Uh-huh.

12 Q. Ma'am?

13 A. Uh-huh.

14 Q. What did you say?

15 A. What is that you want me to answer?

16 Q. The question is since you have reviewed that
17 document to refresh your memory, how many shots did you shared
18 with law enforcement?

19 A. On the statement, I said four or five.

20 Q. Now, four or five; right?

21 A. Uh-huh.

22 Q. So you're not as definitively clear as you said on
23 cross-exam a minute ago you said it was unequivocally four;
24 isn't that correct? Ma'am?

25 A. I wrote that statement the day --

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1 Q. Ma'am?

2 A. He took that statement while I was at the hospital.
3 I was crying and still in shock, sir.

4 Q. I understand. I understand. I understand.

5 A. But the next day, the statement I let them record,
6 if I'm not mistaken I counted because I had to recollect my
7 memory. I said four, I heard four gunshots: three
8 consistent, there was a pause, and then there was the last
9 one.

10 Q. I want you to read again in your statement on --
11 where it seem to said, I had a Heineken bottle, raising it
12 when Shike pointed a gun at my face saying, drop the gun.

13 I don't understand that. Read that. You wrote
14 that; right?

15 [Whereupon, the witness reviews documents]

16 Q. [Mr. Davis] You see it?

17 A. Yes, I see this, sir, but this isn't my
18 handwriting. This is my signature, but this -- that's not my
19 handwriting.

20 Q. What's the date on that?

21 A. The 25th.

22 But this still isn't my handwriting. He wrote it
23 for me. Someone else wrote this.

24 Q. But you signed saying that this was your narrative
25 of what -- whoever wrote it for you, did you not? Ma'am?

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1 A. Yes.

2 Q. And there is a reference of him telling you to drop
3 a gun; isn't that true?

4 A. That's what was written on this paper, but that's
5 not what I said or was recorded me saying the next day. He
6 never told me --

7 Q. That's what's in --

8 A. -- to drop the gun.

9 Q. My question is that's what's in your statement?

10 A. That's what's in this statement that I did not
11 write but signed.

12 Q. Thank you.

13 And you did it relatively early in time, because
14 this was on the 26th of --

15 A. This was written on the 25th, probably about thirty
16 minutes after Herman was shot.

17 Q. Would it be fair to say, Ms. Coakley, that it was
18 total chaos out there that night?

19 A. Yes, it would be fair to say that.

20 Q. Total chaos.

21 Not a heavily lighted what I would say, lack of a
22 better term, parking area in front of the club? I mean, it's
23 only two little moon lights; isn't that true?

24 A. No. There's streetlights outside.

25 Q. Y'all call it streetlights?

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- 1 A. I don't know what else to call them.
2 Q. Okay. How many streetlights?
3 A. I don't go around counting streetlights, sir.
4 Q. Okay. Fair enough.
5 But you go there quite often, though?
6 A. Not to count the streetlights.
7 Q. I know. You go inside; right?
8 A. Yes.
9 Q. And consume Heineken and liquor straight; isn't
10 that true?
11 A. No, sir. I don't drink Heineken.
12 Q. You just put Heineken bottles in your hand to
13 inflict harm on other people, apparently?
14 A. Some people don't know how to act.
15 Q. How were you dressed that night?
16 A. I had --
17 MR. WEST: Objection. Relevance.
18 THE COURT: Hold on one second. Counsel approach.
19 [Whereupon, an off-the-record bench conference is
20 held]
21 THE COURT: Sustained.
22 MR. DAVIS: Okay. Thank you.
23 Q. [Mr. Davis] Tell us how Sha'Quille Washington was
24 dressed that night.
25 A. He had on colorful pants. I want to say they look

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1 like swimming trunks -- they were that same material -- and a
2 black shirt that had like a print in the front. I didn't look
3 at his shoes.

4 Q. And how was Herman dressed?

5 A. He had on a white shirt, a red Polo hat, khaki
6 cargo pants, and brown Sperrys.

7 Q. And how was Larry Kinloch dressed?

8 A. He had on a dark-color shirt and jeans. I didn't
9 look at his shoes.

10 Q. Do you wear glasses?

11 A. No, sir.

12 Q. Contacts?

13 A. No, sir.

14 Q. Did Mr. Washington threaten you in any way before
15 you struck him -- or attempt to hit him with the Heineken
16 bottle? Ma'am?

17 A. No.

18 MR. DAVIS: No further questions.
19
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21
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23
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25

Arianna Coakley
Redirect Examination by Mr. West
October 13, 2015

REDIRECT EXAMINATION

1
2 BY MR. WEST:

3 Q. Ms. Coakley, you gave a statement to law
4 enforcement that night; correct?

5 A. Yes.

6 Q. Isn't that when you just saw your boyfriend get
7 murdered?

8 A. Uh-huh.

9 Q. And you delivered --

10 THE COURT: Is that a yes?

11 A. Yes.

12 Q. [Mr. West] And you had to tell his mom that he had
13 just been shot?

14 A. Yes, and I was unsure if he was alive or dead.

15 Q. So you were pretty upset?

16 A. Yes.

17 Q. Were you upset enough where you couldn't
18 necessarily write?

19 A. Yes. That's because --

20 Q. Is that why you had one of the detectives write
21 your statement?

22 A. Yes, sir.

23 Q. Now, where was Larry Kinloch when you heard shots?

24 A. I didn't see him.

25 Q. Larry Kinloch apparently asked for your phone

Arianna Coakley
Redirect Examination by Mr. West
October 13, 2015

1 number; right? Or not. Would Herman have known about that?

2 A. No.

3 I never told Herman because it's not that
4 seriously.

5 Q. Did anything Mr. Davis ask you change the fact that
6 Sha'Quille Washington pointed a gun in your face?

7 A. No, it does not.

8 Q. Did anything that Mr. Davis ask you change the fact
9 that Herman Manigault died in your arms?

10 A. No, it doesn't.

Arianna Coakley
Recross-Examination by Mr. Davis
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RECROSS-EXAMINATION

BY MR. DAVIS:

Q. Who was the designated driver that night?

A. Larry Jenkins.

Q. Was he drinking?

A. I'm not sure how to answer that. I didn't see him drink anything. He could have been, but I didn't see him consume any.

MR. DAVIS: Thank you.

THE COURT: Thank you. You may step down.

[Whereupon, Ms. Coakley is excused and exits the witness stand]

THE COURT: Call your next witness.

MR. WEST: Thank you. The State calls Darius Alls.

[Whereupon, Mr. Alls comes forward]

THE CLERK OF COURT: Please raise your right hand.
Place your left hand on the Bible.

[Whereupon, Mr. Alls is duly sworn by the clerk of court as follows: do you solemnly swear or affirm the testimony you will give the Court in the trial of this case will be the truth, the whole truth, and nothing but the truth, so help so you God]

THE WITNESS: Yes.

THE CLERK OF COURT: Please be seated.

[Whereupon, Mr. Alls takes the witness stand]

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1 THE CLERK OF COURT: State your full name, and
2 spell your last name for the record.

3 THE WITNESS: My name is Darius Alls. The last
4 name is spelled A-L-L-S.
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MIA PERRON, CVR-CM-M

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Darius Alls
Direct Examination by Mr. West
October 13, 2015

DARIUS ALLS,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. WEST:

Q. Mr. Alls, were you working at A Place In The Woods
on August 25th, 2013?

A. Yes, sir.

Q. What were you doing?

A. I was a cook.

Q. You were cooking?

A. Uh-huh.

Q. Stayed in the bar most of the night?

A. Stayed in the kitchen most of the night.

Q. In the kitchen?

A. Uh-huh.

Q. Do you know Herman Manigault? Did you know him?

A. Not know of him like personally. I know I've just
seen him.

Q. You knew who he was?

A. Knew who he was?

Q. If you saw him, you would know him as Herman?

A. Yeah.

Q. Do you know the defendant?

A. I know him.

MIA PERRON, CVR-CM-M

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Darius Alls
Direct Examination by Mr. West
October 13, 2015

1 Q. How do you know him?

2 A. We're family.

3 Q. How are y'all related?

4 A. His dad is my cousin.

5 Q. His dad is your cousin?

6 A. Uh-huh.

7 THE COURT: Is that a yes?

8 THE WITNESS: Yes, ma'am.

9 THE COURT: Thank you.

10 Can you move that microphone a little closer to
11 you? Thank you.

12 Q. [Mr. West] Did you see Herman at A Place In The
13 Woods that night?

14 A. Yes, sir.

15 Q. Describe your interaction with him.

16 A. Well, that night he said that something was
17 bothering him and I said, well, if somebody was bothering him
18 then just chill at the bar until each of us who work at the
19 club that night get off, and we'll make sure he get to his car
20 or whoever he was with.

21 Q. Somebody is pretty general. Do you know who that
22 is?

23 A. He never said.

24 Q. Did you ever see the shooting that night?

25 A. No.

Darius Alls
Direct Examination by Mr. West
October 13, 2015

1 Q. Did you hear it?

2 A. No.

3 Q. Did you see the defendant and Herman get in a
4 fight?

5 A. I didn't see anything, like I told you earlier a
6 couple of weeks ago.

7 Q. We met a couple of weeks ago; right?

8 A. Right.

9 Q. Did you ever give a statement to law enforcement?

10 A. Yes, I did.

11 Q. In your statement to law enforcement, if you saw it
12 would it refresh your memory about what you said?

13 A. You want me to tell you what I wrote on that paper?

14 Q. Well, I want to show it to you and see if it
15 refreshes your memory.

16 MR. WEST: I want to mark this as State's 54 for
17 identification at this point.

18 MR. DAVIS: I'm familiar with it. Thank you.

19 [Whereupon, State's Exhibit Number 54 is marked by
20 the State]

21 MR. WEST: And for the record, it's a few-page
22 statement from Mr. Alls dated on the 25th of August.

23 Q. [Mr. West] Just take a look at that and when
24 you're done reading it, how about --

25 [Whereupon, the witness reviews documents]

Darius Alls
Direct Examination by Mr. West
October 13, 2015

1 A. Okay.

2 Q. [Mr. West] Have you read it already?

3 A. I remember what I wrote.

4 Q. You remember what you wrote?

5 A. Uh-huh.

6 Q. Herman told you he thought his life was in danger?

7 A. He said that some something was bothering him, some
8 people. Didn't clearly like his life was in danger. I mean,
9 if somebody life was in danger, why would you go back outside
10 or why would you go back wherever whatever happened?

11 Q. That's not what you said right here.

12 A. Did I say that his life was in danger?

13 Q. Yeah. Pretty clear. Right in the middle of it.

14 His life is in danger. Is that --

15 A. That's how I wrote exactly, like --

16 Q. That's how you wrote it?

17 A. -- his life was in danger.

18 So he said that he was -- something was bothering
19 him, so I tell him to stay there at the bar until we leave.

20 Q. Now, if somebody told you that, would you think
21 that there would be a reason beforehand why he would say that?

22 A. Meaning?

23 Q. I don't know. I mean --

24 MR. DAVIS: I object, Your Honor, for that same
25 reason. He called --

Darius Alls
Direct Examination by Mr. West
October 13, 2015

1 THE COURT: What's the basis?

2 MR. DAVIS: Conjecture or speculation.

3 THE COURT: Overruled. You may answer.

4 Q. [Mr. West] If somebody told you that his life was
5 in danger, there would have to be something to precipitate
6 that; wouldn't you agree?

7 A. Right.

8 Q. Okay. So it's just not out of thin air.

9 A. Okay.

10 Q. Now, you stayed afterwards, after everything
11 happened; right?

12 A. Yeah, because I guess soon as I tell him to stay to
13 the bar, I went back in the kitchen, started cooking, getting
14 ready to clean up.

15 Some guy came, told me and another guy that they
16 thought something happened outside. So went back in the
17 kitchen, came back outside, look outside, and there he was
18 laying on the ground. He was unresponsive. We called you
19 like eons of times --

20 Q. Who is you?

21 A. The deputy sheriffs.

22 -- called eons, a bunch of times, waited, waited,
23 waited. So I proceed to just tell them, hey, man, just get a
24 towel, wrap him up, put him in my car, I'll take him to the
25 hospital. And soon as I said that, that's when y'all rolled

Darius Alls
Direct Examination by Mr. West
October 13, 2015

1 up about an hour later.

2 Q. Did you try to help Herman when he was on the
3 ground?

4 A. Yeah.

5 I was trying to tell them to put him in the car,
6 because it took y'all so long to get there, I'll take him to
7 the hospital myself.

8 Q. Who is y'all?

9 A. Excuse me. The Berkeley County Sheriff Department
10 took a while to get there, along with the medics.

11 So I told them plainly, wrap him up, put him inside
12 my mama car, and I would drive him to the hospital myself.

13 THE COURT: Mr. West?

14 MR. WEST: Thank you.

15 Q. [Mr. West] Did you see Larry Kinloch there that
16 night?

17 A. He was there but I didn't see him like probably,
18 what, a little after 10:00 or 11:00.

19 Q. Okay. But you were in the back cooking most of the
20 time?

21 A. Most of the time.

22 Q. You didn't hear any shots?

23 A. [Indicates negatively]

24 Q. Didn't see any shooting?

25 A. [Indicates negatively]

Darius Alls
Direct Examination by Mr. West
October 13, 2015

1 Q. But you did have an interaction with Herman where
2 he indicated he thought his life was in danger?

3 A. He just said it. I was there listening.

4 I tell him, well, if you think your life in danger,
5 just sit right here at the bar and just wait until we close
6 and we'll make sure you get to your car.

7 Q. And that was before the shooting?

8 A. I guess allegedly that was before the shooting.

9 It wouldn't make since for him to get shot and then
10 say his life was in danger, now, would it?

11 Q. No, it wouldn't make any sense.

12 But if somebody says something like, my life is in
13 danger, and then they get shot, don't you think that would
14 have a direct connection?

15 MR. DAVIS: I object, Your Honor. It's already
16 been asked and answered --

17 THE COURT: Overruled.

18 MR. DAVIS: -- three times.

19 THE COURT: Overruled. You may answer, if you
20 know.

21 Q. [Mr. West] Would that have a direct connection?

22 A. Connection towards?

23 Q. Would the threat and the shot be connected?

24 A. Could be.

25 Q. That would make sense to you, wouldn't it?

Darius Alls
Direct Examination by Mr. West
October 13, 2015

1 A. It would make plenty of sense to anybody in this
2 courtroom.

3 MR. WEST: Thank you. No further questions for
4 this witness at this time.

5 THE COURT: Mr. Davis?
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Darius Alls
Cross-Examination by Mr. Davis
October 13, 2015

CROSS-EXAMINATION

BY MR. DAVIS:

Q. Let's get one thing straight, Darius Alls. Now, this incident happened over two years ago; right? Two years ago?

A. Correct.

Q. Now, the solicitor talked to you two weeks ago?

A. Correct.

Q. Have I ever discussed this matter with you?

A. Mr. Davis, the last time I saw you was almost six years ago.

Q. Wow. Six years ago.

A. Six years ago.

Q. And six years ago.

Now, you were in the kitchen that night; right?

A. [No response]

Q. Now, Herman Manigault, had it appeared that he had been drinking?

A. I mean, if you at a club at a bar, hey, alcohol is served and everybody drinks. Even I drink. So --

Q. You know, we're trying to find the truth here.

A. Right.

Q. I don't want you to speculate. When I ask a question, I want the truth. That's all I want.

Did he appear to be under the influence to you at

Darius Alls
Cross-Examination by Mr. Davis
October 13, 2015

1 all? That's what I want you to tell us.

2 A. Well, I can't really say because I probably was
3 under the influence myself.

4 Q. Oh. You were under the influence yourself? The
5 cook? I mean, it's all right.

6 A. Well, define under the influence.

7 Q. It was a birthday party.

8 A. I mean, well, I tell you what, two beers -- it'll
9 have to take more than two beers to get me -- you know what I
10 mean?

11 Q. Now, you didn't witness any shooting?

12 A. I didn't witness any shooting.

13 Q. Matter of fact, did you witness any staring down
14 between any parties in reference to the five names we've
15 presented: Larry Kinloch, Herman Manigault, Sha'Quille
16 Washington, and Larry Jenkins? You -- did you witness any
17 physical or otherwise inertia movement between these four
18 people?

19 A. Well, let's see. At the club, like I say, I talked
20 to Larry briefly, but he just left.

21 I saw my little cousin. I mean, he was dressed
22 nice, though. Looked like he wouldn't even hurt a fly.
23 Wouldn't hurt a fly in years, so why start now.

24 I don't even know who the third guy is, Larry
25 Jenkins or whoever, whatever.

Darius Alls
Cross-Examination by Mr. Davis
October 13, 2015

1 And the only person I had interactions there was
2 Mr. Herman. Just tell him to stay right there until the bar
3 closed.

4 Q. Can you have any indication of when Herman came to
5 the club?

6 A. No. Been in the back cooking.

7 Q. So you don't have any evidence that they were there
8 earlier and then went to pick up some girls and came back?

9 A. Put it like this. My job was to sit there and feed
10 all the people that actually get hungry after a long night of
11 partying or working. And whatever happens, happens. If they
12 decide to pick up a bunch of girls and go party and have at
13 it, fine.

14 That's still -- that ain't me, man. You know, I
15 just cook the food. I am not the host, neither the sponsor of
16 anything. Just cook the food.

17 Q. Well, let me ask you this. The solicitor directed
18 you to say, well, you know, this guy came to you and seemed to
19 suggest that something was bothering him. Okay? Right?

20 A. Yeah.

21 If any -- if somebody -- if any of the jurors was
22 to say something was bothering them, and any of you would a
23 hear it, you might -- some people might intervene. That's
24 just the good heart in some people.

25 Q. Okay. Were there any security there?

Darius Alls
Cross-Examination by Mr. Davis
October 13, 2015

1 A. Define security.

2 Q. I define security as those people that have
3 descriptive clothing on, they can be easily identified. I
4 hope they've got some handcuffs or a bully something to
5 straighten some people out, and they're directing, and have
6 some kind of mental -- metal detection to check people out,
7 wand them down and tell people -- you know, that's what I call
8 -- that's what I call security, especially if you paid them.

9 A. Yeah.

10 Q. Did they have security?

11 A. Yeah, they had security.

12 Q. Now, if what the solicitor suggested to you was
13 such a bothering point to Mr. Herman Manigault, you could have
14 called security and said, you know, security, this is a guy
15 come telling me about he has some concern, why don't you see
16 that he get to his car. Why didn't his concern raise that
17 level for you?

18 A. Like I say, I was cooking.

19 I didn't even think the thing to be serious,
20 whatever the thing was -- you know what I'm saying -- he said.
21 I just tell him to sit at the bar, you know, I think he would
22 have sat at the bar. You know, take our word for it, you
23 know.

24 Q. Well, when he's sitting at the bar worrying
25 Ms. Coakley --

Darius Alls
Cross-Examination by Mr. Davis
October 13, 2015

1 A. Who?

2 Q. -- was anybody besides another female?

3 A. I wasn't looking attention to all that.

4 Q. Okay. All right.

5 A. I was just paying attention to the --

6 Q. Was there any other first cousin next to him,
7 anybody else next to him, talking to him?

8 A. It could be, but my focus was on him.

9 Q. Okay. Okay. Okay. So here's a guy who tells you,
10 man, something bothering me, you know, I'm mad, I'm about to
11 snap. And you're telling him calm down, you just stay right
12 here. That's a fair description?

13 A. That's exactly what I say: stay right here until
14 we close and we'll make sure you get to your car.

15 Q. I'm about to snap. Thank you.

16 THE COURT: Mr. West?

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Darius Alls
Redirect Examination by Mr. West
October 13, 2015

REDIRECT EXAMINATION

BY MR. WEST:

Q. He never told you he was about to snap, did he?

A. What?

Q. You never put in your statement, or told anybody in law enforcement, that he told you he was about to snap?

A. He just say that, you know, something was bothering -- I just tell him to stay to the bar.

If he said he was about to snap -- but I never heard anything with somebody saying about to snap.

Q. Okay. You didn't hear that? Just to clarify it. That was kind of a long answer. You didn't hear that?

A. Right.

Q. Let's talk a little bit about the security. You work there; right?

A. I don't work there. I work at O'Brian's Pub and Grill. I actually lend my services there.

Q. But you worked there that night?

A. Yeah. That night, yeah.

Q. You worked there that night.

Would it be fair to say that somebody that works there should know some of the other people that work there?

A. Yeah, that could be fair.

But I mean if it's just business, then it's just business. I don't have to know exactly everybody that works

Darius Alls
Redirect Examination by Mr. West
October 13, 2015

1 there, just only the person that's actually paying me my
2 money.

3 Q. All right. You didn't know any of the security
4 guards?

5 A. No.

6 Q. Do you think it's a little funny that none of the
7 security was still there when the cops showed up?

8 A. Hey, it probably would be funny if none of the
9 security was there as the cops showed up.

10 Q. Doesn't sound like a very good security company,
11 does it?

12 A. I guess not.

13 Q. So security comes in and it does all of these
14 check-downs and pat-downs that Mr. Davis suggests, they don't
15 even stay there for the police?

16 A. Not so much of security after all, huh?

17 Q. Not so much security after all.

18 MR. WEST: Thank you.

19 THE COURT: Mr. Davis?
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Darius Alls
Recross-Examination by Mr. Davis
October 13, 2015

RECROSS-EXAMINATION

BY MR. DAVIS:

Q. Security was not your issue, is it not?

A. It sure damn -- no, it ain't.

Q. You were in the food business?

A. Excuse me. Sorry. Sorry. Sorry for that.

Q. You were in the food business?

A. Yeah. I just was cook the food, man. That's all.

MR. DAVIS: Thank you. No further questions.

THE COURT: Mr. Alls, you may step down. Thank
you.

THE WITNESS: You're welcome.

[Whereupon, the witness is excused and exits the
witness stand]

THE COURT: Call your next witness.

MR. WEST: The State calls Deputy Daniel Morton.

THE COURT: Please come forward and be sworn, sir.
Thank you.

[Whereupon, Mr. Morton comes forward]

THE CLERK OF COURT: Please raise your right hand.
Place your left hand on the Bible.

[Whereupon, Mr. Morton is duly sworn by the clerk
of court as follows: do you solemnly swear or affirm
the testimony you will give the Court in the trial of
this case will be the truth, the whole truth, and

Darius Alls
Recross-Examination by Mr. Davis
October 13, 2015

1 nothing but the truth, so help so you God]

2 THE WITNESS: Yes, ma'am.

3 THE CLERK OF COURT: Please be seated.

4 [Whereupon, Mr. Morton takes the witness stand]

5 THE CLERK OF COURT: State your full name. Spell
6 your last name for the record.

7 THE WITNESS: Morton. M-O-R-T-O-N.

8 MR. POULOS: Good afternoon, Deputy.

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Daniel Morton
Direct Examination by Mr. Poulos
October 13, 2015

DANIEL MORTON,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. POULOS:

Q. Where are you currently employed?

A. Berkeley County Sheriff's Office.

Q. And how long have you been there?

A. Almost seven years.

Q. And what is your current position with the
sheriff's office?

A. I'm a corporal on the patrol division, night shift.

Q. What does that entail?

A. Just regular patrols. Answer calls for service.

Q. Were you employed with the sheriff's office back in
August of 2013?

A. Yes, sir.

Q. I want to direct your attention specifically to
August 25th of that year. Were you working that day?

A. Yes, sir.

Q. What shift were you working?

A. Night shift.

Q. What is night shift? What hours does that
encompass?

A. Usually it's about a 4:30 to 4:30 shift. Sometimes

Daniel Morton
Direct Examination by Mr. Poulos
October 13, 2015

1 4:30 to 5:30. It just depends on what day it is.

2 Q. Did you receive a dispatch about 4:10 that morning?

3 A. Yes, sir.

4 Q. So you would have -- you would have been working
5 the night of the 24th and the morning of the 25th?

6 A. Yes, sir.

7 Q. Where were you dispatched?

8 A. Well, I wasn't the initial one that got dispatched.
9 It was another officer.

10 But the way the call came out, pretty much
11 everybody responded to it. I was coming from Goose Creek.

12 Q. Did you respond to a bar called A Place In The
13 Woods?

14 A. Yes, sir.

15 Q. Where is that?

16 A. Off of Cainhoy Road. It's a pretty much secluded
17 area. I mean, it's --

18 Q. Is that in Huger?

19 A. Yes, sir.

20 Q. Berkeley County?

21 A. Yes, sir.

22 Q. Were you the first law enforcement officer to
23 arrive?

24 A. Yes, sir.

25 Q. Approximately, if you recall, what time did you

Daniel Morton
Direct Examination by Mr. Poulos
October 13, 2015

1 arrive? How long did it take you to get there?

2 A. About fifteen, sixteen minutes.

3 Q. Were there other night-shift deputies that arrived
4 with you or shortly after?

5 A. Shortly after. Yes, sir.

6 Q. Who was that?

7 A. Deputy Green.

8 Q. Anyone else?

9 A. Others started arriving. I wasn't sure. There was
10 a few people that came. Pretty much like the whole shift was
11 coming.

12 Q. How long did it take for the other deputies to get
13 there?

14 A. It just depended on where they were coming from. I
15 mean, I didn't really pay attention as far as when they got
16 there. Just me and Deputy Green so both of us can pretty much
17 enter and secure the scene.

18 Q. Did the ambulance eventually show up?

19 A. Yes, sir.

20 As soon as I got there and made sure everything was
21 okay, the ambulance showed up right after I did.

22 Q. How long would you say after you got there it took
23 the ambulance to get there?

24 A. A minute, minute and a half.

25 Q. Deputy, can you describe the scene for us upon your

Daniel Morton
Direct Examination by Mr. Poulos
October 13, 2015

1 arrival? Describe the bar, the parking lot, the vehicles,
2 that sort of thing.

3 A. I know whenever I pulled in, it was a -- I mean, it
4 wasn't a paved lot that I remember. It was more or less rock
5 and grass. Just a secluded building. Kind of a small area
6 for the parking. And nothing but woods surrounding it.

7 Q. How many people were there, would you say?

8 A. If I had to guess, anywhere from twenty-five to
9 thirty I remember.

10 Q. Do you recall where the victim was?

11 A. If you walk out the front door towards the road,
12 pretty much halfway between the front -- the roadway and the
13 front door.

14 Q. Was he near any vehicles?

15 A. No, sir.

16 Q. What was the appearance of the victim when you
17 arrived?

18 A. When I saw him, he was laying face down. I believe
19 his head was turned sideways. Eyes were still open. He
20 wasn't saying anything. Couldn't hear any breathing. And
21 then I know there was a young lady that was, you know, shaking
22 him, trying to talk to him. But, yeah, he wasn't really -- he
23 was pretty much lifeless.

24 Q. When you first arrived, were there people gathered
25 around the victim that had to be dispersed?

Daniel Morton
Direct Examination by Mr. Poulos
October 13, 2015

1 A. Yes, sir.

2 Like I say, we try to get them pushed out of the
3 way so EMS can tend to him.

4 Q. And what was the demeanor of those bystanders?

5 A. Pretty much hysterical -- I guess a lot of them
6 knew him -- and kind of upset about the whole situation.

7 Q. Deputy, as the first responding deputy in this sort
8 of case, what's your primary responsibility?

9 A. Get there, make sure the scene is okay for EMS to
10 come in and do what they have to do, and then contain all the
11 witnesses and, you know, secure the scene, make sure nothing
12 else poses a threat of any kind.

13 Q. Is it fair to say you should maintain order?

14 A. Yes, sir.

15 Q. Who in this situation would typically interview
16 witnesses, collect evidence, that sort of thing?

17 A. Usually detectives.

18 Q. And they show up after you, after --

19 A. Yes, sir.

20 Q. -- you secure the scene?

21 A. Yes, sir.

22 Q. Deputy, what did you do to set up the crime scene?

23 A. Whenever I arrived, I pretty much just stayed with
24 the victim the whole time until EMS took him away, and then we
25 just maintained order until the detectives got there.

Daniel Morton
Direct Examination by Mr. Poulos
October 13, 2015

1 Q. Did you do anything with your car?

2 A. I stayed parked the whole time.

3 Q. Did you park it any particular place?

4 A. Yes.

5 The main driveway in, if I pull in, the bar, club,
6 is right there on the right, so I just pulled the car in
7 straight in.

8 Q. Was anyone allowed to leave or enter the crime
9 scene after you arrived?

10 A. No, sir.

11 Q. Did someone else set up crime scene tape?

12 A. I believe so. It wasn't me.

13 Q. Okay. And what was the purpose of that?

14 A. Just to designate the scene. Nobody can come in,
15 nobody can leave, and just establish where the crime actually
16 happened at.

17 Q. Deputy, how long were you at the crime scene?

18 A. Approximate, maybe two hours.

19 Q. Why did you leave?

20 A. Other -- it was in between shift change. Day shift
21 started coming in, and they took the scene over.

22 Q. So the day shift took over the case?

23 A. Yes, sir.

24 Q. Before you left, do you know approximately how many
25 officers that responded to the scene?

Daniel Morton
Direct Examination by Mr. Poulos
October 13, 2015

1 A. I couldn't even give you a count. I was unsure.

2 Q. And just to be clear, there were -- were there
3 vehicles in the parking area --

4 A. Yes, sir.

5 Q. -- near the victim?

6 A. Yes, sir.

7 Q. Did you notice any security guards there when you
8 arrived?

9 A. Did not see any security guards.

10 MR. POULOS: No further questions, Your Honor.

11 THE COURT: Mr. Davis?

12 MR. DAVIS: How you doing, young man?

13 THE WITNESS: How are you doing, sir?

14 MR. DAVIS: I've just got one or two questions.

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Daniel Morton
Cross-Examination by Mr. Davis
October 13, 2015

CROSS-EXAMINATION

BY MR. DAVIS:

Q. How would you describe the lighting in this gravel, secluded, wooded place?

A. The lighting? I mean, it wasn't pitch black. It was --

Q. It was -- go ahead.

A. I mean, it was a couple of lights to light it up. You know it's there.

Q. But it -- I don't want to put words in your mouth. But, I mean, it's in the woods, it's secluded. Do you recall how many lighting -- street lights, how many lights, or moon lights?

A. I don't recall how many lights there are in any light --

Q. How would you describe the available lighting when you got there?

A. If I had to put it, I could -- whenever I saw them, did I have to use a flashlight to see them? No, sir, I didn't.

Q. Okay. Well, flashlight is pitch dark. Okay?

A. Yes, sir.

Q. Could the lighting have been better, then, in other words?

A. Working night shift, the light can always be

Daniel Morton
Cross-Examination by Mr. Davis
October 13, 2015

1 better, in my opinion, but --

2 Q. I mean, inside a building you don't have to be
3 better. But I'm talking about on the outside. That's
4 basically what I'm talking about

5 A. Outside, like I say, I had no problems seeing
6 people and seeing him.

7 Q. And do you recall any lighting on the building that
8 were on when you got there?

9 A. I really didn't pay attention, no, sir.

10 Q. You didn't pay attention?

11 A. Not to the lighting, no, sir.

12 Q. This is the State's Number 3. I ask you can you
13 identify that.

14 [Whereupon, the witness reviews documents]

15 A. Yes, sir. I just -- I don't recall a van. The
16 parking lot looks familiar.

17 Q. [Mr. Davis] Huh?

18 A. The parking lot looks familiar.

19 Q. Looks familiar.

20 A. Like I say, rocks.

21 Q. What about the reflection with the lighting? Does
22 that kind of reflect how it looked when you got there?

23 A. Like I say, I'm not sure if a flashlight was used
24 or a flash from the photo -- or from a camera. I'm not too
25 entirely sure, no, sir.

Drequan Lockwood
Direct Examination by Mr. West
October 13, 2015

DREQUAN LOCKWOOD,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. WEST:

Q. Mr. Lockwood, could you tell the jury where you're
from?

A. Huger.

Q. Do you remember being at A Place In The Woods on
August 25th, 2013?

A. Yes, sir.

Q. Who were you with?

A. I went alone.

Q. Okay. Do you remember seeing Mr. Herman Manigault
there?

A. Yes, sir.

Q. How do you know him?

A. From school.

Q. Grew up together?

A. Somewhat.

Q. Do you know the defendant, Sha'Quille Washington?

A. Yes, sir.

Q. Was he at the club?

A. I saw him.

Q. Okay. How about Larry Kinloch?

Drequan Lockwood
Direct Examination by Mr. West
October 13, 2015

- 1 A. No, sir. I don't remember that.
- 2 Q. Do you remember who Herman Manigault was with?
- 3 A. No, sir.
- 4 Q. Do you know Christina Lockwood?
- 5 A. Of course. That's my first cousin.
- 6 Q. That's your first cousin?
- 7 A. Yes, sir.
- 8 Q. Do you know Arianna Coakley?
- 9 A. Yes, sir.
- 10 Q. Was Christina Lockwood or Taj present at A Place In
- 11 The Woods?
- 12 A. Yes, sir.
- 13 Q. How about Arianna Coakley?
- 14 A. Yes, sir.
- 15 Q. Do you remember what anybody was wearing that
- 16 night?
- 17 A. No.
- 18 Q. No.
- 19 Okay. Do you remember there being a shooting at
- 20 the club?
- 21 A. Yes, sir.
- 22 Q. Did you see the shooting?
- 23 A. No, sir.
- 24 Q. Did you hear it?
- 25 A. No, sir.

Drequan Lockwood
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1 Q. When did you first become involved in the incident?

2 A. Two weeks ago.

3 Q. You were there, right, and --

4 A. Yeah, I was at the club.

5 Q. When I say when you first become involved in the
6 incident, what was the first thing that you remember doing or
7 seeing with Herman Manigault?

8 A. All right. Once he had been shot, I wasn't there.
9 When I came back to the club, that's when I realized he had
10 been shot.

11 Q. Okay. Did you stay with him?

12 A. Yes, sir.

13 Q. Who was around him at the time that you showed up?

14 A. There was a million people around him, people from
15 the club.

16 Q. Okay. Specifically, do you remember --

17 A. I saw my cousin. She was there. Arianna, she was
18 there. The person that was throwing the party, he was there.

19 Q. Did Herman have any of his cousins there with him?
20 Do you remember?

21 A. I don't remember, sir.

22 Q. Okay. Tell me what you did when you saw Herman in
23 the parking lot.

24 A. I ran up to him to see what was going on and I
25 realized he had been shot.

Drequan Lockwood
Direct Examination by Mr. West
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1 Q. Do you know where he was shot?

2 A. In the lower back area, I believe.

3 Q. And what, if anything, did you do to help?

4 A. Well, mostly just got on the phone and called 911.
5 That's the best we could have done.

6 Q. Do you remember what time that was?

7 A. No, sir.

8 Q. Was it after midnight?

9 A. Yes, sir.

10 Q. Were you still there when the police arrived?

11 A. Once the police arrived, I had already left.

12 Q. Where did you go?

13 A. To Daniel's Island.

14 Q. Okay. What did you do there?

15 A. I was actually riding with Arianna. But we went to
16 his mother's house.

17 Q. Okay. So you went with Arianna to whose mother's
18 house?

19 A. Trey.

20 Q. Trey?

21 A. Yes, sir.

22 Q. Is that who you knew as Herman?

23 A. [Indicates affirmatively].

24 Q. Do you remember anything specific about the wounds,
25 other than it was in his lower back?

Drequan Lockwood
Direct Examination by Mr. West
October 13, 2015

1 A. Huh-uh.

2 Q. Do you remember how many times he was shot?

3 A. Once.

4 Q. The only one you saw was one?

5 A. [Indicates affirmatively]

6 THE COURT: Is that a yes?

7 A. Yes, sir.

8 THE WITNESS: Yes, ma'am. I'm sorry.

9 Q. [Mr. West] Did you see any other injuries to his
10 head or his eye?

11 A. His eye.

12 Q. His eye?

13 A. Yes, sir.

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

15 Nothing further from this witness at this time,

16 Your Honor.

17 THE COURT: Mr. Davis?

18 MR. DAVIS: Good evening, Mr. Lockwood.

19 THE WITNESS: How are you doing?

20

21

22

23

24

25

Drequan Lockwood
Cross-Examination by Mr. Davis
October 13, 2015

CROSS-EXAMINATION

BY MR. DAVIS:

Q. You say you became involved in this case two weeks ago?

A. Yes, sir.

Q. Because? Who contacted you?

A. I was sitting in my garage, actually, on my phone and an officer pulled up and told me I was being subpoenaed. And I was like, what? for what? And it came to reveal it was for a murder. And I'm like, how am I getting involved in this when I was supposed to be spoken two years or three years ago when this occurred.

Q. And so what you're saying is this happened on August the 25th, 2013 --

A. Yes, sir.

Q. -- a birthday party for Slim Bubba --

A. Yes, sir.

Q. -- and no one from Berkeley County Sheriff's Department came and engaged themselves with you in an investigative process until two years --

A. Two weeks ago.

Q. -- ago?

A. Two weeks ago.

Q. Two weeks ago?

A. Yes, sir.

MIA PERRON, CVR-CM-M

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Drequan Lockwood
Cross-Examination by Mr. Davis
October 13, 2015.

1 Q. That's right. And things would have been very much
2 more fresher in your mind, you would admit, if an approach had
3 made with you much more earlier, say around August the 26th,
4 25th, of 2013?

5 A. Might be.

6 Q. Might be. This is what we can agree on from your
7 testimony.

8 A. Yes, sir.

9 Q. You did not witness any shooting?

10 A. No, sir.

11 Q. You were not outside when any fighting or hotheads
12 or whatever was going in?

13 A. I was not even in the area, sir.

14 Q. Thank you. Well, I commend you because Herman
15 Manigault was your classmate?

16 A. Yes, sir.

17 Q. And you went with Ms. Coakley --

18 A. Yes, sir.

19 Q. -- to tell the mother the horrible news?

20 A. Of course.

21 Q. In your observation of Ms. Coakley, could you tell
22 me whether she had been drinking or had some -- consumed
23 alcohol?

24 A. The whole party been drunk, I guess.

25 Q. What?

Drequan Lockwood
Cross-Examination by Mr. Davis
October 13, 2015

1 A. The whole part been drunk, I guess.

2 Q. The whole party was drunk?

3 A. [No response]

4 MR. DAVIS: Thank you.

5 MR. WEST: No redirect, Your Honor.

6 THE COURT: You may step down. Thank you. You are
7 free to go.

8 [Whereupon, Mr. Lockwood is excused and exits the
9 courtroom]

10 THE COURT: Mr. West?

11 MR. WEST: The State calls Larry Kinloch.

12 [Whereupon, Mr. Kinloch comes forward]

13 THE CLERK OF COURT: Please raise your right hand.
14 Place your left hand on the Bible.

15 [Whereupon, is duly sworn by the clerk of court as
16 follows: do you solemnly swear or affirm the testimony
17 you will give the Court in the trial of this case will
18 be the truth, the whole truth, and nothing but the
19 truth, so help so you God]

20 THE WITNESS: Yes, ma'am.

21 THE CLERK OF COURT: Please be seated.

22 [Whereupon, Mr. Kinloch takes the witness stand]

23 THE CLERK OF COURT: State your full name, and
24 spell your last name for the record.

25 THE WITNESS: Larry Kinloch. K-I-N-L-O-C-H.

Larry Kinloch
Direct Examination by Mr. West
October 13, 2015

LARRY KINLOCH,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. WEST:

Q. Mr. Kinloch, could you tell the jury where you
live?

A. Sir?

Q. Could you tell the jury where you live?

A. Huger. 1066 Gray Drive.

Q. Is that close to 1029 Hammond Corner Road,
otherwise known as A Place In The Woods?

A. Yes, sir.

Q. Do you know the defendant, Sha'Quille Washington?

A. Yes.

Q. How?

A. My nephew.

Q. He's your nephew?

A. Yes.

Q. Close? Are you close?

A. Yeah.

Q. Do y'all have a relationship?

A. Somewhat.

Q. Do you hang out?

A. Somewhat. Yes, sir.

MIA PERRON, CVR-CM-M

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Larry Kinloch
Direct Examination by Mr. West
October 13, 2015

1 Q. Somewhat.

2 All right. Were you at A Place In The Woods on
3 August 25th, 2013?

4 A. Yes, sir.

5 Q. Do you remember there being a shooting out there?

6 A. It was so long ago.

7 Q. So long ago.

8 Okay. But you remember that there was a shooting;
9 right?

10 A. Yeah. I mean --

11 Q. Okay. Who did you go to the club with?

12 A. I walked out there.

13 Q. You walked up there?

14 A. Yes.

15 Q. Do you have a car?

16 A. No, sir.

17 Q. Do you ever drive anybody's car?

18 A. I don't drive.

19 Q. You don't drive?

20 A. No, sir.

21 Q. Do you remember seeing the defendant there?

22 A. It was a bunch of people there.

23 Q. Okay. Do you specifically remember being with him,
24 though?

25 A. [No response].

Larry Kinloch
Direct Examination by Mr. West
October 13, 2015

1 Q. Were you with him at all that night?

2 A. I mean, I saw -- I saw him a couple of times. I
3 saw him.

4 Q. Y'all talked?

5 A. Yes.

6 Q. Tell the jury what you remember about the shooting.

7 A. I know I was standing outside smoking a cigarette.
8 There was cars in the front. There was cars in the front;
9 people was lining up. I didn't know it was a commotion going
10 on. I was just outside smoking a cigarette.

11 Q. Just outside smoking a cigarette.

12 Did you ever make any statements to the police in
13 this case?

14 A. Yes.

15 Q. You did.

16 In that statement --

17 MR. DAVIS: I think the proper would be to refresh
18 his memory.

19 MR. WEST: Yeah.

20 [Whereupon, State's Exhibit Number 55 is marked by
21 the court reporter]

22 Q. [Mr. West] I'm showing the witness what's been
23 marked as State's Number 55.

24 Is this the statement that you gave the police?

25 A. I got my statement right here, sir.

Larry Kinloch
Direct Examination by Mr. West
October 13, 2015

1 Q. You've got it in your pocket?

2 A. Yes, sir. Yes, sir.

3 Q. Why don't you read that and see if this is
4 identical to what you have in your pocket.

5 [Whereupon, the witness reviews documents]

6 A. It was with the police; right?

7 Q. [Mr. West] Is this the same?

8 A. Yeah.

9 Q. Okay. You can keep it out so we can refer to it.
10 In the statement that you gave to police, do you
11 remember what day it was?

12 A. No, sir.

13 Q. You can look at it.

14 Okay. Would it have been the 24th day of
15 September, 2013?

16 A. Yes, sir.

17 Q. And you would agree with me that the shooting
18 happened on August 25th, 2013. So that's about a month?

19 A. Uh-huh.

20 Q. All right. Let's go through this statement. What
21 time did you get there?

22 A. I'm not sure.

23 Q. All right. Look at your statement. That's what
24 we're doing right now.

25 [Whereupon, the witness reviews documents]

Larry Kinloch
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1 Q. [Mr. West] See where it says: I got there
2 approximately 10:00 p.m.?

3 MR. DAVIS: Your Honor, I'm going to -- he says he
4 can refresh his memory.

5 THE COURT: Do you have an objection? Because if
6 you do, you need to approach.

7 MR. DAVIS: I'm going to see how this proceed.

8 THE COURT: All right. Thank you.

9 Q. [Mr. West] Does it say anywhere in your statement
10 when you arrived?

11 A. Yeah. It does say approximately 10:00 p.m.

12 Q. Now, why did you go to A Place In The Woods, in
13 particular, that night? Was there an event going on?

14 A. There was a party.

15 Q. What do you call your nephew? Do you have any
16 names for him?

17 A. Huh-uh.

18 Q. No? You don't call him Shike?

19 A. No. Just call him Sha'Quille. I mean --

20 Q. All right. Again, we're going to look at your
21 statement. These are simple questions, Larry.

22 [Reading] Sha'Quille Washington, quote, Shike, is
23 my nephew.

24 A. The police write this.

25 Q. Okay. But you had to tell them; right?

Larry Kinloch
Direct Examination by Mr. West
October 13, 2015

1 A. No.

2 He asked me if Sha'Quille was my nephew, and I told
3 him yes.

4 Q. And this is your statement you made to the police
5 and you signed it; right?

6 A. Uh-huh.

7 Q. You had it in your pocket.

8 A. Yes.

9 Q. Okay. So you're claiming this is yours.

10 This is a simple question. Did he go by Shike?
11 Did he go by Shike, Larry? Do you know whether he goes by
12 Shike?

13 A. Yes.

14 Q. Okay. Simple question.

15 All right. Now, do you remember whether there was
16 security at the club?

17 A. Yes.

18 Q. All right. Can you describe the security?

19 A. No, sir.

20 Q. Not -- look at your statement. Another simple
21 question. When you talk about security in your statement --

22 MR. DAVIS: May it please the Court, Your Honor.
23 I'm going to object.

24 THE COURT: Please approach.

25 [Whereupon, an off-the-record bench conference is

Larry Kinloch
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1 held]

2 Q. [Mr. West] How did you describe security in your
3 statement?

4 A. Got two of them sitting down on the side patting
5 people down, and they had a few walking around inside.

6 Q. What were they wearing?

7 A. Black shirt, with security on them.

8 Q. You say you were standing on the stoop; right? Is
9 that where you were standing when the commotion happened?

10 A. Yes.

11 Q. Were you by yourself when you were smoking the
12 cigarette?

13 MR. DAVIS: Your Honor, I'm going to object.
14 That's not a question.

15 He's supposed to present procedurally. He can't
16 read from that document. He needs to actually --

17 THE COURT: Counsel, there's no speaking objection,
18 so --

19 MR. DAVIS: Object to the --

20 THE COURT: Thank you.

21 MR. DAVIS: Thank you.

22 MR. WEST: That wasn't even reading. It was was
23 there anybody else with him.

24 THE COURT: Mr. West --

25 MR. WEST: I understand, Your Honor. I'm sorry.

Larry Kinloch
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1 THE COURT: -- use the proper procedure. Thank
2 you.

3 Q. [Mr. West] Were you alone when you were on the
4 stoop?

5 A. Sir, there was a party. Like a bunch of people
6 were still outside on the stoop. I was smoking a cigarette.

7 Q. Okay. What do you recall about the fight that you
8 saw?

9 A. I didn't know nothing about a fight. I just saw
10 people standing around.

11 Q. Did you know anybody fighting?

12 A. No, sir.

13 Q. Did you see anybody with a gun?

14 A. No, sir.

15 Q. Okay. Did you hear the shooting?

16 A. I was smoking a cigarette. I heard a gunshot went
17 off.

18 Q. How many gunshots did you hear?

19 A. It was three.

20 Q. Three.

21 Now, have you ever made any other statements
22 regarding the incident?

23 A. No, sir.

24 Q. Have you ever talked to anybody else --

25 A. No, sir.

Larry Kinloch
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1 Q. -- about what these events happened?

2 A. [No response]

3 Q. Tell the jury about your family. You got any
4 brothers?

5 A. Yeah.

6 Q. How many brothers you got?

7 A. I got two brothers.

8 Q. Do you have a brother named Patrick?

9 A. Yeah.

10 Q. Where was Patrick at the time this happened?

11 A. Locked up.

12 Q. Locked up at the Hill-Finklea Detention Center?

13 A. I guess so.

14 Q. Did you ever talk to him on the phone?

15 A. No.

16 Q. You never talked to your brother on the phone while
17 he was in the jail?

18 A. I talked to my brother. I talked to him, yes.

19 Q. Did you ever talk to him about the incident?

20 A. No, sir.

21 Q. So it's your testimony under oath, in front of this
22 jury today, after putting your hand on the Bible, that you
23 never talked to your brother, Patrick Kinloch, at the jail --

24 A. No, sir.

25 Q. -- about this event?

Larry Kinloch
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1 A. No, sir.

2 Q. All right. On August the 27th, 2013, would you
3 have heard from Patrick from the jail?

4 A. I'm not sure of that -- I'm not aware of that date.

5 Q. And you say that you never told anyone that you
6 drove your cousin, nephew, away from the scene?

7 A. No, sir.

8 Q. Never drove him away from the scene?

9 A. No, sir.

10 Q. Never told anybody that you heard three gunshots?

11 A. [No response]

12 Q. Never told anybody --

13 A. I told the police that I heard three gunshots.

14 Q. Never told your brother Patrick that you saw Shike
15 shoot Herman?

16 A. No, sir.

17 Q. Never said that?

18 A. No, sir.

19 Q. Did you ever tell Patrick that you heard -- or that
20 you saw Sha'Quille Washington with a gun?

21 A. No, sir.

22 MR. WEST: Would you put up State's 35.

23 MR. DAVIS: I think we need to approach.

24 THE COURT: All right. You may approach. Don't
25 put anything up yet.

Larry Kinloch
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1 [Whereupon, an off-the-record bench conference is
2 held]

3 THE COURT: Mr. Kinloch, do you need some water?

4 THE WITNESS: No. No, ma'am. I'm fine.

5 THE COURT: All right. Mr. West, your witness.

6 MR. WEST: Thank you, Your Honor.

7 Q. [Mr. West] Mr. Kinloch, I'm going to get you to
8 listen to State's Exhibit Number 35.

9 MR. WEST: For purposes of the record, it's
10 the call from August the 27th, 2013, marked as call
11 number 4.

12 [Whereupon, State's Exhibit Number 35 is played to
13 the jury from 1:47 p.m. to 1:56 p.m.]

14 [Whereupon, State's Exhibit Number 35 is not
15 transcribed by the court reporter]

16 Q. [Mr. West] Mr. Kinloch, you would agree with me
17 that that's completely different than your written statement;
18 right?

19 A. Yeah.

20 Q. Yeah.

21 Q. So you did see three shots?

22 A. No, sir.

23 Q. All right. So which one is the lie, the written
24 statement or the one we just heard?

25 A. You said if I see three shots? I never said I see

Larry Kinloch
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1 nobody shoot.

2 Q. Let's go back. And I'm going to use some language
3 that I don't normally use, but it's the language from the call
4 so we're going to talk like it is.

5 I fighting with this fuck -- big fucking light-
6 skinned dude, man, tussling with this mother fucker. He got
7 me on the car. I got Herman on the car. Me and him going
8 back and forth. Dow, dow, dow.

9 So you heard the shots or you saw the shots? Dow,
10 dow, down. That's three shots; right?

11 A. Uh-huh.

12 Q. So the dude let me go like a fucking deer.

13 We're still talking about the dude you're fighting
14 with; right?

15 A. [No response]

16 Q. Okay. Three shots. You said you knew at least two
17 hit him; right?

18 A. I'm not sure.

19 Q. So when you said that n-word shoot three damn
20 times, man, and they been like -- yeah. Head up, boy. I
21 ain't know all that. But I know he had at least two of the
22 three. He hit at least two of the three.

23 Is that pure coincidence that the victim had two
24 shots in his back?

25 A. I ain't sure.

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1 Q. And you also said earlier that you never saw Shike
2 with a gun. But you know he keep his strap, man.

3 Right? Strap? Is that a gun?

4 A. [Indicates negatively]

5 Q. That's not a gun?

6 A. No.

7 Q. What's a strap?

8 A. They got all kind -- all different type of terms
9 for anything out here.

10 Q. Okay. Well, in this term, what does it mean?
11 What's he carry on him all the time?

12 A. [No response]

13 Q. You don't know?

14 A. Huh-uh.

15 Q. Don't remember, kind of like you didn't remember
16 that phone call?

17 A. Still don't remember it.

18 Q. Still don't remember it?

19 A. No, sir.

20 Q. That was you, though, right?

21 A. [No response]

22 Q. Who's Mack?

23 A. [No response]

24 Q. Who's Mack?

25 A. [No response]

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1 Q. You don't know who Mack is?

2 A. Huh-uh.

3 Q. So Mack's your boy, Mack's your dog, but you don't
4 know who Mack is? You talk about Mack a lot on this.

5 A. No, sir.

6 Q. You don't know who he is?

7 A. [No response]

8 Q. How about Quinton? Do you know Quinton?

9 A. No, sir.

10 Q. Quinton came back and told you everything. That's
11 what you said. You don't know Quinton?

12 A. [Indicates negatively]

13 Q. All right. Some of this stuff is true, though;
14 right? You said he was seventeen. He's seventeen at the
15 time; right?

16 A. I'm not sure.

17 Q. Would it surprise you that Mr. Davis has been
18 saying that he's seventeen this whole time?

19 A. [Indicates negatively]

20 Q. Okay. You say that your auntie had been pushing
21 you, and all this other sort of stuff, to get you to come in.
22 Who's that? Melissa? Is that Shike's mom?

23 A. No, sir.

24 Q. Melissa is not Shike's mom?

25 A. Oh. Yeah, that's his mom.

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1 Q. Melissa is Shike's mom. She tried to get you to
2 come in, according to that; right?

3 A. [No response]

4 Q. Now, you said he was walking away and you drove
5 away. But earlier you testified you never drive.

6 A. Never said I drive away.

7 Q. Okay. So come on, I know what time it is, we got
8 to go.

9 That's not you driving them away?

10 A. No, sir. I never said I drove away.

11 Q. Okay. Who's Tyson, Tyson Singleton?

12 A. [No response]

13 Q. You talked about a Tyson on here. Tyson went back
14 and got the car.

15 A. I don't know his last name or whatever.

16 Q. You don't know Tyson?

17 A. I don't -- no, I don't know his last name or
18 whatever. I just know him by Tyson.

19 Q. But there's a Tyson that lives around the corner
20 from you; right? Tyson Singleton?

21 A. That's right.

22 Q. Right on Saint Irvin Drive or Hammond Corner;
23 right?

24 A. [No response]

25 Q. Mr. Kinloch, you've been in some trouble before;

Larry Kinloch
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1 right?

2 A. Just drugs.

3 Q. Just drugs?

4 A. Yeah.

5 Q. Okay. Do you know how many drug convictions you
6 have?

7 A. Two.

8 Q. Two?

9 A. Yeah.

10 Q. 2003, 2008. Sound about right?

11 A. Uh-huh.

12 THE COURT: Was that a yes?

13 A. Yes.

14 THE WITNESS: Yes, ma'am.

15 Q. [Mr. West] Did you ever get any marijuana
16 convictions?

17 A. Probably been so long, slipped my mind.

18 Q. You would agree with me that almost nothing in your
19 written statement and your jail-recorded phone call are about
20 the same; other than you were there; right?

21 A. Huh-uh.

22 Q. Are they not completely different?

23 A. No.

24 Q. What's not different about them?

25 A. Hold on. I ain't understanding this.

Larry Kinloch
Direct Examination by Mr. West
October 13, 2015

1 Q. Is your written statement almost completely
2 different from the recorded phone call you just listened to?
3 Would you agree with me with that?

4 A. A little.

5 Q. I want a little bit of an explanation as to how you
6 think those two statements jive together and form what is
7 called the truth. Is that possible?

8 A. [No response]

9 Q. You didn't ever have access to any of the discovery
10 in this case, did you?

11 A. What do you mean discovery?

12 Q. You know what discovery is. You've been arrested
13 before; right?

14 A. Well, I mean, I never deal with discovery.

15 Q. Rule 5. Have you ever heard of Rule 5?

16 A. Yeah.

17 Q. Paperwork you receive from the State given to the
18 defense?

19 A. Yeah.

20 Q. You wouldn't have any access to that in this case;
21 right?

22 A. Huh-uh.

23 Q. So if Larry Jenkins gave a statement and testified
24 here today that he was fighting at the time of the shooting,
25 that would corroborate everything that you just said in that

Larry Kinloch
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1 jail phone call; right?

2 A. Huh-uh.

3 Q. Light-skinned, chunky dude?

4 A. Okay.

5 Q. Goes together; right?

6 A. [No response].

7 Q. And if he said that two shots hit his cousin and
8 killed him that night, when he testified earlier, do you think
9 that would corroborate what you just said on that jail call?

10 A. Huh-uh.

11 Q. It doesn't? Do you know what corroborate means?

12 A. Huh-uh.

13 Q. It means does it match. When things match, they
14 usually support each other; right?

15 MR. DAVIS: Object to the form of the question for
16 pitting, Your Honor.

17 THE COURT: Overruled.

18 MR. WEST: Mr. Kinloch, I'm going to ask that you
19 respectfully answer any questions that Mr. Davis may
20 have at this point.

21 THE COURT: Mr. Davis?

22 MR. DAVIS: Yes.

23 - - -

24 - - -

25 - - -

Larry Kinloch
Cross-Examination by Mr. Davis
October 13, 2015

CROSS-EXAMINATION

BY MR. DAVIS:

Q. Mr. Kinloch, the solicitor asked you if there's any explanation you can have for your self-serving jail conversation on August the 25th of 2013. There is an explanation, is it not? Sir?

A. [No response]

Q. You can't shake your head. You've got to say yes or no. Is there an explanation?

A. Explanation on what?

Q. Why the things that you said on August the 25th, to your brother Patrick Kinloch. There's an explanation for that?

A. No, sir.

Q. Sir?

A. No, sir.

Q. Well, let's go through this slow.

You have shared with, for instance, Quinton Grant, that you did the shooting, haven't you?

A. No, sir.

Q. You have shared with Darlene [phonetic] Washington that you did the shooting?

A. No, sir.

Q. Okay. In fact, the night when the shooting took place, you ran and Quinton assisted you away from the

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1 shooting? Sir?

2 A. No, sir.

3 Q. Well, I'll put it -- ask you another question.

4 After the shooting that night, did you see Quinton
5 Kenneth Grant?

6 A. No, sir.

7 Q. Okay. Did you see Darlene Washington that night --

8 A. No, sir.

9 Q. -- or that morning? Sir?

10 A. No, sir.

11 Q. Okay. Now, in your jailhouse conversation with
12 your brother, who at that time himself was facing murder
13 charges -- right?

14 A. Yes, sir.

15 Q. Sir? He was in jail for murder --

16 A. Yes, sir.

17 Q. -- was he not? Sir? True?

18 A. Yes, sir.

19 Q. Yeah.

20 And you were not about to put yourself in a
21 position to be in the same shoes your brother was in, serving
22 time or being faced with a murder charge; isn't that true?

23 A. Yes.

24 Q. That's the truth.

25 Now, so when you gave Officer Shuler and Berkeley

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1 County Sheriff's Department a statement on August the 13th and
2 they asked you specifically have you discussed anything about
3 that shooting before August the 13th or September -- strike --
4 when they asked you in September the 13th, 2013, have you
5 discussed anything about the shooting to anyone, you said no;
6 isn't that correct?

7 A. Yes.

8 Q. But you knew that wasn't the truth because you had
9 already laid the groundwork to protect yourself because you
10 then had already conversated, talked to Patrick, who was in
11 jail for murder, to clear yourself and put it squarely on the
12 shoulders of your nephew; isn't that true?

13 A. No, sir.

14 Q. Well, let's back up a little bit. Let's see what
15 we can agree on.

16 There's no question that you wanted the cell number
17 of Ms. Coakley?

18 A. No, sir.

19 Q. Never wanted her cell phone?

20 A. No, sir.

21 Q. Didn't have no desire to get to know her?

22 A. No, sir.

23 Q. Did you know her?

24 A. No, sir.

25 Q. Did you see her the night of August -- at Slim

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1 Bubba's birthday party that night?

2 A. No, sir.

3 Q. You didn't see Ms. Coakley --

4 A. I don't --

5 Q. -- at all?

6 A. I don't even know Ms. Coakley.

7 Q. Wow. You don't even know Ms. Coakley? Sir?

8 A. No, sir.

9 Q. And what time would you say you got to A Place In
10 The Woods, the club?

11 A. Had to been around about ten o'clock.

12 Q. Sir? What time?

13 A. Had to been around about ten o'clock.

14 Q. Well, when you got there at ten o'clock, was your
15 nephew there?

16 A. I'm not sure..

17 Q. You're not sure.

18 I'll bet you are sure of this. Herman Manigault
19 and the chubby light-skinned guy, Francis Larry Jenkins, they
20 were there? Sir?

21 A. I'm not sure.

22 Q. Okay. What time did your nephew showed up?

23 A. I'm not sure.

24 Q. Well, give a guesstimation. Did he show up
25 sometime after 12:00? Sir?

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- 1 A. I'm not sure. I don't know.
- 2 Q. And did y'all go outside for some period of time?
- 3 A. Who? Me and my nephew?
- 4 Q. Yeah.
- 5 A. No, sir.
- 6 Q. Never went outside? Sir?
- 7 A. No, sir.
- 8 Q. Didn't go to the cars and retrieve weapons?
- 9 A. No, sir.
- 10 Q. .357 Magnum?
- 11 A. No, sir.
- 12 Q. Are you familiar with guns?
- 13 A. No, sir.
- 14 Q. Well, you know, it's quite interesting. In your
- 15 jailhouse conversation you said that this young man, little
- 16 boy, used a derogatory, said he's already strapped, and you
- 17 said, you know how we do. How we do suggests that you were
- 18 strapped yourself with a firearm, sir?
- 19 A. No, sir.
- 20 Q. Well, how we do: in the same breath, you're saying
- 21 we're strapped and you know how we do. What are you talking
- 22 about, how we do? What is it you're talking about?
- 23 A. Just a little figure of speech. Just --
- 24 Q. Just a little figure of speech.
- 25 You're smarter than most people think you are in

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1 that? Sir?

2 A. No, sir.

3 Q. Yes, you are. Have you ever served any length of
4 time in prison?

5 A. No, sir.

6 Q. That's pretty smart. Take a lot of expertise to do
7 that.

8 Even though you've got a criminal record, you've
9 never served any time in prison?

10 A. No, sir.

11 Q. And you understand the criminal procedure, don't
12 you?

13 A. No, sir.

14 Q. You understand that it's pretty good to get on the
15 phone and clear your name pretty good in reference to anything
16 that happened at Slim Bubba's birthday party?

17 A. No, sir.

18 Q. And who better place to put that as on the jail.
19 Have you ever spent any time in Berkeley detention
20 jail?

21 A. No, sir.

22 Q. Now, you know for a fact that every conversation in
23 Berkeley County detention center is recorded, because you've
24 been there; isn't that true?

25 A. I've been in jail.

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1 Q. Yeah.

2 And you know that is about the stupidest thing in
3 the world, to get on the phone and talk about incrimination.
4 You smart, you even use the word incrimination; isn't that
5 true?

6 A. [No response]

7 Q. Well, that's what the telephone conversation said.
8 You used the word incriminating, did you not? Sir?

9 A. Yes, sir.

10 Q. Now, that's so smart that when you're doing self-
11 serving statement, you smart enough, though, to incriminate
12 someone else?

13 A. No, sir.

14 Q. Sacrifice your nephew? How old are you, Mr.
15 Kinloch?

16 A. I'm thirty-three now.

17 Q. Thirty-three.

18 MR. DAVIS: I need his statement.

19 Q. [Mr. Davis] Thirty-three. You can read and write?

20 A. Yes, sir.

21 Q. Did you finish high school?

22 A. No, sir.

23 Q. How far did you go in high school?

24 A. Went to the eleventh grade. I got my GED.

25 Q. Got your GED. Okay.

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1 And when law enforcement approach you, Detective
2 Shuler approach you, on -- I apologize -- the 24th day of
3 September, 2013, and asked you to provide a statement, you
4 did?

5 A. Uh-huh.

6 Q. And, specifically, in that statement you said, I
7 haven't talked to anyone about the shooting, to include my
8 nephew, Sha'Quille Washington.

9 That's what you wrote; right? Sir?

10 A. Yes, sir.

11 Q. Now, imagine this question. Anyone from the
12 Berkeley County Sheriff's Department ever requested early on
13 to take a GSR test of your hand and clothing?

14 A. Have they did it?

15 Q. Yes, sir.

16 A. No, sir.

17 Q. Anybody even ask to retrieve your clothing at all
18 from this incident?

19 A. No, sir.

20 Q. Anybody from Berkeley County Sheriff's Department
21 ever come and said, young man, we want to take a sample of
22 your clothing for DNA for gunpowder residue because we know
23 for a fact Larry Francis Jenkins said that you engaged in
24 combat fighting on the day in question? Isn't that true?
25 They knew this, right, apparently? Sir?

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1 A. No, sir.

2 Q. The question is, though, did anyone from the
3 Berkeley County Sheriff's Department, detective department,
4 come and inquire about taking a GSR of your hand? Sir?

5 A. No.

6 Q. Did anybody retrieve any clothing from you? Sir?

7 A. No, sir.

8 Q. And you boldly said, on your telephone
9 conversation, that you were not hiding from anyone. Isn't
10 that true?

11 A. Yes.

12 Q. The young man who lost his life, Herman Manigault,
13 when y'all went outside, did he take his shirt off?

14 A. I'm not sure. I don't even know who Herman is.

15 Q. Well, he's the guy that was shot. He's the guy
16 that you're saying in your self-serving conversation with your
17 brother Patrick, who was in jail for murder, is the guy that
18 shot him. That's who Herman Manigault is. Okay? Sir? Do
19 you know him now? Sir?

20 A. Uh-huh.

21 Q. You've got to speak. Do you know him?

22 A. Yes, sir.

23 Q. And, you know, it's quite interesting you said --
24 you said to Patrick, who was standing for murder, someone must
25 stay outside, on the outside. Both of y'all cannot be in

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1 prison for murder. Isn't that true? Or for shooting someone?
2 Sir? That's what you told him.

3 A. For right at --

4 Q. You a pretty smart fellow.

5 When you having this conversation with Patrick
6 Kinloch at the -- in the jail you said, the solicitor played
7 that, I must remain on the outside.

8 You knew that your brother was in serious trouble
9 with a murder charge, didn't you?

10 A. Yeah. Yeah.

11 Q. And you said: I am going to remain on the outside.
12 Sir?

13 A. I said that but --

14 Q. And you said that on the 25th or the 26th, less
15 than six or five hours, eight hours, after this shooting;
16 isn't that true?

17 A. No, sir.

18 Q. So everything the solicitor played, they made that
19 up? Sir?

20 A. [No response]

21 Q. I don't know. I didn't produce it.

22 A. I don't remember it.

23 Q. Sir?

24 A. It happened so long ago, I don't even recall that
25 phone call.

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1 Q. And you were not in mutual combat or fighting a
2 chubby, light-skinned guy, either, that night? You don't
3 recall that, either?

4 A. I was drunk.

5 Q. Now we getting somewhere. That's a consistent
6 theme, now.

7 A. Uh-huh.

8 Q. You were drunk?

9 A. Yeah, I was drunk.

10 Q. So when you drink a lot, you don't remember what
11 you do or what you've done. That's what some -- that's your
12 case? You don't remember what you did?

13 A. I didn't say that. I just said --

14 Q. You said you were --

15 A. -- I was --

16 Q. -- drunk.

17 So tell me how drunk it affect your ability to
18 recall what happened.

19 A. It was so long ago.

20 Q. So long ago?

21 A. Yeah.

22 It was so long ago, I don't remember. And I was
23 drunk that night.

24 Q. You was drunk that night.

25 So you were drunk that night to the point that when

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1 you ran and saw Darlene [phonetic] Washington and you told and
2 said, I did the shooting, you don't recall saying that?

3 A. No, sir.

4 Q. You don't recall saying, I had a .357 Magnum --

5 A. No, sir.

6 Q. -- in your possession?

7 Do you recall an investigator by Wayne Freeman that
8 I sent specifically to try to inquire of you as to what your
9 involvement was in this matter --

10 A. No, sir.

11 Q. -- sir? You don't recall that?

12 A. No, sir.

13 Q. Sir, isn't it fair to say from the very onset of
14 this tragic situation that you have always been described as
15 the person who did the shooting in this case?

16 A. No, sir.

17 Q. In the streets, that is. Isn't that true?

18 A. No, sir.

19 Q. Well, let's see what we can agree on.

20 We know for a fact that this young man, Sha'Quille
21 Washington, apparently had a gun that night. We know that;
22 right? Sir?

23 A. No, sir.

24 Q. Sir?

25 A. No, sir.

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1 Q. You don't know that.

2 We know for a fact that your first cousin,
3 Christina Lockwood, was present in the club that night. Sir?

4 A. No, sir. She's not my cousin.

5 Q. Okay. Just happen to share the last name?

6 A. My name is Kinloch.

7 Q. Yeah. Well, I apologize.

8 A. Yeah.

9 Q. You were at A Place In The Woods that night?

10 A. Yes, sir.

11 Q. You did get in an altercation, now you can't
12 remember now, with a chubby, light-skinned boy or man? Sir?

13 A. Uh-huh.

14 Q. I don't know. You need to speak. Did you? Do you
15 recall?

16 A. Yes.

17 Q. I don't know.

18 A. Yes.

19 Q. Yeah, what?

20 A. Yes, he hooked up with me.

21 Q. Hooked up to y'all fighting?

22 A. Hooked up to me and we just grabbed. No punches
23 was thrown or anything.

24 Q. And it's true, son, that you had a weapon in your
25 possession, did you not?

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1 A. No, sir.

2 Q. You were drunk?

3 A. Yes.

4 Q. And did you go outside with your nephew?

5 A. No, sir.

6 Q. You didn't? You didn't go outside with your
7 nephew?

8 A. No, sir.

9 Q. You were smoking a cigarette?

10 A. Yes.

11 Q. And you saw a commotion from a distance?

12 A. Yes, sir.

13 Q. And you don't know what happened?

14 A. No.

15 Q. And you go on the cell phone and call your brother
16 Patrick to make sure that you're clear?

17 A. No, sir.

18 Q. Well, what other reason? You didn't see anything.
19 You don't know anything. Why would you call Patrick?

20 A. I can't call Patrick.

21 Q. He called you; right? Sir?

22 A. Uh-huh.

23 Q. I don't know.

24 A. I don't know, either.

25 Q. Do you know what it mean to exonerate yourself?

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1 A. No, sir.

2 Q. You know what to incriminate yourself mean, though?

3 A. No, sir.

4 Q. Now, you said that in your conversation with
5 Patrick Kinloch, who was in jail -- you used the word
6 incriminate, did you not?

7 A. I use it, but does --

8 Q. But do you know what it mean?

9 A. -- that mean -- I don't have to know the terms of
10 it. I just used the word.

11 Q. Do you owe an apology to your nephew, sir?

12 A. Sir?

13 Q. Do you owe an apology to your nephew, Sha'Quille
14 Washington?

15 A. For what?

16 Q. You know the answer.

17 MR. DAVIS: Thank you.

18 A. I don't know.

19 THE COURT: Anything further? Redirect?

20 MR. WEST: No redirect, Your Honor.

21 THE COURT: You may step down. Thank you, Mr.
22 Kinloch.

23 THE WITNESS: All right. Thank you.

24 [Whereupon, Mr. Kinloch is excused and exits the
25 witness stand]

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1 THE COURT: Call your next witness.

2 MR. POULOS: The State calls Deputy Tim Ham.

3 THE COURT: Sir, please come forward to be sworn.

4 [Whereupon, Mr. Ham comes forward]

5 THE CLERK OF COURT: Please raise your right hand.

6 Place your left hand on the Bible.

7 [Whereupon, Mr. Ham is duly sworn by the clerk of
8 court as follows: do you solemnly swear or affirm the
9 testimony you will give the Court in the trial of this
10 case will be the truth, the whole truth, and nothing but
11 the truth, so help so you God]

12 THE WITNESS: I do.

13 THE CLERK OF COURT: Please be seated.

14 [Whereupon, Mr. Ham takes the witness stand]

15 THE CLERK OF COURT: State your full name. Spell
16 your last name for the record.

17 THE WITNESS: My name is Timothy Ham. H-A-M.

18 MR. POULOS: Good afternoon, Deputy Ham.

19

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25

Timothy Ham
Direct Examination by Mr. Poulos
October 13, 2015

TIMOTHY HAM,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. POULOS:

Q. Where are you currently employed?

A. Berkeley County Sheriff's Office.

Q. How long have you been with the sheriff's office?

A. A little over two years.

Q. Were you employed by the sheriff's office in August
of 2013?

A. As a reserve deputy I was. Yes, sir.

Q. I want to direct your attention specifically to
August 25th, 2013. Were you working that day?

A. Yes, sir, I was.

Q. What shift were you working?

A. I was working night shift.

Q. Were you one of the first responding officers to a
bar called A Place In The Woods that night?

A. Yes, sir, I was.

Q. Okay. What other deputies were present on scene
when you arrived?

A. Me and Corporal Morton were the first two to get
there.

Q. Could you describe the scene for the jury?

Timothy Ham
Direct Examination by Mr. Poulos
October 13, 2015

1 A. Just people everywhere.

2 Q. Were there vehicles in the parking lot?

3 A. There was. Yes, sir.

4 Q. Did you see the victim at that time?

5 A. I did.

6 Q. Where was he located, approximately?

7 A. He was outside the door. Well, he was a ways from
8 the door, but he was to the left when -- if you're coming out,
9 he was to the left.

10 Q. Were there any vehicles near the victim that you
11 recall?

12 A. I believe there was. Well, close. One of the --
13 because they were breaking down band equipment --

14 Q. Do you recall what kind --

15 A. -- D.J. equipment.

16 Q. Do you recall what kind of vehicle it was?

17 A. I think it was a van.

18 Q. Deputy, what was your primary responsibility at the
19 crime scene?

20 A. When we first get there, go ahead and secure the
21 scene and let EMS in. And then I started a crime scene log.

22 Q. What's a crime scene log?

23 A. A log we use to tell whoever's been -- came in and
24 has left the crime scene. When they get there and when they
25 leave.

Timothy Ham
Direct Examination by Mr. Poulos
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1 Q. What's the purpose of keeping track of that?

2 A. So we know exactly who's been there and when -- who
3 got there, when they got there, and when they left.

4 Q. And who entered and exited the crime scene;
5 correct?

6 A. Yes.

7 Q. For that purpose? Okay.

8 A. That's correct. I'm sorry.

9 Q. I'm going to show you what's marked as State's
10 Exhibit 38. Do you recognize that document?

11 A. Yes, sir.

12 Q. What is it?

13 A. Crime scene log.

14 Q. Is that the crime scene log that you created?

15 A. Yes, sir, it is.

16 Q. Did you complete the entire log?

17 A. I did not. I started it.

18 Q. Okay. What portion of the log did you complete?

19 A. I got down to Deputy Litchfield, and then Corporal
20 Bell took over from there.

21 Q. Corporal Bell: is he part of the day-shift crew
22 that came?

23 A. That is correct. Yes, sir. He came on later.

24 Q. Is there any indication from that log that anyone
25 other than medics or Berkeley County Sheriff's Office entered

Timothy Ham
Direct Examination by Mr. Poulos
October 13, 2015

1 the crime scene?

2 A. No, sir.

3 MR. POULOS: I have nothing further of this
4 witness, Your Honor.

5 MR. DAVIS: No questions, Your Honor.

6 THE COURT: Deputy, you may step down. Thank you.

7 THE WITNESS: Thank you, ma'am.

8 [Whereupon, Mr. Ham is excused and exits the
9 witness stand]

10 THE COURT: Ladies and gentlemen, it is an
11 appropriate time for us to take our mid-afternoon break.

12 Please remember all my admonitions. Take your
13 notepads with you or leave them in your chair.

14 Please rise for the jury.

15 [Whereupon, the jury exits the courtroom at
16 2:27 p.m.]

17 THE COURT: Thank you. Be seated.

18 Anything before we take our break?

19 MR. WEST: Nothing from the State, Your Honor.

20 MR. DAVIS: Nothing, Your Honor.

21 THE COURT: About fifteen minutes. 2:40.

22 MR. DAVIS: Thank you, Your Honor.

23 THE COURT: Thank you.

24 [Whereupon, a recess is taken from 2:28 p.m. to
25 2:43 p.m.]

Scott Bell
Direct Examination by Mr. Poulos
October 13, 2015

SCOTT BELL

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. POULOS:

Q. Where are you employed?

A. With the Berkeley County.

Q. Berkeley County Sheriff's Office?

A. Yes, sir.

Q. How long have you been there?

A. Two years, eight months.

Q. What's your current position?

A. I'm a corporal on the road.

Q. Were you employed by the sheriff's office in August
of 2013?

A. Yes, sir.

Q. What was your position at that time?

A. I was road deputy under training. Right out of the
academy, a couple of weeks after.

Q. Specifically directing your attention to August
25th, 2013, were you working that day?

A. Yes, sir.

Q. Which shift?

A. Was the day shift.

Q. Did you respond to a club called A Place In The

Scott Bell
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1 Woods out in Huger?

2 A. Yes.

3 Q. Approximately what time did you arrive?

4 A. Not a hundred percent sure. I know it was between
5 4:00 and 5:00 --

6 Q. Okay --

7 A. -- a.m.

8 Q. I'm sorry. Go ahead.

9 A. A.m.

10 Q. Approximately how many deputies were on scene when
11 you arrived?

12 A. I would say approximately eight. But that would be
13 because it was day -- that night shift, they had gotten there
14 before us.

15 Q. Deputy, what was your primary responsibility at
16 that crime scene?

17 A. Maintain crime scene log. And keep people that
18 were authorized to be inside the crime-scene tape, to log them
19 into the log and when they came out to log them out.

20 Q. Did you take over the crime scene log from someone?

21 A. Yes. I took it over from Deputy Ham.

22 Q. I'm going to show you State's 38. Do you recognize
23 that?

24 A. Yes, sir.

25 Q. What is it?

Scott Bell
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1 A. It's a major Crime scene Llg from 08/25/2013.

2 Q. Was that the crime scene log you took over from
3 Deputy Ham out at A Place In The Woods?

4 A. Yes, sir.

5 Q. What portion of the log do you complete?

6 A. The portion I completed was when I arrived on
7 scene, anybody -- any name after mine, as far as for logging
8 them in and logging them out, and anybody prior to me to log
9 them out of the scene and turn it over to the detective in
10 charge of the scene --

11 Q. Did you --

12 A. -- at the end.

13 Q. Is that the one you turned over? Is that the final
14 crime-scene log you turned over?

15 A. Yes, sir.

16 And when I put it down on the bottom where I wrote
17 crime scene release, 0700.

18 Q. Has it been altered or modified in any way?

19 A. No, sir.

20 Q. And does the log indicate that anyone other than
21 medics or Berkeley County Sheriff's Office entered or exited
22 the crime scene after it was secured?

23 A. No, sir.

24 MR. POULOS: I would offer that as State's -- into
25 evidence as State's 38, Your Honor.

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1 THE COURT: Any objection?

2 MR. DAVIS: That's the log itself?

3 THE COURT: Yes.

4 MR. DAVIS: He's completing the part from the other
5 officer completing --

6 No, I have no objection to it. Thank you.

7 THE COURT: State's 38 into evidence without
8 objection.

9 [Whereupon, State's Exhibit Number 38 is admitted
10 into evidence by the Court]

11 MR. POULOS: I have no further questions, Your
12 Honor.

13 THE COURT: Mr. Davis, any questions for this
14 witness?

15 MR. DAVIS: Just this one question, even though --
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Scott Bell
Cross-Examination by Mr. Davis
October 13, 2015

CROSS-EXAMINATION

1

2 BY MR. DAVIS:

3 Q. When you arrived, would it be -- say that it was
4 pandemonium when you got there? I'll let you use your words.

5 A. I would not use the word pandemonium.

6 Q. What would you use?

7 A. I would say there were two different areas, one
8 inside the crime scene tape and one outside the crime scene
9 tape, and so --

10 Q. And you had your area in control?

11 A. Yes, sir.

12 Q. You had to put it under control?

13 A. No, sir.

14 Q. It was already under control?

15 A. Yes, sir.

16 And the crime scene tape was up. The other
17 officers were there. I merely took over the log and pretty
18 much had an -- there was an entrance where anybody going in or
19 out of the crime scene had to come through me.

20 Q. There were a lot of folks out there?

21 A. Yes, sir.

22 Q. How do you recall the lighting?

23 A. I was using a flashlight to assist in my lighting
24 for what I was doing. But I also -- the clipboard I had was
25 lighted, so --

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1 Q. So you needed --

2 A. -- maintain whatever.

3 Q. -- a flashlight for what you were doing?

4 A. If I was going to be going around, yes, sir. But
5 where I was at, my clipboard -- I actually had a light on my
6 clipboard and I did not need --

7 Q. But if you had to go for a journey --

8 A. -- to use --

9 Q. -- from that immediate area, you would have had
10 needed a necessity for a flashlight?

11 A. When I first arrived on scene.

12 Q. Because it was dark; right?

13 A. It was in the early-morning hours, yes, sir.

14 MR. DAVIS: Thank you. No further questions.

15 THE COURT: Mr. Poulos?

16 MR. POULOS: Nothing, sir.

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

18 THE WITNESS: Yes, ma'am.

19 [Whereupon, Mr. Bell is excused and exits the
20 witness stand]

21 THE COURT: Call your next witness.

22 MR. WEST: The State calls Sargent Geno Alteri.

23 [Whereupon, Mr. Alteri comes forward]

24 THE CLERK OF COURT: Please raise your right hand.
25 Place your left hand on the Bible.

Scott Bell
Cross-Examination by Mr. Davis
October 13, 2015

1 [Whereupon, Mr. Alteri is duly sworn by the clerk
2 of court as follows: do you solemnly swear or affirm
3 the testimony you will give the Court in the trial of
4 this case will be the truth, the whole truth, and
5 nothing but the truth, so help so you God]

6 THE WITNESS: I do.

7 THE CLERK OF COURT: Please be seated.

8 [Whereupon, Mr. Alteri takes the witness stand]

9 THE CLERK OF COURT: State your full name. Spell
10 your last name for the record.

11 THE WITNESS: Geno Alteri. A-L-T-E-R-I.

12 MR. WEST: Good afternoon.
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Geno Alteri
Direct Examination by Mr. West
October 13, 2015

GENO ALTERI,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. WEST:

Q. Could you tell the jury where you work?

A. Berkeley County Sheriff's Office.

Q. And what's your job title and rank?

A. I'm a lieutenant over the criminal investigation
division.

Q. Did you have that same title back in 2013?

A. I did not. I was a sargent in the forensics unit.

Q. Tell the jury what the forensics unit is.

A. It's an extension of the criminal investigation
division.

It's where they go out and collect evidence to
assist in either getting information to apprehend a suspect or
to clear a suspect.

Q. Did you have an opportunity to respond to A Place
In The Woods at 1020 Hammond Corner Road on August 25th, 2013?

A. Yes, sir.

Q. Okay. And that's in Berkeley County?

A. It is.

Q. Describe the scene when you arrived.

A. When I arrived, there was several people from the

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Geno Alteri
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October 13, 2015

1 club that was standing around, near the building, off to the
2 side. There was an area in front of the building to the
3 right-hand side there was a couple of vans and another vehicle
4 that was parked in the parking lot that was roped off.

5 Q. All right. And what did you do when you first get
6 on scene?

7 A. I'm sorry?

8 Q. What did you do when you first got on scene?

9 A. Met with Lieutenant Kokenda, who was my supervisor
10 at the time, and we were photographing the scene, getting
11 everything prepared for -- to do a sketch so that we could
12 collect whatever evidence we were going to collect.

13 MR. WEST: Showing the witness what has already
14 been entered into evidence as State's Number 2 through
15 10.

16 [Whereupon, the witness reviews documents]

17 A. Yes, sir.

18 Q. [Mr. West] Do you recognize these?

19 A. I do.

20 Q. Are these photographs that you took at the scene?

21 A. Yes, sir.

22 Q. I'm going to look at a couple of them with you, if
23 we could.

24 MR. WEST: Ms. Brown, could you kindly put State's
25 Number 2 on the screen.

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1 Some assistance with the lights, please. Thank
2 you.

3 Q. [Mr. West] Could you describe for the jury what
4 this is a picture of?

5 A. This is the front parking lot. All right. This is
6 the front parking lot of the club.

7 The items in the front where the orange is, that's
8 some medical equipment that was left after they treated the
9 victim.

10 Some clothing that was found on scene, either from
11 somebody that was using compression or cut from the victim.

12 The vehicles that were in the actual area of the
13 incident that took place.

14 Q. When you took these photographs, how was the
15 lighting?

16 A. It was dark.

17 We had to do some what we call panning with light.
18 It's where you can leave the shutter open on the camera so
19 that you can make the light last longer so that it'll brighten
20 it up a little bit.

21 Q. The top right corner of State's Number 2, is that a
22 streetlight?

23 A. Yes.

24 Q. You didn't put that there?

25 A. No.

Geno Alteri
Direct Examination by Mr. West
October 13, 2015

1 Q. That was on when you got there?

2 A. Yes.

3 Q. Any other streetlights out there, other than that?

4 A. I don't recall.

5 I think the only light that was out there was on
6 the -- by the front door, if I recall. But I can't swear to
7 that.

8 MR. WEST: Okay. Showing State's Number 5.

9 Q. [Mr. West] What is this a picture of?

10 A. This is just a closeup of the other picture with
11 the metal equipment -- medical equipment that was found on
12 location.

13 Q. There is a dark spot in the center, sort of in the
14 gravel, in State's Number 5. What is that, to the best of
15 your recollection?

16 A. Just below the white piece of paper?

17 Q. That's right. And if you could --

18 MR. WEST: We do have a pointer available for you.
19 Just press the top red button.

20 A. Right here?

21 Q. [Mr. West] Yes.

22 A. As I recall, that was blood.

23 Q. Okay. Would that have been where the victim was
24 laying?

25 A. Correct.

Geno Alteri
Direct Examination by Mr. West
October 13, 2015

1 Q. Now, when you have a scene and potential evidence
2 on the ground like that, is there any markings or
3 identifications that the sheriff's office uses when marking
4 the evidence?

5 A. Yes, sir. Yes, sir.

6 When we first arrive, we'll do overall pictures the
7 way the scene is when we arrive. After we get the overall
8 pictures, then we'll go back and mark them with numbers for
9 different areas to say, okay, this was in this section, this
10 was in this section, so when we do our drawing we'll know what
11 was where.

12 Q. Would that photo encapsulate those markings you
13 just spoke of?

14 A. Yes, sir.

15 Q. Okay. How many markings did you see?

16 A. On this photo, there are three.

17 MR. WEST: Please put State's Number 10.

18 Q. [Mr. West] Would that have been the last marker?

19 A. That's correct.

20 Q. Now, these items, you mark them for the
21 photographs. Do you collect them and put them in evidence?

22 A. I do.

23 Q. Did you do that in this case?

24 A. Yes.

25 MR. WEST: Presenting the witness with State's

Geno Alteri
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1 Exhibit Number 31. Could you please tell the jury
2 whether you recognize these items?

3 A. If the items that are in the bag are what's on
4 here, then it's the items that I collected.

5 Q. [Mr. West] Okay. Do you want to take a look in
6 the bag?

7 A. Sure.

8 MR. DAVIS: Please the Court, Your Honor, we have
9 agreed --

10 A. Yes. That's it.

11 MR. DAVIS: We agreed -- we consented to these
12 items.

13 THE COURT: That was not what you said before the
14 break, so --

15 MR. DAVIS: That was on another matter, Your Honor.

16 THE COURT: It was as to the clothing. Right?

17 MR. DAVIS: I agreed to the clothing.

18 THE COURT: Well, let Mr. West lay the foundation
19 and get that in so that there's no confusion on the
20 record.

21 Q. [Mr. West] Did you recognize these items?

22 A. Yes, sir.

23 Q. Are they the same items you would have collected at
24 the scene?

25 A. Correct.

Geno Alteri
Direct Examination by Mr. West
October 13, 2015

1 Q. And what did you do with them once you collected
2 them?

3 A. They were transported back to the forensics office,
4 where they would have been logged in and placed into evidence.

5 MR. WEST: At this time, the State would introduce
6 State's 31.

7 THE COURT: No objection?

8 MR. DAVIS: None, Your Honor.

9 THE COURT: State's 31 into evidence without
10 objection.

11 [Whereupon, State's Exhibit Number 31 is admitted
12 into evidence by the Court]

13 MR. WEST: I'm having the witness examine State's
14 Number 50, as well.

15 A. Yes.

16 Q. [Mr. West] Are those part of what you had
17 collected, as well?

18 A. Yes, sir.

19 MR. WEST: And ask that State's Number 50 be
20 entered into evidence, as well.

21 THE COURT: Any objection?

22 MR. DAVIS: None, Your Honor.

23 THE COURT: State's 50 into evidence without
24 objection.

25 [Whereupon, State's Exhibit Number 50 is admitted

Geno Alteri
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October 13, 2015

1 into evidence by the Court]

2 Q. [Mr. West] Lieutenant, do people in the forensics
3 division take any statements or have any other role at the
4 scene?

5 A. No, sir.

6 Q. So your involvement was the collection of the
7 evidence at the scene and photographing the scene as you saw
8 it?

9 A. Correct.

10 We'll photograph, do everything, and then we'll get
11 back with investigators and see if there's anything that they
12 want other than what we've picked up.

13 Q. Do you know if you handled any other evidence in
14 this case?

15 A. Other than from the scene?

16 Q. Right.

17 A. Not to my knowledge.

18 Q. Would it be customary for somebody in the forensics
19 division to handle evidence as it's logged in?

20 A. Yes.

21 MR. WEST: Showing the witness what has been marked
22 as State's 52, as well as a copy of the chain of
23 custody.

24 A. Yes, sir.

25 Q. [Mr. West] Is that your signature?

Geno Alteri
Direct Examination by Mr. West
October 13, 2015

1 A. It is.

2 Q. You didn't have any handling -- or any other role
3 in the collection of that evidence? You just handled it back
4 at forensics?

5 A. Correct. It was just logged in.

6 MR. WEST: Thank you.

7 No further questions for this witness at this time.

8 MR. DAVIS: How are you doing?

9 THE WITNESS: How are you doing?

10 MR. DAVIS: I have just a couple of questions.

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Geno Alteri
Cross-Examination by Mr. Davis
October 13, 2015

CROSS-EXAMINATION

BY MR. DAVIS:

Q. How would you describe the location that you were called out to that night? How would you describe it?

A. As far as?

Q. Overall appearance, setting.

A. Depressing.

They had a lot of people around that were -- you know, you could tell were in a little bit of shock or disbelief.

It was fairly dark.

Q. Fairly dark?

A. Yeah.

We had the -- I think it was the two lights, and that was it.

Q. It wasn't adequate lighting, you could say?

A. Out in the parking lot, no, but up towards the building it was fine.

Q. And the area where y'all retracted the stuff from, that was about, what, twelve to --

A. I don't --

Q. -- twelve feet away from --

A. I don't recall the exact distance, but it wasn't much more than the length of the vehicle that was there with the --

Geno Alteri
Cross-Examination by Mr. Davis
October 13, 2015

1 Q. The van?

2 A. Correct.

3 Q. The van? Okay. Whatever the size of the van and
4 to some --

5 A. Plus the --

6 Q. -- extent a little farther?

7 A. Correct.

8 Q. You know, I got this little diagram there. It's
9 not as fancy, you know.

10 This is Defendant's Number 2. And in relationship
11 to the lights that you saw in the photograph, where would the
12 lights have been?

13 A. There was a light over here, and I believe there
14 was --

15 Q. Oh. Just bright lights. If you'll initial it.

16 A. [Witness complies]

17 Q. Then the other light would have been?

18 A. And I can't swear to this one, but I think it was
19 right --

20 Q. You can't swear?

21 A. Right.

22 Q. What about other streetlights? Do you recall any?

23 A. I don't recall.

24 Q. And it would be your testimony that this is the van
25 that we're talking about?

Geno Alteri
Cross-Examination by Mr. Davis
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1 A. Correct.

2 Q. And then this is the general area that the State
3 have put up these red and forensic stuff?

4 A. Correct.

5 Q. And this is the area where, to some aspect, was
6 still very dark?

7 A. For photos it was --

8 Q. For photo -- I understand for photos.

9 A. -- but not for visual.

10 Q. Okay. Okay. It was dark?

11 A. Right.

12 MR. DAVIS: Okay. Thank you.

13 No further questions, Your Honor.

14 MR. WEST: No redirect, Your Honor.

15 THE COURT: Sargent, you may step down. Thank you.

16 THE WITNESS: Thank you.

17 [Whereupon, Mr. Alteri is excused and exits the
18 witness stand]

19 THE COURT: Call your next witness.

20 MR. WEST: Thank you, Your Honor. The State would
21 call Christina Lockwood.

22 THE COURT: Ma'am, please come forward and be
23 sworn.

24 [Whereupon, Ms. Lockwood comes forward]

25 THE CLERK OF COURT: Please raise your right hand.

Geno Alteri
Cross-Examination by Mr. Davis
October 13, 2015

1 Place your left hand on the Bible. Place your left hand
2 on the Bible.

3 [Whereupon, Ms. Lockwood is duly sworn by the clerk
4 of court as follows: do you solemnly swear or affirm
5 the testimony you will give the Court in the trial of
6 this case will be the truth, the whole truth, and
7 nothing but the truth, so help so you God]

8 THE WITNESS: Yes.

9 THE CLERK OF COURT: Please be seated.

10 [Whereupon, Ms. Lockwood takes the witness stand]

11 THE CLERK OF COURT: State your full name, and
12 spell your last name for the record.

13 THE WITNESS: My name is Christina Natash
14 [phonetic] Lockwood. And L-O-C-K-W-O-O-D.

15 THE COURT: Mr. West?

16 THE WITNESS: L-O-C-K-W-O-O-D.

17 THE COURT: Thank you. Mr. West?

18 MR. WEST: Thank you.

19 Good afternoon, Ms. Lockwood. I want to get some
20 things sort of out -- set out of the way.
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Christina Lockwood
Direct Examination by Mr. West
October 13, 2015

CHRISTINA LOCKWOOD,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. WEST:

Q. You don't want to be here at all, do you?

A. No.

Q. In fact, you had to have an escort here today,
didn't you?

A. Yes.

Q. Tell me about that.

A. [No response]

Q. How did you get here?

A. My cousin drove me.

Q. Your cousin drove you.

Okay. Did the sheriff's office have to go get you
at all?

A. No.

Q. They didn't?

A. No.

Q. Did you have any indication from anybody at law
enforcement that we needed you here today?

A. Yes. And I came.

Q. Now, you don't want to be here. Tell the jury why
you don't want to be here.

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Christina Lockwood
Direct Examination by Mr. West
October 13, 2015

1 A. I don't want to be here because I have a life to
2 live.

3 Q. What do you mean by that?

4 A. I have a life to live, and I also have a daughter
5 to live for, and I don't got time for the extra stuff.

6 Q. What's extra stuff?

7 A. Extra stuff meaning I don't want any problems.

8 Q. Problems? What kind of problems?

9 A. Anything.

10 Q. Do you think you're going to have problems?

11 A. No.

12 I was just thinking I don't want to be here because
13 I don't want any -- I mean, I'm here.

14 Q. Now, how many times would you say I attempted to
15 meet with you prior to today?

16 A. I really don't know.

17 Q. You don't know.

18 How many times did my investigator, Kevin McGowan,
19 try to meet with you?

20 A. I spoke with one of them when I was at my aunt's
21 house.

22 Q. How many times would you say that was?

23 A. Excuse me?

24 Q. How many times was that?

25 A. Once.

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1 Q. Once.

2 He's only called you once since the outset of this
3 case? That's your testimony --

4 A. Well, I don't know --

5 Q. -- today?

6 A. -- he has my grandmother's house number, so I
7 don't --

8 Q. How many times would you say that somebody from
9 either the sheriff's office or the investigator from the
10 solicitor's office went to your house to try to find you?

11 A. Well, my grandmama told me about twice.

12 I gave them a call and I was supposed to meet up
13 with somebody.

14 Q. Did you?

15 A. No.

16 Q. This is the first time we've ever talked?

17 A. No.

18 Q. And we talked on the phone last week; right?

19 A. Yes.

20 Q. Okay. And what did you tell me?

21 A. Well, you spoke to my mother. You didn't actually
22 spoke to me. We was supposed to meet up with you.

23 Q. Okay. But you didn't come for the meeting; right?

24 A. No, because she never told me where.

25 Q. You know our office is at the courthouse, don't

Christina Lockwood
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October 13, 2015

1 you?

2 A. [Indicates negatively]

3 Q. You didn't know that?

4 A. I only went to one other court date, so I don't
5 know.

6 Q. Fair enough.

7 Regardless, again, you don't want to testify here
8 today?

9 A. [No response]

10 Q. Okay. But you were at the A Place In The Woods on
11 August the 25th, 2013, weren't you?

12 A. Yes.

13 Q. All right. Who were you with?

14 A. Arianna Coakley, Larry, I don't know his last name,
15 and Herman Manigault.

16 Q. All right. How did you get there?

17 A. Larry and Herman came and picked us up.

18 Q. Where did they pick you up?

19 A. From Kangaroo on Rivers.

20 Q. All right. And where did you go once they picked
21 you up?

22 A. A Place In The Woods.

23 Q. What time would you say that you got to the club?

24 A. It was late, probably 11:00, 12:00.

25 Q. Do you remember seeing Sha'Quille Washington there

Christina Lockwood
Direct Examination by Mr. West
October 13, 2015

1 that night?

2 A. Yes, I remember seeing him.

3 Q. How do you know Sha'Quille?

4 A. From Huger.

5 Q. Okay. So you're from Huger?

6 A. Yes.

7 Q. How long would you say you've known him?

8 A. I don't know him like that.

9 But, I mean, his mother knows my mother. His
10 father knows my family. But I don't know him like that.

11 Q. But you would recognize him by sight?

12 A. Yes.

13 Q. So if you saw him anywhere, you would know who he
14 was?

15 A. Yeah.

16 Q. You would be able to positively identify him?

17 A. Yes.

18 Q. Okay. And the person that you know as Shike is
19 sitting right here in this courtroom today, isn't he?

20 A. Yes.

21 Q. All right. Who was the defendant with that night?

22 A. He was with two other guys. Larry; and I do not
23 know the other guy's name.

24 Q. Who's Larry?

25 A. He's also from Huger.

Christina Lockwood
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October 13, 2015

1 Q. What's his last name?

2 A. Kinloch.

3 Q. So he's with Larry Kinloch. And do you know how
4 Larry Kinloch is related to Shike?

5 A. No, I don't.

6 Q. Do you know if they are?

7 A. Yes.

8 Q. So you do know they're related, you just don't know
9 how?

10 A. Yeah.

11 Q. Did you have any interactions with the defendant at
12 the club?

13 A. No.

14 Q. Never talked to him?

15 A. No.

16 Q. All right. We'll get back to that.

17 What was Herman doing at the club?

18 A. He was standing in front of me or Arianna Coakley.

19 Q. Okay. The whole time? Dancing? You know, having
20 a good time?

21 A. Yeah.

22 Q. Let's get right to the point. Did you ever see
23 Shike shoot Herman Manigault?

24 A. To be honest, I don't remember.

25 The only thing I do remember is my standing at the

Christina Lockwood
Direct Examination by Mr. West
October 13, 2015

1 front. Arianna got a Heineken bottle and went outside. And
2 she was like something about Herman. I went behind her. And
3 they were fighting.

4 I actually -- I didn't see the actual fight, but I
5 know that they were fighting because she said that and Larry
6 also said that, too.

7 I didn't see nobody shoot nobody because I was at
8 the entrance of the door. When I heard the gunshots, I turned
9 around and I left and went through the other side and I saw my
10 cousin, Drequan Lockwood.

11 Once I went to the other side, I came out through
12 the front and I saw him laying on the ground.

13 Q. All right. Did you ever give any statements to the
14 police?

15 A. Yes. That same night.

16 Q. How many statements did you give?

17 A. I do not remember.

18 Q. I'm going to show you --

19 A. Probably like three.

20 Q. I'm going to show you State's 56 and 57, see if we
21 can refresh your memory on some things.

22 MR. WEST: Madam Court Reporter, if we could mark
23 State's 56 and 57.

24 [Whereupon, State's Exhibit Number 56 is marked by
25 the court reporter]

Christina Lockwood
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1 [Whereupon, State's Exhibit Number 57 is marked by
2 the court reporter]

3 Q. [Mr. West] Show you State's 56 first. You read
4 over that and see if that refreshes your memory as to what you
5 told law enforcement.

6 A. I walked outside --

7 Q. Just read it to yourself, and we'll talk.

8 [Whereupon, the witness reviews documents]

9 Q. [Mr. West] Do you remember that now? Do you
10 remember when that was?

11 A. No.

12 Q. Do you remember if it was the night of?

13 A. The last part I don't remember.

14 Q. The last part you don't remember?

15 A. Yes.

16 Q. It seems a little convenient that you don't want to
17 be here today and the last part says, I was -- it was
18 Sha'Quille Brown that shot Herman, in bold, capital letters.
19 Is that right?

20 A. That's what I see.

21 Q. That's what you see? That's your handwriting?

22 A. Uh-huh.

23 Q. Your handwriting in bold, capital letters: it was
24 Sha'Quille Brown that shot Herman. Right?

25 A. That's what's on the paper.

Christina Lockwood
Direct Examination by Mr. West
October 13, 2015

1 Q. But you don't remember that today?

2 A. No, sir, I don't.

3 Q. How about the beginning of it when you said you
4 didn't hear Shike talking about anything. You just said that
5 a minute ago; right?

6 A. No.

7 Q. No? What did you say? You said you didn't talk to
8 him?

9 A. Yes.

10 Q. Okay. Did you hear him talking to anybody else?

11 A. No.

12 Q. You didn't.

13 So in the statement that you gave law enforcement
14 the night of the shooting when it says Shike was talking about
15 shooting somebody, that's not true?

16 A. I don't remember.

17 Q. So after -- according to your statement, of course.
18 According to your statement, after Shike was talking about
19 shooting somebody, you followed him outside; right?

20 A. [No response]

21 Q. Right?

22 A. I don't remember.

23 Q. Okay. So the first statement is pretty short.
24 Would you agree with me?

25 A. Uh-huh.

Christina Lockwood
Direct Examination by Mr. West
October 13, 2015

1 Q. Just a brief description of you saying -- well, let
2 me go back to the front. The first sentence. Do you remember
3 saying Shike and Herman were fighting and then he pointed the
4 gun and shot? Is that in your statement, as well?

5 A. [No response]

6 Q. So at least two times in your initial statement,
7 you identify this man right here as the shooter of Herman
8 Manigault; is that correct?

9 A. Sir, I do not remember.

10 Q. You don't remember?

11 A. No, I don't.

12 Q. Well, you don't remember, but you wrote it down;
13 right?

14 A. Right.

15 Q. Okay. And that's your handwriting?

16 A. Right.

17 Q. And are you saying here today that what you wrote
18 down wouldn't be the truth?

19 A. I'm not saying that's not the truth, but I don't
20 remember.

21 Q. So it is true? You're not saying it's not the
22 truth, you're saying it is the truth?

23 A. If it's written on paper.

24 Q. If it's written on paper, it's the truth.

25 A. Okay.

Christina Lockwood
Direct Examination by Mr. West
October 13, 2015

1 Q. I'm not saying that. You said it; right?

2 A. [No response]

3 Q. Twice you identified him as the shooter and you
4 said you heard him say he was going to shoot somebody.

5 A. If it's on paper and I wrote it that night.

6 Q. Well, it's a good thing it's on paper, then.

7 Number 57, State's Number 57. That's a longer
8 statement so take a little bit of time to review that and see
9 if we can refresh your memory on some of these things you've
10 conveniently forgotten over the years.

11 [Whereupon, the witness reviews documents]

12 MR. DAVIS: Your Honor, I'm going to object to the
13 reference of convenient.

14 THE COURT: Noted for the record.

15 MR. DAVIS: Thank you.

16 Q. [Mr. West] Are you done?

17 A. Yes.

18 Q. All right. Thank you.

19 Does that refresh your memory about the second
20 statement you gave law enforcement?

21 A. Uh-huh.

22 Q. Let's talk about --

23 THE COURT: Is that a yes?

24 A. Yes.

25 Q. [Mr. West] Let's talk about some things in that

Christina Lockwood
Direct Examination by Mr. West
October 13, 2015

1 statement. Let you hold on to this copy real quick while we
2 go through this, just in case you forget something else.

3 Now, what's on paper is what's true; right?

4 A. Yes.

5 Q. So let's talk about what's on paper, see if you
6 remember.

7 On this paper you do talk about going to River's
8 Avenue, Kangaroo gas station --

9 MR. DAVIS: I object to the form of the question.
10 The document is not into evidence. If she's denying
11 it --

12 THE COURT: What is your objection?

13 MR. DAVIS: Sir [sic]?

14 THE COURT: What's your objection?

15 MR. DAVIS: Objection is cross-examining a document
16 that's not into evidence.

17 THE COURT: Overruled.

18 Q. [Mr. West] On this document you talk about the
19 Kangaroo gas station you just testified to; right?

20 A. Yes.

21 Q. You talk about who you were with, Herman and Larry
22 Jenkins?

23 A. Yes.

24 Q. You were with Arianna?

25 A. Yes.

Christina Lockwood
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1 Q. All right. Stopped at the Kangaroo on Clements
2 Ferry?

3 A. Yes.

4 MR. DAVIS: Judge, I object. These are not
5 inconsistent --

6 THE COURT: All right. Counsel approach.

7 MR. DAVIS: -- statements.

8 THE COURT: Counsel approach.

9 [Whereupon, an off-the-record bench conference is
10 held]

11 THE COURT: All right. Thank you.

12 MR. WEST: Thank you, Your Honor.

13 Q. [Mr. West] Do you remember Herman making any
14 comments about Shike that night?

15 A. Yes.

16 Q. What did he say?

17 A. He said, that boy keep on looking at me.

18 Q. Okay. What does that mean?

19 A. I guess someone's looking at you, staring.

20 Q. Now, did you hear Shike say anything else to
21 anybody else about what he was going to do to Herman?

22 A. I do not remember.

23 Q. Okay. So he never said, he's going to get that
24 boy?

25 A. I don't remember.

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1 Q. So that's in your statement and what's on paper is
2 true.

3 And you remember at this time, that the defendant
4 said he's going to get that boy?

5 A. [No response]

6 Q. In fact, you followed him after he said that;
7 right?

8 A. I don't remember.

9 Q. So in your statement when you said, I followed him
10 and asked Shike what he was talking about, but he continued
11 walking, does that refresh your memory about following him?

12 A. I don't remember.

13 Q. All right. But that's what your statement says?

14 A. Right.

15 Q. You followed him and he kept walking.

16 So Shike went from inside to outside, back inside;
17 right?

18 A. I don't remember.

19 Q. Let's walk through this a little bit. This is very
20 important stuff, okay?

21 A. I know that.

22 Q. All right.

23 MR. DAVIS: Your Honor, I'm going to object to the
24 characterization of very important stuff. Everything
25 today is very important stuff.

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1 THE COURT: Thank you.

2 No speaking objections, which is very important.

3 Thank you, Mr. Davis.

4 You may continue.

5 Q. [Mr. West] So you said that Shike walked outside;
6 right? On your statement right in front of you.

7 A. I don't remember.

8 Q. Okay. That's when he said he was going to get that
9 boy and he walks back inside; right?

10 A. [No response]

11 Q. And he went outside with who?

12 A. Larry --

13 Q. Larry Kinloch?

14 A. [No response]

15 Q. Okay. So he was with Larry Kinloch.

16 After Shike went outside, came back inside, your
17 statement indicates -- if this refreshes your memory -- that
18 Shike and Larry Kinloch followed Herman outside; right?

19 A. I don't remember.

20 Q. So let's talk about that. Herman and Larry Jenkins
21 walked out the door; Shike and Larry Kinloch followed behind
22 him -- behind them.

23 That's what your statement says?

24 A. Uh-huh.

25 THE COURT: Is that a yes?

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1 A. Yes.

2 THE COURT: Thank you.

3 Q. [Mr. West] So that directly places the defendant
4 behind the victim in this case; right?

5 A. Yes.

6 Q. All right. So he's behind him.

7 Now, what did Arianna do when this fight started?
8 What did you see her do?

9 A. What I do remember is her grabbing a Heineken
10 bottle from up under the table and going outside.

11 Q. She grabs a Heineken bottle. Did you ever see the
12 defendant point a gun at her?

13 A. No.

14 I saw her standing behind the truck, a white truck,
15 the D.J. truck.

16 Q. But your statement says that he pulled out a gun
17 and said, back up, I ain't playing, for real.

18 A. I'm only going off of what she said. I put her
19 story with --

20 Q. That's what you said; right?

21 A. Yeah.

22 Q. Okay. Where were you standing when Arianna had the
23 bottle?

24 A. We was in the club at the time.

25 Q. In the doorway, in the club, or on the stoop?

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1 A. We was in the club when she got the bottle.

2 Q. When she got the bottle. Now, after she got the
3 bottle, what?

4 A. I was standing in the doorway of going out and
5 coming in.

6 Q. Where were you when the shooting happened?

7 A. I was in the doorway of coming out and leaving in.
8 Well, yeah.

9 Q. At that point in time, is it your testimony today
10 that you did not see Shike shoot Herman?

11 A. I heard gun -- bullet gun -- well, shoot, and I ran
12 inside and I ran to the side of the club where my cousin was
13 standing at.

14 Q. I was standing in the doorway of coming in the club
15 and leaving and I saw Shike shoot Herman.

16 Is that your statement?

17 A. That's what it says on paper.

18 Q. And what's on paper is what's true?

19 A. As I remember.

20 Q. After the shooting, you ran back inside the club;
21 right?

22 A. Yes.

23 Q. Who was with you on the outside of the club?

24 A. I remember seeing Drequan Lockwood and Kevin Watson
25 on the side.

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1 Q. So Drequan Lockwood was there. What's his relation
2 to you?

3 A. That's my first cousin.

4 Q. What was he doing?

5 A. I don't know. I haven't seen him at all today.

6 Q. Do you remember what Larry Jenkins was wearing?

7 A. No, sir.

8 Q. So in your statement, pretty descriptive: Larry
9 Jenkins had on a red shirt with a red and black hat, free
10 [phonetic] pants.

11 That's pretty descriptive, wouldn't you agree?

12 A. Yes.

13 Q. Okay. And it goes on. There's some direct
14 questioning.

15 Do you remember at the end of page 4 of your
16 statement indicating that you, again, absolutely witnessed the
17 shooting of Herman Manigault?

18 A. Yes.

19 Q. Yes.

20 So this is the first time you're actually admitting
21 it?

22 A. I was there.

23 Q. All right. You did, in fact, witness the shooting
24 of the victim, Herman Manigault?

25 A. I was there.

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1 Q. All right. So on the bottom of page four -- again,
2 this is getting a little muddled. You need to be very clear
3 here. The bottom of page four of your statement, the
4 detective asked you: did you witness the shooting of the
5 victim, Herman Manigault.

6 Does it say maybe, does it say no, does it say
7 anything but the word yes?

8 A. I don't remember, but I was there.

9 Q. Does the last word on this page say yes?

10 A. On paper it says yes.

11 Q. Is there any qualification to the word yes there?

12 A. [No response]

13 Q. Is there any explanation after it, or is it simply:
14 did you witness the shooting of the victim, Herman Manigault.
15 Yes, I saw it.

16 That's what the statement says, right?

17 A. Right.

18 Q. And then you also said that you didn't recognize or
19 notice that the defendant had a gun. Do you remember him
20 having a gun?

21 A. Listen, I don't remember.

22 Q. Page 5 of 5 on your statement: who had the gun.
23 Sha'Quille Brown.

24 That's him right there, isn't it?

25 A. Yes.

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- 1 Q. And then again, detectives seem like they want to
2 be very clear here. Do you remember saying this: who did you
3 see shoot the victim, Herman Manigault? And then you write
4 somebody's name. Whose name did you write?
- 5 A. [No response]
- 6 Q. Sha'Quille Brown; right?
- 7 A. [No response]
- 8 Q. Let's go through. How many times did you identify
9 the defendant as the shooter of Herman Manigault? Multiple
10 times; right?
- 11 A. Yes.
- 12 Q. Thank you.
- 13 And what's on paper is what's true; right?
- 14 A. I don't remember.
- 15 Q. You don't remember.
- 16 Ms. Lockwood, how far did you get in school?
- 17 A. Twelfth grade.
- 18 Q. Twelfth grade. What kind of work do you do?
- 19 A. I work at ICorp. I just started.
- 20 Q. Do you know anybody else that works at ICorp?
- 21 A. No.
- 22 Q. Okay. What do you got to do at ICorp?
- 23 A. I work on the TV side.
- 24 Q. Do you have to remember anything at ICorp?
- 25 A. I just started.

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1 Q. What did you do before you went to ICorp?

2 A. I was working at Kangaroo Express?

3 Q. All right.. Do you got to remember anything when
4 you work at Kangaroo Express?

5 A. [No response]

6 Q. Have you ever had any troubles with your memory?
7 Yes or no.

8 A. Sometimes.

9 Q. Sometimes? Okay. Sometimes when it involves the
10 shooting; right?

11 A. No.

12 Q. Did you ever call 911?

13 A. Yes.

14 Q. You did. Okay.

15 So then at that time you wanted to help Herman
16 Manigault; right?

17 A. Yes.

18 Q. But today is a little different?

19 A. How is it different? If I don't remember
20 something, I mean what do you want me to do? You said it's on
21 paper so obviously, I mean, if that's what happened, that's
22 what happened. But I don't remember. I'm not going to sit
23 here and tell you something that I don't know.

24 Q. Do you remember ever giving -- been given a photo
25 line-up from police?

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1 A. Yes.

2 MR. WEST: Defense counsel has indicated he has
3 stipulated to the introduction of State's Exhibit Number
4 43 and Number 44.

5 MR. DAVIS: The reason being, Your Honor, because
6 of the identification and these two people knew each
7 other.

8 THE COURT: 43 and 44 into evidence without
9 objection.

10 [Whereupon, State's Exhibit Number 43 is admitted
11 into evidence by the Court]

12 [Whereupon, State's Exhibit Number 44 is admitted
13 into evidence by the Court]

14 Q. [Mr. West] All right. State's Number 43. Do you
15 recognize that?

16 A. Yes.

17 Q. What is that?

18 A. A line-up.

19 Q. And who did you pick out of that line-up?

20 A. Sha'Quille Brown.

21 Q. Why did you pick him?

22 A. Because you asked me if I know someone in the
23 line-up.

24 Q. And why did you pick him out of that line-up?

25 A. I don't remember what the question was, but I

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1 remember you saying if I know any one of them.

2 Q. And along with the identification, the six-pack
3 line-up where you identified the defendant, Sha'Quille
4 Washington, were you given a form where you had an opportunity
5 to make another statement about who the shooter was?

6 A. [No response]

7 Q. Yes?

8 A. Yes.

9 Q. All right. Do you recall writing on the bottom of
10 that form?

11 A. I don't remember.

12 Q. You don't remember writing on the bottom of it? Is
13 that your handwriting on the bottom?

14 A. Yes.

15 Q. So on the bottom one it says, the person in the
16 sixth photo line-up, I recognize number 5, which is Sha'Quille
17 Brown, because I know him and is the one I saw kill Herman.
18 this morning, August 25th, 2013, at a club A Place In The
19 Woods in Huger.

20 That's another identification of this defendant as
21 the shooter; is it not?

22 A. That's what it say.

23 Q. All right. So if you total State's Number 44, a
24 written statement identifying the defendant, a photo line-up
25 identifying the defendant, a statement given the night of

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1 identifying the defendant multiple times, and a statement
2 given later on the 25th of the 2013, that is several documents
3 that identified Sha'Quille Washington as the shooter; is it
4 not?

5 A. That's what the paper say. I don't remember.

6 Q. You don't remember what you say in the statements
7 but you remember making the statements?

8 A. Is that --

9 Q. Is that your testimony?

10 A. Yes.

11 Q. Okay. Are you scared to be here?

12 A. No.

13 Q. No? Have you talked to Sha'Quille, Shike, since
14 this happened?

15 A. No.

16 Q. Talked to anybody from his family?

17 A. No.

18 Q. Okay. How far do you live away from him?

19 A. About ten minutes.

20 Q. How about your family's house, Siris Lane. How far
21 is that away from Hammond Corner Road?

22 A. About ten minutes.

23 MR. WEST: No further questions for this witness at
24 this time.

25 THE COURT: Mr. Davis?

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1 MR. DAVIS: Thank you.

2 How are you doing, Ms. Lockwood?

3 THE WITNESS: Good.

4

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MIA PERRON, CVR-CM-M

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CROSS-EXAMINATION

BY MR. DAVIS:

Q. I, too, had a subpoena for you to be present.
Okay?

A. Right.

Q. Ms. Lockwood, you placed that hand on your Bible,
have you not?

A. Yes.

Q. And you promised to speak the truth, have you not?

A. Yes.

Q. Now, have you ever witnessed anyone or been in the
presence of anyone or a place where someone had gotten killed
before?

A. Yes.

Q. You have witnessed it before?

A. [No response]

Q. Ma'am?

A. Yes.

Q. How old were you at that time?

A. Well, this was like when I was about twelve.

Q. It was a family member or something?

A. Yes.

Q. Someone close to you?

A. Yes.

Q. Do you mind sharing that with me?

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1 A. No.

2 Q. You don't want to talk about it?

3 A. No.

4 Q. Why not?

5 A. Because that's personal.

6 Q. Personal. It was someone close to you?

7 A. Yes.

8 Q. You were about twelve?

9 A. Yes.

10 Q. And, now, you were bitterly mad that night on the
11 25th --

12 A. Yes.

13 Q. -- when you found yourself in the midst of another
14 tragedy; isn't that true?

15 A. Yes.

16 Q. Now, nobody have accused you of doing anything,
17 have they?

18 A. No.

19 Q. I mean, no one from the Berkeley County Sheriff's
20 Department has charged you with accessory after the fact or
21 contributing in any -- aiding and abetting in any crime, have
22 they?

23 A. No.

24 Q. Have you moved from your address since August the
25 25th of 2013?

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1 A. Yes.

2 Q. Where did you move, sweetheart?

3 A. In North Charleston.

4 Q. But you haven't moved out of the state of South
5 Carolina?

6 A. No.

7 Q. And so for the last two years, except for about two
8 weeks ago, the solicitor's office could have made contact with
9 you if they wanted to?

10 A. Yes.

11 Q. Okay. But no one made contact with you until a few
12 weeks ago?

13 A. Yes.

14 Q. And in this conversation you had with the
15 prosecutor, he have stressed to you the necessity for you to
16 admit that you saw Sha'Quille Washington fire or shot Herman?

17 A. Yes.

18 Q. Now, these fourteen people have been assembled.
19 They don't have no bias or no prejudice whatsoever. They just
20 want the truth.

21 We have heard your response over and over about
22 it's on paper, the solicitor taking you in all kind of
23 direction, for a series of time, multiple times. I want you
24 to -- I'm in this corner for a reason. I want you to look at
25 these fourteen people and tell them, with accuracy and truth,

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1 did you witness Sha'Quille Washington shooting Herman
2 Manigault?

3 A. To be honest, listen, I don't remember a lot of
4 stuff.

5 If it's on paper and I wrote it that night, if it's
6 true -- I don't know what to say. Like, I don't remember.

7 Q. All we want is the truth. Okay? Do you --

8 A. I don't want to tell y'all one thing --

9 Q. Okay.

10 A. -- and it's not the truth --

11 Q. That's all right.

12 A. -- because I don't remember.

13 Q. You keep saying what's on paper, so we've got to
14 deal with that. Okay?

15 Now, having said that, did you witness, did you
16 witness, Herman Manigault removing his shirt?

17 A. [No response]

18 Q. Ma'am?

19 A. I -- during the time of the fight, I wasn't
20 outside.

21 Q. Is that the answer? That you did not witness Herman
22 Manigault removing his shirt?

23 A. No, I did not witness that.

24 Q. Okay. Now --

25 A. When I saw him, his shirt was off --

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1 Q. When you saw him --

2 A. -- I don't know if he took it off.

3 Q. -- it was off and the shooting had already
4 occurred; isn't that true?

5 A. [No response]

6 Q. I don't know. Ma'am?

7 A. Yes, it was.

8 Q. That's correct.

9 Now, you also said in those statements that you
10 witnessed Ms. Coakley retrieving [phonetic] or moving to the
11 side; isn't that true?

12 A. When I was walking out, she was standing behind the
13 truck.

14 Q. Now, if the truth be told, this is pretty much the
15 club? Ma'am?

16 A. Yes.

17 Q. Is there a lighted and dark aspect in the club --
18 inside the club?

19 A. I mean, they have lights behind the bar.

20 Q. Do you recall Ms. Coakley saying that Herman said,
21 I'm about to snap in a minute? Do you recall that? This guy
22 is watching me all the time, I'm about to snap. Do you recall
23 that conversation?

24 A. I heard that.

25 Q. Yeah. You heard that. Who said that?

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1 A. Herman said that.

2 Q. Said, I'm about to snap; right?

3 A. Uh-huh.

4 Q. And a short time after that, for whatever reason,
5 these people found themselves outside; isn't that true?

6 A. Yes.

7 Q. But in the process of going outside, apparently,
8 Ms. Coakley retrieve a Heineken bottle. Before she retrieved
9 that Heineken bottle, what would you say was the time frame in
10 reference to the fighting that you did witness? What is the
11 time lag? Can you give us any indication? Because we're all
12 confused as to --

13 A. I don't remember.

14 Q. You don't remember. You don't want to remember?

15 A. I don't.

16 Q. Okay. Thank you.

17 But is it fair for you to take the -- to say
18 that -- mark the doorway on the stoop in a red for me, please,
19 okay? The doorway.

20 A. [Witness complies]

21 Q. I'm sorry. Then put your initial on there, please.

22 A. [Witness complies]

23 Q. The doorway to the club, now. Okay? Where would
24 it be?

25 A. Right there in the middle.

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1 Q. Right here?

2 A. Uh-huh.

3 Q. Okay. This is the club. It can't be there.

4 A. Well, this is the truck that was in front of the
5 club.

6 Q. So the doorway is right here?

7 A. Uh-huh.

8 Q. I want you to put an x there, doorway.

9 A. [Witness complies]

10 Q. And one consistent theme you have said in all them
11 multiple statement that the sheriff's department came every
12 time and asked you --

13 You didn't go searching for the sheriff's
14 department, did you?

15 A. No.

16 Q. They come searching for you, and they control and
17 asked you the questions that they believe would lead to this
18 journey of truth. They were trying to find out what was going
19 on; right?

20 A. Right.

21 Q. And they asked you on the 25th, they asked you
22 multiple other times, they asked you at the photo line-up.
23 They keep coming and asking you the questions; right?

24 A. [No response]

25 Q. Now, in all those statements, there is one

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1 consistent thing you have said, sweetheart, is that you were
2 in the doorway; isn't that true?

3 A. Yes.

4 Q. And that Ms. Coakley would have been behind the
5 van; isn't that true?

6 A. Yes.

7 Q. Now, that would abskew [phonetic] or prevented you
8 from having any view directly that was transpiring out there
9 with those individuals who were fighting and had the shirt off
10 and -- ma'am?

11 A. I don't remember.

12 When I was walking out the doorway, she was facing
13 me and I was facing her and she had her eyes over her head
14 like this [indicates]

15 Q. And she put her eyes over her face like that
16 because that's after Mr. Washington had pointed a weapon at
17 her; isn't that true?

18 A. I don't remember.

19 Q. You don't remember.

20 Well, this is what the State wants you to say: you
21 saw the shooting. Did you see the shooting?

22 A. I don't remember.

23 Q. When they questioned you on the 25th, there's no
24 doubt that you were visibly upset; isn't that true?

25 A. Anyone --

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1 Q. Traumatized?

2 A. -- would have been upset.

3 Q. Well, you were a little different than most folks
4 because when you were at twelve, you witnessed another
5 incident tragic; isn't that true?

6 A. Yes.

7 MR. DAVIS: Okay. Now, put up Number 2.

8 I want you to look behind you, sweetheart. They've
9 got a fancy little stuff there you can put little red
10 markers up here.

11 Q. [Mr. Davis] Now, what is this area right here,
12 sweetheart? What happened right here?

13 A. That's where Herman was laying at.

14 Q. Need to speak a little louder. Ma'am?

15 A. That's where Herman was laying at.

16 Q. Now, back behind this area is where that stoop is
17 located; isn't that true?

18 A. Yes.

19 Q. And behind that van; isn't that true?

20 A. Yes.. That's the stairs.

21 Q. Matter of fact, if we was -- this thing here was
22 fancy -- right here. I want you to look right here on my
23 little diagram. That's the doorway right here; right?

24 A. Yes.

25 Q. And so this is the van we are talking about right

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1 here? Please, you've got to -- right here. This is the van
2 we're talking about right here?

3 A. [No response]

4 Q. Right there. That's it right there. Okay? This
5 come from that same situation. You got me?

6 A. [No response]

7 Q. So if you're in the center in the doorway right
8 here, and the action is going on around here, tell us how you
9 possibly could have placed on any statement that you saw
10 anything about guns, and individual's hand, and shooting.
11 Tell us. Do you have an explanation for that? Ma'am?

12 A. No, sir.

13 Q. Now, you will admit that the stoop is back up in
14 this area right here; isn't that true? And this van was in
15 place; isn't that correct?

16 A. Yeah. But it don't -- it didn't look like that.

17 Q. Didn't look like that? Why? It was darker than
18 that; isn't that true? Ma'am?

19 A. It was --

20 Q. It was darker than that. True or false?

21 A. True.

22 MR. DAVIS: Okay. Put this photograph up, please.

23 MR. WEST: Objection, Your Honor. Foundation.

24 MR. DAVIS: You stipulated to that picture. It's
25 one of the autopsy pictures.

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1 THE COURT: Again, there's no argument. What's the
2 number, just so the record is clear?

3 MR. WEST: State's Number 19, Your Honor.

4 THE COURT: We haven't addressed that one. Are you
5 moving it into evidence? Y'all approach, then.

6 [Whereupon, an off-the-record bench conference is
7 held]

8 THE COURT: Madam Court Reporter, we may need to
9 renumber, but we'll let Mr. Davis make that decision.

10 MR. DAVIS: Put it up here.

11 Q. [Mr. Davis] Ms. Lockwood, this is State's Exhibit
12 Number 4. Okay?

13 Okay. Now, you admit this is basically where
14 Mr. Manigault eventually found himself?

15 A. Yes.

16 Q. And you will admit this is the van that is in
17 the -- right here; right?

18 A. Yes.

19 Q. And then you would admit that for purposes here,
20 that the stoop is back in that location; isn't that true?

21 A. Yes.

22 Q. And look at this diagram here in front of you.
23 That's what we're talking about right here.

24 A. Uh-huh.

25 Q. And that's the view that you have; isn't that true?

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1 A. Yes.

2 Q. Did you witness --

3 MR. DAVIS: Thank you very much, David [phonetic].

4 Q. [Mr. Davis] Did you at all witness any fighting on
5 the outside?

6 A. I don't remember any fighting.

7 The only thing I remember is her standing behind
8 the truck facing me, and I was facing her, and she had her
9 hands over her head.

10 Q. Coming back into the building?

11 A. No. She was just standing there.

12 Q. Did you witness any confrontation, any altercation,
13 between Francis Larry Jenkins and Larry Kinloch?

14 A. I never saw nobody fight.

15 Q. Never saw anybody fight. Ma'am?

16 A. I learned this off of what -- you know, everybody
17 story that night. I put it in with my story.

18 I never saw nobody fight, none of that. I came out
19 when she was -- like I said, I remember her facing me and I
20 was facing her, and she was like this. Other than that, I
21 don't remember anything. I heard gunshots. I ran back inside
22 and I went through the side door.

23 Q. You didn't see anybody getting shoot -- shot?

24 A. No.

25 I don't remember nothing, none of that stuff.

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1 Q. You took everybody else statement, what they were
2 saying, and came on out. Got you.

3 A. As one..

4 Q. Anybody threaten you to be here today, sweetheart?

5 A. No.

6 Q. Have anybody threaten you?

7 A. No.

8 Q. Is there anything prevented the sheriff department
9 from video -- video your interview? Did they bring you down
10 to the sheriff's department and say, we want to video-tape
11 your interview, at any time?

12 A. No.

13 Q. Now, the first statement, August the 25th. You
14 smoke?

15 A. Yes.

16 Q. When you went out to smoke, tell the jury what the
17 time frame. Did you witness any fighting when you went out to
18 smoke?

19 A. I don't remember what time it was.

20 Q. Well, that's -- I don't care about the time,
21 mostly. I'm asking you when you were out there smoking your
22 cigarette, did you witness any fighting.

23 A. I don't remember a fight.

24 Q. Ma'am?

25 A. I don't remember a fight.

Christina Lockwood
Cross-Examination by Mr. Davis
October 13, 2015

1 Q. Okay. Well, just slow down.

2 After smoking that cigarette, did you go back
3 inside --

4 A. Yes.

5 Q. -- the club? Ma'am?

6 A. Yes.

7 Q. Okay. And when you went back inside the club, who
8 was inside the club?

9 A. My cousin.

10 Q. Tell us -- I want to know if Ms. Coakley was in the
11 club.

12 A. I don't remember.

13 Q. I want to know if Herman Manigault, III, was in the
14 club.

15 A. I don't remember.

16 Q. I want to know if Larry Kinloch was in the club.

17 A. I don't remember.

18 Q. Well, what I do want to ask you, though, is when
19 you were smoking this cigarette, you didn't witness no
20 fighting, no shooting, or anything, at that particular point?

21 A. No.

22 Q. Would you be going back outside again to -- ma'am,
23 would you later decide to go back outside again?

24 A. Yes.

25 Q. I mean --

Christina Lockwood
Cross-Examination by Mr. Davis
October 13, 2015

1 A. Yes.

2 Q. -- one of your statement you say, you know, I'm
3 going back. Did you?

4 A. I don't remember.

5 Q. And in your statement that you gave on August the
6 25th, you stated that they start fighting and he got shot.
7 That's what you said; right?

8 A. If it's on papers, yes.

9 Q. If it's on paper.

10 The sheriff's department asked you, one of their
11 investigator, said: who was fighting in the parking lot at
12 the club just before the shooting.

13 Do you recall what you told him?

14 A. I wrote it.

15 Q. Okay. Let me help you, then.

16 You said: Sha'Quille Brown, Herman Manigault,
17 Larry Kinloch, and Larry Jenkins.

18 That's what you said; right?

19 A. Yes.

20 Q. Those four people were fighting?

21 A. I just --

22 Q. Ma'am?

23 A. I wrote -- I just write it on the thing, but I
24 really don't remember anything.

25 Q. You just wrote it, but you don't remember anything.

Christina Lockwood
Cross-Examination by Mr. Davis
October 13, 2015

1 Well, ma'am, I'm going to tell you, when this case
2 started you weren't here, were you, this morning?

3 A. No.

4 Q. Well, I want to share something with you. On a big
5 billboard behind you were the name of Sha'Quille Washington,
6 Herman Larry Manigault, Larry Kinloch, and Larry Jenkins.
7 Okay? Those the names that appeared up there on the board.
8 And you weren't even present here this morning; isn't that
9 correct? You haven't seen any --

10 A. No.

11 Q. You haven't witnessed any testimony. But that was
12 on the board this morning. Okay? Sha'Quille Brown
13 Washington, Herman Manigault, Larry Kinloch, and Larry
14 Jenkins. Who were fighting at the parking lot at the club
15 just before the shooting? These are the four individuals you
16 placed on a statement that you gave?

17 A. And I don't remember.

18 Q. You also stated: we headed to A Place In The
19 Woods. About ten minutes standing there, Herman comment --
20 Herman. Who is Herman Manigault?

21 A. He's --

22 Q. That "n" keep looking at me. And Ms. Coakley
23 replied, that's a little "n", pay him no attention.

24 Do you recall that?

25 A. Yes.

Christina Lockwood
Cross-Examination by Mr. Davis
October 13, 2015

1 Q. Okay. Ten minutes after that, I saw my cousin
2 Kevin Watson walking outside so I followed him to get a
3 cigarette. Shike, Sha'Quille, and Larry was walking, talking.
4 I turn around because they were walking too far away from the
5 club.

6 Do you remember that?

7 A. No.

8 Q. Okay. I want to show you. It'll be all right.
9 Read that to the top. They were walking too far away from the
10 club.

11 Ma'am? That's what it says?

12 A. Yes.

13 Q. And then you came back into the club and you went
14 to the pool table, isn't that true, with --

15 A. I don't remember.

16 Q. -- Ms. Coakley, Herman, and Larry? Ma'am?

17 A. I don't remember.

18 Q. By the time you got outside, Herman had his shirt
19 off and they were fighting.

20 Do you remember that?

21 A. No.

22 Q. Well, you stated that on the 25th. And you just
23 read that. They were fighting. In the middle. Please,
24 please.

25 A. I understand everything is on paper, but I don't

Christina Lockwood
Cross-Examination by Mr. Davis
October 13, 2015

1 remember it.

2 Q. But you put that on paper?

3 A. Yes.

4 Q. And you stated that they were fighting; isn't that
5 true?

6 A. If that's what's on paper.

7 Q. If that's what on paper.

8 I was standing in the doorway. That's on paper. I
9 was standing in the doorway.

10 This is my Exhibit Number 2. This is the doorway
11 you're talking about, which you have put your initial; isn't
12 that correct?

13 A. Yes.

14 Q. You were standing in that doorway. Coming in the
15 club and leaving, I saw Shike shoot Herman so I ran back
16 inside and yelled, they are shooting, they are shooting.

17 Now, again, did you witness any shooting?

18 A. I don't remember.

19 Q. Ms. Lockwood, it's been two years and some months.
20 Have I ever inquired of you about this matter before we
21 started this process this week?

22 A. I don't know you.

23 Q. Thank you.

24 You don't know me because I've never had any
25 conversation with you about this matter; isn't that true?

Christina Lockwood
Cross-Examination by Mr. Davis
October 13, 2015

1 Ma'am?

2 A. Right.

3 Q. So no one on my behalf tried to pressure you or
4 make you hostile in any way, have I?

5 A. No.

6 Q. And I was not present in the taking of any of these
7 statements, were we?

8 A. No.

9 Q. Did anyone from the sheriff's department at any
10 time inquired of you whether or not you had been Traumatized
11 previously by a very tragic incident in your own personal
12 life?

13 A. Say that one more time.

14 Q. Have anyone from the Berkeley County Sheriff's
15 Department, the solicitor's office, ever inquired of you that
16 you, yourself, had experienced or witnessed a tragic incident
17 involving a homicide before? A shooting. A killing.

18 A. No. Just --

19 Q. Can you tell this jury whether or not you ever
20 witnessed a weapon in the possession or hand of Larry Kinloch?

21 A. I don't remember.

22 Q. Can you tell this jury, though, the accuracy that
23 you did witness Ms. Coakley attempt to strike Sha'Quille
24 Washington with a Heineken bottle made of glass? Isn't that
25 true?

Christina Lockwood
Cross-Examination by Mr. Davis
October 13, 2015

1 A. I don't remember.

2 MR. DAVIS: Beg your indulgence.

3 [Whereupon, Mr. Davis reviews documents.]

4 MR. DAVIS: Nothing further.

5 THE COURT: Redirect?

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MIA PERRON, CVR-CM-M

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Christina Lockwood
Redirect Examination by Mr. West
October 13, 2015.

REDIRECT EXAMINATION

BY MR. WEST:

Q. Ms. Lockwood, has anything Mr. Davis asked you change the fact that you've identified Sha'Quille Washington as the shooting of Herman Manigault multiple times?

A. Huh?

Q. Has anything Mr. Davis said changed the fact that you've identified this defendant, Sha'Quille Washington, as the shooter of Herman Manigault multiple statements?

A. Could you like -- I know who he is.

MR. WEST: All right. No further questions.

THE COURT: Mr. Davis?

Christina Lockwood
Recross-Examination by Mr. Davis
October 13, 2015

RECROSS-EXAMINATION

BY MR. DAVIS:

Q. You know who he is and you cannot tell this jury, all fourteen of them, that you witnessed or saw this young man shot anybody?

A. I do not remember.

MR. DAVIS: No further questions.

THE COURT: Ladies and gentlemen, we have reached a period where -- Mr. Foreman, this will be your first task as a foreperson -- we could go until about 6:00 p.m. this evening, so I need you to adjourn with your members and inquire whether you want to go until 6:00 p.m. with a witness this evening or you wish to end at this point. If you wish to go until 6:00, please utilize the time and make any childcare arrangements that you need to make.

Please rise for the jury.

[Whereupon, the jury exits the courtroom at 4:08 p.m.]

THE COURT: Thank you. Please be seated.

Ms. Lockwood, you may step down. Thank you.

[Whereupon, Ms. Lockwood is excused and exits the witness stand]

THE COURT: About ten minutes if y'all want to --

MR. DAVIS: Thank you.

Kevin Murphy
Direct Examination by Mr. Poulos
October 13, 2015

KEVIN MURPHY,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. POULOS:

Q. Where are you currently employed?

A. I'm employed with the Berkeley County Sheriff's
Office.

Q. How long have you been with the sheriff's office?

A. Twelve years, I think.

Q. And what's your current position there? What do
you do?

A. I'm a detective lieutenant. I do internet crimes
against children, and digital forensics.

Q. How long have you been with Berkeley County
Sheriff's Office?

A. I think about twelve years.

Q. Lieutenant, I want to direct your attention
specifically to September 4th, 2013. Did you conduct a data
extraction from the defendant's Blackberry iPhone?

A. I did.

Q. I'm going to show you what's marked as State's
Exhibit 51. Can you tell me, is this the phone that you did
the extraction from?

A. It appears to be the phone.

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Kevin Murphy
Direct Examination by Mr. Poulos
October 13, 2015

1 Without actually turning it on and looking at the
2 internal codes that are in there, I -- but it appears to be
3 the phone.

4 Q. Based on the chain of custody attached --

5 A. Yes, sir.

6 Q. -- to that?

7 A. Based on the chain of custody. Yes, sir.

8 MR. POULOS: Offer the phone into evidence as
9 State's 51.

10 THE COURT: Any objection?

11 MR. DAVIS: No objection.

12 THE COURT: State's 51 into evidence without
13 objection.

14 [Whereupon, State's Exhibit Number 51 is admitted
15 into evidence by the Court]

16 Q. [Mr. Poulos] Lieutenant, how did you go about --
17 Well, I'll give you a minute.

18 Q. [Mr. Poulos] Lieutenant, how did you go about
19 extracting the data from that phone?

20 A. I used Cellebrite software called U-Fed Physical
21 Analyzer.

22 Q. What is that?

23 A. Cellebrite is an industry standard for cell phone
24 data extractions.

25 They sell a software which basically you connect

Kevin Murphy
Direct Examination by Mr. Poulos
October 13, 2015

1 the phone to a computer, it extracts the data, and then the
2 software parses it out into a readable format.

3 Q. Do you have certifications in using that software?

4 A. I do.

5 I have two certifications for the universal
6 forensic extraction device itself, and for the software.

7 Q. I want to show you what's been marked as State's
8 Exhibit 34. Do you recognize this disk?

9 A. I do. And it bears my initials.

10 Q. What do you recognize it to be?

11 A. This contains the forensic report from that
12 extraction.

13 Q. And how do you know that that is the report, the
14 data on that disk?

15 A. I've reviewed that disk and that is the disk that I
16 submitted into evidence.

17 Q. Does it contain your initials?

18 A. It does contain my initials.

19 MR. POULOS: I would offer that into evidence as
20 State's 34...

21 THE COURT: Any objection?

22 MR. DAVIS: Not to that extent, specifically. I
23 don't know what's on the disk. Now, this is the phone
24 and, now, this is the disk. I don't know the
25 information on --

Kevin Murphy
Direct Examination by Mr. Poulos
October 13, 2015

1 THE COURT: So you have an objection to 34?

2 MR. DAVIS: Yes, I do object, without knowing.

3 THE COURT: All right. You may approach.

4 [Whereupon, an off-the-record bench conference is
5 held]

6 THE COURT: Thank you.

7 Q. [Mr. Poulos] Lieutenant, you identified that as --
8 that disk as containing the data you extracted from the phone;
9 correct?

10 A. It contains the forensic report, which is parsed
11 from the data, yes!

12 Q. I'm going to show you State's 48.

13 MR. DAVIS: It's going to be marked for ID only --

14 THE COURT: All right. Thank you.

15 MR. DAVIS: -- and then they're going to provide me
16 a copy of that.

17 THE COURT: All right. Thank you.

18 Q. [Mr. Poulos] Do you recognize that document?

19 A. Yes.

20 Q. What is it?

21 A. This is an extraction of data that is contained --
22 it's not all of the data, it's what's called a time line, that
23 was printed from the report contained on that disk.

24 And I have initial -- I have reviewed it and
25 compared it with the data on the disk. I was there when it

Kevin Murphy
Direct Examination by Mr. Poulos
October 13, 2015

1 was printed, and I did initial it to indicate that.

2 Q. And so that's an excerpt of the data on the disk?

3 A. It is.

4 MR. POULOS: I have no further questions, Your
5 Honor.

Kevin Murphy
Cross-Examination by Mr. Davis
October 13, 2015

CROSS-EXAMINATION

BY MR. DAVIS:

Q. But it's not a complete compilation. It's a portion; isn't that true?

A... It is a -- it is a portion of it, yes.

MR. DAVIS: Okay. Thank you.

THE COURT: Mr. Poulos?

MR. WEST: Nothing further, Your Honor.

THE COURT: Lieutenant, you may step down. Thank you.

THE WITNESS: Yes, ma'am.

THE COURT: Feel free to stay with us, if you would like.

[Whereupon, Mr. Murphy is excused and exits the witness stand.]

THE COURT: Call your next witness.

MR. WEST: The State calls Detective Dan Wilson.

THE COURT: Sir, please come forward and be sworn.

[Whereupon, Mr. Wilson comes forward]

THE CLERK OF COURT: Please raise your right hand. Place your left hand on the Bible.

[Whereupon, Mr. Wilson is duly sworn by the clerk of court as follows: do you solemnly swear or affirm the testimony you will give the Court in the trial of this case will be the truth, the whole truth, and

Kevin Murphy
Cross-Examination by Mr. Davis
October 13, 2015

nothing but the truth, so help so you God]

THE WITNESS: I do.

THE CLERK OF COURT: Please be seated.

[Whereupon, Mr. Wilson takes the witness stand]

THE CLERK OF COURT: State your full name, and
spell your last name for the record.

THE WITNESS: Daniel K. Wilson. W-I-L-S-O-N.

THE COURT: Mr. West?

Daniel Wilson
Direct Examination by Mr. West
October 13, 2015

DANIEL WILSON,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. WEST:

Q. Detective Wilson, could you please tell the jury where you work.

A. Berkeley County Sheriff's Office.

Q. And could you tell the jury what your job title and rank is?

A. Currently, I'm a detective sargent assigned to the criminal investigation division.

Q. And were you in that same capacity in 2013?

A. I was in CID, but I was a private at that time.

Q. Tell the jury how you first became involved in the incident that brings us here today.

A. From I responded on the incident date, with Detective Shuler.

I was notified to respond by I initially went to the hospital to meet any witnesses that was presently at the hospital, and tried to meet with the victim.

Q. Do you remember who you met there?

A. I met I believe the girlfriend was there. I can't recall her name right now. I think you've got the statement. But -- and a couple of people that were present at the scene

Daniel Wilson
Direct Examination by Mr. West
October 13, 2015

1 that gave me -- initially gave me a small statement. Made
2 contact later.

3 Q. Would it refresh your memory if you looked at your
4 report?

5 A. Yes, it would.

6 MR. WEST: I'm showing the witness his report, just
7 to refresh his recollection.

8 [Whereupon, the witness reviews documents]

9 A. Yeah. On the 25th of August of 2013, I responded
10 to the Roper Hospital in Moncks Corner -- I'm sorry -- in
11 Mount Pleasant.

12 Q. [Mr. West] And who did you meet there?

13 A. The first person, met with a Francis Larry Jenkins.

14 Q. And was anybody else there that you remember?

15 A. Ms. Christina Lockwood and an Arianna Coakley.

16 Q. Did you take any statements from anybody at the
17 hospital?

18 A. I did.

19 Q. And who did you take statements from?

20 A. I took statements initially from the -- I think
21 Ms. Christina Lockwood, who she was upset so we didn't get
22 her complete statement.

23 Q. What was your next involvement after you left the
24 hospital?

25 A. I initiate -- I assisted Detective Shuler in

Daniel Wilson
Direct Examination by Mr. West
October 13, 2015

1 conducting some of the interviews. And then once a suspect
2 was identified, I assisted in presenting the photo line-ups to
3 the witnesses that I just identified.

4 Q. Do you know who you presented photo line-ups to?

5 A. Yes.

6 I presented to Francis Larry Jenkins, who gave a
7 description of the suspect, to Christina Lockwood, and an
8 Arianna Coakley.

9 MR. WEST: For purposes of the record, I think
10 these are the only two that have not been entered into
11 evidence.

12 Q. [Mr. West] State's Number 41 and 42: do you
13 recognize those documents?

14 A. I do.

15 Q. And what are they?

16 A. This is the photo line-up, we call it a six-pack,
17 where it's a series of six photographs presented to Francis
18 Larry Jenkins, II, on 8/26 of '13.

19 Q. Okay. Tell the jury how a photo line-up is
20 generated.

21 A. Once a suspect is identified by witnesses, possible
22 suspect, we usually use the SLED lab.

23 We obtain their information, their date of birth.
24 We provide that information, date of birth, driver's license,
25 and name, full name, on a standardized form, to the SLED lab

Daniel Wilson
Direct Examination by Mr. West
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1 in Columbia. We e-mail it to them. And then shortly, they'll
2 send us back -- they'll go through their databases, find
3 individuals of similar make, hairstyles, facial features, and
4 stuff like that, and they'll send it back to us to present to
5 the witness in the line-up.

6 Q. So you don't select who to put?

7 A. We do not select who to put in there, no.

8 MR. WEST: At this time, we would move State's 41
9 and 42 into evidence.

10 MR. DAVIS: No objection, Your Honor.

11 THE COURT: State's 41 and 42 into evidence. No
12 objection.

13 [Whereupon, State's Exhibit Number 41 is admitted
14 into evidence by the Court]

15 [Whereupon, State's Exhibit Number 42 is admitted
16 into evidence by the Court]

17 Q. [Mr. West] So you showed Larry Jenkins --

18 A. I did.

19 Q. -- Arianna Coakley and Christina Lockwood --

20 A. Yes.

21 Q. -- photo line-ups in this case?

22 A. I did.

23 Q. Are you aware if anybody identified the defendant
24 as --

25 A. They did --

Daniel Wilson
Direct Examination by Mr. West
October 13, 2015

1 Q. -- the shooter?

2 A. -- all three of them did.

3 Q. Okay. Did you collect any other evidence in this
4 case?

5 A. I did not.

6 Q. Did you ever -- were you ever involved in the
7 collection of gunshot residue?

8 A. Yes.

9 I apologize. On the initial scene, he -- when I
10 got to the hospital, the victim had been -- had succumbed to
11 his injuries and passed away. In route, I had asked the
12 personnel to -- the medical personnel to bag his hands so that
13 I can collect a GSR kit on the victim, which I did that while
14 I was at the hospital.

15 MR. WEST: I'm showing the witness State's
16 Number 24.

17 Q. [Mr. West] Do you recognize that?

18 A. Yes. This is the chain of custody form that we use
19 to submit the GSR kits where it's collected, and then they're
20 sent for analysis.

21 Q. What's the package?

22 A. The package is the standardized sealed package that
23 it gets put in when we submit it.

24 Q. Is that, in fact, the same GSR kit that you
25 collected from the victim?

Daniel Wilson
Direct Examination by Mr. West
October 13, 2015

1 A. It is.

2 MR. WEST: At this time, the State would move
3 State's Number 24 into evidence.

4 THE COURT: Any --

5 MR. DAVIS: No objection, Your Honor.

6 THE COURT: No objection? State's 24 into evidence
7 without objection.

8 [Whereupon, State's Exhibit Number 24 is admitted
9 into evidence by the Court]

10 Q. [Mr. West] Are you familiar with why you would
11 collect gunshot residue from the victim in a case?

12 A. Yeah.

13 A lot of times during an investigation it's
14 determined that there may have been an altercation amongst all
15 parties involved, the victim and the suspects in this case,
16 and to eliminate any possibility of complicity or anything on
17 any parts, we normally -- in any type of a shooting incident,
18 whether you're the victim or the suspect, we normally collect
19 a GSR kit to eliminate any type of questions on if they fired
20 a weapon or not.

21 Q. Are you familiar with whether -- or is it necessary
22 that the person who has fired a gun to have gunshot residue on
23 them?

24 A. No.

25 They can just handle a weapon, also, and it can be

Daniel Wilson
Direct Examination by Mr. West
October 13, 2015

1 transferred at that point also.

2 Q. How about if somebody is shot?

3 A. If somebody gets shot?

4 Q. If somebody's shot.

5 A. If somebody's shot, obviously it'll be transferred
6 to them from the muzzle blast and so on.

7 MR. WEST: Thank you. No further questions for
8 this witness, Judge.

9 MR. DAVIS: No questions.

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

11 THE WITNESS: Thank you.

12 THE COURT: Feel free to stay with us.

13 [Whereupon, Mr. Wilson is excused and exits the
14 witness stand]

15 THE COURT: Call your next witness.

16 MR. POULOS: The State calls Detective Cortee.

17 THE COURT: Sir, please come forward and be sworn.

18 [Whereupon, Mr. Cortee comes forward]

19 THE CLERK OF COURT: Please raise your right hand.
20 Place your left hand on the Bible.

21 [Whereupon, Mr. Cortee is duly sworn by the clerk
22 of court as follows: do you solemnly swear or affirm
23 the testimony you will give the Court in the trial of
24 this case will be the truth, the whole truth, and
25 nothing but the truth, so help so you God]

Daniel Wilson
Direct Examination by Mr. West
October 13, 2015

1 THE WITNESS: Yes, ma'am, I do.

2 THE CLERK OF COURT: Please be seated.

3 [Whereupon, Mr. Cortee takes the witness stand]

4 THE CLERK OF COURT: State your full name, and
5 spell your last name for the record.

6 THE WITNESS: Michael Richard Cortee, II. And the
7 last name is spelled C-O-R-T-E-E.

8 THE COURT: Mr. Poulos?

9 MR. POULOS: Thank you, Your Honor.

10 Good afternoon, Detective.

11 THE WITNESS: Good afternoon, sir.

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Michael Richard Cortte
Direct Examination by Mr. Poulos
October 13, 2015

MICHAEL RICHARD CORTEE,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. POULOS:

Q. Where do you work?

A. Berkeley County Sheriff's Office.

Q. And how long have you been with the sheriff's
office?

A. Since March of 2007.

Q. What do your duties entail there?

A. I'm currently a detective in the criminal
investigations division.

Q. And were you employed by the sheriff's office in
August, 2013?

A. Yes, I was.

Q. I want to direct your attention specifically to
August 25th, 2013. On that day, did you respond to the
Medical University of South Carolina in reference to this
case?

A. I did.

Q. What did you do there?

A. I was contacted by Detective Captain Shuler and was
advised to -- request to go respond there to attend and
observe the autopsy of the victim, Herman Manigault, from the

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Michael Richard Cortte
Direct Examination by Mr. Poulos
October 13, 2015

1 homicide investigation that was under way.

2 Q. And did you retrieve items from the pathologist
3 during that autopsy?

4 A. Yes, I did.

5 Q. I'm going to show you what's marked as State's 26.

6 MR. DAVIS: No objection, Your Honor, to the --

7 THE COURT: All right. State's 26.

8 [Whereupon, State's Exhibit Number 26 is admitted
9 into evidence by the Court]

10 Q. [Mr. Poulos] Do you recognize those items? You
11 can review the chain of custody form if you need to.

12 [Whereupon, the witness reviews documents]

13 A. The items are in an envelope here that are sealed,
14 but I do recognize them as listed on here as the items that I
15 collected, or some of the items that I collected, from the
16 autopsy that day.

17 Q. [Mr. Poulos] Are those projectiles you collected,
18 bullets from the autopsy?

19 A. Yes. Correct. Fired or spent bullets.

20 MR. POULOS: I would offer those into evidence,
21 Your Honor, as State's 26.

22 MR. DAVIS: I said I didn't object to it earlier.

23 THE COURT: State's 26 into evidence without
24 objection.

25 [Whereupon, State's Exhibit Number 26 is admitted

Michael Richard Cortte
Direct Examination by Mr. Poulos
October 13, 2015

1 into evidence by the Court]

2 MR. POULOS: Thank you, Your Honor.

3 Q. [Mr. Poulos] Did you also retrieve a pair of tan
4 shorts from the autopsy?

5 A. Yes, I did.

6 MR. DAVIS: No objection again, Your Honor.

7 THE COURT: Please let him just lay the foundation
8 and get it marked and introduced so that the record is
9 clear. Thank you.

10 Q. [Mr. Poulos] Show you State's 52. Are those the
11 tan shorts you retrieved from the autopsy belonging to the
12 victim, Mr. Manigault?

13 THE WITNESS: The Court's indulgence, Your Honor.
14 Thank you.

15 THE COURT: And there are some gloves down there,
16 if you need them.

17 A. Yes, sir. These appear to be the tan shorts.

18 MR. POULOS: And as stipulated by defense counsel,
19 Your Honor, we would like to put these into evidence as
20 State's 52.

21 THE COURT: State's 52 into evidence without
22 objection.

23 [Whereupon, State's Exhibit Number 52 is admitted
24 into evidence by the Court]

25 MR. POULOS: I have no further questions for this

Michael Richard Cortte
Direct Examination by Mr. Poulos
October 13, 2015

1 witness, Your Honor.

2 THE COURT: Mr. Davis, any questions for this
3 witness?

4 MR. DAVIS: No questions for Mr. Cortte.

5 THE COURT: You may step down. Feel free to stay
6 with us.

7 [Whereupon, Mr. Cortte is excused and exits the
8 witness stand]

9 THE COURT: Counsel, just approach.

10 MR. DAVIS: Thank you, Your Honor.

11 [Whereupon, an off-the-record bench conference is
12 held]

13 THE COURT: Ladies and gentlemen, I anticipated
14 that we were going to have more witnesses this evening
15 but what has happened is the State and the defendant
16 have entered into a stipulation, which is, in essence,
17 an agreement. And so what that does is prohibit -- or
18 prevent witnesses from having to come and testify, and
19 so the attorneys will put it in writing and it read to
20 you. So the witnesses that do not testify today and
21 into the morning are from the South Carolina Law
22 Enforcement Division. You may recall me reading those
23 witnesses' names previously. And so those witnesses
24 will not physically come to testify, but there will be a
25 stipulation and Mr. West or Mr. Davis will read that

Michael Richard Cortte
Direct Examination by Mr. Poulos
October 13, 2015

1 into the record first thing in the morning.

2 So what that means is we have ended early. And I
3 do appreciate you all making the accommodation to stay
4 later. But we are done for the afternoon. We are out
5 of witnesses for the afternoon, due to the stipulation.
6 So, again, thank you for your accommodation.

7 Ladies and gentlemen, we have reached the stage of
8 the trial where I will tell you: please remember all of
9 my admonitions. Do not read, watch, listen to any news
10 accounts regarding this case, should there be any. Do
11 not do any independent investigation. Do not begin
12 deciding any issue in this case, and do not discuss this
13 case with anyone in any fashion.

14 Please take your notepads and other items with you.
15 Please report back. We will begin promptly at 9:30.
16 And, again, thank you for being so prompt in all of your
17 appearances today. Thank you.

18 Please rise for the jury.

19 [Whereupon, the jury exits the courtroom at
20 4:50 p.m.]

21 THE COURT: Thank you. Be seated.

22 All right. We are at ease until 9:15 in the
23 morning. I just need counsel to stay. We just have
24 some housekeeping matters to attend to, so everybody
25 else may be released.

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) NINTH JUDICIAL CIRCUIT
 COUNTY OF BERKELEY) CASE NO.: 2015-GS-08-01333

STATE OF SOUTH CAROLINA)
)
)
 VS.)
)
)
 SHA'QUILLE MI'LEAK JAMAL WASHINGTON,)
)
)
 DEFENDANT.)
)
)

JURY TRIAL

VOLUME 3 OF 5

held before the Honorable Kristi L. Harrington
 Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
 in the Berkeley County Courthouse
 Moncks Corner, South Carolina
 on Wednesday, October 14, 2015, Commencing at 9:28 a.m.

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 Circuit Court Reporter - 9th Judicial Circuit
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Whitney Berry
Direct Examination by Mr. Poulos
October 14, 2015

WHITNEY BERRY,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. POULOS:

Q. Where do you work?

A. I work for the South Carolina Law Enforcement
Division, also known as SLED.

Q. How long have you worked there?

A. I've worked there for a little over two and a half
years.

Q. What is your position at SLED?

A. I am a forensic scientist in the trace evidence
department, and I specialize in gunshot residue analysis.

Q. Ms. Berry, what is your educational background and
training?

A. I have a bachelor's of science degree, from the
University of South Carolina, in chemistry.

And I've also completed SLED's in-house gunshot
residue training course, which is a nine-month program. It
includes working cases under the supervision of a qualified
analyst, observing courtroom testimony, reading journal and
scientific articles regarding how to analyze gunshot residue,
as well as learning the ins-and-outs of how to operate the
scanning micron microscope instrument.

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1 Q. Ms. Berry, how many gunshot residue analyses would
2 you say you've performed in your career?

3 A. In training, I probably did about 200 cases under
4 supervision and since I have been qualified, I've probably
5 done an additional 800 or so cases.

6 MR. POULOS: Your Honor, at this time I would like
7 to qualify Ms. Berry as an expert in gunshot residue
8 analysis.

9 THE COURT: Any objection?

10 MR. DAVIS: None, Your Honor.

11 THE COURT: Ladies and gentlemen, normally a person
12 cannot give opinion testimony. Typically, when a person
13 testifies they must testify as to either what they
14 heard, saw, or sensed by smell or something of that
15 nature. There is an exception in our law, when someone
16 is qualified because of their education or experience.

17 Ms. Berry will be qualified as an expert in the
18 area of gunshot residue analysis to give opinion
19 testimony in that area.

20 Ladies and gentlemen, that does not mean that you
21 must accept her opinion. It is simply evidence for you
22 to use in any way that you see fit.

23 Mr. Poulos.

24 MR. POULOS: Thank you, Your Honor.

25 Q. [Mr. Poulos] Ms. Berry, what is gunshot residue?

Whitney Berry
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1 A. Gunshot residue, or what we're looking for
2 specifically is gun primer residue, is a metal component of
3 the primer that is in the bottom of the cartridge. So when
4 you go to fire a gun, you have your bullet at the top of the
5 cartridge and at the bottom you have a primer powder.

6 When the hammer hits the capsule that contains the
7 primer powder, a small explosion happens and the metals inside
8 vaporize and they become airborne. They come out through
9 different areas of the gun. And as they cool down in the air,
10 they re-solidify and they all merge together and they become
11 round or molten particles that would land on the hands or
12 anything around where the gun was fired.

13 Specifically, we're looking for lead, barium, and
14 antimony particles because these three elements are unique to
15 gun primer.

16 Q. How would gunshot residue get onto a person? What
17 are the various ways?

18 A. Well, first, you could get it by firing a gun.

19 On a revolver -- or a semiautomatic gun, it would
20 come out of, obviously, the barrel under the gun. On a
21 revolver, it would come out of the cylinder gap, which if
22 you've seen an old-west movie, a part where they pull out the
23 side, they load in the bullets, and they close it back up. If
24 you've seen an old-west movie, you've see the little poof of
25 gun smoke around the hands when they fire, and then you also

Whitney Berry
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1 see a little poof out the end. That would be where your gun
2 primer would come from in those cases.

3 In a semiautomatic gun, it could come from the
4 slag, the ejection port, whenever the cartridge is ejected, as
5 well as out the barrel under the gun.

6 People can also get it on their hands through what
7 we call transfer. So anything around where the gun was fired
8 could potentially have gunshot residue on it, including a
9 table or clothing. And if someone were to touch those things,
10 they could potentially get it on their hands through transfer,
11 as well.

12 Q. If you are the person who is shot, could gunshot
13 residue get on you that way?

14 A. Yes.

15 The majority of the gunshot residue or the primer
16 residue will follow the path of the projectile or bullet
17 towards its intended target. So it is not unusual to find
18 gunshot residue on victims.

19 Q. Now, specifically as to a revolver, do they have a
20 tendency to project more, or less, gunshot residue than other
21 types of firearms?

22 A. Generally it depends on the condition of the gun,
23 and what caliber of ammunition it's using, as to how much it
24 will produce.

25 If it is a dirtier gun, then perhaps you might get

Whitney Berry
Direct Examination by Mr. Poulos
October 14, 2015

1 more because there would be buildup in it. If it's a cleaner
2 gun, then you may not get as much, depending on what the
3 caliber is.

4 In general, I would say that revolvers do have the
5 potential to deposit more on the hands just because the
6 cylinder gap is so much larger than the ejection slot on a
7 semiautomatic.

8 Q. Ms. Berry, is it easy to wash away gunshot residue?

9 A. It is very easy to remove, yes.

10 Q. How would you go about removing it?

11 A. If you imagine that you're in your kitchen and you
12 have flour on your hands, every time you clap your hands or
13 you touch something or wipe your hands, a little bit of that
14 flour comes off. And that's very similar to gunshot residue
15 and how it can be transferred or wiped away.

16 It can come off from just wiping it, it can come
17 off from putting your hands in your pockets, wiping your hands
18 on your pants, sweating, blood, excessive rain or wind, as
19 well as just washing your hands. Even some particles will be
20 absorbed through the skin.

21 Q. Ms. Berry, do you have certain protocols as to when
22 you will or will not test a gunshot residue kit?

23 A. Yes, we do.

24 Q. What are those?

25 A. On a living person, a kit collected from a living

Whitney Berry
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1 person, we will not test if it is collected six hours after
2 the incident occurred and that is because the scientific
3 working group for gunshot residue has recognized that between
4 four to six hours, we don't expect to find anymore gunshot
5 residue on a person, just from normal, regular, everyday
6 activity. It should come off through whatever they do.

7 If we were to test something after the six-hour
8 point, we wouldn't be able to tie it to a specific incident,
9 so SLED policy is we won't test after six hours off a living
10 person.

11 Off a deceased person or a victim, we will in some
12 cases test the GSR kit. It's not necessarily probative
13 always, because we expect to find gunshot residue on a victim.
14 There are some cases where you would find an excessive
15 distance between the victim and the suspect, or there could be
16 something in between them where we would test.

17 Q. Ms. Berry, I want to show you three exhibits.
18 We'll go through them one-by-one.

19 A. Okay.

20 Q. 23, 24, which is already in evidence, and 25.

21 [Whereupon, Mr. Poulos and Mr. Davis confer]

22 MR. DAVIS: No objection, Your Honor.

23 THE COURT: To 23, 24 and 25?

24 MR. DAVIS: That's correct.

25 THE COURT: State's 23, 24 and 25 into evidence

Whitney Berry
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1 without objection.

2 I show that 24 was previously admitted.

3 [Whereupon, State's Exhibit Number 23 is admitted
4 into evidence by the Court]

5 [Whereupon, State's Exhibit Number 25 is admitted
6 into evidence by the Court]

7 Q. [Mr. Poulos] Ms. Berry, first, as to Exhibit 25,
8 can you identify that document for us, please?

9 A. This is a copy of the report that I generated on
10 the evidence submitted in this case.

11 Q. As to Exhibits 24 and 23, are those the items
12 examined in your report?

13 A. Yes, sir, they are.

14 Q. Thank you.

15 This report is a fair and accurate representation
16 of your analysis?

17 A. Yes, it is.

18 MR. POULOS: As noted, these are already in
19 evidence.

20 Q. [Mr. Poulos] Referencing your report, I direct
21 your attention to item number 1. What is item 1?

22 A. Item 1 is a GSR kit from Sha'Quille Mi'Leak
23 Washington.

24 Q. What were the results of that test?

25 A. I did not analyze the gunshot residue submitted off

Whitney Berry
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1 Sha'Quille Mi'Leak Washington, or State's Exhibit 23, so no
2 gunshot residue analysis was performed. This was because the
3 kit, the GSR kit, was collected more than six hours after the
4 incident time.

5 Q. Now, directing your attention to item 2 in your
6 report, what item is that?

7 A. This is the GSR kit from Herman Manigault, III.

8 Q. And what are the results of that analysis?

9 A. The results for the right hand were particles of
10 gunshot residue were found. So this would be multiple three-
11 component particles that contain lead, barium, and antimony,
12 that would be unique to the primer of a gun.

13 This gunshot residue can come from discharging a
14 firearm or firing it, being in the vicinity to discharge of a
15 firearm, so being nearest the one who fired it. This could
16 include being a victim or standing next to someone, or coming
17 into contact with a surface that had gunshot residue on it
18 such as a table or clothing or the gun itself.

19 Q. Items 2.1 and 2.2, what are those items and what
20 are the results of those examinations?

21 A. Inside each gunshot residue kit are particle lifts.
22 They look like this. They're labeled for the different areas
23 of the hand we want sampled. So what gets sampled are the
24 palms of each hand and the backs of each hand.

25 Our sample, by using this particle lift, is a piece

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1 of double-sided tape with a black spot in the middle and you
2 would dab it on the hands and that would pick up any
3 particulate matter that might be on there.

4 We then analyze it with a scanning electron
5 microscope and then we go back through and we make our
6 identification based on what is selected of interest.

7 So for item 2.1, that's the right hand so that
8 would include lifts from the right palm and the right back,
9 and it was positive and particles of gunshot residue were
10 found. And on the left hand, item 2.2, it was also positive
11 with multiple particles of gunshot residue found.

12 Q. Ms. Berry, just to be clear. The only items -- the
13 only parts of the body that were tested here, that you
14 received items from, were the hands; correct?

15 A. Yes, the hands.

16 Q. And, again, you testified that if you were the
17 person who is being shot --

18 A. Yes.

19 Q. -- at close range, gunshot residue can get on your
20 body?

21 A. Yes.

22 We expect it to. When the gunshot residue comes
23 out of the muzzle under the gun and follows the bullet, it
24 comes out in kind of a cone pattern. So we expect everything
25 in that cone to potentially have GSR on it. That's how

Whitney Berry
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1 someone could get it on their hands of the victim, even if
2 they were shot somewhere else.

3 MR. POULOS: If I could have a moment, Your Honor.
4 Thank you.

5 Q. [Mr. Poulos] Is there a particular range of
6 distance that you have to be to a gun, if you're the victim
7 being shot, in order to get gunshot residue on you?

8 A. It depends entirely on the caliber of the gun, the
9 condition of the gun, and possibly environment factors if it
10 was an outdoor shooting.

11 Q. Let's say we're talking about a .38 caliber
12 revolver or a .357 Magnum. Is there an approximate distance
13 that would be too far, in your opinion, to get gunshot residue
14 on you if you're the person who was shot?

15 A. We have an approximate -- basically, a table of
16 approximations for how far we would expect it to go. I would
17 expect it wouldn't travel more than maybe five feet.

18 MR. POULOS: I have nothing further, Your Honor.
19 Thank you.

20 THE COURT: Mr. Davis?

21 MR. DAVIS: Good morning. Good morning, Ms. Berry.
22 How are you doing this morning?

23 THE WITNESS: Good morning. I'm doing well.
24 Yourself?

25 MR. DAVIS: Thank you. Just a few questions.

Whitney Berry
Cross-Examination by Mr. Davis
October 14, 2015

CROSS-EXAMINATION

BY MR. DAVIS:

Q. You said that SLED makes a determination if the GSR kit is performed on an individual beyond six hours, y'all would not perform the test?

A. That is correct.

Q. So if you received information, it all depends on when it was done? The timing is very, very important?

A. Yes, it is.

Q. Very, very important.

And this information about timing should be known by all law enforcement officers, detective division, as taught by SLED?

A. It is in our SLED submission manual. I can't speak to how individual departments would train someone to collect GSR. But it is in our submission manual that we don't test.

Q. You would expect a competent sheriff's department, which is certified at the highest level, to comply with SLED's mandate that that information or that GSR examination be conducted within six hours?

A. I would expect if they planned to submit the evidence, that they would be aware of our policies, yes.

MR. DAVIS: Thank you. No further questions.

THE COURT: Mr. Poulos?

MR. POULOS: Nothing from the State.

Whitney Berry
Cross-Examination by Mr. Davis
October 14, 2015

1 THE COURT: Ms. Berry, you may step down. Thank
2 you so much.

3 [Whereupon, Ms. Berry is excused and exits the
4 witness stand]

5 THE COURT: Call your next witness.

6 MR. POULOS: The State calls Michele Eichenmiller
7 from SLED..

8 [Whereupon, Ms. Eichenmiller comes forward]

9 THE CLERK OF COURT: Please raise your right hand.
10 Place your left hand on the Bible.

11 [Whereupon, Ms. Eichenmiller is duly sworn by the
12 clerk of court as follows: do you solemnly swear or
13 affirm the testimony you will give the Court in the
14 trial of this case will be the truth, the whole truth,
15 and nothing but the truth, so help so you God]

16 THE WITNESS: I do.

17 THE CLERK OF COURT: Please be seated.

18 [Whereupon, Ms. Eichenmiller takes the witness
19 stand]

20 THE CLERK OF COURT: State your full name, and
21 spell your last name for the record.

22 THE WITNESS: My name is Michele Eichenmiller.
23 E-I-C-H-E-N-M-I-L-L-E-R.

24 MR. POULOS: Good morning, Ms. Eichenmiller.

25 THE WITNESS: Good morning.

Michele Eichenmiller
Direct Examination by Mr. Poulos
October 14, 2015

MICHELE EICHENMILLER,

Having Been First Duly Sworn,

was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. POULOS:

Q. Where do you work?

A. I work for the South Carolina Law Enforcement
Division in the forensic lab.

Q. How long have you been employed there?

A. About nine and a half years.

Q. What is your position and title?

A. I work in the firearm and tool-mark identification
section.

Q. What does that entail?

A. A firearms examiner, our job is to attempt to
identify if a bullet or a cartridge came from a certain
firearm. That's generally what we do. There's a couple of
other exams that we'll do, but that's generally what we do.

Q. What is your educational background and experience?

A. I have a bachelor's degree in biology. I also have
a master of science in forensic science.

Q. Have you undergone to any training at SLED?

A. I have.

We have an in-house training program. In order to
be a firearms examiner, you can't go to school for it. You

Michele Eichenmiller
Direct Examination by Mr. Poulos
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1 have to learn under other court-qualified examiners. It's a
2 three- to five-year program where you're kind of an
3 apprentice. You read a lot of your own. You do microscopic
4 examination. But you also sit in their offices and learn the
5 day-to-day work that they do.

6 Q. Ms. Eichenmiller, how many ballistics and firearm
7 analyses would you say you've completed in your career at
8 SLED?

9 A. Hundreds.

10 MR. POULOS: Your Honor, I would at this time ask
11 to qualify Ms. Eichenmiller as an expert in firearms
12 identification.

13 MR. DAVIS: No objection.

14 THE COURT: She will be so qualified.

15 Mr. Poulos?

16 MR. POULOS: Thank you, Your Honor.

17 Q. [Mr. Poulos] I would like to show you State's
18 Exhibit 26 and 28.

19 MR. DAVIS: No objection, Your Honor.

20 Q. [Mr. Poulos] First, as to Exhibit 28, what is that
21 document?

22 A. It's a copy of one of the reports I issued in this
23 case.

24 Q. And is that a report pertaining to the projectiles
25 pertaining to Exhibit 26, which is already in evidence?

Michele Eichenmiller
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1 A. Do you want me to open it or -- I mean, it's still
2 sealed, with my name -- or my initials, the date, and SLED
3 evidence tape, so whatever I put in this envelope is what's
4 still there. And so it's items 3 and 4, my item numbers, but
5 it States Exhibit 26. Two bullets.

6 Q. And it is what is analyzed in your report?

7 A. Correct.

8 Q. Is your report a fair and accurate representation
9 of your analysis of those projectiles?

10 A. Yes.

11 MR. POULOS: Your Honor, I would offer State's 28
12 into evidence.

13 THE COURT: Any objection?

14 MR. DAVIS: None, Your Honor.

15 THE COURT: State's 28 into evidence without
16 objection.

17 [Whereupon, State's Exhibit Number 28 is admitted
18 into evidence by the Court]

19 Q. [Mr. Poulos] Describe your analysis of those
20 bullets.

21 A. Whenever we receive evidence in a case, we can
22 receive a variety of evidence. We can receive bullets,
23 cartridge cases, firearms.

24 In this case I only received the bullets at first.
25 When we only receive a bullet, the best we can do is say how

Michele Eichenmiller
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1 many guns were involved, if possible, and then give a list of
2 manufacturers that make firearms with the specifications that
3 are on those bullets.

4 So manufacturers can pick how many lands and
5 grooves they want, what the width of those markings are, what
6 diameter; so what caliber, and the list of an investigative
7 lead to try to help determine what firearm fired those
8 bullets.

9 Q. Now, just to be clear, the bullets that we're
10 talking about that you examined were bullets that were already
11 fired; correct?

12 A. Correct.

13 Q. And what is the result of your examination of those
14 bullets?

15 A. I examined the two bullets and microscopically
16 compared them with each other.

17 I was able to determine that there was enough
18 matching individual identifying characteristics that I could
19 say they were fired by the same firearm.

20 Q. What type of firearm would they have been fired
21 from?

22 A. Their caliber was .357 Magnum or .38 Special.

23 And then we have a list of possible firearms that
24 could have been. There's about -- let's see. There's twelve
25 different manufacturers -- well, twelve -- eleven

Michele Eichenmiller
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1 manufacturers that make a .38 Special with those
2 specifications that were on those bullets, and then there's
3 five manufacturers that make .357 Magnum caliber firearms with
4 those specifications.

5 Q. I would like to show you State's 36 and 37.

6 MR. DAVIS: No objection to both of these, Your
7 Honor.

8 THE COURT: Are you moving them in at this time,
9 Mr. Poulos?

10 MR. POULOS: Yes, Your Honor.

11 THE COURT: State's 36 and 37 into evidence without
12 objection.

13 MR. POULOS: Thank you.

14 [Whereupon, State's Exhibit Number 36 is admitted
15 into evidence by the Court]

16 [Whereupon, State's Exhibit Number 37 is admitted
17 into evidence by the Court]

18 Q. [Mr. Poulos] Directing your attention specifically
19 to Exhibit 37, what is that document?

20 A. It's a copy of a second report that I issued in
21 this case.

22 Q. And does that report, in part, pertain to the
23 bullets we just talked about?

24 A. Correct.

25 Q. The same bullets?

Michele Eichenmiller
Direct Examination by Mr. Poulos
October 14, 2015

1 A. Yes.

2 Q. Analyzed at a later date?

3 A. Correct.

4 Q. And does it also pertain to the firearm marked as
5 State's 36?

6 A. Yes.

7 This box still has the evidence tape with my
8 initials and the date intact. Do you want me to take it
9 out --

10 Q. The box has been opened?

11 A. Yes.

12 Q. ' But it's been stipulated to as --

13 A. Yeah. I mean, it's the firearm.

14 Q. Referring back to your report, it's a fair and
15 accurate representation of your analysis of those bullets
16 compared to that gun?

17 A. Correct. Yes.

18 Q. Please tell us about your analysis in that
19 instance.

20 A. In this case we received the gun at a later date.
21 It turns out it was on the list of manufacturers. So I -- we
22 do some paperwork on it. We check safeties. We write down
23 the serial number, the caliber.

24 I test-fired into a water tank, so the specimens I
25 get out of it are like perfect specimens from the firearm, and

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1 then I put it under the microscope and compare it to the
2 bullets that I received previously.

3 Q. Did you reach a determination as to whether those
4 bullets came from that gun?

5 A. I did.

6 Q. What was your determination?

7 A. The bullets that I analyzed at first were not fired
8 by the firearm that I received.

9 Q. How would you describe the state of that firearm?
10 Was it clean?

11 A. It was fairly clean.

12 It was missing a thumb piece, which opens the
13 cylinder, but it didn't inhibit test-firing or its use and
14 function.

15 Q. Did it appear to have been fired recently or
16 cleaned recently?

17 A. I didn't notice that, but --

18 Q. Okay. When did you test that gun?

19 A. Last week.

20 Q. Thursday?

21 A. Yeah. October 8th. Thursday.

22 Q. Typically, does SLED test -- well, let me back up.
23 When did you receive the gun?

24 A. I received it last Thursday.

25 Q. So you tested it the same day you received it?

Michele Eichenmiller
Direct Examination by Mr. Poulos
October 14, 2015

1 A. Correct.

2 Q. Is that typical for SLED?

3 A. Not too typical.

4 Sometimes in extreme circumstances we get evidence
5 that we need to examine right away.

6 Q. Did you have to make any special arrangements to
7 test that gun in time for this trial today?

8 A. I did.

9 Due to the recent flooding, SLED was actually
10 closed on Thursday so I had to get special permission from my
11 Major to be able to meet and get the evidence and then examine
12 it and write the report.

13 MR. POULOS: I don't have any further questions,
14 Your Honor. Thank you.

15 THE COURT: Mr. Davis?

16 MR. DAVIS: Good morning.

17 Ms. Eichenmiller, I want to tell you I'm honored to
18 meet you. I'll tell y'all again, you know, I'm an ID
19 junkie. I watch Forensic Files a lot. Okay?

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Michele Eichenmiller
Cross-Examination by Mr. Davis
October 14, 2015

CROSS-EXAMINATION

BY MR. DAVIS:

Q. And just to follow up in reference to the question that the solicitor presented: you know, I've seen cases where if the gun had -- we find the gun -- I had a situation with a gun with years later -- and if you still have the bullet, the matching still can occur; isn't that true?

A. Correct.

Q. Yeah.

And isn't it important that if shots are fired, say five shots are fired from a weapon, then that means that there are five projectiles somewhere to be located?

A. That's possible.

They do get lost. They go on for awhile, they don't hit anything, so they just fall after --

Q. But it's out there?

A. Correct.

Q. Sometimes it's lodged in a tree, sometimes it's behind a wall. But if it is fired, there is a resting point for it; isn't that true?

A. Correct.

Q. Yeah.

So the effort is can we retrieve -- or do law enforcement retrieve it, if it's possible?

A. If it's possible.

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1 Q. So if you heard testimony that there were five
2 shots and that someone shot a gun, as credible testimony,
3 three times in a position down to the earth, downward, you
4 would expect possibly -- expert -- that there should be three
5 projectiles somewhere in that vicinity?

6 A. That's what I would expect.

7 Q. Now, I was amazed about how many manufacturers of
8 weapons. A lot of money in gun-making; isn't that true?

9 A. That's true.

10 Q. Wow. Seventeen manufacturers. Five specifically
11 just for a .38 Special?

12 A. No. Five for .357 Magnum.

13 Q. Five for .357 and twelve for the .38?

14 A. Eleven.

15 Q. These are your two prevailing guns, apparently, out
16 on the street?

17 A. No.

18 This is the caliber of the bullets that I received
19 in this case.

20 Q. And there's one other caliber they didn't send to
21 you, and I need your expertise.

22 MR. DAVIS: And I need that bullet, that rifle
23 bullet.

24 MR. POULOS: Rifle?

25 MR. DAVIS: Yeah. That deer bullet, y'all call it.

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1 Judge, I would mark this as Defense Exhibit -- I
2 think this will be Number 4. Thank you, ma'am.

3 THE COURT: Defendant's 4?

4 MR. DAVIS: I think it's SLED chain of custody, so
5 I ain't got no problem. I need you to look at it,
6 please.

7 THE COURT REPORTER: I need to mark it.

8 MR. DAVIS: I'm sorry. I'm sorry.

9 [Whereupon, Defendant's Exhibit Number 4 is marked
10 by the court reporter]

11 Q. [Mr. Davis] I hand you what's Defendant's Number
12 4, but it's been in control of the State.

13 Do you mind opening that, please, and tell me what
14 it is?

15 A. I can go ahead and take it out?

16 Q. Yes, please.

17 What caliber of bullet that is?

18 A. I mean, my expert opinion is a .223 Remington
19 caliber.

20 Q. What kind of guns would fire that bullet?

21 A. They would be typically what people think of as an
22 assault rifle.

23 Q. An AK-47?

24 A. No, sir.

25 It would be -- well, it could look like that if it

Michele Eichenmiller
Cross-Examination by Mr. Davis
October 14, 2015

1 was chambered for that round. Normally, an AK is not that
2 caliber.

3 Q. But it could look like that?

4 A. It would most likely be like an AR-15 style of
5 firearm.

6 Q. Silent firearm?

7 A. An AR-15.

8 Q. AR-15?

9 A. Uh-huh.

10 Q. An assault rifle type.

11 Look on that package. And can you determine where
12 that was retrieved from? I think the State -- I think they've
13 got a location like, you know, when they do the evidence pick-
14 up or retrieve it.

15 MR. POULOS: Object as to foundation.

16 MR. DAVIS: It's into evidence.

17 THE COURT: Mr. Davis, no speaking objections.

18 MR. DAVIS: I'm sorry, Judge..

19 THE COURT: Counsel approach.

20 [Whereupon, an off-the-record bench conference is
21 held]

22 THE COURT: Sustained. It's not in evidence.

23 Q. [Mr. Davis] Ms. Eichenmiller, I want you to look
24 at the packaging, please, the pink paper, please, because --
25 do that, yes.

Michele Eichenmiller
Cross-Examination by Mr. Davis
October 14, 2015

1 Tell the jury about chain of custody. Do you have
2 any knowledge about chain of custody and how things get to
3 you?

4 A. I know what happens to them once they get to us.

5 Q. Yeah.

6 And tell us what's important, why we have a chain
7 of custody.

8 A. It's important to be able to keep track of the
9 evidence, who's been able to get ahold of it, and then what
10 happened to it after it was in their custody.

11 Q. Yeah.

12 And this is no tricky question, Ms. Eichenmiller.
13 I'm just trying to -- from the paperwork that you have, can
14 you give me some identifying information on the package? It
15 has who presented that. I know it didn't went to SLED. I'm
16 presenting it to you for the first time. Okay?

17 A. This is a Berkeley County Sheriff's Office chain of
18 custody sheet.

19 It says it must accompany evidence at all times.
20 The arresting officer's name is on here. The victim's name.

21 Q. Which officer's name? You can say it.

22 A. It was D. Wilson.

23 Q. That's correct. Detective -- he testified earlier.
24 Go ahead.

25 A. Herman Manigault.

Michele Eichenmiller
Cross-Examination by Mr. Davis
October 14, 2015

- 1 Q. That's the victim.
2 A. Is the victim.
3 Q. Yeah.
4 A. It says that there's one item. It's a box with a
5 7.62 cartridge.
6 Q. Okay. That's the box you been showing the folks
7 earlier --
8 A. Correct.
9 Q. -- that you took the bullet out of. Okay.
10 A. It's an unfired cartridge, but, yes.
11 Q. I know. That's correct.
12 A. Item 1, which is the cartridge. On 8/25/13 was
13 released by Geno Alteri and was received --
14 Q. He's with the sheriff's department.
15 A. -- and received by the evidence room at Berkeley.
16 Q. And it's been there?
17 A. And it's on hold.
18 Q. Thank you. And now we'll put it in your hands.
19 MR. DAVIS: I move to have it introduced into
20 evidence, Your Honor.
21 THE COURT: Any objection, Mr. Poulos?
22 MR. POULOS: No objection.
23 MR. DAVIS: Thank you.
24 THE COURT: Defendant's 4 into evidence without
25 objection.

Michele Eichenmiller
Cross-Examination by Mr. Davis
October 14, 2015

1 [Whereupon, Defendant's Exhibit Number 4 is
2 admitted into evidence by the Court]

3 Q. [Mr. Davis] Other than the AR-15, any other
4 potential weapons that can discharge that bullet?

5 A. Any firearm that's chambered for a .223 Remington
6 or, in some cases, 5.56 Nato. They're the same diameter.
7 They're just different loads.

8 Q. So a lot of guns?

9 A. Yes, sir.

10 Q. A lot of guns.

11 MR. DAVIS: Thank you.

12 Thank you, Ms. Eichenmiller. Pleasure meeting you.

13 THE COURT: Mr. Poulos?

14 MR. POULOS: Ms. Eichenmiller, just a couple of
15 things.

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Michèle Eichenmiller
Redirect Examination by Mr. Poulos
October 14, 2015

REDIRECT EXAMINATION

BY MR. POULOS:

Q. As to the bullets you analyzed, if that type of round were to hit a hard surface, could it obliterate or damage the bullet?

A. It would be damaged, yes.

Q. Is it fair to say that if a round such as that is fired into a gravel parking lot, it may be difficult to recover?

A. That is possible.

Q. As to the second round Mr. Davis was questioning you about, you don't know where that was recovered from or under what circumstances it was recovered, do you?

A. No.

Q. It's unfired?

A. Correct.

Q. And that type of round would not fit in the revolver that you examined?

A. No.

Q. It has nothing to do with the bullets you examined?

A. Correct.

Q. Could it also be the type of round fired from a deer rifle?

A. It's possible.

MR. POULOS: No further questions, Your Honor.

Michele Eichenmiller
Redirect Examination by Mr. Poulos
October 14, 2015

THE COURT: Mr. Davis?

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Michele Eichenmiller
Recross-Examination by Mr. Davis
October 14, 2015

RECROSS-EXAMINATION

BY MR. DAVIS:

Q. It's no question, though, Ms. Eichenmiller, you've been subpoenaed up here today to deal with matters pertaining to the State versus Sha'Quille Washington criminal matter?

A. Correct.

Q. And that .38, I want you to look at the box that that .38 -- the one you say you just got last week, which sometimes you test a weapon two years later, so that's not uncommon.

Do you have any markings on the -- tell you where you got that from? You got that from the Berkeley County Sheriff's Department, also; right?

A. I did. I received it in a person-to-person transfer.

Q. And what unequivocally you can state to this jury is that the bullets that were retrieved, the projectile that you have in your possession, was not fired by that firearm?

A. Correct.

MR. DAVIS: Thank you. No further questions.

THE COURT: Ms. Eichenmiller, you may step down.

Thank you.

THE WITNESS: Thank you.

[Whereupon, Ms. Eichenmiller is excused and exits the witness stand]

Michele Eichenmiller
Recross-Examination by Mr. Davis
October 14, 2015

1 THE COURT: Detective Shuler is your next witness?

2 MR. WEST: That's correct, Your Honor.

3 THE COURT: Our next witness is somewhat lengthy so
4 we're going to go ahead and take our mid-morning break
5 at this time, so please make sure you take your comfort
6 break.

7 If you need a cup of coffee or anything, now would
8 be the appropriate time to accommodate that.

9 Miss Teresa, if there's any cookies or anything, we
10 have -- this will be a lengthy video, as well. All
11 right?

12 Please stand.

13 [Whereupon, the jury exits the courtroom at
14 10:13 a.m.]

15 THE COURT: Thank you. Be seated.

16 Go ahead and take about fifteen minutes --

17 MR. WEST: Thank you, Judge.

18 THE COURT: Get ready. Make sure that video is
19 ready, Ms. Brown. All right?

20 MR. DAVIS: Okay, Judge.

21 THE COURT: Thank you.

22 [Whereupon, a recess is taken from 10:14 p.m. to
23 10:35 p.m.]

24 MR. WEST: Your Honor?

25 THE COURT: Yes. Hold on one second.

Michele Eichenmiller
Recross-Examination by Mr. Davis
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1 MR. WEST: Court security has not obtained a tie
2 for one of the pistols. It has been in lockup during
3 the trial. Mr. Hamilton is aware, and diligent to
4 secure one.

5 [Off the record momentarily]

6 THE COURT: Are you going to introduce it?

7 MR. WEST: I'm not going to use it. Mr. Davis
8 plans on it.

9 THE COURT: Let's try to -- are we getting a tie?
10 It's day three of the trial. It's a little late to be
11 doing housekeeping. Thank you.

12 [Whereupon, the jury enters the courtroom at
13 10:36 a.m.]

14 THE COURT: Thank you. Be seated.

15 Call your next witness.

16 MR. WEST: Thank you, Your Honor. May it please
17 the Court.

18 The State would call Captain Bobby Shuler.

19 [Whereupon, Mr. Shuler comes forward]

20 THE CLERK OF COURT: Please raise your right hand.
21 Place your left hand on the Bible.

22 [Whereupon, Mr. Shuler is duly sworn by the clerk
23 of court as follows: do you solemnly swear or affirm
24 the testimony you will give the Court in the trial of
25 this case will be the truth, the whole truth, and

Michele Eichenmiller
Recross-Examination by Mr. Davis
October 14, 2015

1 nothing but the truth, so help so you God]

2 THE WITNESS: Yes, I do.

3 THE CLERK OF COURT: Please be seated.

4 [Whereupon, Mr. Shuler takes the witness stand]

5 THE CLERK OF COURT: State your full name, and
6 spell your last name for the record.

7 THE WITNESS: Full name is Bobby Shuler. The
8 spelling of my last name is S-H-U-L-E-R.

9 THE COURT: Mr. West.

10 MR. WEST: Thank you, Your Honor.

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
General Sessions Court
Kristi L. Harrington, Circuit Court Judge

Case No. 2015-GS-08-01333
Appellate Case No. 2015-002668

The State,

Respondent,

v.

Sha'Quille Washington,

Appellant.

RECORD ON APPEAL
VOLUME 2 OF 2

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Bobby Shuler
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BOBBY SHULER,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. WEST:

Q. Captain Shuler, if you would tell the jury where
you work.

A. The Berkeley County Sheriff's Office.

Q. How long have you worked there?

A. Going on almost sixteen years.

Q. What is your job title and rank?

A. Current title is the commander over the
investigation division, and I'm a captain.

Q. Were you in that same capacity back in 2013?

A. No, I wasn't.

Q. What were you doing then?

A. I was a sargent in the criminal investigations
division as a supervisor.

Q. Did you have an opportunity to become involved in
the investigation of this case?

A. Yes, I did.

Q. Did you ever respond to 1020 Hammond Corner Road in
the Huger area of Berkeley County on August 25th, 2013?

A. Yes, I did.

Q. Tell me a little bit about Huger.

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Direct Examination by Mr. West
October 14, 2015

1 A. Huger is -- if anybody is familiar with Berkeley
2 County, that's kind of a rural area of our county. It's out
3 towards going towards the Cainhoy -- kind of between Cainhoy
4 and Cordsville. But it's a very rural area of our county.

5 Q. That's sufficient.

6 A. Okay.

7 Q. Any major roads or highways out there? How would
8 somebody travel from Moncks Corner to Huger?

9 A. They could get out -- to go to Huger they could get
10 out on 402, take 402 to 41, Highway 41 to Cainhoy Road. You
11 can get -- or you can come over 526 to Clemens Ferry, come
12 back down that way, and come back into Huger that way.

13 Q. What makes it hard to investigate a crime from
14 Huger?

15 A. It's a small --

16 MR. DAVIS: I'm going to object, Your Honor, to the
17 characterization of the word hard. I think that's
18 leading.

19 THE COURT: I'm not going to sustain it on that
20 basis.

21 But rephrase that question, Mr. West.

22 Q. [Mr. West] Have you ever had difficulty
23 investigating crimes in Huger?

24 A. Yes.

25 Q. Okay. Why?

Bobby Shuler
Direct Examination by Mr. West
October 14, 2015

1 A. It's a rural area. It's a small community out
2 there in the Huger area. There's a lot of family.

3 We've had previous incidents out there where we
4 just didn't get a lot of cooperation out in that area of the
5 county.

6 Q. You said you arrived on scene. Tell the jury what
7 you first did when you arrived.

8 A. When I first arrived on scene, the first -- you
9 know, the first thing I do is I just kind of observe to see
10 what we have.

11 One of the things I observed is that there was
12 crime scene tape already established, there was officers on
13 the perimeter for the crime scene, and that a major crime
14 scene log was being accomplished.

15 And I met with the sargent supervisor from the
16 patrol division that was on scene. He advised me -- give me a
17 little brief description and then he directed me to the actual
18 first-responding officers, so I went and spoke to them and was
19 given the information of what they saw when they first got
20 there.

21 Q. When you arrived on scene, how many people would
22 you say were in the parking lot?

23 A. As far as law enforcement or?

24 Q. Either.

25 A. There was probably, I don't know, maybe six or

Bobby Shuler
Direct Examination by Mr. West
October 14, 2015

1 seven officers on scene, obviously.

2 As far as civilians, oh, there was probably, I
3 don't know, maybe anywhere between eight to twelve maybe, and
4 some cars.

5 Q. The vehicles: could you describe the vehicles that
6 were within the scene?

7 A. There were several different vehicles.

8 There were smaller cars. I think there was -- I
9 think I remember seeing like a Honda, a Mustang, a couple of
10 vans, a big white van parked right in front of the building
11 next -- backed up to the stoop. And then there were some
12 other cars down in the lower parking lot.

13 Q. Did you ever find any blood on that van?

14 A. No.

15 Q. Did you ever see the defendant on scene?

16 A. No.

17 Q. Who did you make contact with when you arrived?

18 A. Well, as I said before, when I first got there I
19 made contact with Sargent Kline. He was the road supervisor
20 at the time. He directed me to Corporal Green, who was the
21 actual one of the first responding officers on scene. And it
22 was Corporal Green and Corporal Morton, and I met with them.

23 Q. Okay. Did you talk to any non-law enforcement
24 persons?

25 A. Yes, I did.

Bobby Shuler
Direct Examination by Mr. West
October 14, 2015

1 Q. Do you remember who that would have been?

2 A. Well, I spoke to several folks.

3 There was a lady that was managing the club. I
4 spoke to her. She was, you know, a witness.

5 I spoke to a gentleman who identified himself as
6 the guy that was doing some cooking.

7 I spoke to a gentleman by the name -- or he went by
8 the street name Slim Bubba. I spoke to him.

9 And I spoke to several other witnesses out there,
10 or other people present out at the actual club.

11 Q. Did anybody that you talked to say they witnessed
12 the shooting?

13 A. Nobody eye-witnessed -- nobody that I spoke to that
14 was still left in the parking lot, as far as civilians go,
15 said that they actually saw the shooting.

16 Q. When you arrived, was there any security?

17 A. I didn't see any security.

18 Q. Were you able to ever track down any security?

19 A. No, sir.

20 Q. Tell the jury what extent you went to try to find
21 this so-called security.

22 A. Well, I got -- when I talked to Slim Bubba -- Slim
23 Bubba, it was his birthday. When I spoke to the manager, they
24 said whoever throws the gathering, it's their responsibility
25 to have security there. So I spoke to him. He provided me a

Bobby Shuler
Direct Examination by Mr. West
October 14, 2015

1 first name.. He couldn't tell me the spelling of the first
2 name. He didn't know if it was'Donnell or Darnell. Provided
3 me a phone number. So we just -- we were investigating, we
4 tried to call the number. Never no answer to the number.

5 So we even went to the extent -- because he advised
6 that the security company was out of North Charleston. So
7 we contacted North Charleston, Charleston County, and
8 different -- Dorchester County, different jurisdictions around
9 the area.

10 We also contacted SLED. A lot of times with
11 security, they have to be certified through SLED to work
12 clubs. So we even contacted them to see if they even heard of
13 this security company, and we had -- nobody could tell us this
14 company actually existed.

15 Q. Do you find that unusual that a security company
16 wouldn't be there?

17 A. Yeah. Oh, absolutely.

18 Q. Why?

19 A. Well, I mean, if -- with the information that we
20 got --

21 Oh. As far as being still on scene?

22 Q. Right.

23 A. Yeah.

24 I mean, there's security. I mean, you know, as far
25 as I'm concerned, they're there to secure the area and keep

MIA PERRON, CVR-CM-M

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1 people safe. And I think that's what most people have the
2 understanding when they go to these clubs and stuff that
3 that's what security is there for, to help keep you safe so
4 everybody can have a good time and get there and leave. And
5 they wasn't even there to talk to law enforcement.

6 Q. When was the first time that you had an indication
7 this defendant was involved in the shooting?

8 A. The first time that we had indication that this
9 defendant was involved in the shooting?

10 Q. Right.

11 A. Is we had information when we interviewed initially
12 an Arianna Coakley, Christina Lockwood, and Mr. Jenkins.

13 Francis Jenkins provided us a statement. In his
14 initial statement, all he stated was it was a gentleman
15 with -- a black gentleman with high-fade. So we had a very
16 brief description of someone.

17 And then when we interviewed Arianna Coakley at the
18 hospital initially, all she could do was provide us a street
19 name of Shike.

20 And then when we interviewed Christina Lockwood at
21 the hospital, the only name she could provide us at the time
22 was someone she knew by the name of Sha'Quille Brown.

23 Q. Did you ever make contact with the defendant?

24 A. Yes, we did.

25 Q. When?

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1 A. We got a phone call. Dispatched called. We had
2 already cleared the scene. We were already back up in Moncks
3 Corner. We had already cleared out of the area and we got a
4 phone call from dispatch that said they had a -- someone
5 calling that may -- was at the club and may have some
6 information regarding the shooting.

7 So that was -- I think the dispatch call came in
8 around 8:25, 8:30-ish time, so we traveled back to 1009 Saint
9 Irving Drive, which is in the Huger area, still in the area of
10 Hammond Corner, and met with the defendant.

11 Q. And this shooting, from your investigation,
12 occurred around 3:30-ish?

13 A. Yes.

14 Q. Between 3:30 and 4:00?

15 A. Yes, sir.

16 Q. Okay.

17 A. Based off the information we have, yes.

18 Q. And the call came out at 8:20-something?

19 A. Yes.

20 Q. And how long did it take you to get to Huger?

21 A. All the way back from Columbia -- I mean, from
22 Columbia. Excuse me. All the way back from Moncks Corner,
23 probably a good thirty minutes, maybe. Maybe a little longer.

24 Q. How much time in between the shooting and your
25 first contact with the defendant do you believe there was?

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1 A. Based off the shooting to the time we actually made
2 contact with the defendant we're probably five and a half, six
3 hours into it, probably, into the investigation.

4 Q. When you went -- where did you go when you made
5 contact with the defendant?

6 A. We went to his -- we got dispatched to 1009 Saint
7 Irving Drive in Huger, which is -- we determined that was his
8 residence or where he lived.

9 Q. Who was with you?

10 A. Detective Wilson.

11 Q. And when you arrived at the defendant's residence,
12 who was with him?

13 A. Who was with who?

14 Q. The defendant.

15 A. Oh. With the defendant, his mother, I believe his
16 grandmother and maybe some other relatives there were with
17 him.

18 Q. And once you arrived at the defendant's house, what
19 did you decide to do?

20 A. After speaking to him and his mother, they -- the
21 decision -- he made the decision that he would accompany us up
22 to the sheriff's office because he wanted to tell his -- from
23 what I understand from talking to him was he said his name was
24 getting thrown out there, he wanted to come up and talk and
25 basically clear his name from this.

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1 So I asked him if he would accompany us up to the
2 sheriff's office and he agreed, his mother agreed, and he --
3 we traveled to the sheriff's office.

4 Q. When you got to the sheriff's office, how did the
5 defendant appear?

6 A. Fine. Calm.

7 Q. Did he have any bruises, scrapes, cuts, markings of
8 a struggle?

9 A. I didn't observe anything like that.

10 Q. Any indication that he would have been in a fight?

11 A. No, sir.

12 Q. You were here throughout this trial and you heard
13 the -- Whitney Berry from SLED testify about gunshot residue.
14 It's true that you, in fact, are the person that collected the
15 gunshot residue from this defendant?

16 A. That's correct.

17 Q. Now, when you collected the gunshot residue, did
18 the defendant ever indicate that he washed his hands?

19 A. He did.

20 Q. So the defendant told you he washed his hands. And
21 it had been about six hours?

22 A. That is correct.

23 Q. And her testimony earlier, if you remember, was
24 that the likelihood of actually finding --

25 MR.. DAVIS: I'm going to object to the form of the

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1 question. I think --

2 THE COURT: Sustained. Rephrase your question.

3 Q. [Mr. West] Based on your law enforcement
4 experience and what you've heard in this courtroom, what is
5 the likelihood of you still finding that gunshot residue?

6 A. Very slim, from the fact that his hands were washed
7 and we were in that window.

8 Q. Okay. But you still attempted it anyway?

9 A. Yes.

10 Q. Okay. Why is that?

11 A. I felt like that it was important to the
12 investigation.

13 You know, the GSR, based off of speaking to the
14 defendant; he said he was in close proximity when the shots
15 were fired. I think he said between four or five feet. And I
16 felt like it was as important to not -- to include him being
17 on the scene as it was to eliminate him. So I took a chance
18 in taking the GSR.

19 Q. While on the subject of GSR, did you ever collect
20 any gunshot residue or perform a residue kit on Larry Kinloch?

21 A. No, I didn't.

22 Q. Why not?

23 A. Larry Kinloch wasn't identified initially in our
24 investigation. He was identified later, later on that day.
25 It was later that evening, I think, or afternoon or whatever,

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1 he was identified as being there and actually possibly
2 involved. And then it took us almost two weeks to track him
3 down.

4 Q. So, again, is that outside that window?

5 A. Oh, it's -- that's definitely outside the window at
6 that point.

7 Q. Now, you said that the defendant volunteered a
8 statement; correct?

9 A. That's correct.

10 Q. Does the sheriff's office have the capability of
11 video-recording that statement?

12 A. We do.

13 Q. Was that done in this case?

14 A. It was.

15 Q. And you've reviewed that interview in full?

16 A. Yes, I have.

17 MR. WEST: At this time, the State would ask
18 State's Number 1 be entered into evidence.

19 MR. DAVIS: Your Honor --

20 THE COURT: Renewing your previous objections, I'll
21 note it for the record.

22 State's 1 into evidence --

23 MR. DAVIS: Thank you very much.

24 THE COURT: -- noting your objection.

25 [Whereupon, State's Exhibit Number 1 is admitted

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1 into evidence by the Court]

2 You may publish.

3 MR. WEST: Thank you, Your Honor.

4 [Whereupon, State's Exhibit Number 1, interview of
5 the defendant, is played for the jury]

6 [Whereupon, State's Exhibit Number 1 is not
7 transcribed by the court reporter]

8 MR. WEST: Your Honor, there's a break in the video
9 where there's no questioning, and the State would just
10 ask that we skip forward to when Detective Shuler walks
11 back in.

12 THE COURT: Any objection?

13 MR. DAVIS: I had rather see this whole process.

14 THE COURT: All right. Thank you. We'll watch the
15 whole video.

16 [Whereupon, State's Exhibit Number 1, interview of
17 the defendant, continues]

18 MR. WEST: Your Honor, Mr. Davis has agreed to skip
19 forth on this break in the questioning.

20 THE COURT: All right. Thank you.

21 MR. WEST: Please forward it, for the record, to 11
22 minutes -- or eleven o'clock and twenty minutes.

23 [Whereupon, State's Exhibit Number 1, interview of
24 the defendant, continues]

25 MR. WEST: Your Honor, again, there's another break

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1 where nothing of real substance is done. The defendant
2 is writing a statement on the video. We would ask to
3 skip forward to eleven minutes and 59 -- or eleven
4 o'clock and 59 minutes.

5 THE COURT: Any objection?

6 MR. DAVIS: No objection.

7 [Whereupon, State's Exhibit Number 1, interview of
8 the defendant, continues]

9 [Whereupon, State's Exhibit Number 1, interview of
10 the defendant, concludes at 12:03 p.m.]

11 Q. [Mr. West] Captain Shuler, you noticed some delays
12 in the audio equipment on this; right?

13 A. Yes.

14 Q. Okay.

15 A. Yes, sir.

16 Q. But that's not a reflection of any compromise of
17 the CD itself?

18 A. No. No, sir.

19 Q. And during the video interview, the defendant also
20 gave a written statement; correct?

21 A. That is correct.

22 Q. I'm showing the witness State's Exhibit Number 47.

23 [Whereupon, the witness reviews documents]

24 A. Yes, sir.

25 Q. [Mr. West] Do you recognize that?

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1 A. I do.

2 Q. What is that?

3 A. It's the defendant's statement that he wrote on
4 8/25, 2013, during the video-audio recording.

5 Q. Has it been altered, modified, changed in any way?

6 A. No, sir.

7 Q. Is it substantially the same as it was taken at the
8 time the defendant wrote it?

9 A. That's correct.

10 MR. WEST: The State would ask to enter State's
11 Exhibit Number 47.

12 THE COURT: Noting your previous objection --

13 MR. DAVIS: Thank you very much, Your Honor.

14 THE COURT: -- State's 47 into evidence.

15 [Whereupon, State's Exhibit Number 47 is admitted
16 into evidence by the Court]

17 Q. [Mr. West] A couple of things, Detective Shuler.

18 The defendant said there were three people involved
19 in the fight?

20 A. That's correct.

21 Q. He also said that he never owned a gun, possessed a
22 gun, didn't have a gun that night?

23 A. That's correct.

24 Q. That the victim didn't have a gun?

25 A. The defendant stated that the victim did not have a

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1 gun.

2 Q. And neither did Larry Jenkins?

3 A. That's correct.

4 Q. And he gave a pretty vivid description of the
5 victim in this case?

6 A. Yes, he did.

7 Q. Mentioned a tattoo several times?

8 A. He did.

9 Q. Mentioned everybody's clothing; right?

10 A. Yes, he did.

11 Q. Described the gun?

12 A. Yes, he did.

13 MR. DAVIS: Your Honor, I'm going to object to the
14 improper question -- he's already -- his question on
15 statements are improper questions.

16 THE COURT: Overruled.

17 Q. [Mr. West] After you took the statement, where did
18 you go?

19 A. After the statement was done, we went -- we left,
20 exited, out of the room. Went back and the defendant met up
21 with his folks that were waiting in the -- his relatives, his
22 mom and stuff, that were in the waiting room. And then we
23 traveled back to 1009 Irving Street to speak to Charlene
24 Washington, the grandmother.

25 Q. And when you went to the house, did you ask

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1 permission to enter and search the home?

2 A. We did once we talked to Ms. Charlene Washington,
3 the owner of the residence.

4 Q. I'm showing you State's Exhibit Number 32. Do you
5 recognize that document?

6 A. Yes, sir.

7 Q. And what is it?

8 A. That is a Berkeley County Sheriff's Office consent
9 to search form.

10 Q. And why do you memorialize that consent?

11 A. I'm sorry. Do what, now?

12 Q. Why do you memorialize that consent? Why do you do
13 this?

14 A. There's two ways to do things. We can either ask
15 her -- if we've got -- you know, to get a search warrant, or
16 we ask the owner for consent.

17 The owner actually gave us consent, which is
18 Ms. Charlene Washington. We verified that she was the owner
19 of the residence, and she gave us consent in order to search
20 for a couple of items of interest.

21 Q. State's Number 32 is a true and accurate depiction
22 of the form that you presented to Ms. Charlene Washington?

23 A. That is correct.

24 MR. WEST: I would ask State's Number 32 be entered
25 into evidence.

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1 THE COURT: Any objection?

2 MR. DAVIS: No objection, Your Honor.

3 THE COURT: State's 32 into evidence without
4 objection.

5 [Whereupon, State's Exhibit Number 32 is admitted
6 into evidence by the Court]

7 Q. [Mr. West] Did you collect anything when you were
8 inside?

9 A. Yes, we did.

10 We collected the white tee-shirt, a white shirt,
11 and a pair of blue shorts from the residence.

12 THE COURT: 21 and 22.

13 Q. [Mr. West] I'm showing the witness State's Exhibit
14 Number 21. Do you recognize this?

15 A. Yes.

16 This is Berkeley County Sheriff's Office chain of
17 custody form.

18 Q. And the bag. What's in the bag?

19 A. Oh. In the bag? They're clothes. The white shirt
20 and blue shorts.

21 Q. Are those the same shorts you collected when you
22 entered the home?

23 A. That's correct.

24 Q. Anything unique about those items?

25 A. Do you want me to pull them out? Is it okay for me

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1 to pull them out?.

2 Q. Those are the same shorts you collected; correct?

3 A. Those are the same shorts.

4 MR. WEST: The State would move Number 21 into
5 evidence.

6 THE COURT: Any objection?

7 MR. DAVIS: No objection, Your Honor.

8 THE COURT: State's 21 into evidence without
9 objection.

10 [Whereupon, State's Exhibit Number 21 is admitted
11 into evidence by the Court]

12 THE COURT: You may pull them out now.

13 THE WITNESS: Okay. Thank you, Your Honor.

14 A. It's just a white shirt with a design on it, like a
15 tank-top style tee-shirt. And the blue shorts, like swimming-
16 trunk-looking shorts with designs on them.

17 Q. [Mr. West] Do those items match any of the
18 descriptions that were given by other witnesses?

19 A. Yes, they were.

20 Q. Okay. Did you ever collect any weapons in this
21 case?

22 A. Yes, I did.

23 Q. Tell the jury what weapons.

24 A. Based off the interview with the defendant, he
25 mentioned a -- his grandmother had a pistol. He described it

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1 as a silver, with pink handles, .22.

2 So when we went back to the house, we actually
3 collected that. But it wasn't from the house. We collected
4 it from --

5 It turns out that the grandmother doesn't own a
6 pistol. It's actually an aunt, Tomeka Washington. She was
7 there on the scene and she gave us consent to search, to
8 collect the -- to look at her vehicle, to the last known
9 location she knew the gun to be, which was in the glove box of
10 the vehicle.

11 So she provided us a consent to search. Upon
12 getting signed consent to search, we located the weapon inside
13 the glove box of the vehicle.

14 Q. Did that weapon end up having any significance to
15 your investigation?

16 A. No, it did not.

17 Q. Why?

18 A. It was a .33, and it did not match the caliber of
19 the round that the actual victim was shot and killed with.

20 Q. Did you ever collect any other weapons in this
21 case?

22 A. Yes, we did.

23 We collected a .38, a Taurus .38. It was chrome
24 with brown handles. And we collected that actually on October
25 8th of this year.

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1 Q. And for those of us who work morning days, when was
2 that?

3 A. I'm sorry. Do what?

4 Q. For those of us who work morning days, was that
5 last week?

6 A. That was last week. Last Thursday.

7 Q. Last Thursday? Why so long?

8 A. We didn't know anything about the weapon.

9 Q. Who had it?

10 A. A private investigator, by the name of Wayne
11 Freeman, that was hired by the Davis Law Firm.

12 Q. The Davis Law Firm had the gun?

13 A. Yes. Well, Wayne Freeman had it.

14 Q. Wayne Freeman had it.

15 Okay. Do you know when Wayne Freeman collected the
16 gun?

17 A. Yes.

18 He advised that he met with Melissa Washington, the
19 mother of the defendant, back in September of 2013.

20 Q. Wow. Two years?

21 A. Yes.

22 Q. Held onto it for two years and then turned it over
23 to the sheriff's office?

24 A. That's correct.

25 Q. And he's a private investigator. And they're

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1 licensed in South Carolina?

2 A. Yes, sir.

3 Q. Is that normal for somebody to hold on to potential
4 evidence for two years?

5 A. I've never had that happen.

6 Q. How long have you been in law enforcement?

7 A. Sixteen years.

8 Q. Sixteen years and never had anybody hold on to
9 potential years for two years without turning it over?

10 A. That's correct.

11 Q. Does that disturb you a little bit?

12 A. It does.

13 Q. But that gun was tested?

14 A. It was.

15 We immediately -- from upon obtaining that weapon,
16 we went and had it entered into our system in forensics and we
17 coordinated arrangements with SLED, as you had heard earlier
18 from the SLED agent, and we rushed that weapon up there to
19 have it tested or to have it examined to see if it was
20 involved.

21 Q. So the sheriff's office did everything in their
22 power to do what they could in an expedited manner?

23 A. That's correct.

24 Q. A lot quicker than two years; right?

25 A. Yes, sir.

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1 Q. Did it in a day?

2 A. Yes, sir.

3 Q. Was that weapon ever found to be relevant in your
4 investigation?

5 A. No, sir.

6 Q. Switch gears a little bit.

7 Okay. Did you ever show any witnesses any photo
8 line-ups?

9 A. Actually, I accompanied sargent -- well, now
10 Sargent Dan Wilson on the showing photo line-ups to three
11 different individuals.

12 Q. Who did you show photo line-ups to?

13 A. We showed -- the first one was a Christina
14 Lockwood. She was presented with a photo line-up. The second
15 person was a Francis Larry Jenkins. And the third was an
16 Arianna Coakley.

17 Q. Anybody identify the defendant?

18 A. All three of them did.

19 Q. Were you a part of the arrest of Sha'Quille
20 Washington?

21 A. Yes, sir.

22 Q. Could you describe the arrest?

23 A. Once we obtained the probable cause to get an
24 arrest warrant for the defendant, that warrant was put in
25 NCIC. Then what we did, I coordinated with both our drug

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1 enforcement unit, along with K-9 and the detectives, and we
2 conducted surveillance on the residence at 1009 Saint Irving
3 Drive.

4 The surveillance testimony observed the victim --
5 observed the defendant get into a kind of tanny-color GMC
6 Yukon and depart from the residence, at which time we
7 conducted a lawful traffic stop on that vehicle due to the
8 fact that he was wanted for murder. And we placed the
9 defendant under arrest at that time.

10 Q. When you arrested the defendant, was any evidence
11 taken?

12 A. He had a cell phone. We collected the cell phone.

13 Q. Detective Shuler, you were in here yesterday when
14 Lieutenant Murphy testified; correct?

15 A. That's correct.

16 Q. And did you see him identify State's Number 48 as
17 an extraction from that cell phone?

18 A. Yes, I did.

19 Q. Is that a true and accurate copy of the extraction?

20 A. That's correct. That's a partial of it, yes, sir.

21 MR. WEST: We would ask that State's Number 48 be
22 moved into evidence.

23 MR. DAVIS: Your Honor, we had a bench-bar
24 conference in reference. I don't know what specific --

25 THE COURT: Any objection?

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1 MR. DAVIS: Yes. I object, Your Honor.

2 THE COURT: All right. Then approach.

3 [Whereupon, an off-the-record bench conference is
4 held]

5 THE COURT: State's 48 into evidence, noting your
6 objection.

7 MR. DAVIS: Thank you, Your Honor.

8 [Whereupon, State's Exhibit Number 48 is admitted
9 into evidence by the Court]

10 MR. WEST: Your Honor, may we approach again?

11 THE COURT: You may.

12 [Whereupon, an off-the-record bench conference is
13 held]

14 THE COURT: Thank you.

15 MR. WEST: Thank you.

16 No further questions for this witness at this
17 time.

18 MR. DAVIS: Judge, due to my age, could I have a
19 break just before I start cross-examination?

20 THE COURT: We'll take a short comfort break,
21 ladies and gentlemen.

22 Do not begin your deliberations. Do not discuss
23 this case amongst yourselves. You may leave your
24 notepads right where they are.

25 Please rise for the jury.

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1 [Whereupon, the jury exits the courtroom at
2 12:10 p.m.]

3 THE COURT: Thank you. Be seated.

4 Captain, you know the rule of sequestration has
5 been invoked. You may step down.

6 About ten minutes. Thank you.

7 [Whereupon, a recess is taken from 12:19 p.m. to
8 12:34 p.m.]

9 THE COURT: Thank you. Be seated.

10 All right. Anything before we bring in the jury?

11 Mr. Davis?

12 MR. DAVIS: Nothing, Your Honor.

13 THE COURT: Mr. West?

14 MR. WEST: Nothing from the State, Your Honor.

15 THE COURT: All right.

16 [Whereupon, the jury enters the courtroom at
17 12:34 p.m.]

18 THE COURT: Thank you. Be seated.

19 Mr. Davis, your witness.

20 MR. DAVIS: Thank you. May it please the Court,
21 Your Honor.

22
23 - - -

24 - - -

25 - - -

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CROSS-EXAMINATION

BY MR. DAVIS:

Q. Mr. Shuler, is there any law against a law office hiring a private investigator?

A. Not that I'm aware of.

Q. In fact, more detectives, that's the first job they seek sometimes when they retire, trying to be a private investigator; isn't that correct?

A. I can't answer that. I don't know if that's true or not.

Q. Well, a real good investigator, to some extent.

Now, having said that, that -- you heard that tape-recording from Larry Kinloch earlier?

A. That's correct.

Q. You've been here from stop to finish in reference to this trial, have you not?

A. That's correct.

Q. Most all the other witnesses have been sequestered, but you've been here from start to finish?

A. That is correct.

Q. Now, can you tell us when the Davis Law Firm received that recording that was played?

A. I'm not aware. I don't know when you received that, sir.

Q. What about September the 16th, 2015, two years

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1 later?

2 A. I don't have the answer to that question. I have
3 no knowledge --

4 Q. Don't have the answer.

5 A. I have no knowledge.

6 Q. Now, Mr. William Freeman contacted you, did he not?

7 A. He contacted the solicitor's office.

8 Q. And the solicitor is the one that makes the
9 determination when a matter is being called for trial; right?

10 A. The solicitor's office or the courts.

11 Q. Well, you know we don't. We can't; right?

12 A. You're saying yourself, or myself?

13 Q. As a lawyer representing someone who's charged with
14 a criminal offense, do we make the determination when a matter
15 is called for trial?

16 A. Not that I'm aware of.

17 Q. Okay. Thank you.

18 Now, you said you weren't head -- were you head of
19 detective back in 2013?

20 A. Excuse me, sir?

21 Q. Were you head of the detective division back in
22 2013?

23 A. No, I was not.

24 Q. In fact, if that truth be told, who was head of the
25 detective was Mr. Rick Ollic; isn't that true?

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1 A. That is correct.

2 Q. And you have no information that would dispute that
3 Rick Ollic and William Freeman were in constant discussion
4 about this same weapon that you're talking about? This .38.

5 A. I would have no knowledge of that.

6 Q. And you were present during the direct and cross-
7 examination of the forensic gun specialists who said that it
8 really wouldn't matter how long that gun had been separated,
9 she still could test whether the projectiles would match that
10 particular weapon; isn't that true?

11 A. She did say that.

12 Q. Yeah.

13 Now, one good thing about that .38 that was in the
14 possession of Mr. William Freeman --

15 A. Yes. That's correct.

16 Q. -- that's one gun you can say and attest to that
17 had been out of circulation for the last two years; isn't that
18 true?

19 A. Yes.

20 Q. No one was harmed with that .38; isn't that true?

21 A. Not that I'm aware of.

22 Q. That's a good thing, wouldn't you say?

23 A. Oh, absolutely.

24 Q. Thank you.

25 Now, in relationship to this whole process: now,

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1 another point of contention was whether there was any
2 cooperation out of the Huger community; right?

3 A. That's correct.

4 Q. Well, Mr. Washington, the seventeen-year-old kid,
5 and his mother and his grandmother, made contact with you;
6 isn't that correct?

7 A. That is correct.

8 Q. What do you call that? You don't call that
9 cooperation?

10 A. No, I call that cooperation.

11 Q. They cooperated with you and rode with you in your
12 car all the way down to Berkeley County?

13 A. That is correct.

14 Q. And, in fact, when you rode with them you didn't
15 tell them at that point, say, you know, you can remain silent,
16 anything you say can be used against you in a court of law,
17 now, young man, you don't really have to talk to me.

18 You didn't tell him that, now?

19 A. No. He wasn't under arrest or anything.

20 Q. He wasn't as sophisticated as Mr. Larry Kinloch,
21 who said in the jailhouse statement that I got about two years
22 and two -- and some months ago, days ago, I'm not going to
23 incriminate myself. He wasn't that sophisticated. He didn't
24 ask for a lawyer, did he?

25 A. There's two --

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1 Q. You interviewed him --

2 A. There's two questions, I guess.

3 Q. Well, let's slow down, then.

4 A. Okay.

5 Q. Did he ask for a lawyer?

6 A. He did not ask for a lawyer.

7 Q. Did you tell him he should seek a lawyer?

8 A. No, I didn't tell him that.

9 Q. Did you tell --

10 MR. WEST: Objection, Your Honor. 403.

11 THE COURT: Overruled.

12 MR. DAVIS: Thank you, Your Honor.

13 Q. [Mr. Davis] Did you tell him he could remain
14 silent?

15 A. No, I did not.

16 Q. And you know what's interesting how the police
17 practice? You knew his name had already been mentioned
18 because Christina Lockwood at the hospital, and Ms. Coakley,
19 had already said the name Sha'Quille Washington or Sha'Quille
20 Brown Washington.

21 A. The name mentioned by Christina Lockwood -- now,
22 just refresh me, because I was in here -- she mentions the
23 name Sha'Quille Brown. She never mentions a name Sha'Quille
24 Washington.

25 Q. What about Ms. Coakley?

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1 A. She mentioned the name of Shike, a street name.

2 Q. And you had that information at the hospital,
3 apparently, or someone in the sheriff's department?

4 A. That's correct. Actually, Detective Wilson had
5 that information.

6 Q. And so the point that the six hours for y'all to
7 retrieve the GSR kit, you say y'all worked out there for four
8 hours. The kid was pronounced dead about 5:07, isn't that
9 correct, at MUSC?

10 A. I don't remember the exact time of his announced --

11 Q. And the family called you about eight o'clock or
12 8:30 that morning?

13 A. The family?

14 Q. Well, just one family --

15 A. You mean in reference to the defendant's family?

16 Q. Yes. Yes.

17 A. Yes, the defendant's family called dispatch around
18 8:30.

19 Q. Yeah.

20 Okay. And so his name was in the mix early; that's
21 true?

22 A. A name came up with the name of -- as I said
23 earlier, a name of Shike and a name of Sha'Quille Brown came
24 up.

25 Q. Exactly what facts did you have in your purview

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1 when you interviewed and took that recording? Can you share
2 that with us?

3 A. The recording of the --

4 Q. The facts that you had when the -- before the --
5 prior to the recording.

6 A. The only facts --

7 Q. What facts did you have?

8 A. The only --

9 Q. What did your investigation lead to before you had
10 that --

11 A. The only facts --

12 Q. -- interview?

13 A. The only facts we had, we had obviously the victim
14 was succumbed to his injuries from a gunshot. We knew there
15 was a shooting.

16 / There was an individual named by the street name as
17 Shike, and that's all the individual's name we had.

18 And another one, another witness, potential
19 witness, identified a subject by the name of Sha'Quille Brown.

20 And then the third witness identified a black male
21 with a high-fade.

22 Q. Did Ms. Coakley at that point -- or did you have
23 that information in your purview at that time, by Ms. Coakley,
24 that she had produced a Heinekin bottle in an attempt to hit
25 this same young man by the name of Sha'Quille Washington?

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1 A. No, we did not have that information at that time.

2 Q. Did you have information at that time pertaining to
3 Larry Kinloch, the fellow that you could not find for two
4 weeks?

5 A. You're asking --

6 Q. Yeah.

7 A. We did not have that information at that time.

8 Q. Well, why was you searching for Larry Kinloch?

9 A. We were searching for Larry Kinloch after we got
10 the statement, the second statement, from Christina Lockwood,
11 who stated that she sees him there.

12 Q. And Christina shared the name of Kevin Watson, did
13 she not?

14 A. I would have to look back and see if she shared
15 that name.

16 Q. Take your time and look in your --

17 A. I don't have that statement, if it's in her
18 statement.

19 Q. Yes, it is.

20 A. Okay. I don't have that statement in front of me.
21 [Whereupon, Mr. Davis reviews documents]

22 Q. [Mr. Davis] You were a head of investigation?

23 A. Of this case.

24 Q. Yeah.

25 Okay. So everything would actually filter through

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1 you?

2 A. That's correct.

3 MR. DAVIS: Judge, I'm going to have this marked.
4 I guess it will be Number 6, just for --

5 THE COURT REPORTER: 5.

6 MR. DAVIS: -- 5, for identification.

7 [Whereupon, Defendant's Exhibit Number 5 is marked
8 by the court reporter]

9 MR. DAVIS: Thank you.

10 Now, I guess we can go ahead and mark Ms. Coakley,
11 too. Make this Number 6.

12 [Whereupon, Defendant's Exhibit Number 6 is marked
13 by the court reporter]

14 MR. DAVIS: Thank you.

15 Q. [Mr. Davis] I'm going to hand you what's been
16 marked as Defendant's Exhibit Number 6 and, more importantly,
17 ask you can you identify that.

18 A. Yeah.

19 It's a voluntary statement given by Arianna Coakley
20 on August 25th, 2013.

21 Q. August the what?

22 A. August 25th, 2013.

23 Q. And the shooting took place?

24 A. On August 25th, 2013.

25 Q. And this would have been before you interviewed the

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1 defendant Mr. Washington?

2 A. This is a statement that Detective Wilson got from
3 Arianna Coakley before we interviewed the defendant.

4 Q. That's a yes?

5 THE COURT: Mr. Davis, please don't lean on the
6 jury box.

7 MR. DAVIS: I'm sorry.

8 THE COURT: Thank you.

9 Q. [Mr. Davis] That's a yes?

10 A. Yes.

11 Q. In that statement, she alluded to someone she
12 attempted to strike with a Heinekin bottle, did she not?

13 A. She did.

14 Q. Does she identify the person that she attempts to
15 hit with the Heinekin bottle?

16 A. A subject that she only knows by the name of Shike.

17 Q. Now, I hand you what's been marked as Defendant's
18 Exhibit Number 5, ask you can you familiarize yourself with
19 that.

20 A. Yes.

21 That's the voluntary statement that Christina
22 Lockwood provided to Detective Wilson.

23 Q. And the date?

24 A. August 25th, 2013.

25 Q. And I want you look specifically in there and see

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1 if the name Kevin Watson --

2 Let me refresh that. Look at what she said about
3 Kevin Watson.

4 A. There is nothing in this statement about Kevin
5 Watson.

6 Q. All right. I stand to be corrected. Let's look
7 together.

8 A. Oh. Well, you said about this one on the 25th.

9 Q. All of this is the identification.

10 A. Oh. Okay.

11 Q. Tell me when you find it, please.

12 A. Okay, sir.

13 THE WITNESS: Court's indulgence.

14 THE COURT: Take your time.

15 THE WITNESS: Thank you.

16 [Whereupon, the witness reviews documents]

17 A. She mentions a cousin by the name of Kevin Watson,
18 a cousin of hers.

19 Q. [Mr. Davis] What does she say about the cousin?
20 She ain't just mentioned him. She said he played some kind of
21 role.

22 A. It basically says: ten minutes after that, I saw
23 my cousin Kevin Watson walking outside so I followed behind
24 him to get a cigarette.

25 Q. Which suggests she -- he's on the outside in a

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1 position apparently to observe some things. You would agree
2 with that?

3 A. According to her, this, she claims that he's
4 outside.

5 Q. Did you at any time pursue, or anybody from the
6 Berkeley County Sheriff's Department pursue or attempt to
7 interview, this Kevin Watson who's on the outside apparently
8 when Ms. Lockwood is on the outside smoking a cigarette and
9 this fight about to ensue or in the process? Do you have any
10 information that anyone pursued Kevin Watson to interview him
11 in the process?

12 A. I don't recall whether we ever talked to Kevin
13 Watson.

14 Q. Well, your records would suggest it or not suggest
15 it?

16 A. I don't recall us talking to Kevin Watson.

17 Q. Well, you have great opinion about the security.
18 We're going to flip over to security. You said you had a
19 telephone number. It's been two years and you still haven't
20 located that security?

21 A. That is correct.

22 Q. Did you go back to the people, to Sam Lawrence and
23 Ms. Lawrence and Slim Bubba, the people that they said that
24 they had security present? Have you went back and impressed
25 upon them, after two years, that we need that security

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1 information?

2 A. Sam Lawrence, nor the lady -- I don't know her name
3 right here in front of me -- never -- had nothing to do with
4 security.

5 She clearly stated in her statement that Slim Bubba
6 was responsible for hiring the security. And we have talked
7 to him. And we reached back out to him several times seeing
8 if he had another way of getting in contact with him, and he
9 had no way of getting in contact with the security company.

10 Q. When was the last time that you -- your records
11 reflect, in your whole process of investigation, since we're
12 talking about time flag -- time reference here and things
13 disturbing people. Could you look in your record and see the
14 last effort y'all made to try to get in contact with Slim
15 Bubba or Slim Bubba the rapper will tell y'all where the
16 security people with black shirts on supposedly was on the
17 premise that night?

18 A. It would have been all around the same period of
19 time while we were doing the initial investigation.

20 Q. When we're talking that same period of time, then,
21 we're talking August of 2013, two years ago?

22 A. No.

23 It was after that, too, because we -- he gave -- he
24 provided us a phone number --

25 Q. September of 2013?

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1 A. It would have been either in August or September
2 time frame when we were attempting to locate this security
3 company.

4 Q. Well, somewhat in line with how Mr. William Freeman
5 have had that .38 since back in 2013; right?

6 A. According to what Mr. Freeman told us, yes, he had
7 that gun since September, '13.

8 Q. And so Slim Bubba still lived at the same address,
9 apparently?

10 A. I have no idea.

11 Q. You have no idea because you haven't followed up
12 since August or September of 2013.

13 A. There was nothing else for us to follow up on.

14 Q. He gave you a bogus telephone number, did he not?

15 A. He gave us a phone number.

16 Q. I don't -- I can't tell you if it's bogus. I can
17 just tell you no one answers the phone.

18 Q. What you call that? The phone don't work?

19 A. I don't know.

20 People get their numbers changed. They can turn
21 them off.

22 Q. And so you didn't go back to see if they had
23 changed the number?

24 A. There was no way to track it.

25 Q. And the reason you have not been concerned in that

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1 regard, because this investigation had concluded several -- in
2 forty-eight hours because on August the 27th, Mr. Sha'Quille
3 Washington is arrested; isn't that true? The one you just
4 described earlier?

5 A. He was arrested on August the 27th.

6 Q. And when he was arrested on August the 27th of
7 2013, did he invoke his Miranda warnings at that time?

8 A. He did once he was arrested.

9 Q. What did he say that time?

10 A. That he requested an attorney.

11 Q. I don't want to talk to you anymore; right?

12 A. He said he requested --

13 Q. I'm going to exercise my right. Because you shared
14 it with him at that time; right?

15 A. That's correct.

16 Q. But on August the 25th when they were searching and
17 coming out to the house and cooperate and drove all the down
18 here to 300 California Avenue, you didn't tell him about a
19 Miranda warning about having an attorney present then, did
20 you?

21 A. It didn't apply. He wasn't under arrest.

22 Q. It didn't apply. Which means you did not tell him?

23 A. I did not tell him.

24 Q. Now, in relationship to evidence gathering, you've
25 been here from start to finish for this trial. We have heard

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1 testimony from Francis Larry Jenkins that he witnessed ninety-
2 five percent certain that this young man, Sha'Quille
3 Washington, shot three times down to the shoulder; isn't that
4 correct?

5 A. The best I can recall. Yes.

6 Q. Yeah.

7 And there have been testimony that apparently
8 there's anywhere from four to five shots that were fired;
9 isn't that correct?

10 A. The different witnesses have said numerous
11 different types of shots. Some said three, some said four,
12 some said five.

13 Q. How many projectiles were secured from the scene?

14 A. The only two that we were able to locate out there
15 was the two that was actually removed during the autopsy.

16 Q. Do you have any explanation for the other three or
17 two that is not present?

18 A. I do not.

19 Q. And tell the jury again why efforts remained to
20 secure Larry Kinloch.

21 A. I don't understand. What do you mean secure
22 Kinloch?

23 Q. You said for two weeks you tried to locate Larry
24 Kinloch but you were unable to do so.

25 A. Well, based off of Christina Lockwood's statement,

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1 that gave us a reason to go look for Larry, so we went looking
2 for Larry to see what his involvement was or what information
3 he may have about the crime.

4 Q. Was there a fight on August the 25th, 2013?

5 A. To our understanding, yes.

6 Q. And who were involved in the fighting?

7 A. To our understanding, Mr. Jenkins; Larry Kinloch;
8 the victim in this case, Herman Manigault; and the defendant.

9 Q. And the only weapons that have ever been retrieved
10 in this matter have been provided by the Washington family;
11 isn't that true?

12 A. No, that -- well, in turn, yes. The .22 was
13 provided by Tomeka Washington and the .38 was provided through
14 -- my understanding, through Ms. Melissa Washington through
15 William Freeman.

16 Q. She's still the Washington family, is she not?

17 A. She is.

18 Q. So the weapon come from Melissa Washington and all
19 the weapons come from the Washington family?

20 A. That will be correct.

21 Q. Yeah. Thank you.

22 Would it be fair to say that -- Mr. Shuler, would
23 it be fair to say, Mr. Shuler, that this matter was wrapped up
24 within about forty-eight hours?

25 A. No, sir.

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1 Q. Well, tell the jury, then.

2 A. We continued to investigate. It wasn't until
3 September the 14th before we actually made contact with Larry
4 Kinloch.

5 Q. But September the 14th is about fifteen days
6 removed. This young man had already been arrested within the
7 first forty-eight hours. This shooting occurred on August the
8 25th, and August the 27th he is in the detention center at
9 Berkeley County; isn't that true?

10 A. That is correct.

11 Q. So my point is, what transpired beyond that point
12 other than you trying to get a statement from Larry Kinloch?

13 A. Oh. There's a lot more stuff to do.

14 We've got forensics, we've got stuff that has to be
15 sent to SLED. There's a lot more stuff that's got to be done.
16 As far as following up with that security -- trying to locate
17 that security company.

18 So there were a lot of things that were still being
19 done for the investigation.

20 Q. Well, I'm talking about investigating, trying to
21 get at the truth.

22 You had -- how many statements were taken from
23 Christina Lockwood?

24 A. The initial one at the hospital and then --

25 Q. Let me cut you off. That's August the 25th; right?

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- 1 A. Yes, sir.
- 2 Q. Okay. That's the initial?
- 3 A. That was the initial taken at the hospital.
- 4 Q. Shike Brown?
- 5 A. Sha'Quille Brown or Shike Brown or -- okay.
- 6 Q. Next --
- 7 A. The next one -- the next one was taken from
- 8 Ms. Lockwood later that evening or afternoon.
- 9 Q. So the same August the 25th again?
- 10 A. That's correct.
- 11 Q. Okay. 2013. Anymore statements?
- 12 A. The one by -- from -- that Detective Wilson got
- 13 from Arianna Coakley.
- 14 Q. I want to know if that's the complete substance of
- 15 statement from Christina Lockwood. You said August the 25th
- 16 twice?
- 17 A. Yes, sir.
- 18 Q. So there's only two sets of statements?
- 19 A. That's correct.
- 20 Q. Now we'll move to Ms. Coakley. Okay?
- 21 A. Okay.
- 22 Q. The first statement from Ms. Coakley?
- 23 A. The 25th of August.
- 24 Q. August 25th at the hospital?
- 25 A. That's correct.

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1 Q. When's the subsequent?

2 A. And the subsequent was taken from her on the 26th
3 of August, which was a partial written one and an audio.

4 Q. That's the audio and the video?

5 A. That's correct.

6 Q. And you were here earlier and heard the testimony
7 in reference to the -- it hasn't been introduced into evidence
8 -- the video where she outlined that Mr. Manigault said he was
9 about to snap. You heard that testimony. That was part of
10 her interview?

11 A. I did hear that.

12 Q. Okay. And those were the only two in reference to
13 her?

14 A. That is correct.

15 Q. And then we'll fast-forward. We know about this
16 case. Okay. We'll fast-forward to Larry Kinloch. He is
17 finally interviewed September the 13th?

18 A. Let me check.

19 Q. Please.

20 A. I don't want to tell you something that's not true.
21 One more second.

22 [Whereupon, the witness reviews documents]

23 A. I don't have Mr. Kinloch's statement in front of
24 me. If his statement is here, I would be able to tell you
25 exactly the date. But I want to say it's around September

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1 14th, 13th.

2 MR. DAVIS: Larry Kinloch.

3 I want this marked for identification as Number 7,
4 Defendant's.

5 [Whereupon, Defendant's Exhibit Number 7 is marked
6 by the court reporter]

7 Q. [Mr. Davis] I'm going to hand you what's been
8 marked as Defendant's Exhibit Number 7. You can review that
9 and refresh your memory.

10 [Whereupon, the witness reviews documents]

11 A. All right. I'm glad we did look at this, because
12 it's actually September 24th --

13 Q. [Mr. Davis] Okay. Thank you.

14 A. -- 2013.

15 Q. That means I get to extend my question and say that
16 it was a month later, then.. Okay?

17 A. Yes.

18 Q. That's right.

19 Now, that is his statement; right?

20 A. That is correct.

21 Q. And in that statement, on the last page -- I want
22 to refresh your memory -- he stated that he hadn't shared any
23 aspect or discussion about this shooting or incident to
24 anyone; isn't that correct?

25 A. Give me just one second.

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1 Q. Yeah.

2 [Whereupon, the witness reviews documents]

3 A. You want me to say exactly what he said?

4 Q. [Mr. Davis] No. No.

5 A. Oh.

6 Q. Just --

7 A. Okay.

8 Q. And that's truth; yes?

9 A. According to this, he says he has not talked to
10 anybody or -- about the shooting.

11 Q. Now, you the head investigator; right?

12 A. That's correct.

13 Q. Tell me when was the information retrieved from the
14 jail, the telephone conversation that was played yesterday.

15 A. I have no knowledge when it was actually retrieved
16 from the detention center.

17 Q. Do you have any knowledge when it was made?

18 A. According to the jail thing, it said 8/27 of 2015,
19 two days after the homicide.

20 Q. Who would secure that information? You the head
21 investigator. Who has the power to secure that information?

22 A. Any of the department people that work for the
23 sheriff's office that are investigating the case would have
24 the power to do that.

25 Q. Well, you check in your record and tell us who

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1 requested that information, please, sir.

2 A. I don't have anything in my record on who requested
3 that information.

4 Q. So you don't know how it was produced?

5 A. No, sir.

6 Q. But you the lead investigator, though?

7 A. Yes, sir.

8 Q. Now, let's get the list of witnesses you
9 interviewed. Ms. Coakley, Lockwood.

10 Mr. Alls? You did Mr. Alls?

11 A. We did. We went to speak to Mr. Alls, the cook.

12 Q. That's the cook.

13 Do you have any statement that was generated from
14 Slim Bubba, the rapper?

15 A. No.

16 I spoke with Slim Bubba out there on the scene.
17 After speaking to him, he refused to put anything in writing
18 or make any kind of statement.

19 Q. So I'll re-ask that question again. This whole
20 process was wrapped up within forty-eight hours?

21 A. That's not correct. It was not.

22 Q. Well, share with us what further investigation that
23 was performed, because you didn't do the investigation
24 pertaining to extracting the information from the jail who
25 Larry Kinloch testified to yesterday. So tell us what further

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1 investigation you did in this matter.

2 A. As I said before, we continued to investigate it
3 and we were able to locate Mr. Kinloch. We got there.

4 There was phones to be forensically done. There
5 was evidence to be sent. There's a lot that goes -- involved
6 in a homicide investigation, so it doesn't just stop upon the
7 arrest.

8 So there was a lot of details and stuff that had to
9 be done prior -- before this case was ready to be handed over
10 to the solicitor's office.

11 Q. I guess the million-dollar question is nobody else
12 was arrested?

13 A. No one else was arrested in this case.

14 Q. Nobody else was charged?

15 A. That's correct.

16 Q. No other weapons have been secured?

17 A. Other than just the two.

18 Q. And none of the weapons that stands here today is
19 the weapon that actually caused the death of this young man?

20 A. That's correct.

21 Q. That's the million-dollar --

22 MR. DAVIS: Nothing further, Your Honor.

23 THE COURT: Redirect?

24 MR. WEST: Yes, Your Honor.

25 - - -

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REDIRECT EXAMINATION

BY MR. WEST:

Q. Captain Shuler, you were on that team that night, and you heard some questions about the projectiles that weren't recovered. Tell the jury the extent of your attempts to find those other projectiles.

A. Well, when forensics shows up, we have forensic -- once the scene is secure, forensics shows up and they do like you heard from Sargent -- or Lieutenant Alteri now, yesterday, is that they take over-alls and then they move in and start taking closer-up photographs.

We attempt to look to see if maybe any bullet holes may have went into the cars, if they went into any of the buildings. We were told, you know, possibly if we started looking into the ground -- the parking lot is bigger rock. When I think about gravel, I think about little tiny pieces of gravel. But that wasn't the case with this parking lot. It is bigger rock and smaller rocks, but it is a gravel -- what I would call a gravel parking lot.

We looked in the ground, and we looked all around that area looking for any other either shell casing, projectiles, anything else that would be evidence in this case, and we did not find any additional projectiles.

Q. How far did your search go out?

A. It went all the way throughout the crime scene.

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1 Q. On the road? In the woods near it?

2 A. Yes.

3 We searched -- you know, we searched the -- there's
4 a ditch line that runs down through there where the cars were
5 parked, so we went ahead and walked the road from the end of
6 where -- basically, Cainhoy Road all the way up past the club,
7 just to see if anything might have got thrown in the ditch,
8 either a weapon, which traditionally sometimes happen -- some
9 people drop stuff -- or a phone, or anything that would help
10 us with this case, and we did not find anything like that.

11 Q. Would it be your testimony that every conceivable
12 option --

13 MR. DAVIS: Objection. Leading. Every conceivable

14 THE COURT: Mr. Davis.

15 MR. DAVIS: Leading.

16 THE COURT: No speaking objections. Thank you.

17 Leading. Rephrase your question. Thank you.

18 Q. [Mr. West] Did you exhaust all efforts to find
19 those projectiles?

20 A. We did.

21 Q. Captain Ollic never said anything to you about
22 being involved in this case?

23 A. No.

24 He was the captain over the division. At the time,
25 I was the lead detective on this case. All I did was keep him

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1 advised of what we were doing and where we were with the
2 investigation.

3 Q. You met with William Freeman last week; right?

4 A. That's correct.

5 Q. And is it true he said he never talked with anybody
6 from the sheriff's office?

7 A. That's correct.

8 Q. The first time you heard Rick Ollic's name is when
9 Mr. Davis just brought it up?

10 A. That is correct.

11 MR. WEST: Thank you. No further questions.

12 MR. DAVIS: Yeah. Just a few, Your Honor.

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RECROSS-EXAMINATION

BY MR. DAVIS:

Q. Did you have flashlights to look for those
projectiles?

A. We had flashlights.

Q. Why did you need flashlights?

A. Because it was dark out towards the ditch and the
road area.

MR. DAVIS: Thank you. No further questions.

THE COURT: Ladies and gentlemen, I think that the
pizza has arrived, and it's also an appropriate time for
us to break, so we're going to take our lunch break.
We're going to eat in today. We'll take about thirty,
forty minutes for y'all to eat and then we have -- and
then we'll begin the trial.

Ladies and gentlemen, please take your notepads
with you. We will collect them over the lunch hour.

Please rise for the jury.

Please remember all my admonitions.

[Whereupon, the jury exits the courtroom at
1:07 p.m.]

THE COURT: We'll take thirty-five minutes. 1:40.

[Whereupon, a recess is taken from 1:08 p.m. to
1:42 p.m.]

THE COURT: Is the State ready?

Erin presnell, M.D.
Direct Examination by Mr. West
October 14, 2015

ERIN PRESNELL, M.D.,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. WEST:

Q. Dr. Presnell, could you please tell the jury where you work?

A. I'm a forensic pathologist. I work in Charleston at the Medical University of South Carolina.

Q. Could you tell the jury what you do?

A. I do forensic autopsies.

Q. And what does that entail?

A. Well, forensic autopsies are performed in the field of forensic pathology. Forensic pathology, which everyone I think is getting kind of used to these days, with television and all -- but Forensic pathology is actually a subspecialty of the medical field of pathology.

And pathology is the study of disease. So if you go to your doctor and you get like say a skin biopsy, or a woman gets a breast biopsy, that tissue -- or you go to surgery and the surgeon takes something out, that tissue goes to the pathologist, they look at it, they dissect it, they look under the microscope, and they come up with a diagnosis. So it's cancer, no cancer, infection, not infection. So that's kind of the general, broad field of pathology.

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1 And I'm board certified in pathology, but then I
2 took an additional year to train in forensic pathology. And
3 that is where we're not just looking at a piece of tissue or
4 an organ, but we're looking at a whole individual that has
5 passed. And we're looking for disease, but we're also looking
6 at and evaluating trauma. And of course that process of
7 evaluation is called the autopsy. And ultimately, when we're
8 done, when we've completed the autopsy, then we opine on the
9 cause and manner of death.

10 Q. Could you tell the jury what education and
11 qualifications you have to do this forensic pathology?

12 A. Let's see. I went to Clemson and majored in
13 microbiology.

14 Then I went to MUSC in 1989 for medical school.
15 Finished medical school and chose pathology as my field of
16 medicine, and that was five years of residency training and
17 then additionally a forensics. So I think that's fourteen.

18 And then after all that training, you have to take
19 the boards and get board certified. So I'm board certified in
20 general pathology and forensic pathology.

21 Q. Are you certified only in South Carolina?

22 A. Well, it's a national board certification. But I'm
23 licensed to practice medicine in South Carolina.

24 Q. How many autopsies would you say you've performed?

25 A. It's a complete estimate. Around the 2,000 mark.

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1 Q. Have you ever testified in court?

2 A. Yes.

3 Q. Have you ever been qualified as an expert?

4 A. In forensic pathology, yes.

5 Q. And how many times would you say that was?

6 A. Again, an estimate, about a hundred.

7 MR. WEST: At this time, the State would move that
8 Dr. Erin Presnell be qualified as an expert in the area
9 of forensic pathology.

10 MR. DAVIS: I have one question, Your Honor.

11 THE COURT: Yes, sir.

12 MR. DAVIS: Has she ever seen the show Quincy?

13 THE WITNESS: I have my first -- my first dog, as
14 an adult, was named Quincy.

15 MR. DAVIS: She's qualified, Judge.

16 THE COURT: All right. Thank you.

17 This witness will be qualified, based upon her
18 training and experience, as an expert.

19 You may continue, Mr. West.

20 MR. WEST: Thank you, Your Honor.

21 Q. [Mr. West] In the area of forensic pathology, have
22 you ever testified in range of fire?

23 A. Yes. Yes, I have.

24 Q. What does that mean?

25 A. Well, my testimony on range of fire is in the

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1 context of a medical examiner or a forensic pathologist.

2 And so when we're looking at gunshot wounds, we
3 come up with an estimate. There's three general categories
4 that we can choose from on how far away a gun was from a
5 person.

6 Number one is contact. And that's pretty straight-
7 forward. The gun is up against the skin and it leaves a rim
8 of soot on the skin when the gun is fired in that contact
9 range.

10 As the gun is pulled away from the skin or from the
11 person -- and think of it this way. And I apologize if I
12 oversimplify. But it's not just a bullet that's coming out
13 the end of the barrel, but there's some soot product from the
14 combustion. There's also some gunpowder particles. And the
15 gunpowder is coming from the bottom of the cartridge of what's
16 holding the bullet. That's what ignites when the trigger is
17 pulled and propels the bullet down the barrel.

18 So we have the bullet coming out from soot and then
19 some gunpowder particles. And those gunpowder particles stick
20 kind of like little pieces of sand.

21 So with the contact gunshot wound, you'll see some
22 soot around the entrance wound. As you pull the gun away --
23 this is considered close range -- that soot may or may not
24 reach -- it looks like a gas -- may or may not reach the skin,
25 but there's little particles of -- sand-like particles of

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1 gunpowder will reach the skin and actually scratch it.

2 So you can wipe soot off, but you can't wipe the
3 scratches away. And they're like little pinpoint dots around
4 the entrance wound. So if we see that, to us that is a close-
5 range gunshot wound.

6 When the gun gets farther away -- and to encompass
7 pretty much all handguns, by the time -- pretty much for all
8 handguns, by the time the gun is thirty-six to forty-two
9 inches away, so about a yard, a yard and six inches away, that
10 soot is not going to reach the skin and those gunpowder
11 particles are not going to reach the skin, and so you'll just
12 have an entrance wound without any soot on it or any of the
13 what we call stippling or those little scratches around it.

14 So, again, the three categories: contact, close,
15 and then the last one is considered distant.

16 Q. Did you have an opportunity to perform an autopsy
17 on the victim, Herman Manigault, in this case?

18 A. Yes.

19 We did -- I did that autopsy on August 25th,
20 2013.

21 Q. And where would that have taken place?

22 A. At MUSC.

23 Q. Did you take any pictures during your autopsy?

24 A. Yes, I did.

25 MR. WEST: I'm showing the witness State's Exhibits

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1 11, 12, 13, 14, 16, 17, 18, and 19.

2 Q. [Mr. West] Take a look at these and tell me
3 whether you recognize them.

4 [Whereupon, the witness reviews documents]

5 A. Yes. These are photographs taken at the time of
6 autopsy.

7 Q. [Mr. West] Are they a true and accurate
8 representation of the autopsy that you performed?

9 A. Yes, they are.

10 MR. WEST: At this time, the State would ask to
11 enter these exhibits into evidence.

12 MR. DAVIS: No objection.

13 THE COURT: State's 11, 12, 13, 14, 16, 17, 18 and
14 19 into evidence without objection.)

15 MR. WEST: Thank you, Your Honor.

16 [Whereupon, State's Exhibit Numbers 11, 12, 13, 14,
17 16, 17, 18 and 19 are admitted into evidence by the
18 Court]

19 THE COURT: You may publish.

20 Q. [Mr. West] When you first start an autopsy, what
21 it is that you are generally looking for?

22 A. Well, we're looking for everything.

23 Whenever somebody comes in, I mean, they usually
24 are accompanied with some type of case history, albeit it
25 might be a very small amount of information then at the time.

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1 But we do an exam when they arrive. And we
2 unclothe them and get them cleaned up and do another external
3 exam. And, again, we're looking for disease -- it could be
4 infection -- but also trauma.

5 Q. I'm going to show you State's Number 11.

6 MR. WEST: Could you put 11 on the screen.

7 I have a pointer here and on the top is a red
8 button. You can use that laser pointer.

9 Q. [Mr. West] Knowing that the jury will have these
10 back in evidence, let's describe some of the things that you
11 first see during this photograph.

12 A. This photograph really shows his most significant
13 injuries.

14 He had two gunshot wounds to his body. And you'll
15 see I think in later pictures, we labeled them by letters so
16 they start with an A. It doesn't imply that it was first or
17 last, it's just designations.

18 But we have a gunshot wound to his back, his left
19 back, and we have a gunshot wound to his left buttock.

20 You can also start to see that there's an injury on
21 the head, which is going to be a laceration. And a laceration
22 is where the -- a laceration equals blunt trauma. Some type
23 of blunt trauma struck the skin and caused it to split.

24 Q. Now, you said you labeled them A and B. Is there
25 any significance to the labeling?

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1 A. No.

2 Q. You had to label one --

3 A. One is A --

4 Q. -- one way or the other; correct?

5 A. -- and one is B. Yes.

6 Q. Now, these are the only two gunshot wounds found on
7 Mr. Manigault; correct?

8 A. Yes. He has two gunshot wounds.

9 Q. Was there -- and these are entrance wounds?

10 A. These are both entrance wounds.

11 Q. Was there any exit ones found?

12 A. No.

13 We recovered both bullets from inside of the body.

14 MR. WEST: Show the witness what has already been
15 entered into evidence as State's Number 26.

16 Q. [Mr. West] Do you recognize this package at all?

17 A. Not the outside of it.

18 Q. Would you like this opened?

19 Q. You can.

20 A. You want me to open it?

21 THE COURT: Ms. Hill, do you have scissors?

22 A. All right. So there's two containers in here, both
23 of them with the autopsy labeled with the deceased person's
24 name. And one is labeled bullet A and one is labeled bullet
25 B. And then the bullets are out of their containers and these

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1 are -- appear to be the bullets that we recovered at the time
2 of autopsy.

3 Q. Thank you.

4 Going back to Number 11, the entrance wound labeled
5 A, could you tell which projectile you recovered from which
6 wound?

7 A. Yes.

8 Q. Could you tell which one is which?

9 A. Yeah.

10 Q. Are they labeled?

11 A. The one labeled bullet A came from gunshot wound A
12 and the one labeled bullet B came from gunshot wound B.

13 Q. And the labeling, is it done on the body, as well
14 as the projectiles?

15 A. Well, we don't write on the projectiles but we
16 designated the labels. And often -- you can't really see
17 them, but the little tiny squares. That actually says A and
18 not -- that has the writing B on it.

19 MR. WEST: Go to State's Number 12.

20 Q. [Mr. West] Could you tell me what State's Number
21 12 is?

22 A. This is gunshot wound A, so this is the gunshot
23 wound to the back.

24 Actually, the lighting, there's a little bit of a
25 glare on it but I think you can appreciate the kind of a red-

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1 orange colorations. Do you see those dots around it? It's
2 actually very, very dense. This is very dense stippling,
3 indicating a close-range gunshot wound to the back.

4 Q. Could you remind the jury what stippling is?

5 A. Stippling is what is the -- are the scratches that
6 are made from the gunpowder particles that come out of the end
7 of the barrel and strike the skin.

8 Q. And what makes you believe that this is a close-
9 range gun fire?

10 A. If a close range -- it is a close-range gunshot
11 wound because of the stippling.

12 Q. The amount or the circumference or?

13 A. Because the stippling is there.

14 Q. What does the circumference of the stippling marks
15 tell you?

16 A. Well, one of the things that we do in evaluating
17 range of fire is to measure the horizontal spread and the
18 vertical spread of the stipple pattern and then, therefore, if
19 you recovered the suspected weapon and used the suspected
20 ammunition, you could fire that and try to reproduce that
21 distribution, that spread, and then you could really narrow
22 down how far away that was.

23 Q. You said you measured it. What was the measurement
24 of the stippling marks in this case?

25 A. It extends approximately seven inches horizontally

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1 and four inches vertically.

2 Q. Okay. So that's a pretty large marking?

3 A. Well, I think the significance of this stippling
4 powder is at it's -- is relatively dense.

5 As you move farther away, the stippling, it kind
6 of -- it spreads out and becomes less dense.

7 Q. What sort of variables could affect the density of
8 stippling or the presence of stippling?

9 A. So the reason that I said that you would test-fire
10 the suspected weapon with the suspected ammunition is that, I
11 mean, a lot of the patterns can depend on that weapon and on
12 the ammunition.

13 And just for an example, the gunpowder that's in
14 the bullet casings, it can be several different types. If the
15 gun powders are in little balls, then obviously they're going
16 to go a lot farther than if you have little flat flakes.
17 They're not going to go near as far. So therefore, that would
18 require having that potential -- or that ammunition to try to
19 specify exactly how far that is.

20 The other thing with this is that it is a very
21 dense pattern. It brings up the possibility that it's a,
22 quote, Magnum load, which is just a load that has more charge
23 in it than there regularly.

24 Q. Could you tell whether the victim was clothed or
25 unclothed?

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1. A. Well, he came to us with his shorts, his belt, and
2 his boxer brief -- or not briefs -- boxer shorts, underwear,
3 but he did not have a shirt.

4 Q. And for your findings, your ultimate findings in
5 this case, what's the significance of this wound labeled A?

6 A. The significance is that it's a close-range gunshot
7 wound to his back.

8 Q. And what did you conclude was the -- would this
9 have been the kill shot?

10 A. Well, we didn't really go into the pathways and all
11 of the bullets.

12 Remember he had two gunshot wounds. This gunshot
13 wound goes into his left back, goes through the aorta right by
14 the backbone. The aorta, of course, is the main vessel
15 carrying blood from the heart to the rest of the body. And
16 then it goes through the liver. It's going up. So it goes
17 into the back, through the aorta, through the liver, and then
18 we recovered the bullet on the front chest cavity on the right
19 side.

20 The gunshot wound to his buttock goes in through
21 the soft tissues and the buttock musculature and to the bone,
22 to the left pelvic bone, where we get the second bullet. Or
23 bullet B, I should say.

24 And so as far as what is the fatal injury, gunshot
25 wound A in this case is considered the fatal injury.

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1 Q. Could you tell the angle of injury --

2 A. Well, what we do is try to approximate the
3 direction of the bullet through the body.

4 Remember when we're doing it, the person is
5 straight. People, of course, don't normally just stand that
6 way in living life. But, anyhow, as far as this bullet A
7 going -- actually, A and B both pretty much have the same
8 direction through the body. They're both going up. So from
9 his back up to his chest. They're both going forward, so from
10 his back to his front. And then they're both going from his
11 left to his right.

12 Q. So in your professional opinion, would his body
13 have had to have either been slunched [phonetic] over or
14 laying down?

15 A. Again, it depends on what the scenario is.

16 He certainly could have been laying down. He also
17 could have been standing up and the bullets come from below.
18 I just can't tell that at the time of autopsy.

19 MR. WEST: Let's go to State's Number 13.

20 Q. [Mr. West] What can you tell from State's Number
21 13?

22 A. This is gunshot wound B. So the front of his body
23 is here. And there's the back of his buttock. And on kind of
24 the left-lower side of the buttock is the other gunshot wound.
25 That, again, goes through the soft tissue, muscle, and to the

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1 pelvic bone.

2 Q. And we spoke about trajectory just a second ago.
3 Is this consistent with the similar trajectory to gunshot
4 wound A?

5 A. Yes, this has a similar trajectory.

6 Q. So it would be about the same scenario about body
7 position?

8 A. I'm not -- which scenario are you --

9 Q. The either slunched over or laying down possible
10 position.

11 A. He could be slunched over and laying down, yes.

12 MR. WEST: I'm showing the witness State's Number
13 14.

14 Q. [Mr. West] What's State's Number 14?

15 A. Okay. This is the back of his head. So we're
16 looking at the -- like the left side. And when you see this
17 kind of -- it started out as a kind of a rectangular shaped
18 laceration. It is abraded. Abrasions means scrapes. So
19 there's kind of an abraded marking around it.

20 Again, a laceration is equivalent to one trauma. So
21 some type of blunt trauma struck the back of his head and
22 created this laceration.

23 Q. Did he come to you with that shaved circle around
24 the --

25 A. No -- no. That's us, to make sure that we evaluate

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1 it properly.

2 Q. And under this wound was there anything significant
3 in your other findings?

4 A. Under those areas of laceration the bone, the skull
5 bone, kind of had a chip in it.

6 Q. So it broke the bone?

7 A. It had a chip, yes.

8 Q. Does that suggest a great deal of force?

9 A. I'm not exactly sure I can quantify it, per se.
10 but certainly a fair amount of force could create a laceration
11 and chip the skull, yes.

12 Q. And that shape of a wound, would that suggest
13 object or hand?

14 A. A hand?

15 Q. Does a hand make that shape?

16 A. So it does have a rectangular shape. So it
17 suggests that perhaps something rectangular-ish hit it.

18 Now, it could be -- not that I can look at that and
19 say what it is. I mean, could it be a two-by-four? Sure. Is
20 it a hand? Probably not. Or a fist? I don't think it would
21 be quite that same patter.

22 Q. [Mr. West] State's Number 16.

23 A. This is the bottom of his right elbow. And these
24 are some non-specific abrasions or scratches.

25 Q. Okay. No way to tell where they came from?

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1 A. No.

2 Q. What would have caused it?

3 A. Scraping something else, whether it was -- I mean,
4 it's not uncommon for us to see something like this in a fall.

5 Q. In your professional opinion, what would your
6 conclusion as to the distance of a shooter be?

7 A. Well, again, without test-firing the weapon with
8 suspected ammunition, what I can say: my definition, a close-
9 range gunshot wound, encompassing all handguns, is within a
10 yard to -- thirty-six to forty-two inches. So closer than
11 that.

12 Q. So no more than a yard?

13 A. Or a yard -- forty-two inches. A yard and six
14 inches.

15 Q. The fatal wound to Mr. Manigault, how long would it
16 have taken him to die?

17 A. Well, with a trauma -- a perforation of the aorta,
18 I image that it would be minutes. Within minutes.

19 Q. What is the difference between manner of death and
20 cause of death.

21 A. Cause of the death is what caused the death, and
22 manner of death -- in the medical examiner or forensic
23 pathology role, there is four selections that we can choose
24 from. It -- so they are natural, which of course this is not
25 accident; suicide; homicide, which means death at the hands of

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1 another; or we can leave it undetermined, if we cannot tell.

2 In this case we classified it as homicide.

3 MR. WEST: No further questions of this witness at
4 this time.

5 THE COURT: Mr. Davis?

6 MR. DAVIS: Nice to meet you, Ms. Presnell.

7 You were able to answer the million-dollar question
8 when you answered Quincy, so I know you're qualified.

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Cross-Examination by Mr. Davis
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CROSS-EXAMINATION

BY MR. DAVIS:

Q. You just examined, you know, the individual that's brought to you?

A. Correct.

Q. And you, being an expert, being a professional, you render opinions within your realm of expertise?

A. Correct.

Q. You stated earlier that there are three contact, in a sense. You says contact close, and then distance?

A. For range of fire, yes.

Q. For range of fire?

A. Uh-huh.

Q. And actually having the weapon that discharged or caused the point of wound injury is one of those factors that could lend you more credible information to render an opinion as to the distance or closeness?

A. It would.

I'm not the one who would necessarily evaluate the test-firing and all, but it would certainly narrow down exactly how far that would be away from the skin.

Q. And if you were to learn in reference to one of the photographs --

MR. DAVIS: Specifically, the one with the scraping. Do you have --

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1 Q. [Mr. Davis] If you were provided empirical data
2 that a fight was ensued and that it was a gravel surface with
3 rocks of different variations, large and small, would that
4 lend or give you enough information to render an opinion that
5 the cause of that could have been the surface with which was
6 impacted on his elbow?

7 A. It does look like a gravel injury.

8 Q. Thank you.

9 In relationship to the direction of the bullet --
10 I'm sorry. No further --

11 Q. Well, you were talking about the projectory
12 [phonetic]. And that -- you know, I saw this on TV so if I'm
13 wrong, tell me. Can they put the direction -- how did you
14 determine the trajectory?

15 A. Well, so that the -- when I say trajectory, it's
16 inside the body. This doesn't say -- and this is -- with me
17 saying its going up and to his right and forward, that's with
18 him standing straight up with his palms forward.

19 If you put him -- if you can imagine like using a
20 pen to represent that trajectory, and then move him in any
21 position, then that could point to where the bullet is coming
22 from.

23 Q. So first it would be right behind you at close
24 range. Then, when the bullet is discharged, the projectile,
25 then it would go upward?

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1 A. Correct.

2 Q. So everything with that force would go upward first
3 before gravity eventually brings it down? Or in the case of
4 the buttocks, the bullet would stop at the bones?

5 A. Well, in both of the bullets --

6 Q. They were stopped?

7 A. -- both of the gunshot wounds they were stopped
8 inside. Yeah.

9 Q. And it's your testimony, to a professional degree
10 of medical certainty, you can't say whether the young man was
11 not standing up when the shots entered his body?

12 A. Correct. I cannot tell that from the autopsy
13 findings.

14 MR. DAVIS: I want to thank you, Susan.

15 You have my grandmother's first name. And I want
16 you to have some sympathy because Clemson -- I know you
17 know Clemson. You know the story. Thank you.

18 THE WITNESS: You're welcome.

19 MR. DAVIS: No further questions.

20 THE COURT: Mr. West?

21 MR. WEST: No redirect, Your Honor.

22 THE COURT: Dr. Presnell, you are free to go --

23 THE WITNESS: Thank you.

24 THE COURT: -- or you are free to stay with us.

25 [Whereupon, Dr. Presnell is excused and exits the

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1 witness stand.

2 THE COURT: Call your next witness.

3 MR. WEST: Thank you.

4 At this time, Your Honor, the State would ask to
5 read into evidence a stipulation agreement between
6 defense counsel and the State.

7 We have the stipulation agreement marked as State's
8 Exhibit Number 60.

9 THE COURT: Well, actually, we need to mark it as a
10 Court's Exhibit.

11 MR. WEST: Court's Exhibit?

12 THE COURT: And that will be Court's Exhibit 2.

13 Mr. Davis, you were going to read --

14 MR. DAVIS: Yes, I am, Your Honor.

15 THE COURT: -- this into the record? All right.
16 Let Mr. West get it marked properly.

17 MR. DAVIS: This is it here, I think. This is it.

18 THE COURT: Evidently, y'all have more than one
19 copy. Let him mark the exhibit.

20 [Whereupon, Court's Exhibit Number 2 is marked by
21 the court reporter]

22 MR. DAVIS: Please the Court, Your Honor?

23 THE COURT: Yes, sir.

24 MR. DAVIS: The State of South Carolina, County
25 of --

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1 THE COURT: Let's wait for just a moment.
2 Everybody get seated.

3 MR. DAVIS: Please the Court?

4 THE COURT: I don't want you to get interrupted,
5 Mr. Davis. All right. There you go.

6 MR. DAVIS: Thank you, Your Honor.

7 State of South Carolina, County of Berkeley, State
8 of South Carolina versus Sha'Quille Mi'Leak Washington,
9 the stipulation of agreement in indictment 2015-GS-08-
10 01333: the State and the defense hereby stipulate the
11 following pieces of evidence were properly collected,
12 handled, transported, and stored: State's Exhibit
13 Number 21, State's Exhibit Number 23, State's Exhibit
14 Number 24, State's Exhibit Number 26, State's Exhibit
15 Number 31, State's Exhibit Number 36, State's Exhibit
16 Number 52, Defense Exhibit Number 4. Moreover, the
17 State could present witness from South Carolina Law
18 Enforcement Division to establish a proper chain of
19 custody as demonstrated in State's Exhibit Number 29 and
20 State's Exhibit Number 49, SLED chain of custody report
21 supplement.

22 This is by Exhibit -- Court's Exhibit Number 2,
23 Your Honor.

24 THE COURT: All right.

25 MR. DAVIS: Thank you, Your Honor.

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1 THE COURT: Thank you.

2 MR. WEST: Incorporated within that, Your Honor, we
3 would ask for the introduction of State's Exhibit Number
4 29 and 49, the chain of custody from SLED.

5 THE COURT: Any objection?

6 MR. DAVIS: None, Your Honor.

7 THE COURT: State's 29 and 49 are in evidence
8 without objection.

9 [Whereupon, State's Exhibit Number 29 is admitted
10 into evidence by the Court]

11 [Whereupon, State's Exhibit Number 49 is admitted
12 into evidence by the Court]

13 MR. WEST: The State rests, Your Honor.

14 THE COURT: All right. Ladies and gentlemen, that
15 indicates to the Court there is a matter of law that I
16 must take up outside of your presence.

17 Do not begin your deliberations. Do not begin
18 discussing this case amongst yourselves.

19 We'll receive you back in the courtroom
20 momentarily. Take your notepads or leave them right in
21 your chair.

22 Please rise for the jury.

23 [Whereupon, the jury exits the courtroom at
24 2:16 p.m.]

25 THE COURT: Thank you. Be seated.

State vs. Sha'Quille Washington
Motion for a Directed Verdict by Mr. Davis
October 14, 2015

MOTION FOR A DIRECTED VERDICT

THE COURT: At this time, the State has rested.
Mr. Davis, any motions or matters?

MR. DAVIS: Your Honor, we move for a directed
verdict, specifically two fronts.

The first front, we would say that in the totality
of the circumstances in reference to the evidence that
has been presented to the Court, that at best there has
been no indication of a wilful, malicious death, malice
aforethought. At best, the evidence would suggest that
there were a fight engaged, mayhem. That their
eyewitnesses to some degree suggest that my client may
have caused the shooting and injury and ultimate death
of the defendant [sic], Your Honor. But it would be my
position that the State has failed to carry its burden
in reference to murder.

And I would inject at this point, Your Honor, that
I think my client is entitled to an argument of self-
defense in relationship going from a springboard from
Ms. Coakley, who presented a threat by way of a Heineken
bottle and in a rash of a few seconds there is a
discharge of firearm whereupon the defendant is
incapacitated, non-moving.

It would be our position, Your Honor, that the
defendant is entitled to a directed verdict that the

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1 threat that was imposed upon him was in two instances:
2 a threat directly by Ms. Coakley with the Heineken
3 bottle, and then a threat engaged by the victim,
4 Mr. Herman Manigault, who's testimony was elicited from
5 Larry, Francis Larry, that he had removed his shirt in
6 anticipation of combat, that he had snapped or was about
7 to snap, if we accept the testimony of Ms. Coakley, that
8 there -- rules of engagement had commenced, and that
9 Mr. Washington or accomplice at that point did injury
10 to -- and death to the defendant [sic], Your Honor.

11 We think that the State has failed to carry its
12 burden, Your Honor, as to murder.

13 THE COURT: Mr. West?

14 MR. WEST: Thank you, Your Honor. May it please
15 the Court.

16 As you know, on dealing with a directed verdict
17 we're dealing with an instance where the State only
18 needs to present some evidence and that the evidence is
19 viewed in the light most favorable to the State, the
20 non-moving party. In this instance, we have absolutely
21 met our burden to send the charge to the jury.

22 What we have here is a situation where the victim
23 was shot in the back. That's the best evidence against
24 what Mr. Davis says is so-called self-defense. But I
25 don't think self-defense necessarily needs to be

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1 addressed right here because all we're concerned with is
2 whether the element of malice aforethought was
3 established.

4 And the defendant's own statement says that he was
5 not threatened by the victim, the victim did not have a
6 gun, there was only one person with a gun out there, and
7 what all the eyewitnesses have said is that it was this
8 defendant who had the weapon. That weapon can imply
9 malice.

10 The other things that can imply malice is the fact
11 he actually shot him. That's one of the big elements
12 right here we have with malice aforethought.

13 There was no provocation by the victim, according
14 to the defendant's own words. He says that the victim
15 never threatened him or never did anything to him
16 directly, that he just witnessed what was going on and
17 there was only three people fighting, three people
18 fighting that didn't include him.

19 The other thing that can go to malice here, Your
20 Honor, is the defendant pulled a gun on an eyewitness.
21 So it wasn't just him shooting Herman, he was also
22 threatening somebody else with a gun, pointing it in
23 Ms. Coakley's face.

24 We have several witnesses that have identified this
25 defendant as the shooter in the case. We've met our

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1 burden here with proving malice. We will meet our
2 burden in future directed motions, as well, because what
3 we have presented here is sufficient testimony.
4 Sufficient evidence has been presented here to meet the
5 elements of murder. Self-defense is something that's
6 going to be addressed later by Your Honor.

7 And I feel as though we'll be able to satisfy the
8 necessary elements to not have the jury instructed on
9 self-defense, as well, one of those being that the
10 defense can't be a part of the reason for the difficulty
11 being brought on.

12 What we have here is an instance where the
13 defendant followed the victim. The defendant followed
14 the victim outside. He was shot in the back twice. And
15 those are some of the things we intend to elicit or
16 describe in full detail when we address the idea of
17 self-defense.

18 But right now, Your Honor, we have met our burden
19 in giving you the ability to deny the directed verdict
20 motion, and we would respectfully ask that you do so.

21 THE COURT: Anything further?

22 MR. DAVIS: Nothing further, Your Honor.

23 - - -

24 - - -

25 - - -

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Court's Ruling
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COURT'S RULING

THE COURT: In ruling on a motion for directed verdict, pursuant to Rule 19 of the Rules of South Carolina Criminal Procedure I must view the evidence and all reasonable inferences in the light most favorable to the nonmoving party, which in this case is the State. I am concerned only with the existence or nonexistence of the evidence.

Mr. Washington is charged with murder, and the State must prove beyond a reasonable doubt that Mr. Washington killed another person with malice aforethought. Malice of hatred, ill will, or hostility towards another person is the intentional doing of a wrongful act without just cause or excuse with the intent to inflict an injury that the law will infer evil intent.

Based upon the testimony that has been shown under the standard provided by Rule 19, I deny your motion for a directed verdict.

We will address the issue of self-defense at the appropriate time.

Mr. Washington, please stand.

[Whereupon, Mr. Washington complies]

THE COURT: Let's place him under oath.

THE CLERK OF COURT: Please raise your right hand.