

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

R. Scott Sprouse, Circuit Court Judge

CASE NO.: 2019-000722

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SC Court of Appeals

Adriel N. Garnett,..... Appellant,

vs.

State of South Carolina,Respondent.

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) COURT OF GENERAL SESSIONS

3
4 STATE OF SOUTH CAROLINA,)
5 PLAINTIFF,) TRANSCRIPT
6 vs.) OF
7 ADRIEL NICHOLAS GARNETT,) RECORD
8 DEFENDANT.) 2016-GS-42-4430

9
10 December 6th and 7th 2017
11 Spartanburg, South Carolina

12
13 B E F O R E:

14 THE HONORABLE J. MARK HAYES, II, Judge.

15
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P R O C E E D I N G S

THE COURT: All right. We'll go on the record on the matter of the State of South Carolina versus Garnett. I've got this is 2016422120017-18.

Yes, ma'am.

SOLICITOR JORDAN: Your Honor, I believe the defendant is not present.

THE COURT: okay.

SOLICITOR JORDAN: I don't know if they intend to bring him in.

MR. NEELY: We've sent a bailiff to get him from the jail room, Your Honor.

THE COURT: Is he in -- he is up?

MR. NEELY: Yes, sir.

THE COURT: okay.

SOLICITOR JORDAN: And, Your Honor, if I may?

(WHEREUPON, the Defendant comes into the courtroom at this time.)

SOLICITOR JORDAN: Your Honor, if I may approach with the indictment number?

It's 2016-GS-42-4430. It's a two count indictment. The first count charges Adriel Garnett with murder. The second count charges him with possession of a weapon during the commission of a violent crime. It's based upon the same

1 warrant numbers the Court just read.

2 THE COURT: And I believe that we are here on the
3 defense motion for immunity.

4 Is that correct?

5 MR. NEELY: That's correct, Your Honor, pursuant to the
6 Protection of Persons and Property Act, yes, sir.

7 THE COURT: And then I received -- was delivered to me
8 a motion filed by the State.

9 SOLICITOR GHENT: Yes, sir, Your Honor, that's correct,
10 and I, I apologize that it came at this late hour. It
11 was -- I was invited to the party a little bit late, but the
12 research had been done previously per a paper that was in
13 process, and I felt like I would rather have the Court rule
14 on it than a Board of Editors.

15 THE COURT: All right. What I -- and I meet briefly --
16 met briefly with the lawyers prior to taking the bench.

17 What I now propose to do is the State has, I think,
18 timely made its motion to have the statute declared
19 unconstitutional, but I would suggest is that, since we are
20 here, and for scheduling purposes, let's go ahead and get
21 the fact witnesses taken care of since everybody's got time
22 constraints, and then let's argue, let's argue this motion
23 on Friday as well as any other motion or closing arguments
24 that the parties might like to present.

25 Is that agreeable?

1 MR. NEELY: Yes, sir.

2 SOLICITOR GHENT: Yes, sir.

3 SOLICITOR JORDAN: Yes, sir.

4 THE COURT: Okay. All right.

5 SOLICITOR GHENT: Will the Court require anything of me
6 today further because I'm only here to argue the motion?

7 THE COURT: Well, Ms. Jordan might need something from
8 you, but the Court, the Court does not intend to address the
9 motion today. So, you know, if that's all you're needed
10 for, you can go do something else.

11 SOLICITOR GHENT: Thank you, Your Honor.

12 THE COURT: Yes, sir.

13 SOLICITOR JORDAN: Your Honor, just -- and also
14 prepared for persons -- purposes of the defense's motion,
15 it's my understanding, from speaking with Mr. Neely, that he
16 is in agreement that, under Section 16-11-440, that (A) does
17 not apply in this case because of the presumption under
18 subsection B(1), and that he is only going forward, for this
19 motion, under subsection (C).

20 MR. NEELY: That's correct, Your Honor. Mr. Garnett
21 was not in his residence or in his automobile or in his
22 place of business at the time of this incident on
23 February 6th of 2016. So, I believe the only applicable
24 portion of that statute would be 16-11-440(C), which is any
25 other place that Adriel had a lawful right to be.

Jared Castellani - Direct examination
by Mr. Neely

1 THE COURT: All right. Yes, sir.

2 MR. NEELY: Thank you, Judge.

3 The defense would call Jared Castellani.

4 JARED CASTELLANI, being first duly
5 sworn, testified as follows:

6 THE COURT: Sir, just have a seat in the red chair, and
7 pull the red chair up to the microphone, sir.

8 DIRECT EXAMINATION

9 BY MR. NEELY:

10 Q If you'll state your name and spell your last name for
11 the record please?

12 A Jared Castellani. C-A-S-T-E-L-L-A-N-I.

13 Q Where are you currently employed?

14 A I am currently working for the South Carolina Law
15 Enforcement Division more commonly known as SLED.

16 Q In what capacity?

17 A I am a forensic toxicologist.

18 Q How long have you been in that role?

19 A Approximately three and a half years.

20 Q So, you would of been in that role at the beginning of
21 2016?

22 A Yes.

23 Q Okay. And during your capacity -- in your role in the
24 Forensic Toxicology Unit at SLED, did you have a chance to
25 work on the Cecil Gilliam case?

Jared Castellani - Direct examination
by Mr. Neely

1 A Yes.

2 Q Okay. And what was submitted to you?

3 SOLICITOR JORDAN: Your Honor, we would object at this
4 point to this defendant -- to this witness' testimony in
5 that the defendant the -- while I understand this is not a
6 full blown trial, it's just an evidentiary hearing, he is
7 not laid the proper foundation to, to allow the admission of
8 the evidence the defendant -- the witness is gonna speak
9 about.

10 MR. NEELY: Judge, I'm not intending to introduce the
11 sample that he looked at while he was at SLED into evidence
12 at this point. I'm not even attempting to move his final
13 report into evidence. I don't believe the chain of custody
14 is in issue in this case. I'm merely asking him what his
15 involvement was.

16 THE COURT: But you've asked, if I understood the
17 question correctly, you asked him about an investigation or
18 work that he did not -- and it's a completely separate
19 matter that doesn't involve Mr. Garnett, which this Court
20 has no idea why you're asking it. And her -- so, her
21 objection as to lack of foundation meaning relevancy --.

22 MR. NEELY: Judge, I have asked him about Cecil
23 Gilliam, and, with a later witness, we'll establish that
24 Cecil Gilliam was the victim in this case.

25 THE COURT: Okay. See, I did not know that.

Jared Castellani - Direct examination
by Mr. Neely

1 All right. Go ahead.

2 MR. NEELY: Thank you, Judge.

3 Mr. Castellani, what was your role with the, with the
4 Cecil Gilliam case?

5 A I was the forensic toxicologist responsible for writing
6 the report.

7 Q Okay. And in order for you to write that report, what
8 did you do?

9 A I technically did not analyze the sample. We had a
10 technician analyzed the sample, but I review all quality
11 control and verify that things were done properly, and then
12 I write, write the report.

13 Q What things were done?

14 A A blood alcohol test was performed and a blood drug
15 screen.

16 Q When you say a blood alcohol test done, how many were
17 actually done?

18 A In this case, five.

19 Q Why?

20 A I---

21 SOLICITOR JORDAN: Your Honor, at this point in time, I
22 again renew my objection for a lack of foundation in this
23 case. The witness has just testified that he didn't even do
24 the testing in this case. Furthermore, there's been no
25 chain of custody or anything else established in this case

Jared Castellani - Direct examination
by Mr. Neely

1 to get us to the point that we are right now with the
2 victim's blood.

3 THE COURT: All right. I'm gonna let him go ahead. He
4 says -- this is early in the case. I mean I -- we don't
5 have a jury. So, I can always disregard it if there's not a
6 connection made for tying it all in together.

7 MR. NEELY: And, again, Judge, there will be evidence
8 later to establish that Cecil Gilliam is the victim when
9 he's saying that he tested the victim's blood or he reviewed
10 the report that tested the victim's blood. And there's case
11 law that says, as far as SLED is concerned, that, whoever is
12 putting up the SLED expert, doesn't have to establish a full
13 chain of custody, that the person who issues the final
14 report is sufficient. That's a case out of Lexington.

15 THE COURT: All right. Go ahead.

16 MR. NEELY: Thank you.

17 why were the first tests done?

18 A According to our standard operating procedure, we have
19 to run at least two tests on the samples to verify, and they
20 have to be within an eight percent difference of one
21 another. In this case, we could not get a reliable -- could
22 not get two reliable tests to come within a certain --
23 within that range concerning the value of the ethanol
24 present.

25 Q But there was ethanol present?

Jared Castellani - Direct examination
by Mr. Neely

1 A Yes.

2 Q You're, you're just unable to tell the Court today how
3 much was present?

4 A Yes.

5 Q Due to the sample being --?

6 A It was unsuitable for analysis.

7 Q Was any other sample submitted?

8 A We received one gray topped tube of blood and that's
9 all.

10 Q And that was the sample that was tested?

11 A Yes.

12 Q And you passed that information on to the coroner?

13 A Yes.

14 Q Did you talk to anybody with the Sheriff's Office or
15 Woodruff Police Department to pass that information on?

16 A Not that I believe.

17 Q But the coroner had that information?

18 A Yes, the coroner would of received our final report.

19 Q And no other vials of blood were sent for testing?

20 A Not to my knowledge.

21 MR. NEELY: Nothing further from this witness, Judge.

22 CROSS-EXAMINATION

23 BY SOLICITOR JORDAN:

24 Q So, it's my understanding that you're able to say that
25 there was ethanol or alcohol in his blood, but you're not

Jared Castellani - Cross-examination
by Solicitor Jordan

1 able to give the judge any amount or percentage basis that
2 you normally would do?

3 A Correct.

4 Q Okay. And that's just based upon the, the testing was
5 not able to be completed?

6 A Correct. The, the sample just wasn't able to be -- it
7 was unsuitable for that type of analysis.

8 Q Okay. When you spoke with an investigator with the
9 Coroner's office, you mentioned that the blood was really
10 thick.

11 Do you know if that would have any bearing on the
12 results?

13 A In terms of -- if it, if it's a thicker sample, it
14 might lead to -- you aren't able to reliably type the
15 specific amount that is required for the testing, which
16 would of altered the concentration of the alcohol in the
17 sample---

18 Q Okay.

19 A ---during the test.

20 SOLICITOR JORDAN: Nothing further from this witness,
21 Your Honor.

22 THE COURT: Any redirect limited to what she went into?

23 MR. NEELY: No, sir.

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

25 Any reason why the witness can not be excused?

Christina Henderson - Direct examination
by Mr. Neely

1 MR. NEELY: None, Your Honor.

2 SOLICITOR JORDAN: None from the State.

3 THE COURT: Sir, thank you. You may be excused as
4 well.

5 THE WITNESS: Thank you.

6 THE COURT: Defense ready to call their next witness?

7 MR. NEELY: Yes, sir, we call Doctor J.D. Wren.

8 (Pause.)

9 MR. NEELY: One moment, Your Honor.

10 (Pause.)

11 MR. NEELY: Judge, may we approach a moment?

12 (WHEREUPON, a bench conference was held at this time.)

13 MR. NEELY: Judge, at this time we call Christina
14 Henderson.

15 THE COURT: Ma'am, just come right up here and let the
16 Clerk, the Clerk of Court swear you in.

17 CHRISTINA HENDERSON, being first duly
18 sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. NEELY:

21 Q If you'll state your name and spell your last name for
22 the record please.

23 A Yes, sir, Christina Henderson. H-E-N-D-E-R-S-O-N.

24 Q And where are you currently employed?

25 A Spartanburg County EMS, sir.

Christina Henderson - Direct examination
by Mr. Neely

- 1 Q How long have you been in that role?
- 2 A Almost six years.
- 3 Q Were you working for Spartanburg EMS on February 6th
- 4 of 2016?
- 5 A Yes, sir.
- 6 Q And did you receive a call or a, or a report from
- 7 dispatch at roughly four o'clock in the morning?
- 8 A Yes, sir.
- 9 Q And where was -- where was dispatch sending you to?
- 10 A ~~435~~ Street in Woodruff.
- 11 Q In response to what?
- 12 A A shooting.
- 13 Q Who was the victim when you got there?
- 14 Do you have any idea?
- 15 A At that time we didn't know. We saw an
- 16 African-American male.
- 17 Q Did you later learn the identity of that victim?
- 18 A By my partner's report, yes, sir. Mr. Cecil Gilliam,
- 19 sir.
- 20 Q And now as, as EMS, as emergency medical service,
- 21 you're one of the first responders in that?
- 22 A That's correct, yes, sir.
- 23 Q So, when you got there, you were one of the first
- 24 people there who was a non-party-goer?
- 25 A That's correct.

Christina Henderson - Direct examination
by Mr. Neely

1 Q What did you observe?

2 A They were several people outside approaching the
3 ambulance, very distraught, and asking for help for the
4 patient, and I found the patient laying supine, meaning flat
5 on his back, looking up between his house and like a garage
6 building, sir.

7 Q All right. When you say supine, you mean on his back?

8 A Face -- on his back facing, facing up.

9 Q Okay. At that point, did he already have a towel under
10 his head?

11 A I don't recall a towel on his head, sir.

12 Q Okay. What was the immediate cause of his distress?

13 A The immediate cause of his distress, sir?

14 Q Yes, ma'am.

15 A We checked for responsiveness. Didn't appear to be
16 any. The patient wasn't communicating with us. We felt for
17 a carotid pulse. There wasn't one palpable. So, we placed
18 the patient on a non-rebreather and placed the patient on a
19 monitor, sir.

20 Q Okay. And what, what was the cause of, of what was
21 happening to Mr. Gilliam?

22 A We exposed the chest to the patient. He had a coat
23 like covering him because it was cold. We pulled the coat
24 down and cut his shirt to expose his chest and we saw
25 several GSWs to his chest.

Christina Henderson - Direct examination
by Mr. Neely

1 Q GSW meaning gunshot wound?

2 A Gunshot wounds, yes, sir.

3 Q And those were to the front side of Mr. Gilliam?

4 A Yes.

5 Q Okay. Your role is, is to provide medical assistance
6 to somebody in a, in a critical time.

7 Did you notice anything about the scene besides trying
8 to revive Mr. Gilliam?

9 A No, it was dark. All we had was our flashlights cause
10 there was some -- the Woodruff P.D. was on scene, but we
11 didn't have a lot of light in-between the house and the, the
12 outside building shed.

13 Q Okay. So, you didn't notice shell casings or anything
14 like that?

15 A There was shell casings as we was walking upon the
16 patient because I kicked -- I heard something clank, and I
17 looked down, and there were empty shell casings on the
18 sidewalk.

19 Q Okay. Did you notice anything else about the crime
20 scene?

21 A Not right off. I was looking at the patient.

22 Q Okay. Besides your hurry to get to Mr. Gilliam to try
23 and save his life and the, and the clink of the shell
24 casing, did you or your partner, in any other way, disturb
25 the crime scene?

Christina Henderson - Cross-examination
by Solicitor Jordan

1 A I -- not that I recall, sir.

2 MR. NEELY: Nothing further from this witness, Judge.

3 SOLICITOR JORDAN: Just a quick couple of questions.

4 CROSS-EXAMINATION

5 BY SOLICITOR JORDAN:

6 Q You were not present when an autopsy was performed on
7 this defendant or this victim, were you?

8 A No, ma'am.

9 Q All right. So, you can't state which direction the
10 bullets went in?

11 A No, ma'am.

12 Q And just that you noticed some gunshot wounds to the
13 front?

14 A Yes, ma'am, that's correct.

15 Q Okay. Was anybody there who claimed that they were the
16 one who did the shooting?

17 A Not that I recall, ma'am. Like I said, we were just
18 taking -- trying to take care of the patient at the time.

19 Q Okay. And there's a gentleman sitting over here in an
20 orange jumpsuit.

21 Was he present at the scene to your knowledge?

22 A Ma'am, there was so many people there I don't recall.
23 I'm sorry.

24 Q Okay. But he was laying on his back on his property?

25 A Yes, ma'am, in-between his house and that outbuilding.

1 SOLICITOR JORDAN: All right. Nothing further.

2 THE COURT: Any redirect limited to what she went into?

3 MR. NEELY: No, sir.

4 THE COURT: Thank you, ma'am. You may step down.

5 Any reason why the witness can not be excused?

6 MR. NEELY: None from the defense, Judge.

7 SOLICITOR JORDAN: None from the State, Your Honor.

8 THE COURT: All right. Thank you for coming. You may
9 be excused.

10 THE WITNESS: All right. Yes, sir.

11 THE COURT: Yes, ma'am.

12 MR. NEELY: Judge, may we approach?

13 (WHEREUPON, a bench conference was held at this time.)

14 MR. NEELY: One moment, Your Honor.

15 THE COURT: Uh-huh. (Affirmative).

16 (Pause.)

17 MR. NEELY: May we approach?

18 THE COURT: Uh-huh. (Affirmative).

19 (WHEREUPON, a bench conference was held at this time.)

20 THE COURT: The Court has scheduled this matter --
21 we'll go on the record.

22 The Court has scheduled this matter for several weeks.
23 subpoenas, as far as this Court is informed, appears to have
24 been properly served, and the witnesses are not responding
25 to the subpoenas.

1 approximately 15 years.

2 Q Okay. And any other law enforcement in-between there
3 or before the city?

4 A I worked, as a matter of fact, City of Woodruff for a
5 year and a half.

6 Q So, you're a 30 and a half year---

7 A About 28. Going on 29.

8 Q Okay. My math is not very good.

9 Prior to starting your law enforcement career, then, I
10 guess, it's required of all people, of all, of all people
11 intending to pursue a law enforcement career, you went to
12 the Criminal Justice Academy?

13 A That is correct.

14 Q When -- during your time at the Academy, was that
15 program eight weeks, ten weeks, twelve weeks?

16 A That was an eight week program.

17 Q Eight week program.

18 During that eight week program, you've learned various
19 skills that would be crucial for a career in law enforcement
20 such as---

21 A That is correct.

22 Q Such as writing incident reports, the proper way to
23 fire a firearm, the proper way to drive a car?

24 A Case law as well. That's correct.

25 Q Case law as well.

1 Through -- when you took that class on incident report
2 writing, what are the most important things that they taught
3 you was to be thorough?

4 A That's correct.

5 Q Accurate?

6 A That's correct.

7 Q Complete?

8 A Correct.

9 Q Because, as in this case right here, this happened
10 February 6th of 2016. We're about two years removed from
11 that.

12 Correct?

13 A That is correct.

14 Q As time goes, memory does not get better. You actually
15 forget details about incidents.

16 A Yes, you do.

17 Q So, when you write the incident report, you first write
18 that incident report in a timely fashion?

19 A That is correct.

20 Q And then you want to be as accurate as possible and as
21 detailed as possible and as complete as possible?

22 A That's correct.

23 Q Because you're gonna rely on that incident report or,
24 God forbid, the case goes forward and, for some reason,
25 you're unavailable, somebody else is gonna rely on your

Robert Talanges - Direct examination
by Mr. Neely

1 incident report?

2 A That's correct.

3 Q And, in this case, State versus Adriel Garnett, when
4 you responded to the crime scene and you wrote your incident
5 reports, you were thorough?

6 A Yes, sir.

7 Q And you were accurate?

8 A Yes, sir.

9 Q And you were complete?

10 A Yes, sir.

11 Q February 6th of 2016, early morning, you receive a
12 call.

13 what was that call about?

14 A My, my crime scene unit team was up for call that week.
15 Responded to a shooting or actually a shooting call which,
16 which ended in a death.

17 Q What was your role that morning?

18 A Upon my arrival there, pretty much the area was still
19 pretty much chaos. We expanded the crime scene, and, upon
20 arrival, my, my partner, which would be Deputy Stepp, he
21 proceeded to photograph the incident location as we saw it
22 when we arrived.

23 Q Okay. And so the two of you went through the crime
24 scene. Deputy Stepp was taking the pictures, but y'all were
25 going through together processing the scene?

Robert Talanges - Direct examination
by Mr. Neely

1 A Correct.

2 Q Okay. Among the things that you noticed, what, what
3 stood out to you?

4 A Okay. First of all, we located -- well, I was drawn to
5 multiple locations at that time. While Deputy Stepp was
6 photographing, I had to respond to the Woodruff Police
7 Department. I met with a subject there, and I took a GSR
8 kit from him. I met with the victim's wife.

9 Q All right. I'm sorry. Let me stop you there. You met
10 with a subject at the, at the Woodruff Police Department not
11 Adriel Garnett?

12 A No, another guy.

13 Q Travis Geter?

14 A His name is Travis, Travis Geter Kendell Geter.

15 Q I'm sorry.

16 You met with Travis Geter---

17 A Pardon me?

18 Q ---at the Woodruff Police Department?

19 A Yes, sir.

20 Q Not Tavis Geter?

21 A I think this is Travis. I've got it spelled Travis,
22 T-R-A-V-I-S, Kendell Jeter. Date of birth of 1/16/87.

23 Q Okay. All right. Moving, moving on.

24 what else -- what, what -- back at the crime scene,
25 what did you observe about the crime scene that stood out to

1 you?

2 A Okay. We had a subject laying on his back. I believe
3 he had a sheet covering him at that time, and it was
4 semi-secured, if you want to call it that. That was it at
5 that point. And very low lighting because it was between
6 the residence, there was a ramp coming down from the
7 residence towards the garage, and then there was the garage.

8 Q What time did you respond?

9 A 5:00 something in the morning.

10 Q 5:00 something in the morning?

11 A Yes, sir.

12 Q So, before the sun came up?

13 A Yes, sir, it was still dark outside.

14 Q And you talked about the, about the crime scene and you
15 talk about low lighting.

16 what specifically do you mean?

17 A Well, there was a light on the -- I guess it would be
18 the -- it's like French doors that entered the residence,
19 and they had a ramp coming off that doorway leading towards
20 the concrete pad near the garage, and it was not a very
21 bright lightbulb. It was very dim.

22 Q One of those, those yellow bulbs not giving off a lot
23 of light?

24 A They're not giving out very much light at all.

25 Q Was there any other light -- was there any other light

Robert Talanges - Direct examination
by Mr. Neely

1 besides flashlights being used by deputies?

2 A Maybe street lights in the area, but, other than that,
3 there was none.

4 Q But this is kind of towards the back of that property.
5 So, any street lights would be towards the front,
6 correct?

7 A Correct.

8 Q Look at this picture.

9 officer Talanges, that picture, obviously, was taken a
10 little bit later in the day, but is that how you remember
11 the crime scene looking?

12 A That's correct.

13 Q And that -- there's, there's one light in that picture?

14 A Yes.

15 MR. NEELY: Okay. And, Judge, there are, there are
16 four pictures, from the way the discovery comes, we move
17 that one picture into evidence.

18 SOLICITOR JORDAN: No objection.

19 THE COURT: You've got four photographs reflected on
20 that one document, and you only want me to look at one of
21 them?

22 MR. NEELY: Yes, sir.

23 THE COURT: And which one would that be?

24 (WHEREUPON, the photograph was marked as Defendant's
25 Exhibit No. 1 and received into evidence at this time.)

Robert Talanges - Direct examination
by Mr. Neely

1 MR. NEELY: Defense 1, Judge.

2 THE COURT: All right. So, you want me to look at the
3 one on the upper right-hand side?

4 Okay.

5 MR. NEELY: Yes, sir.

6 THE COURT: All right.

7 Q How long did you stay at the crime scene?

8 I know you said you went to Woodruff Police Department.

9 Did you come back?

10 A I responded to a different location. I went to
11 Woodruff Police Department. I responded back to Sharpe
12 Street, 435 Sharpe Street, and then I had to respond to
13 another location where the victim had or, excuse me, where
14 the suspect had dropped off the vehicle. It's at 4797
15 Highway 117.

16 Q Did you go through and process the scene and, and, and
17 put evidence markers with the shell casings?

18 A Officer -- Deputy Stepp, while I was -- responded to
19 other locations, he was actually processing that scene and
20 putting evidence markers down.

21 MR. NEELY: Okay. All right. Nothing further from
22 this witness, Judge.

23 SOLICITOR JORDAN: Thank you, Your Honor.

24 (WHEREUPON, items were marked as State's Exhibit Nos. 1
25 through 24 for identification purposes only at this time.)

Robert Talanges - Cross-examination
by Solicitor Jordan

1 SOLICITOR JORDAN: Your Honor, may I approach the
2 witness?

3 (The Court nods affirmatively.)

4 CROSS-EXAMINATION

5 BY SOLICITOR JORDAN:

6 Q I want to hand you what's previously been marked as
7 State's Exhibit No. 22 and ask if you recognize that?

8 A Yes, I do.

9 Q Did you complete that sketch?

10 A I did. Yes, I did.

11 Q Okay. Could you tell this Court what it's a sketch of?

12 A Pardon me?

13 Q Could you tell this Court what it's a sketch of?

14 A It's a sketch of the incident location.

15 Q Okay. When did you complete that sketch?

16 A Well, I did a rough sketch of it on scene that, that
17 day prior to us leaving, and this was completed several days
18 later.

19 Q Okay. And, on the second page, it's State's Exhibit
20 No. 22, is that a -- just a list of the measurements and --
21 that you used to create the sketch?

22 A Yes, it is.

23 SOLICITOR JORDAN: Your Honor, at this time, the State
24 would move -- and is that, is that a fair and accurate
25 depiction of the crime scene as you saw it that night?

Robert Talanges - Cross-examination
by Solicitor Jordan

1 A Yes, ma'am.

2 SOLICITOR JORDAN: Your Honor, at this time, we'd move
3 to admit State's No. 22 into evidence.

4 MR. NEELY: No objection.

5 THE COURT: Without objection.

6 You want it numbered 22?

7 SOLICITOR JORDAN: Yes, Your Honor. I had premarked
8 about 24 items of evidence.

9 (WHEREUPON, State's Exhibit No. 22 was received into
10 evidence at this time.)

11 Q Okay. I put 22 up on the overhead so the Court can see
12 it as well while we talk about this.

13 Could you -- and I apologize for not having a pointer,
14 and, Your Honor, if it may be possible, could he come down,
15 if he needs to, to the ELMO as long as the court reporter
16 can still hear, hear what you're saying?

17 A (Witness comes down from the stand.)

18 Q Could you explain to the Court what this -- what the
19 numbers and what this drawing represents?

20 A This is a -- the crime scene that we responded to. Of
21 course, it's at 405 ~~State~~ Street, which says in the lower
22 right-hand corner. It's -- none of this is to scale.
23 Beside the house, the garage, and there's that ramp that --
24 where the French doors were. Each item that was collected
25 is, is numbered one through, I think, looking at 14 at this

Robert Talanges - Cross-examination
by Solicitor Jordan

1 time, and that's what everything -- that's what it shows.

2 Q Okay.

3 A You want per number listed?

4 Q Well, let me ask you this.

5 Were you present when the markers were down?

6 I know that you were not---

7 A Yes.

8 Q ---the one who placed the markers, but were you present
9 when they were down --

10 A Yes, I seen the markers.

11 Q -- and the photographs were taken?

12 A Correct. Well, I was -- at some point I was present
13 while the markers were down cause Deputy Stepp had marked
14 items that he located, and then photographs were taken and I
15 came back. Nothing was collected or moved because we
16 collected everything together.

17 Q Okay. I am gonna hand you a set of photographs and ask
18 you if you can look at these photographs.

19 MR. NEELY: Judge, I have no objection to any of these
20 pictures.

21 THE COURT: okay.

22 SOLICITOR JORDAN: Your Honor, with that -- without
23 objection, I would ask that the -- that they all be admitted
24 into evidence.

25 THE COURT: And the numbers are?

Robert Talanges - Cross-examination
by Solicitor Jordan

1 SOLICITOR JORDAN: One -- it appears that No. 2 may be
2 an exact copy of State or Defense Exhibit No. 1.

3 MR. NEELY: Again, the way these are done, Your Honor,
4 there's four pictures per page. The Defense 1 is just the
5 top right-hand corner of that sheet. The State has marked
6 as, I think, Exhibit 2 that exact same sheet, but she's --
7 just wanted to move all four in.

8 THE COURT: Okay.

9 MR. NEELY: No objection.

10 THE COURT: No objection. So, it's 1 through --?

11 SOLICITOR JORDAN: Your Honor, it's 1 through 20.

12 THE COURT: Twenty?

13 SOLICITOR JORDAN: 1 through 20.

14 THE COURT: All right. Without objection, State's---

15 SOLICITOR JORDAN: And, Your Honor, they are four
16 square per photograph, per page, and I'm just -- I want to
17 use all of them.

18 (WHEREUPON, State's Exhibit Nos. 1 through 20 were
19 received into evidence at this time.)

20 SOLICITOR JORDAN: I'm gonna give the witness a second
21 to look through them and then I would like to place them on
22 the overhead to discuss them.

23 (Pause.)

24 SOLICITOR JORDAN: Your Honor, for the benefit of the
25 Court, I'm gonna place these up on the screen. First I'm

Robert Talanges - Cross-examination
by Solicitor Jordan

1 gonna place up State's Exhibit No. 1.

2 officer Talanges, can you tell the Court, so that he
3 can get an understanding of what the scene looked like, what
4 he can see in State's Exhibit No. 1.

5 A State's Exhibit No. 1 is gonna show the side of the
6 residence upper right corner where we had the crime scene
7 tape going across. It's like a sheet it looks like it's put
8 up. That's where the victim is laying just behind that, and
9 everything is dark at this time --

10 Q okay.

11 A -- at that time, of course.

12 Q In the very top left photograph on State's 1, is there
13 also a light on the outside of that building?

14 A Yes, there is. Up in the corner there.

15 Q Okay. I'm gonna move to -- I'm gonna move to State's
16 Exhibit No. -- I'm gonna just, just start initially with the
17 photographs on the right of State's Exhibit No. 2.

18 Is this similar to the photograph the Court already
19 has?

20 A Yes, it is.

21 Q Okay. And so this is the ramp that's been referred to?

22 A Yes.

23 Q Okay. And, at the end of the ramp, what's at the top
24 of the -- what's at the top, the two French doors?

25 A It's two French doors.

Robert Talanges - Cross-examination
by Solicitor Jordan

1 Q Okay. Can you tell the Court what we're seeing in the
2 two photographs on the left side of this picture?

3 A Okay. The top one is showing the location where the
4 victim's located at, where the ramp comes down and the
5 French door's on the left, and it's -- and you got a
6 closer-up picture where the victim is located at.

7 Q Okay. Was that -- to your knowledge, was that sheet
8 added after this crime occurred?

9 A I believe it was because they were trying to keep from
10 onlookers, onlookers, the neighborhood people, people
11 looking around.

12 Q Okay.

13 A That's where the crime scene is.

14 Q I'm now gonna move to State's Exhibit No. 3.

15 Can you tell the Court what we're looking at in State's
16 3?

17 I know it's still the ramp that we've been talking
18 about, but starting in the upper left-hand photograph and
19 going clockwise, could you tell the Court what we're seeing?

20 A Okay. You're, you're looking at the ramp, and, the
21 next picture to the right, it's where we scale -- where we
22 found a red substance that appeared to be blood, and it's
23 just closer-up pictures of it.

24 Q Okay. And I'm pointing to the left side photographs.

25 Is that, is that -- are these items that were just left

Robert Talanges - Cross-examination
by Solicitor Jordan

1 there by EMS?

2 A Yes, trash.

3 Q Okay. So, I apologize for having to go through this,
4 but I'm just making sure the Court has an understanding of
5 all the photographs that we have.

6 state's Exhibit No. 4, could you tell the Court what
7 we're looking at here starting at the top left and going
8 clockwise?

9 A That's the same ramp with the French doors in the
10 background. The top right one to the, to the -- the top
11 right picture is going to be red substance appeared to be
12 blood. The bottom below that, it's gonna be where something
13 had struck the wood picket. And there's another picture of
14 scaled blood or scale red substance that we tested, field
15 tested, and it came back positive for blood.

16 Q And could you step down and just point out to the Court
17 where the photograph in the, the zoomed in photograph at the
18 bottom right-hand corner, what it corresponds to in the
19 upper photograph on the left?

20 A We're looking at the picket here?

21 Q Yes.

22 A It's gonna correspond here.

23 Q Okay.

24 THE COURT: Do that one more time?

25 I'm sorry.

Robert Talanges - Cross-examination
by Solicitor Jordan

1 A The picket that was struck, but not -- struck here and
2 it's going to be one, two, three, four pickets down.

3 Approximately four pickets down.

4 THE COURT: Thank you.

5 Q And, in your report, or maybe it was in Officer Stepp's
6 report, was that referred to as an impact area?

7 A Yes, sir. Yes, ma'am.

8 Q Did you do presumptive tests for blood on the items
9 that you found in State's Exhibit No. 4?

10 A And items that we -- you mean---

11 Q Did you swab any of these areas to see if it would
12 protect---

13 A We saw---

14 Q ---tested positive?

15 A We swabbed two different areas---

16 Q Okay.

17 A ---and tested both positive for blood.

18 Q Do you recall what those two areas were?

19 A There should be some photographs of them. No, I don't,
20 but if you look in the, the photos, there should be one
21 showing -- I know one was on the house because it's the
22 white vinyl siding near the door, and it was another area
23 that will show a Q-tip with a blue spot on it.

24 Q I'm gonna show you State's Exhibit -- I want to place
25 state's Exhibit 17 up here.

Robert Talanges - Cross-examination
by Solicitor Jordan

1 Is that you performing a presumptive test---

2 A That's the---

3 Q ---for blood?

4 A That's the results of the presumptive test right there.

5 Q Okay. And is this, from what I can tell, this is a
6 photograph of what we're seeing in State's Exhibit 4?

7 A Correct.

8 Q Okay. Moving on to State's Exhibit No. 5. To go ahead
9 and stop you on one of them. It appears that the bottom
10 left-hand corner, that, that's a photograph we've already
11 seen.

12 So, could you tell the court what we're looking at
13 starting in the top left-hand going clockwise on down?

14 A This is gonna be the side of the garage, which would be
15 the right side, the victim, and we marked the, the blood or
16 the, the red substance that we found in those locations.
17 That's what we're showing.

18 Q All right. And, as part of your job, do you usually
19 step back and take photographs and then slowly zoom into the
20 photographs?

21 A Yes, you do.

22 Q Okay. I'm gonna show you what's been marked State's
23 Exhibit No. 6.

24 Can you give the court a brief description of what that
25 is if I can get it to focus a little bit better?

Robert Talanges - Cross-examination
by Solicitor Jordan

1 A That -- that's gonna show the -- it's called spatter,
2 blood spatter, what's in that photograph, and its locations.

3 Q Okay. And we had talked earlier about this house with
4 the ramp, and the French doors, and then we're also talking
5 about this building right here.

6 Do you recall what this building was used for?

7 A We never went inside that building.

8 Q Okay. But it was a smaller storage type building?

9 A Yes, it is. It's a garage. I would consider it a
10 garage.

11 Q Okay. I'm gonna show you now State's Exhibit No. 7.

12 Could you explain to the Court what's in these four
13 photographs?

14 A The top left one is showing the side of the residence,
15 and there -- just general overall views of that area showing
16 the evidence markers where the evidence's located.

17 Q Okay. And I'm gonna hand you State's 22 just so you
18 can have that if you have trouble seeing the numbers or, if
19 you need to step down, you're welcome to come down to this.

20 Can you -- the State's Exhibit No. 8, can you show --
21 tell the Court what each one of these markers is identifying
22 in this photograph.

23 A In the lower, lower right-hand corner, you're looking
24 at -- where shell casings were located. You got one, two,
25 three, and then number four.

Robert Talanges - Cross-examination
by Solicitor Jordan

1 Q Okay. What do we have in the top left corner?

2 A That is going to be -- number five is also gonna be a
3 cartridge casing.

4 Q Okay. So, these are depicting shell -- fired shell
5 casings one through five?

6 A One through five, that's correct.

7 Q Okay. And one starts basically in the parking area of
8 beside what we're referring to right now as a house?

9 A The left-hand, lower left-hand shows probably the best
10 picture because where the concrete in the lower, lower area
11 in the left picture where the concrete is. That's where the
12 ramp starts---

13 Q Okay.

14 A ---leading to the French doors, and you have that down
15 pipe where Number 5's at, and, turn the corner to the left,
16 and you run into two, three, and then one, and then, at the
17 front of the concrete, where four sits.

18 Q Okay. So, for the Court's purposes, this bottom
19 left-hand picture is basically taken from standing in front
20 of the sheet that we've seen in other photographs?

21 A Yes, ma'am.

22 Q Okay. And I'm gonna briefly show you State's Exhibit
23 No. 9, and just ask you are those close-up pictures of the
24 shell casings that are two and three?

25 A Yes, they are.

Robert Talanges - Cross-examination
by Solicitor Jordan

1 Q Okay. Same thing with No. 10, but further showing four
2 and five close-up?

3 A Yes, ma'am.

4 Q And I move on down numerically to State's Exhibit No.
5 11, and ask you if that -- what is depicted by -- we've
6 already talked about number five.

7 What's depicted by six and seven?

8 A Six and seven are also cartridge cases.

9 Q Okay. Fired cartridge casings?

10 A Fired cartridge cases.

11 Q So, at this point we're up to seven?

12 A Yes, ma'am.

13 Q Okay. I'm gonna now show you State's Exhibit No. --
14 let me ask you this.

15 Number 6, is that directly in front of the ramp that
16 we've been discussing?

17 A Number 6 is directly in front of the ramp.

18 Q Okay.

19 A Number 7 is towards the left, the left, I guess, the
20 leg area of the victim.

21 Q Okay. I'm gonna show you now State's Exhibit No. 12.
22 Can you tell the Court what -- we've already talked
23 about Number 7.

24 Can you tell the Court what's identified in -- by
25 Marker Number 8?

Robert Talanges - Cross-examination
by Solicitor Jordan

1 A Number 8's also gonna be a cartridge casing.

2 Q Okay. So, that's the eighth fired cartridge casing at
3 the scene that day?

4 A Yes, ma'am.

5 Q Okay. And where is eight in relationship to what we'll
6 call that outbuilding and the victim's body?

7 A Eight's gonna be to the right of -- by the sketch, it's
8 gonna be right of the right leg.

9 Q Okay. Moving on to State's No. 13. We've already
10 talked about Number 8. So, I'm gonna move on down to Number
11 9.

12 Can you tell the Court what's in Number 9?

13 A Number 9's gonna be a black handled knife. It was a
14 blade. It's a lock styled knife, lock blade styled knife
15 with the blade open.

16 Q Okay. Is that's something that's commonly referred to
17 as a pocketknife?

18 A It would be a pocketknife, yes, ma'am.

19 Q Okay. Tell you what, I'm gonna move really quick to
20 State's Exhibit No. 22.

21 Your Honor -- I'm gonna ask you to look at No. 21 and
22 see if you recognize those two pages of eight photographs?

23 A Yeah, photographs of the knife that I had taken prior
24 to collecting any samples off it.

25 SOLICITOR JORDAN: Okay. Your Honor, at this point in

1 time we would move State's No. 21 into evidence.

2 MR. NEELY: No objection.

3 THE COURT: Without objection.

4 (WHEREUPON, State's Exhibit No. 21 was received into
5 evidence at this time.)

6 Q Since we have stopped at Number 9, I'm gonna take a --
7 State's Exhibit No. 13, that reference file, Crime Scene
8 Marker Number 9, I'm gonna flip to 21 real quick, and ask
9 you to tell the Court a little bit about this pocketknife.

10 A This is -- the pocketknife was located to the right
11 side near the garage just above the victim. It's a
12 locked -- it's a black handled lock blade style knife.

13 what I did is, once collected, we went back to the lab,
14 myself and Stepp. I rephotographed it and checked the knife
15 and located red substance on it.

16 Q Where did you locate the red substance?

17 A On the blade.

18 Q Did you also locate it on the handle?

19 A On the handle, that's correct, and both were swabbed
20 for DNA.

21 Q Was it a ton of red substance or just a small amount?

22 A Very, very small amount.

23 Q Okay. I'm gonna flip to Page 2 of State's 22 and ask
24 you what you -- what is depicted that you were doing in this
25 photograph?

1 A That's, that's showing the location -- well, the bottom
2 one shows the blade length, if you want to call it, and the
3 second one -- the bottom left and the bottom right shows
4 where the blood was located, the red substance was located.

5 Q Okay. And, specifically, and I can pass this to you if
6 it would help, just by seeing the numbers and stuff on it,
7 at the bottom two photographs, you have a ruler out there.

8 Can you -- do you need to see this photograph up close
9 or do you want to step down?

10 A No, I can see it from here.

11 Q Okay. Can you tell the Court what you were doing in
12 that photograph?

13 A Let me step over there.

14 which photograph are you talking about?

15 Q The two in the bottom. The bottom row.

16 A This is showing the location where the red substance is
17 located. That's giving approximate length of the blade.

18 Q And what is the length of the blade on this
19 pocketknife?

20 A Looking at approximately 2-inches.

21 Q Okay. And this was the knife that was recovered from
22 the scene that day?

23 A Yeah, Evidence Number 10 I believe.

24 Q Okay. And you don't know how that knife came to be in
25 the location you found it?

Robert Talanges - Cross-examination
by Solicitor Jordan

1 A No, ma'am.

2 Q You just recovered it?

3 A Yes, ma'am.

4 Q Okay. I'm gonna move on to State's Exhibit No. 14.
5 We've already talked about nine.

6 Could you tell the Court what's in ten?

7 A Excuse me. Yeah, Number 10's gonna be a projectile or
8 fired bullet.

9 Q Okay. So, at this point we have eight fired shell
10 casings and now we have one---

11 A Projectile.

12 Q One projectile.

13 Okay. And where, in relationship to the body, using
14 the upper left-hand photograph, is that projectile?

15 A Looks like it's about several feet away from the, from
16 the head area towards the garage.

17 Q Okay. I'm putting State's No. 15 up here.

18 Can you tell the Court just what that shows in State's
19 No. 15, but the photographs on the left and the photographs
20 on the right?

21 A We were documenting any, any visible injuries at that
22 time as the bullet, I guess, bullet strikes and any type --
23 any, any injuries is what we were actually photographing.

24 Q Does that show the victim's foot at the bottom of the
25 ramp?

Robert Talanges - Cross-examination
by Solicitor Jordan

1 A Yes, it does.

2 Q Okay. Is there dirt located on the victim's shoes?

3 A Yes, ma'am.

4 Q Okay. I'm gonna show you State's Exhibit 16, which I
5 believe we have already seen some photographs of, but just
6 to let the Court see it as well.

7 Is State's Exhibit 16 just another photograph of you
8 doing the presumptive blood test near the French doors on
9 the wood railing?

10 A Yes, ma'am, it is.

11 Q Okay. Is 19 where you identified the blood droppings
12 that are marked later on in State's Exhibit or Crime Scene
13 Markers 13 and 14?

14 A Yes, they are, on the ramp.

15 Q And, again, is that just a closer-up view of the drops
16 on 20?

17 A Yeah, on the side of the garage.

18 Q And just to finish with these, State's No. 18, is that
19 a close-up view of Number 12?

20 A Yes, ma'am.

21 Q Okay. And where is Number 12 located in relationship
22 to this ramp?

23 A That's gonna be on the rail, side rail area.

24 Approximately -- so, four or five pickets up.

25 Q Okay. So, that's starting at the bottom of the ramp?

Robert Talanges - Cross-examination
by Solicitor Jordan

1 A Bottom of the ramp going towards the door, that's
2 right.

3 Q Okay. Did you also attend the autopsy for Cecil
4 Gilliam?

5 A Yes, I did.

6 Q Okay. When, when did you or, when you were there, what
7 did you do?

8 A I rephotographed the victim. After rephotographing the
9 victim, clothes are collected or they were put to the side,
10 and Doctor Wren performed a line of trajectory. I guess he
11 ran trajectory rods and located bullet holes on the victim,
12 and, after, after the autopsy, the location where all
13 bullets were located and you photographed, and then
14 collected after the fact.

15 Q Okay. Do you recall how many you collected from the --
16 Doctor Wren's autopsy?

17 A I believe three.

18 Q Okay.

19 A Let's see. Collected right-hand, right shoulder area,
20 and the right hip area.

21 Q While you were on scene at the autopsy, did you also
22 take photographs?

23 A Yes, I did. Several.

24 Q I am handing you State's, previously marked exhibits.
25 No. 24 is one. Eight photographs, eight pages of four per

Robert Talanges - Cross-examination
by Solicitor Jordan

1 page photographs, and ask you if you recognize those
2 photographs.

3 A Yes, ma'am.

4 Q Okay. And what are those eight pages of photographs?

5 A These are showing photos that were taken during the
6 autopsy and the recovery of some of the bullets and showing
7 the trajectory rods---

8 Q Okay.

9 A ---for the---

10 Q Who placed the trajectory rods, you or Doctor Wren?

11 A Doctor Wren does all of that.

12 SOLICITOR JORDAN: Okay. Your Honor, at this time I'd
13 move to mark or move to admit State's Exhibit No. 24 into
14 evidence.

15 MR. NEELY: No objection.

16 THE COURT: Without objection.

17 (WHEREUPON, State's Exhibit No. 24 was received into
18 evidence at this time.)

19 SOLICITOR JORDAN: I don't intend to publish them at
20 this time. I just wanted to go ahead and get them in.

21 Please answer any questions that Mr. Neely may have.

22 MR. NEELY: One moment, Your Honor.

23 THE COURT: Any re---

24 MR. NEELY: Yes, sir, there will be. Just one moment.

25 THE COURT: All right.

Robert Talanges - Redirect examination
by Mr. Neely

1 (Pause.)

2 REDIRECT EXAMINATION

3 BY MR. NEELY:

4 Q This is what's been marked as State's 1.

5 These are pictures as you remember the crime scene
6 being that night?

7 A Correct.

8 Q Okay. Now, when I was asking you questions earlier,
9 you described the low lighting.

10 A Low lighting, yes, sir.

11 Q All right. The solicitor asked you to look at this
12 picture, the top left, and look at the light at the top of
13 the garage.

14 A Correct.

15 Q The actual crime scene that is indicated by this sheet
16 in the picture right next to it is on the backside of that
17 garage?

18 A On the side of it, yes, sir.

19 Q Right.

20 So, that light that's on the front of that garage
21 didn't really extend to where the body was found?

22 A No, it doesn't.

23 Q Okay. You swabbed that knife for DNA?

24 A Yes, I did.

25 Q Any results?

Robert Talanges - Redirect examination
by Mr. Neely

1 A I have no idea.

2 Q The solicitor went through, at length, that there were
3 eight shell casings that were found.

4 A Yes, sir.

5 Q You didn't get to the crime scene until after the
6 deceased had been shot?

7 A That's correct.

8 Q You don't know what led to the decedent getting shot?

9 A No, sir.

10 Q You don't know if there was an altercation?

11 A No, sir, I don't.

12 Q You don't know if he was shot in cold blood?

13 A I have no idea.

14 Q You don't know if he was shot in self-defense?

15 A I have no idea.

16 Q You responded after?

17 A That's correct.

18 Q Now, you have listed Items 11, 12, 13, and 14 blood
19 splatter?

20 A Correct.

21 Q The way that that appears in that drawing, in that
22 diagram, and the way that y'all processed the scene, it
23 appears, based on the blood splatter, that the decedent was
24 moving down the ramp based on the blood splatter?

25 A I would say that the defendant (sic) came to rest

Robert Talanges - Redirect examination
by Mr. Neely

1 between the two -- the house and the side of the garage,
2 yes.

3 Q That's right.

4 He came to rest there from the house to the side of the
5 garage?

6 A Correct.

7 THE COURT: Tell the court what exhibit that is. I
8 can't read that far.

9 MR. NEELY: Sir, I apologize. That is State's Exhibit
10 No. 22, Your Honor.

11 THE COURT: Thank you.

12 Q That's a -- the solicitor referred to it as a, as a
13 pocketknife.

14 That's a switchblade?

15 A Correct.

16 Q It has to be opened. It's not a, it's not a knife that
17 opens on its own?

18 A That is correct.

19 Q And when you found that knife on the scene on the
20 morning of February 6th, that night was in the opened and
21 locked position?

22 A Yes, sir.

23 Q That knife has a pointy end on it?

24 A Yes, sir.

25 Q You said that that knife is 2-inches long, and that

1 doesn't include the handle?

2 The blade of that knife is 2-inches long?

3 A That's right. The blade is 2-inches. Approximately
4 2-inches.

5 Q If I said to Mr. MacDonald here that I wanted to gut
6 him like a fish, that knife would accomplish that purpose,
7 wouldn't it?

8 SOLICITOR JORDAN: Objection, Your Honor. He's not
9 qualified---

10 THE COURT: I'll allow it.

11 Go ahead.

12 A Pardon me?

13 Q If I told Mr. MacDonald that I wanted to gut him like a
14 fish, that knife would accomplish that purpose, wouldn't it?

15 A That is, that is a cutting knife I would say.

16 THE COURT: Could you tell the Court what exhibit that
17 is?

18 MR. NEELY: Yes, sir. Judge, this is the second page
19 on State's 21.

20 THE COURT: Thank you.

21 MR. NEELY: And I have nothing further of this witness,
22 Judge.

23 THE COURT: Thank you, sir. You may step down.

24 Are you ready to call your next witness?

25 Any reason why the witness can not be excused?

David Wren - Direct examination
by Mr. Neely

1 MR. NEELY: None, Your Honor.

2 SOLICITOR JORDAN: None from the State.

3 THE COURT: Thank you, sir. You may be excused.

4 SOLICITOR BARNETTE: Can we approach for a second, Your
5 Honor?

6 (WHEREUPON, a bench conference was held at this time.)

7 MR. NEELY: Doctor Wren just arrived, Judge, and that's
8 who we'll call next.

9 (Pause.)

10 MR. NEELY: Judge, we would call Doctor Wren, Doctor
11 J.D. Wren.

12 THE COURT: Just come right up here and let the Clerk
13 of Court swear you in.

14 DAVID WREN, being first duly
15 sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. NEELY:

18 Q Good morning, Doctor Wren.

19 A Morning.

20 Q Can you state your name for the record and spell your
21 last name?

22 A John David Wren. W -- W-R-E-N.

23 Q And where do you -- where are you currently employed,
24 Doctor Wren?

25 A I'm currently employed by Carolinas Pathology Group,

David Wren - Direct examination
by Mr. Neely

1 which has a pathology contract with all of the hospitals
2 here in Spartanburg. I am currently stationed at
3 Spartanburg Medical Center.

4 Q And what do you do in that capacity?

5 A A general pathologist. Board certified in AP and CP.
6 I currently run all of the laboratories. Well, I'm
7 currently laboratory medical director of Spartanburg Medical
8 Center, Spartanburg Hospital for Restorative Care, North
9 Grove outpatient laboratory, and two or three functions in
10 the hospital that are under separate C.L.I.A. certificates,
11 which is Clinical Laboratory Improvement Act.

12 I also do all of the hospital autopsies, a few of the
13 surgicals now. I don't do that -- as many as I use to and I
14 also do the coroner's autopsies.

15 Q On the afternoon of February 6th of 2016, did you
16 perform an autopsy?

17 A Yes, I did an autopsy on an individual identified by
18 the Coroner's Office as Cecil Darnell Gilliam in the
19 Spartanburg Regional Autopsy Room. I began it at 12:30 and
20 it lasted until after 6:00PM.

21 Q Okay. And, Doctor Wren, I want to start my questions
22 as it pertains to the autopsy at the end instead of the
23 beginning.

24 A Okay.

25 Q Unequivocally, you can say that Cecil Gilliam died as a

1 result of gunshot wounds?

2 A That's correct.

3 Q When you performed the autopsy on him, you found that
4 there were eight entrance wounds?

5 A I found there were 13 separate wounds in the body, some
6 were exits, and I said there were -- yes, eight entrance
7 wounds and some exit wounds.

8 Q Doctor Wren, this is a diagram that you prepared that
9 shows the entrance and exit wounds?

10 A That's correct.

11 Q Okay.

12 A And the rough path of the bullets.

13 Q Now, can you go ahead and describe for the Court the
14 various entrance and exit wounds?

15 A Describe them?

16 Q Yes, sir.

17 A Every one of them---

18 Q And what I mean by that is, is the, the point of entry
19 and the, the exit and which side of the body they were on.

20 A Okay. He had -- I'll have to look at my -- I have a
21 diagram too.

22 He had an entrance in his right upper abdomen that came
23 out on the right mid upper abdomen, and went into his wrist
24 area as it, I think, reentered. That's depicted by Number 1
25 Entrance, Number 2 Exit, Number 6 Reentrance, and the Bullet

David Wren - Direct examination
by Mr. Neely

1 A was recovered in his hand -- in the -- in his hand.

2 He had another one that entered just above the iliac
3 spine, which is the hip bone on the left. It came out just
4 medial and almost directly in line with the entrance. Those
5 are four and three.

6 He had an entrance in his left back, which is Entrance
7 Number 8, and the bullet was recovered in the right hip area
8 behind the iliac bone.

9 He had another entrance. I believe it was just to the
10 right of the gluteal crease between the buttock, and it went
11 up through the abdomen, came out in the -- well, actually it
12 was found in his arm because it went straight on through and
13 did not come out in his axilla because his arm was
14 probably -- he was probably leaned over maybe, and it
15 went -- it just didn't come out. It just went through the
16 armpit.

17 He had another one in his right posterior arm that came
18 out his -- and I'm sorry. And the Bullet B was recovered
19 from that area that I just described. Those are Entrance
20 Number 9.

21 Entrance Number 7 was in his right knee or posterior
22 arm. Came out anteriorly in the right biceps region, which
23 is Entrance Number 7, Exit Number 5.

24 He had entrances in the back of his left leg. Entrance
25 12 was almost in the crotch region. Number 13 was down a

David Wren - Direct examination
by Mr. Neely

1 little bit further toward the knee, posterior knee, and both
2 of those were -- well, Number 13 actually exited anterior in
3 the lateral thigh on the left, and Entrance Number 12
4 actually entered posterior. It came out, excuse me,
5 anterior and kept going. That was near the inguinal region,
6 which is the crease of the leg. That was in the thigh.
7 Neither one of those hit anything that I could tell.

8 The last one I described as Entrance Number 12, and
9 it's dotted on that diagram because, looking at the front,
10 you can not see it. It's, it's circular when it exits
11 because you can see it. The same thing for all of these
12 wounds. It's -- if it's a solid line, you can see it
13 looking at the body. If it's dotted, you can't see it. And
14 the dotted lines indicate that it's -- you, you can not see
15 it going through the body, but it -- that's the way they are
16 going.

17 Q Is there any particular reason for the numbering system
18 that you used?

19 A Pardon?

20 Q Is there any particular reason for the numbering system
21 that you used?

22 A Well, generally speaking, you examine the front of the
23 body first. You start at the highest wound, you go down,
24 and then usually you go to the back and describe those.
25 That's -- general forensic autopsy protocol is to number

David Wren - Direct examination
by Mr. Neely

1 them top to bottom and then forefront and top to bottom on
2 the backside.

3 Q So, that---

4 A It's kind of hard -- you have to decide if they're
5 lateral, whether you're gonna put them on the front or the
6 back.

7 Q So, that numbering system isn't an opinion as to what,
8 as to which shots came first?

9 A Right.

10 Q Okay. As far as the wounds go, it's a possibility, and
11 we can't -- I don't believe you'd be able to say with
12 certainty, but it's a possibility that the shots on the
13 front came first?

14 A Yeah, it's possible. It's more probable that the ones
15 in the back came last, and the, and the bottom of the legs,
16 the ones in the front -- I think that what happened was he
17 was -- this person was turning because Entrance 1, 4, and 8
18 basically came from the same direction, and the body had to
19 be moving at that time. And then the, the reentry, Number
20 6, his hand was up to his side probably because, when a
21 bullet comes out, it's often tumbling and this one had the
22 characteristic of a tumbling bullet rather than just a round
23 hole that a bullet, as it goes into the body, usually makes
24 unless it's in contact with the body.

25 The one in the back in gut -- in the buttock region

David Wren - Direct examination
by Mr. Neely

1 probably was after he had fallen as was 13 and 12. At
2 least, the person was -- would of probably been -- well, any
3 way you can imagine the bullet coming from his lower left
4 side and going upward in his body. I mean he could of been
5 standing up if the person were -- if he were on a ladder say
6 12-feet above the ground and somebody was shooting up at him
7 or if he's lying down, they'd have to be back from him or he
8 would of been lying on his back and he could of had his legs
9 up. There's lots of ways it could be done. I can't tell
10 you that because I wasn't there. It take a scene
11 investigation probably to, to try to put that together.

12 Q I want to ask you a question about what you've labeled
13 Reentry Number 6.

14 A Yes.

15 Q The way that diagram is drawn, the---

16 A well, I can't draw his arm out the way it's suppose to
17 be. So, I drew it and then I put an arrow down continuous
18 with that, and you'd have to put the arm out to the side.
19 It's probably associated with the Number 1, but I can't say
20 it wasn't associated with Number 4. I can't -- actually
21 can't for sure say it wasn't a ricochet, but, but that would
22 also depend on the weapon. I mean the shots, shots were
23 fired out the weapon.

24 Q But the positioning on Number 6 to come from either
25 Number 1 or Number 4, the arm would of had to have been up?

David Wren - Direct examination
by Mr. Neely

1 A Yeah, I think so.

2 Q Right.

3 So, it would of either been---

4 A It's possible, I guess, if you want to speculate, that
5 it came out of Number 10, and his hand were down by his
6 side.

7 Q But for Number 6, it's possible that his hand was up in
8 a thrusting position and it came through?

9 A No, not both hands because---

10 Q The right---

11 A ---that would of been in the way of those two---

12 Q But his right---

13 A ---to enter in the left side.

14 Q But his right-hand, it's possible it's up in a
15 thrusting position?

16 A No, it had to be like this because it went in and kept
17 going. Now, if it were like that, it'd gone straight or you
18 see from the x-rays exactly where it is. But it went in --
19 and you can probe it down to the base of the thumb or the
20 fingers I think.

21 Q How many vials of blood did you draw from Mr. Gilliam?

22 A It's routine that we draw two, but sometimes we're
23 asked to draw others.

24 Q Never less than two?

25 A Pardon?

David Wren - Direct examination
by Mr. Neely

1 Q Do you ever draw less than two?

2 A If we can't get any, yeah.

3 Q How many were you able to draw in this case?

4 A I'd have to look at the record. I don't put that in my
5 records.

6 Q But, routine, it's two?

7 A Yeah. Yeah, we use -- sometimes, in homicide, we, we
8 draw three. Sometimes I draw extras in case I think I might
9 need them. I don't know how many I drew, but they're all
10 labeled when I draw them and recorded. And, as a matter of
11 fact, I drew them from the heart and the aorta because they
12 weren't -- either the body was, was in a bag that was closed
13 when it was received in the morgue and it was -- they
14 were -- the person was instructed not to open it. In some
15 cases we don't open the bag until the time of the autopsy,
16 and sometimes the morgue attendant who routinely draws blood
17 and vitreous and a urine at the time the body gets to the
18 morgue, just by protocol, if they can't get any, then I have
19 to get it myself. And, in this case, I got it from the
20 heart and the aorta. So, he had bled considerably and they
21 weren't able to get it if they tried.

22 So, I did it at autopsy, and I probably didn't get but
23 two because, when I get, get it from there, it's, it's
24 usually very little blood left in the body or in the vessels
25 that we, we get them from.

David Wren - Direct examination
by Mr. Neely

1 Q In your autopsy report, when you described the gastric
2 intestinal system --

3 A Yes.

4 Q -- what, what did you smell?

5 A I said I thought there was beer, but it was very little
6 liquid in there.

7 Q But it was enough that you could detect the odor?

8 A Pardon?

9 Q But there was enough that you could detect the odor?

10 A Yeah. Well, in my opinion, yes.

11 MR. NEELY: Nothing further from Doctor Wren, Judge.

12 CROSS-EXAMINATION

13 BY SOLICITOR JORDAN:

14 Q Doctor Wren, I'm gonna hand you what the Court has seen
15 the first page of, and I'd like you to look at all of
16 State's Exhibit No. 23 once I show the defense counsel.

17 Your Honor, State's No. 23 is a diagram that the Court
18 has already seen along with two pages of notes that indicate
19 the incident -- entrance and exit wounds, a fourth page that
20 just lists the immediate cause of death, and then Doctor
21 Wren's autopsy report. That is seven pages.

22 It's my understanding, from defense counsel, they do
23 not object to me entering State's Exhibit No. 23 into
24 evidence.

25 MR. NEELY: That's correct. No objection.

1 THE COURT: All right. Without objection.

2 (WHEREUPON, State's Exhibit No. 23 was received into
3 evidence at this time.)

4 Q Doctor Wren, I'm just gonna give you a moment to look
5 through that and you may already have a copy of it right in
6 front of you already.

7 A I do. I have copies of everything myself except the
8 cause of death sheet, and I have also, in my possession,
9 which is not sent to the coroner, my worksheet.

10 Q Okay. Doctor---

11 A Two, two worksheets.

12 Q Thank you, Doctor Wren.

13 I'm gonna take State's Exhibit No. 23 and just put it
14 back up on the ELMO since you already have a copy.

15 Just for clarification purposes to make sure I
16 understand this, the defendant or the victim in this case
17 had eight wounds that you would of classified as entry
18 wounds.

19 Is that correct?

20 A Pardon me?

21 Q The victim in this case had eight wounds that you would
22 of classified as entry wounds being seven entry wounds and
23 one reentry?

24 A That's correct.

25 Q Okay.

David Wren - Cross-examination
by Solicitor Jordan

- 1 A That's correct.
- 2 Q Of those seven wounds, how many of them were to the
3 back of the victim?
- 4 A How many went in the back?
- 5 Q Yes, sir.
- 6 A One, one went into his actual back.
- 7 Q How would you---
- 8 A That was his left back laterally.
- 9 Q And is that Bullet Wound Number 9?
- 10 A Number 8.
- 11 Q Number 8?
- 12 A Yeah.
- 13 Q Okay. The bullet wound---
- 14 A Now, the other one went into his upper hip lower back
15 area, Number 9.
- 16 Q Number 9 is right here just above the buttock?
- 17 A And then 12 and 13 went into his legs in the back.
- 18 Q Okay. Did he also have -- Number 7, did that enter the
19 front of the victim or the back?
- 20 A Seven went in just slightly to the back.
- 21 Q Okay. So, that is five entry wounds to the back of
22 this decedent?
- 23 A Yes.
- 24 Q Okay. Now I'm gonna flip to the front of the decedent
25 really fast.

1 The entry wounds that you've already referred to as
2 number one and four, are those direct on entry wounds or
3 what was the path that those two took on the front of the
4 deceased?

5 A They went from left to right. The number one went
6 downward and I'll have to look at my --.

7 THE COURT: It would be helpful if the -- when you're
8 referring to them, if you would point them out on the chart
9 since I can't see the chart from that far.

10 SOLICITOR JORDAN: Yes, sir, I apologize. Number 7
11 that he referenced earlier on the back is right here, and
12 then 8, 9, 12, and 13 were the five to the back. And, as to
13 the front, he is now referencing Entrance Wound 1, which is
14 to the left side of the victim's body, and Entrance Wound 4,
15 which is to the left side as well. And the exit wounds that
16 he's already testified to are two and three that come out
17 the right side.

18 A Number, Number 1 went in 20.75-inches from top of his
19 head and he was 6'2". It came out 24-inches from the top of
20 the head. And so it, of course, went through his body. It
21 went down about three and a quarter inches, which is about
22 the width of my three fingers.

23 Q Okay. So, nine---

24 A It went in on the left just below the ribcage
25 essentially, and a little bit further below the ribcage on

David Wren - Cross-examination
by Solicitor Jordan

1 the right, it came out. That one I believe, if I'm not
2 suspect -- if I'm not mistaken, I'm not sure.

3 Some of them didn't go all the way into the, the
4 abdominal cavity. I'll have to look at it. I looked at
5 this last night, but I hadn't looked at it this morning.

6 And Number 4 went in just above the hipbone, and it
7 went in 28 and a quarter inches from the top of the head,
8 and it exited 29 and a quarter inches from the top of the
9 head. So, it only went down 1-inch as it passed -- it only
10 went downward, which is a bit mistaken -- I mean it's a
11 little bit wrong there, but it is -- it only went up, up
12 a -- down one inch.

13 Q Okay.

14 A It essentially went straight through.

15 Q And, by straight through, you don't mean front to back?

16 You mean side to side based---

17 A Side to side, yes.

18 Q Basically through the, the fat of the gut?

19 A Front side to front side.

20 Q Okay. would it have gone through the fat of his
21 stomach?

22 A Pardon?

23 Q would it have gone through just the fat of his stomach,
24 in and out?

25 A I'll have to look. Let me see here.

1 without being corrected otherwise, I think both of the
2 ones to the abdomen went through -- went into the abdomen as
3 they traveled through the tissues. I can't, I can't
4 remember that.

5 Q Okay. But nothing went from front to back?

6 A Pardon?

7 Q But no bullet wound went from the front of his body to
8 the back of his body?

9 A No, not coming out the back, no.

10 Q Okay. Mr. Neely had spoke with you earlier about
11 state's or bullet or reentry wound and the location of
12 Bullet Number 8, which is right here in the palm area.

13 A Yes.

14 Q Okay. Could that have also happened if someone was
15 leaning up against something?

16 A It could of, yes.

17 Q Okay. I'm gonna show you what's previously been marked
18 and admitted already as State's Exhibit No. 6 and just give
19 you a moment to look at those and I'm gonna place them on
20 the overhead for the Court to see. There's -- I believe
21 there's about eight pages attached.

22 A Oh, you want me to look at all of them?

23 Q Yes, sir.

24 A I thought you wanted me to look at this first.

25 Q I made them as a packet.

David Wren - Cross-examination
by Solicitor Jordan

1 A Sorry. I got them.

2 SOLICITOR JORDAN: Thank you, Your Honor.

3 If I could have those and place them up here so the
4 Court can see them while we're discussing them.

5 Okay. The first page is State's 24.

6 Is this Reentry Wound Number 6?

7 A Let me see. Let me see the picture again.

8 Q Oh, I'm sorry.

9 Your Honor, can I have the witness come down?

10 THE COURT: Absolutely.

11 Q You can come down so that we can all see. Right here.
12 You're welcome to stand right here.

13 A (Witness comes down from the stand.)

14 This one here is probably the best one. These are
15 after I cut into him to actually show there was hemorrhage
16 along the track, and the entrance was what's called the pad
17 on the hand beneath the inferior or proximal to the little
18 finger, and it went through there and I cut down into the
19 palm to find the bullet.

20 Q Okay. And, Doctor Wren, while you're still standing
21 here, if you don't mind, if you'll come right over.

22 Could you tell the Court what is located on the second
23 page of State's No. 24?

24 Sorry.

25 A These are probes through the, the two wounds in the

David Wren - Cross-examination
by Solicitor Jordan

1 abdomen.

2 Q Okay. And that's just---

3 A The abdominal area.

4 Q Now, I believe that's showing the rod going through one
5 and coming out two?

6 A Yes, that's this one here.

7 Q Yes, sir.

8 A And then three and four are over there.

9 Q Okay. I'm gonna flip through these. Like I said, I'm
10 just trying to get -- can you tell the Court what's on Page
11 3 of State's 24?

12 A These are various shots of the entrance in the back
13 of -- back medial arm and the exit in the anterior arm a
14 little bit more toward the head if the arms were down by the
15 side.

16 Q Okay. I'm gonna move on to Page 4. Specifically the
17 two bottom photographs.

18 What do they depict?

19 A Actually this one here doesn't show a whole lot. This
20 one over in this area shows the probe through the Entrance
21 Number 13 and Exit Number 11.

22 Q Okay. And that's the Exit Number 13. That's to the
23 back of the leg --

24 A That's the---

25 Q ---that we've previously discussed?

David Wren - Cross-examination
by Solicitor Jordan

1 A The, the entrance is in the, in the back, in the --
2 back there.

3 Q Okay.

4 A Entrance -- exit's toward the side -- anterior medial
5 side of the leg.

6 Q I'm gonna flip ahead to the next page, and if you'd
7 point out to the Court what is, in these photographs, what
8 is on the victim's back just above his buttock area?

9 A That, that is -- indicates an entrance to the -- just
10 above the gluteal crease there slightly to the left of
11 midline, and this one -- this is a better one here. This is
12 the entrance in the left lateral leg, and the, the exit more
13 medially toward the crotch region. That -- the one in the
14 buttock is Number 9 or just above the buttock and the one in
15 the---

16 Q Would those be Exhibit -- Entrance Wounds 13 and 12?

17 A This is Number 12 and -- 12 and 10 I think.

18 Q Would it be 12 and 13?

19 A Yeah, that -- I'm sorry. That's right. That's
20 correct.

21 Q And, Doctor Wren, if I may just point you back to---

22 A This is Number 12 and this was 13.

23 Q Yes, sir.

24 If I may point you back to Number 9. Number 9 went
25 into the body.

David Wren - Cross-examination
by Solicitor Jordan

1 Did it -- what was the trajectory that Number 9 took?

2 A It went upward anterior and left to right.

3 Q Okay. So, basically it went into the victim's -- just
4 above his buttock area and came out, I believe you said, is
5 in his armpit was where the bullet was located?

6 A Well, it didn't come out the armpit. The arm -- if you
7 go through the soft tissues there, it's a -- if the -- with
8 the proper trajectory, and depending on how much Adipose
9 tissue's there, and I could not find an exit and a
10 reentrance. So, it had to go through, through that area---

11 Q Yes, sir.

12 A ---in the armpit region with his arm out to where it
13 didn't, it didn't have to go through that as well -- I mean
14 it didn't have to come out before it went back in.

15 Q Okay. And I believe in your autopsy report -- I'll
16 tell you what. We'll finish these pictures so that you can
17 have a seat again.

18 A Okay.

19 Q What does -- actually I'll just move to ask you this
20 question.

21 Bullet Wound Number 9 is just above the buttock that
22 the Court's seen the photograph of.

23 Was that one you listed in your incident or in your
24 autopsy report as the fatal shot?

25 A Number 9?

David Wren - Cross-examination
by Solicitor Jordan

1 Q Yes, sir.

2 A It was more immediately fatal, yes. The others -- the
3 two to the abdomen -- well, all of them are potentially
4 fatal. The ones in the abdomen, if he'd of survived the
5 wound in the back that went through his chest cavity and
6 caused considerable bleeding internally, if he'd of survived
7 that one, he'd of probably gotten peritonitis, which is
8 infection in the abdomen, because it went through all the --
9 I think I said there were at least eight defects in the, the
10 intestines, and, the intestinal contents, when they spill
11 out, they cause infection and almost invariably people get
12 peritonitis.

13 Q Okay.

14 A And they die from sepsis after that.

15 Q I believe that's all the questions I have. Thank you.

16 THE COURT: Any, any redirect limited to what she went
17 into?

18 MR. NEELY: Briefly.

19 REDIRECT EXAMINATION

20 BY MR. NEELY:

21 Q In response to one of the solicitor's questions, you,
22 you gave the height of the decedent.

23 What was the weight?

24 SOLICITOR JORDAN: Objection, Your Honor.

25 THE COURT: I'll allow it.

David Wren - Redirect examination
by Mr. Neely

1 A 261 is what we weighed him as.

2 Q And the solicitor and I just both discussed with you
3 all eight entry wounds, and the solicitor spent time on the
4 entry wounds in the back.

5 How quickly were those -- were all eight shots fired?

6 SOLICITOR JORDAN: Objection, Your Honor. He wasn't at
7 the scene. He doesn't know.

8 THE COURT: I would---

9 MR. NEELY: That's exactly the point, Judge.

10 THE COURT: I -- he can rephrase the question.

11 Q Doctor Wren, do you know how quickly the, the eight
12 shots were fired at Mr. Gilliam?

13 A No.

14 Q During the course of the solicitor's examination, and,
15 and mine, you talked about arm position as, as being a
16 possibility, but you weren't at the scene on February 6th,
17 the night of?

18 A You talking about the one in his hand?

19 Q I'm -- for all of the eight shots, you weren't at the
20 crime scene?

21 You just---

22 A No.

23 Q ---performed the autopsy?

24 A No.

25 Q So, you don't know the exact circumstances surrounding

David Wren - Redirect examination
by Mr. Neely

1 the shooting?

2 A No.

3 Q And you can't say, with a hundred percent certainty,
4 how Mr. Gilliam fell?

5 A How many what?

6 Q How he fell to the ground.

7 A No, probably -- no, I can't.

8 Q Okay. Thank you, doctor.

9 THE COURT: Thank you, sir. You may step down.
10 Any reason why the witness can not be excused?

11 MR. NEELY: None, Judge.

12 SOLICITOR JORDAN: None from the State, Your Honor.

13 THE COURT: Thank you, doctor. You may be excused as
14 well.

15 MR. NEELY: May we approach for a brief moment?

16 (WHEREUPON, a bench conference was held at this time.)

17 THE COURT: We'll step down just for a couple minutes.

18 SOLICITOR JORDAN: Thank you.

19 (WHEREUPON, a short recess was taken at this time.)

20 THE COURT: All right. We'll come right back.

21 (WHEREUPON, a short recess was taken at this time.)

22 MR. NEELY: Judge, we could Jeanne Burnett.

23 THE COURT: Ma'am, just come right up here.

24 JEANNE BURNETT, being first duly
25 sworn, testified as follows:

Jeanne Burnett - Direct examination
by Mr. Neely

1 DIRECT EXAMINATION

2 BY MR. NEELY:

3 Q State your name for the record and spell your last
4 name.

5 A Jeanne Ruth Burnett. B-U-R-N-E-T-T.

6 Q And where do you -- where are you currently employed?

7 A Spartanburg County Coroner's Office.

8 Q And how long have you been there?

9 A Since January, 2013.

10 Q And your job responsibilities include what?

11 A I'm a coroner investigator. I investigate any deaths
12 that's not a natural.

13 Q Okay. So, if a death is reported, your job, or
14 somebody from your office, is to go out to that scene and,
15 and make a finding?

16 A Yes, sir.

17 Q Okay. On February 6th of 2016, did you have an
18 occasion to visit ~~at~~ Sharp Street?

19 A Yes, sir.

20 Q And what was, what was going on?

21 A When I arrived on the scene, EMS told me that someone
22 had been shot. They had it roped off, and I told him that I
23 would wait in my car for the County ID to get there because
24 they had been requested.

25 Q Okay. Now, when you were doing the coroner's

Jeanne Burnett - Direct examination
by Mr. Neely

- 1 investigation, you rely heavily on law enforcement, correct?
- 2 A Yes, sir.
- 3 Q All right. And your job is not to go in there and
4 disturb the crime scene or process the crime scene?
- 5 A No, sir.
- 6 Q You make a finding as to the cause of death?
- 7 A Correct.
- 8 Q And you do that based on toxicology reports from SLED,
9 from the investigation, done by law enforcement?
- 10 A Yes, sir.
- 11 Q Okay. As part of your job, are you, you required to
12 prepare a report, correct?
- 13 A Yes, sir.
- 14 Q Did you prepare a report in this case?
- 15 A Yes, sir.
- 16 Q Take a minute to look through that for me, and make
17 sure that that's your report.
- 18 A Yes, sir.
- 19 Q Okay. That's the report you prepared in response to
20 your visit to 405 Sharpe Street?
- 21 A Yes, sir.
- 22 Q Okay. Now, as part of your job when you respond to the
23 scene, you observe?
- 24 A Yes, sir.
- 25 Q And you note what's going around, not just at the body,

Jeanne Burnett - Direct examination
by Mr. Neely

1 but what's happening around the body?

2 A Correct.

3 MR. NEELY: Judge, at this time, I would make the
4 coroner's report Defense 2.

5 SOLICITOR JORDAN: Your Honor, I only object as to
6 there's hearsay contained within Page 11 of 13.

7 MR. NEELY: Then we'd put Pages 1 through 10, 12, and
8 13 into evidence.

9 THE COURT: All right. State have any objection to
10 those pages?

11 SOLICITOR JORDAN: No, sir, Your Honor.

12 THE COURT: All right. We'll do 1 to 10 and 11 to 13.

13 MR. NEELY: Your Honor, I believe it's 1 to 9 and 11 to
14 13. I wanted to -- I objected to Page 10.

15 THE COURT: Okay. One to nine.

16 MR. NEELY: Yeah.

17 (WHEREUPON, the coroner's report was marked as
18 Defendant's Exhibit No. 2 and received into evidence at this
19 time.)

20 Q Specifically I want to ask you a question about or a
21 couple questions about Page 6 of 13 of your report.

22 You described other weapons---

23 A Correct.

24 Q ---that are found at the scene of the crime?
25 what did you observe?

Jeanne Burnett - Direct examination
by Mr. Neely

1 A Folding pocketknife.

2 Q And how far away from Mr. Gilliam's body was that knife
3 found?

4 A I estimated about one and a foot, and I do believe it
5 was measured by the Sheriff's Office.

6 Q Okay. Thank you.

7 Nothing further.

8 SOLICITOR JORDAN: Just briefly, Your Honor.

9 CROSS-EXAMINATION

10 BY SOLICITOR JORDAN:

11 Q Mr. Burnett, you do not know how that knife was placed
12 there, do you?

13 A No, ma'am.

14 Q You do not know when it was placed there?

15 A No, ma'am.

16 Q You just observed what you saw?

17 A Yes, ma'am.

18 SOLICITOR JORDAN: No further questions, Your Honor.

19 THE COURT: Any redirect limited to what she went into?

20 MR. NEELY: No, sir.

21 THE COURT: Thank you, ma'am. You may step down. Just
22 leave the report right there.

23 THE WITNESS: Thank you.

24 THE COURT: Any reason why this witness can not be
25 excused?

Coby Stepp - Direct examination
by Mr. Neely

1 SOLICITOR JORDAN: Not from the State, Your Honor.

2 MR. NEELY: None from the defense, Judge.

3 THE COURT: Are you ready to call your next witness?

4 MR. NEELY: Yes, sir, we would call Deputy Stepp to the
5 stand.

6 THE COURT: Mr. Coroner, good to see you.

7 All right.

8 COBY STEPP, being first duly
9 sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. NEELY:

12 Q This is State's Exhibit No. 22.

13 THE COURT: Can you have the witness state his name?

14 MR. NEELY: Oh, I'm sorry.

15 State your name for the record and spell your last name
16 please.

17 A James Coby Stepp. S-T-E-P-P.

18 Q And you're currently employed where?

19 A Spartanburg County Sheriff's Department.

20 Q How long have you been there?

21 A Going on 20 years.

22 Q Where were you before that?

23 A Probation & Parole.

24 Q Okay. How long were you there?

25 A About a year and a half.

Coby Stepp - Direct examination
by Mr. Neely

1 Q Any other law enforcement experience?

2 A No, sir.

3 Q And, prior to becoming a law enforcement officer, you
4 spent time at the Criminal Justice Academy?

5 A Yes, sir.

6 Q You went through all the training that's involved with
7 going to the CJA?

8 A Yes, sir.

9 Q Your current capacity at the Sheriff's Office is what?

10 A Crime scene investigations.

11 Q What does that entail?

12 A Investigate crime scenes and collection of evidence
13 involving crimes.

14 Q That's not a job that---

15 A And testify in courts.

16 Q ---they just assign you to.

17 There's specific training that goes -- involves with
18 that?

19 A Yes, sir.

20 Q You have to go take classes both at the Sheriff's
21 office and offsite?

22 A That's correct.

23 Q You have to take continuing education requirements as
24 well?

25 A Yes, sir.

Coby Stepp - Direct examination
by Mr. Neely

1 Q So, your education is something that's continually
2 ongoing?

3 A Yes, sir.

4 Q And it's required for your job?

5 A Yes, sir.

6 Q February 6th, 2016, you had an occasion to visit 405
7 Sharpe Street?

8 A That's correct.

9 Q And you responded -- why did you respond?

10 A I was called out by the -- my team leader. Advised we
11 had a death caused by a shooting.

12 Q Okay. And what was your function gonna be in the
13 investigation of this case?

14 A To assist Team Leader Talanges in photographing and
15 collection of any of the evidence that's located off the
16 scene.

17 Q Okay. Now, this diagram, State's Exhibit No. 22---

18 A Yes, sir.

19 Q ---that was created by Officer Talanges or by yourself?

20 A Deputy Talanges.

21 Q Okay. To your recollection, that's how the crime scene
22 appeared?

23 A Yes, sir.

24 Q Okay. Now, there are eight cartridges, one through
25 eight, that are listed there.

Coby Stepp - Direct examination
by Mr. Neely

- 1 A Correct.
- 2 Q And they are located throughout the crime scene
3 in-between the garage and the house?
- 4 A Yes, sir.
- 5 Q The particular numbers on the shell casing, they
6 actually kind of moved back towards the house, correct, or
7 towards the garage?
- 8 A You talking about---
- 9 Q Well, what, what I'm asking you is this. That was
10 weirdly worded and I apologize.
- 11 A That's okay.
- 12 Q You have shell casings Number 1, 2, 3?
- 13 A At the corner of the house.
- 14 Q Sort of by the front of the house?
- 15 A Yes, sir, you're right.
- 16 Q And then four, five, and six moving towards the ramp?
- 17 A Yes, sir.
- 18 Q And then seven and eight are closer to the body?
- 19 A Closer to the body.
- 20 Q Right.
- 21 A Correct.
- 22 Q And that, and that was just how the evidence markers
23 were laid down?
- 24 A That's how they were---
- 25 Q Right.

Coby Stepp - Direct examination
by Mr. Neely

1 A ---laid down on scene.

2 Q You -- can you tell us today that that's the order that
3 the shots were fired in?

4 A No, I can not tell you what order they were fired in.

5 Q Okay. So, it's a possibility that the, that the
6 shooting started with eight and seven and the shooter moved
7 away from the victim?

8 A That's a possibility, yes.

9 Q Okay.

10 A But I can't directly say.

11 Q Right.

12 Okay. Thank you.

13 A Yes, sir.

14 MR. NEELY: Sorry, Judge, one, one more question.

15 A Yes, sir.

16 Q As per -- as part of your role in this case, did you
17 talk to any witnesses?

18 A No, sir, I did not talk to any witnesses.

19 MR. NEELY: Okay. Nothing further from us.

20 CROSS-EXAMINATION

21 BY SOLICITOR JORDAN:

22 Q I'm not gonna ask for your personal past. Just as if
23 you -- just as you can't say that it happened going eight to
24 one, you also don't know if it happened maybe going from one
25 to eight, do you?

Coby Stepp - Cross-examination
by Solicitor Jordan

1 A That's correct. I have no idea, but it's a
2 possibility---

3 Q It is?

4 A ---that it could of went either way, yes, sir.

5 Q All right. I want -- wanted to ask you this as well.

6 Did you record -- did you document in your report
7 whether or not there were any puddles of blood near the
8 body?

9 A I don't recall that. I probably mentioned, you know,
10 on the clothing itself, but, you know, it appeared that
11 there was material on the clothing. It appeared to be
12 blood.

13 Also put in my report the areas that were photographed
14 and scaled were the -- actually was collected on those type
15 of things. I'll look at my report, but I'm not really sure
16 if I went into expressing puddles of blood around the body
17 or anything like that.

18 (Pause.)

19 A Yeah, I did note that, you know, there were various
20 areas of clothing, articles recovered, with wet red and also
21 dried reddish brown matter, and an area pooled with red
22 liquid matter on the ground near the right upper shoulder
23 area of the victim.

24 Q Okay. And other than the ones that we've already
25 talked about, the blood splatter that we've already talked

Coby Stepp - Cross-examination
by Solicitor Jordan

1 about that's been labeled 1 through 14, is that the only
2 blood that you saw on the scene?

3 A Outside, like I said, I listed on the clothing. That's
4 all that I recall seeing on scene, yes, ma'am. That was --
5 that scaled photograph---

6 Q Yes, sir.

7 A ---of what I observed around the body on the clothing.

8 SOLICITOR JORDAN: Okay. I have no further questions,
9 Your Honor.

10 THE COURT: Any redirect limited to what she went into?

11 MR. NEELY: None, Your Honor.

12 THE COURT: Thank you, sir. You may step down.

13 Any reason why the witness can not be excused?

14 MR. NEELY: None from the defense.

15 SOLICITOR JORDAN: None from the State.

16 THE COURT: Thank you. You may be excused as well.

17 THE WITNESS: Thank you, sir.

18 THE COURT: Thank you for coming.

19 MR. NEELY: Judge, at this time, the defense would call
20 Ronald Higgins.

21 RONALD HIGGINS, being first duly
22 sworn, testified as follows:

23 THE COURT: Sir, have a seat in the red chair and pull
24 the red chair to the microphone.

25 (Witness complies.)

Ronald Higgins - Direct examination
by Mr. Neely

1 DIRECT EXAMINATION

2 BY MR. NEELY:

3 Q Good morning.

4 If you could state your name for the record and spell
5 your last name for me?

6 A Ronald J. Higgins. H-I-G-G-I-N-S.

7 Q Okay. Judge, if I could have one moment please?

8 (Pause.)

9 MR. NEELY: May we approach just a second?

10 (WHEREUPON, a bench conference was held at this time.)

11 THE COURT: All right. We'll step down for a moment.

12 Mr. Higgins, you're in the process of giving testimony.

13 So, you can't have any discussion with anyone about the
14 nature of your testimony, but you can step down for a few
15 moments.

16 (WHEREUPON, a short recess was taken at this time.)

17 THE COURT: Mr. Higgins, you want to come up please.

18 Lawyers approach please.

19 (WHEREUPON, a bench conference was held at this time.)

20 CONTINUED DIRECT EXAMINATION

21 BY MR. NEELY:

22 Q Mr. Higgins, if you'd state your name for the record
23 and spell your last name for me.

24 A Ronald J. Higgins. H-I-G-G-I-N-S.

25 Q Where are you from, Mr. Higgins?

Ronald Higgins - Direct examination
by Mr. Neely

- 1 A Woodruff, South Carolina.
- 2 Q Your whole life?
- 3 A Pretty much so.
- 4 Q How old are you, sir?
- 5 A Forty-six.
- 6 Q Do you know the Gilliam family?
- 7 A Yes, sir.
- 8 Q On February 6th of 2016, towards the morning hours,
9 what were you doing?
- 10 A I went over to visit my cousin.
- 11 Q Who's your cousin?
- 12 A I just had -- Cecil. I just had got off from work.
- 13 Q Okay. Cecil's your cousin?
- 14 A Yeah, we like family.
- 15 Q Okay. Where were you going to visit him at?
- 16 A At his house.
- 17 Q At 110 Robinson?
- 18 A You got 405 Sharpe Street right there.
- 19 Q That's not where Cecil lived though, is it?
- 20 A I guess, when you own three or four houses, you live
21 where you want to. I don't know.
- 22 Q What was going on at 110 Robinson Street?
- 23 A I go over there and shoot pool.
- 24 Q Okay. But the way that the -- the way that 405 Sharpe
25 Street is set up, he's got kind of a bar area?

Ronald Higgins - Direct examination
by Mr. Neely

1 A Yes.

2 Q And he's got a billiards table set up?

3 A Yes.

4 Q Dartboards?

5 A I guess. I don't play darts. I ain't never seen no
6 dartboard.

7 Q Flat screen TVs on the wall?

8 A Yes, sir.

9 Q It's a place that Cecil would go and hang out with his
10 family?

11 A Yes.

12 Q And friends also?

13 A Yes.

14 Q On February 6th of 2016, after you got off work,
15 there were a number of people that were over there at 405
16 Sharpe Street?

17 A Yes.

18 Q About how many?

19 A I have no earthly idea to be honest.

20 Q That's fine.

21 Five?

22 A Maybe a little bit more than five.

23 Q Ten?

24 A Probably about 15. So, I guess, just guessing, if I
25 had to give you a number.

Ronald Higgins - Direct examination
by Mr. Neely

1 Q Just -- and it's been a long time. It's been almost
2 two years since that night.

3 About 15 you would say?

4 A Ish.

5 Q And everybody that was there was hanging out having a,
6 having a beer or two and shooting pool?

7 A I was there about 15 or 20 minutes before this
8 happened, sir. I don't -- I guess.

9 Q Okay. When you got there, your intention was to shoot
10 a game of pool?

11 A Excuse me?

12 Q Do you need some water?

13 A Excuse me. I appreciate that, brother man.

14 THE BAILIFF: There's some up here.

15 Q Okay. Your intention was to shoot a game of pool with
16 Cecil?

17 A Yes, sir.

18 Q All right. Y'all had a plan to go over to the pool
19 table and play that game of pool?

20 A Yes, sir.

21 Q All right. Before you could play that game of pool,
22 Cecil stepped outside --

23 A Yes, sir.

24 Q -- after one of the Geter boys and this man sitting
25 right here?

Ronald Higgins - Direct examination
by Mr. Neely

- 1 A Yes, sir.
- 2 Q Okay. Now, at the time, on February 6th of 2016, you
3 weren't sure who he was?
- 4 A Never seen him before. As far as I acknowledged it,
5 I'd never seen him before.
- 6 Q Okay. But this is, this is who it is?
7 This is who it was?
- 8 A Yes, sir.
- 9 Q Slightly different clothes, but this is who it was?
- 10 A (Witness nods affirmatively.)
- 11 Q Okay. Before you shot that game of pool, in the short
12 period of time that you were there, what was he doing?
- 13 A He was sitting across with some more young fellows.
- 14 Q Okay. And he was -- and he was, he was interacting
15 just like everybody else at the house?
- 16 A Yes.
- 17 Q Nobody made any mention of him being kicked out or him
18 not suppose to be there?
- 19 A I heard that. I didn't, I didn't see none of that.
- 20 Q But you---
- 21 A I---
- 22 Q But he was sitting there with everybody else?
- 23 A Yeah. Yeah.
- 24 Q Okay. And then he stepped outside with Tavis or
25 Travis, whichever one it was?

Ronald Higgins - Direct examination
by Mr. Neely

- 1 A I guess. When I looked out the window -- I don't know
2 who he left with. I looked out the window or out the glass
3 door. I seen Tavis -- him and Tavis out there. I don't---
- 4 Q Okay. So, you said Travis?
- 5 A Well, I don't know. It's -- twins.
- 6 Q One, one, one of the twins?
- 7 A Yeah, one of the twins there.
- 8 Q Okay. He was outside with one of the twins?
- 9 A Uh-huh. (Affirmative).
- 10 Q And then Cecil went out there?
- 11 A I don't know if they are -- see, I don't know. When I
12 looked out the window, Cecil was on that ramp that's coming
13 down with the little lines on it --
- 14 Q Uh-huh. (Affirmative).
- 15 A -- facing to the right like this. The defendant was
16 down here to the left, and the twins was behind him.
- 17 Q Okay.
- 18 A I don't know who left, but they was out there at the
19 same time. I don't know if they left together or one
20 eventually followed. I don't know.
- 21 Q Okay. Now, again, you -- as you already stated, your
22 intention was to shoot a game of pool with Cecil?
- 23 A Yes.
- 24 Q Now, you told law enforcement, on February 6th of
25 2016, that you waited for what, to you, felt like ten to

Ronald Higgins - Direct examination
by Mr. Neely

1 fifteen minutes to play this game of pool?

2 A Yes.

3 Q Okay. And, periodically, throughout that ten to
4 fifteen minute period, you would go to the window and look
5 out to see what was taking Cecil so long?

6 A I didn't have to go to the window. I was getting ready
7 -- pool table's right here, and the, and the door. It's
8 not, it's not a, it's not a -- I kept saying it wasn't no --
9 but it's a door that you go outside on the ramp. I kept --
10 and I didn't have to move. I just turned around and looked
11 straight out, out the door. I mean it's --.

12 Q You had to turn around to look out though?

13 A Yeah, just turned straight around and look right out
14 the door.

15 Q Okay. So, you had turned around and you looked?

16 A (Witness nods affirmatively.)

17 Q All right. And Cecil was just out there with the boys?

18 A Yeah.

19 Q Okay. Nothing was happening?

20 A (Witness nods negatively.)

21 Q You didn't see anything that looked funny?

22 A (Witness nods negatively.)

23 Q All right.

24 THE COURT: Sir, you need to give a verbal response.

25 THE WITNESS: Yes, sir.

Ronald Higgins - Direct examination
by Mr. Neely

1 Q Okay.

2 THE COURT: You want to ask the question again so we
3 can get it on the record.

4 MR. NEELY: Yes, sir, Your Honor.

5 You didn't see anything that looked funny in those two
6 or three times that you turned around?

7 A No, sir.

8 Q You got tired of waiting for Cecil though cause you
9 were trying to shoot a game of pool?

10 A Yes.

11 Q So, you decided that you were gonna play a game with,
12 and, honestly, I don't know. When you were talking to law
13 enforcement---

14 A Earl.

15 Q ---you said that little dude.

16 Are you talking about Earl Scott?

17 A Yeah.

18 Q Okay.

19 A Yes, sir.

20 Q So, you were gonna play a game of pool with Earl Scott?

21 A Well, I was gonna play with Cecil.

22 Q You were gonna play a game with Cecil?

23 A And Cecil out -- Cecil---

24 Q You got tired of waiting --

25 A Yes, sir.

Ronald Higgins - Direct examination
by Mr. Neely

- 1 Q -- cause he was outside with---
- 2 A Yeah.
- 3 Q ---those two?
- 4 A Yes.
- 5 Q And so then you decided that you were gonna play a game
6 of pool---
- 7 A Excuse me.
- 8 Q ---with Earl Scott?
- 9 A Yes.
- 10 Q All right. Now, you almost started that game of pool?
11 You actually went to break the rack?
- 12 A Uh-huh. (Affirmative).
13 Yes, sir.
- 14 Q When you went to break the rack, you were looking at
15 the pool table?
- 16 A Yes.
- 17 Q You, you had your eye---
- 18 A On the pool table.
- 19 Q ---on the pool table and then you heard what you said
20 was three gunshots?
- 21 A Four. I didn't hear but four.
- 22 Q You didn't hear but four.
23 Okay. When you heard -- you told law enforcement you
24 heard three gun shots, and then you started going outside?
- 25 A No, I heard, I heard four shots. I heard three shots

Ronald Higgins - Direct examination
by Mr. Neely

1 before I realized that it was gunshots, and I -- and when I
2 turned around -- and when I laid the pool table (sic) down,
3 I stood up like those are actually gunshots. And, when I
4 turned around, I seen the defendant shooting at -- I thought
5 he was shooting at the ground.

6 Q Okay.

7 A And it, it -- I, I never thought he was out there
8 shooting Cecil. So, I turned back around and I -- and the
9 first thing that came to my head, I said the little young
10 guy out there blowing off steam. And, when I got ready to
11 break, I'm like my people was out there. And, when I turned
12 around to go out the door, and I was hollering folk, folk,
13 and, when I got down to the end of that ramp, he was laying
14 right there where you got that -- got him drawed at, and he,
15 he never said another word.

16 Q Okay. So, this is my question. I want to back up
17 before you saw Cecil laying on the ground.

18 You were getting ready to rake -- to, to break the
19 rack?

20 A Yes, sir.

21 Q You heard -- you, ultimately, think you heard four
22 gunshots?

23 A Yes.

24 Q I know that you've heard the testimony that there's
25 been eight, but you---

Ronald Higgins - Direct examination
by Mr. Neely

- 1 A Yes, sir.
- 2 Q ---remember hearing four.
- 3 You heard three and turned around --
- 4 A Yes.
- 5 Q -- and heard the fourth---
- 6 A No.
- 7 Q ---as you were walking out?
- 8 A No.
- 9 Q You saw the fourth?
- 10 A Yeah, I saw the fourth shot.
- 11 Q Okay.
- 12 A Well, what I thought was four at the time. I didn't
- 13 hear but four shots.
- 14 Q Okay. But the first three gunshots that you heard, you
- 15 didn't see those?
- 16 A No.
- 17 Q You were looking down at the pool table?
- 18 A Yes.
- 19 Q So, what preceded those gunshots you did not see?
- 20 A I did not.
- 21 Q You don't -- you didn't see any altercation between
- 22 Cecil and Adriel?
- 23 A Did not.
- 24 Q You don't know what happened that led to those gunshots
- 25 being fired?

Ronald Higgins - Direct examination
by Mr. Neely

1 A I do not.

2 Q You didn't see anything outside until that fourth
3 gunshot?

4 A Yes.

5 Q At which point Adriel was leaving?

6 A Yes.

7 MR. NEELY: One moment, Your Honor.

8 (Pause.)

9 Q We're just gonna talk about the picture in the bottom
10 left.

11 THE COURT: You're looking at which one?

12 MR. NEELY: It's a picture -- it's the bottom left,
13 Judge.

14 THE COURT: The number?

15 MR. NEELY: This has not been moved into evidence,
16 Judge.

17 THE COURT: Okay.

18 Q Do you recognize that?

19 A Yes, I do.

20 Q What is that?

21 A That's the door. Two doors and that ramp leading out
22 Cecil back-door.

23 Q That's Cecil back-door?

24 A (Witness nods affirmatively.)

25 Q That's a picture taken by law enforcement when they

Ronald Higgins - Direct examination
by Mr. Neely

1 responded?

2 A Yes.

3 Q Is that an accurate depiction?

4 A Only thing I could see, you -- it look like the blind
5 closed now.

6 Q Those doors are glass?

7 A Yes.

8 Q The lighting's accurate?

9 A I have no earthly idea about the lighting.

10 Talking about the light that's on the side of the
11 house?

12 Q I'm asking you is that how the lighting was on the
13 night of the incident.

14 Is that how it appeared outside?

15 A Yeah, but he got motion lights all around his house.
16 So, I mean you can see---

17 Q So, it could of been darker?

18 A Anything is possible I guess.

19 Q Okay. And those are glass doors?

20 A Yes.

21 Q Okay. He keeps a pretty clean house?

22 A Yes.

23 Q The windows are shiny?

24 A Yes.

25 Q The inside's well lit?

Ronald Higgins - Cross-examination
by Solicitor Jordan

1 A Yes.

2 MR. NEELY: Nothing further, Your Honor.

3 CROSS-EXAMINATION

4 BY SOLICITOR JORDAN:

5 Q This pool room that you were in at -- on Cecil's
6 property, how large is this room?

7 A I have no earthly idea.

8 Q Okay. Is it a big open room?

9 A Yes, it's a pretty big room.

10 Q Okay. Is it about -- would you say about the size
11 maybe from counsel table back?

12 A It's hard for me to say. I don't know. I mean it's,
13 it's, it's room enough for you -- peoples to walk around and
14 you ain't got to tell nobody to move when you getting ready
15 to shooting pool I mean.

16 Q Okay.

17 A How big it is, I have no earthly idea.

18 Q Okay. And you said you had just gotten off work that
19 day.

20 Where do you work?

21 A Bi-Lo Warehouse.

22 Q Okay. Bi-Lo Warehouse?

23 A Yes, ma'am.

24 Q Okay. How many hours had you worked?

25 A well, it couldn't have been that many because I --

Ronald Higgins - Cross-examination
by Solicitor Jordan

1 well, I don't -- it's hard for me to say. I don't, I don't
2 really know.

3 Q Okay. Do you normally go in midday and then get off
4 somewhere past midnight?

5 A Yeah, I get off like 4:00, 3:00, 2:00. I don't have a
6 certain time to get off.

7 Q Okay. But when you got off work, you went to hang out
8 with who you call your folk?

9 A Yeah, my folk.

10 Q Okay. That would be Cecil?

11 A Yes.

12 Q Okay. I'm referring to State's Exhibit No. 2.

13 This upper picture, and it's kind of like the picture
14 you just saw from the defense counsel, but those French
15 doors that are there, just describe to the Judge, did they
16 have the blinds inside of the panels, panels of glass?

17 A Yes.

18 Q Okay. And your testimony is that both of those blinds
19 were raised?

20 A Yes.

21 Q Okay. And the pool room was well lit inside?

22 A Yes.

23 Q Okay. And when you went to what you refer to as the
24 windows, you were able to see Cecil?

25 A Yeah, I put down windows, but it's those two doors

Ronald Higgins - Cross-examination
by Solicitor Jordan

1 because they glass doors.

2 Q Okay. When you were -- going back before you hear any
3 shots, you, you said you saw Cecil.

4 You looked out the window?

5 A Uh-huh. (Affirmative).

6 Q ---or the door windows and saw Cecil.

7 Where -- Your Honor, may he step down and point to the
8 Court on this photograph where he saw Cecil?

9 THE COURT: Yes.

10 Q Mr. Higgins, if you'll step on down right here.

11 A (Witness comes down from the stand.)

12 THE COURT: Tell me what exhibit number that is.

13 SOLICITOR JORDAN: No. 2.

14 If you'll come right over here.

15 Can you point at this upper picture and show the Court
16 where Cecil was the last time you looked out and saw him?

17 A I was looking out the doors and he was propped up
18 against that railing right there facing that way. Facing
19 back that way.

20 Q Okay. Facing back?

21 A He was leaning over, over the railing like this.

22 Q Okay.

23 A Right here on, on the ramp. On the railing.

24 Q Was he near the top of the door or was he near the
25 bottom of the ramp or just in the middle?

Ronald Higgins - Cross-examination
by Solicitor Jordan

1 A He was kind of like in the middle I guess.

2 Q Okay. If you'll have a seat.

3 A (Witness returns to the stand.)

4 Q You said that you heard three shots, and then you
5 looked back out the window.

6 When you looked out the window, what was the defendant
7 doing?

8 A Shooting down at the ground like with -- that's what I
9 thought he was doing.

10 Q Okay. And where was he---

11 A I didn't, I didn't know.

12 Q Okay. I'm gonna, I'm gonna step back for just one
13 quick moment.

14 Where was he standing?

15 A Where that -- about where that cement pad at the
16 bottom. Kind of in front of that a little bit.

17 Q Okay. I'm pointing right over here on the upper
18 right---

19 A It probably about midways of the ramp. Yeah. Yeah.
20 Yeah, about right there, and the twin was back behind him by
21 the cement pad and the wall, and the wall.

22 Q Okay. So, at this point in time, the defendant was
23 right here, and which direction did you see him shooting
24 down?

25 A If he, if he in that picture, he, he shooting over to

Ronald Higgins - Cross-examination
by Solicitor Jordan

1 the right pad, that red, red building.

2 Q Okay. And is he shooting over to the right where
3 Cecil's body is in the upper left-hand photograph?

4 A (witness nods affirmatively.)

5 Q Okay. When you saw him shooting---

6 THE COURT: He needs to give a verbal---

7 THE WITNESS: Yes. Yes, sir.

8 THE COURT: Thank you.

9 SOLICITOR JORDAN: I apologize, Your Honor.

10 When you saw him shooting, did you know where Cecil was
11 at that point?

12 A I did not.

13 Q Okay. And you didn't know where Cecil was until you
14 went out there looking for him?

15 A Yes.

16 Q Okay. And when you found Cecil, was he in the location
17 that the defendant was firing a weapon?

18 A Yes.

19 Q And the defendant was firing the weapon down?

20 A Yes.

21 Q Okay. You didn't even see Cecil that last time you
22 looked out when the final shot, did you?

23 A I did not.

24 Q Okay. And you don't know the defendant at all?

25 A I do not.

Ronald Higgins - Cross-examination
by Solicitor Jordan

1 Q Okay. You were inside of that room.

2 Did you hear any noise outside?

3 A No, I looked out there about two or three times. I
4 seen them standing down there talking.

5 Q Okay. And no -- did you hear any yelling?

6 A I did not.

7 Q Any arguing?

8 A Did not.

9 SOLICITOR JORDAN: Your Honor, if I may have a moment
10 just to look at my notes?

11 (Pause.)

12 Q I meant to ask you -- going back to State's Exhibit No.
13 2, the bottom right-hand photograph, do you recall what car
14 the defendant left in that night?

15 A I really don't know, but it was a Camaro -- when I got
16 there, it was a Camaro right there up by the air
17 conditioner.

18 Q Okay. When you say air conditioner, I'm gonna point
19 right here.

20 Are you talking about this window unit?

21 A Yes, they was a Camaro right out---

22 Q Okay.

23 A By the time I got, got out there, ain't nobody left,
24 the Camaro was gone. I actually see him do -- I ain't, I
25 ain't see it leave really.

Ronald Higgins - Cross-examination
by Solicitor Jordan

1 Q okay.

2 A I just figured he left in the Camaro. I don't know.

3 Q Okay. But there was, when you got there about fifteen
4 to twenty minutes before the shooting, there was a Camaro
5 parked right here at this light or this air conditioner
6 unit?

7 A Yes. Yes, ma'am.

8 Q And, after you find Cecil, the Camaro's gone?

9 A (Witness nods affirmatively.)

10 Q And the defendant's gone?

11 A Yes.

12 Q And the Geter twin is gone?

13 A Yes.

14 Q Okay. The only person left there's Cecil?
15 The only person left outside there is Cecil?

16 A Yes.

17 Q And he's on the ground --

18 A Yes.

19 Q -- where this defendant was firing down?

20 A Yes.

21 SOLICITOR JORDAN: Okay. No further questions, Your
22 Honor.

23 THE COURT: Any redirect limited to what she went into?

24 MR. NEELY: Yes, sir.

25 REDIRECT EXAMINATION

Ronald Higgins - Redirect examination
by Mr. Neely

1 BY MR. NEELY:

2 Q The solicitor asked you if you heard any commotion
3 coming from outside.

4 Inside of that house, they're playing music, correct?

5 A Yes.

6 Q The music was loud?

7 It was turned up?

8 A Yes.

9 Q You wouldn't of been able to hear anything that was
10 going on outside?

11 A No, sir.

12 Q Okay. Now, you also just testified that you didn't see
13 Adriel or the Geter boy leave?

14 A No, I did not.

15 Q Okay. The morning of February 6th, 2016, law
16 enforcement responds to the crime scene. They're looking
17 for any witnesses.

18 A Yes, sir.

19 Q You say -- and you tell them what you just told the
20 Court?

21 A Yes.

22 Q That you heard three gunshots, saw the fourth gunshot
23 happen.

24 A (Witness nods affirmatively.)

25 Q Law enforcement asked you to write a written statement?

Ronald Higgins - Redirect examination
by Mr. Neely

1 A Yes.

2 Q In that moment, law enforcement gave you a voluntary
3 statement form---

4 A Yes.

5 Q ---correct?

6 And they said write down everything you remember. It
7 was important.

8 A Yes.

9 Q Because this statement is gonna be used to catch the
10 person who shot Cecil.

11 A Yes.

12 Q Okay. And so you realized how important the statement
13 that you're giving is.

14 So, you told the complete truth when you gave that
15 statement?

16 A I tried to, best of my knowledge. Stuff happens so
17 fast, you know what I'm saying, like, and, and now -- I mean
18 it -- what I'm, what I'm telling won't vary much from this
19 right here. Hardly none at all.

20 Q Okay. Is that the statement that you gave, that you
21 wrote on February 6th of 2016?

22 A Yes.

23 Q And, in that statement, you very explicitly say you saw
24 the two gentlemen leave?

25 A I did not. I insinuated they left together because, I

Ronald Higgins - Redirect examination
by Mr. Neely

1 mean, they hadn't been in there that long, and that car, and
2 that car was right there. And, by the time I got outside,
3 both of them had went around the corner and they was gone
4 somewhere. I mean I insinuated that part about the Camaro.

5 Q Okay. If I can just read from your voluntary statement
6 to the Court. Your statement signed by you on February 6th,
7 2016, says I saw two gentlemen (sic) get into a car.

8 A Yes.

9 Q That's what you wrote, correct?

10 A Yes.

11 Q Okay. But that's different than what you said today?

12 A Yes.

13 MR. NEELY: Nothing further, Judge.

14 THE COURT: Thank you, sir. You may step down.

15 SOLICITOR JORDAN: Your Honor, may I, may I just
16 follow-up one statement or one question?

17 THE COURT: If it's on something new.

18 SOLICITOR JORDAN: Your Honor, it's just as to the
19 statement that he read.

20 Can I also ask the witness if he saw -- also stated I
21 saw and heard the fourth shot as my -- as I made my way to
22 the door?

23 THE WITNESS: Say that again.

24 RE CROSS EXAMINATION

25 BY SOLICITOR JORDAN:

Ronald Higgins - Recross examination
by Solicitor Jordan

1 Q In your statement, did you also place I saw and heard
2 the fourth shot as I made my way to the door?

3 A Well, when I turned around and seen him shoot, I didn't
4 think he was shooting my cousin. I, I, I said the young guy
5 blowing off steam, and I turned around to shoot pool.

6 Q Uh-huh. (Affirmative).

7 A And then I'm like my folk was out there, and then I
8 went outside. And then, and then I, I really didn't see
9 them leave in that Camaro, but that Camaro was right there,
10 and they -- then the car was gone and them two boys was
11 gone. So, I --.

12 Q Okay. But you saw him shooting down?

13 A Down. Yeah, I thought he was shooting at the ground.

14 SOLICITOR JORDAN: Okay. Nothing further, Your Honor.

15 THE COURT: All right. Thank you, sir. You may step
16 down.

17 Lawyers want to approach?

18 SOLICITOR JORDAN: Yes, sir.

19 Your Honor, may this witness be excused?

20 MR. NEELY: No objection.

21 THE COURT: Yes, sir, thank you for coming. You may be
22 excused.

23 (WHEREUPON, a bench conference was held at this time.)

24 MR. NEELY: Thank you, Judge.

25 THE COURT: All right. We're going to recess the

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hearing. We will resume at 9:30 in the morning.

(WHEREUPON, this case was in recess for the evening.)

1 Thursday, December 7th, 2017

2
3 (WHEREUPON, a copy of the motion was marked as Court's
4 Exhibit No. 1 and received into evidence at this time.)

5 THE COURT: Is the --?

6 SOLICITOR JORDAN: Mr. Neely just stepped outside.
7 Said he needed about three minutes. I'm sure Mr. MacDonald
8 can grab him if, if the Court needs him.

9 MR. MACDONALD: I'll go get him.

10 THE COURT: No, I mean I can step back if he's only
11 gonna be a couple of minutes. Just come and get me when he
12 comes back in. I don't know what he's doing.

13 SOLICITOR JORDAN: He was talking to a witness.

14 THE COURT: Okay. I'll just step right back here.
15 Just come and get me.

16 MR. MACDONALD: Yes, Your Honor.

17 (Pause.)

18 MR. MACDONALD: He's here, Your Honor.

19 THE COURT: Okay.

20 MR. NEELY: I apologize.

21 THE COURT: Ready to call your next witness?

22 MR. NEELY: Yes, sir, Judge.

23 We would call Brittany Westfield.

24 THE COURT: Ma'am, just come right up here and let the
25 Clerk of Court swear you in.

Brittany Westfield - Direct examination
by Mr. Neely

1 BRITTANY WESTFIELD, being first duly
2 sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. NEELY:

5 Q State your name and spell your last name for the record
6 please.

7 A It's Brittany Westfield. W-E-S-T-F-I-E-L-D.

8 Q Do you know this young man sitting right here?

9 A I do.

10 Q How do you know him?

11 A That's my nephew.

12 Q Okay. Where do you currently reside?

13 A In Fountain Inn, South Carolina.

14 Q February 6th of 2016, were you residing in Fountain
15 Inn?

16 A No, I was residing in Woodruff, South Carolina.

17 Q And what, what was going on in your family at that
18 time?

19 A We had just lost my grandmother.

20 Q So, there's a funeral planned?

21 A Yes.

22 Q All right. Now, Adriel, Adriel doesn't normally live
23 with you, correct?

24 A Correct.

25 Q Was he staying with you on February 6th of 2016?

Brittany Westfield - Direct examination
by Mr. Neely

- 1 A Yes, he was.
- 2 Q Okay. Did you loan Adriel a car?
- 3 A I did.
- 4 Q what kind of car did you loan him?
- 5 A My Chevrolet Camaro.
- 6 Q And what color is that car?
- 7 A It's a dark gray.
- 8 Q Maybe a smoke gray?
- 9 A Uh-huh. (Affirmative).
- 10 Q Is that a yes?
- 11 A Yes, it is.
- 12 Q Okay. So, on February 6th of 2016, you let Adriel
13 borrow your car?
- 14 A Yes, I did.
- 15 Q Do you have any idea where Adriel went at the time?
16 Did you have any idea where Adriel went?
- 17 A No.
- 18 Q Did you want your car back?
- 19 A Yes.
- 20 Q All right. So, what -- tell me a little bit about what
21 was going on in the morning of February 6th or 2016.
- 22 A Well, when it started to get a little bit late, I
23 started to call just to inquire with him where he was just
24 because it had gotten so late.
- 25 Q Any response?

Brittany Westfield - Direct examination
by Mr. Neely

- 1 A No.
- 2 Q No, no text message or anything saying I'll be right
3 back?
- 4 A Yes, he did text me.
- 5 Q And that it will be a little bit later, a little bit
6 later?
- 7 A Yes.
- 8 Q Did he eventually come back to the house?
- 9 A Yes, he did.
- 10 Q About what time?
- 11 A I think it was around 4:30.
- 12 Q What were you doing at 4:30 in the morning?
- 13 A I was sleeping.
- 14 Q Okay. Adriel talk to you when he came in the house?
- 15 A He did. He came into my bedroom and was kind of
16 pushing me to wake me up.
- 17 Q How, how, how was he acting when he was trying to wake
18 you up?
- 19 A You could tell that he was frantic cause -- by the way
20 that he was shaking me trying to get me to wake up in a
21 hurry.
- 22 Q So, his, his general demeanor was scared?
- 23 A Yes.
- 24 Q Okay. And did Adriel want anything from you?
- 25 A Yes, he asked me if I could get up and take him to

Brittany Westfield - Direct examination
by Mr. Neely

1 Columbia.

2 Q He wanted to go to Columbia?

3 A Yes.

4 Q Were you willing to take him there?

5 A No, I was not.

6 Q Why not?

7 A I asked him why he wanted to go to Columbia at this
8 time and he told me that he had shot---

9 SOLICITOR JORDAN: Objection. Hearsay.

10 THE COURT: I'll have to sustain it.

11 Q Why weren't you willing to take him to Columbia?

12 A He told me what happened. And so I got up out of my
13 bed, and I told him that we needed to call the police
14 because that was self-defense.

15 Q Okay. So, so, based on your understanding of what
16 happened, you thought it was self-defense?

17 A Yes, I did.

18 Q And you told him that you thought it was---

19 MR. NEELY: Objection, Your Honor. She's giving an
20 opinion testimony to something that she was not a witness to
21 that she is basing it on the hearsay from the defendant.

22 THE COURT: I'll allow it. I think the question is
23 proper right now.

24 Q And you thought the best course of, for your nephew, to
25 help him was to call law enforcement?

Brittany Westfield - Direct examination
by Mr. Neely

- 1 A Yes, I did.
- 2 Q So, what did y'all do?
- 3 A I got my phone and I called law enforcement. I told
4 them who I was, where I lived, and I told them his name, and
5 I told them to come out to our house.
- 6 Q Do you remember about what time of day that was?
- 7 A That was probably 5:00 or 5:30AM.
- 8 Q Okay.
- 9 A It was still dark outside.
- 10 Q Okay. Did law enforcement respond?
- 11 A No, they did not.
- 12 Q What was Adriel doing?
- 13 A Waiting. He was pacing the floor, going in and out of
14 the door, but he never left. He was waiting.
- 15 Q And his general demeanor was what?
- 16 A Scared. Worried.
- 17 Q Did you call the cops again?
- 18 A I did.
- 19 Q About what time?
- 20 A I believe I called the cops at 6:30AM---
- 21 Q Did they---
- 22 A ---and told them the same thing.
- 23 Q Was Adriel still there?
- 24 A He was still there at my home.
- 25 Q What time did he eventually leave?

Brittany Westfield - Direct examination
by Mr. Neely

1 A He probably left my home about 7:15AM.

2 Q What time did law enforcement arrive?

3 A They arrived when it was broad daylight, about 7:30AM.

4 Q Where -- when he left, what was his general demeanor?

5 A Still scared.

6 Q Thank you, Brittany.

7 A Thank you.

8 CROSS-EXAMINATION

9 BY SOLICITOR JORDAN:

10 Q Your testimony today is that you called 9-1-1 with
11 Adriel still in the house with you?

12 A Yes, I did.

13 Q Okay. Do you recall meeting with law enforcement that
14 morning when you gave a statement that ended about 8:03AM?

15 Is that correct?

16 A Yes, I did.

17 Q Okay. And, in that statement, did you tell law
18 enforcement that he was still at your house the first time
19 that you called them?

20 A Yes, I did.

21 Q Okay. Do you recall, in your statement, where you said
22 he walked out the door and stayed gone maybe 20 minutes.

23 Then, while he was gone, I called Woodruff Police

24 Department, and that's the first time you mentioned calling

25 Woodruff Police Department.

Brittany Westfield - Cross-examination
by Solicitor Jordan

1 Is that correct?

2 A He never left my home until about 7:15AM for good.

3 Q Okay. Then what did you---

4 A He was walking in and out the door.

5 Q Okay. Then what did you mean by stayed gone maybe 20
6 minutes?

7 A Because I had to tell them everything that I knew.

8 Q Okay. And that took 20 minutes?

9 A If he was gone 20 minutes, he was gone 20 minutes, but
10 he did not leave my house for good until 7:15.

11 Q Okay. But you even had to call Woodruff back again
12 when he came back?

13 A I called Woodruff Police Department back because they
14 had not shown up within two hours.

15 Q But in your statement to the police department on the
16 morning that this happened, you said, while he was gone, I
17 called Woodruff Police Department the first time, I added in
18 the first time, and I told what I knew. He returned again
19 and I tried to call the police station again to tell them
20 and he left again.

21 A Yes, the second time that he left he left for good.

22 Q Okay. So, he did leave two times?

23 A He didn't leave the property for good until 7:15AM,
24 ma'am.

25 Q Okay. But he was -- what you tell the police on

Brittany Westfield - Cross-examination
by Solicitor Jordan

1 February the 6th was he wasn't there. You don't mention
2 him being with you, in your statement---

3 A He walked outside.

4 Q Okay. So, that's what you mean by being gone?
5 He just walked outside?

6 A Yes, that's what I'm telling you. He walked outside.

7 Q Okay. He just walked outside and was gone for 20
8 minutes?

9 A Yes, he was.

10 Q And you felt the need, when he came back in, to call
11 law enforcement again?

12 A Yes, I did, because they had not shown up.

13 Q Okay.

14 A I needed law enforcement there. That's why I called
15 the first time.

16 Q Okay. Where -- when he came in, did you notice any
17 injuries to him?

18 A Not that I'm aware of.

19 Q Okay. But you were around him.
20 Now, now, you say, for an extended period of time.

21 A Yes, I was, but I'm not a doctor. I didn't examine
22 him.

23 Q But you know what blood looks like?

24 A I do know what blood looks like.

25 Q Okay. And so you'd be aware if you saw any of that?

Brittany Westfield - Cross-examination
by Solicitor Jordan

1 A He had on all black.

2 Q But you would be aware if you saw any injuries coming
3 from him?

4 A If he would of had a facial injury where his face or
5 hands were exposed---

6 Q Okay.

7 A ---yes, I would be able to see blood.

8 Q And this entire time that he was there, did he ever ask
9 you to call law enforcement on his -- or did he ever ask you
10 to call EMS for himself?

11 A No, he didn't ask me to call EMS.

12 Q Okay. But he did ask you to give him a ride to
13 Columbia?

14 A Yes, he did.

15 Q And he did offer you money to do that?

16 A Yes, he did.

17 Q And he did not stay around to talk to law enforcement?

18 A By the time law enforcement arrived he was gone.

19 Q Okay. And you also stated you need to leave because
20 I'm not getting in trouble for you.

21 A Right, because I work for the State. That's why I
22 called the police cause I'm not gonna lie. So, everything
23 that I've said is the truth.

24 Q Today or on February the 7th -- 6th?

25 A February the 6th and today.

Brittany Westfield - Cross-examination
by Solicitor Jordan

1 Q You knew -- when was the next time you saw Adriel after
2 February the 6th?

3 A Whenever he got picked up in Columbia.

4 Q Okay. And when did he get picked up in Columbia?

5 A I don't remember what month that was.

6 Q Okay. Were you aware that he had an arrest warrant?

7 A No.

8 Q You weren't aware?

9 A Why would I be aware?

10 Q Because he's your family member.

11 A Right.

12 Q You spoke to law enforcement that day.

13 A Yes.

14 Q And it was well known across Woodruff that he was
15 wanted?

16 A But are you asking me did I go and pick him up myself?

17 Q No, ma'am, I'm asking you did you know that there was
18 an arrest warrant out for him?

19 A According to the news, yes.

20 Q Okay. So, it was on the news?

21 A Yes.

22 Q Did you even -- have you seen a wanted poster?

23 A On the news, yes.

24 Q Okay. I want to show you -- after I have it marked.

25 (WHEREUPON, two pages of photographs were marked as

Brittany Westfield - Cross-examination
by Solicitor Jordan

1 State's Exhibit No. 25 for identification purposes only at
2 this time.)

3 Q I'm gonna show you what's just been marked as State's
4 Exhibit 25, and it's two pages of eight pictures.

5 Do you recognize that?

6 A That's my vehicle.

7 Q Okay. Inside of that vehicle, do you notice any sort
8 of damage to the vehicle---

9 A No.

10 Q ---from when he had it?

11 A No.

12 Q And you have some gray on the interior door.

13 Do you notice any type of damage or blood there?

14 A No.

15 Q Okay. When you got your car back, you didn't actually
16 have to do anything different to it?

17 A No.

18 SOLICITOR JORDAN: Okay. Your Honor, at this time, the
19 State would move 25 into evidence.

20 THE COURT: Any objection?

21 MR. NEELY: Judge, I'm not sure what the relevance of
22 these pictures are.

23 SOLICITOR JORDAN: Your Honor, it's our position that
24 that's the vehicle he was in when he left. You've already
25 heard testimony that there was a Camaro that was there

1 before the shooting happened, and, after the shooting
2 happened, it was missing.

3 She has stated this is the vehicle I loaned him that
4 night, and that he came back in, and I think it's important
5 for the Court to see that there's no damage to the inside of
6 it as if there had been a -- I don't know what the
7 defendant's testimony is gonna be. So, I'm just trying to
8 establish that there's no damage, blood, or anything like
9 that inside of her vehicle.

10 MR. NEELY: So, she doesn't -- but that's not the
11 foundation. She doesn't know what the defendant's testimony
12 is gonna be.

13 THE COURT: Well, I'm -- I'll allow it. I can --
14 there's no jury. So, I can give the proper weight to it
15 that it needs to be.

16 MR. NEELY: Yes, sir.

17 (WHEREUPON, State's Exhibit No. 25 was received into
18 evidence at this time.)

19 Q While you were there, before the police were called,
20 according to your statement on the 6th, the defendant even
21 made another phone call, didn't he?

22 A To me?

23 Q No.

24 Did he make another phone call?

25 A Oh, he had his cell phone, yes.

Brittany Westfield - Cross-examination
by Solicitor Jordan

- 1 Q Okay. So, he had a phone?
- 2 A Yes.
- 3 Q He have it on him when he came back?
- 4 A Yes.
- 5 Q Okay. So, he used his phone while you were at -- while
6 he was at your house?
- 7 A Yes.
- 8 Q what was he doing?
- 9 A I don't know. When he was walking in and outside, I
10 guess that's when he was making his phone calls.
- 11 Q Who is Shane?
- 12 A My cousin.
- 13 Q Okay. Did he call asking Shane to come and get him?
- 14 A He did.
- 15 Q Okay. And what did you tell him?
- 16 A No.
- 17 Q No.
- 18 Cause you didn't want anybody else to get in trouble
19 for his actions?
- 20 A I didn't want it to appear that it wasn't self-defense.
- 21 SOLICITOR JORDAN: Okay. If I may have a moment, Your
22 Honor?
- 23 (Pause.)
- 24 SOLICITOR JORDAN: I have no, no further questions,
25 Your Honor.

Brittany Westfield - Redirect examination
by Mr. Neely

1 THE COURT: Any redirect limited to what she went into?

2 MR. NEELY: One moment, Your Honor.

3 THE COURT: Uh-huh. (Affirmative).

4 (Pause.)

5 REDIRECT EXAMINATION

6 BY MR. NEELY:

7 Q You told the solicitor that you worked for the State?

8 A Yes, sir, I do.

9 Q Have you had -- have you ever had any interaction with
10 law enforcement before?

11 A No, I have not.

12 Q So, this situation was out of the ordinary for you?

13 A Yes, it was.

14 Q So, in that moment, Adriel wasn't the only one that was
15 scared?

16 A Correct.

17 Q All right. Thank you, Brittany.

18 THE COURT: All right. Thank you, ma'am. You may step
19 down.

20 Any reason why the witness can not be excused?

21 MR. NEELY: No, sir.

22 THE COURT: Any from the State?

23 SOLICITOR JORDAN: None, Your Honor.

24 THE COURT: Ma'am, thank you. You may be excused.

25 MR. NEELY: Judge, we call Bruce Westfield.

Bruce Westfield - Direct examination
by Mr. Neely

1 THE COURT: Sir, just come right up here and let the
2 Clerk of Court swear you in.

3 BRUCE WESTFIELD, being first duly
4 sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. NEELY:

7 Q State your name and spell your last name for the record
8 please.

9 A Bruce Westfield. W-E-S-T-F-I-E-L-D.

10 Q Do you know Adriel?

11 A Yes.

12 Q How do you know Adriel?

13 A He's my grandson.

14 Q So, you've known him his whole life?

15 A Well, you got -- I can't hear that good. So --.

16 Q So, you've known Adriel his entire life?

17 A Yes.

18 Q Okay. February 6th of 2016, in the early morning
19 hours, did you see Adriel?

20 A Yes.

21 Q When did you see Adriel?

22 A I seen him after I heard, you know, some commotion in
23 the house, and, and, and I got up and, and went to see and
24 then after I was told what, what happened.

25 Q Uh-huh. (Affirmative).

Bruce Westfield - Direct examination
by Mr. Neely

- 1 A I told him, if it was self-defense, you need to turn
2 yourself in to the police.
- 3 Q So, you instructed Adriel to call law enforcement?
- 4 A Yes, I did.
- 5 Q How did Adriel appear?
- 6 A Oh, he was -- he wasn't hisself. He was irate. I mean
7 he was just nervous. He's walking, he was pacing, and, you
8 know.
- 9 Q Scared?
- 10 A Yeah, he was scared.
- 11 Q And you told him, if it was self-defense like he told
12 you---
- 13 A Uh-huh. (Affirmative).
- 14 Q ---then stay and answer for it?
- 15 A Yes.
- 16 Q How long was he at the house?
17 Do you remember?
- 18 A See, I don't know how long he was actually there
19 because I was in the bed.
- 20 Q Okay.
- 21 A And---
- 22 Q If you don't know, you don't have to answer that
23 question.
- 24 A Yes. Okay.
- 25 Q Thank you, Bruce.

Bruce Westfield - Cross-examination
by Solicitor Jordan

1 A Uh-huh. (Affirmative).

2 CROSS-EXAMINATION

3 BY SOLICITOR JORDAN:

4 Q Mr. Westfield, did you instruct the defendant to leave
5 your house if he didn't turn himself in to police?

6 A Did I what?

7 Q I'm sorry. I'll, I'll get closer.

8 Did you instruct or tell the defendant to leave your
9 house if he wasn't gonna turn himself in?

10 A Yes.

11 Q Okay. So -- and he left?

12 A Yes.

13 Q Okay. And you don't recall how long he was there that
14 morning?

15 A No.

16 Q Okay.

17 A And also -- I also, you know, told him that I was
18 afraid that, that, if he didn't, if he didn't turn hisself
19 in, that the police was gonna hurt him.

20 Q If he didn't turn himself in---

21 A Yes.

22 Q ---you were afraid the police were gonna hurt him?

23 A You know, because all the, you know -- you know, it's a
24 lot of black kids and stuff, you know, getting killed,
25 getting shot, you know, when they on the run. You know,

Bruce Westfield - Cross-examination
by Solicitor Jordan

1 anything happened and I was afraid for his life cause all --
2 one life was already affected. So --.

3 Q At the hands of your grandson?

4 A Well, he told me it was self-defense.

5 Q Okay. And he did go and he did run.

6 Isn't that correct?

7 A He was scared.

8 Q And how---

9 A He, he told me he was scared. The last thing he told,
10 he gave me a hug, he kissed me, said dad, I love, but I got,
11 I got to go, I'm scared, and he left.

12 Q You also said earlier that he was irate when he was at
13 your house?

14 A Yeah, he was just nervous. He just -- I mean he
15 just -- he couldn't be still. He was, you know, he just in
16 and out the door, you know. Come back, you know.

17 Q Okay. But he didn't stay?

18 A No.

19 Q Okay. How, how close do you live to the Woodruff
20 Police Department?

21 A Well, my daughter had -- my daughter had -- my daughter
22 had already called. I had instructed her to call them.

23 Q Okay.

24 A Call the police and they didn't show up. I don't know
25 why they wouldn't come while he was there.

Bruce Westfield - Cross-examination
by Solicitor Jordan

1 Q They were at your house because you gave a statement
2 and you signed it at 7:50AM?

3 A Uh-huh. (Affirmative).

4 Q They, they did come to your house?

5 A Yeah, they came, yeah, after -- they came probably two
6 hours later from when they first, when Brittany first start
7 calling them.

8 Q Okay. How close do live or, did you at that time, live
9 to the Woodruff Police Department?

10 A I can't -- you got to speak up.

11 Q How close did you live to the Woodruff Police
12 Department at that time?

13 A I live, I live right on the border of, of, of Woodruff.
14 I live, I live about 8-miles from Woodruff.

15 Q Okay.

16 A But I have a Woodruff address.

17 Q Okay. So, you're eight to ten minutes from or eight to
18 ten miles from the Woodruff Police Department?

19 A Uh-huh. (Affirmative).

20 SOLICITOR JORDAN: Okay. Nothing further, Your Honor.

21 THE COURT: Any redirect limited to what she went into?

22 MR. NEELY: No, sir.

23 THE COURT: Thank you, sir. You may step down.

24 Any reason why the witness can not be excused?

25 SOLICITOR JORDAN: None from the State.

Adriel Garnett - Direct examination
by Mr. Neely

1 MR. NEELY: None from the defense, Judge.

2 THE COURT: Thank you, sir. You may be excused as
3 well.

4 MR. NEELY: Okay. Judge, we would call Adriel Garnett.

5 THE COURT: Just come right up here and let the Clerk
6 of Court swear you in.

7 ADRIEL GARNETT, being first duly
8 sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. NEELY:

11 Q Adriel, state your name for the record and spell your
12 first and last name.

13 A My first name Adriel, A-D-R-I-E-L. Middle name is
14 Nicholas. Last name Garnett, G-A-R-N-E-T-T.

15 Q And how old are you now?

16 A Thirty-one.

17 Q For the last year and a half, where have you been
18 residing?

19 A Spartanburg County Jail.

20 Q Where are you from?

21 A I'm -- I was born in Greenville, South Carolina, but I
22 live in Charleston, South Carolina.

23 Q How long, how long have you been a resident of
24 Charleston?

25 A Ten, eleven years maybe.

Adriel Garnett - Direct examination
by Mr. Neely

1 Q Before that, where did y'all move to or where did y'all
2 move from?

3 A Virginia.

4 Q So, you've kind of lived all over?

5 A Yeah.

6 Q All right. Now, Adriel, you're not perfect, right?
7 You have a little bit of a criminal record?

8 A Yeah. Yes, sir. Yes, sir.

9 Q And actually, at the time of February 6th, 2016, you
10 were on probation, correct?

11 A Yes, sir.

12 Q What were you on probation for?

13 A Drugs.

14 Q Okay. So, you had a drug conviction?

15 A Yes, sir.

16 Q All right. So, were you allowed to have a firearm?

17 A No, sir.

18 Q Okay. Because of probation and your felony conviction?

19 A Right.

20 Q Okay. Now, February 6th of 2016, you were living in
21 Charleston?

22 A Yes, sir.

23 Q Why were you in Woodruff, South Carolina?

24 A My grandmama passed away.

25 Q So, you came up to Charleston (sic) for the funeral?

Adriel Garnett - Direct examination
by Mr. Neely

1 A Yes, sir.

2 Q How long were you in Woodruff?

3 A Well, we came there -- we came there what? Saturday.
4 Saturday my grandma -- no, we came Friday. We came Friday,
5 and my grandma, my grandma funeral was Saturday, I think,
6 and we buried her then. I caught -- I had -- I caught like
7 a flu, a flu or something and I stayed at my granddaddy
8 house, and I stayed in the house that whole week. I ain't
9 never come out, and my car was broken. So, my son's mom the
10 one originally brought me up to -- up this way, you know what
11 I'm saying?

12 So, she left and I ain't have nobody to meet -- she
13 live -- she actually live in Savannah. So, I had to meet in
14 Walterboro to get up here, and then, when she left, I didn't
15 have no ride to get back. So, I was waiting on my mom to
16 come back that week prior from Atlanta to, to bring me -- to
17 take me back home, but I stayed in the house. I stayed in
18 the house until that, that night that all this stayed --
19 stuff happened. I was sick.

20 Q Okay. So, most of the time, during the, during the
21 period of your grandmother's funeral, you were hanging out
22 with your, your family?

23 A Yeah, with my granddaddy. That was my granddaddy.

24 Q Okay. February 6th of 2016, you decided to leave the
25 house?

Adriel Garnett - Direct examination
by Mr. Neely

1 A Yes, sir.

2 Q Okay. Where did you go?

3 A Originally, I suppose to just go to the store get me,
4 get me a pack of cigarettes and a beer, and I end up
5 going -- I went to the chick house first. Her name Shay
6 Higgins. We sit in the car and talked, talked for a while.

7 Then I got a call from a guy -- one of my -- he use to
8 be a friend of mine, one of the twins, named Travis Geter
9 and he wanted to go over to Cecil Gilliam's house and have a
10 drink. So, we went over there, and, and everything was fine
11 until it really hit the fan, you know.

12 Q All right. Let me back up for one second.

13 The, the twin that you were over to that house with was
14 Travis Geter?

15 A Right.

16 Q Not Tavis Geter?

17 A Right.

18 Q Okay. All right. So, when you went to Mr. Gilliam's
19 place at -- that was at 405 Sharpe Street?

20 A Yes, sir.

21 Q Okay. How long were you there totally?

22 A Probably two hours maybe.

23 Q Okay. And, and what were you doing inside?

24 A We were shooting pool and having a good time and just,
25 just doing what, doing what -- doing family do. Just, you

Adriel Garnett - Direct examination
by Mr. Neely

1 know -- cause all our family just -- like all of us close.
2 Hey, Gilliam, we, Westfield, it ain't like we -- it ain't,
3 it ain't no -- it ain't really no difference. My family
4 married into their family. It's not -- it ain't like it's
5 a -- any, any problems or anything.

6 Q So, you weren't at a stranger's place?

7 A No, not at all.

8 Q Were you allowed to be there?

9 A Yes, sir.

10 Q Had, had anybody said anything to you about you not
11 being allowed there?

12 A No, sir.

13 Q While you were there, did you get drunk?

14 A No, sir, not, not -- I mean I had a drink, but I
15 didn't -- I wasn't intoxicated like out of my mind or
16 nothing -- anything like that.

17 Q Okay. Let's go to right before the incident.

18 Okay. Did you have any interaction with Cecil Gilliam?

19 A Yeah, me and -- actually we shot, we shot pool and I
20 was asking him about, about the, about his, his welding
21 career because I actually follow-up the same career. I been
22 in school for it and it was -- everything was -- it was kind
23 of cool. We just talking it up a little bit, and, after
24 that, how it really occurred was I went to the bar and tried
25 to get a drink and he said that he had to charge me. I was

Adriel Garnett - Direct examination
by Mr. Neely

1 Like man, you ain't got to charge me for no drink. You
2 know, not, not, not aggressively or no -- anything like
3 that. You know what I'm saying?

4 We ain't -- we had a few words, but it wasn't nothing,
5 it wasn't nothing like I thought would make, make, make this
6 type of thing happen. So, I---

7 Q Okay.

8 A We talked a little bit. Then I went and sat down, and,
9 after that, probably -- I want to say like ten minutes, ten
10 minutes later, me, Travis, we went outside, and it was this
11 other guy that I can't remember what his name is. We was
12 all sitting on the -- like if you can put a picture, if you
13 can put a picture of the, of the porch up there, I can show
14 you what I'm saying.

15 Q Sure. One second.

16 (Pause.)

17 A You see the porch.

18 Q This one work?

19 A Yeah, that will work.

20 Q This will work?

21 A Yeah. Yeah, right, right where the---

22 THE COURT: Excuse me?

23 A Right where the door---

24 THE COURT: Can you tell us what exhibit number that
25 is?

Adriel Garnett - Direct examination
by Mr. Neely

1 MR. NEELY: Yes, sir, Judge. This is State's Exhibit

2 2.

3 THE COURT: Thank you.

4 Q And, Adriel, let me, let me ask you.

5 Are you looking at this picture right here?

6 A Yeah.

7 Q Okay.

8 A Right where that door, right where the door is at, it
9 was right there. Go to the, go to the left -- to my left.
10 That's where I was sitting at. I was sitting right there.

11 We was talking -- Travis was on the other side---

12 Q Okay.

13 A ---straight across from me, and then it was -- I
14 said -- man, what is that dude's name, man?

15 Q That's okay. Somebody else was out there with you?

16 A Yeah, somebody else was out there, but, anyway, we sat
17 out there for about five minutes smoking a cigarette, and,
18 to be honest with you, I was talking about weed. You know,
19 we was talking about weed and stuff like that, and, like --
20 I'll say after like ten, ten, five, ten minutes, Cecil came
21 outside, and the other guy went in.

22 And, pardon my language, Your Honor, but he told me --
23 he told me if I move he gonna gut me like a mother fucking
24 fish---

25 Q Did you take that---

Adriel Garnett - Direct examination
by Mr. Neely

1 A ---and when I---

2 Q Did you take that seriously?

3 A Yeah. Yeah. Yeah, I took it seriously. I put my
4 hands up.

5 Q Why did you take it seriously?

6 A Because he had a knife in his hand.

7 Q So, you saw the knife?

8 A Yes, sir.

9 Q How -- okay. So, you saw the knife.

10 So, you took that threat seriously?

11 A Yes, sir.

12 Q All right. So, what did you do next?

13 A I put my hands -- I put my hands in the air, and I was
14 like, you know what I'm saying, I was like what is this for,
15 man? He just -- he was just, you know, I don't know if he
16 was drunk or anything, but he was just loud talking
17 basically, you know what I'm saying, coming at me negative,
18 negatively saying stuff about my mom, all that type of
19 stuff. Oh, your daddy and all that type of crazy stuff.
20 You know what I'm saying?

21 So, I start backing up. I'm backing, I'm backing down.
22 So, I'm backing up trying to get away from him with the
23 knife, and, once I got like where, where the, where it start
24 turning, turning, where it started turning into cement at, I
25 turned around. When I turned around -- I tried to get to

Adriel Garnett - Direct examination
by Mr. Neely

1 the car. When I turned back around, he was still there, and
2 that's when I pulled out and I start shooting.

3 Q When he was still there?

4 A Yeah, he was still coming towards me.

5 Q He was coming towards you?

6 A Right.

7 Q How tall are you?

8 A 5'7", probably 5'8" if it ain't raining.

9 Q How much were you weighing on February 6th of 2016?

10 A 210 maybe.

11 Q About 5'8", 210 pounds?

12 A Yes, sir.

13 Q Cecil bigger than you?

14 A Yeah.

15 Q And he had a knife in his hands?

16 A Yes, sir.

17 Q And he's coming at you?

18 A Yes, sir.

19 Q And he's told you, told you that he's gonna gut you
20 like a fish?

21 A Yes, sir.

22 Q You and Cecil, when y'all were at the bar, had words
23 together?

24 A Yeah.

25 Q Did you think that was the end of it?

Adriel Garnett - Direct examination
by Mr. Neely

- 1 A Yeah, it wasn't, it wasn't nothing major. It wasn't,
2 it wasn't nothing that like -- like I said, it wasn't
3 nothing that I would think that would of occurred to this
4 point because his, his wife was sitting beside of him,
5 beside of him. And, when I looked at, when I looked at her,
6 when we was talking, she smiled at me. It wasn't nothing,
7 it wasn't nothing major like that. You know what I'm
8 saying? So, I ain't think it was gonna be nothing. Then I
9 walked away. That was it. Then I went and sat down.
- 10 Q Okay. But you were outside, and Cecil said he's gonna
11 gut you like a fish, had you done anything to him at that
12 point?
- 13 A No. No, sir.
- 14 Q Did you provoke him in anyway?
- 15 A No, sir.
- 16 Q Did you do anything to him to make him pull that knife?
- 17 A No, sir, it was already out. He, he must of had it out
18 before he came out the door cause it was in his hand. Cause
19 when he told me he gonna gut me out like a fish, that's when
20 I looked and seen the knife, and I put my hands up.
- 21 Q If you hadn't acted, if you hadn't shot, what would of
22 happened?
- 23 A He would of stabbed me.
- 24 Q How close did Cecil get to you?
- 25 A Probably from, from -- when he first came out the door,

Adriel Garnett - Direct examination
by Mr. Neely

1 he probably from me to, to this other desk right here, and
2 then he was easing up and I was easing back with my hands
3 up.

4 Q So, you made a choice?

5 A Yes, sir.

6 Q What was that choice?

7 A To defend myself.

8 Q It was you or him?

9 A Yes, sir.

10 Q And you chose you?

11 A Yes, sir.

12 Q Now, we -- you sat in here for this entire hearing,
13 right?

14 You've, you've heard all the testimony so far?

15 A Yes, sir.

16 Q And you've heard the solicitor ask Doctor Wren and, and
17 the sheriff's deputies, and they, they made a big deal about
18 the fact that there were eight shell casings.

19 A Yes, sir.

20 Q That means that you fired at Cecil eight times.

21 A I kept on until I felt like I was -- I couldn't get
22 away.

23 Q Then you left and you got in the Camaro?

24 A Yes, sir.

25 Q While you were shooting, were you trying to get to the

Adriel Garnett - Direct examination
by Mr. Neely

1 Camaro?

2 A I was backing up.

3 Q You were getting -- you were, you were going away from
4 Cecil?

5 A Yes, sir.

6 Q When you left, you went back to Brittany's house?

7 A Yes, sir.

8 Q And you shook her and you woke her up?

9 A Yes, sir.

10 Q What did you do?

11 A I told her everything that happened.

12 Q Exactly what you told us here today?

13 A Yes, sir.

14 Q That's what you told Brittany almost two years ago?

15 A Yes, sir.

16 Q Now, Brittany testified and your granddaddy testified
17 that they both told you to stay there --

18 A Yes, sir.

19 Q -- that they thought it was self-defense, and that you
20 needed to talk to the police officers?

21 A Yes, sir.

22 Q They also testified that you were scared.

23 After those moments, in those hours after your
24 interaction with Cecil, you didn't stay in Spartanburg
25 County?

Adriel Garnett - Direct examination
by Mr. Neely

1 A No, sir.

2 Q Why not?

3 A Because I was scared. I ain't never been through that
4 same -- that type of situation.

5 Q You ever fired a gun before?

6 A I mean not at, not at nobody, but I done shot it at the
7 water, and, you know, my family from the country. You know
8 what I'm saying? We done shot at trees and stuff like that,
9 but as far as shooting at somebody, no, sir.

10 Q You weren't trying to run from law enforcement?

11 A No, sir, I was trying to run cause I was scared.

12 Q All right. Adriel, if you'll answer any questions Ms.
13 Jordan has.

14 A Okay.

15 SOLICITOR JORDAN: Thank you.

16 CROSS-EXAMINATION

17 BY SOLICITOR JORDAN:

18 Q So, you were mad that Cecil charged you for a beer?

19 A I wasn't mad at all. It wasn't---

20 Q You testified earlier that you were mad.

21 A I didn't say I was mad. I say we -- we just -- I just,
22 I just said we ain't -- I said you didn't have to charge me
23 for no -- not a beer. It was liquor anyway. It wasn't a
24 beer.

25 Q Okay. Moonshine?

Adriel Garnett - Cross-examination
by Solicitor Jordan

- 1 A Yeah. Yes, sir.
- 2 Q Okay.
- 3 A Yes, ma'am.
- 4 Q So, you had moonshine that night?
- 5 A I didn't never get none cause he---
- 6 Q Okay.
- 7 A ---cause he was gonna charge for it.
- 8 Q Okay. So, you didn't get to the moonshine that you
9 wanted?
- 10 A No, I had, I had something earlier than that. Not, not
11 moonshine.
- 12 Q How much did you have earlier?
- 13 A Probably a, a drink. Just a drink.
- 14 Q Drink of what?
- 15 A Of something brown. That's all I can remember. It
16 was, it was brown something -- brown liquor.
- 17 Q Okay. Where did you have that at?
- 18 A At Cecil house.
- 19 Q Okay. Did you have stuff at the Higgins house?
- 20 A No. No, ma'am.
- 21 Q Okay. But you had, you had some beer or some liquor,
22 brown liquor, at Cecil's house?
- 23 A Yes, ma'am.
- 24 Q Cause you didn't have moonshine cause he was gonna
25 charge you?

Adriel Garnett - Cross-examination
by Solicitor Jordan

1 A Yes, ma'am.

2 Q Okay. You said today that Cecil walked out of his
3 house with the knife open already?

4 A It was already opened.

5 Q Okay. So, when he walked out those double doors in
6 State's No. 2, he already had the knife out?

7 A Yes, ma'am.

8 Q Okay.

9 A To his hand. It wasn't out like this, but it was --
10 he, he -- like this in his hand, and he said if I moved, if
11 I moved, he gonna gut me.

12 Q Okay. Was it in his right-hand or his left-hand?

13 A This hand right here.

14 Q Okay. So, you're pointing -- you're talking about your
15 left-hand?

16 A Yeah.

17 Q I'm sorry.

18 A No, this, this hand. Yeah, this hand I think. Yeah, I
19 think it might be. Yeah.

20 Q Okay. And where on this double -- on this porch were
21 you standing when he walks out and immediately threatens
22 with this 2-inch pocketknife?

23 A (Witness comes down from the stand.)

24 Right here.

25 Q Okay. So, you were right here?

Adriel Garnett - Cross-examination
by Solicitor Jordan

1 A Uh-huh. (Affirmative).

2 THE COURT: All right. Y'all -- the lawyers approach
3 just one moment.

4 (WHEREUPON, a bench conference was held at this time.)

5 A (Witness returns to the stand.)

6 Q Adriel, just for the record, you had stated earlier
7 that it was your right -- it was Cecil's right-hand that he
8 had the weapon in.

9 Is that correct?

10 A Yes, ma'am.

11 Q Okay. I believe I incorrectly stated left-hand by
12 accident, and you came up and pointed on the projector to
13 State's Exhibit No. 2, the top right-hand photograph, and
14 you placed yourself about the middle of that ramp?

15 A Not even to the middle. More closer to the door than
16 the middle.

17 Q Okay. Closer to the door than the middle?

18 A Yes, ma'am.

19 Q Okay. And your testimony today is Cecil walked out
20 immediately, had a 2-inch pocketknife in his hand, and
21 threatened to gut you like a fish?

22 A Yes, ma'am.

23 Q And then you immediately started to back away?

24 A I put my hands up.

25 Q Okay.

Adriel Garnett - Cross-examination
by Solicitor Jordan

1 A And then -- and I was like, man, it's, it's like --
2 it's all -- it ain't got to be all that. You know what I'm
3 saying? It ain't got to be all that.

4 Q Okay.

5 A And I'm backing up. What just -- what -- he just, he
6 just -- he going, going -- he on a rampage, I guess, I
7 guess, you know.

8 Q Okay. He, he -- in a rampage that night?

9 A Not, not, not -- I mean verbally. Like how he was
10 coming at me.

11 Q Okay.

12 A You know what I'm saying?

13 He was, he was making threats at me. Even told me he
14 was gonna gut me like a fish, and I got, I got my hands up.
15 I'm backing down, backing down that walkway right there.

16 Q Okay. You also stated earlier that he was talking
17 about your mama?

18 A Yes, ma'am.

19 Q Okay. Was this while he had the knife out?

20 A Yeah. Yes, ma'am.

21 Q What all did he say about your mom?

22 A I can't remember. It was just -- it's a whole lot of
23 stuff.

24 Q So, in that timeframe after he threatened you with the
25 knife and states I'm gonna gut you like a fish, he talks

1 about your mama for a long time?

2 A No, it wasn't a long time. It was a whole lot of
3 different verbal things.

4 Q Okay. You don't recall what he was saying about your
5 mom?

6 A I can't recall. I can't recall a lot. It's been, it's
7 been a while, but I just know it was a whole lot of verbal
8 things.

9 Q whole lot of verbal stuff that went on after he
10 threatened you?

11 A Right.

12 Q And you're standing there?

13 A And I'm backing -- he's back -- I'm backing down the
14 thing.

15 Q Okay. And he's talking about my mom?

16 A He's talking about everything.

17 Q And you're getting angry?

18 A Yes, ma'am.

19 Q You're angry that he is talking about your mom and
20 standing there looking at you?

21 A It ain't -- I -- well, I ain't gonna say -- I ain't
22 I'm -- I'm, I'm, I'm scared for myself because he got a
23 knife for first of all.

24 Q Okay. But you stand there and listen to him?

25 A I'm standing there. I'm backing. I'm backing. I'm

Adriel Garnett - Cross-examination
by Solicitor Jordan

- 1 moving away from him.
- 2 Q Okay. You're moving away?
- 3 A Yes, ma'am.
- 4 Q And he's still up there at the door?
- 5 A No, he's, he's coming the same way I'm coming.
- 6 Q Okay. Let's move ahead to your gun.
- 7 where's your gun at?
- 8 A Do -- do I need---
- 9 Q Do you need to ask your attorney a question?
- 10 A Do I need, do I need -- you know what I'm saying?
- 11 MR. NEELY: You have to answer the questions.
- 12 A Okay. But I got rid of it.
- 13 Q No, no, no. I'm sorry.
- 14 where was your gun at---
- 15 A Oh, on me?
- 16 Q Yes. Yes.
- 17 A Oh, it was, it was in my right -- here on my, on my, on
- 18 my hip.
- 19 Q Okay. Why did you have the gun with you?
- 20 A I keep a gun to protect myself.
- 21 Q Okay. So, you just brought it over to a party?
- 22 A I, I, I keep a gun to protect myself, ma'am.
- 23 Q Okay. What -- how many bullets did you have in it?
- 24 A I can't recall.
- 25 Q Okay. But you, you, at least, loaded -- unloaded

Adriel Garnett - Cross-examination
by Solicitor Jordan

1 eight.

2 A Yes, ma'am.

3 Q Is that correct?

4 A Yes, ma'am.

5 Q Okay. Did you unload all of the bullets that were in
6 it?

7 A Yes, ma'am.

8 Q Okay. So, you basically unloaded the entire clip?

9 A Yes, ma'am.

10 Q Okay. I want to put up -- well, actually I can use
11 this.

12 still looking at State's Exhibit No. 2, in the
13 right-hand, right-hand photograph---

14 A Yes, ma'am.

15 Q ---which is this one right here, where was your car
16 parked or, I'm sorry, where was your aunt's car parked?

17 A Probably in front of the, the -- that big glass thing
18 right there. The glass beside the---

19 MR. NEELY: Judge, can he come off the stand and point
20 to where he's talking about?

21 THE COURT: Yes, sir.

22 A (Witness comes down from the stand.)

23 THE COURT: Mr. Garnett, be sure you speak up and we're
24 still making a recording.

25 THE WITNESS: Yes, ma'am. Yes, sir.

1 Right, right -- like right in front of -- cause that,
2 that red is part of it like, like right here. So, I was, I
3 was like probably right here.

4 Q Okay. So, you're -- what you're pointing at in State's
5 2, at the bottom right-hand corner --

6 A Yes, ma'am.

7 Q -- is kind of in this area between the red doors of
8 this building and the glass doors?

9 A No, it's right like -- like around here probably.
10 Probably like right here. It wasn't too far from this other
11 car.

12 Q Okay. So, we're kind of right off of where the
13 non-broken up gravel is or non-broken up pavement?

14 A Yes, ma'am, somewhere in that area.

15 Q Okay. So, your car was close by?

16 A Yes, ma'am.

17 Q And you had the keys to it?

18 A Yes, ma'am.

19 Q You also had a cell phone on you?

20 A Uh-huh. (Affirmative).

21 (Witness returns to the stand.)

22 Q Okay. Where were you standing when you fired the first
23 shot?

24 A (Witness comes down from the stand.)

25 Q You can step right here.

Adriel Garnett - Cross-examination
by Solicitor Jordan

1 A Probably like right here.

2 Q Okay. And you're pointing at State's 2 upper
3 right-hand corner just beyond the kind of brown pavement?

4 A Yeah, whatever, whatever that is.

5 Q Next to the long brick---

6 A Yeah, right there.

7 Q Long blocks?

8 A Yes, ma'am.

9 Q Okay. Where, where was Cecil at when you fired the
10 last shot?

11 A Over here somewhere. He, he had went this way.

12 Q Okay. So, he had backed away from you?

13 A Yeah, he, he went that way. He went like that and I
14 was just, I was just aiming.

15 Q You were just aiming?

16 A Yeah.

17 Q Okay. Did you fire all the shots in one spot or did
18 you move around?

19 A No, I stayed in one shot. I stayed right here.

20 Q Okay. You stayed right there in one spot and fired
21 eight shellings---

22 A Yes, ma'am.

23 Q ---or eight bullets?

24 Okay. And the last set of bullets you fired, Cecil was
25 over here towards where this blanket is hanging?

1 Is that what you testified to?

2 A I was right here, and if, if you was out there, you
3 could see -- so, this blanket -- if this blanket wasn't
4 here, it would look just like this. You wouldn't see that.
5 So, I was right here and he was over there.

6 Q Okay. So, he was over here?

7 A Yes. Yes, ma'am.

8 Q Okay. And you were still firing?

9 A Yes, ma'am.

10 Q Where was he at when the last shot was fired?
11 Was his body standing up or laying down?

12 A He had crossed down like that.

13 Q Okay. So, he was kind of down on the ground when you
14 fired the last shot?

15 A Yes, ma'am.

16 (Witness returns to the stand.)

17 Q Okay. We've got his knife in the right-hand, and he's
18 coming at you, and he ends up with shots in the left side?

19 A I, I, I ain't got no -- I'm not an autopsy man. I
20 don't -- I can't tell you exactly where I hit him, but yes,
21 ma'am.

22 Q Okay. But you heard Doctor Wren earlier?

23 A Yeah, I heard him yesterday.

24 Q Okay. The person that was out there with you, you now
25 say that was Travis Geter?

Adriel Garnett - Cross-examination
by Solicitor Jordan

- 1 A Yes, ma'am.
- 2 Q And not Tavis Geter?
- 3 A I -- they, they identical twins. So, I mean, I mean I
4 knew them a long time, but I, I call them Frado and Big Tap.
5 So --.
- 6 Q You call them what?
- 7 I'm sorry.
- 8 A Frado and Big Tap, but I was, I was out there with Big
9 Tap.
- 10 Q Okay. And Big Tap is Travis?
- 11 A I think. Yeah, I'm thinking so.
- 12 Q Okay. So, you're not -- you just think you were out
13 there with Travis, but it could of been Tavis?
- 14 A No, I know I -- they identical twins, but I'm telling
15 you, what -- if I could talk to one of my family members,
16 they'll tell you exactly which one I'm talking about. The
17 one that was just, that was just in the County with me.
- 18 Q Okay. So, he -- one of the Geter boys leaves with you?
- 19 A Yeah.
- 20 Q Okay. And what did you do with the Geter boy?
- 21 A Took him home.
- 22 Q Okay. So, you, you stopped by his house?
- 23 A I just dropped him off.
- 24 Q Dropped him off.
- 25 Okay. Then where did you go?

Adriel Garnett - Cross-examination
by Solicitor Jordan

- 1 A I went to my granddaddy's house.
- 2 Q Okay. Is that when you talked to your Aunt Brittany?
- 3 A Yes. Yes, ma'am.
- 4 Q Okay. You asked your Aunt Brittany for a ride to
5 Columbia?
- 6 A Yes, ma'am.
- 7 Q You didn't ask her to call the cops?
- 8 A No, ma'am.
- 9 Q You didn't ask her to call 9-1-1?
- 10 A No, ma'am.
- 11 Q Okay. You asked for a way out of Spartanburg County?
- 12 A Yes, ma'am.
- 13 Q Okay. Did you offer her money?
- 14 A Yes, ma'am.
- 15 Q Okay. Then did you call -- when she told you no, she's
16 not getting in trouble for you, did you call your cousin
17 Shane?
- 18 A Yes, ma'am.
- 19 Q Did Shane give you a ride?
- 20 A No, ma'am.
- 21 Q Okay. Did you stay around?
- 22 A Yeah, I stayed there till daylight.
- 23 Q Okay. Then you left?
- 24 A Yes, ma'am.
- 25 Q And did you know that there was a warrant pending for

Adriel Garnett - Cross-examination
by Solicitor Jordan

- 1 you for murder?
- 2 A When I, when I was on the -- yes, ma'am, I did.
- 3 Q How did you know?
- 4 A Because it was on TV.
- 5 Q Okay. Was it a wanted poster?
- 6 A Yes, ma'am.
- 7 Q Okay. When did you know about that, that the warrant's
- 8 out for you?
- 9 A Probably about like maybe a couple days later maybe.
- 10 Q Okay. When were you arrested?
- 11 A Like six months later.
- 12 Q Okay. Some time in July?
- 13 A Yes, ma'am.
- 14 Q Is that correct?
- 15 Okay. Where were you arrested at?
- 16 A In Columbia.
- 17 Q Okay. In all those six months, did you turn
- 18 yourself -- did you talk to law enforcement?
- 19 A No, ma'am.
- 20 Q Okay. But your grandpa told you to talk to law
- 21 enforcement?
- 22 A Yes, ma'am.
- 23 Q And your aunt told you to talk to law enforcement?
- 24 A Yes, ma'am.
- 25 Q Okay. And you chose to leave?

Adriel Garnett - Cross-examination
by Solicitor Jordan

1 A Yes, ma'am.

2 Q Did you make any comments to Cecil as he was laying on
3 the ground?

4 A No, ma'am.

5 Q Okay. Had you ever been to Cecil's, I call it a pool
6 house cause it's not their house, but have you ever been
7 there?

8 A No, ma'am.

9 Q Okay. Did you know where his actual house is?

10 A No, ma'am.

11 Q That it's located on the same property?

12 A No, ma'am.

13 SOLICITOR JORDAN: Okay. Your Honor, may I have a
14 moment?

15 THE COURT: (Nods affirmatively.)

16 (Pause.)

17 Q I'm just, I'm just gonna clarify a couple of things
18 with you.

19 You, you mentioned that you have a prior drug arrest or
20 drug conviction?

21 A Yes, ma'am.

22 Q Okay. You also have an arrest in 2015 for resisting
23 arrest with assault?

24 A Yes, ma'am.

25 Q Okay. And you also have, from 2009, an assault of a

Adriel Garnett - Cross-examination
by Solicitor Jordan

1 high and aggravated nature?

2 A Yes, ma'am.

3 Q Okay. And the 2014 false information?

4 A Yes, ma'am.

5 Q I want to go back to the Geters.

6 You said earlier that you were there that night with
7 the Geter that's been in the County with you.

8 A Yeah, he was at, he was at -- he been in the County.

9 He was on a -- not in the same pod as me.

10 Q Okay. With -- the Geter that was with you that night,
11 was he in the County with you in the past couple of months?

12 A No, ma'am, he, he been in the County over -- he -- I
13 think he got out like maybe two, two weeks or three weeks
14 ago, but he was -- I'm in Pod 4. He in Pod -- he was in Pod
15 3.

16 Q Okay. So, the, the Geter twin that was with you that
17 night is the one who got out of the County about two to
18 three weeks ago?

19 A Yes, ma'am.

20 Q Okay. What did you do with the gun after this?

21 A I threw it.

22 Q Where did you throw it?

23 A In the woods.

24 Q Where?

25 A Near my granddaddy at.

Adriel Garnett - Cross-examination
by Solicitor Jordan

1 Q So, that -- your granddad, does he still live in the
2 residence?

3 I know that your aunt's moved.

4 Does your granddad still live at 3797 Highway 17?

5 A Yes, ma'am.

6 Q Okay. When you leave out of your granddad's house,
7 where did you go when you threw the gun?

8 A In the woods.

9 Q Did, did you -- did you go up -- when you left his
10 house, you're facing the road, did you go to the left or to
11 the right?

12 A To the left.

13 Q Okay. And how far down the road did you go before you
14 threw it?

15 A Maybe, maybe a hundred feet maybe.

16 Q Okay. How did you get out of Woodruff?

17 A My cousin picked me up.

18 Q Which cousin?

19 A My little cousin.

20 Q What's your little cousin's name?

21 A John.

22 Q John.

23 What's his last name?

24 A Cheeks.

25 Q John Cheeks?

Adriel Garnett - Cross-examination
by Solicitor Jordan

- 1 A Yes, ma'am.
- 2 Q Okay. Where did he take you?
- 3 A To Columbia.
- 4 Q And where did you stay at in Columbia?
- 5 A His girl house.
- 6 Q Okay. What is the girl's name?
- 7 A I don't know her I -- know her first name. Not her
8 last name.
- 9 Q Okay. What's her first name?
- 10 A Keita.
- 11 Q Keita?
- 12 A Yeah.
- 13 Q How long did you stay at Keita's house?
- 14 A Probably two, three hours.
- 15 Q Okay. Where did you go from there?
- 16 A Charleston.
- 17 Q Okay. Where did you stay at in Charleston?
- 18 A All over.
- 19 Q Okay. You testified earlier that Cecil was about --
20 I'm gonna -- about right over here where our court
21 reporter's standing?
- 22 A No, probably where the -- like when the -- if -- okay.
23 If I'm standing -- if I'm sitting out here on the porch,
24 that's the door, that's the door right there, that's how
25 close he was when he first came out.

Adriel Garnett - Cross-examination
by Solicitor Jordan

1 Q Okay. And, just for purposes of the record, that's
2 probably about 4-feet?

3 A Yes, ma'am.

4 Q Yeah, I would, I would assume.

5 Okay. And so he was facing you --

6 A Yes, ma'am.

7 Q -- when you fired the first shot?

8 A Yes, ma'am.

9 Q So, full on, his body was facing your body?

10 A Well, when I, when I shot, I was going to the side. He
11 was going -- both of his -- it was kind of like this. We
12 was going like this. We was both turning.

13 Q And you're holding your hands apart about a couple of
14 inches and you're keeping the body -- your hands facing each
15 as you're moving.

16 A Yeah. Well, we turned like this. He got the -- we
17 turned like this and I'm firing. Both of us turning. I'm
18 trying to get out the way. He trying to get -- we trying --
19 I'm trying to get out the way. That's all that -- you know
20 what I'm saying?

21 Q Okay. But you had -- you could back up to your car if
22 needed?

23 A Yeah, if I would of turned my back, I think I would of
24 turned my back, I would of get stabbed.

25 Q Okay. But you're saying he was facing you this entire

Adriel Garnett - Cross-examination
by Solicitor Jordan

1 time?

2 A When the -- yes, ma'am.

3 Q Okay. The entire time you let all eight bullets fly?

4 A Yes, ma'am.

5 Q Okay. Facing you?

6 You can see his face?

7 A Well, well, I -- to his side at, at, at -- probably
8 after the, probably after the fourth shot or something. I
9 wasn't really counting, and then -- and tell you the truth,
10 I ain't even think I hit him because it ain't when you --
11 from this experience, it wasn't like the movies. You're not
12 seeing no blood jump out no body or nothing like that. So,
13 I don't even know if I'm hitting him. That's why I'm --
14 just keep on firing, to get him away from you.

15 Q But before you fired the last shot, you already
16 testified he was on the ground?

17 A Yes, ma'am.

18 Q Okay. So, you know you at least hit him or knocked him
19 down?

20 A I don't know what he doing.

21 Q Okay. What happened to his knife during all eight
22 shots?

23 A I don't know. Like -- you see how small it was. It's
24 dark outside.

25 Q So, you -- the knife is small?

Adriel Garnett - Redirect examination
by Mr. Neely

1 A Yes, ma'am.

2 SOLICITOR JORDAN: Nothing further, Your Honor.

3 THE COURT: Any redirect limited to what she went into?

4 MR. NEELY: Yes, sir.

5 THE COURT: Yes, sir.

6 REDIRECT EXAMINATION

7 BY MR. NEELY:

8 Q All right. Adriel, let's start with that last thing
9 you just said about the knife being small.

10 A All right.

11 Q What -- when Cecil said I'm gonna gut you like a fish,
12 you saw that knife, right?

13 A Yes.

14 Q Did---

15 A Yes, sir.

16 Q Did you think that knife had the ability to---

17 A Yeah.

18 Q ---follow through?

19 A Yes, sir.

20 Q Okay. And, obviously, yesterday he said that was a
21 stabbing knife, correct?

22 A Right.

23 Q Okay. Now, you testified that, when you went outside
24 with, with whichever Geter, you're standing about right here
25 on State's Exhibit 2, the picture at the top right corner?

1 A Move it up just a little more before I -- yeah, I
2 was---

3 Q It's a little -- so, closer to the French doors, the
4 double doors?

5 A Right.

6 Q And then Cecil comes out?

7 A Yes, sir.

8 Q He's got the knife?

9 A In his hand already.

10 Q And he says he's gonna gut you like you a MF'ing fish?

11 A Yes, sir.

12 Q At that point did you pull your gun out?

13 A No, I put my hands up.

14 Q Repeat that.

15 A I put my hands up.

16 Q You put your hands up?

17 A Yes, sir.

18 Q But you didn't pull your gun out?

19 A No, sir.

20 Q No.

21 Now, the solicitor just made a big deal about Cecil
22 running his mouth while he had that knife out, while he was
23 saying all sorts of things to you, and she wants to make it
24 portray that you were getting angry, that you were getting
25 angry, and that's why you shot at him, but when he had that

1 knife, did you pull that gun out and shoot him?

2 A When he -- once he started approaching me.

3 Q Once he started coming at you, that's when you pulled
4 your gun?

5 A Yes, sir.

6 Q Okay. Now, the solicitor asked you about the contents
7 of your pockets. She asked you a question about your cell
8 phone, and she asked you a question about your car keys,
9 right?

10 She wants to know if you had your car keys in your
11 pocket, in your pocket, how come you just didn't get in
12 Brittany's Camaro and leave?

13 A I mean if I turned around and just -- if I just
14 started, if he that closer, and when I just started running,
15 how am I gonna get in the car?

16 Q So, you think -- so, so, so, what you're telling the
17 Court is that the distance to your car was too great, that
18 if he tried to get there, Cecil was gonna stab you?

19 A Yes, sir.

20 Q Because he had threatened to gut you like a fish?

21 A Yes, sir.

22 Q How come you didn't pull your phone out and call law
23 enforcement?

24 A I was scared. I ain't -- like I said, I ain't never
25 been through this situation.

1 Q If you took the time to call law enforcement, do you
2 think that would of given Cecil enough time to---

3 A Nah.

4 Q ---follow through?

5 A No, I would -- man, it took him -- it took him (sic)
6 that long to get my gun out, I probably would of been dead.

7 Q Okay. You testified about, once you started firing,
8 you stayed in one spot on that concrete pad?

9 A Yes, sir.

10 Q That was until you felt that Cecil couldn't get to you
11 anymore?

12 A Yes, sir.

13 Q Okay. How quickly were those eight shots fired?

14 A Probably about five seconds maybe. I don't know.

15 Q So, just (Mr. Neely snaps his fingers numerous
16 times)---

17 A Yeah, I was just letting them go.

18 Q ---one right after another?

19 A Yes, sir. Yes, sir.

20 Q Okay. And you testified, when the solicitor was asking
21 you questions, you didn't know if you were hitting Cecil or
22 not?

23 A No, sir.

24 Q So, you don't know, if you stopped, if Cecil was gonna
25 get up and charge at you?

Adriel Garnett - Redirect examination
by Mr. Neely

1 A No, sir.

2 Q So, you stopped until -- so, you didn't stop until you
3 felt safe?

4 A Until it wasn't -- it wasn't -- nothing else wouldn't
5 come out of it.

6 Q Okay.

7 Okay. Nothing further, Judge.

8 THE COURT: Thank you, sir. You may step down.

9 MR. NEELY: Judge, that concludes defense's
10 presentation.

11 THE COURT: All right. Lawyers approach a moment.

12 (WHEREUPON, a bench conference was held at this time.)

13 THE COURT: We'll step down for a few moments.

14 (WHEREUPON, a short recess was taken at this time.)

15 THE COURT: Yes, ma'am.

16 SOLICITOR JORDAN: Your Honor, we do not intend to call
17 any witnesses at this time.

18 THE COURT: All right. Are y'all ready to proceed with
19 the arguments?

20 MR. NEELY: Yes, sir.

21 SOLICITOR JORDAN: Yes, Your Honor.

22 THE COURT: All right. We'll -- let's hear first the
23 factual arguments on the application of the statute.

24 MR. NEELY: Thank you, Judge.

25 If it pleases the Court?

1 Your Honor, we are here and the Court has heard
2 evidence on defense's motion to grant immunity to Mr. Adriel
3 Garnett pursuant to the Protection of Persons and Property
4 Act.

5 Judge, when the Legislature enacted that piece of
6 legislation, they put forth three subsections that would
7 qualify a citizen of South Carolina or a, or a person in the
8 State of South Carolina to receive immunity when acting in
9 self-defense.

10 As the case law has unfolded, Judge, what has become
11 clear is that, first and foremost, that these are, that
12 these are suppose to be pretrial hearings. That was set
13 forth in State versus Duncan.

14 Judge, in State v. Curry, the Supreme Court said that,
15 beyond just that what is in the statute, that it is
16 incumbent upon the defendant claiming immunity under the
17 statute to prove three of the four elements of self-defense.
18 Judge, those elements are that defendant be without fault in
19 bringing on the difficulty, that he believed that he was in
20 immanent danger of death or serious injury or actually was
21 in immanent danger, or that circumstances would have
22 warranted a reasonable person to strike the fatal blow in
23 order to save himself from death or serious bodily injury.

24 Beyond that, the statute also requires that a person
25 seeking immunity for -- pursuant to the statute be somewhere

1 that they have a lawful right to be, and that person must
2 also be acting lawfully.

3 The most recent case, Judge, that came out, which was a
4 Supreme Court opinion earlier this year, said that, where
5 this section of law differs from a regular self-defense
6 defense that would be put up at a jury trial, is that a
7 person claiming -- seeking immunity under the statute must
8 actually be attacked at the time. Not just that he thought
9 he was gonna be attacked, but must actually be attacked at
10 the time.

11 Judge, the defense has put up ten witnesses in seeking
12 to have this Court find that Adriel is immune from
13 prosecution for the indictments that the Court has read.
14 Judge, I think, when you look at the totality of the, of the
15 evidence that has been put before the Court, two witnesses
16 testified. Adriel testified and Ronald Higgins, also known
17 as Stuff, testified that Adriel had a lawful right to be at
18 405 Sharpe Street on the night of February 6th. The
19 testimony from both of them was that he was there. He was
20 shooting pool. He was hanging out. Adriel testified that,
21 that some of those people inside 405 Sharpe Street were
22 family, extended family, and that nobody was attempting to
23 remove him from the premises or that he was barred or
24 trespassed from those premises.

25 Had he---

1 THE COURT: What was 405 Sharpe Street?

2 MR. NEELY: 405 Sharpe Street was the incident
3 location, Judge.

4 THE COURT: No, I mean -- let me rephrase that
5 question.

6 Was -- 405 Sharpe Street, was that a commercial venture
7 or was that a private residence?

8 MR. NEELY: Judge, I believe that 405 Sharpe Street was
9 a private residence. I don't believe a business license had
10 been issued to 405 Sharpe Street.

11 THE COURT: So, that is significant because that
12 determines whether he's an invitee or a licensee?

13 MR. NEELY: Yes, sir, and I, and I believe, at this
14 point, based on the testimony that's been put out there, is
15 that Adriel is an invitee into 405 Sharpe Street. So, he
16 has all the rights of an invitee. He's there -- and those
17 rights can be terminated at any point, but all of the
18 testimony that's been presented to the Court over the last
19 two days is that, at no point, did anybody terminate those
20 rights as an invitee, that, at every moment that Adriel was
21 at -- on the premises of 405 Sharpe Street, that he had an
22 absolute right, as an invitee, to be there.

23 Judge, I think the next question, and, and one that
24 will shape how the Court views this is whether or not Adriel
25 was acting lawfully.

1 Now, outside of owning -- of, of possessing that
2 firearm, there's been no testimony that Adriel was acting
3 otherwise unlawfully. The question then becomes does he
4 give up the right to claim immunity pursuant to this statute
5 because he is a convicted felon, and, on February 6th of
6 2016, he was in possession of a firearm.

7 Judge, the case law in, in the Supreme Court case,
8 State v. Burris, and, and I will -- I'll get the Court a
9 cite at the conclusion of this hearing, I don't have it in
10 front of me, but that case law stands for the fact that,
11 when a defendant claims self-defense, when the defendant
12 claims immunity pursuant to this statute, that there's an
13 absolute right to defend yourself, and the Supreme Court has
14 already said, in that State v. Burris case, that a violation
15 of the prohibition of a weapon statute does not constitute
16 the, the, the unlawful -- the otherwise acting unlawfully
17 portion of self-defense for the person -- Protection Against
18 Persons or Property Act, and, Judge, that cite for State v.
19 Burris is three 334 S.C. 256.

20 So, Judge, we would contend so far that Adriel was
21 somewhere that he had a right to be, and that he was acting
22 lawfully at the time that the incident occurred. So then
23 that turns to the three elements of self-defense, and it
24 turns to whether or not Adriel was being attacked.

25 Judge, we put forth nine witnesses -- we put forth ten

1 witnesses, eight of whom were not present at 405 Sharpe
2 Street at the time that the incident occurred. We put forth
3 two law enforcement officers. We put forth the coroner. We
4 put forth Doctor Wren, the pathologist who performed the
5 autopsy. We put forth EMS, Judge, and, and they all
6 testified that they responded to the scene and they
7 described how the scene looked at the time that they arrived
8 on scene.

9 I think one of the biggest things that they've
10 testified to, Judge, was the fact that, when law enforcement
11 arrived, they did not disturb the crime scene. EMS
12 testified that she had moved the shell casings, that she
13 kicked the shell casings in her attempt to get to Cecil
14 Gilliam, but, beyond that, they did not move the crime
15 scene. They did not touch the crime scene.

16 Judge, I think that's a big deal because Ronald
17 Higgins, who we did call to the stand, but I would, I would
18 contend would be ultimately a State's witness at the time
19 that this goes to trial, if it goes to trial, testified that
20 somebody had put the blinds down. Judge, standard, standard
21 of law enforcement procedure and what all the law
22 enforcement officers testified is that, at no point, did
23 they alter the crime scene whatsoever because there was an
24 active investigation underway.

25 what those law enforcement officers did testify to, the

1 ID officers who responded and processed the scene, is that
2 there was blood splatter moving down the rails, moving down
3 the ramp as seen in State's Exhibit 2. There was blood
4 splatter, which would tend to indicate, as Officer Talanges
5 testified yesterday, that the defendant -- that the victim
6 was moving down the ramp. They also testified that there
7 were shell casings found near the body and backing away from
8 the body.

9 Judge, what that, what that physical evidence would
10 tend to show is that it would corroborate Adriel's testimony
11 when he testified that he was being attacked. Judge,
12 Adriel's testimony was that he was being attacked by Cecil
13 Gilliam at the time that he fired those eight shots. He
14 testified that he was outside with whichever one of the
15 Geter twins was out there, and that Cecil Gilliam followed
16 him out, and Cecil Gilliam had a switchblade, and I think
17 that's very important that the law enforcement officer
18 testified that it's not just a butcher knife. It's not just
19 a knife that stays open all the time. It's a knife that has
20 to be opened. It's a knife that somebody has to take the
21 time and flip it open and put it in a locked position for it
22 to be in use, and that knife was found laying next to Cecil
23 Gilliam's body. That would tend to prove that what Adriel
24 Garnett is saying to this Court is more likely true than
25 not.

1 Judge, the only witness that the, that the State would,
2 would put up at trial, should it make it that far, would be
3 Ronald Higgins, and he testified that, at the time that this
4 shooting happened, he was getting ready to play a game of
5 pool. He testified that, when he was getting ready to play
6 that game of pool, he was leaned over the pool table getting
7 ready to break the rack, and his back was to those double
8 doors that we've seen throughout the course of this
9 evidentiary hearing.

10 He testified that, after he heard gunshots, he turned
11 around and went to the door and looked outside and saw
12 Adriel standing and shooting that gun at Cecil Gilliam.
13 Judge, we don't contend that Adriel was not the shooter. We
14 contend that there was an altercation that took place that
15 led to Adriel shooting that gun on February 6th of 2016.

16 Officer Talanges testified that the lighting at the
17 crime scene on that night was low, that visibility was,
18 was -- that it was difficult to see. So, even if Ronald,
19 Ronald Higgins had turned around and seen, he wouldn't have
20 been able to see the whole scene from inside the house
21 because the lighting was low.

22 Judge, Doctor Wren testified, and, and I know the State
23 is, is gonna make a point of this, that some of those shots
24 were in the back of Cecil Gilliam. Doctor Wren testified
25 that the more probable way that this event happened is that

1 the shots in the back came last, that they were shots from
2 the side, that they were shots in the back, and that it
3 appears that the victim was turning at the time that the
4 shots were fired.

5 Adriel testified that he fired those eight shots
6 quickly, and that Cecil was turning away as he was shooting,
7 and that he didn't know if he was hitting a -- he didn't
8 know if he was hitting Cecil or not, but he shot until he
9 felt comfortable that he could get in his car and get away.
10 And, Judge, our case law in the State of South Carolina says
11 that you -- that there's no difference between one shot
12 fired in self-defense or nine shots fired in self-defense.
13 You have a right to fire until you feel safe, and Adriel
14 testified that that's what he did.

15 Adriel testified that he made a choice on
16 February 6th of 2016, and that that choice was Cecil
17 Gilliam's life or Adriel Garnett's life because, in that
18 moment, he testified that he felt that he was in immanent
19 threat of bodily harm or death and that Cecil had a knife.
20 And, and it was -- and it was a blade that was 2-inches
21 long, Judge, but the officer testified that it was a
22 stabbing knife, and that, if somebody said that they were
23 gonna gut you like a fish, that that knife would accomplish
24 that purpose. And Adriel felt that Cecil Gilliam had the
25 intention to see that purpose through, and he testified

1 that, when Cecil first pulled the knife out, he didn't pull
2 his gun out and shoot at him, but rather he started to back
3 away towards the car. He couldn't turn and walk towards the
4 car because he felt that Cecil would of kept coming at him
5 and stabbing him in the back. So, he slowly backed away.
6 But Cecil Gilliam came at him with a knife in hand after
7 making threats to gut him like a fish, and so then Adriel
8 made that decision.

9 Judge, it's the defense's burden to prove, by a
10 preponderance of the evidence, that Adriel is entitled to
11 immunity from prosecution by the State for this murder
12 charge. Judge, I would say that the physical evidence in
13 this case tends to corroborate Adriel's testimony.

14 Adriel's aunt and grandfather testified that Adriel was
15 scared, but, based on what they said, and we didn't get into
16 it because it was hearsay, but, based on what Adriel told
17 them, they testified that they thought Adriel, two years
18 ago, told them that he was acting in self-defense, and that
19 is the -- what he has told the Court almost two years later.

20 Judge, I think that, with the standard being
21 preponderance of the evidence, preponderance of the
22 evidence, that we've carried our burden over this two day
23 hearing. And so -- Judge, before I conclude, in reading
24 other orders from, from various Duncan hearings throughout
25 the State, and reading other published opinions, one of the

1 things that various Circuit Courts have taken into account
2 in helping making them -- helping them weigh their decision
3 was the level of intoxication of the victim at the time that
4 the incident occurred.

5 Judge, I would love to be able to say there's another
6 piece of evidence that corroborates what Adriel is telling
7 the Court because I can point to the BAC of Cecil Gilliam.
8 Unfortunately, the toxicologist reported that they ran five
9 tests on the vials of blood that was submitted to him, and
10 he can tell us that there was alcohol in Cecil Gilliam's
11 system that night, but he's unable to tell us how much was
12 there because the sample sent to SLED wasn't suitable for
13 testing.

14 And, Judge, I'd love to tell you that, in trying to
15 arrest the right person and prosecute the right person, that
16 law enforcement followed through with their investigation.
17 Doctor Wren testified that common practice is for him to
18 take two vials of blood, three if requested by law
19 enforcement, but, in this case, no second vial was sent to
20 SLED for testing, but Doctor Wren did testify, that when he
21 opened the stomach of Cecil Gilliam, that he could smell
22 beer.

23 So, we've got the SLED toxicologist testifying that
24 there was alcohol in Cecil Gilliam's blood, and Doctor Wren
25 could smell beer in Cecil Gilliam's stomach. It's a safe

1 assumption to say that he had been drinking that night, and
2 he was intoxicated to some degree, but, again, I can't tell
3 the Court to what degree.

4 Judge, I think, finally, there's two eye witnesses that
5 have been or that have been presented to the Court, Ronald
6 Higgins and Adriel Garnett. Adriel Garnett told his aunt
7 and told his grandfather that he was acting in self-defense.
8 He told them that two years ago. Ronald Higgins got on the
9 stand and lied to the Court. In his statement he said he
10 didn't see Adriel leave. In his written statement two years
11 ago he said he saw him.

12 He said the blinds were down. Law enforcement said
13 they didn't touch the crime scene.

14 Judge, credibility is not like a batting average major
15 league baseball. You can't bat 300 for telling the truth.
16 You either are telling the truth or you're lying. And so I
17 think, when the Court weighs the credibility of the eye
18 witnesses, I think that's, I think that's important to take
19 into account.

20 Judge, it's preponderance of the evidence. It's more
21 likely than not, and, based on the physical evidence, the
22 testimony of Brittany Westfield, the testimony of Bruce
23 Westfield, and the testimony of Adriel Garnett, I think
24 we've met that burden, Judge.

25 THE COURT: Thank you, sir.

1 SOLICITOR JORDAN: Thank you, Your Honor.

2 Your Honor, while the burden is extremely -- is, is
3 preponderance of the evidence in this case, I do not feel
4 that, based upon the testimony that you heard here today and
5 yesterday, and by, based upon the physical evidence that has
6 been presented to the Court, that they even met that burden.

7 First, I want to go back and start out with, under
8 subsection (C), the place where the defendant has a right to
9 be. If you take his testimony, and I believe that he would
10 be seen as a licensee or a social guest at Mr. Gilliam's
11 property that night, and his property at 405 Sharpe Street
12 is basically a converted house. It has a pool room. It has
13 an area that you play cards. It has a kitchen and a
14 bathroom. The pool room being what you see just beyond
15 those double doors that we've been spending so much time
16 talking about.

17 Mr. Gilliam's home is located within a direct walking
18 distance from this location. It would be the State's
19 position that, if you take the defendant's statement that he
20 comes out with a knife and immediately says I'm gonna gut
21 you like a fish, that he no longer has a right to be there,
22 to be on Mr. Gilliam's property.

23 The Castle Doctrine was codified into the statute that
24 we now have to give homeowners and business owners and
25 people in an occupied vehicle the right to feel safe in

1 their home, and I believe that, in State versus Curry, they
2 quote, at the very end of that, and State versus Curry is
3 406 S.C. 364, granting Castle Doctrine protection to a
4 social guest or visitor, and this is quoting a Florida case,
5 but quoted in a South Carolina case, granting a Castle
6 Doctrine protection to a social guest or visitor would
7 necessarily grant the guest or visitor innumerable castles
8 where he or she is authorized to visit. That, in turn,
9 would extend the privilege to not retreat and encourage the
10 use of deadly force.

11 Your Honor, his right to be at that property was gone,
12 if you take his statement, once Cecil came out with that gun
13 and said I'm gonna gut you like a fish under the set of
14 facts that this defendant gave.

15 Going as far as where he had a right to be, as to the
16 elements of self-defense, defendant is without the fault
17 upon -- is without fault in bringing upon the difficulty,
18 the defendant agreed -- actually believed he was in immanent
19 danger of losing his life. Of course, Mr. Neely stated
20 earlier that he was -- case law about actually being
21 attacked, and (C), a reasonably prudent person of ordinary
22 firmness and courage would have entertained the same belief.

23 Your Honor, you, at this point in time, have
24 conflicting statements as to even how long this interaction
25 or altercation took place between Cecil Gilliam and the

1 defendant. You have Ronald Higgins who stated it was 15 to
2 20 minutes that Mr. Gilliam was outside with the Geter twin
3 and outside with this defendant. He stated that he was
4 getting frustrated cause he had gotten off of work, came
5 over to play pool, and Cecil was outside with them. You
6 have this defendant who says he came out immediately with
7 that weapon and made that threat.

8 So, right there I think is an issue as far as the
9 preponderance of the evidence and what a reasonable person
10 would of done and whether or not the defendant was actually
11 being attacked at the time. You also have the defendant
12 whose told the Court that he was upset earlier in the
13 evening because Mr. Gilliam wanted to charge him for some
14 alcoholic beverages there. You also have the defendant who
15 states that Mr. Gilliam was talking about his mom, and made
16 several comments about his mother.

17 Your Honor, that, to me, is not self-defense. It's not
18 actually believing he was in immanent danger. If he's
19 standing out there for ten, fifteen, twenty minutes, if he's
20 listening to the defendant make comments about his mom, if
21 he has time to pull out the weapon and to fire, and, Your
22 Honor, the one thing that neither of the officers, Officer
23 Talanges or Stepp, could tell the Court definitely is how,
24 in State's Exhibit No. 22, is how this bullet shell casings
25 landed there.

1 We know that the EMS worker testified she kicked maybe
2 one. Mr. Neely wants to take the position that you start at
3 shell casing Number or Cartridge casing Number 8 and work
4 your way back to one, but we also have the possibility that
5 they didn't even come in this number, that was just the way
6 that they were ordered by law enforcement, or the State's
7 position that he starts at one and starts firing from around
8 the corner of that building on Mr. Gilliam, as Mr. Higgins
9 stated, is leaning up with his back towards that area when
10 he starts firing.

11 You have an impact from the bullet at 11. You have
12 blood drops around 11 on that area, firing that goes there.
13 You also have Mr. Gilliam, who is -- was a witness to this
14 and was not able to take the stand today, but was able to
15 testify as to what happened through Doctor Wren and through
16 the other individuals who testified when he talked about the
17 shots to his body.

18 You have Bullet wound Number 9 that goes in just above
19 the buttock of Mr. Gilliam and comes out around his armpit
20 to the right. That is more consistent with Mr. Gilliam
21 being up around 11 where the impact wound is, and where some
22 of the blood splatter, where a reasonably prudent person
23 would not have started firing at somebody to get those
24 angles in the victim.

25 That was only one of four or one of five shots that

1 Cecil Gilliam took to the back. Five shots to the back.
2 Two to the front coming in at the left and leaving at the
3 right.

4 If you take the words from this defendant, Mr. Gilliam
5 has this -- what the defense refers to as a large knife in
6 their motion, it's a 2-inch pocketknife, in his right-hand
7 when he gets shot from the left side coming out the right
8 side twice on the side. There's also a bullet wound to the
9 back, and I believe it is Bullet Wound 8, yeah, Bullet Wound
10 8, that also hits, if you reverse the bodies at about the
11 same area, just in the back of him. So, none of these are
12 head on shots as a reasonably prudent person who was
13 standing in this position who says they are coming down that
14 ramp as he used his hands facing each other all the way
15 down.

16 I have Mr. Gilliam with seven bullet shots, five to the
17 back, two to the front, that come out the other part of the
18 front. None are through and through.

19 You also have Mr. Higgins who states that the last
20 time, when he looks out for that last shot, Mr. Garnett, the
21 defendant, is standing over shooting in the ground.

22 Your Honor, while we have case law out there that says
23 that, if you're justified in firing the first shot, you're
24 justified in continuing to fire until the threat is ended,
25 there's still that until the threat is ended. In State

1 versus Marlowe, which was tried here in Spartanburg County,
2 there's case law or there's stated in there that you can't
3 hasten the death of the victim with continuing to fire.
4 Even the defendant testified he was on the ground when he
5 fired that last shot.

6 Your Honor, it's the State's position that those shots
7 started around shell casing 1 and worked their way up to
8 seven and eight at the body. Worked their way up with this
9 defendant standing at the end of that ramp firing down or
10 firing at the body. You have Number 10, which is a
11 projectile that's laying over there in that area.

12 Your Honor, I do not believe that a reasonable person
13 of ordinary firmness and prudence would have believed or
14 ordinary courage would have believed that that 2-inch knife
15 was going to cause great bodily injury or death when you're
16 standing there with a loaded weapon in your waistband. You
17 have time to listen to this victim talk about your mom. You
18 have time to pull that weapon and to fire multiple times.

19 As you, as you can see from the evidence and you heard
20 testimony, that is a large distance between those shell
21 casings going from one to seven and eight at my victim's
22 body. We believe, under State versus Curry, that this is a
23 case that is a quintessential jury case as far as the
24 elements of self-defense, and is not a situation at all
25 warranting the granting of immunity from prosecution in this

1 case.

2 Your Honor, this is my victim's property. The Castle
3 Doctrine has, before it was codified into law with the
4 intent of law enforcement or of the Legislature's at the
5 very beginning, stated, in 16-11-40, it's the intent of the
6 General Assembly that codify the common law of Castle
7 Doctrine, which recognizes a person's home is his castle,
8 and to the extent the doctrine is included and is an
9 occupied vehicle or the person's place of business.

10 Your Honor, we do not feel that this statute, that he
11 meets the burden as required by the statute, and that the
12 court should not grant immunity, but should send this case
13 to the jury to make the determination about this defendant's
14 actions that day.

15 If I may have a moment?

16 (Pause.)

17 SOLICITOR JORDAN: And, Your Honor, just to hit the
18 issues of the reasonableness and ordinary firmness and
19 courage, this is a defendant who goes to his family's house
20 afterwards and who leaves. Today his aunt testifies that he
21 stayed around, he stayed around, but, on that morning, she
22 gave statements to law enforcement that he was gone for 20
23 minutes, came back, she called law enforcement again, and he
24 left again.

25 Your Honor, would a reasonable person have stayed?

1 would a reasonable person have left?

2 He fled. He fled and was gone from the -- February the
3 6th through July when he was arrested. He got rid of the
4 gun that he used in this case. The first time today he
5 tells us that he threw it a hundred yards from his grandpa's
6 house and that's where the gun is right there.

7 I think all of that goes to the defendant's state of
8 mind at the time that this happened back on February the
9 6th, and plays into those two elements of self-defense with
10 the ordinary -- defendant actually believed he was in
11 immanent danger of losing his life or sustaining serious
12 bodily injury and whether a reasonably prudent person of
13 ordinary firmness and courage would have entertained that
14 same belief.

15 The victim was attacked at his home, shot five times in
16 the back, two in the side left by a defendant who says he
17 immediately came out, spent some time -- threatened him,
18 spent some time talking about his mom, which led him to
19 firing all eight shots. As he stated, he fired until he
20 emptied, emptied the bullets.

21 Your Honor, that's all the State has.

22 THE COURT: Any reply?

23 MR. NEELY: Yes, sir.

24 Judge, Ms. Jordan just argued to the Court that it's
25 the State's position that the shots fired started at one,

1 two, three, and proceeded to the body. There's a couple
2 problems with that, Judge.

3 First and foremost is that there's been no evidence of
4 that. There's been no testimony to that effect during this
5 two day hearing. Nobody can testify how those shots were
6 fired except for Adriel because Adriel is the only one that
7 was out there that night, and he said that he backed away
8 slowly, and then he tell you -- he told the court that he
9 stood right where he was until he felt safe to get back to
10 his car. That's what Adriel, the only person who was there,
11 testified to.

12 The law enforcement officers didn't even testify to
13 what the solicitor just argued to the Court. They said it
14 might have been a possibility but they don't know.

15 The other problem with the State's argument, Judge, is
16 that EMS, Christina Henderson, testified that, in her rush
17 to get to Cecil Gilliam to try and save his life, she kicked
18 the shell casings. So, we don't even know if one through
19 three, four, five, six, seven, eight is how the shell
20 casings were laying at the time that the shooting happened.
21 We don't know because EMS testified that she kicked the
22 shell casing. So, Judge, there is, there is a large problem
23 with the State's position about how those shell casings are
24 laying.

25 Judge, the second problem that I have with the State's

1 argument is that they've classified Adriel as a licensee or
2 an invitee or a guest in that house on that night at 405
3 Sharpe Street, and she says that that right to be in that
4 house ends when Cecil Gilliam walks out, and she has adopted
5 what Adriel has said to the Court. So, she's adopted that
6 position that Cecil walked out and said I'm gonna gut you
7 like a mother f'ing fish.

8 Well, Judge, here's the thing. She wants to say that a
9 person has a right, under the Castle Doctrine, and we're
10 arguing the same thing, that a person has a right to be safe
11 and free from harm, from threat, from threat of bodily
12 injury or murder.

13 Here's the thing. The Castle Doctrine doesn't give you
14 the right just to kill somebody. And so, even if you are in
15 your own house, you don't have the right to pull a knife on
16 somebody and threaten them, and that's exactly what Cecil
17 Gilliam did in this case.

18 The physical evidence shows that, at the moment that
19 Cecil Gilliam died, there was an open switchblade, which
20 tends to corroborate exactly what Adriel Garnett told this
21 Court. And she says that Cecil Gilliam sat there and she --
22 and, and he prodded and he provoked and he made comments
23 about Adriel's mother, and that all he had to do, because he
24 saw that knife, was leave.

25 Well, Judge, he told the Court that he tried to leave.

1 He told him that -- he told this Court that he had his keys
2 in his pocket, but if he turned and he walked back towards
3 his Camaro, if he walked back towards his aunt's car,
4 because Cecil had that knife and was threatening him, that
5 he was going to lose his life. The person in the
6 shooting -- the only person in this courtroom who was
7 standing in Adriel's shoes felt that, if he walked back to
8 that car he was going to lose his life, but he also told the
9 Court that he tried to slowly put his hands up and back down
10 that ramp and Cecil Gilliam kept coming at him.

11 And when Cecil Gilliam died, that pocketknife, and the
12 state calls it a pocketknife, the law enforcement officer
13 calls it a stabbing knife, Judge, and the law enforcement
14 officer said that, if I was gonna gut somebody with the fish
15 (sic) that that knife would accomplish that purpose.

16 It might not have been the biggest knife in the world,
17 Judge, but it would absolutely accomplish that purpose. A
18 person standing in Adriel's shoes would absolutely feel that
19 his life was in danger, and he would have to make a choice,
20 my life or his life, and Adriel made the choice that he
21 would rather sit here and ask this Court for immunity than
22 have his family suffer a loss.

23 Judge, the solicitor talks about the eight shots and
24 the fact that there are five shots in the back and that
25 there are three shots to the side. Judge, Adriel says that

1 he saw that knife, that he slowly started backing away, and
2 that, when Cecil Gilliam kept coming, he started shooting.
3 He pulled his gun out. He started shooting.

4 Judge, he testified that the gun was in his waistband.
5 It doesn't take any time to pull the gun and start firing,
6 and he said that he fired those eight shots quickly.

7 Judge, common sense tells us a couple things. Number
8 one, the saying is that you don't bring a knife to a gun
9 fight, and that saying has -- that, that saying is there for
10 a reason because one's gonna do more damage than the other.

11 Judge, common sense tells us that if I've got a
12 switchblade, and Mr. MacDonald here has a 9mm, and he pulls
13 his 9mm out, my reaction is not gonna be to pull out a knife
14 that I have to take the time to open to defend myself.

15 Common sense tells us that that knife was the first piece of
16 weaponry out, and that the gun was in response to the knife.

17 Common sense also tells that, if somebody starts firing
18 at me, I'm gonna turn away from the shots, and Doctor Wren
19 testified that that's exactly what the victim did in this
20 case. That the, that the, that the eight different wounds
21 were as a result of the, of the victim turning in his body.

22 Adriel also told us that he's -- that, that nothing
23 like this is ever happened to him before, and that he's seen
24 movies where people have gotten shot, but once it happens in
25 real life, Judge, it's not like the movies. Blood doesn't

1 go anywhere. He testified that he didn't know that he had
2 shot Cecil, and, yeah, Cecil had crouched down, but he
3 didn't know if Cecil was crouching down because he had shot
4 him and killed him or if because he was waiting for the
5 gunshots to subside and he could get up and attack.

6 But what he did testify to, Judge, is that he stopped
7 shooting once he felt safe, and that's what our case law
8 says. You can shoot until you feel that the threat is gone,
9 and that's exactly what Adriel testified to.

10 Judge, there were three people that were outside that
11 night. Cecil can't tell us what happened, but the physical
12 evidence tells us that he had a knife on that night.

13 Tavis Geter is who knows where, Judge. He's in, he's
14 in the wind. Tavis Geter won't voluntarily come to Court.
15 Every time it takes a Court order to get him here. So,
16 Adriel's the only one here that can tell us what happened on
17 that night, and he told Brittany Westfield, and he told
18 Bruce Westfield that he was acting in self-defense. That's
19 why they wanted him to stay, but, Judge, he's young.

20 He's never shot anybody before. Certainly doesn't
21 intend to shoot anybody ever again, but he's -- he was
22 scared and he panicked. His aunt and granddad testified
23 that he was pacing back and forth, that he wasn't himself,
24 that he was scared, and he testified, during one of those
25 walks out of the house, that he did go and he threw the gun.

1 The reactions of a scared person.

2 Judge, it's a preponderance of the evidence. Adriel
3 testified that. Whatever interaction between him and Cecil
4 in the house, that he had gone on. He was sitting at a --
5 there. There was a cooling off period. There was nothing
6 that would bring about some sort of interaction outside of
7 405 Sharpe Street.

8 Judge, Adriel did nothing to provoke Cecil Gilliam to
9 the point where he would pull that knife out. In that
10 moment, Judge, outside of 405 Sharpe Street, Adriel felt
11 that he was in immanent threat of great bodily harm or
12 death, that it was gonna be his life or it was gonna be
13 Cecil's life. And, Judge, I would put to this Court, based
14 on all of the testimony that this Court has seen, based on
15 the fact that the physical evidence, that Number 9 on that
16 chart that law enforcement created, is the pocketknife lying
17 right next to Cecil Gilliam's body where he came to rest, is
18 that a person, is that a reasonable person in the exact same
19 situation would pull out his gun and fire shots to save his
20 life.

21 Judge, I think we surpassed our burden in this case,
22 and I absolutely do think that Adriel Garnett is entitled to
23 immunity from prosecution because the State Legislature has
24 said that a person has every right to defend themselves and
25 should not have to put themselves in danger anywhere that

1 they have a lawful right to be, and that is what -- exactly
2 what Adriel Garnett did. He defended himself.

3 So, Judge, I think we've met our burden. I think he is
4 entitled to immunity.

5 Thank you.

6 THE COURT: Thank you, sir.

7 Is -- the State intends to argue the motion as to the
8 unconstitutionality of the statute.

9 Is the defense ready to -- with that argument as well?

10 MR. NEELY: Judge, can I have about five minutes to
11 talk with Ms. White?

12 THE COURT: All right. We'll step down for a few
13 minutes.

14 (WHEREUPON, a short recess was taken at this time.)

15 THE COURT: Is the State ready to proceed?

16 SOLICITOR GHENT: State's ready, Your Honor.

17 May it please the Court?

18 THE COURT: Yes, sir.

19 SOLICITOR GHENT: The single issue involved here,
20 raised here is one of our State constitutional law, whether
21 our version of the Stand Your Ground law passed in a number
22 of jurisdictions, violates our constitutional prohibition
23 requiring separation of powers between the Legislative, the
24 Executive, and the Judicial Departments of Government. We
25 respectfully submit that the language of the statute passed

1 in 2006, the Constitutional provision and the case law, all
2 say that the statute does violate our Constitution.

3 I will acknowledge to the Court at the outset that the
4 burden of proof is on the State. It is among the highest
5 burdens of proof when a statute is being challenged. We
6 must establish that it is unconstitutional beyond a
7 reasonable doubt.

8 This is a novel issue of law. I would refer to a case
9 as recent as the Manning case on Stand Your Ground in 2016,
10 which, interestingly, references a previous case that says,
11 finally, Curry did not resolve all issues regarding the act.
12 As we stated, that "the full reach of the act and whether
13 the statutory provisions in the act extend beyond the common
14 law doctrine, Castle Doctrine, are questions for another
15 day." I would respectfully submit that day has arrived,
16 Your Honor.

17 I have attempted to provide the Court with authority
18 that supports our position that the language intent to
19 codify the common law of South Carolina, no disrespect to my
20 colleague, Ms. Jordan, who repeatedly referred to that
21 language, I think everybody, at times, has looked at this
22 statute and kind of felt like that RCA dog kind of looking,
23 turning one way or the other, trying to figure out what
24 exactly it is.

25 There is the reality and the actuality of what the

1 common law that it claims to codify says. In, in fact, what
2 the statute is is not something that is to be construed
3 liberally as a remedial measure or as something that is a
4 mere codification of common law.

5 I have provided to the Court my effort, and this is
6 been an ongoing project for sometime now of what, in fact,
7 the common law regarding Stand Your Ground said before this
8 statute. It did not, indeed it could not, have provided
9 immunity from prosecution and, in a moment, Your Honor, I'm
10 gonna go to two cases, and I'll just go ahead and take it
11 that the moment has arrived, two cases that have to do with
12 instances where the Court can make judicial determinations
13 regarding, for example, whether or not a statement is
14 voluntary or whether or not evidence seized is in violation
15 of the Fourth Amendment of the U.S. Constitution or Article
16 1 section, I believe, it's 10 of the South Carolina
17 Constitution.

18 In either of those instances, the Court does not impose
19 immunity. What the Court does is the Court, as a matter of
20 judicial supervision, to avoid the Court's involvement in
21 activity by the Executive Branch, which tends to pollute the
22 fact finding function before the Court, the Court removes
23 that evidence from the potential consideration by jurors,
24 but it does not grant immunity. And, in support of that, I
25 would argue that both the Kastigar case of 1972, one of the

1 seminal cases on immunity, and the Thrift case, from 1994,
2 one of the seminal cases in our state, both of those discuss
3 a grant of immunity and what it means.

4 And, Your Honor, may I -- would the Court allow me to
5 read to the Court?

6 (The Court nods affirmatively.)

7 SOLICITOR GHENT: From Kastigar, referring to immunity,
8 this is a very substantial protection commensurate with that
9 resulting from invoking the privilege itself, and that is
10 the privilege against self-incrimination. The privilege
11 assures that a citizen is not compelled to incriminate
12 himself by his own testimony. It usually operates to allow
13 a citizen to remain silent when asked a question requiring
14 an incriminatory answer.

15 The statute, referring to a Federal statute which
16 operates after a witness has given incriminatory testimony,
17 affords the same protection by assuring that the compelled
18 testimony can, in no way, lead to the infliction of criminal
19 penalties. The statute, like the Fifth Amendment, grants
20 neither pardon nor amnesty. Both the statute and the Fifth
21 Amendment allow the government to prosecute using evidence
22 from legitimate, independent sources.

23 The statutory prescription is analogous to the Fifth
24 Amendment requirement in cases of coerced confessions. A
25 coerced confession, as revealing of leads as testimony given

1 in exchange for immunity, is inadmissible in a criminal
2 trial, but it does not bar prosecution. Moreover, a
3 defendant against whom incriminating evidence has been
4 obtained through a grant of immunity may be in a stronger
5 position at trial than a defendant who asserts a Fifth
6 Amendment coerced confession claim.

7 Referring now to State versus Thrift, this would be
8 found at Page 312 South Carolina 291 and 92. Under the --
9 and I cite these cases, Your Honor, in my memorandum and
10 motion. Under the Separation of Powers Doctrine, which is
11 the basis for our form of government, the Executive Branch
12 is vested with the power to decide when and how to prosecute
13 a case. Both the South Carolina Constitutions and South
14 Carolina case law place the unfettered discretion to
15 prosecute solely in the prosecutor's hands. The Attorney
16 General, as the State's chief prosecutor, may decide when
17 and where to present an indictment, and may even decide
18 whether an indictment should be sought. Prosecutors may
19 pursue a case to trial or they may plea bargain it down to a
20 lesser offense or they can simply decide not to prosecute
21 the case in its entirety.

22 The Judicial Branch is not empowered to infringe on the
23 exercise of this prosecutorial discretion. However, on
24 occasion, it is necessary to review and interpret the
25 results of the prosecutor's actions, who must, therefore,

1 analyze the State's agreement within our judicial
2 constraints. There, what they're referring to at the very
3 end, it was a plea bargain reached and that did indeed move
4 into the realm of the Court's powers to interpret and to
5 apply principles of law to the agreement reached.

6 I would also refer the case -- the Court to a case that
7 I did not cite in my memorandum and motion, but I think it's
8 squarely on point in terms of exercises of powers by one
9 agency, one department, which are the powers of another
10 department. The cases that I cite do point out there can be
11 sharing and there can be overlap, but there are certain
12 powers that are solely vested in different departments.

13 For example, Your Honor, there are also inherent
14 powers, and an example of one of those would be the contempt
15 power of this Court. If the Court gives an order, the Court
16 does not need legislation, does not need the assistance of a
17 legislator -- Legislature or of a prosecutor. The Court can
18 issue an order, have the subject brought before them, and
19 have that individual held in contempt and sentenced to a
20 term not to exceed six months under the United States
21 Constitution and under our own Constitution.

22 That power is inherent. Without it, there is no means
23 of the Court maintaining the respect that it requires,
24 demands, and is entitled to under our system of justice.

25 By the same token, Your Honor, if there is no means of

1 bringing an indictment, then there is really no way for
2 prosecutors to function if someone can reach over their
3 shoulder and make decisions in their stead. This -- I'll
4 refer the Court to State versus Tootle, T-O-O-T-L-E, 330
5 S.C. 1998. That involved the PTI scheme, which was a
6 legislative matter.

7 Under that, if a prosecutor made a decision to put
8 someone into pretrial intervention, then the Court could
9 refer, at the outset, an individual, make a recommendation
10 that the individual go into outset, but the Supreme Court,
11 our Supreme Court, held, under the statutory scheme, the
12 judge can not overrule the solicitor's objection to an
13 applicant's admission to PTI without running a foul of our
14 constitutional provision requiring a separation of powers.

15 A Circuit Judge is a member of the Judicial, Judicial
16 Department and can not, constitutionally, exercise the
17 function of a member of the Executive Department. The
18 solicitors and attorney general are members of the Executive
19 Branch of Government. A determination of PTI ineligibility
20 is, therefore, a completely discretionary executive
21 decision, and not reviewable by the Judicial Department.

22 Your Honor, in this case, I have cited to the Court the
23 actual history of what the case law dating from 1910 in
24 South Carolina has said regarding Stand Your Ground and the
25 word immunity. I would cite State versus Stevenson, which

1 is in my memorandum, 1910, which says an individual may
2 stand his ground and defend his castle, but as to one who is
3 in his house or coming into his house, by his invitation or
4 is against his life from which he has no legal separation,
5 he can not claim that immunity from retreat.

6 Again, State v. Bradley, 1923, where the rights
7 pertaining to the habitation do not enter into
8 consideration, he, of course, has no such rights, but he has
9 the right, in establishing his plea of self-defense, to
10 claim immunity from the law of retreat, which ordinarily is
11 an essential element of that defense.

12 The same in State versus Elmore Smith, and, finally,
13 and this is interesting, Stand Your Ground was enacted in
14 2006, State v. Gilchrist, from our Supreme Court, 2005, in
15 any of event, we take this opportunity to overrule the
16 analysis in State v. Marlowe elevating a "club" to the
17 possessory status of a home or place of business. This
18 expansion of the immunity from retreat doctrine is not good
19 public policy especially in the contemporary context of
20 private clubs.

21 The common law that the Legislature makes reference to
22 is not codified. Instead, it is changed. What the common
23 law said was that there was an immunity to have to establish
24 a duty to retreat from one's home, or now, from one's car,
25 or now, from one's office or the curtilage. And I believe,

1 if I'm not mistaken, 2005, that decision, the last one which
2 I read to the Court, involved a club, involved curtilage,
3 involved parking lots so that, once again, the mere
4 statement that it adds only that, only changes the common
5 law to that extent is incorrect.

6 Your Honor, the bottom line is that the case law has
7 been clear that Stand Your Ground has historically been a
8 well crafted judicial doctrine that has said one thing from
9 1910 through 2005 about what it means when it says immunity.
10 It does not mean immunity from prosecution. It only means
11 you don't have to prove that last element. I believe it's
12 the fourth element, the duty to retreat.

13 The statute takes that, I would say error of
14 construction in the common law history, unbroken for a
15 century, and, from that, reads into it an immunity from
16 prosecution. As I point out in our memorandum, it is clear
17 that, when you essentially act, one branch of government to
18 basically take upon itself the actions of another, that
19 violates separation of powers. But I would point out, Your
20 Honor, that not only -- this is not -- this is not something
21 that the Judicial Branch, that the Trial Judges assumed upon
22 themselves.

23 This is something the Legislature made, I will say, an
24 error in their construction, their research, whatever, as to
25 the law, the case law, the history. It did not say what

1 apparently they concluded it said, and they then took an
2 inherent power, a power that is also a constitutional power
3 given to a group in the Executive Branch, which has been
4 recognized by our case law, and then dropped it down into
5 the Judicial Branch. As a result, we've had one of the most
6 litigated statutes in recent history.

7 I would, respectfully, submit, that taking all of this
8 together, that that does establish, beyond a reasonable
9 doubt, that the statute moves, into the Judicial Branch, a
10 right -- no, a power to confer immunity that was never there
11 in a criminal context. The power to confer immunity is one
12 of the few inherent powers that are left with the
13 prosecutors, other than instances, of course, where, where
14 there's fraud, the law will not countenance a fraud, that
15 would, of course, be an exception, but the power itself is
16 vested in the prosecutors.

17 And, for that reason, I would respectfully ask that
18 this Court declare the Stand Your Ground law to be
19 unconstitutional under our State's Separation of Powers
20 Doctrine.

21 Thank you, Your Honor.

22 MR. NEELY: Thank you, Judge, and sorry. I'll be off
23 the stand, stand, unless you want me to use the podium?

24 THE COURT: whatever works for you.

25 MR. NEELY: Thank you, Judge, if it please the Court?

1 Your Honor, first, I, I find it ironic that a member of
2 the Executive Branch is asking the Judicial Branch to undo
3 an entire piece of legislation, which creates immunity,
4 that, that the Legislature has created this law, and now we
5 want the Court to un -- completely undo the law.

6 Judge, what the State's argument centers around
7 essentially starts with the Fifth Amendment. It starts with
8 a defendant's right to be free from self-incrimination. The
9 Fifth Amendment says that nobody, a judge, not the
10 prosecutor, not even his own defense counsel, can compel a
11 defendant, a person charged, a person indicted, a person
12 under investigation, to incriminate themselves.

13 The issue that that raises, Judge, is that when the
14 Executive seeks to enforce the laws, which is what the
15 Executive's role is, that sometimes cases become difficult
16 to prove because, sometimes, the only people who know what
17 crimes were committed, what actually happened are the people
18 who committed them themselves. So, in an attempt to flip
19 one of the codefendants, this inherent power of the
20 Executive was created, and, colloquially, it's referred to
21 as immunity.

22 Mr. Ghent refers to it in his brief, and he talks about
23 two types of prosecutorial immunity, use immunity and
24 transactional immunity.

25 Use immunity being defined as the type of immunity that

1 says, if you will talk to us and we will not use your
2 statement against you when we prosecute you. Transactional
3 immunity being exactly what it sounds like. A bargain for
4 exchange. A contract that's entered into during a proffer.
5 You talk to us. You testify against your codefendants. You
6 tell us what you know and we will not prosecute you. It's
7 total immunity from prosecution. But what both of those
8 boil down to, Judge, are prosecutorial discretion. It's a
9 right of the Executive to prosecute their cases and bring to
10 bar those cases that they want to bring to Bar, that they
11 want to bring to Court.

12 However, the self-defense law, Judge, is not that same
13 type of immunity. There is no Fifth Amendment right being
14 invoked or Fifth Amendment right being encroached upon.
15 There is no bargain for exchange between the defendant and
16 the Executive Branch. There is no compelling of a person to
17 give up his Fifth Amendment right in exchange for the
18 prosecution to not prosecute their case.

19 Judge, what the Legislative Branch has done is that
20 they've created a piece of law that tells us that a person
21 is not gonna be held liable, and, Judge, there are other
22 examples in the law where the Legislature has used their
23 power to create laws that says that certain people are
24 immune from liability.

25 What comes to mind first for me is the South Carolina

1 Tort Claims Act, which says that when a person is acting in
2 their role as a governmental agent, if they can meet certain
3 statutory elements, then they're not gonna be held civilly
4 liable as a governmental agency. Judge, that's a law that
5 provides Executive Branch and the Judicial Branch what the
6 Legislature calls immunity from civil liability.

7 Judge, the Legislature's inherent role is to create
8 laws, and to tell us what is and is not a crime. They
9 created, they wrote into the code what murder is. They told
10 us this is murder. These are the elements of the crime.
11 These are what -- this is what can be prosecuted.

12 what they've done with Step -- with the Stand Your
13 Ground law is that they have told us what is not murder.
14 That is the inherent right of the Legislature to create laws
15 and tell us what is and is not a crime, and that's what the
16 Legislature has done here.

17 It's not under immunity. That is the right of the
18 Executive, and it's not a power that has been given from the
19 Legislature to the Judicial Branch, as the solicitor states
20 in this case, because, Judge, if you find that Mr. Garnett
21 has met the statutory elements, or if -- in any other case
22 comes to Court on a pretrial motion seeking immunity from
23 the Court, it's not the judge that is granting that
24 immunity. It's the judge applying his role in the judicial
25 function weighing the facts and applying the law as written

1 and giving that person the immunity granted by the
2 Legislature if they meet the elements as laid forth by the
3 people who create the laws.

4 Judge, there, there is no encroachment onto the sole
5 power of the Executive Branch here. The powers of immunity
6 that the Executive have are what -- are -- essentially boils
7 down to prosecutorial discretion, and nobody, not the
8 Legislature, not the Judicial, can tell them how to
9 prosecute their cases. The problem is with the Stand Your
10 Ground law. The Legislature has told them they don't have a
11 case to prosecute, that no crime has been committed, that
12 they don't have a case to have any discretion on, and,
13 Judge, that power lies solely with the Legislature.

14 Thank you.

15 THE COURT: Any reply?

16 SOLICITOR GHENT: Briefly, Your Honor.

17 That's not what the Legislature did. What they did was
18 they took the power to make the determination as to
19 immunity, yes. That's what they called it. Not saying it's
20 not a crime. They did not decriminalize. They said a grant
21 of immunity.

22 It's interesting because, to some extent, his argument
23 about civil immunity does give me pause in terms of I asked
24 that the statute be stricken down. He is correct that civil
25 immunity is a separate animal. It is something as between

1 two parties, one not necessarily being the state, but which,
2 because of certain interests such as churches, government,
3 whatever, there are immunities granted, but that's not the
4 same thing. This is the power to bring charges to go
5 forward.

6 The Legislature may be allowed to tailor immunity
7 around the right of self-incrimination, but it doesn't mean
8 that is the only way in which immunity can exist. However,
9 even if you assume that it is something that only the
10 Legislature can create, in this instance, the manner in
11 which it has been done violates the Constitution of South
12 Carolina because it did not uncreate it. It did not say
13 okay, we're just, we're just gonna make this not a crime.
14 It took the power to grant immunity and said here, it's
15 gonna be in the judiciary. That is not a judicial function.
16 That is not something the judiciary does in a criminal
17 context.

18 In this context, in a Criminal Court, a Court of
19 General Sessions, immunity means that a decision is being
20 made that you are going to be excused from prosecution, and
21 I would respectfully submit that the Legislature can't
22 create that, and they are asking the Courts to do something
23 that the Courts were not intended for.

24 They try cases. They allow jury's to make
25 determination with -- determinations which are their

1 function under the Constitution.

2 THE COURT: Now, isn't it part of the State
3 Constitution that Judge's can not make findings of fact in
4 criminal matters?

5 SOLICITOR GHENT: Yes, sir, other than pretrial
6 criminal matters. As a matter of fact, South Carolina and
7 the Federal -- you can try a case, a case in State Court, as
8 Your Honor has pointed out, and a comment on the facts will
9 result in a reversal.

10 You go over to Federal Court and try, not the same
11 case, but a very similar case, they can comment to the juror
12 on the facts. That is a limitation -- thank you, Your
13 Honor, you're correct. But, at any rate, I would
14 respectfully submit that counsel is not on the mark and he
15 has not really answered the issues raised about the history
16 of the common law and what the Legislature is actually done
17 here. They have abrogated the common law. They have not
18 codified it.

19 Thank you so much, Your Honor.

20 THE COURT: All right. Well, thank you very much.
21 I'll let y'all know.

22 Thank you.

23 MR. MacDONALD: Thank you, Your Honor.

24 SOLICITOR JORDAN: Thank you, Your Honor.

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* * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

ccw

STATE OF SOUTH CAROLINA)
 COUNTY OF SPARTANBURG)
 State of South Carolina,)
)
 v.)
)
 Adriel Nicholas Garnett,)
)
 Defendant.)

IN THE COURT OF GENERAL SESSIONS
 FOR THE SEVENTH JUDICIAL CIRCUIT

2016-GS-42-04430

ORDER DENYING MOTION FOR IMMUNITY
 FROM PROSECUTION

FILED
 CLERK OF COURT
 SPARTANBURG COUNTY
 2017 DEC 13 PM 3:24
 M. HOPKINS

This case came before the Court on the Defendant's motion seeking immunity from prosecution pursuant to the Protection of Persons and Property Act section 16-11-50. After considering the testimony and evidence presented during the pre-trial hearing, the motion is not granted and the Defendant will not be granted immunity from prosecution under the Act.

In accordance with the Supreme Court and Court of Appeals jurisprudence, the burden of proof of establishing entitlement to immunity from prosecution under the Act rests upon the party asserting the right to immunity. The burden of proof under the Act is by a preponderance or greater weight of the evidence. This same jurisprudence makes this Court, not the jury, the finder of facts of when the burden of proof has been met for the entitlement of immunity from prosecution under the Act. Unlike the constitutional right that a defendant is presumed innocent until the government has established a defendant's guilty by evidence beyond a reasonable doubt, the Act does not provide an presumption of immunity. But rather, a defendant must establish his entitlement to immunity by proof of the greater of the evidence. Preponderance of the evidence is evidence which, as a whole, shows that the fact sought to be proved is more likely true than not true. If after considering all of the evidence presented, the weight of the evidence remains even or if it tips even

or so slightly in favor of the government, then the defendant has failed to meet his burden of proof and is not entitled to immunity under the Act.

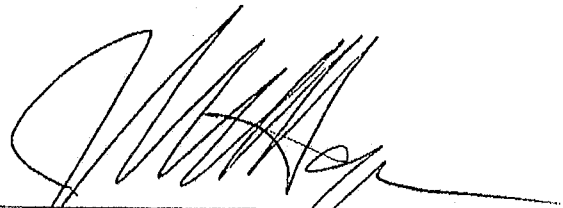
As the fact finder, necessarily, this Court must determine the credibility of the witnesses who have testified. Credibility simply means believability. Here, the Defendant's flight from the scene and his evasion from police after the shooting substantially effects his credibility. While there is some circumstantial evidence that the victim may have been the aggressor with a knife, the evidence is insufficient for this Court to conclude it is more likely true that the victim was the aggressor. Also, the failure to call the eye witness or explain to this Court why the witness was not called to testify creates the inference that the witness's testimony would have been adverse to the Defendant's version of events.

Based on a view of the evidence as a whole, this Court's ruling is that the Defendant has failed to meet his burden of proof for showing that he is entitled to immunity from prosecution under the Act.

The government also raised the issue of the unconstitutionality of the Act. Even though the government presents a substantial argument, this Court finds it unnecessary to address government's argument since the Act does not apply to this defendant.

Therefore, the present motion is denied.

IT IS SO ORDERED.



The Honorable J. Mark Hayes, II
Chief Judge General Session Docket
Seventh Judicial Circuit

Date: 12/18/17
Spartanburg, South Carolina

FILED
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STATE OF SOUTH CAROLINA)	IN THE COURT OF
)	GENERAL SESSIONS
COUNTY OF SPARTANBURG)	OF THE SEVENTH
)	JUDICIAL CIRCUIT
)	
)	
STATE OF SOUTH CAROLINA,)	
Plaintiff,)	TRANSCRIPT OF RECORD
)	2016-GS-42-4430
vs.)	
)	
ADRIEL NICHOLAS GARNETT,)	
)	
Defendant.)	
)	

October 29 - November 1, 2018
Spartanburg, South Carolina

B E F O R E:

HONORABLE J. MARK HAYES, II, Judge.

Julie A. Cendroski,
Circuit Court Reporter
Seventh Judicial Circuit

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4 For The State

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9			
10	STATE'S EXHIBIT NO. 4, Fired Cartridge Case	206	225
11			
12	STATE'S EXHIBIT NO. 5, Fired Cartridge Case	206	225
13			
14	STATE'S EXHIBIT NO. 6, Fired Cartridge Case	206	225
15			
16	STATE'S EXHIBIT NO. 7, Fired Cartridge Case	206	229
17			
18	STATE'S EXHIBIT NO. 8, Fired Cartridge Case	207	231
19			
20	STATE'S EXHIBIT NO. 9, Pocket Knife	207	233
21			
22	STATE'S EXHIBIT NO. 10, Fired Projectile	207	234
23			
24	STATE'S EXHIBIT NO. 11, Swabs, Left Entrance Door	207	265
25			
	STATE'S EXHIBIT NO. 12, Swabs - Left-hand Ramp	207	266
	STATE'S EXHIBIT NO. 13, Swabs - Left Side of Ramp	207	267
	STATE'S EXHIBIT NO. 14, Swabs - Garage Side Wall Area Near Ramp	207	268

	EXHIBITS		
		<u>MARKED</u>	<u>ENTERED</u>
1			
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3			
4	State's exhibit no. 15, Victim's Pants	207	283
5	STATE'S EXHIBIT NO. 16, Victim's Shirt	207	282
6			
7	STATE'S EXHIBIT NO. 17, Swabs - Knife Handle	207	275
8	STATE'S EXHIBIT NO. 18, Swabs - Knife Blade	207	275
9			
10	STATE'S EXHIBIT NO. 19, Fired Projectile - Autopsy Right Hand	207	284
11			
12	STATE'S EXHIBIT NO. 20, Fired Projectile - Autopsy Right Shoulder Area	208	284
13			
14	STATE'S EXHIBIT NO. 21, Fired Projectile - Autopsy Hip Area/Right Butt	208	284
15			
16	STATE'S EXHIBIT NO. 22, Officer Josh Hollifield BC	208	253
17			
18	STATE'S EXHIBIT NO. 23, Screen Grab From Hollifield's BWC	15	172
19	STATE'S EXHIBIT NO. 24, Diagram of Scene	15	217
20			
21	STATE'S EXHIBIT NO. 25, Diagram of Measurements	15	271
22			
23	STATE'S EXHIBIT NO. 26, Dr. Wren's Diagram	15	354
24	STATE'S EXHIBIT NO. 27, Dr. Wren's Diagram with Lines	15	354
25			

EXHIBITS		<u>MARKED</u>	<u>ENTERED</u>
1			
2			
3			
4	STATE'S EXHIBIT NO. 28, Photograph of Overview With Lamp Post	15	218
5			
6	STATE'S EXHIBIT NO. 29, Photograph Overview of Scene	15	218
7			
8	STATE'S EXHIBIT NO. 30, Photograph of Overview From End of Red Car	15	218
9			
10	STATE'S EXHIBIT NO. 31, Photograph of Side of House	15	218
11			
12	STATE'S EXHIBIT NO. 32, Full View of Ramp	15	170
13			
14	STATE'S EXHIBIT NO. 33, Photograph of Marker #1-5 From Bricks	15	221
15			
16	STATE'S EXHIBIT NUMBER 34, Photograph of Marker #2-5	15	221
17			
18	STATE'S EXHIBIT NUMBER 35, Photograph of Marker #1-4 And #6 from Front of Red Car	16	221
19			
20	STATE'S EXHIBIT NUMBER 36, Photograph of Marker #1	16	221
21			
22	STATE'S EXHIBIT NUMBER 37, Photograph of Marker #2&3	16	221
23			
24	STATE'S EXHIBIT NUMBER 38, Photograph of Marker #4	16	221
25			
	STATE'S EXHIBIT NUMBER 39, Photograph of Marker #5	16	221
	STATE'S EXHIBIT NUMBER 40, Photograph of Marker #6&7	16	221

	EXHIBITS		
	<u>MARKED</u>	<u>ENTERED</u>	
1			
2			
3			
4	State's Exhibit Number 41, Photograph of Marker #6	16	221
5	STATE'S EXHIBIT NUMBER 42, Photograph of Marker #7	16	229
6			
7	STATE'S EXHIBIT NUMBER 43, Photograph of View From Marker #2, 3 & 6 from Body	16	229
8			
9	STATE'S EXHIBIT NUMBER 44, Photo of Marker #7 & Victim's Feet at End of Ramp	16	229
10			
11	STATE'S EXHIBIT NUMBER 45, Photo of Victim's Foot And Marker #8	17	229
12			
13	STATE'S EXHIBIT NUMBER 46, Photo of Victim's Leg and Marker # 8 & 9	17	233
14			
15	STATE'S EXHIBIT NUMBER 47, Photo of Victim & Markers #8 and 9; blood on wall	17	233
16			
17	STATE'S EXHIBIT NUMBER 48, Photo of Marker #10 Overview	17	235
18			
19	STATE'S EXHIBIT NUMBER 49, Photo of Marker #10 close-up	17	233
20			
21	STATE'S EXHIBIT NUMBER 50, Photo of Victim's Pants	18	WITHDRAWN
22			
23	STATE'S EXHIBIT NUMBER 51, Photo of Bullet Exit Of Victims Pants Close-up	17	WITHDRAWN
24			
25	STATE'S EXHIBIT NUMBER 52, Photo of Entrance Wound to Victim's Back	17	WITHDRAWN

	EXHIBITS		
	<u>MARKED</u>	<u>ENTERED</u>	
1			
2			
3			
4	STATE'S EXHIBIT NUMBER 53, Photo of Overview Railing & Door	17	236
5			
6	STATE'S EXHIBIT NUMBER 54, Photo of Bullet In Railing	17	236
7	STATE'S EXHIBIT NUMBER 55, Blood At Door	17	236
8			
9	STATE'S EXHIBIT NUMBER 56, Photo of Ramp & Markers 11, 13	18	236
10	STATE'S EXHIBIT NUMBER 57, Photo of Doors with Blood	18	236
11			
12	STATE'S EXHIBIT NUMBER 58, Photo of Blood Marker #11	18	236
13	STATE'S EXHIBIT NUMBER 59, Phot of Blood Test #11	18	236
14			
15	STATE'S EXHIBIT NUMBER 60, Photo of Blood #12 End Handle	18	236
16	STATE'S EXHIBIT NUMBER 61, Photo of Blood #12 Close-up	18	236
17			
18	STATE'S EXHIBIT NUMBER 62, Photo of Blood End of Railing	18	236
19	STATE'S EXHIBIT NUMBER 63, Photo of Blood #12 Tested	18	236
AWA 20			
21	STATE'S EXHIBIT NUMBER 64, Photo of Blood Scaled At End of Ramp	18	236
22			
23	STATE'S EXHIBIT NUMBER 65, Photo of Marker #13 Close-up	18	236
24	STATE'S EXHIBIT NUMBER 66, Photo of Blood on Brick	18	236
25			

	EXHIBITS		
	<u>MARKED</u>	<u>ENTERED</u>	
1			
2			
3			
4	STATE'S EXHIBIT NUMBER 67, Photo Blood on Garage Wall Marker #14	18	236
5			
6	STATE'S EXHIBIT NUMBER 68, Photo Blood on Garage Wall Close-up	19	236
7			
8	STATE'S EXHIBIT NUMBER 69, Photo of Knife	19	273
9			
10	STATE'S EXHIBIT NUMBER 70, Photo of Knife	19	273
11	STATE'S EXHIBIT NUMBER 71, Autopsy Photo - Stomach	19	378
12			
13	STATE'S EXHIBIT NUMBER 72, Autopsy Photo - Right Arm/Shoulder	19	380
14			
15	STATE'S EXHIBIT NUMBER 73, Autopsy Photo - Legs/Rods	19	382
16			
17	STATE'S EXHIBIT NUMBER 74, Autopsy Photo - Buttocks	19	383
18			
19	STATE'S EXHIBIT NUMBER 75, Autopsy Photo - Right Hand	19	386
20			
21	STATE'S EXHIBIT NUMBER 76, Photos of Brittany Westfield's Car	19	191
22			
23	STATE'S EXHIBIT NUMBER 77, Photo Passenger's Side Car	189	191
24			
25	STATE'S EXHIBIT NUMBER 78, Photo Driver's Side of Car	189	191
	STATE'S EXHIBIT NUMBER 79, Photo of Passenger 's Side Of Car	189	191

EXHIBITS		<u>MARKED</u>	<u>ENTERED</u>
1			
2			
3			
4	STATE'S EXHIBIT NUMBER 80, Photo of Outside Driver's		
5	Side of Car	80	189
6	STATE'S EXHIBIT NUMBER 81, Photo of Driver's Side Door	81	189
7			
8	STATE'S EXHIBIT NUMBER 82, SLED Evidence Bag	310	310
9	COURT'S EXHIBIT NUMBER 1, Defendant's Voir Dire	69	69
10			
11	COURT'S EXHIBIT NUMBER 2, Forensic Report	96	96
12	COURT'S EXHIBIT NUMBER 3, Portions of Transcript	109	109
13			
14	COURT'S EXHIBIT NUMBER 4, Public Index	130	130
15	COURT'S EXHIBIT NUMBER 5, E-Mail From Ms. Jordan	130	130
16			
17	COURT'S EXHIBIT NUMBER 6, Color Autopsy Photos	374	374
18	COURT'S EXHIBIT NUMBER 7, Photo Of Decedent's Legs	447	447
19			
20	COURT'S EXHIBIT NUMBER 8, Note From Jury	600	600
21	COURT'S EXHIBIT NUMBER 9, Note From Jury	600	600
22			
23			
24			
25			

1 THE STATE VERSUS ADRIEL NICHOLAS GARNETT

2 (State's Exhibit No. 23, Screen Grab From
3 Hollifield's BWC, was marked for identification.)

4 (State's Exhibit No. 24, Diagram of Scene, was
5 marked for identification.)

6 (State's Exhibit No. 25, Diagram of Measurements,
7 was marked for identification.)

8 (State's Exhibit No. 26, Dr. Wren's Diagram, was
9 marked for identification.)

10 (State's Exhibit No. 27, Dr. Wren's Diagram with
11 Lines, was marked for identification.)

12 (State's Exhibit No. 28, Photograph of Overview
13 with Lamp Post, was marked for identification.)

14 (State's Exhibit No. 29, Photograph of Overview
15 of Scene, was marked for identification.)

16 (State's Exhibit No. 30, Photograph of Overview
17 From End of Red Car, was marked for identification.)

18 (State's Exhibit No. 31, Photograph of Side of
19 House, was marked for identification.)

20 (State's Exhibit No. 32, Full View of Ramp, was
21 marked for identification.)

22 (State's Exhibit No. 33, Photograph of Marker
23 Numbers 1 through 5 From Bricks, was marked for
24 identification.)

25 (State's Exhibit Number 34, Photograph of Marker

1 Numbers 2 through 5 with Ramp, was marked for
2 identification.)

3 (State's Exhibit Number 35, Photograph of Marker
4 Numbers 1 through 4 and Number 6 from Front of Red Car,
5 was marked for identification.)

6 (State's Exhibit Number 36, Photograph of Marker
7 Number 1, was marked for identification.)

8 (State's Exhibit Number 37, Photograph of Marker
9 Numbers 2 and 3, was marked for identification.)

10 (State's Exhibit Number 38, Photograph of Marker
11 Number 4, was marked for identification.)

12 (State's Exhibit Number 39, Photograph of Marker
13 Number 5, was marked for identification.)

14 (State's Exhibit Number 40, Photograph of Marker
15 Numbers 6 and 7, was marked for identification.)

16 (State's Exhibit Number 41, Photograph of Marker
17 Number 6, was marked for identification.)

18 (State's Exhibit Number 42, Photograph of Marker
19 Number 7, was marked for identification.)

20 (State's Exhibit Number 43, Photograph of View
21 From Marker Numbers 2, 3 and 6 from Body, was marked for
22 identification.)

23 (State's Exhibit Number 44, Photo of Marker #7
24 and Victim's Feet at End of Ramp, was marked for
25 identification.)

1 (State's Exhibit Number 45, Photo of Victim's
2 Foot and Marker #8, was marked for identification.)

3 (State's Exhibit Number 46, Photo of Victim's Leg
4 and Marker Numbers 8 and 9, was marked for
5 identification.)

6 (State's Exhibit Number 47, Photo of Victim &
7 Markers 8 and 9; blood on wall, was marked for
8 identification.)

9 (State's Exhibit Number 48, Photo of Marker
10 Number 10, overview, was marked for identification.)

11 (State's Exhibit Number 49, Photo of Marker #10,
12 close view, was marked for identification.)

13 (State's Exhibit Number 50, Photo of Victim's
14 Pants, was marked for identification.)

15 (State's Exhibit Number 51, Photo of Close view
16 of bullet exit on victim's pants, was marked for
17 identification.)

18 (State's Exhibit Number 52, Photo of Entrance
19 wound to Victim's back, was marked for identification.)

20 (State's Exhibit Number 53, Photo of Overview of
21 railing and door, was marked for identification.)

22 (State's Exhibit Number 54, Photo of Bullet
23 Strike in Railing, was marked for identification.)

24 (State's Exhibit Number 55, Photo of Blood at
25 Door, was marked for identification.)

1 (State's Exhibit Number 56, Photo of ramp with
2 Markers 11 and 13, was marked for identification.)

3 (State's Exhibit Number 57, Photo of Doors with
4 Blood Marked, was marked for identification.)

5 (State's Exhibit Number 58, Photo of Marker #11,
6 blood, was marked for identification.)

7 (State's Exhibit Number 59, Photo of Marker #11,
8 Blood Test, was marked for identification.)

9 (State's Exhibit Number 60, Photo of Marker #12,
10 blood with end of handle, was marked for
11 identification.)

12 (State's Exhibit Number 61, Photo of Marker #12
13 close-up, was marked for identification.)

14 (State's Exhibit Number 62, Photo of Blood at End
15 of Railing, was marked for identification.)

16 (State's Exhibit Number 63, Photo of Marker #12,
17 blood tested, was marked for identification.)

18 (State's Exhibit Number 64, Photo of Blood Scaled
19 at End of Railing, was marked for identification.)

20 (State's Exhibit Number 65, Photo of Marker #13,
21 close-up, was marked for identification.)

22 (State's Exhibit Number 66, Photo of Blood on
23 Brick, was marked for identification.)

24 (State's Exhibit Number 67, Photo of Blood on
25 Garage Wall, Marker #14, was marked for identification.)

1 (State's Exhibit Number 68, Photo of Blood On
2 Garage Wall, close-up, was marked for identification.)

3 (State's Exhibit Number 69, Photo of Knife, was
4 marked for identification.)

5 (State's Exhibit Number 70, Photo of Knife, was
6 marked for identification.)

7 (State's Exhibit Number 71, Photo of Autopsy of
8 Stomach, was marked for identification.)

9 (State's Exhibit Number 76, Six Photos of
10 Brittany Westfield's Car, was marked for
11 identification.)

12 (Jury panel was previously qualified.)

13 THE COURT: All right. Ladies and gentlemen,
14 we're now going to proceed with the selection of our
15 first jury for the week. Ladies and gentlemen, I need
16 for you to please stand. The clerk of court needs to
17 administer an oath one more time to you. Please stand
18 and raise your right hands. (Complies.)

19 THE CLERK: Do you solemnly swear that the
20 answers you give to this courtroom will be the truth,
21 the whole truth and nothing but the truth so help you
22 God?

23 THE JURY: I do. (All agreed.)

24 THE COURT: Thank you, you may be seated. Ladies
25 and gentlemen, we're now going to begin the jury

1 selection in the case of the State versus Adriel
2 Nicholas --

3 MR. NEELY: Garnett.

4 THE COURT: -- Garnett. Mr. Garnett, will you
5 stand and face the ladies and gentlemen of the jury.
6 (Complies.)

7 This is Mr. Garnett. He is charged by way of
8 indictment of two charges. One, the first count, is of
9 murder. The allegations contained in the indictment are
10 that the -- that Mr. Garnett did, in Spartanburg County,
11 on or about February 6, 2016, feloniously, willfully,
12 and with malice of forethought, kill one Cecil Gilliam
13 by shooting him with a gun and the decedent approximate
14 -- died as a proximate result thereof.

15 He's also charged with count two, possession of a
16 weapon during a violent crime. The allegations
17 contained in the indictment are that Mr. Garnett did, in
18 Spartanburg County, on or about February 7th, 2016,
19 visibly display a firearm during the commission or
20 attempted commission of a violent crime. That crime
21 being; to wit murder. And to the indictments, Mr.
22 Garnett has pled not guilty.

23 And so, ladies and gentlemen, I need for you to
24 please listen to the following questions. I need for
25 you to please stand if you're related by blood or

1 marriage to Mr. Garnett, or if you have a close personal
2 or social relationship with Mr. Garnett, or if you've
3 ever been employed with Mr. Garnett. If so, please
4 stand at this time.

5 (No juror stood.)

6 Ladies and gentlemen, as I announced when I read
7 the allegations, the decedent in this case is one Cecil
8 Gilliam. If you're related by blood or marriage to Mr.
9 Gilliam, or if you have a close personal or social
10 relationship with Mr. Gilliam, or if you've ever been
11 employed with Mr. Gilliam, I need for you to please
12 stand at this time.

13 (No juror stood.)

14 Ladies and gentlemen, I'm now gonna read a list
15 of potential witnesses who may be called as part of the
16 trial of this case. I need for you to please listen to
17 these names because after I have read all of these
18 names, I'm gonna ask if you would please stand if you're
19 related by blood or marriage to any of these
20 individuals, or if you have a close personal or social
21 relationship with any of these individuals, or if you've
22 ever been employed, shared employment with any of these
23 individuals to please stand. I'd ask that you please
24 stand.

25 All right. Here's the list of witnesses,

1 potential witnesses. And I'll also ask if these
2 individuals are in the courtroom, when I call your name,
3 if you would please stand and face the ladies and
4 gentlemen of the jury.

5 We have Officer Darrell Dawkins with the Woodruff
6 Police Department. Lieutenant Todd Hendrix with the
7 Woodruff Police Department. Chief Greg Ryan, Woodruff
8 Police Department. Officer Brian Knighton, formerly
9 with the Woodruff Police Department. Officer Alan
10 Bledsoe, Woodruff Police Department.

11 Also, Naomi Bassett, formerly with the Woodruff
12 Police Department. Investigator Joshua Hollifield,
13 Spartanburg County Sheriff's Office. Sergeant Michael
14 Walsh, Spartanburg Sheriff's Office. Sergeant Brandon
15 Letterman, Spartanburg Sheriff's office. Deputy Josh
16 Knisely. Did I say that correctly?

17 MS. JORDAN: Yes, Your Honor.

18 THE COURT: Spartanburg Sheriff's Office.
19 Investigator Robert Talange -- Talanges with the
20 Spartanburg Sheriff's Office. Investigator Coby Stepp,
21 Spartanburg's Sheriff's Office. Officer R.J. Moore
22 (sic), Spartanburg County Sheriff's Office. Officer
23 Michelle Black, Spartanburg Sheriff's Office. Keith Lee
24 with Spartanburg 911.

25 Officer William Hilton, Columbia Police

1 Department. Officer John Grant, Columbia Police
2 Department. Rick McGraw, Spartanburg County Coroner's
3 Office. Jeanne Burnett, Spartanburg County Coroner's
4 Office. Sergeant Brian Licurs, Spartanburg County
5 Detention Center.

6 Dr. David Wren, Spartanburg Regional Medical
7 Center. Phillip James Childers. Shanice Goodwin --
8 Goodman. Jim Dallison. Carolyn Poole. Earl Scott.
9 Pam Gilliam. Bruce Westerfield (sic). Brittany
10 Westerfield (sic). Ronald Higgins.

11 Donnie Wilmingham, Magistrate at the Spartanburg
12 County Courthouse. Doris Yarbrough, SLED. Toni Broome,
13 SLED. Bethany Davidson, SLED. Catherine Leisy, SLED.
14 Investigator Justin Horton, Spartanburg County Sheriff's
15 Office. Nikki Clark. Juan Rodriguez. Andrew
16 Rodriguez. Amy Stephens. Jared Castellani. Christina
17 Henderson.

18 Ladies and gentlemen, again, if you're related by
19 blood or marriage to any of those individuals, or you
20 have a close personal or social relationship with any of
21 those individuals, or if you've ever been employed with
22 any of those individuals, I need for you to please stand
23 at this time.

24 All right. Yes, ma'am, your juror number?

25 JUROR 135: 135.

1 THE COURT: Do you want to come forward.

2 (Juror approaches the bench and bench conference
3 was held off the record.)

4 THE BAILIFF: Juror Number 15.

5 (Juror #15 approached the bench and bench
6 conference was held off the record.)

7 THE BAILIFF: Juror 126.

8 (Juror #126 approached the bench and bench
9 conference was held off the record.)

10 THE BAILIFF: Juror 134.

11 (Juror 134 approached the bench and bench
12 conference was held off the record.)

13 THE BAILIFF: Juror 190.

14 (Juror 190 came forward and a bench conference
15 was held off the record.)

16 (Jurors 135, 15, 126, 134 and 190 returned to the
17 gallery.)

18 THE COURT: All right. Ladies and gentlemen, if
19 you would, please listen to the attorneys. They are
20 going to stand and introduce themselves to you. All
21 right. Would the attorneys participating in the trial
22 of the case introduce themselves to the jury.

23 MS. JORDAN: Thank you, Your Honor. My name is
24 Jennifer Jordan, I'm a prosecutor here in the Seventh
25 Circuit Solicitor's Office. I work for Solicitor Barry

1 Barnette.

2 MR. SMITH: My name is Spencer Smith. I also
3 work in the Seventh Circuit Solicitor's Office as an
4 assistant solicitor.

5 MR. NEELY: Good morning. My name is Paul Neely.
6 I'm an assistant public defender here in Spartanburg
7 County and I represent Mr. Adriel Garnett.

8 MR. MACDONALD: My name is Dan MacDonald. I'm
9 also with the Public Defender's office.

10 THE COURT: All right. Ladies and gentlemen, if
11 you're related by blood or marriage to any of the
12 attorneys, or if you have a close personal or social
13 relationship with any of the attorneys who will be
14 participating in the trial of this case, or if you've
15 ever worked with any of these attorneys, I need for you
16 to please stand at this time.

17 (No juror stood.)

18 All right. Ladies and gentlemen, if you or a
19 member of your immediate family has ever been prosecuted
20 by the Seventh Circuit Solicitor's Office or if you or a
21 member of your immediate family has ever been
22 represented by the Spartanburg Public Defender's Office,
23 I need for you to please stand at this time.

24 Yes, ma'am, your juror number?

25 JUROR 19: Juror 19.

1 (Juror 19 approached the bench and a bench
2 conference was held off the record.)

3 THE BAILIFF: Juror 141.

4 (Juror 141 approached the bench and a bench
5 conference was held off the record.)

6 THE COURT: I'm going to dismiss you from this
7 case. Have a seat back there.

8 THE BAILIFF: Juror 174.

9 (Juror 174 comes forward and a bench conference
10 was held off the record.)

11 (Juror 174 returned to the gallery.)

12 THE COURT: Have you or any member of your
13 immediate family ever been a victim or a prosecuting
14 witness in a case that was prosecuted by the Seventh
15 Circuit Solicitor's Office? If so, please stand at this
16 time.

17 THE COURT: Yes, ma'am, your juror number?

18 JUROR 157: 157.

19 (Juror 157 comes forward and a bench conference
20 was held off the record.)

21 (Juror 157 returns to the gallery.)

22 MR. MACDONALD: I met with the parents of the
23 deceased, but I never met with her.

24 THE COURT: Does any juror have any religious
25 beliefs or moral philosophies that would prevent him or

1 her from sitting in judgment of another or rendering a
2 verdict in this case or interfering with your ability to
3 give both the State and the defense a fair and impartial
4 trial? In the event that has occurred, I need for you
5 to please stand at this time.

6 THE BAILIFF: Juror 141.

7 THE COURT: 141.

8 (Juror 141 comes forward and a bench conference
9 was held off the record.)

10 (Juror 141 returns to the gallery.)

11 THE BAILIFF: Juror 81.

12 THE COURT: 81.

13 (Juror 81 comes forward.)

14 JUROR 81: Can you repeat the question?

15 THE COURT: Do you have any religious or moral
16 philosophy that would interfere with your ability to be
17 fair and impartial in this trial?

18 JUROR 81: No. I have religious objection to the
19 death penalty.

20 THE COURT: You object to capitol punishment?

21 JUROR 81: Yeah, sorry.

22 THE COURT: Okay. That's not a problem in this
23 case. You can return to your seat.

24 Is there any juror, member of the jury panel who
25 is a member of an organization that does not recognize

1 the government of the United States or of the State of
2 South Carolina? If so, would you please stand at this
3 time.

4 (No juror stood.)

5 Has any member of the jury panel formed or
6 expressed any opinion about any issue or matter involved
7 in this case? If so, please stand at this time.

8 (No juror stood.)

9 Is there any member of the jury panel aware of
10 any bias or prejudice towards either the State or the
11 defendant in this case? If so, please stand at this
12 time.

13 (No juror stood.)

14 Is there any member of the jury panel that was a
15 member of the grand jury which issued the indictment in
16 this case? If so, please stand at this time.

17 (No juror stood.)

18 Is there any member of the jury panel who's a
19 member of or contributor to any group which has as its
20 primary concern the promotion of law enforcement or
21 victim's rights? These groups would include, but
22 certainly be not limited to, such groups as MAAD, SAAD
23 or CAVE, Citizens Against Violent Crime. If so, please
24 stand at this time.

25 (No juror stood.)

1 Does any member of the jury panel know of any
2 reason whatsoever why he or she should not serve as a
3 juror in this case, with particular emphasis being
4 placed on your ability to be fair and impartial to both
5 the State and the Defendant? If so, please stand at
6 this time.

7 (No juror stood.)

8 Does the State have any additional questions?

9 MS. JORDAN: Not from the State, Your Honor.

10 THE COURT: Does the defense have any additional
11 questions?

12 MR. NEELY: Yes, sir. We'd ask that you inquire
13 Number 13, Number 14, Number 17 and Number 18 under
14 defendant voir dire.

15 THE COURT: 13, 14 and which ones?

16 MR. NEELY: 17 and 18. And, Judge, also if you
17 could ask Number 3.

18 THE COURT: I'm sorry, tell me again, Mr. Neely.

19 MR. NEELY: Yes, sir. Number 13, Number 14,
20 Number 17, Number 18 and Number 3.

21 THE COURT: Ladies and gentlemen, this case may
22 have received some attention in the local newspapers or
23 on television news programs. If you have heard anything
24 or read anything about this case or the -- or Cecil
25 Gilliam, I need for you to please stand at this time.

1 All right. Yes, sir, your juror number?

2 JUROR 126: 126.

3 THE COURT: Do you want to come forward.

4 (Juror 126 comes forward.)

5 JUROR 126: I read a little bit about it in the
6 newspaper.

7 THE COURT: Does the fact that that occurred,
8 would that in any way affect your ability to be fair and
9 impartial in this case?

10 JUROR 126: No, sir.

11 THE COURT: Thank you very much. You may return
12 to your seat.

13 THE COURT: I believe in regards to the
14 information being sought on question number eight I've
15 already covered that.

16 MR. NEELY: I'm sorry, Your Honor, Number 18.

17 THE COURT: I believe I already covered that one
18 as well. I've asked them already if they've formed or
19 expressed any opinions about any matter involving this
20 case.

21 MR. NEELY: Yes, sir. If you could ask 13 and 14
22 as well.

23 THE COURT: I believe I will cover those in the
24 instructions I will give them when I tell them what the
25 law is in the case.

1 MR. NEELY: Yes, sir.

2 THE COURT: Is there any member of the jury panel
3 who does not believe that they can follow the law as
4 instructed as this Court will instruct you later in this
5 -- later during this trial? If you feel like that you
6 cannot follow the law as instructed by this Court,
7 please stand at this time.

8 (No juror stood.)

9 Anything else?

10 MS. JORDAN: Not from the State, Your Honor.

11 MR. NEELY: Nothing, Your Honor.

12 THE COURT: All right. Do we agree on 5 and 10?

13 MS. JORDAN: Yes, Your Honor.

14 THE COURT: And do you all want to approach?

15 (Whereupon, bench conference was held off the
16 record.)

17 All right, ladies and gentlemen. What we're
18 going to do now is go through the striking process. The
19 Clerk of Court, the lady over here to my left, she is
20 working her computer. She's randomly drawing some of
21 your names out to make a list from which the lawyers
22 will then strike the jurors to determine who sits on
23 this jury.

24 Now, I tell you this because you just need to be
25 a little bit more patient with us because years ago, not

1 that long ago, but when I was a young lawyer, we would
2 actually pick jurors by bringing in a wooden barrel. We
3 still have the wooden barrel behind the door back here.
4 And we'd bring in the wooden barrel and we'd put each
5 one of your names in a capsule and we would bring a
6 person who was visually challenged from the School of
7 the Deaf and Blind, we'd have that person to manually
8 pull these names out.

9 Sometimes jury selections would take the entire
10 day, and that's just to select a jury. But with
11 technology we are now able to do it through a computer
12 and we will generate the list hopefully in very short
13 order. However, if we need the barrel it's still back
14 there.

15 And about a year or so ago we went off line with
16 Columbia and we were selecting a jury and we had to
17 bring that barrel out. And you should have seen
18 everybody's faces when we started selecting a jury. And
19 fortunately, knock on wood, right as we got ready to use
20 the barrel, we went back on line so we were able to
21 avoid that. But in the event that we need it, we still
22 have the wooden barrel in the back and we would bring it
23 out to use.

24 In just a moment the clerk of court will call the
25 jurors that are on this list. As she calls your names,

1 if you would, I need for you to come up and stand right
2 up here next to the bailiff. If you have any personal
3 belongings with you, like a pocketbook, a coat or a book
4 or something, bring those with you when you are -- when
5 your name is called. Give us just a moment, we will
6 continue with the striking process.

7 THE CLERK: As I call your name, will you please
8 come and stand facing the attorneys' tables. Number 84,
9 Walter Hewitt. Number 84.

10 (Juror was not present.)

11 Number 69, Richard Gray.

12 (White male comes forward.)

13 What says the State?

14 MS. JORDAN: Please present this juror.

15 THE CLERK: Says defense?

16 MR. NEELY: Please excuse this juror.

17 THE BAILIFF: Turn and go back to your seat.

18 THE CLERK: Number 57, Leroy Gaffney.

19 (Black male comes forward.)

20 What says the State?

21 MS. JORDAN: Please present this juror.

22 THE CLERK: Says defense?

23 MR. NEELY: Please swear this juror.

24 THE CLERK: 153, Alex Raisch.

25 (White male comes forward.)

1 What says the State?

2 MS. JORDAN: Please present this juror.

3 THE CLERK: What says defense?

4 MR. NEELY: Please swear this juror.

5 THE CLERK: Number 71, Linzy Greene.

6 (White female comes forward.)

7 What says the State?

8 MS. JORDAN: Please present this juror.

9 THE CLERK: Says defense?

10 MR. NEELY: Please swear this juror.

11 THE CLERK: Number 114, Michael Komko.

12 (White male comes forward.)

13 What says the State?

14 MS. JORDAN: Please present this juror.

15 THE CLERK: Says defense?

16 MR. NEELY: Please swear this juror.

17 THE CLERK: Number 53, Alisa Forbis.

18 (White female comes forward.)

19 What says the State?

20 MS. JORDAN: Please present this juror.

21 THE CLERK: Says the defense?

22 MR. NEELY: Please excuse this juror.

23 THE BAILIFF: Ma'am, have a seat right over

24 there.

25 THE CLERK: Number 115, Chris Lanford.

1 (White male comes forward.)

2 What says the State?

3 MS. JORDAN: Please present this juror.

4 THE CLERK: What says defense?

5 MR. NEELY: Please excuse this juror.

6 THE CLERK: Number 72, Tracy Greene.

7 (White female comes forward.)

8 What says the State?

9 MS. JORDAN: Please present this juror.

10 THE CLERK: Says defense?

11 MR. NEELY: Please swear this juror.

12 THE CLERK: Number 33, Wylanda Clark.

13 (Black female comes forward.)

14 Says the State?

15 MS. JORDAN: Please present this juror.

16 THE CLERK: Says defense?

17 MR. NEELY: Please swear this juror.

18 THE CLERK: Number 15, Michael Brady.

19 (White male comes forward.)

20 Says the State?

21 MS. JORDAN: Please present this juror.

22 THE CLERK: Says the defense?

23 MR. NEELY: Please excuse this juror.

24 THE CLERK: Number 145, Jae Owens.

25 (White male comes forward.)

1 Says the State?

2 MS. JORDAN: Please present this juror.

3 THE CLERK: What says defense?

4 MR. NEELY: Please swear this juror.

5 THE CLERK: Number 183, Lamarkus Thomas.

6 (Black male comes forward.)

7 What says the State?

8 MS. JORDAN: Please present this juror.

9 THE CLERK: Says the defense?

10 MR. NEELY: Please swear this juror.

11 THE CLERK: Number 48, York Edwards.

12 (Black male comes forward.)

13 Says the State?

14 MS. JORDAN: Please excuse this juror.

15 THE CLERK: Number 25, Tonie Calloway.

16 (White female comes forward.)

17 What says the State?

18 MS. JORDAN: Please excuse this juror.

19 THE CLERK: Number 52, Tommy Fish.

20 (White male comes forward.)

21 What says the State?

22 MS. JORDAN: Please present this juror.

23 THE CLERK: Says defense?

24 MR. NEELY: Please swear this juror.

25 THE CLERK: Number 18, Kimberly Brown.