

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 Q. All right. For instance, in this case, this
2 incident occurred on February 6th, at 4 o'clock in the
3 morning, correct?

4 A. Four-something in the morning.

5 Q. All right. And where we stand today it's
6 3 o'clock in the afternoon on October 30th, 2018.

7 A. Yes, sir.

8 Q. So it's been about two-and-a-half years since
9 this.

10 A. That's correct.

11 Q. So when you wrote your incident report for this
12 case you were thorough?

13 A. Yes, sir.

14 Q. And you were accurate?

15 A. Yes, sir.

16 Q. And you were complete?

17 A. To the best of my ability, that's correct.

18 Q. Let me take you back to when you arrived on
19 scene. You responded to the same call that Investigator
20 Stepp responded to, correct?

21 A. As a matter of fact, I responded and had him
22 summoned to come to the scene because he was my team
23 partner, that's correct.

24 Q. Okay. So that call came into you about 5 o'clock
25 in the morning?

1 A. Somewhere around there.

2 Q. All right. And Deputy Stepp testified when he
3 arrived on scene, he got there about 6:20.

4 A. That's correct.

5 Q. Okay. And you beat him to the scene.

6 A. Yes, sir.

7 Q. When you got there it was dark.

8 A. Yes, it was.

9 Q. The sun had not risen yet.

10 A. Correct.

11 Q. The lighting at that scene was low.

12 A. That's correct.

13 Q. Visibility was low.

14 A. Yes, sir.

15 Q. You responded to a death investigation.

16 A. Correct.

17 Q. I believe you testified and told us that is what
18 is called a homicide.

19 A. What he would, whoever called me on the phone,
20 because I get contacted through either communications or
21 a supervisor, and that's what they called it consents to
22 shooting and there's deaths. I take it they assumed it
23 was homicide so they called homicide.

24 Q. Okay. In your 30-year career and in your
25 education at the Criminal Justice Academy, you know that

1 all homicide means is somebody losing their life to
2 another person.

3 A. Correct.

4 Q. It doesn't necessarily mean murder, correct?

5 A. Right.

6 Q. It could be it could also mean self-defense,
7 correct?

8 A. That's correct.

9 Q. Okay. Now, you just showed the jury State's
10 Exhibits 15 and 16, correct?

11 A. Yes, I did.

12 Q. All right. And those are Mr. Gilliam's pants?

13 A. Pants and shirt.

14 Q. And Mr. Gilliam's shirt.

15 A. Correct.

16 Q. And if we're being honest, they're covered in
17 blood, correct?

18 A. Correct.

19 Q. There is zero doubt in any of our minds that
20 Cecil Gilliam was shot, correct?

21 A. Correct.

22 Q. Shootings are bloody, aren't they?

23 A. Sometimes they're not.

24 Q. Most of the time.

25 A. Most of the time they are.

1 Q. Most of the time they're bloody. Whether it's a
2 murder, it could be bloody.

3 A. Uh-huh.

4 Q. Whether somebody shot in self-defense, it could
5 be bloody, correct?

6 A. That's correct.

7 Q. Just because you have a pair of bloody pants,
8 doesn't mean it's murder, does it?

9 A. No, it doesn't.

10 Q. Just because you have a bloody shirt does not
11 mean it's murder, does it?

12 A. No, it doesn't.

13 Q. Stabbings. Stabbings can be bloody, too, can't
14 they?

15 A. Yes, they can.

16 Q. State's Exhibit Number 24, that's your diagram?

17 A. Yes, it is.

18 Q. All right. Number 11, that's blood splatter,
19 correct?

20 A. Yes, it is.

21 Q. Okay. Number 12 is blood splatter, correct?

22 A. That's correct.

23 Q. Number 13 is blood splatter?

24 A. Yes, sir.

25 Q. Number 14 is blood splatter, correct?

1 A. Yes, it is.

2 Q. Now, as we discussed with Deputy Stepp, you
3 followed procedure when you processed this scene?

4 A. Yes, sir, I did.

5 Q. So the way that you processed that, Deputy Stepp
6 placed those evidence markers, correct?

7 A. Yeah. Well, we would be working together on
8 placing them so, yes, he did place them down.

9 Q. Okay. But you started at the top of the ramp and
10 moved your way down?

11 A. Yes, we did.

12 Q. But there is zero doubt in your mind, and based
13 on this diagram, that there was blood splatter at the
14 top of the ramp?

15 A. Yes, sir.

16 Q. And moving down the ramp?

17 A. Correct.

18 Q. And ultimately ended up on the garage that you
19 have labeled B.

20 A. That's correct.

21 Q. Now, evidence Number 9, next to Mr. -- next to
22 the drawing of Mr. Gilliam's body --

23 A. Right.

24 Q. -- is a knife, correct?

25 A. That's correct.

1 Q. Can you tell us what that is.

2 A. This is evidence Number 9. It's a black-handle
3 pocket knife.

4 Q. Okay. And when you processed that, you noted in
5 your incident report there was red substance on the
6 blade, correct?

7 A. The tip of blade or the blood area, correct.

8 Q. You also noticed -- you also noted in your
9 incident report that it was on the handle as well,
10 correct?

11 A. Let me see if I did.

12 Q. First paragraph on the second page. One, two ---

13 A. Red substance on the blade area. Blade and
14 handle area, correct.

15 Q. So red substance on the blade and on the handle.

16 A. And the handle.

17 Q. Okay. And you sent those -- and those swabs were
18 collected into evidence?

19 A. That's correct.

20 Q. All right. All of those pieces of evidence, you
21 marked the times that you collected them?

22 A. Uh-huh.

23 Q. What's in evidence as State's Number 18, the
24 knife blade was processed in at 11:54 a.m., correct?

25 A. Correct.

1 Q. Swab from the right hand of Mr. Gilliam, that was
2 processed in at 18:50, which is three in the afternoon?

3 A. That would be for a projectile, yeah. 18:15, I
4 think they're all recovered from Dr. Wren at 18:15
5 hours. He gave all three at one time.

6 Q. Okay. And then I really don't do military time.
7 That's what time?

8 A. 6:15 in the evening.

9 Q. Okay. So 6 p.m., 6:15 in the afternoon you were
10 still collecting evidence.

11 A. Correct.

12 Q. But the warrant for murder was signed early in
13 the morning on the sixth, correct?

14 A. The way the warrant was signed.

15 Q. Okay. Can you go ahead and open -- actually,
16 that is exactly how you collected evidence Number 9,
17 correct?

18 A. No. Nine was found open and collectible.

19 Q. Okay. But that, that is what you collected?

20 A. Yes, sir. Officer Stepp collected it.

21 Q. Okay. So you recognize that one?

22 A. Yes, I do.

23 MR. NEELY: Judge, at this time I would move
24 Number 9 in as Defense 1.

25 MR. SMITH: I thought it already was in evidence,

1 but...

2 THE COURT: I believe it is in.

3 MR. SMITH: We have it in as State's Exhibit 9, I
4 believe.

5 MR. NEELY: All right. It's already in. Go
6 ahead and open it. Go ahead and show it to the jury.

7 (Witness shows State's Exhibit 9 to the jury.)

8 BY MR. NEELY:

9 Q. You weren't at 405 Sharpe Street prior to being
10 called out there.

11 A. I was not.

12 Q. You don't know what transpired that morning to
13 lead to the death of Cecil Gilliam, do you?

14 A. I do not.

15 Q. But you know when that knife was collected by
16 your team that it was open?

17 A. That's correct.

18 Q. That's a knife that actually folds, correct?

19 A. It is a folding style knife, correct.

20 Q. But when it was found by your team, it was in the
21 opened and locked position.

22 A. Yes, it was.

23 Q. And it had red substance that tested for blood on
24 the blade.

25 A. Yes, sir.

1 Q. And on the handle?

2 A. Correct.

3 Q. That knife that we see right here has a point on
4 the end of it, doesn't it?

5 A. Yes, it does. They round it off, but it's still
6 a point.

7 Q. If I told Mr. Garnett that I wanted to gut him
8 like a fish, I could accomplish that with that knife,
9 couldn't I?

10 A. It's possible.

11 Q. Your testimony is that it's possible to cut
12 somebody with that knife?

13 A. Knives are used, the tool that it is, which is a
14 knife, it's used for cutting.

15 Q. Okay. Do you remember testifying at a prior
16 hearing?

17 A. Uh-huh.

18 Q. And I asked you that same question. Do you
19 recall that?

20 A. Yeah.

21 Q. You remember you were under oath at that previous
22 hearing, remember?

23 A. That's correct.

24 Q. And I asked you that question. If I wanted to
25 gut Mr. Garnett with that knife, could I accomplish

1 that? I asked you that question. Do you recall?

2 A. (No response.)

3 Q. And your answer on line 15 is what?

4 A. Yes, you can.

5 Q. What was your answer on that day? Line 15.

6 A. Let's see. If you could accomplish that purpose,
7 would it be that it is -- it's a cutting knife, I would
8 say. That court exhibit is ---

9 Q. That's your answer? Line 15.

10 A. Okay, I can see. It is: That is a cutting
11 knife, I would say.

12 Q. That is a cutting knife, I would say, in response
13 to if I could gut Garnett like a fish, your answer was:
14 That is a cutting knife, I would say.

15 Thank you. Nothing further, Judge.

16 THE COURT: Any redirect limited to what he went
17 into?

18 REDIRECT EXAMINATION

19 BY MR. SMITH:

20 Q. Have you ever gutted anybody like a fish?

21 A. No, I never have.

22 MR. SMITH: Okay. No further questions.

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

24 MR. SMITH: Your Honor, could he please be
25 excused?

1 THE COURT: Any reason why the witness cannot be
2 excused?

3 MR. NEELY: No. No, Your Honor.

4 THE COURT: Okay. Sir, you may be excused as
5 well.

6 (The witness leaves the witness stand and the
7 courtroom.)

8 THE COURT: Is the State ready to call their next
9 witness?

10 MS. JORDAN: Yes, Your Honor, we are. The State
11 calls Catherine Leisy.

12 (Witness comes forward and places left hand on
13 the Bible and raises her right hand.)

14 THE CLERK: Do you solemnly swear that the
15 testimony you're about to give will be the truth, the
16 whole truth and nothing but the truth so help you God?

17 THE WITNESS: I do.

18 THE CLERK: Have a seat.

19 MS. JORDAN: Your Honor, may I approach the
20 witness to clean off the desk for Mr. Smith?

21 THE COURT: Yes.

22 CATHERINE LEISY,
23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. JORDAN:

1 Q. Please state your name for the record.

2 A. Catherine Leisy, L-E-I-S-Y.

3 Q. Where are you currently employed?

4 A. I work for the South Carolina Law Enforcement
5 Division, more commonly referred to as SLED.

6 Q. And what -- how long have you been employed
7 there?

8 A. Twelve years.

9 Q. I'm gonna step back for a moment and just talk to
10 you about your educational background. Can you tell the
11 jury what your ---

12 MR. NEELY: Judge, I'll stipulate to her.

13 THE COURT: As a?

14 MR. NEELY: An expert in ---

15 MS. JORDAN: Forensic DNA identification or
16 testing.

17 MR. NEELY: I'll stipulate to that.

18 THE COURT: You will?

19 MR. NEELY: (Nods head up and down.)

20 THE COURT: All right. Thank you, sir.

21 Ladies and gentlemen, normally a person cannot
22 give opinion testimony. Normally when a person
23 testifies, they must testify as to what they either saw,
24 heard, or sense by smell or something of that nature.
25 However, there is an exception when someone is qualified

1 because of education or experience. They are permitted
2 to give their opinion in certain areas that the Court
3 qualifies them that way.

4 This witness will be qualified in the area of
5 forensic DNA testing and identification to give opinion
6 testimony in those areas. Now, that does not mean that
7 you must accept the opinion, but it is evidence for you
8 to use in any way that you see fit and to give it the
9 weight and credibility you believe is appropriate.

10 MS. JORDAN: Thank you, Your Honor.

11 BY MS. JORDAN:

12 Q. Ms. Leisy, I'm just gonna go into the evidence
13 that we have. Did you receive a liver sample from the
14 victim in this case, Cecil Gilliam?

15 A. Yes, I did.

16 Q. Okay. What did you do with that sample?

17 A. That was used as what we refer to as a known
18 standard, so I developed a DNA profile from a portion --
19 or, excuse me, a partial DNA profile from what was
20 identified as a portion of liver tissue from Cecil
21 Gilliam. I then used that partial profile to compare to
22 the DNA profiles developed from evidence in this case.

23 Q. And once you have developed that sample, did you
24 also then turn to the evidence that had been presented
25 to you?

1 A. Correct. The profile developed from that liver
2 was compared to profiles developed from items of
3 evidence of anything.

4 Q. And when you develop the profile from the liver,
5 do you do that separate and apart from all the other
6 evidence that's presented?

7 A. Correct. And it would be -- that testing would
8 be performed after testing on the evidence, so there
9 would be no concern about contamination.

10 Q. Okay. In this case, I'm gonna go through all the
11 items that you were presented with and just spend some
12 time on the first one so you can explain to the jury how
13 you reached your results and what your results mean.
14 I'm going to start with what we have labeled as State's
15 Exhibit 11, which has already been admitted, admitted
16 into the record.

17 By way of background, when you receive these
18 items --

19 (Discussion occurred between attorneys off the
20 record.)

21 Ms. Leisy, I apologize. I'm gonna back up for
22 just a moment and hand you what's been marked State's
23 Exhibit Number 2 and ask if you recognize that.

24 A. Yes, I do.

25 Q. And what is that?

1 A. This is the detail pouch in which all evidence
2 that is submitted to SLED is placed inside a pouch. The
3 pouch is kept sealed and the initials of the individual
4 who sealed the pouch are written across that seal.

5 We do this to be sure that there is no tampering
6 with the evidence so they can see if someone has entered
7 the pouch or removed or added anything to it. The pouch
8 also contains a bar code, as well as the unique case
9 number or container number for this specific evidence.

10 Q. So inside that bag that you're now holding, that
11 is what you received as what is marked as State's 11?

12 A. That's correct.

13 Q. SLED's 4. State's 13, which is SLED's 5?

14 A. Correct.

15 Q. State's 12, which is SLED 6?

16 A. Correct.

17 Q. State's 14, which is SLED 7?

18 A. Correct.

19 Q. State's 17, which is SLED's 8?

20 A. Correct.

21 Q. And State's 18, which is SLED's 9?

22 A. That's correct.

23 Q. You received all that in that bag?

24 A. Yes, ma'am.

25 Q. Can you tell the jury what you do when you

1 receive items, what happens to items when they come to
2 you and how you begin the process of them.

3 A. When I'm ready to begin testing, I request
4 whatever items I need from our secured evidence log-in
5 location. Once I take custody of those items, I perform
6 a DNA extraction. So we're removing or isolating DNA
7 from the particular item of evidence that we're testing.

8 I then perform what we call an amplification.
9 It's just the process where we make copies of the
10 specific locations in DNA that we're interested in
11 testing. And it's the collection of those locations
12 that give us an individual's DNA profile.

13 So once I'm able to develop a DNA profile from an
14 item of evidence, I can compare it to the DNA profile of
15 a known individual to try and determine whether or not
16 that individual could be a contributor to the DNA
17 profile and the evidence.

18 Q. Okay. And as a collected pull, you do that
19 individually with State's 11 through 14 and 17 and 18?

20 A. That's correct.

21 Q. Okay. I am going to start with State's 11, which
22 is swabs from the side wall, left of entrance door.

23 A. That particular item was submitted as SLED Item
24 Number 4. The first thing I did with that item was
25 perform a preliminary serological test. Essentially,

1 just a simple test looking for the possible presence of
2 blood. That particular item was positive and it came in
3 positive for presence of blood.

4 From that item, a partial DNA profile suitable
5 for comparison was developed. That DNA profile was
6 interpreted assuming originally it did form a central
7 source. I then calculated what is referred to as a
8 likelihood ratio. I used a program referred to as
9 STRBase.

10 A likelihood ratio is using a simple mathematical
11 comparison between two possible explanations for the DNA
12 profile that's been developed. So the value that's
13 developed during that calculation lends support to which
14 of the possibilities or explanations is most likely of
15 that profile.

16 So for this particular item, my two possible
17 explanations, the first being that Cecil Gilliam
18 contributed the DNA to this item. My second possible
19 explanation was that an unidentified, unrelated
20 individual contributed the DNA.

21 And based on the likelihood ratio calculation,
22 the DNA profile developed is approximately 12 septillion
23 times more likely if Cecil Gillian contributed to the
24 profile than if an unidentified, unrelated individual
25 contributed to the profile.

1 Q. Okay. So it boils down to mean that the swabs
2 that Officer Talanges took from the side wall left
3 entrance through the door, were that much times likely
4 to belong to Cecil than anybody else?

5 A. It's 12, approximately 12 septillion times more
6 likely that it would be this particular DNA profile had
7 Mr. Gilliam contributed, than had someone else who was
8 unidentified, unlimited.

9 Q. Okay. And what does septillion mean?

10 A. Twelve septillion would be a 12 with 24 zeros
11 behind it. It's sig -- that particular number would be
12 significantly larger than the current population of the
13 earth.

14 Q. Okay. Going to -- and I'm gonna hand you 13,
15 State's 13, SLED's 5. I'm assuming you used the same
16 analysis as you previously mentioned --

17 A. That's correct.

18 Q. -- on SLED's 4. Can you tell the jury what you
19 found as to State's 13, which is from swabs from left
20 side at end of ramp.

21 A. That would be identified as SLED Item Number 5.
22 I again ran a preliminary serological test and it was
23 positive for the possible presence of blood. A DNA
24 profile suitable for comparison was developed and it was
25 interpreted assuming it originated from a simple source.

1 Using the same type of likelihood ratio
2 calculation, I determined that the DNA profile is
3 approximately 970 septillion times more likely if Cecil
4 Gilliam contributed the profile, than if an
5 unidentified, unrelated contributed.

6 Q. So it boils down to it's Cecil Gilliam's DNA on
7 that swab.

8 A. Again, it's a measure of how many times more
9 likely we are to submit his profile if Mr. Gilliam is
10 the contributor as opposed to an unidentified, unrelated
11 individual being the contributor.

12 Q. And it's a very high probability?

13 A. It's -- the number of 970 septillion, that
14 analysis and that value gives very strong support for
15 Mr. Gilliam being a contributor rather than an
16 unidentified, unrelated individual. Any value over one
17 million provide very strong support for this
18 mathematical calculation.

19 Q. Okay. I'm next gonna move to State's 12, SLED's
20 6, which are Q-tip swabs, left-hand rail at end of ramp.
21 I keep bringing you these, but I don't if you
22 necessarily need them but...

23 A. My analysis for that particular item was very
24 similar to my analysis for SLED Item 6. The preliminary
25 test was positive for the possible presence of blood. A

1 DNA profile was developed that was interpreted as it had
2 originated from a single source. And the DNA profile is
3 approximately 970 septillion times more likely if Cecil
4 Gilliam contributed the profile, than if an
5 unidentified, unrelated individual contributed the
6 profile.

7 Q. I'm gonna move you to State's Exhibit Number 4,
8 SLED's Item Number 7, which are swabs from the garage
9 wall. I'm sorry, State's 14.

10 A. Again, a very similar interpretation. The
11 preliminary screen was positive for the possible
12 presence of blood. A DNA profile was developed and was
13 interpreted, assuming it originated from a single
14 source. And, again, the DNA profile is approximately
15 970 septillion times more likely if Cecil Gilliam
16 contributed the profile, than if an unidentified,
17 unrelated individual contributed the profile.

18 Q. Thank you. Next I'm gonna move to State's
19 Exhibit Number 17, which is your SLED Number 8, swabs
20 from evidence Item 9, knife handle. I'm gonna go ahead
21 and hand you 18 to save the trip in just a moment. Can
22 you tell the jury what you found as to Item Number 17,
23 SLED Number 8.

24 A. SLED Number 8 was identified as swabs from the
25 knife handle. In that particular item, the presumptive

1 testing was negative, indicating that there was not
2 blood on the portion of swab that I tested. A DNA
3 profile suitable for comparison was developed.

4 This particular profile was interpreting -- was
5 interpreted assuming it originated from a mixture of two
6 individuals. That does change the possible explanation
7 slightly as to what we discussed before. So for this
8 particular item, the first explanation would be that
9 Cecil Gilliam and an unidentified, unrelated individual
10 contributed to the mixture.

11 The second possibility is that two unidentified,
12 unrelated individuals contributed to the mixture. And,
13 again, performing the likelihood ratio, the DNA profile
14 was approximately 550 septillion times more likely if
15 Cecil Gilliam and an unidentified, unrelated individual
16 contributed to the mixture, than if two unidentified,
17 unrelated individuals contributed to the mixture.

18 Q. Thank you. Finally, we'll move to State's Number
19 18, which is the SLED's 9, swabs from evidence Item
20 Number 9, knife blade.

21 A. Again, a presumptive or preliminary screening
22 test was performed and this item was positive indicating
23 the possible presence of blood. A partial DNA profile
24 was developed and was suitable for comparison. It was
25 interpreted, assuming it had originated from a single

1 source.

2 And for this particular item, the DNA profile is
3 approximately 32 quadrillion times more likely if Cecil
4 Gilliam is the contributor of the DNA, than if an
5 unidentified, unrelated individual is the contributor of
6 the DNA.

7 Q. No further questions. Please answer any
8 questions that the defense may have.

9 CROSS-EXAMINATION

10 BY MR. NEELY:

11 Q. This is the sample that was sent to you?

12 A. That is the utility pouch that contains items
13 that were submitted for analysis, yes, sir.

14 Q. Okay. And the date that these items were sealed
15 was August 31st of 2018?

16 A. That's when the items were submitted to SLED for
17 analysis, yes, sir.

18 Q. Okay. And all those items were submitted are in
19 these envelopes right here?

20 A. That's correct.

21 Q. And the date and time it was recovered is what?

22 A. It's identified on the envelope as being February
23 the 6th of 2016.

24 Q. But you didn't receive it until August of this
25 year?

1 A. That's correct.

2 Q. Almost two-and-a-half years later.

3 A. Yes, sir.

4 MS. JORDAN: Your Honor, may we approach?

5 THE COURT: (Nods head up and down.)

6 (A bench conference was held off the record.)

7 THE COURT: Yes, sir.

8 BY MR. NEELY:

9 Q. The likelihood that Mr. Gilliam's DNA from that
10 knife handle came from another person was what?

11 A. Again, it's a measure of how many times more
12 likely we are to see a particular profile, given the
13 explanation. And for the swab from the handle, that is
14 approximately, the DNA profile is approximately 550
15 septillion more likely if Cecil Gilliam and an
16 unidentified, unrelated individual contributed to this
17 mixture, than if two unidentified, unrelated individuals
18 contributed to the mixture.

19 Q. And the same likelihood on the blade?

20 A. That statistic was different. And, again, it was
21 a different profile, so it's a slightly different
22 analysis. As far as the knife blade, the DNA profile is
23 approximately 32 quadrillion times more likely if Cecil
24 Gilliam contributed to the profile instead of an
25 unidentified, unrelated individual contributing to a

1 profile.

2 Q. The swab that you received, it's not very big, is
3 it?

4 A. It's essentially a Q-tip.

5 Q. Okay. And you don't know what part of the knife
6 that that was swabbed from?

7 A. The only explanation I received was knife blade
8 and knife handle. I don't have any more specific
9 information than that.

10 Q. So the Q-tip size sample that you received from
11 the blade or, excuse me, from the handle tested --
12 didn't test presumptively positive for blood, correct?

13 A. The small portion of that swab that I tested did
14 not test positive.

15 Q. So you can't tell us whether or not there was
16 actual blood on the blade of that knife.

17 A. That's -- well, are we referring to the handle?

18 Q. Yes, ma'am. I apologize.

19 A. I can't. All I can tell you is that the test
20 that I ran on the portion of swab I received was
21 negative.

22 MR. NEELY: Thank you. I don't have any further
23 questions.

24 THE COURT: Lawyers approach a moment.

25 (A bench conference was held off the record.)

1 MS. JORDAN: Your Honor, the State does move to
2 admit Item 82, which is the SLED evidence bag into
3 evidence.

4 MR. NEELY: No objection.

5 THE COURT: Without objection.

6 (Whereupon, State's Exhibit Number 82, SLED
7 evidence bag, was marked for identification.)

8 (State's Exhibit Number 82 was entered into the
9 record.)

10 REDIRECT EXAMINATION

11 BY MS. JORDAN:

12 Q. One follow-up question, Ms. Leisy. Does the date
13 that the item going into SLED, does that in any way
14 affect your analysis?

15 A. It does not. Assuming that items are stored
16 properly, it should have no effect on testing or
17 interpretation.

18 MS. JORDAN: Thank you. No further questions,
19 Your Honor.

20 THE COURT: Thank you, ma'am. You may step down.
21 Any reason why the witness cannot be excused?

22 MS. JORDAN: Not from the State.

23 MR. NEELY: None, Your Honor.

24 THE COURT: Thank you, ma'am, you may be excused.

25 THE WITNESS: Thank you.

1 (Witness leaves witness stand and courtroom.)

2 THE COURT: All right. Ladies and gentlemen,
3 let's take a short recess. I'll remind you not to have
4 any discussion among yourselves about anything involving
5 the case, but you may go back to the jury assembly room.
6 We'll get you back here shortly.

7 Will lawyers approach.

8 (Jury leaves jury room at 3:34 p.m.)

9 (A bench conference occurred off the record.)

10 (A recess was had at the hour of 3:37 p.m. - 3:48
11 p.m.)

12 THE COURT: All right. We've been having an
13 off-the-record discussion about the officer from
14 Richland. My understanding is that the officer is going
15 to be called and will be eliciting testimony of his
16 interaction with the defendant as a result of an
17 incident that occurred at a bar in Richland County that
18 resulted in the defendant being arrested; is that
19 correct?

20 MR. SMITH: That's correct, Your Honor. I'll
21 just, since the jury is not in here, there was an
22 incident that involved an alleged assault on an Officer
23 Grant and his partner, who were working security at Club
24 The Underground, pointed towards Mr. Garnett as a person
25 who had just committed the assault.

1 We don't plan to go into that. We're just gonna
2 refer to it as an incident that he approached him in
3 regards to an incident. That Mr. Garnett tried to walk
4 away from them, but they caught up with him and then he
5 became physically involved with the officers and that
6 they ultimately tazed him, took him into custody for
7 failure to follow the police command.

8 And we don't have to necessarily get into what
9 occurred, but they arrested him and he told them his
10 name was Shane Norman. And they went to the hospital
11 with him. At the hospital they were having difficulty
12 verifying that he was Shane Norman through his date of
13 birth because he was giving Social Security numbers and
14 the name.

15 And they ended up arresting him. When he went to
16 the Alvin Glenn Detention Center, they determined that
17 he was, in fact, Adriel Garnett that was wanted out of
18 Spartanburg for murder.

19 The basis for this, I know Your Honor ruled in
20 pretrial motions, as State v. Martin, if there's
21 evidence of flight, it's a guilty conscience. There's
22 evidence from the Stand Your Ground hearing that Mr.
23 Garnett was aware that he had warrants pending on him.

24 We think it's a question for the jury to
25 determine whether trying to avoid apprehension on those

1 warrants would suggest the, the reasoning behind the
2 flight and the evasive conduct or if it was some other
3 issue.

4 MR. NEELY: Judge, my objection is the same as it
5 was yesterday during pretrial motions. I would --
6 during the solicitor's argument yesterday, he pointed to
7 the fact that State v. Martin only relied solely on 403,
8 as prejudicial versus probative.

9 Judge, my understanding is that 403 is the
10 gateway into the rules of evidence, into admissibility.
11 Even if something would be probative over prejudicial,
12 there are still all of the other rules of evidence that
13 follow 404(b) that -- that follow 403 that the Court has
14 to take into consideration before admissibility.

15 Here is where we have other bad acts, such as an
16 assault in a club, resisting arrest, giving a false
17 name. Those other bad acts, even though they might be
18 probative in the State's case, would fall under 404(b)
19 as other bad acts and they would be subject to a lot of
20 analysis.

21 And then the State would have to show that there
22 is a nexus between those other bad acts and the crime
23 that occurred on February 6th. And here there is none
24 of that. That nexus just does not exist. It's not part
25 of the res gestae that happened on February 6th. So I

1 can see that the State can go into flight where they can
2 say he left. And they've already got into it with two
3 of their witnesses this morning.

4 But as far as getting to other bad acts, I think
5 while it might be allowed under 403, it's certainly not
6 allowed under 404(b). And if we're gonna -- quite
7 frankly, if we're gonna do that, the proper Lyle
8 analysis was proffered by the State.

9 THE COURT: Say that again.

10 MR. NEELY: Lyle was proffered by the State, so
11 my position is that we're gonna ---

12 THE COURT: Now you want the witness to be
13 proffered?

14 MR. NEELY: If it, if it's subject to 404(b),
15 which my understanding of the ruling from the Court
16 yesterday is that that's not the intention of the Court,
17 but...

18 THE COURT: Well, you're the one raising the
19 404(b) issue, not the State.

20 MR. NEELY: I am, Your Honor. And so I think
21 it's relevant to a proffer.

22 THE COURT: So you want the witness to be
23 proffered first?

24 MR. NEELY: Yes, sir.

25 THE COURT: Do you have any objection to offering

1 the witness first?

2 MR. SMITH: We don't have a problem with that,
3 but we don't believe it's a 404(b). We believe that the
4 conduct is specifically related to flight. If it's ---

5 THE COURT: My understanding -- this is the way I
6 view this witness. The State has properly raised the
7 issue of flight. The testimony has been presented that
8 suggests strongly that the defendant flew -- left
9 knowing that he was involved with having committed
10 potentially a crime.

11 I understand that his position is that it was
12 self-defense, but there was a criminal -- there was
13 someone who had died as a result of his conduct that was
14 going to involve the police and he wanted to get away
15 and he left. And so this is not that far remote in
16 time.

17 And there's been testimony presented that
18 indicates that he knew that the police were looking for
19 him or knew that the arrest warrants were -- or had been
20 issued for him and it seemed like flight is a proper
21 issue for the State to raise. And this event seems to
22 be, to this Court, proper to present to the jury to
23 determine if it was right or not.

24 They're not, they're not saying, as I understand
25 it, the State is not saying that because he got charged

1 with some type of criminal offense in Columbia that that
2 charge indicates that he's a bad person or that he has
3 some -- or the things that 404(b) prohibits. It's, it's
4 not showing his bad character, it's showing the specific
5 factual aspect of this case that he intends -- that
6 flight's an issue.

7 MR. NEELY: That's the exact inference we're
8 drawing from this kind of information, though, is that
9 he's a bad person that gets into a physical assault with
10 law enforcement and ---

11 THE COURT: If the State argued that, you could
12 object to it and I would sustain the objection.

13 MR. NEELY: Yes, sir.

14 THE COURT: Now, do you want this witness
15 proffered or not?

16 MR. NEELY: Judge, I think your ruling is clear
17 at this point.

18 THE COURT: Well, but you have the right to have
19 the witness proffered.

20 MR. NEELY: Judge, I think it's proper under
21 404(b), but the Court's ruling is under 403 as
22 admissible and that's exactly the State's argument, so I
23 don't think -- it seems the Court has made its ruling at
24 this point.

25 THE COURT: But I haven't heard the witness.

1 This is just based on what I heard of the testimony
2 presented in this trial would be arguments that both
3 sides had presented. If you want to proffer, you can
4 proffer the witness. If not, we'll move forward and the
5 State can call the witness in front of a jury.

6 MR. NEELY: Judge, I would prefer a proffer.

7 THE COURT: All right. Proffer the witness.

8 MR. SMITH: The State calls Officer Grant.

9 (Witness comes forward.)

10 THE CLERK: Place your left hand on the Bible and
11 raise your right, please. (Complies.)

12 Do you solemnly swear that the testimony you're
13 about to give will be the truth, the whole truth and
14 nothing but the truth so help you God.

15 THE WITNESS: I do.

16 PROFFER TESTIMONY

17 JOHN GRANT,

18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. SMITH:

21 Q. Officer Grant, where are you employed?

22 A. City of Columbia Police Department.

23 Q. Were you working security at The Underground on
24 July 17th of 2016? Do you need to see the incident
25 report?

1 A. July 17, yes.

2 Q. Okay. Was that -- were you in your normal
3 officer clothes during that or were you wearing plain
4 clothes?

5 A. No, sir. I was in a fully -- I had a fully
6 marked patrol car, as well as a police uniform.,

7 Q. Okay. So this is like sanctioned through your
8 employment that you worked at this club?

9 A. Correct. Off-duty employment.

10 Q. Did you have occasion to come into contact with
11 that man, Adriel Garnett?

12 A. No. Only on the night in question.

13 Q. That's what I'm talking about. On July 17 of
14 2016, did you have interaction with Adriel Garnett?

15 A. I did.

16 Q. Can you explain what happened in that incident.

17 A. There was an altercation inside the club. He was
18 escorted out by Donner Bolo (phonetic), who's now
19 deceased. Stated that his brother was bleeding very
20 badly and that this gentleman apparently assaulted him.
21 When I tried to make contact with Mr. Garnett, he
22 refused. He continued to walk forward and went to a
23 small compact car. Once we got to that car, he took up,
24 took up a fighting stance and the car pulled off.

25 I tried to, again, grab him ---

1 Q. The car pulled off?

2 A. Yes.

3 Q. Like somebody else was driving it?

4 A. Correct. That was unknown because it was a dark,
5 tinted window.

6 Q. Okay.

7 A. I tried to make contact with him again, this time
8 grabbing him. He moved, resisted. We got to the
9 sidewalk. He turned around and pushed me. I lost my
10 footing and by the time I looked around, I saw
11 Investigator Hilton follow, so I deployed my tazer and
12 tazed him.

13 Q. Who did you see, Officer Hilton, get pushed?

14 COURT REPORTER: I didn't hear that last part.

15 THE COURT: Yeah. Sir, you need to speak up loud
16 and into that microphone.

17 THE WITNESS: Okay. Hold on, Judge.

18 MR. SMITH: Do you need him to repeat?

19 COURT REPORTER: Yes.

20 BY MR. SMITH:

21 Q. Can you repeat what you said at the end about
22 seeing -- I think that you'd lost your balance and you
23 saw Officer ---

24 A. Yeah. I lost my balance and I couldn't see.

25 Well, I didn't know if Hilton was behind me. And at

1 that point, when I looked for him again, he was
2 following me. So at that point I pulled my tazer and
3 tazed Mr. Garnett.

4 Q. Were you able to take him into custody at that
5 point?

6 A. Correct.

7 Q. And what did you do from that point forward?

8 A. At that point our policy is to make sure to
9 render aid. EMS was called. I tried to get his name.
10 He gave me, I think it was Shane Norman. Once EMS
11 arrived, he continued with Shane Norman, also giving
12 false date of births, as well as false Social Security
13 number.

14 We got to the hospital and he continued with that
15 demeanor. Finally, I got the CSI tech to deploy a
16 mobile fingerprint reader and we figured out his name is
17 Mr. Garnett.

18 Q. Were you then able to determine if he had any
19 outstanding warrants?

20 A. No. We didn't figure that out until the next
21 day.

22 Q. Okay. So after you determined he was Adriel
23 Garnett ---

24 A. He was arrested and still transported to jail.

25 Q. And then when he was booked there in jail --

1 A. We were notified that he was wanted for murder.

2 Q. Okay. I don't have any further questions.

3 MR. NEELY: I don't have any questions, Your
4 Honor.

5 THE COURT: Okay. All right. Based on the
6 testimony, I mean, I still believe that it's proper
7 testimony.

8 MR. SMITH: We had talked about not referring to
9 the fight. I don't -- I'm not trying to prove that he
10 was in a fight, so if you -- I don't know if you want
11 him to say it was an incident or whatever ---

12 THE COURT: Well, I don't believe it's ever
13 proper for a Court to interfere with a witness.

14 MR. SMITH: Right.

15 THE COURT: And tell the witness what to testify
16 to. If y'all would like to advise the witness on
17 certain things, you may.

18 MR. SMITH: I just know that that is likely going
19 to draw criticism from the defense. I'd rather not go
20 into that.

21 MR. NEELY: It absolutely, the testimony about an
22 assault in a club that has nothing to do with flight,
23 that is other bad acts.

24 THE COURT: Well, I can give a curative
25 instruction.

1 MR. NEELY: Judge, that -- I mean, I'll be
2 required to ask for one if he testifies to that, but
3 that's a belt that can't be unhung. Same with taking up
4 a fight and stand outside. Those have nothing to do
5 with flight from Woodruff, South Carolina five months
6 prior.

7 THE COURT: And I understand that's your
8 position.

9 MR. NEELY: Yes, sir.

10 THE COURT: You may want to artfully phrase your
11 questions.

12 MR. SMITH: Yes, sir.

13 THE COURT: Okay. Anything else before we bring
14 the jury in?

15 MR. SMITH: None from us, Your Honor.

16 THE COURT: Sir, if you will, just come around
17 and stand right there. (Indicating.) I'm gonna have
18 the clerk of court re-swear you in.

19 THE WITNESS: Okay.

20 (The jury enters the courtroom at 4 o'clock,
21 p.m.)

22 THE COURT: Is the State ready to call their next
23 witness?

24 MR. SMITH: Yes, sir. The State calls Officer
25 Grant.

1 THE COURT: Sir, just stand right there and let
2 the clerk of court swear you in.

3 THE CLERK: Do you solemnly swear that the
4 testimony you're about to give will be the truth, the
5 whole truth and nothing but the truth so help you God?

6 THE WITNESS: I do.

7 THE CLERK: Thank you. Have a seat.

8 THE COURT: Sir, just have a seat in the red
9 chair and pull the red chair up to the microphone.
10 (Complies.)

11 JOHN GRANT,

12 having been duly sworn, testified as follows:

13 DIRECT-EXAMINATION

14 BY MR. SMITH:

15 Q. Would you please state your name and rank for the
16 jury.

17 A. I am Mass Patrol Officer, John Grant, for the
18 City of Columbia Police Department.

19 Q. Is that Richland County?

20 A. Correct.

21 Q. Part of your job other than patrol, you work
22 security at certain sites inside the City of Columbia?

23 A. Yes.

24 Q. And is that -- that's sanctioned through your
25 employment?

1 A. It is.

2 Q. When you do those type of -- is it security?
3 Would that be for security just for a police officer
4 presence?

5 A. My present position I'm in investigations. But,
6 however, when we are doing off-duty employment, it's
7 required that you're in a uniform.

8 Q. Okay. Were you working at Club The Underground
9 on July 17 of 2016?

10 A. Yes.

11 Q. Did you attempt to speak to Adriel Garnett about
12 an incident?

13 A. I did.

14 Q. What happened when you tried to speak to Mr.
15 Garnett?

16 A. Mr. Garnett continued to walk away. He refused.
17 Once we got near a car, he took up a fighting stance.

18 MR. NEELY: Objection, Your Honor.

19 THE COURT: All right. I'll allow it. Go ahead.

20 THE WITNESS: Once we got near a car he took up a
21 fighting stance. The car moved. I tried to grab him.
22 He resisted.

23 MR. NEELY: Objection, Your Honor.

24 THE COURT: I'll allow it.

25 THE WITNESS: We got further along on a sidewalk

1 near the roadway. At that point he turned around and
2 pushed me.

3 MR. NEELY: Objection, Your Honor.

4 THE COURT: I'll allow it. Go ahead.

5 THE WITNESS: When he turned around and pushed
6 me, I lost my footing. And by the time I looked back, I
7 didn't know Investigator Hilton was right behind me. At
8 that point I saw him going down, so I deployed my tazer
9 and tazed Mr. Garnett.

10 MR. NEELY: Objection.

11 THE COURT: I'll allow it.

12 BY MR. SMITH:

13 Q. So are you saying that you got pushed and then
14 fell back into Officer Hilton? Is that ---

15 MR. NEELY: Objection. Same objection.

16 THE COURT: I'll allow it.

17 THE WITNESS: When I was pushed, I turned my head
18 away. Not intentionally, but as a result of him pushing
19 me. I didn't know at the time that Hilton was behind
20 me. By the time I looked back forward, I saw him
21 falling, so at that point I had to pull out my tazer and
22 taze Mr. Garnett.

23 BY MR. SMITH:

24 Q. Was it effective?

25 A. Yes.

1 Q. Were you able to take him into custody at that
2 time?

3 A. I was.

4 Q. What happened from that point forward?

5 A. He gave me the name of Shane Norman.

6 MR. NEELY: Objection.

7 THE COURT: I'll allow it.

8 THE WITNESS: He gave me the name of Shane
9 Norman, false date of births.

10 MR. NEELY: Objection.

11 THE COURT: Subject to your prior objection I'll
12 allow it.

13 THE WITNESS: False date of births, as well as
14 Social Security numbers. We also called EMS to have him
15 treated for him being tazed.

16 Q. Is it standard to call EMS -- do you remove the
17 barbs with EMS?

18 A. Correct.

19 Q. Did you go with him to the -- did he go to the
20 hospital?

21 A. He was transported to the hospital because as a
22 result -- well, I'm not sure if it was the tazer, but
23 apparently his heart rate was high.

24 Q. Did you go to the hospital with him?

25 A. I did.

1 Q. And what happened at the hospital?

2 A. He continued with the name of Shane Norman.

3 MR. NEELY: Objection.

4 THE COURT: I'll allow it.

5 THE WITNESS: He continued with the name of Shane
6 Norman. As a result, I had our crime scene investigator
7 respond with a mobile fingerprint reader and we
8 identified him as Mr. Garnett.

9 BY MR. SMITH:

10 Q. And what happened at that point?

11 A. He was still arrested and transported.

12 MR. NEELY: Objection.

13 THE COURT: I'll allow it.

14 BY MR. SMITH:

15 Q. And what did -- did you find out anything later
16 after he left or did you transport him to the Detention
17 Center?

18 A. Negative. I'm sorry, no.

19 Q. That's all right. Did you -- were you contacted
20 about Mr. Garnett at any later time?

21 A. Yes. The jail notified us and told us he was
22 wanted for murder.

23 MR. SMITH: I don't have any further questions.

24 CROSS-EXAMINATION

25 BY MR. NEELY:

1 Q. You encountered Adriel on July 17th, 2016?

2 A. Yes.

3 Q. You found out that he had a pending murder one on
4 July 18th of 2016?

5 A. Yes.

6 Q. Okay. The date on that arrest warrant was
7 February 6th of 2016?

8 A. I never saw the arrest warrant, as far as the
9 murder charge.

10 Q. Okay.

11 A. We had to place a hold.

12 Q. Okay. You don't know any of the details
13 surrounding the murder warrant.

14 A. No.

15 Q. You have no idea about what took place to lead to
16 that murder one.

17 A. No.

18 Q. You don't know about any interaction between
19 Adriel Garnett and Cecil Gilliam?

20 A. No.

21 MR. NEELY: I have nothing further.

22 THE COURT: Any redirect?

23 MR. SMITH: No, Your Honor.

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

25 Any reason why this witness cannot be excused?

1 MR. NEELY: No, Your Honor.

2 MR. SMITH: None, Your Honor.

3 THE COURT: Thank you, sir. Watch your step
4 stepping out, but you may be excused.

5 (Witness leaves witness stand and courtroom.)

6 Is the State ready to call their next witness?

7 MS. JORDAN: Yes, Your Honor. The State calls
8 Pamela Gilliam.

9 (Witness comes forward.)

10 THE COURT: Ma'am, just come right up here and
11 let the clerk of court swear you in.

12 THE CLERK: Place your left hand on the Bible and
13 raise your right hand. (Complies.)

14 Do you solemnly swear that the testimony you're
15 about to give will be the truth, the whole truth, and
16 nothing but the truth so help you God?

17 THE WITNESS: Yes.

18 THE CLERK: Thank you. Have a seat.

19 MS. JORDAN: Your Honor, if I may have a moment.

20 PAMELA GILLIAM,

21 having been duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MS. JORDAN:

24 Q. Please state your name for the record.

25 A. Pamela Michelle Gilliam.

1 Q. Okay. Ms. Gilliam, where do you live?

2 A. 114 Robinson Lane, Woodruff, South Carolina.

3 Q. Okay. Where is that in relationship to 405
4 Sharpe Street?

5 A. It's behind. Right behind 405 Sharpe Street.

6 Q. Okay. So if you're looking at -- if you're
7 looking from 405 Sharpe Street back, can you see your
8 home?

9 A. Yes. In the back of the house you can.

10 Q. Okay. Who was your husband?

11 A. Cecil Derrell Gilliam.

12 Q. Okay. When did you marry Cecil?

13 A. 2011, February 4th, yeah, February 4th, January
14 4th, I'm sorry. January 4th.

15 Q. Do you have any children with Cecil Gilliam?

16 A. We have a -- I'm a proceeder parent of Cecil's
17 son. He's eight. He'll be eight. I've been custodial
18 parent for him since he was three months. So we have a
19 son together.

20 Q. Okay. His name is Mason?

21 A. Mason Gilliam.

22 Q. Okay. I'm gonna take you back to the night of
23 February the 5th of 2016.

24 A. Okay.

25 Q. Can you tell the jury what was going on at your

1 building on Sharpe Street.

2 A. Yes. We were having a family birthday for one of
3 Cecil's aunts. It was actually his mother's
4 sister-in-law. I can't remember exactly how old she was
5 gonna be, but we was having a family dinner there for
6 her.

7 Q. And this is at the residence that we've all seen
8 pictures of and is part of the diagram?

9 A. Yes.

10 Q. I apologize, it's not a residence, it's a -- can
11 you tell the jury what it is.

12 A. It used to be -- we purchased the house. It used
13 to be a house, three bedrooms, two bath house. And we
14 had it rented out up to about part of 2015. And then we
15 decided since we do have family gatherings at a building
16 in Woodruff we would vent out so we didn't have to do
17 that no more. So Cecil decided to actually remove the
18 walls and the flooring and make it a place where we
19 could have family gatherings at instead.

20 Q. Okay. And could you describe what we refer to
21 already as what's in that front room of that building?

22 A. The front room is actually when you come inside
23 to the right you have a TV in the corner. And then to
24 the left we have a TV in the corner, another TV. It's
25 two bathrooms and there's also a kitchen in the front

1 room.

2 Q. Okay.

3 A. And it's like empty space, and we would actually
4 put tables up for whenever we had dinners or parties or
5 whatever.

6 Q. Okay. And is the kitchen area also sometimes
7 referred to as the bar area?

8 A. It is. We have a refrigerator in there, a stove,
9 sink and a cooler.

10 Q. Okay. What is the only other room besides from
11 what you've already described?

12 A. The back portion of the room was the part that
13 was actually the -- a part of the patio, but we took
14 that off and we added an addition room. In the back
15 room, we have like a bigger screen TV. And we ended up
16 bringing a pool table back there.

17 Q. Okay. And you saw the body cam that was played
18 earlier, the quick snippet in that area that's seen as
19 the pool room?

20 A. Yeah.

21 Q. Coming out of the pool room you have two french
22 doors --

23 A. Correct.

24 Q. -- or one french door on each side?

25 A. Yes.

1 Q. Okay. And that had blinds inside the panels of
2 the wall of the --

3 A. Door.

4 Q. -- door?

5 A. Yes.

6 Q. Okay. Did you know the defendant?

7 A. Yes, I've seen him out before.

8 Q. Okay. Before February of 2016?

9 A. I have.

10 Q. Okay. So he was familiar to your family?

11 A. Yes. We knew his mom. Cecil actually went to
12 school with his mom, worked with his mom, and I had seen
13 him before, yes.

14 Q. Okay. Was it common at family gatherings for
15 other people to appear or to be there?

16 A. Yes. I guess we would be considered the family
17 that always had stuff and invited people. We'd have
18 cookouts and invite people over, and that's just
19 something that we normally did. We would have like a
20 big cookout and have people come, family and friends
21 because everybody in Woodruff that I see now since I've
22 been there for about seven years, everybody's related
23 some kind of way. So, yeah, everybody would come.

24 Q. Okay. Do you know anybody by the name of Tavis
25 Jeter?

1 A. Yes, I do.

2 Q. Okay. Was he present that night at your house or
3 at this -- at your building on February the 6th, 2016 in
4 the early morning hours?

5 A. Yes, he was.

6 Q. Who was he with?

7 A. Adriel.

8 Q. Okay. To your knowledge, is Tavis a twin?

9 A. Yes.

10 Q. Okay.

11 A. Yes. His other twin actually have kids by
12 Cecil's cousin.

13 Q. Okay. Is that Travis?

14 A. Yes.

15 Q. So Tavis Jeter was the twin that was with the
16 defendant that day?

17 A. Yes.

18 Q. Can you tell the jury what you recall about the
19 defendant being at your building that night.

20 A. Him and Tavis came up to what they consider the
21 bar area, and Cecil and I and Mr. Jim was back there.
22 And they had come up and then Cecil had wanted to know
23 if they wanted something to drink. Actually, they
24 didn't want to try, people call it bootleg, moonshine.
25 And they said, no, they didn't want to.

1 And then Cecil asked them did they want something
2 to drink. And then so Adriel said, do I have to pay for
3 it? And then Cecil said, yes, I charge my own kids.
4 And, you know, he smiled and he smiled back. And Adriel
5 did like a little smirk or whatever. And then I put out
6 the -- he didn't want anything, but the other gentlemen,
7 I think, may have got like a beer, I think.

8 Q. Okay. Did you see Adriel or Mr. Jeter any more
9 that evening?

10 A. No. They ended up going back there where you
11 play pool at.

12 Q. Okay. And where did you stay?

13 A. I stayed out front. There were some tables up
14 there and we were -- we always play cards. That's just
15 a family tradition. We always have. Pretty much
16 everybody in Woodruff know we do that.

17 Q. Now, when you say family, can you recall who else
18 was there that night?

19 A. It was Cecil's mom. His dad was there, but he
20 left and went home. Cousins. A little bit of my
21 family.

22 Q. Okay.

23 A. Yeah.

24 Q. So there were a lot of people in the party area?

25 A. Uh-huh. Yes.

1 Q. Were there many people, to your knowledge, in the
2 pool table area?

3 A. That I can recall, it was Stuff.

4 Q. What's Stuff's real name?

5 A. Ronald Higgins, I'm sorry.

6 Q. Okay. And he testified earlier today?

7 A. Yes.

8 Q. Okay.

9 A. He was there. I think Mr. Jim went back there
10 back and forth. And it was two other gentlemen. And
11 then, like I say, they had went back there, but I mean,
12 them the only people that I knew. It may have been a
13 couple more people, but I think they all had actually
14 left out.

15 Q. Okay. So at the time of the shooting, do you
16 know if there were very many people left in that home --

17 A. No.

18 Q. -- or the building?

19 A. No.

20 Q. Okay. After there was interaction at the bar or
21 kitchen area with the defendant and Cecil, what did
22 Cecil do?

23 A. We sat back there and Mr. Jim and him were
24 talking. Cecil said to Mr. Jim, did you know him? And
25 then Mr. Jim's like no, I don't know him. And so he

1 began to describe to him his grandparents and his
2 daughter, who actually was Adriel's mom.

3 And then Cecil's like, you know, some people
4 would say that was my child, but he said it wasn't. And
5 I said, that I knew his father. So Mr. Jim didn't know
6 who his father was, and so I just needed to get my
7 cellphone because I'm actually -- I think I might have
8 been friends with his father on Facebook or -- I told
9 him that I knew a female that had a daughter by his
10 father, and so I proceeded to show them a picture of his
11 father.

12 Q. Somehow on Facebook you saw a picture?

13 A. Yes.

14 Q. And Cecil wasn't upset?

15 A. Oh, no. He was actually in a great mood. You
16 know, we actually had a good time.

17 Q. What did Cecil do before he went into the other
18 room?

19 A. He did -- cause like when they -- after we got
20 finished talking, I left out and went back over to the
21 table with the ladies there to play cards with them.
22 After that, he eventually came over to the table where I
23 was at and we all laughed because they were beating me
24 in the cards. I'm not the best card player and they
25 were beating me, so he wanted me to get up and he sat

1 down to take my spot.

2 And so he end up winning for me. And so we
3 laughed about it and he got up after that. And I had
4 gotten sat back down and he proceeded to go to the back
5 of the room where the pool table was at.

6 Q. Okay. Did you see Cecil alive any more after
7 that?

8 A. No.

9 Q. So you were present when you heard gunshots?

10 A. I was.

11 Q. I'm gonna turn your attention now -- I want to
12 turn your attention now just to the building.

13 A. Okay.

14 Q. I just want to ask you some basic questions about
15 it.

16 A. Okay.

17 Q. These items have already been previously admitted
18 and also shown to the jury. I'm just gonna draw your
19 attention to what we refer to as that ramp.

20 A. Uh-huh.

21 Q. Off of the french doors. And ask you on State's
22 Exhibit 54, prior to that night was there any damage to
23 the railings to your knowledge?

24 A. No.

25 Q. Okay. Also, this is to -- I'm gonna show you

1 State's 65 and ask you if there was what's already been
2 testified to as blood that was present prior to this
3 night?

4 A. No.

5 Q. Same thing with State's Exhibit 63.

6 A. No.

7 Q. Okay. I'm gonna go to a further view on 67. Let
8 me give you the close-up view of 68 on that. To your
9 knowledge, was any of this damage or blood there prior
10 to February the 6th early morning hours? It was
11 actually a relatively clean --

12 A. Yes.

13 Q. -- building and porch?

14 A. Yes. It's fairly new. That portion's fairly new
15 because ---

16 Q. You said it's fairly new?

17 A. Uh-huh. It only had been there probably about
18 roughly six months, that part.

19 Q. Okay.

20 A. Versus the house itself because that was the
21 added part on, yes.

22 MS. JORDAN: Your Honor, may I have a moment?

23 THE COURT: (Nods head up and down.)

24 BY MS. JORDAN:

25 Q. Do you have any idea of how long Cecil was with

1 you once the defendant and Jeter's clan left? How long
2 he stayed in the car or bar area?

3 A. Let's see. I would say probably about -- I would
4 say probably about 30 minutes cause, Like I say, we
5 talked. We talked and then I went and played cards.
6 And when I wasn't able to win, then he came over there
7 and decided to pretty much boot me out of the way,
8 because I wasn't winning against his family, and take
9 over.

10 Q. And was it common for Mr. Higgins, himself, to
11 stop by and play pool with you?

12 A. Yes, sometimes he would. Because of his work
13 hours, every now and then he would stop by. He used to
14 stop by at that place. He actually stopped by our house
15 because we have a garage. It's probably about a
16 thousand square feet. And we have a place you can get a
17 table and bar in there too.

18 But he would stop by and they would like talk to
19 each other, cause other than that Stuff would be at work
20 most of the time. And that's the only time where he
21 would get to see Cecil is on the weekend, so he usually
22 would stop by.

23 MS. JORDAN: Okay. Your Honor, may I just have
24 one moment?

25 THE COURT: (Nods head up and down.)

CROSS-EXAMINATION OF PAMELA GILLIAM BY MR. NEELY

1 BY MS. JORDAN:

2 Q. That's all the questions I have. Please answer
3 any questions the defense may have.

4 A. Okay.

5 CROSS-EXAMINATION

6 BY MR. NEELY:

7 Q. You were back in the bar area with Cecil --

8 A. Uh-huh.

9 Q. -- and Mr. Jim?

10 A. Uh-huh.

11 Q. When Adriel walked up to the bar?

12 A. Uh-huh.

13 Q. And Tavis or Travis, whichever one it was, was
14 with him?

15 A. Yes.

16 Q. Cecil asked if he wanted any boot?

17 A. Bootleg, yes.

18 Q. Okay. And they said, no, they just wanted a beer
19 or something?

20 A. Uh-huh. Yes.

21 Q. And Adriel asked if Cecil was gonna charge him?

22 A. Yes.

23 Q. Okay. And he decided not, not to have anything?

24 A. Yes.

25 Q. So Adriel didn't have a drink?

1 A. Not in front of him he didn't.

2 Q. Okay. The other gentlemen paid for their drinks?

3 A. Yes.

4 Q. Okay. So they purchased something from Cecil?

5 A. Yes. It was like two guys.

6 Q. And then they went off?

7 A. Yes.

8 Q. Okay. And then Cecil was with you for about 30

9 minutes?

10 A. Between on the bar and at the table, about 30

11 minutes collective.

12 Q. There didn't appear to be any animosity?

13 A. No. Actually, I mean, it was a gesture, a nice

14 gesture. Cause like I say, we knew his mom.

15 Q. So once Cecil got done winning --

16 A. Go ahead.

17 Q. -- he went up and went into the pool room.

18 A. Uh-huh.

19 Q. Or he thought he was going into the pool room.

20 A. Yes.

21 Q. Okay. And to the best of your recollection, the

22 only people in the pool room was Mr. Higgins?

23 A. Uh-huh.

24 Q. Okay. And Earl Scott maybe?

25 A. I think he's back there. Yeah, I think he's back

1 there --

2 Q. Okay.

3 A. -- cause he was sitting down. I don't think he
4 was playing pool.

5 Q. Tavis and Adriel?

6 A. Yeah. Cause I think the other people actually
7 left on their own.

8 Q. Okay. So there was only about four people back
9 there?

10 A. Maybe four or five. It's six at the most, if
11 anything.

12 Q. Okay. So somewhere between four and six feet?

13 A. Yes.

14 Q. Okay. And you didn't see Cecil go outside?

15 A. No.

16 Q. You didn't see Adriel go outside?

17 A. No.

18 Q. You don't know what kind of interaction took
19 place outside?

20 A. No. I don't know what interaction took place
21 outside. Only the conversation inside between all three
22 of us.

23 Q. Okay. You can't tell us what kind of interaction
24 took place outside?

25 A. No.

1 Q. Thank you.

2 A. You're welcome.

3 THE COURT: Any redirect limited to what he went
4 into?

5 MS. JORDAN: No, sir, Your Honor.

6 THE COURT: Thank you, ma'am. You may step down.
7 Lawyers approach. Watch your step as you're stepping
8 down.

9 THE WITNESS: Okay.

10 (Witness leaves witness stand.)

11 (A bench conference was held off the record.)

12 THE COURT: All right. Ladies and gentlemen,
13 we're going to allow you to have your evening break now.
14 I need to remind you not to have any discussion among
15 yourselves or with anyone else about anything involving
16 the case.

17 You've now heard a lot of testimony. If, y ou
18 know, I need to remind you, don't do any type of
19 independent research or investigation. Don't try to go
20 on the the internet. Don't try to research newspaper
21 articles or -- and, again, if I or one of the lawyers or
22 one of the witnesses have used a word that you don't
23 understand, do not even pull Webster's Dictionary off
24 the shelf to look it up. Allow the lawyers and the
25 Court to be able to continue to educate you as to what

1 you are to consider when you begin your deliberations.

2 But, again, I thank you for your attention and
3 your time. I'm gonna ask, if you would, to please be
4 back in the jury deliberation room by 9:30 in the
5 morning and we'll resume the presentation of the case,
6 but you may go with the bailiff.

7 (Jury leaves the courtroom at 4:26 p.m.)

8 THE COURT: All right. The jury charges that
9 we've provided and given you all, I've included
10 everything in them. I've done them. You'll notice that
11 I've done them in a way that when we start reviewing
12 them I can pull out things and not have to run back to
13 the back again. But take a look at the charges and
14 we'll review those at some point tomorrow. All right,
15 we'll step down.

16 MS. JORDAN: Thank you, Your Honor.

17 MR. SMITH: Than you, Your Honor.

18 MR. NEELY: Judge, can I approach for a moment?

19 THE COURT: (Nods head up and down.)

20 (A bench conference was had off the record.)

21 (Court concluded at 4:28 p.m.)

22

23 --- THIS ENDS DAY TWO OF TRIAL ---

24

25

1 THE STATE VS. ADRIEL GARNETT, DAY 3 OF TRIAL

2 THE COURT: Anything before we bring the jury
3 back?

4 MS. JORDAN: Your Honor, I have two additional
5 requests for charge that I'd just like to submit it to
6 the Court. I've passed them over. I also have a case
7 that I'd like to be able to argue to remove language
8 later on, on the charge. It's State's Request 4,
9 State's Request 3, and then State versus Belcher.

10 THE COURT: All right. Anything else?

11 MR. NEELY: Nothing from me, Your Honor.

12 MS. JORDAN: No, sir, Your Honor.

13 THE COURT: All right. Let's bring the jury in.

14 (The jury enters the courtroom at 9:31 a.m.)

15 THE COURT: Is the State ready to call their
16 next witness?

17 MS. JORDAN: Yes, sir, Your Honor. The State
18 would call David Wren, Dr. David Wren.

19 MR. NEELY: Your Honor, if it would help, we
20 would stipulate to the cause of death and the number of
21 gunshots, if it would save the Court time.

22 MS. JORDAN: Your Honor, we do not agree to that
23 stipulation at all.

24 THE COURT: All right.

25 (The witness comes forward and puts left hand on

1 the Bible and raises right hand.)

2 THE CLERK. Do you solemnly swear that the
3 testimony you're about to give will be the truth, the
4 whole truth and nothing but the truth so help you God?

5 THE WITNESS. I do.

6 DR. JOHN DAVID WREN,
7 having been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. JORDAN:

10 Q. Please state your name for the record.

11 A. John David Wren.

12 Q. Where are you currently employed?

13 A. I'm employed by Carolina Pathology group, which
14 is a group of pathologists in North and South Carolina.
15 We have contracts with all the hospitals in Spartanburg,
16 plus Union, plus Pelham Medical Center. And I'm the
17 medical director of the Spartanburg Medical Center,
18 Spartanburg Hospital for restorative care. The lab at
19 North Grove and several others in the hospital that are
20 smaller, but have separate CLIA certificates, which is
21 our awarding. Laboratories have to be approved by the
22 Federal government under a CLIA certificate which stands
23 for Clinical Laboratory Imprisonment Act.

24 Q. Okay. Dr. Wren, could you tell the jury where
25 you received your undergraduate degree from and why and

1 when ---

2 MR. NEELY: Judge, we'll also stipulate to his
3 qualifications.

4 THE COURT: As a?

5 MR. NEELY: Expert in forensic pathology or
6 pathology, whatever they intend ---

7 MS. JORDAN: Forensic pathology.

8 MR. NEELY: We'll stipulate to that, Judge.

9 THE COURT: Are you okay with that?

10 MS. JORDAN: Yes, sir.

11 THE COURT: All right. Ladies and gentlemen --
12 and it's going to be forensic pathology?

13 MS. JORDAN: Yes, Your Honor.

14 THE COURT: All right. Ladies and gentlemen,
15 normally a person cannot give opinion testimony.
16 Normally when a person testifies, they must testify as
17 to what they either saw, heard or sensed by smell or
18 something of that nature. However, there is an
19 exception when someone is qualified because of education
20 or experience. They are permitted to give their opinion
21 in certain areas if the Court qualifies them that way.

22 This witness will be qualified in the area of
23 forensic pathology to give opinion testimony in that
24 area. Now, that does not mean that you must accept the
25 opinion, but it is evidence for you to use in any way

1 that you see fit and give it the weight and credibility
2 you believe is appropriate.

3 BY MS. JORDAN:

4 Q. Dr. Wren, what is a pathologist, a forensic
5 pathologist?

6 A. A pathologist is a medical doctor that is
7 specialized in pathology, which is the study of the
8 disease processes of the body by definition. It's
9 divided into main parts. One is clinical pathology,
10 which is running laboratory tests on blood and other
11 tissues.

12 The other is anatomic pathology, which is divided
13 into autopsy pathology, surgical pathology, and has
14 sub-specialties, those being psychology, which is cell
15 pathology. Just individual cells were seen under the
16 microscope and tested.

17 Hematology would -- hematopathology, rather,
18 which is blood born pathology. And then there's autopsy
19 pathology. And then under autopsy pathology, there's
20 forensic pathology, which is a sub-specialty of anatomic
21 pathology.

22 Autopsies are done on hospital patients by
23 general pathologists, and that is done to determine the
24 cause of death, to study the medical procedures that
25 have been done and to see if they're effective or not.

1 Also done to prove or disprove clinical diagnoses.
2 Those are done on hospitalized patients. Whereas,
3 forensic pathology is medical legal pathology which is
4 unusual deaths.

5 Deaths that don't usually occur in the hospital.
6 They're done. And come under the auspices of the
7 coroner in the county there at the end. I do the
8 forensic pathology cases, and I've done them all with a
9 few exceptions when I wasn't around or there might have
10 been a conflict of interest since 2009. I've done them
11 all in Spartanburg County.

12 Q. And over the course of the years, how many
13 forensic -- or how many path -- or autopsies do you
14 believe you've conducted?

15 A. Well, since 2000 -- I mean, sorry, 1989, I've
16 done about 260 a year on the average. Sometimes I've
17 gone over 300. I also do the hospital cases, so I've
18 done at least 6,000. I have them listed generally, but
19 some of them I haven't listed, but it's right at 6,000
20 now.

21 Q. And you've testified previously before in court?

22 A. Pardon?

23 Q. You've testified before in court?

24 A. Yes. I've been qualified as an expert witness in
25 multiple counties in this state. When I was a residence

1 in pathology, I did forensic pathology cases one weekend
2 a month, and I fill in when the forensic pathologist
3 that was on the medical staff at the Medical University
4 of South Carolina was not in town.

5 I did those. And I did about 88 while I was in
6 the several years I did that. I was qualified in the
7 lower part of the state during that period of time, and
8 proportionately in the mid-state. And since 1980 -- the
9 last of 1982 I came to Spartanburg, as I reside now. A
10 pathologist with the group that was doing the pathology
11 in Spartanburg at that time.

12 Q. Did you have an occasion to do an autopsy of
13 Cecil Gilliam on February the 6th of 2016?

14 A. Yes. I did an autopsy on Cecil Derrell Gilliam
15 in the Spartanbug Medical Center Autopsy room on
16 February the 6th, 2016. I began that autopsy at about,
17 approximately 12:30 p.m. It lasted until a little after
18 6 o'clock.

19 Q. And were there officers present with the
20 Spartanburg County Sheriff's Department during that
21 autopsy?

22 A. Yes.

23 Q. Can you tell me the height and weight of Cecil.

24 A. Mr. Gilliam was 74 inches in length, which is 6
25 foot, 2. He had a weight of 261 pounds, as received.

1 Now, inches is the length of the body and it can vary
2 close amounts, one inch usually from the actual standing
3 height because there is some relaxation of the spine or
4 things like that where you could be a little bit
5 different.

6 Q. Were you able to determine the cause of death for
7 Cecil?

8 A. Yes. I signed the cause of death as internal and
9 external hemorrhage, which the medical term is
10 exsanguination, secondary to multiple gunshot wounds to
11 the body.

12 Q. Okay. Did you, as part of your -- one moment.

13 I'm gonna hand you what's already been marked as
14 State's 26 and 27 and ask if you recognize these two
15 items.

16 A. Yes. These are diagrams that were made from my
17 autopsy examination.

18 Q. Okay. And are these accurate copies of the ones
19 that you made that day or you prepared for this case?

20 A. Yes.

21 MS. JORDAN: Okay. Your Honor, at this time we'd
22 move State's Exhibit 26 and 27 into evidence.

23 MR. NEELY: Hearsay, Your Honor.

24 THE COURT: All right. I'll allow it.

25 MS. JORDAN: Thank you, Your Honor.

1 (State's Exhibit Numbers 26 and 27 were entered
2 into the record.)

3 May I publish to the jury?

4 THE COURT: Yes, ma'am.

5 BY MR. NEELY:

6 Q. Dr. Wren, I'm just gonna start out and have you
7 explain to the jury what this chart, what this chart
8 shows, as far as the, just the body?

9 A. These are general body diagrams that are used by
10 pathologists to depict wounds. In some cases it's a
11 front and back view of a caricature of a male. And
12 again, a sexual person here. And each of these numbers
13 and circles are irregular circles actually refer to
14 separate gunshot wounds. Some are labeled entrance ENT
15 and some are labeled exit, EXIT.

16 Q. Okay. And just for clarification for the jury,
17 I'm gonna point to this straight line here. If we were
18 to fold that line, would that give you the complete
19 image of a body front and back?

20 A. Basically. Not to size, though.

21 Q. Okay.

22 A. Because there is some thickness.

23 Q. Okay. I'm gonna show the next, which has been
24 marked as State's Exhibit Number 27. Can you tell them
25 what's on 27.

1 A. Twenty-seven are the paths of the bullets as they
2 went through the body as best I could tell. When one
3 draws on a diagram, if there is a defect in the skin and
4 you can see if looking at the body and the manner that
5 the body is depicted.

6 Like in the front view you can see parts of his
7 body from the front, but you can't see the back. But
8 there are holes or defects in the front and the back on
9 some occasion. So if a -- and these diagrams, if one
10 can see the defect completely, then there's a continuous
11 outline of the defect. If it's in the back, it's
12 dotted. I mean, if you can't see it, it's dotted.

13 But if you turned the body around to the back,
14 then those in the front would be dotted and those in the
15 back would be a continuous outline of the defect. And
16 this shows the general path of the bullets in this case.
17 And you'll notice between, for instance one and ---

18 Q. And I could hand you a pointer, if that would
19 help. There's a clicker right there.

20 A. I think I probably need to stand up.

21 Q. Yes, sir.

22 A. Is that okay?

23 MR. JORDAN: Is it okay if he steps down, Your
24 Honor?

25 THE COURT: Yes, sir. Just as long as you speak

1 up loud enough so both the court reporter and the jury
2 can hear you.

3 (Witness leaves witness stand.)

4 THE WITNESS: Can everyone hear me?

5 THE JURY: (All nod heads up and down.)

6 THE WITNESS: Number one is an entrance, number
7 two is an exit. And the line is solid until it comes up
8 to the entrance. And from the exit it's solid again.
9 But as it went through the body in this case, you
10 wouldn't see it -- you wouldn't see what was under there
11 when you can trace it as you look inside the body and
12 it's dotted.

13 So when you see like this four and three, when
14 it's dotted, it's out of sight as the bullet passes in.
15 Now, the problem with this is, in this case I think
16 number one and two went under the skin. It did not go
17 into the abdominal cavity.

18 If a bullet comes out, oftentimes it starts to
19 tumble. And what happens then is the bullet, it could
20 hit something else after that. The line, you see it's
21 at a right angle because we don't have diagrams of where
22 the arm is in every place, but I think based on the
23 entrance in the wrist here, the bullet hit his wrist and
24 came to rest in the palm of his hand.

25 And I think it was that one simply because the

1 arm would have been way out further and more toward the
2 back, rather than this one. His hand actually could
3 have been like I'm standing now as it came out.
4 (Indicating.)

5 It doesn't have to be. But anyway, it could be
6 anywhere in a straight line because bullets do pass in a
7 straight line unless they hit something that would kind
8 of deflect it.

9 BY MS. JORDAN:

10 Q. So the, the angle that you have on there is just
11 because you can't change the diagram. Your hand is --

12 A. That's correct.

13 Q. -- gonna send his down?

14 MR. NEELY: Your Honor ---

15 THE WITNESS: That's correct.

16 MR. NEELY: Your Honor, could I ask to see what
17 Dr. Wren demonstrated to the jury with the hand
18 placement?

19 BY MS. JORDAN:

20 Q. Dr. Wren, could you turn around and just show Mr.
21 Neely what you just did.

22 A. I put my hand like this and I said it could have
23 been out like this anyway, but it had to be in the line
24 the bullet was going in. And if he was turned this way,
25 it would have been back like this in a line with the

1 bullet coming out. And it hit like that. (Indicating.)

2 Q. So for purposes of ---

3 A. It went into his hands.

4 Q. For purposes of the record, Your Honor, he is
5 holding his right hand to his right side and showing it
6 right near the exit wounds on exit wound number two on
7 the side. And he is also extending his arm straight
8 out, his right arm straight out.

9 MR. NEELY: Objection to the testifying that
10 she's doing at the moment.

11 THE COURT: She's not testifying, she's just
12 clarifying the record.

13 BY MS. JORDAN:

14 Q. So, Dr. Wren, the -- as to entrance wound number
15 one, could you point that to the jury? I know we just
16 looked at it.

17 A. (Indicating.)

18 Q. It's my understanding that goes into the left
19 side of Cecil's body?

20 A. Yes. I have ---

21 Q. And where does it come out?

22 A. I have the distances from the top of the head and
23 to the -- to the right or left of midline now. I need
24 -- I should tell one other thing. When you're
25 describing wounds, bullet wounds usually, the contention

1 is bullet wounds are -- and stab wounds are described
2 from the head to the toe, the front and the distance
3 down is the reason the bullets are labeled like they
4 are.

5 For instance, number one is higher up than number
6 two. Number three is higher up than number four. That
7 doesn't say which one went in at what time, it just
8 means it's just a contention the way we label. And then
9 anatomically a person is standing anatomically. The
10 front of the body is the palm side of the arms; whereas,
11 the back of the body would be the back because I was
12 standing in an anatomic position like this.

13 (Indicating.)

14 So we usually just label the -- cause you can't
15 tell whether this arm, exactly where it was when that
16 bullet went in, we'll do those usually last. So we go
17 from top to bottom. And if they have the same height,
18 it's usually left to right, but if they're not at the
19 same height, we just -- it's usually the closest to the
20 top of the head.

21 And then in the back it's usually top to bottom.
22 And then the -- and the extremities are usually,
23 particularly the upper extremities are usually
24 arbitrarily numbered. So...

25 Q. So we've looked at Number one and two.

1 A. So number one and two, they went -- it went into
2 upper left abdominal wall 20.75 inches from the top of
3 the head, and four and three-quarter inches to the left
4 of midline; whereas, number two came out 24 inches,
5 which is three-and-a-quarter inches further down than
6 number one went in. And 3.75 inches to the right of
7 midline.

8 Q. Okay. I'm gonna ---

9 A. And then it re-entered the wrist. And we don't
10 know whether the arm -- we know that the arm was, was in
11 align with that, where the wrist would have been there.
12 And the wrist would have been closed a little bit for it
13 to go in and stays in his hand. It shows behind, so it
14 was actually in the palm of the hand, right behind -- I
15 think it was between the -- it was close to the index
16 and middle finger.

17 Q. And just for clarification ---

18 A. Oh, I'm sorry, middle finger and ring finger.

19 Q. Just for clarification of the record, that is his
20 right hand?

21 A. Yes.

22 Q. Could you next tell the jury about entrance wound
23 Number 4 and show them where it is.

24 A. Well, Number 4 went in 28-and-a-quarter inches --
25 I'm sorry, 29-and-a-quarter inches from the top of the

1 head. And it was actually four inches to the left of
2 midline, close to then. And then it came out
3 28-and-a-quarter inches from the top of the head and
4 6-and-a-half inches to the right of midline.

5 Q. Okay. So as to the front of the body, were those
6 the only two entrance wounds that you found?

7 A. Well, yes. From the exact front that's correct.

8 Q. Okay. So the exact front there were two. And
9 they both entered from the left side?

10 A. Yes.

11 Q. And exited on the right side?

12 A. Yes.

13 Q. Okay. Now, Dr. Wren, I'm gonna take you to --
14 and I know that Number 6, I believe you have, is the
15 re-entry point that we've already discussed.

16 A. Pardon?

17 Q. Number 6 is the re-entry that we've already
18 discussed?

19 A. Yes. Number 6, I just put that one as Number 6.

20 Q. Okay. And I'm gonna flip now to the back side of
21 Cecil's body. Could you talk to the jury about exit
22 wound -- or entrance wound Number 8.

23 A. Number 8 is coming from the same direction,
24 although the body has moved some since then, but it's
25 coming from the same general direction as one and two

1 came from. And it went into sort of toward the back a
2 little bit. The body had moved around to where it was
3 in the line of fire. That one went in
4 24-and-three-quarter inches from the top of the head,
5 and exited a quarter inch to the left of the midline in
6 the back.

7 Q. And what type of trajectory did that --

8 A. That one was going ---

9 Q. -- entrance wound take?

10 A. That one was going down very slightly, almost the
11 wrong way, it's called, was going down and from left to
12 right. These others, Number 1 was going downward left
13 to right and slightly forward.

14 This one was going -- Number 4 was going left to
15 right, very slightly upward. Almost horizontally. And
16 that one actually went into the musculature of the
17 abdominal wall, but did not penetrate the abdominal
18 cavity very, very much at all.

19 Q. And just for clarification sake, I'm gonna ask a
20 stupid question, but when you do the autopsy, you don't
21 just look on the outside of the body, you go inside the
22 body as well?

23 A. That's correct.

24 Q. And is that how you're able to follow the track
25 that bullet has made?

1 A. Yes, ma'am.

2 Q. Okay. I'm gonna move you now -- actually, is
3 there anything you can tell me as far as, I'll just
4 finish on the eight.

5 A. This Bullet 8 did not enter much of the abdominal
6 cavity itself, although it did enter slightly. And it
7 passed posteriorly and came to rest in the buttocks area
8 behind the hip bone, where I recovered it partially
9 imbedded in the iliac bone in the back. I labeled that
10 Bullet C.

11 Q. Okay. And what side of the body is that on?

12 A. That's on the right buttocks area.

13 Q. Okay. Can you -- is there -- can you tell the
14 jury, do you have any connection to draw between bullet
15 entry point 1, 4 and 8?

16 A. They all came from the decedent's left side. And
17 one can tell by the trajectory that you trace them, that
18 depending on where the person was standing that fired
19 the shot, the person moved. I can't tell which one came
20 in which order, but the person was moving to where the
21 bullet would go.

22 Like, if I was standing up and he were shooting
23 at me and he shot at me and I fell to my right when he
24 shot me with the first one, then it would have gone on
25 further down. And then if I had turned a bit, it would

1 have gone down like that again.

2 So I can't tell which one of these three came
3 together, but I -- I'm pretty sure they all three came
4 from the same direction to the -- from the decedent,
5 which would be the decedent's left side.

6 Q. Okay. I'm gonna next move to -- gonna move to
7 bullet entrance point Number 9. Could you show the jury
8 where nine is? Yeah, the numbers are hard to tell.

9 A. Yeah, I can't read those very well. Yeah, Number
10 9 -- Number 9 is just about at the crease of the
11 buttocks. So here is the crease of the buttocks,
12 slightly to the left of midline. That was
13 29-and-nine-one hundredth of an inch from the top of the
14 head, and two-tenths of an inch to the left of midline.
15 That would have been a more immediately fatal bullet.

16 It passed into the body, went through the
17 intestines multiple times. It passed through the liver,
18 came out the liver, went through the diaphragm, passed
19 through the lungs and did not actually exit the body
20 because his right arm was in a position to where it, it
21 did not exit there, but his arm was in a position of
22 where it went into the back part of his arm behind his
23 humerus, which is the long bone between the shoulder to
24 the elbow. And I recovered Bullet D from that area.

25 So one can see the bullet goes in and it's coming

1 unobstructed. It goes in. Dotted line means you can't
2 see it. And it goes on up, passes through the lungs,
3 goes out between one of the ribs and stops in his upper
4 portion or the medial portion of his right arm.

5 So there's no exit there, it just went through
6 the tissue. And the body was in such a position with
7 his arm probably slightly extended still and came to
8 rest behind the humerus.

9 Q. But it did not travel through the arm?

10 A. It did not go through the arm. It did not come
11 out. It came up through the, through the tissue in the
12 axilla, which is the armpit.

13 Q. Okay.

14 A. It did not exit in that area.

15 Q. And that is just above the?

16 A. Crease of the armpit, yes.

17 Q. In the armpit. And the entrance is just above
18 the crease of the --

19 A. Butt.

20 Q. -- buttocks.

21 A. Well, it's to the left of his crease, top of his
22 crease. The upper portion of the medial portion of his
23 right arm. So there's no exit there. It just went
24 through the tissue and the body was in such a position
25 with his arm probably slightly extended still, and came

1 to rest behind the humerus.

2 Q. But it did not travel through the arm?

3 A. It did not go through the arm. It did not come
4 out. It came up through the, through the tissue in the
5 axilla, which is the armpit.

6 Q. Okay.

7 A. It did not exit in that area.

8 Q. And that is just above the --

9 A. Crease of the armpit, yes.

10 Q. The armpit. And the entrance is just above the
11 crease of the butt ---

12 A. Buttocks. Well, it's to the left of the crease,
13 top of his crease.

14 Q. Okay. And that entrance is to his back?

15 A. Yes, that was to his back.

16 Q. Okay. I'm gonna -- and what -- and the angle was
17 in what type of direction?

18 A. That bullet was going upward to the decedent's
19 right, coming from his left side, going upward, slightly
20 forward, right to left.

21 Q. Okay. I'm gonna move you next ---

22 A. I'm sorry, left to right. Excuse me, left to
23 right. You always talk about directions from the
24 decedent's point of view, not from your point of view.

25 Q. Okay. I'm gonna move you next to, can you show

1 the jury entrance wound seven?

2 A. Number 7 was in the right arm posteriorly, and
3 the upper portion of the right arm, it went in and then
4 came -- and out anteriorly -- I'm sorry, in the back,
5 still in the back of the arm, came out. Although, it
6 traveled through the soft tissue of the arm, came out
7 and actually kept going.

8 Q. Okay. So it went into the back of his arm, right
9 arm?

10 A. It came out more laterally in the back -- in the
11 arm, but still posteriorly in the hip joint.

12 Q. Okay. I'm gonna take you back to decedent's
13 wound Number 9.

14 A. All right.

15 Q. Could that angle have come if someone were
16 leaning over, say, a railing?

17 A. Yes, it could have.

18 Q. Okay. And then traveled up into the body to
19 what's basically his armpit?

20 A. Right. These two, as well as these two down in
21 this area were fired from the same direction mainly.
22 That same number.

23 Q. What you're pointing to, are they Number 12 and
24 13?

25 A. 9, 7, 12 and 13.

1 Q. Okay. Can you talk to the jury quickly -- or not
2 quickly. Take your time and talk to the jury about
3 Number 12 and then Number 13.

4 A. All right. Number 12 went in post -- post --
5 well, actually it was sort in the side. It's dotted
6 there. And it came out anteriorly in the upper thigh,
7 passing upward and anteriorly or to the front and
8 actually going from right to left. It traveled through
9 the soft tissue there.

10 The one hemorrhaged there, so it didn't hit any
11 major vessels. It didn't hit any bones, as well as I
12 could tell, and it kept going. Whereas, Number 13 went
13 in the back part right there, a little bit lower. And
14 it went, came out on the lateral side of the leg.

15 Q. Can you show the jury on the back of the --
16 Cecil's body, this image, where 12 and 13 are.

17 A. Number 13 is in the lateral left leg, sort of
18 posteriorly, but at the side. And Number 12 is in the
19 medial left posterior leg to the, more towards the
20 midline.

21 Q. Okay. And those entrance wounds were, again, to
22 the front or back of Gilliam?

23 A. Those were to the back.

24 Q. Okay. So how many total do we have to the back?

25 A. One, two, three, four.

1 Q. What about ---

2 A. To the back. And three to the -- no. One, two
3 to the front.

4 Q. And where would you label Number 8, to the front
5 or to the back?

6 A. Number 8 was to -- was basically in the back, in
7 the back but almost in the side of the, of the body.

8 Q. Okay. Dr. Wren ---

9 A. That's why I was telling you earlier that this is
10 just two dimensions and it's a three-dimensional
11 structure, so I wouldn't have seen it had I been looking
12 at the body straight on. But the body then turned to
13 it's side, I could put where it was. So in front of the
14 midline, from front to back or whether -- or exactly
15 where it was. Nevertheless, I drew it as if it were in
16 the side, but slightly to the back of the, of the
17 midline.

18 Q. Okay. But did you not see it, just looking at
19 him from the front?

20 A. That's correct.

21 Q. Okay. Dr. Wren, are there any wounds to Cecil
22 Gilliam's body that come from the front and goes to the
23 back? Straight through?

24 A. No, not from the front. Number 8 could have come
25 from the side, but it probably fires about the same time

1 the two to the front were fired.

2 Q. And ---

3 A. Although the body has moved some.

4 Q. And you referenced the front. They also came out
5 of the front.

6 A. Yes, they did. Right.

7 Q. And you state again what you -- your deductions
8 are as far as the pass and entrances of 7, 9, 12 and 13?

9 A. They were all in the back or essentially in the
10 back, yes.

11 Q. Do you have any, to a reasonable degree of
12 medical certainty, do you have any statements as to
13 whether or not those were potentially fired in the same
14 direction?

15 A. I think the first one was probably in the same
16 place when those four were fired, but the body was
17 moving somewhat. For instance, two in the legs were
18 going up and forward as they were fired. And from his
19 left to right.

20 And the one in the buttocks was also going
21 upward, forward, but at a little bit bigger -- well, it
22 was about the same angle as the one pictured as Number
23 12 here. Those were going almost the same way, except
24 the one Number 12, wasn't quite that -- it was a little
25 bit higher angle toward the front than the one that went

1 in his buttocks.

2 And then the one in the leg here, the lowest one
3 down came out a little bit more horizontally to the
4 ground, but they were all fired at the same position.
5 But the decedent moved or the assailant moved to shoot
6 those shots.

7 Q. Based upon the autopsy that you did, do you have
8 any -- can you tell the elevation of the victim
9 potentially in relationship to the deceased or the
10 defendant or the person who fired the weapon?

11 A. Well, since both the body and the assailant can
12 move, it's hard to tell exactly where the two people
13 were. That would have to be correlated with the scene.

14 But generally speaking, the ones to the front,
15 the decedent was at either bent extremely forward to the
16 assailant or he would have actually been at a lower
17 level than the decedent had fired -- I mean, the
18 assailant had fired the shot. It really depends on the
19 position of the two people, as well as where they were.

20 For instance, I don't think this person could
21 have been -- the decedent could have been -- well, it's
22 hard to say. It's really hard to say exactly where, but
23 the assailant would have been, on this diagram, he would
24 have been over here in any position where those could
25 have come straight into the body if the body might have

1 moved, would have been his position at that time.

2 And then one in the back, he was actually sort of
3 behind him. The decedent could have been on the ground
4 and moved his legs or he could have been at a higher
5 level and the bullets came in from a lower level. But
6 he was definitely more in relation to the body. The
7 assailant was to his left, to the decedent's left and
8 more interior.

9 Now, these two to the legs could have come in
10 most any position. For instance, here it could have
11 been the same level. His leg could have been back to
12 where they would have come in, or the assailant could
13 have been in a lower position and this person goes to a
14 higher position and they would have fired straight in.

15 Same with that one and the same to the arm
16 because you can't tell where the arms and legs were when
17 they -- when it was fired because there were numerous
18 positions they could have been at, but they all came
19 from the same direction at about the same time.

20 Q. Okay. If you want to have a seat back for a
21 moment.

22 (Witness resumes witness stand.)

23 MS. JORDAN: Your Honor, may we approach?

24 THE COURT: (Nods head up and down.)

25 (A bench conference was held off the record.)

1 THE COURT: All right. Ladies and gentlemen,
2 this is one of those times I have to take up a matter
3 outside of your presence. So I ask, if you would, not
4 to have any discussions among yourselves about anything
5 involving the case. You may go with the bailiff and
6 we'll get you back here shortly.

7 (Jury leaves the courtroom at 10:00 a.m.)

8 THE COURT: Yes, ma'am.

9 MS. JORDAN: Your Honor, at this point I know
10 we've had various discussions throughout the trial on
11 this. I was seeking to introduce the black and white
12 photographs that are currently marked as State's
13 Exhibit Numbers 71 through 75. I approached the Court
14 before I did that just in case there were any objections
15 that we could handle the matters outside the presence --
16 or at the bench or outside of the presence of the jury.

17 I have also provided the Court with five full
18 page color pictures of the black and white pictures that
19 I seek to introduce. I would request that those be made
20 a part of the record, a Court's exhibit, just for
21 purposes of an appeal, if there is one.

22 THE COURT: All right. We'll have the colored
23 photographs marked as a Court's exhibit. I've paper
24 clipped them together. Can we just do them as a group?

25 MS. JORDAN: Yes, Your Honor.

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1 THE COURT: Okay.

2 (Court's Exhibit Number 6, Colored Photographs of
3 Autopsy, were marked for identification.)

4 (Court's Exhibit Number 6 was entered into the
5 record.)

6 MS. JORDAN: Your Honor, we seek to introduce
7 these to help the jury, to aid the finder of facts in
8 this case. Dr. Wren has pointed out on the State's
9 Exhibit Number 27 that it is just a 2-D image of the
10 body from front and back. We're asking to put these
11 photographs in that are, as the Court has seen, edited
12 and in black and white.

13 We have moved -- removed Cecil's face. We have
14 removed Cecil's private area. We are also doing black
15 and white so that there's not a -- you know, the blood
16 that's on there is not highlighted by being the red
17 color that it is.

18 We would seek to introduce these just to aid the
19 finder of fact in this case, the jury. We're not doing
20 it to enflame the jury. We have an entire collection of
21 photographs from the autopsy that were taken that
22 include the inside of his body and the outside of his
23 body. We're not seeking to do any of that. We're just
24 seeking for bullet wounds to come in. We do believe it
25 is more substantially probative than prejudicial under

1 403.

2 MR. NEELY: What they intend is irrelevant.
3 Whether they intend to enflame the jury or not, that is
4 absolutely irrelevant to the Court's analysis of
5 admitting those under 403. Here Dr. Wren has spent the
6 last 45 minutes explaining to the jury each and every
7 entrance wound, each and every exit wound, the
8 trajectory of the bullets.

9 He's got a diagram. He's got two diagrams that
10 are actually already in evidence that will be going back
11 with the jury. These pictures are cumulative on top of
12 all that information that the jury already has. And
13 besides that, they're autopsy photographs, which are
14 likely, regardless of the solicitor's intent, to enflame
15 the jury.

16 Judge, I think at this point they're
17 substantially more prejudicial than they are probative
18 because the jury already has the information that
19 they're seeking to get from the same -- from those
20 photographs.

21 THE COURT: All right. I'm going to allow them.
22 The probative value of these photographs, the way I've
23 listened to the expert's testimony, is that the position
24 and the entry and exit of these wounds is significant
25 factually to the jury. If it were just that we wanted

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1 just to show that someone had been shot, I might be
2 agreeing with the defense, but considering the nature of
3 the testimony I'm going to allow it.

4 Plus, we've had numerous discussions and the
5 State has followed this Court's direction on trying to
6 minimize any type of enflaming that the pictures could
7 -- could represent or present to the jury by cutting
8 them and editing them and making them into black and
9 white. So I believe that the probative value at this
10 juncture still outweighs any prejudicial effect that the
11 photos may have with the jury, but you're noted.

12 MR. NEELY: Thank you, Your Honor.

13 THE COURT: Yes, sir. Anything else before we
14 bring them in?

15 MS. JORDAN: Not from the State, Your Honor.

16 THE COURT: Will you check and see if they're in
17 the process of using the restroom and stuff, because if
18 they are, we'll just take a short recess ourselves. If
19 they're just sitting there waiting to go, we'll go ahead
20 and go, but if not we'll take a short recess.

21 THE BAILIFF: Your Honor, they're ready to go.

22 THE COURT: Okay. We will continue on. Let's
23 bring them back.

24 (Jury enters the courtroom at 10:16 a.m.)

25 BY MS. JORDAN:

1 Q. Dr. Wren, when you're performing your autopsies,
2 do you use rods in certain instances to help show the
3 path of the bullets through the body?

4 A. Yes, I do that when they're requested.

5 Q. Were they ---

6 A. And I can get them through there.

7 Q. Yes, sir. And were they requested in this case?

8 A. Yes.

9 Q. Okay. I'm gonna show you several photographs and
10 start with State's Exhibit Number 71 and ask if you
11 recognize that photograph.

12 A. Yes. This is the decedent's front view of the
13 abdomen. And it shows a rod from Number 1 to Number 2.
14 Now, I need to preface that with a little bit about
15 ballistics.

16 When a bullet comes into the body, it actually
17 bores a hole in the body. So you have it -- usually,
18 depending on the -- whether it's straight in or at an
19 angle, one will have no outline around the hole. It'll
20 just be a hole there. Or if it's coming in at an angle,
21 there'll be a drag abrasion from the first part that
22 goes in.

23 In this case, you can't see that at all, but a
24 bullet passes through the body, it starts to tumble. If
25 it hits something and it's -- doesn't imbed in it, if it

1 hits something solid like bone, it'll start to tumble as
2 it ricochets off and it comes out and it actually tears
3 itself. It doesn't bore out, it tears out of the skin.
4 So it folds the skin back to where you could put it
5 together and didn't take any with him.

6 Q. Okay.

7 A. Suture, like a little nice -- it'll just be a
8 little -- depending whether you have a plastic surgeon
9 that sews it up or someone that's in a hurry, you might
10 not have much of a scar at all or you might have a
11 larger scar. In this case, the rod ---

12 Q. And let me ask you -- Dr. Wren, if I may just ask
13 briefly, is that a fair and accurate depiction of the --
14 Cecil's body after you inserted that rod?

15 A. Yes.

16 MS. JORDAN: Your Honor, at this time we would
17 move State's Exhibit Number 71 into evidence.

18 MR. NEELY: Objection.

19 THE COURT: All right. We'll allow it.

20 (State's Exhibit Number 71 was entered into the
21 record.)

22 THE WITNESS: Now, this one, this one went, as I
23 said, it was going into his left side. It traveled. He
24 was a little bit heavy, so it traveled into the
25 outer-post tissue between the muscle and the abdomen and

1 the bottom of the skin surface, which is called the
2 dermis. Pass through there.

3 And we actually took pictures of that, which is
4 irrelevant, but it did not go into the abdominal cavity
5 where the organs are, and came out on his right side,
6 slightly lower, in very slightly anterior to where it
7 went in.

8 MS. JORDAN: Your Honor, may I have that
9 photograph and publish it to the jury, if that's okay
10 with the Court?

11 THE COURT: Yes, ma'am.

12 BY MS. JORDAN:

13 Q. Does this picture represent, and just using the
14 numbers that we already have on the State's Exhibit 27,
15 can you just show them where entrance wounds one ---

16 A. This is Number 1 on his left side. Number 2 is
17 in his right side, on the right side or just to the
18 right of midline. It's the midline with his abdomen,
19 naval there. And there is the wound Number 3.

20 Q. Okay.

21 A. Number 4 was on down a little bit, so they were
22 coming like, Number 4 was coming up like this.

23 (Indicating.) I couldn't get the rod through that, I
24 don't think.

25 Q. Okay.

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1 A. I could get it through that, through one and two.
2 Naval there and there is the wound Number 3. Number 4
3 is down a little bit. Number 4 is coming up like this.
4 I couldn't get the rod through that, I don't think.

5 Q. Okay.

6 A. I could get it through one and two.

7 Q. Okay. Now, I'm going to show you what's been
8 marked already as State's Exhibit Number 72 and ask if
9 you can identify that photograph?

10 A. This is the one from seven to five.

11 Q. Okay. And this is a fair and accurate depiction
12 of the condition you found Cecil's body on when you did
13 the autopsy?

14 A. Yes, it is.

15 MS. JORDAN: Your Honor, at this time we'd move
16 State's Exhibit Number 72 into evidence.

17 MR. NEELY: Objection.

18 THE COURT: We'll allow it.

19 (State's Exhibit Number 72 was entered into
20 evidence.)

21 MS. JORDAN: May this be published to the jury?

22 THE COURT: Yes, ma'am.

23 BY MS. JORDAN:

24 Q. I'm gonna place it up here so that you can use
25 the pointer and tell the jury briefly what this is.

1 A. This is the side of his body there. This is
2 basically the armpit. The arm is turned slightly to
3 where the entrance was back at the back and the exit
4 was, in this picture shows, it's a little bit anterior,
5 although the arm would be turned down if he was standing
6 down.

7 Q. Okay. So the entrance wound is Number 7 and the
8 exit is Number 5.

9 A. That's correct.

10 Q. Number 7 is to the back, and five is to the
11 front?

12 A. Yeah. That's correct.

13 Q. Okay.

14 A. It comes out very slightly to his right.

15 Q. Okay. And let's remove that and show you State's
16 73, and ask if you recognize that photograph.

17 A. These -- these -- this is his left leg. One can
18 see there are two rods. One of them is actually -- one
19 can't see the two. The entrance and the exit; whereas,
20 the lower most one sees the entrance in the back of the
21 thigh and the exit is to the decedent's more anterior,
22 but still in the back of the thigh, slightly higher than
23 the entrance. The other one is pretty much the same
24 direction as the body's relaxed.

25 Q. Dr. Wren, is that a fair and accurate depiction

1 of Cecil's legs --

2 A. Yes.

3 Q. -- with the rods that you inserted during your
4 autopsy?

5 A. Yes.

6 MS. JORDAN: Your Honor, at this time we would
7 move State's 73 into evidence.

8 MR. NEELY: Objection, Your Honor.

9 THE COURT: We'll allow it.

10 (State's Exhibit Number 73 was entered into the
11 record.)

12 MS. JORDAN: May I publish it?

13 THE COURT: Yes, ma'am.

14 BY MS. JORDAN:

15 Q. If you can just briefly explain to the jury
16 again, while they're looking at this picture, what they
17 see.

18 A. The person was rolled up on his side slightly.

19 And you can see his leg is actually -- his left leg is a
20 little bit more in front of his right one. So to get --
21 it's kind of hard to hold him like that, particularly
22 when they weigh 261, but the bullet came into the back,
23 came out to the side, but still in the back.

24 Q. Okay. Can you also ---

25 A. And then the other rod is through the one in the

1 upper posterior medial thigh. And more anterior in the
2 thigh as it come out, as the diagram shows.

3 Q. Thank you, Your Honor -- or, I'm sorry, thank
4 you, Doctor. I'm gonna remove that and show you State's
5 Number 74, and ask if you recognize that photograph.

6 A. This is the Number 9 in the back.

7 Q. Okay.

8 A. Right here. (Indicating.)

9 Q. Is that just above the buttocks?

10 A. Yeah, just above the crease of the buttocks. And
11 it's an entrance and it's got a slight abrasion. I'll
12 point it out.

13 Q. Is this a fair and accurate depiction of how you
14 found bullet wound Number 9 on Cecil's body?

15 A. Yes. After washing the body.

16 MS. JORDAN: Your Honor, may I? State moves
17 Number 74 into evidence.

18 MR. NEELY: Objection.

19 THE COURT: We'll allow it.

20 (State's Exhibit Number 74 was entered into the
21 record.)

22 MS. JORDAN: May I publish?

23 THE COURT: Yes, ma'am.

24 THE WITNESS: The actual hips have been removed
25 and the entrance is there. And you can see, if you look

1 closely, from about -- if you're looking at a watch face
2 or clock face, over there at about 6:30 or 7:00 on a
3 watch face to about 8:30 to 9 o'clock, you can see a
4 slight abrasion bore showing as the bullet went in.

5 It went in and hit the skin and drug in at the
6 front down interiorly, so the bullet was going in that
7 direction as it went up and to the decedent's right and
8 passed into the, to the back, went through the
9 intestines multiple times, went through the right
10 kidney, through the diaphragm and the liver, and then
11 through the lungs and come out -- well, it didn't come
12 out, but it came to rest in the -- behind the humorous
13 in the upper chest.

14 There's no exit to this one, so I have -- when
15 you have someone, a person who's being autopsied,
16 sometimes it's difficult to get a rod to go through the
17 tissue. Now, you can always, I could have made a track
18 through there any way I wanted to because there's
19 nothing in the way that I couldn't stick a probe
20 through.

21 But to get it to go through the exact tract, you
22 have to have -- sometimes you have to move the body.
23 For instance, if he were leaned back, the bullet inside
24 would have gone more anteriorly. And then as he laid
25 out on the autopsy table, it would have -- the bullet

1 would have had to curve around. Whereas, if he were
2 leaning forward, it would come out -- it would have been
3 back more toward the back.

4 And so when you -- when they're lying flat and
5 you can't move them very well, then you don't just put a
6 probe in there. I could have put a probe in there and
7 gone part of the way, but that wouldn't -- I could put
8 it any way I wanted to, just depends on how I position
9 the body.

10 BY MS. JORDAN:

11 Q. But the ability to put the probe in there does
12 not in any way change the path the bullets go?

13 A. No. No, it wouldn't have changed that. It would
14 just change which tissues internally were in the way as
15 it went through.

16 Q. I'm finally gonna show you what's previously been
17 marked as State's Exhibit 75?

18 A. This is the re-entry in the lower portion of the
19 wrist toward the palm of his right hand.

20 Q. Is that a fair and accurate depiction of --

21 A. Yes.

22 Q. -- Mr. Gilliam's right hand?

23 A. Yes.

24 MS. JORDAN: Your Honor, may I publish -- or may
25 I -- State moves to admit 74 into evidence. 75, I

1 apologize.

2 MR. NEELY: Objection.

3 THE COURT: I'll allow it.

4 (State's Exhibit Number 75 was entered into the
5 record.)

6 THE WITNESS. As I stated previously, when a
7 bullet is passing through and coming out of the body, it
8 starts tumbling a lot of times, so it makes a bigger
9 hole as it, as it goes in. And it could have been a
10 contact wound, but you would have seen other evidence
11 that it was contact.

12 And the bullet went into the palm of his hand and
13 went over towards his little finger, go to his thumb,
14 index, middle finger, ring finger, and then I don't see
15 his small finger. A little finger.

16 BY MS. JORDAN:

17 Q. I think his index finger may be up towards your
18 glove, just out of the picture.

19 A. Yeah. So anyway, it's an irregular defect, so
20 the bullet was distorted somewhat and tumbling as it
21 went in. And I recovered the bullet from just about
22 underneath his fingernail of his ring finger as looking
23 at this, this photograph.

24 Q. Not in the, not in the finger, but actually in
25 the palm itself, just --

1 A. It was in the palm of the hand.

2 Q. -- where the finger is?

3 A. Yeah.

4 Q. Okay. That wouldn't be classified as a re-entry
5 based upon the tumbling nature that you, you've already
6 testified to?

7 A. I thought it could have been a re-entry. It
8 didn't necessarily have to be. It could have been a
9 ricochet from somewhere else, but it -- you can't
10 imagine that either of these two wounds to his abdomen
11 would have -- could have gone into his hand. I thought
12 it probably did, but not sure.

13 Q. Okay.

14 A. But it could have actually come from another
15 gunshot, so in that case it would have been an extra
16 gunshot that wasn't depicted.

17 Q. But your initial thoughts was that it was a
18 re-entry?

19 A. That would be incumbent on investigating how many
20 shots were actually fired from the weapon.

21 Q. Okay. Dr. Wren, did you also, as part of your
22 autopsy review the clothing that --

23 A. Yes, I did.

24 Q. -- Cecil was wearing?

25 A. Right.

DIRECT EXAMINATION OF DR. WREN BY MS. JORDAN

1 Q. Could you tell the jury what you found on the
2 clothing that he's wearing.

3 A. Well, I found defects in the clothing that
4 basically overlaid the gunshot wound, so he was fully
5 clothed when they went -- when he was shot. And he had
6 on a white shirt, so if these gunshots had actually been
7 fired closer, one can tell a little bit about whether --
8 how far a bullet -- the weapon was as it was shot, so
9 I'll have to go through gunshot wounds.

10 Imagine that you had a white target, paper or a
11 wall or in this case his shirt. Generally speaking, you
12 can tell there are four types of gunshot wounds.
13 There's distant, there's intermediate, there's loose
14 contact and tight contact.

15 A tight contact gunshot wound is one in which the
16 weapon is pushed up against it tightly. If it's in the
17 skin when the weapon is fired, it blows the gases that's
18 coming out of the barrel following the bullet, actually
19 obstructed from -- somewhat from going completely into
20 the body, so they will tear the skin around the
21 entrance. So you won't have a nice round hole where it
22 enters.

23 If it's tight contact, it'll be stellate, torn in
24 different directions, but you could resuture it again.
25 Like I said, it bores itself in, but the gasses are what

1 caused it.

2 Plus you will see what caused the tearing. Plus
3 you will see burns on the skin where the barrel became
4 hot. You will also see soot and powder inside the wound
5 if you dissect into the wound itself.

6 If it's loose contact, usually you'll see a
7 little bit of -- and if it's in clothing, it'll tear the
8 clothing in two. Clothing won't have a nice round hole
9 like it did if you shot it from a long distance, most
10 any distance away from him.

11 So one can take the clothing, look at it under a
12 scanning microscope if it's, if it's an off color, and
13 one can see the particle. We don't do that as a
14 pathologist. That's sent to SLED for examination of
15 clothing if necessary.

16 But if it's loose contact, you'll see a little
17 bit, a little bit more powder and a little bit more
18 stippling around the entrance from the burning powder
19 actually tattooing the skin, but it won't be blown
20 apart, like I said.

21 And intermediate gunshot wounds are ones that are
22 not contact with the body. It's not contact with the
23 clothing, it's actually with the body. You talk about
24 contact gunshot wound. But an intermediate one, you can
25 imagine if this wall were white here and I stuck the

1 weapon and discharged it into the wall, if I stuck it up
2 against it, in the case of a target, it'll have a hole
3 there, but it won't be anything around it hardly.

4 And then as you back off, one will see the
5 powder. The soot that comes out of the barrel also,
6 it'll make a little concentric circle if it's straight
7 on. Or if it's at an angle, it'll make a, like a cone
8 shape. And once the, the target gets further than that
9 powder, burning powder and soot can, can come out of the
10 barrel, then you don't see any more evidence.

11 So if you take a weapon and you know the same
12 caliber bullets or the same type of cartridge, SLED
13 ballistics can, can do that. And if there's evidence on
14 the body or on clothing, you can tell it by how far the
15 weapon was from the, from the target.

16 But once it gets past an intermediate range,
17 which in handguns, depending on the caliber, goes up to
18 maybe eight to ten inches. No further than that. And
19 in shotguns it goes a good bit further because if
20 anybody's ever shot a shotgun, particularly -- well,
21 when I was growing up they had turkey shoots where they
22 would go out and everybody would have their favorite
23 shotgun and they would shoot at targets and the one with
24 best pattern would win the turkey.

25 But at any rate, you can tell how far the weapon

1 was away. But once it passes that intermediate stage,
2 depending on whatever kind of weapon it is, from there
3 as far away as the bullet will travel it's called
4 distant.

5 Q. Doctor ---

6 A. So there's no evidence that you have an
7 intermediate or a contact gunshot wound, then we have to
8 call it distant. And you can't tell how far away that
9 was.

10 Q. Dr. Wren, on any of the wounds or the clothing
11 that you observed, did you notice anything that would
12 indicate that these were tight contact wounds?

13 A. I couldn't see any evidence that any of them were
14 contact.

15 Q. By contact, do you mean tight --

16 A. Or intermediate, yeah.

17 Q. -- contact wounds?

18 A. Yes, ma'am. I didn't see anything on the
19 clothing, but it was soaked with blood, too.

20 Q. Okay. And you also reviewed his pants. Did you
21 notice any ---

22 A. There were defects in the pants.

23 MS. JORDAN: Okay. Your Honor, may I have a
24 moment?

25 THE COURT: (Nods head up and down.)

1 BY MS. JORDAN:

2 Q. Dr. Wren, based upon your medical expertise or
3 background, are any of these wounds consistent with
4 somebody coming straight on at you?

5 A. No.

6 Q. Like if I'm walking towards you right now, would
7 any of these wounds have occurred?

8 A. No.

9 Q. Okay. If I'm four to five feet from you,
10 straight forward, would any of these wounds have
11 occurred?

12 A. No, not the way they went. There would have been
13 -- all of those would have -- in the back, some of them
14 could have been slightly backing toward me or
15 approaching me.

16 Q. But that's my body backing up to you.

17 A. Right. But they wouldn't have been at the same
18 level. What I'm saying is, if those -- these gunshots
19 to the back, the person that fired those gunshots, the
20 body would have had to have been at a higher elevation
21 than the level of the gun.

22 Or if it were a lower elevation, the person that
23 did the firing would have been back from him to where he
24 would have had a straight line through the body in
25 whatever position the body's in.

1 Q. Okay. So the body ---

2 A. But it would be, relative to him, he would have
3 -- the body would have been at a higher level, just in
4 two dimensions, not three dimensions, than the, than the
5 assailant.

6 For instance, if I were on a ladder and the guy,
7 the assailant was shooting at me, he could have put
8 those gunshots in his back with him up in the air, but
9 he would have been at a lower level relative to his body
10 elevation wise. Or if the person was lying flat on the
11 ground, he could have been six to -- maybe six to eight
12 feet from him, and it would have gone in at that
13 direction.

14 Bullets do not, contrary to what people try to
15 explain sometimes, they do not travel in circles or arcs
16 or anything like that. They travel in a straight line
17 until they hit something that might deflect them.

18 Q. Okay. Please answer any questions that Mr. Neely
19 may have.

20 CROSS-EXAMINATION

21 BY MR. NEELY:

22 Q. Dr. Wren, your autopsy started at about
23 12:30 p.m. on the sixth?

24 A. Yes, sir. I write down the time it starts.

25 Q. Okay. And it concluded a little after 6:00 p.m.

1 on the sixth?

2 A. Yes, sir.

3 Q. In your report, you noted that these gunshot
4 wounds are in various directions, as shown on the
5 accompanying diagrams.

6 A. Are what?

7 Q. These gunshot wounds are in various directions,
8 as shown on the accompanying diagrams?

9 A. Yes.

10 Q. All right. So you wouldn't describe that as good
11 grouping.

12 A. No. Number 1, 4 and 8 are grouped. The
13 others -- let me look at my diagram. One, four and
14 eight came from the same direction, although the body
15 moved a little bit. And then 7 -- 7, 9, 12 and 13 were
16 from the same position just about. Those were grouped.
17 Those four were fired at one time, unless the person
18 turned real quickly over.

19 Q. Okay. You weren't at 405 Sharpe Street.

20 A. No. I don't even know where it is.

21 Q. Got ya.

22 A. I've seen the pictures of where it was.

23 Q. Before 12 o'clock on the sixth, you've never seen
24 Cecil Gilliam before?

25 A. Never seen who?

1 Q. Mr. Gilliam?

2 A. No. No. I mean, not that I recall. I could
3 have seen him somewhere I guess.

4 Q. All right. So you don't know what position his
5 body was in when he was shot.

6 A. Not exactly, no.

7 Q. Right. You don't know ---

8 A. I know what relative positions he was to the
9 assailant. That's all I can tell you. Any, any
10 position you can imagine where the two were in those
11 general positions, would be consistent.

12 Q. All right. But as you just told us, the body is
13 moving, it is turning, it is rotating.

14 A. Yeah. One or the other were moving.

15 Q. Okay. Now, as you told us, these numbers one,
16 two, three, four, all the way up to 13, those are done
17 for your purposes. That's procedure that you follow.

18 A. That's -- that's just arbitrarily placed by the
19 convention that I told you about.

20 Q. Right.

21 A. Top to bottom, usually left to right. Top to
22 bottom takes precedence over left to right, and then
23 front and then the back. Front top to bottom, backs are
24 not on top to bottom.

25 Q. But you can't say which shots came first?

1 A. No.

2 Q. But we can say almost positive that the shots in
3 the front came before the shots in the back.

4 A. No, I can't say that.

5 Q. Dr. Wren, do you ---

6 A. I know he was alive when all, all of them were
7 shot, so I think.

8 Q. Dr. Wren, do you remember previously testifying
9 in a hearing in this case?

10 A. Yes.

11 Q. Okay. And do you remember being under oath?

12 A. (Nods head up and down.)

13 Q. All right. And I asked you: It's a possibility
14 that the shots on the front came first.

15 A. It's a possibility, sure.

16 Q. All right. Well, if you'll read ---

17 MS. JORDAN: Your Honor, can I ask what page he's
18 on?

19 MR. NEELY: Page 59.

20 THE WITNESS: Read the whole thing?

21 BY MR. NEELY:

22 Q. No, sir. There's my question. If you'll read
23 lines 14 and 15 to the jury, please.

24 A. Well, you ask: It's a possibility that the shots
25 on the front came first?

1 I said: Yes or yeah, it's possible. It's more
2 probable that the ones in the back came last and the,
3 and the bottom of the legs, the ones in the front, I
4 think that was what happened when he walked. This
5 person was turning because entrance one, four and eight
6 basically came from the same direction, as I've said,
7 and the body had to be moving at that time in the
8 re-entry Number 6. And his hand was up to his side
9 probably because when a bullet comes off the top and
10 tumbling, this had the characteristics of a toning
11 bullet. It's often just a round hole where the bullet,
12 as it goes into the body, it usually makes it unless
13 it's in contact with the body.

14 Q. Right. So your answer was that it's more
15 probable that one in the back came last?

16 A. I think so. I'm not sure though.

17 Q. All right. Outside of that prior hearing, have
18 you ever seen this gentleman before?

19 A. No, I don't think so.

20 Q. All right. And like you also told us, before
21 your autopsy on the sixth, you've never, to the best of
22 your recollection, seen Cecil Gilliam before?

23 A. No. I haven't seen either one of them. Not that
24 I recall, huh-uh.

25 Q. Okay. You don't even know where 405 is, do you?

1 Street is?

2 A. Pardon?

3 Q. You don't even know where -- Street is?

4 A. No.

5 Q. You don't know what led to Cecil Gilliam being
6 shot?

7 A. No.

8 Q. You didn't even assign a manner of death in this
9 case, correct?

10 A. No, I didn't. I don't -- at the conference, at
11 that previous coroners' request. Not, not the current
12 coroner. He wanted the -- he wanted to be the one that
13 assigned the manner of death. Now, I need to tell --
14 talk about manners of death again as to answer your
15 question correctly.

16 Q. No, sir. My question was you didn't assign a
17 manner of death in this case.

18 MS. JORDAN: Your Honor, he asked if he ---

19 THE WITNESS: No. I said the manner of death is
20 left to the coroner, I think.

21 MS. JORDAN: I'd ask ---

22 THE WITNESS: And that depends -- excuse me.

23 MS. JORDAN: I'd ask that the witness be able to
24 fully explain his answer.

25 MR. NEELY: Judge, the answer to my question is

1 no. He's answered the question.

2 THE WITNESS. I said the manner of death will be
3 assigned by the coroner's office.

4 THE COURT: If he wishes to explain his answer, I
5 think he should be able to explain his answer. And then
6 also, if the State wishes, you know, redirect on that
7 issue, the State has the ability to redirect on that
8 issue as well.

9 MS. JORDAN: Thank you, Your Honor.

10 BY MR. NEELY:

11 Q. You don't know if this was self-defense?

12 A. No. Well, I don't think it was. But, no, I
13 don't know.

14 Q. You don't know that it's murder.

15 A. No. That's for the legal authorities to apply.

16 Q. All right. Thank you, sir.

17 A. Because I don't have legal authority to charge
18 anybody with anything. I can give an opinion presented
19 with facts, like the jury is gonna have to do.

20 Q. All right. Doctor, let me take you back to your
21 actual autopsy of Mr. Gilliam when you dissected his
22 gastrointestinal system.

23 A. Uh-huh.

24 Q. What did you note the smell of?

25 A. Are you talking about his stomach contents?

1 Q. Yes, sir. What did you detect an odor of?

2 A. I usually try to do that. Let's see what I said.
3 I said: He had six ounces of yellowish-tan partially
4 chewed food with apparent white meat present with the
5 odor of beer. Although, very little liquid is present.

6 Q. Okay. So when you cut open his stomach, you
7 could detect an odor of beer?

8 A. Yeah. I'm not a connoisseur, but it smelled like
9 beer to me. I, I've smelled some before that smelled
10 like beer and they had no alcohol in their system.

11 Q. Okay, thank you.

12 THE COURT: Any redirect limited to what he went
13 into?

14 MS. JORDAN: Yes, Your Honor, but very brief.

15 REDIRECT EXAMINATION

16 BY MS. JORDAN:

17 Q. Dr. Wren, Mr. Neely had you read your answer to
18 where it's a possibility the shots came in front. And
19 he stopped you before you completed your answer. I
20 believe you stopped on Page 59 at Line 24. Could you
21 continue with the rest of that response?

22 A. Well, it's transcribed: The one in the back and
23 the gut. I don't think I said gut. I usually -- I
24 hardly ever use that. I don't use that word.

25 The one in the back in the gut, in the buttock

1 region probably -- I might have said butt -- was
2 probably had fallen, as was 12 and 13. At least the
3 person would have probably been -- well, anyway you
4 could imagine the bullet coming from his lower left side
5 and going upward in the body.

6 I mean, he could have been standing up if the
7 person were -- if he were on a ladder, say 12 feet above
8 the ground, and somebody was shooting up at him, or if
9 he's lying down, they'd have to be back from him or we
10 -- or he would have been lying on his back and could
11 have had his legs up.

12 There's lots of ways it could be done. I can't
13 tell you because I wasn't there. It takes a scene
14 investigation probably to, to try to put that together.

15 MS. JORDAN: Okay, thank you. Your Honor, I have
16 no further questions for this witness.

17 THE COURT: All right. Thank you, sir. You may
18 step down. Watch your step as you're stepping down.
19 Any reason why the witness could not be excused?

20 MS. JORDAN: None from the State, Your Honor.

21 MR. NEELY: None, Your Honor.

22 THE COURT: All right, thank you.

23 Ladies and gentlemen -- do the lawyers want to
24 approach a moment.

25 (Witness leaves witness stand and courtroom.)

1 (A bench conference was held off the record.)

2 MS. JORDAN: Your Honor, at this point in time
3 the State rests.

4 THE COURT: All right. Ladies and gentlemen,
5 we're going to take a short recess. I'm gonna remind
6 you not to have any discussions among yourselves about
7 anything involving the case, but you may go with the
8 bailiff and retire back to the jury deliberation room.

9 (Jury leaves the courtroom at 10:49 a.m.)

10 THE COURT: All right. We'll step down.

11 MS. JORDAN: Thank you, Your Honor.

12 (A recess was had from 10:50 a.m. - 11:04 a.m.)

13 MS. JORDAN: Your Honor, may I step out and grab
14 my family?

15 THE COURT: (Nods head up and down.)

16 (Ms. Jordan briefly leaves courtroom and
17 returns.)

18 MS. JORDAN: Thank you, Judge.

19 THE COURT: All right. Yes, sir.

20 MR. NEELY: Thank you, Judge. At this time I
21 would renew my motion for immunity under the Protection
22 of Persons and Property Act. Obviously I'm not
23 requesting a new hearing at this time, but I think to
24 protect the record I have to renew that motion.

25 THE COURT: Any other motions?

1 MR. NEELY: Yes, sir. Judge, at this time I'm
2 gonna move for a directed verdict as well. Judge, at
3 this point, based on the evidence that's been presented
4 to the Court, I don't believe the State has proven the
5 corpus delicti of their case. They haven't actually
6 proven that my client has shot anybody.

7 Judge, I was going back through all of the
8 evidence last night and this morning. Their first
9 witness was Mr. Jim Dallison, who testified that he
10 didn't see the incident. He didn't see what happened
11 outside. What he did testify to is that there was no
12 prior altercation between Cecil Gilliam and Adriel.

13 He was asked by Ms. Jordan by the disagreement of
14 paying for drinks. And what he testified to was that
15 was between Mr. Gilliam and another person, not Mr.
16 Garnett. He testified that there was no animosity
17 between the two of them.

18 Ronald Higgins was called to the stand after
19 that, Your Honor. And he testified that he doesn't know
20 why Cecil Gilliam went outside. He testified that his
21 timeframe was off because it's been two-and-a-half years
22 and he doesn't actually recall the times where people
23 were at wherever station at various parts of the house.

24 He also testified that he only heard four shots,
25 Your Honor. And we know from Dr. Wren's testimony, that

1 the victim suffered seven wounds and an eighth re-entry
2 wound. But he testified he only heard four shots.

3 His other testimony was that he heard three shots
4 before he looked outside. He didn't see any altercation
5 between Mr. Gilliam and Adriel Garnett, but he heard
6 three shots. Looked out the window and saw my client
7 firing the gun one time in a downward motion.

8 He also testified that at that point when he saw
9 that shot, he did not know where Cecil Gilliam was. He
10 cannot testify that he saw Adriel Garnett shoot Cecil
11 Gilliam.

12 Judge, what was recovered on scene was testified
13 by Deputy Talanges and Deputy Stepp, was that beside the
14 eight shell casings, there was one fired projectile that
15 didn't hit anything. That just as likely could have
16 been the projectile that my client fired. There is no
17 evidence to show that my client shot Cecil Gilliam.

18 Judge, the State has put in upwards of 82
19 exhibits at this point, but the amount of exhibits you
20 put in still have to go to show the elements of murder.
21 And they still have to go to disproving at least in this
22 case where there is no direct testimony of substantial
23 circumstantial evidence, disproving self-defense.

24 At this point, Judge, they haven't even proved
25 that my client committed a crime; that my client has

1 shot and killed anybody. So at this point, I believe
2 that my client's entitled to a directed verdict. Thank
3 you, Your Honor.

4 THE COURT: Yes, ma'am.

5 MS. JORDAN: Your Honor, we believe there's ample
6 evidence, direct and circumstantial in this case to
7 support the denial of the Directed Verdict Motion.
8 Taking the evidence in the light most favorable to the
9 non-moving party, which is us, the State, we have the
10 testimony of his grandpa and his aunt who testified that
11 he told them he shot Cecil. He shot Cecil in
12 self-defense, which led to him eventually fleeing the
13 jurisdiction.

14 We believe that his flight from the jurisdiction
15 and his flight -- continued flight in Columbia and the
16 lie that he told to the officer as to his name is also
17 further conscience -- or guilt of conscience evidence
18 right there, too, that's circumstantial that the jury
19 can draw from.

20 We also believe that Mr. Higgins testified to
21 more than what he just highlighted. He testified that
22 the last time he looked out through the doors, that he
23 saw Cecil leaning forward over the railing facing toward
24 his home. Then he hears the shots after that. He sees
25 the defendant and the twin down at the bottom. He fires

1 up.

2 Your Honor, there is plenty of evidence in here
3 as to malice. He shoots him eight times, or shoots at
4 him eight times. Seven times to the back. There's been
5 no indication that there was -- I'm sorry, five times to
6 the back, two to the side. None that are direct on and
7 on.

8 Your Honor, there is plenty of evidence out
9 there. Mr. Higgins, while he didn't give a specific
10 time, he did say that it was minutes before they walked
11 out there that the shooting and stuff occurred. Bullets
12 came pretty quickly.

13 And also that Cecil was found and the jury can
14 surmise that the last shots down to the body was
15 circumstantially into Cecil's body where his body was
16 found at that point. We have blood that goes from the
17 very top of the railing to the house at the railing.

18 We have the bullet strike about the area where
19 Mr. Higgins said he saw Cecil leaning over, blood
20 splatter off to the side. And then we also have the
21 blood splatter at the end of the railing and at the
22 bottom.

23 We believe that there is ample evidence, taking
24 it in the light most favorable to the non-moving party,
25 us, the State, to prove that murder and possession of a

1 weapon to go to the jury.

2 THE COURT: Reply?

3 MR. NEELY: Yes, sir.

4 MS. JORDAN: Your Honor, if I could just address
5 -- I'm sorry. Address the self-defense. The only thing
6 that's been put in so far is the testimony of his aunt
7 and his uncle stating that. We believe that the facts
8 for themselves will speak that it's not self-defense;
9 that we've disproved the element that a reasonable
10 person standard, if I can find this -- yeah, I don't
11 think we have to disprove it at this point because it's
12 not so much of the evidence. And if we do, we feel that
13 we have disproved one of the elements, if not all four
14 of them based upon the testimony that the Court has
15 heard.

16 As to his Stand Your Ground Motion, we would ask
17 the Court to continue to deny that motion. And if the
18 Court decides not to deny it, we would ask to be heard
19 again on the Constitutionality of that statute.

20 MR. NEELY: Judge, I'm gonna start with one of
21 the last things Ms. Jordan touched upon, which is at
22 this point self-defense has not been raised because the
23 only testimony that the Court -- has been provided to
24 the jury is the testimony of Bruce and Brittany
25 Westfield. Judge, they can't have it both ways. That's

1 a sword that's gonna cut both ways.

2 Either we have evidence that Adriel Garnett shot
3 Cecil Gilliam because that's what he told Brittany and
4 Bruce, and then we have evidence that he acted in
5 self-defense because that's what he told Brittany and
6 Bruce, or, as the State pointed out yesterday during a
7 bench conference when we were discussing jury charges,
8 that's just a conclusionary statement and that doesn't
9 meet the standard of evidence that's required of me to
10 get a self-defense charge.

11 But the State can't have it both ways. If it's
12 not enough evidence to get that jury charge on
13 self-defense, it's also not enough evidence to meet
14 their burden for a directed verdict. Judge, the
15 testimony that we have is that another person was
16 outside. The testimony is that Tavis Jeter was also
17 outside with Adriel Garnett.

18 MS. JORDAN: Your Honor, I object at this point.
19 We had a third-party guilt motion, he consented to that.
20 And so now that he's sitting here before the Court
21 pointing the finger at Tavis, I would ask that any of
22 that stuff be stricken.

23 MR. NEELY: Judge, I'm not arguing for
24 third-party guilt. What I'm arguing is the evidence
25 that is already -- that the State has elicited and it is

1 before the Court, which is that their witnesses
2 testified that there were three people outside. What
3 has not been testified to is that my client shot Cecil
4 Gilliam.

5 None of the witnesses that the State has provided
6 can say that my client shot Cecil Gilliam. What they
7 can say is that I didn't see anything. There was no
8 animosity between Cecil Gilliam and Adriel Garnett. I
9 didn't see anything outside because I wasn't outside
10 with him.

11 Nobody saw anything that was happening outside.
12 Nobody can say what was going on and for certain nobody
13 can say who shot whom. Nobody can say that. The State
14 has provided no evidence of that.

15 Now, I understand that there's blood splatter
16 coming down the rail. And I understand that there's
17 eight shell casings. Judge, as I stated when Dr. Wren
18 took the stand, I'll stipulate that Mr. Gilliam was shot
19 eight times. I'll stipulate to the cause of death. He
20 was shot to death.

21 What there isn't evidence of is that my client is
22 the one that shot him. The State has to present some
23 evidence to the Court, and this is solely a
24 circumstantial case where they have to present
25 substantial circumstantial evidence before the Court to

1 survive a directed verdict motion.

2 And at this point they have no evidence that my
3 client was the one that shot Mr. Gilliam. So at this
4 point the only proper ruling from the Court is a
5 directed verdict.

6 THE COURT: I thought the last thing that she
7 argued was the unConstitutionality of the statute.

8 MR. NEELY: The last thing she argued with
9 regards to direct verdict. She also addressed the Stand
10 Your Ground Motion, which I renewed but did not argue.

11 THE COURT: All right. In anticipation of the
12 arguments, we pulled the case of the State versus Oats.
13 It's a 2017 case where the Court of Appeals went through
14 and articulated the standards that would apply in a
15 murder case that also had the assertion of self-defense,
16 as well as stand your ground.

17 As far as the standards that are articulated in
18 that case, I would have to deny the present motions
19 because I do believe the State has presented evidence
20 to, to support their case and have it presented to the
21 jury.

22 MR. NEELY: Can I ask for just a little
23 elaboration, Your Honor?

24 THE COURT: No, sir.

25 MR. NEELY: Yes, sir.

1 THE COURT: I've ruled.

2 MR. NEELY: Yes, sir.

3 THE COURT: Do I need to?

4 MR. NEELY: No, sir.

5 THE COURT: I would re-articulate the arguments
6 that were presented by the State. I think the facts,
7 she gave an accurate summary of what has been presented.

8 MR. NEELY: Yes, sir.

9 THE COURT: And when that evidence is viewed in
10 the light that's most favorably to the State, there is
11 evidence sufficient enough to warrant this case being
12 presented to the jury.

13 MR. NEELY: Yes, sir. Thank you, Your Honor.

14 THE COURT: Anything else?

15 MR. NEELY: Nothing from the defense.

16 MS JORDAN: Nothing from the State, Your Honor.

17 THE COURT: All right. Now, is the defense ready
18 to go forth?

19 MR. NEELY: Yes, sir.

20 MS. JORDAN: Your Honor, at what point in time
21 will the Court inquire as to the defendant's decision to
22 testify?

23 THE COURT: Are you up to that point yet?

24 MR. NEELY: Not yet, Your Honor.

25 THE COURT: All right. All right. Who's gonna

1 be your first witness?

2 MR. NEELY: Naomi Bassett.

3 THE COURT: Okay. All right. Check with them to
4 see if they're ready.

5 THE BAILIFF: Your Honor, they're all ready.

6 THE COURT: All right. Bring them in.

7 (Jury enters the courtroom at 11:17 a.m.)

8 THE COURT: Yes, sir.

9 MR. NEELY: Thank you, Judge. At this time we
10 call Naomi Bassett.

11 THE COURT: If you would, just come right up here
12 and let the clerk of court swear you in.

13 (Witness comes forward and places left hand on
14 the Bible and raises the right hand.)

15 THE CLERK: Do you solemnly swear the testimony
16 you're about to give will be the truth, the whole truth
17 and nothing but the truth so help you God?

18 THE WITNESS. Yes.

19 NAOMI BASSETT,

20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. NEELY:

23 Q. Ms. Bassett, if you'll tell the jury your name
24 and spell your last name for the record, please.

25 A. Naomi Bassett. Last name is B-A-S-S-E-T-T.

1 Q. Ms. Bassett, where are you currently employed?

2 A. Union County Sheriff's Office.

3 Q. And how long have you been there?

4 A. Almost two years.

5 THE COURT: All right. Ma'am, if you would,
6 slide up to that microphone. You're speaking awfully
7 soft.

8 THE WITNESS: Sorry.

9 THE COURT: Thank you.

10 BY MR. NEELY:

11 Q. Where did you work prior to that?

12 A. Woodruff City.

13 Q. For the Police Department?

14 A. Yes.

15 Q. Okay. Any law enforcement experience before
16 that?

17 A. Yes, sir.

18 Q. Where at?

19 A. Gaffney City and Clinton City.

20 Q. All in all, how long have you been a law
21 enforcement officer?

22 A. Nine years.

23 Q. Prior to becoming a law enforcement officer, did
24 you start your career at the Criminal Justice Academy?

25 A. I was a reserve officer before I was a full-time

1 officer.

2 Q. Okay. Did you go to the Criminal Justice
3 Academy?

4 A. Yes, I did.

5 THE COURT: All right, ma'am. I'm sorry, I can't
6 hear you.

7 THE WITNESS: I'm sorry, yes, I did.

8 THE COURT: Thank you.

9 BY MR. NEELY:

10 Q. Okay. Did you take an eight-week program there?

11 A. It was a nine-week program.

12 Q. You took a nine-week program?

13 A. Yes, sir.

14 Q. Okay. And while you were there you learned how
15 to be a police officer?

16 A. Yes.

17 Q. Okay. You learned how to drive a car?

18 A. Yes.

19 Q. How to shoot a gun?

20 A. Yeah.

21 Q. Speak up.

22 A. Yes.

23 Q. You learned legals?

24 A. Yes, sir.

25 Q. You learned how to write incident reports?

1 A. Yes, sir.

2 Q. As part of that, you learned how to respond to a
3 crime scene, correct?

4 A. Yes, sir.

5 Q. Okay. And with everything you learned in how to
6 be a police officer, you learned that when doing your
7 job you want to be thorough, correct?

8 A. Yes, sir.

9 Q. And you learned that you wanted to be accurate?

10 A. Yes, sir.

11 Q. And you wanted to be complete, correct?

12 A. Yes, sir.

13 Q. And for the last nine years when you've been a
14 law enforcement officer, you've applied that training,
15 correct?

16 A. Yes, sir.

17 Q. So every time you respond to a call, you're
18 thorough?

19 A. Yes, sir.

20 Q. And you're accurate?

21 A. Yes, sir.

22 Q. And you're complete?

23 A. Yes, sir.

24 Q. Let me take you back to February 6th of 2016.

25 Did you respond to a call at 405 Sharpe Street?

1 A. Yes, I did.

2 Q. And when you responded, were you thorough?

3 A. As far as I know, yes, sir.

4 Q. Were you accurate?

5 A. I would imagine so, yes, sir.

6 Q. Were you complete in your job duties?

7 A. Yes, sir.

8 Q. Now, you responded at 4:05 in the morning,
9 correct?

10 A. Yes.

11 Q. And when you responded, you responded to a death
12 investigation, correct?

13 A. I responded to a shooting.

14 Q. You responded to a shooting. You didn't know if
15 it was a death investigation at that point?

16 A. No.

17 Q. All right. That was at 4:05 in the morning,
18 correct?

19 A. Yes, sir.

20 Q. At 4:27 your chief showed up, correct?

21 A. Yes, sir.

22 Q. That's Chief Alan Bledsoe with the Woodruff
23 Police Department?

24 A. Yes, sir.

25 Q. And he asked you what's going on, correct?

1 A. Yes, sir.

2 Q. And your response to him was what?

3 A. I told him that the victim is gone. And I stated
4 that it was a murder at this point.

5 Q. So you showed up at 4:05 in the morning and 22
6 minutes later you told the chief of police that it was a
7 murder investigation, correct?

8 A. Yes, sir.

9 MR. NEELY: Nothing further from this witness,
10 Your Honor.

11 CROSS-EXAMINATION

12 BY MS. JORDAN:

13 Q. What were your responsibilities that day when you
14 arrived on scene?

15 A. To secure the scene and start evidence
16 collection.

17 Q. And what was your position with them?

18 A. I was a road officer.

19 Q. Okay. So you were not an investigator?

20 A. No, ma'am.

21 Q. So you were not someone higher up?

22 A. No, ma'am.

23 Q. A Sergeant?

24 A. No ma'am.

25 Q. I drew a blank at the titles. What was the rest

1 of your involvement in this case?

2 A. I had no involvement after -- after securing the
3 scene.

4 Q. Okay. When you told your -- when you told the
5 chief that it was a murder, at this point what did you
6 mean?

7 A. Well, there was a -- there was a death on scene.

8 Q. Did you see the body?

9 A. Yes.

10 Q. What did you see of the body?

11 A. I saw a victim laying on the ground with a
12 gunshot wound.

13 MS. JORDAN: Okay. Nothing further, Your Honor.

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

16 MR. NEELY: Yes, sir.

17 REDIRECT EXAMINATION

18 BY MR. NEELY:

19 Q. You just told us that you've been a police
20 officer for nine years, correct?

21 A. Yes.

22 Q. And you told us that you spent nine weeks at the
23 Criminal Justice Academy learning how to be a police
24 officer.

25 A. Yes.

1 Q. And you told us that in 2016 you were working for
2 Woodruff, so you would have been an officer about seven
3 years at that point, correct?

4 A. Yes.

5 Q. All right. So at that point you know the
6 difference between murder and a death investigation,
7 correct?

8 A. Yes.

9 Q. But you told Chief Bledsoe at 4:27 in the
10 morning, 22 minutes after you arrived that this was a
11 murder investigation, correct?

12 A. I just said -- yes.

13 MR. NEELY: Thank you. Nothing further, Your
14 Honor.

15 THE COURT: Thank you, ma'am, you may step down.
16 Watch your step as you're stepping down. Any reason why
17 the witness cannot be excused?

18 MS. JORDAN: Not from the State.

19 MR. NEELY: None from the defense, Your Honor.

20 THE COURT: Thank you, ma'am. You may be excused
21 as well. Thanks for coming.

22 (Witness leaves witness stand.)

23 MR. NEELY: Your Honor, we call Darrell Dawkins.

24 THE COURT: Sir, just come right up here and
25 allow the clerk of court to have the opportunity to

1 swear you in.

2 (Witness comes forward.)

3 THE CLERK: Sir, place your left hand on the
4 Bible and raise your right. (Complies.)

5 Do you solemnly swear the testimony you're about
6 to give is the truth, the whole truth and nothing but
7 the truth so help you God?

8 THE WITNESS. I do.

9 THE CLERK: Thank you. Have a seat.

10 DARRELL DAWKINS,

11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. NEELY:

14 Q. Good morning, Officer Dawkins.

15 A. Good morning, sir.

16 Q. All right. If you will tell us your name and
17 spell your last name for the record, please.

18 A. My name is Darrell Dawkins. Last name is

19 D-A-W-K-I-N-S.

20 Q. Thank you. And, sir, where are you currently
21 employed?

22 A. The City of Woodruff.

23 Q. Okay. And most of the time now your job entails
24 what?

25 A. I am, since July 1st, the school resource officer

1 for our elementary primary School.

2 Q. All right. So I imagine that this time of year
3 is pretty busy for you.

4 A. Yes, sir.

5 Q. All right. How long have you been in law
6 enforcement?

7 A. Almost 24 years.

8 Q. All right. And over those last 24 years, where
9 all have you worked?

10 A. Woodruff.

11 Q. The whole time?

12 A. Yes, sir.

13 Q. Woodruff Police Department?

14 A. Yes, sir.

15 Q. All right. So for 24 years you've been a
16 Woodruff Police Officer?

17 A. Yes, sir.

18 Q. Did you work anywhere else prior to that?

19 A. No, sir.

20 Q. All right. Just like we asked Ms. Bassett, when
21 you started your career, you started at the South
22 Carolina Criminal Justice Academy, correct?

23 A. That's correct.

24 Q. All right. And when you're at the South Carolina
25 Criminal Justice Academy you learned how to be a police

1 officer?

2 A. That's correct.

3 Q. How long was your course there?

4 A. Eight weeks.

5 Q. Your course was eight weeks?

6 A. Yes, sir.

7 Q. And they taught you everything about how to be a
8 police officer. How to investigate a case?

9 A. Yes, sir.

10 Q. How to write incident reports?

11 A. Yes, sir.

12 Q. How to drive a car? How to shoot a gun?

13 A. They give you a solid foundation.

14 Q. Yes, sir. And as part of that solid foundation,
15 they don't just at the end of those eight-weeks put you
16 out in the community, you guys have to take tests,
17 correct?

18 A. Yes, sir.

19 Q. And you, for the last 24 years have been a law
20 enforcement officer, correct?

21 A. That's correct.

22 Q. All right. So you passed those tests?

23 A. Yes, sir.

24 Q. All right. And for the last 24 years you don't
25 get to just rest on that eight-week education, do you?

1 A. No, sir. Daily process.

2 Q. The last 24 years you've been taking continuing
3 education?

4 A. Yes, sir.

5 Q. All right. And some of that continuing education
6 involves investigating a crime scene?

7 A. Yes, sir.

8 Q. And it involves processing a crime scene?

9 A. Yes, sir.

10 Q. And it involves getting a search warrant?

11 A. Yes, sir.

12 Q. And it involves getting an arrest warrant?

13 A. Correct, yes, sir.

14 Q. But the overriding principle in all of your law
15 enforcement work, what did they teach you? They want
16 you to be thorough, correct?

17 A. Yes, sir.

18 Q. And they want you to be accurate?

19 A. Yes, sir.

20 Q. And they want you to be complete?

21 A. Yes, sir.

22 Q. And for the last 24 years you've got a very high
23 reputation in this community. For the last 24 years
24 you've been thorough, correct?

25 A. Yes, sir.

1 Q. And you've been complete?

2 A. Yes, sir.

3 Q. And you've been accurate with all of your police
4 work?

5 A. Yes, sir.

6 Q. You try to do that in every single case?

7 A. I do my best.

8 Q. And with this case, that's exactly what you did,
9 isn't it?

10 A. Yes, sir.

11 Q. You were thorough?

12 A. Yes, sir.

13 Q. And you were accurate?

14 A. Yes, sir.

15 Q. And you were complete?

16 A. Yes, sir.

17 Q. Now, did you have a chance to respond to 405
18 Sharpe Street --

19 A. Yes, sir.

20 Q. -- on February 6th?

21 A. I did.

22 Q. Do you remember what time that you responded?

23 A. Not exactly, sir.

24 Q. Okay. Well, as part of every crime scene, as
25 part of every -- as part of every investigation, law

1 enforcement fills out the crime scene log, right?

2 A. Accordingly, sir.

3 Q. All right. And the purpose of the crime scene
4 log is so that we could have a record of who comes in
5 the crime scene.

6 A. Yes, sir.

7 Q. Right?

8 A. Uh-huh.

9 Q. And who leaves the crime scene.

10 A. Correct.

11 Q. So if we review the crime scene log from February
12 6th, your name would be on it.

13 A. Yes, sir.

14 Q. Correct?

15 A. Uh-huh.

16 Q. All right. So when the crime scene log says that
17 you arrived at 5:40 in the morning, that's what time you
18 responded?

19 A. Approximately, yes, sir.

20 Q. All right. So you responded at 5:40 in the
21 morning. All right. And at 5:40 in the morning you got
22 there, law enforcement was already there. You weren't
23 the first officer on the scene.

24 A. Oh, no, sir.

25 Q. All right. So you tried to figure out what

1 exactly was going on.

2 A. Yes, sir.

3 Q. You took a look around, talked to Chief Bledsoe
4 maybe.

5 A. Yes, sir.

6 Q. You got your responsibilities, what you needed to
7 do, correct?

8 A. Yes, sir.

9 Q. And from there you went to go track down a
10 witness, correct?

11 A. Correct.

12 Q. And as part of tracking down that witness, you
13 couldn't find him but you spoke to his father, correct?

14 A. Yes, sir.

15 Q. And when you spoke to his father, you told him
16 that you needed to speak with that witness as part of a
17 murder investigation.

18 A. Yes, sir.

19 Q. Right. You didn't tell that witness's father
20 that it was part of a death investigation, correct?

21 A. No, sir.

22 Q. You didn't tell him it was part of a homicide
23 investigation.

24 A. No, sir.

25 Q. You told him it was part of a murder

1 investigation.

2 A. Yes, sir.

3 Q. All right. And then later you went and took a
4 statement from that witness.

5 A. Yes sir.

6 Q. Correct?

7 A. (Nods head up and down.)

8 Q. And that statement was completed at 6:30 in the
9 morning, correct?

10 A. Yes, sir.

11 Q. So at 6:30 in the morning you spoke with a
12 witness in a murder investigation.

13 A. That's correct.

14 Q. And completed that statement at 6:30.

15 A. Yes, sir.

16 Q. From there you filled out a probable cause
17 affidavit for a murder warrant.

18 A. Yes, sir.

19 Q. And the subject for that murder warrant was Mr.
20 Adriel Garnett, correct?

21 A. Correct.

22 Q. I'm gonna take you forward in time just a little
23 bit and then we'll come back to the arrest warrant,
24 okay?

25 A. Yes, sir.

1 Q. All right. Now, what you're looking at, that's a
2 search warrant, correct?

3 A. Correct.

4 Q. All right. Now, that's a search warrant for Mr.
5 Garnett's phone, right?

6 A. Yes, sir.

7 Q. All right. Now, to obtain a search warrant, you
8 have to fill out an affidavit, correct?

9 A. Correct.

10 Q. You have to show to a neutral judge that probable
11 cause exists, correct?

12 A. Correct.

13 Q. All right. Now, as part of this search warrant
14 -- if you will read this line right here starting with
15 the case.

16 A. The case was presented to Judge Smith, who
17 determined there was probable cause and issued arrest
18 warrant 206 -- 2016A4221200017 for murder on Adriel
19 Nicholas Garnett. This search warrant is needed in an
20 effort to locate and take into custody Adriel Garnett
21 and to further investigate.

22 Q. All right. So as part of the probable cause for
23 this search warrant, the arrest warrant that you
24 obtained was used?

25 A. Correct.

1 Q. So a judge had already signed the arrest warrant
2 for murder?

3 A. Yes, sir.

4 Q. All right. This search warrant was signed by a
5 judge at what time?

6 A. 9:51 a.m.

7 Q. On what date?

8 A. On February 6, 2016.

9 Q. On February 6th at 9:51 that search warrant used
10 your arrest warrant for probable cause?

11 A. Correct.

12 Q. So that arrest warrant had already been issued?

13 A. Yes, sir.

14 Q. All right. Now, about how long does it take to
15 fill out the probable cause portion of that search
16 warrant and get it signed by a magistrate?

17 A. It was on scene. I don't know, roughly an hour
18 or less.

19 Q. An hour or less?

20 A. Uh-huh.

21 Q. So it takes about an hour to fill this thing out?

22 A. Roughly.

23 Q. Okay. So we back track that from 9:51, we're at
24 8:51 when Chief Bledsoe starts filling out this search
25 warrant, correct?

DIRECT EXAMINATION OF DARRELL DAWKINS BY MR. NEELY

1 MR. SMITH: Objection, Your Honor. He can't
2 possibly know when somebody else did something unless he
3 was present.

4 THE COURT: Do you want to re-ask the question or
5 rephrase it?

6 BY MR. NEELY:

7 Q. Sure. You just said it takes about an hour to
8 fill one of these things out.

9 A. For myself, yes.

10 Q. Okay. So that one was signed at about 9:51,
11 correct?

12 A. Correct.

13 Q. So it's reasonable to say that Chief Bledsoe
14 started filling that out at about 8:51, correct?

15 A. It would be reasonable.

16 Q. Okay. Now, how long does it normally take you to
17 fill out an arrest warrant?

18 A. Roughly about an hour. It depends on the case
19 itself or the information you have gathered.

20 Q. In this case did it take you about an hour?

21 A. Yeah.

22 Q. Okay. So that would put us at about 7:51 in the
23 morning you had an arrest warrant for Mr. Garnett?

24 A. Roughly. Well, the question I have is the point
25 in which he searched -- obtained his warrant. There has

1 to be a gap in between. That's, that's the mystery they
2 have, as far as a -- was it an hour? 15 minutes? 20
3 minutes? I can't speak on that.

4 Q. Okay. So it was somewhere between, what do you
5 think, like 7:30 in the morning and 8 o'clock that you
6 start filling out that arrest warrant?

7 A. Probably eight.

8 Q. Probably about that?

9 A. Yeah. I can -- I cannot verify what time it was.

10 Q. Okay. Somewhere between 7:30 and 8 o'clock in
11 the morning we started filling out an arrest warrant for
12 Mr. Garnett.

13 A. Yes, sir.

14 Q. Okay. Now, you wrote an incident report in this
15 case, correct?

16 A. That's correct.

17 Q. All right. And in that incident report, you were
18 thorough, correct?

19 A. Yes, sir.

20 Q. And you were accurate?

21 A. Yes, sir.

22 Q. And you were complete?

23 A. Yes, sir.

24 Q. If you had had any other involvement in this
25 case, you would have written a supplemental report,

1 correct?

2 A. Correct.

3 Q. Because there's no limit. Law enforcement
4 doesn't have a limit on how many reports y'all can file.

5 A. That's correct.

6 Q. All right. So you document every instance you
7 have in a case, correct?

8 A. Yes, sir.

9 Q. And you document it in an incident report?

10 A. Yes, sir.

11 Q. Is this your incident report?

12 A. Yes, sir, it is.

13 Q. All right. Did you file any other supplemental
14 reports?

15 A. No, sir, not my case.

16 Q. Okay. So once you enter that arrest warrant in
17 the NCIC, the national warrant data base.

18 A. Yes, sir.

19 Q. You had no further involvement with this case?

20 A. No, sir.

21 Q. All right. So you didn't take this case back to
22 a magistrate when the first toxicology screen came back
23 in March?

24 A. No, sir, I didn't.

25 Q. Okay. You didn't take this case back to the

1 magistrate when the second toxicology screen came back?

2 A. No, sir.

3 Q. You didn't take this case to a magistrate when
4 the DNA on the knife was found at the scene?

5 A. No, sir.

6 Q. Your warrant was signed on February 6th of 2016?

7 A. That's correct.

8 MR. NEELY: Thank you, Judge, nothing further.

9 MR. SMITH: Your Honor, can we approach?

10 (A bench conference was held off the record.)

11 CROSS-EXAMINATION

12 BY MR. SMITH:

13 Q. Sergeant Dawkins, who was the person that you
14 were trying to find when you spoke to his father?

15 A. Tavis Jeter.

16 Q. Did you end up speaking with him?

17 A. Yes, I did.

18 Q. Did you obtain the statement from him?

19 A. Yes, I did.

20 Q. Was that statement a basis for your decision to
21 get an arrest warrant on Adriel Garnett?

22 A. Yes, sir. It was a party.

23 Q. Prior to you getting the arrest warrant, were you
24 aware of law enforcement's contact with the Westfields?

25 A. Yes, sir.

1 Q. Can you describe what you understood about that
2 situation?

3 A. To the best of my recollection, that Mr. Garnett
4 had reached out to family, advised them that he had shot
5 Mr. Gilliam, and that he was -- made a statement to the
6 fact that they was in self-defense and he was trying to
7 obtain assistance in getting out of the area, I think to
8 the Columbia region.

9 Q. Okay. So... And did you talk to Ronald "Stuff"
10 Higgins prior to getting the arrest warrant?

11 A. Yes, sir.

12 Q. And did you take a statement from him?

13 A. Yes, sir.

14 Q. So what all went into the decision that when you
15 got that arrest warrant for Adriel Garnett? Can you
16 just summarize what you had and why you decided to get a
17 warrant.

18 A. The initial statement with Mr. Jeter, who was
19 present with Mr. Garnett. The statement of Mr. Higgins,
20 as well as the statement where Mr. Garnett had went to
21 his family. In that totality of those circumstances, I
22 thought it met the qualifications for a warrant.

23 Q. Do you know where Tavis Jeter is?

24 A. He's deceased.

25 Q. Do you know when he passed away?

1 A. A few months ago. I'm not sure on the date, but
2 he was killed.

3 MR. SMITH: I don't have any further questions.

4 THE COURT: Any redirect limited to what he went
5 into?

6 MR. NEELY: None, Your Honor.

7 THE COURT: Thank you, sir. You may step down.
8 Watch your step as you're stepping down. Any reason why
9 the witness cannot be excused?

10 MR. NEELY: No, Your Honor.

11 MS. JORDAN: Not from the State, Your Honor.

12 THE COURT: Thank you, sir. Thank you for
13 coming. You may be excused.

14 (Witness leaves witness stand and courtroom.)

15 MR. NEELY: May we approach?

16 (Bench conference was held off the record.)

17 THE COURT: All right. Ladies and gentlemen, I'm
18 gonna need to have a short recess. There's some matters
19 I have to take up with the lawyers outside of your
20 presence. I'm gonna ask, if you would, to please retire
21 to the jury deliberation room. Do not have any
22 discussion in front of each other about anything
23 involving the case. We'll be back to you shortly.

24 (Jury leaves the courtroom at 11:37 a.m.)

25 All right. We'll step down for a few minutes.

1 MS. JORDAN: Your Honor, if I may approach? I
2 just want to share the defendant's record for later
3 purposes. It's been shared with Mr. Neely, his rap
4 sheet, long ago.

5 (A recess was taken from 11:39 a.m. -11:51 a.m.)

6 THE COURT: All right. We'll go back on the
7 record. Have you been able to consult with your client
8 as to his like -- whether or not he's gonna testify?

9 MR. NEELY: Yes, sir. I've spoken with him about
10 it and he is going to testify in his defense.

11 THE COURT: Okay! So you've got your client and
12 the SLED person?

13 MR. NEELY: Yes, sir.

14 THE COURT: All right. Your SLED person is not
15 gonna be here until 12:30?

16 MR. NEELY: At 12:30, Your Honor.

17 THE COURT: Okay. I'll go ahead and ask him the
18 questions.

19 All right. Mr. Garnett, I need for you to please
20 raise your right hand, let the clerk of court swear you
21 in. (Complies.)

22 THE CLERK: Do you solemnly swear that the
23 testimony you're about to give will be the truth, the
24 whole truth and nothing but the truth so help you God?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Thank you, Mr. Garnett. Mr. Garnett,
2 at this time I'm going to explain to you certain of your
3 rights and if you do not understand anything that I say,
4 please let me know and if you want me to explain
5 anything in more detail, please let me know that as
6 well. Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: All right. Sir, we've now reached
9 the stage of the trial where you may present your
10 defense. You have the right to claim the protections
11 given to you by the Fifth Amendment to the Constitution
12 of the United States.

13 Now, this amendment states in part: That no
14 person shall be compelled in any criminal case to be a
15 witness against himself. Now, this means that you
16 cannot be required to testify in this case and you have
17 the right -- you do have the right to testify on your
18 own behalf; however, no one can make you testify. This
19 is a personal right and no one can waive this right
20 except you.

21 If you decide to testify, you will be subject to
22 the same rules that govern other witnesses and you may
23 be examined and cross-examined on any relevant issue in
24 this case. In addition, if you had any convictions
25 involving dishonesty or false statement or for crimes

1 punishable by imprisonment for more than one year and
2 this Court determines that the probative value of
3 admitting this evidence outweighs the prejudicial effect
4 to you, the solicitor will be able to introduce your
5 record to attack the credibility.

6 If you decide to testify, this decision on your
7 part must be freely, voluntarily and intellectually made
8 with knowledge of the protections given to you by the
9 Fifth Amendment and the consequences of your decision to
10 testify.

11 Now, sir, if you decide not to testify, I will
12 instruct the jurors that they cannot give the fact that
13 you did not testify any consideration whatsoever and
14 that there is to be absolutely no prejudice to you
15 because you did not testify. It is left entirely up to
16 you whether or not you testify.

17 You may talk with your lawyer, your family and
18 your friends or anyone else. The final decision will be
19 left entirely up to you. Now, do you understand what
20 I've just explained to you?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you have any questions about what
23 I have just explained to you?

24 THE DEFENDANT: No, sir.

25 THE COURT: Have you discussed with your lawyer

1 whether or not you should or should not testify?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And, sir, do you wish to speak with
4 your lawyer again about the decision whether to testify
5 or not to testify?

6 THE DEFENDANT: No, sir.

7 THE COURT: All right. And, sir, have you made
8 the decision whether you will or will not testify?

9 THE DEFENDANT: I will testify.

10 THE COURT: You will testify?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. And, sir, in making that
13 decision, has anybody perhaps come to you and threatened
14 you in any way or have they promised you anything in
15 order to get you to make the decision to testify?

16 THE DEFENDANT: No, sir.

17 THE COURT: Am I correct to conclude that your
18 decision to testify in this case is a free and voluntary
19 decision by you?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And, sir, are you satisfied with the
22 work that your lawyer has done so far?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right. Sir, then we will -- I'll
25 find that your decision to testify is made freely,

1 voluntarily, knowingly and intellectually by him with
2 the understanding of the protections afforded to him
3 through the Fifth Amendment of the Constitution.

4 All right. Sir, if ever before you testify, if
5 you change your mind, just let your lawyer know and he
6 will advise the Court, okay?

7 THE DEFENDANT: Okay.

8 THE COURT: All right. The lawyers approach.

9 (Bench conference was held off the record.)

10 All right. I've been provided a file of
11 different charges that constitute the Defendant's
12 record. We have a -- is there an agreement that the
13 2009 assault and battery of a high and aggravated
14 nature, does that come in automatically?

15 MS. JORDAN: I do not believe it does, Your
16 Honor --

17 MR. NEELY: No, sir.

18 MS. JORDAN: -- on a balancing test of 403 from
19 609(a)(1). I do believe there's a crime that carries
20 more than one year. As the Court knows, that's an old
21 common law zero to ten-year misdemeanor before the
22 change of law in 2010.

23 THE COURT: So we're not gonna -- he's not gonna
24 be subject to cross-examination on the 2009 assault and
25 battery?

1 MS. JORDAN: Your Honor, I'd ask that he be able
2 to be cross-examined about the fact that he was
3 sentenced to a crime incurring more than one year in
4 2009, or he was found guilty of a crime that carried a
5 punishment of more than one year in 2009 without
6 specifically naming the assault of a high and aggravated
7 nature.

8 MR. NEELY: So, Judge, I'd object to that.
9 They're not gonna name the crime. The jury's not gonna
10 know what it is. I believe that especially cause of
11 what it is the nature of that it will be more
12 prejudicial than probative to my client.

13 THE COURT: What about the 2012 CDV first?

14 MS. JORDAN: I do not believe that comes in, Your
15 Honor.

16 MR. NEELY: I agree with that.

17 THE COURT: Okay. What about the 2014 giving
18 false information?

19 MS. JORDAN: Your Honor, it's the State's
20 position that that does come in under 609(a)(2),
21 evidence that any witness who has been convicted of a
22 crime shall be admitted if it involved dishonesty or
23 false statement regardless of the punishment. And they
24 were -- they have no specific guidelines into that
25 subsection as far it being the defendant. Just this

1 witness.

2 MR. NEELY: Judge, I do think it is more
3 prejudicial to my client and that he's afforded extra
4 protections because he is the defendant, he's the one
5 whose liberty is on trial. It's not a crime that
6 carries more than a year, so I would ask that it be
7 excluded.

8 MS. JORDAN: Your Honor, we'd just point out that
9 there's no time element as far as punishment under
10 subsection (a) (2).

11 THE COURT: All right. What about the
12 distribution of marijuana from 2014?

13 MS. JORDAN: Your Honor, we would take the same
14 argument with the 2009 assault of a high and aggravated
15 nature that we should be able to reference that as a
16 crime that carries more than one year.

17 MR. NEELY: Judge, none of that goes to his
18 credibility, which is what the balancing test is under
19 403. It just goes to show that he had the criminal
20 background, which is likely to draw the inference from
21 the jury that because he's been a criminal in the past,
22 he's a criminal now when the State accuses him of being
23 a criminal. We don't know the circumstances surrounding
24 those crimes, so I think under 403 it's incredibly
25 prejudicial and not at all appropriate.

1 THE COURT: And the same arguments from the State
2 and the defense as to the 2014 possession of controlled
3 substance?

4 MR. NEELY. Well, the difference there, Your
5 Honor, is I believe possession of a controlled substance
6 carries less than a year.

7 MS. JORDAN: That's correct, Your Honor. We
8 would not ask to seek -- we would not seek to impeach
9 him with that. The same with the simple possession of
10 marijuana in 2015.

11 THE COURT: Resisting arrest and assault 2000 ---

12 MS. JORDAN: Your Honor, that one is also a
13 charge that falls within the timelines or the conviction
14 and also falls within the timelines of being a charge he
15 could have had a sentence as to one year or more.

16 As the Court can tell from his NCIC or the
17 summary that I've given the Court, he received a
18 ten-year sentence suspended to one year and four years
19 probation. I put that on there to show that it was a
20 resisting arrest with assault. He didn't plead guilty
21 to the one-year misdemeanor.

22 THE COURT: And the same with the possession of
23 crack and meth -- and/or meth?

24 MS. JORDAN: Yes, Your Honor. Your Honor, it's
25 my understanding that those are the charges that he was

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1 on probation for at the time that he committed this
2 crime.

3 MR. NEELY: Which I think it makes it even more
4 highly inflammatory to allow the jury to hear
5 information of that, Your Honor, because it just goes to
6 show that he has the propensity to commit crimes, which
7 would make the inference for the jury to be that he's
8 more likely to have committed this crime, when the State
9 accuses him of the crime. And it would erode the
10 presumption of innocence.

11 So I think under 403 those, as well as all the
12 previous ones, should be excluded because they don't
13 involve crimes of dishonesty.

14 And the whole purpose of 609 is to help the jury
15 make a determination of credibility. And none of those,
16 outside of the false information charges, have anything
17 to do with credibility. The State just wants to put up
18 the fact that my client is a criminal and that because
19 he's a criminal, he acted as a criminal in this case,
20 and that is incredibly prejudicial.

21 MS. JORDAN: Your Honor, it also potentially goes
22 to the issue of he was in possession of a weapon that he
23 should not have been in possession of a weapon because
24 he has been convicted of a crime it's considered a
25 felony in our state.

1 MR. NEELY: Judge, that's covered under
2 State v. Burriss and under State v. Slater. The law
3 says whether or not you are actually legally entitled to
4 carry a weapon does not preclude you from harming
5 yourself in self-defense, which is the exact offense
6 that we're raising. So the fact that he was on -- he
7 was a felon on probation has nothing to do with whether
8 or not he's able to arm himself in self-defense.

9 THE COURT: You'll have to get me a copy of
10 State v. Burriss. I'm not familiar with that off the
11 top of my head.

12 MS. JORDAN: Your Honor, as well as possession of
13 crack cocaine in 2015 and the 2016 giving false
14 information.

15 THE COURT: All right.

16 MR. NEELY: If I may, State v. Burriss is cited
17 at 334 S.C. 256. It's a 1999 case. I don't have the
18 ability to print it here. I can e-mail it.

19 THE COURT: What -- I'm gonna allow the 2014
20 giving false information and the 2016 giving of false
21 information, allow those to be used for impeachment
22 purposes. The others I would not allow in. Okay?

23 MR. NEELY: Thank you, Your Honor.

24 THE COURT: Does that ---

25 MS. JORDAN: Thank you, Your Honor.

1 THE COURT: Does that affect your client's
2 decision?

3 MR. NEELY: No, sir.

4 THE COURT: All right. I'll tell you let's do,
5 let's go ahead and send the jury to lunch now. And when
6 your SLED agent gets here, she won't have an issue with
7 waiting?

8 MR. NEELY: No, sir.

9 THE COURT: Okay. Bring the foreperson out.
10 We'll use afterward -- if we get through with the
11 testimony today, we'll use the rest of -- if we have
12 time, we will use the rest of the time to go over the
13 charges.

14 MR. NEELY: Yes, sir.

15 (Madam Forelady enters the courtroom at 12:08
16 p.m.)

17 THE COURT: Madam Forelady, we are continuing to
18 work out here to try to resolve a lot of issues that
19 need to be resolved outside of you all's presence.
20 Given the hour that it is and the amount of work that we
21 have left to do, I'm gonna let the jury proceed to
22 lunch.

23 If you would, remind them not to have any
24 discussion among themselves or with anyone else about
25 anything involving the case, as well remind them they

1 can't do any -- have the benefit of research or
2 investigation. If you'll tell them that and ask them to
3 be back in the jury deliberation room by 1:45, okay.

4 THE FORELADY: Uh-huh.

5 THE COURT: Thank you, ma'am.

6 (Forelady leaves the courtroom at 12:09 p.m.)

7 THE COURT: All right. We'll step down. If
8 y'all can be back about 1:30 --

9 MR. NEELY: Yes, sir.

10 THE COURT: With the witness.

11 MR. NEELY: Yes, sir. Thank you, Your Honor.

12 (Lunch recess was had from 12:09 p.m. - 1:38
13 p.m.)

14 (A bench conference was held off the record.)

15 MS. JORDAN: Your Honor, I believe that's a piece
16 that we cut off of a photograph that was introduced
17 after it was objected to. I didn't know if the Court
18 wanted to make it a Court's Exhibit.

19 THE COURT: We'll make it a Court's exhibit.

20 (Court's Exhibit Number 7, Photo of Decedent's
21 Legs, was marked for identification.)

22 (Court's Exhibit Number 7, was entered into the
23 record.)

24 THE COURT: All right. I believe that we have an
25 objection.

1 MR. SMITH: Yes, Your Honor. We believe the
2 State -- or the defense is about to call Jared
3 Castellani from SLED. We would object to relevancy in
4 this case, Your Honor. The defendant was present and
5 around Cecil Gilliam, we believe, I think the testimony
6 would say about two hours prior to this happening.

7 In pretrial motions we handed up a piece of
8 testimony from the Stand Your Ground hearing in which
9 Mr. Garnett said he did not know if Cecil Gilliam was
10 drunk or what. And we believe that ultimately the
11 witnesses that have testified to Cecil's behavior and
12 the Defendant's testimony by his behavior should
13 control. As Mr. Neely has pointed out, on all of our
14 witnesses, they don't know what he was like that night
15 and it would just be pure speculation as to what the
16 alcohol content did to him.

17 This defendant was there present with him. He
18 doesn't say any of the type of effects or testify about
19 the amount that he saw Cecil Gilliam drink. We just
20 think that it's not relevant to the defendant's
21 perception of Cecil Gilliam.

22 THE COURT: What do you intend to use this
23 witness for?

24 MR. NEELY: Merely to give the jury Mr. Gilliam's
25 blood alcohol content that night. And as Mr. Castellani

1 testified to in the pretrial hearing, due to his
2 training and experience he's able to testify to how a
3 person with blood alcohol content at that level would
4 most likely be acting.

5 So, Judge, I do believe that, number one, it's
6 most certainly relevant to protect my client's
7 constitutional right to present a full and complete
8 defense, as guaranteed to him by the Constitution of the
9 United States of America and the South Carolina
10 Constitution.

11 Two, it's absolutely relevant to the trial of
12 this case to give the jury the full understanding of
13 what was going on that night.

14 THE COURT: How is it relevant when no one has
15 testified yet as to what the deceased, how he was
16 acting?

17 MR. NEELY: Judge, I believe what Mr. Castellani
18 will testify to is at a point when it --

19 THE COURT: I've already heard his testimony.

20 MR. NEELY: -- lowers inhibitions, it will give
21 you liquid courage. So despite how he was acting,
22 alcohol -- his testimony would be alcohol affects people
23 in different ways, but that testimony about liquid
24 courage and acting in different ways, would give
25 somebody the bravado to act a certain way outside of the

1 presence of his friends to make comments such as I'm
2 gonna gut you like a fish to pull a knife.

3 THE COURT: I believe so far it would be pure
4 speculation to allow that argument to be based -- to be
5 placed to the jury.

6 MR. NEELY: The jury is the trier of fact, Judge.
7 And I think that they need to ---

8 THE COURT: I'm the gatekeeper.

9 MR. NEELY: But I believe that that information
10 is crucial to the jury so that they can make a full
11 understanding of everything going on. And Dr. Wren has
12 testified that he smelled the odor of alcohol in Cecil
13 Gilliam's stomach.

14 THE COURT: Not to any great degree.

15 MR. NEELY: Right. This would, this would give
16 them the complete picture of what happened that night.

17 THE COURT: So far I'm not hearing a basis to
18 allow you to make that argument to the jury and present
19 that factual information. Now, if you want to have your
20 client testify first, maybe he could lay the proper
21 foundation.

22 MR. NEELY: Judge, I believe at the pretrial
23 hearing he'll -- he will more likely testify the exact
24 same way what he was asked by Ms. Jordan. And what he
25 testified to was that Cecil Gilliam was coming at him in

1 a loud boisterous manner, making all sorts of comments.
2 That would be the kind of behavior that Mr. Castellani
3 testified to as being associated with points one and
4 two, lower inhibitions, liquid courage, bravado. The
5 same things you wouldn't normally say in a manner you
6 wouldn't normally say it.

7 Those are the kind of things that a .186 blood
8 alcohol content would explain. And so it's absolutely
9 relevant to a full and complete defense and for the jury
10 to have a full understanding of what was happening that
11 night.

12 THE COURT: So far I've not heard a factual basis
13 to solicit from the witnesses that have testified in
14 front of this jury to create that type of argument for
15 them. It purely would be speculation.

16 MR. NEELY: Judge, I think one of the problems
17 I'm having right now is that I'm not required to prove
18 anything on behalf of my client. My client's not
19 required to prove anything, so what I'm understanding
20 from the Court, because the State hasn't called
21 witnesses, I'm gonna be required to call other witnesses
22 to testify about how much Mr. Gilliam was drinking
23 before I can get into the blood alcohol content. Which,
24 again, the blood alcohol content, I think, is relevant.

25 THE COURT: You have no burden of proof in this

1 case, but I have a responsibility to be sure that the
2 jury gets truthful and accurate information to be sure
3 that the jury is not just thrown out things to which
4 then they base their decision on speculation.

5 MR. NEELY: I'll call my client first then, Your
6 Honor.

7 MR. SMITH: We're fine with that.

8 THE COURT: All right.

9 MR. SMITH: And see what happens.

10 MR. NEELY: Yes, sir.

11 THE COURT: I mean, so far what -- never mind. I
12 mean, you could call the witness and let him testify the
13 way you want him to testify, but his testimony might get
14 stricken if a proper foundation is not laid.

15 MR. NEELY: I'll call my client first, Your
16 Honor.

17 THE COURT: All right. It's your call. Is the
18 jury back?

19 THE BAILIFF: I'll check on that, sir.

20 (Mr. Smith leaves courtroom.)

21 THE BAILIFF: It'll be just a couple minutes.
22 They're on their way.

23 THE COURT: Okay. I'm told that all the jury is
24 now present. Anything else?

25 MS. JORDAN: Mr. Smith stepped out to fill his

1 water cup, Your Honor. I'll go grab him.

2 (Mr. Smith re-enters the courtroom.)

3 THE COURT: All right. Anything else before we
4 bring the jury in?

5 MS. JORDAN: No, sir.

6 MR. NEELY: No, sir.

7 THE COURT: Bring them in.

8 Y'all let me know when you want me to make an
9 announcement about Mr. Jeter.

10 MR. NEELY: Judge, I believe that information is
11 already out actually.

12 MS. JORDAN: We elicited it from his witness, so
13 it wasn't in our case in chief, so at this point in time
14 I do not believe it's necessary.

15 THE COURT: All right. I mean, I thought y'all
16 wanted me to tell them he passed away from things
17 unrelated.

18 MR. NEELY: Officer Dawkins testified to that
19 already.

20 MS. JORDAN: Your Honor, we would ask that it not
21 be told and it not be told during the charge portion.

22 If we could address ---

23 THE COURT: I mean, I don't have to tell them at
24 all. I heard Dawkins just say that he had passed away,
25 but I didn't hear Dawkins say that other part that it

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1 was unrelated to this defendant.

2 MR. NEELY: I thought I heard that.

3 THE COURT: Okay.

4 MS. JORDAN: I agree with the judge. I think he
5 just said that he was killed.

6 MR. NEELY: I might have missed that, so if you
7 could make that -- I think we agreed on after I rest,
8 but before you charged, subsequent to the charge.

9 MS. JORDAN: I would ask that it not be done in
10 the charge because that's a charge on the law, it's
11 common fact.

12 THE COURT: I will do it today before we charge
13 tomorrow.

14 MS. JORDAN: Yes, sir.

15 (Jury enters the courtroom at 1:47 p.m.)

16 THE COURT: Is the defense ready to call their
17 next witness?

18 MR. NEELY: We are, Your Honor. I call Adriel
19 Garnett.

20 (Witness comes forward.)

21 THE COURT: Sir, just come right around and let
22 the clerk of court swear you in.

23 THE CLERK: Place your left hand on the Bible and
24 raise your right. (Complies.)

25 Do you solemnly swear that the testimony you're

1 about to give will be the truth, the whole truth and
2 nothing but the truth so help you God?

3 THE WITNESS. Yes, ma'am.

4 THE COURT: Sir, watch your step as you're
5 stepping up. Just have a seat in the red chair and pull
6 the red chair up to the microphone, if you would.

7 ADRIEL GARNETT,
8 having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. NEELY:

11 Q. Adriel, if you'll introduce yourself to the jury,
12 please. Tell them your name.

13 A. I'm Adriel Garnett.

14 Q. All right. Adriel, you're gonna have to speak up
15 a little bit louder. She's making a recording, okay?

16 A. Okay. I'm Adriel Garnett.

17 Q. All right. Now, Adriel, how old are you?

18 A. Thirty-two.

19 Q. Where are you from Adriel?

20 A. I was born in Greenville hospital, but I reside
21 in Goose Creek, South Carolina.

22 Q. Okay. So you're 32. Have you lived in Goose
23 Creek the last 32 years?

24 A. No, sir.

25 Q. All right. Well, tell the jury a little bit

1 about where all you've lived.

2 A. Um, when I was probably like five I moved from, I
3 think, Woodruff to Spartanburg. Then I moved to
4 Columbia and I went to middle school there. Then I
5 moved to Virginia and then -- in high school and Florida
6 in high school, too. My father was in the military.

7 Q. Okay. Now every time you moved, your father was
8 in the military, who else moved with you?

9 A. My mom and my whole family.

10 Q. Okay. Mom's not here today, is she?

11 A. No, she's not.

12 Q. But she's been here the last couple days?

13 A. Yes, sir.

14 Q. Okay. How far did you go in school, Adriel?

15 A. I've been to college twice.

16 Q. Okay. And what were you studying when you were
17 in college?

18 A. I went to Trident Technical College in
19 Charleston, South Carolina for welding. Then I went to
20 Roll Master in Dunn, North Carolina, drive trucks.

21 Q. Okay. Did you finish any of those programs?

22 A. Yes, sir.

23 Q. All right. Have you had any jobs?

24 A. I got plenty.

25 Q. Okay. What was the last job you had?

1 A. Viva Recycling. That's in Monks Corner, South
2 Carolina.

3 Q. All right. And what were you doing before that?

4 A. Let's see, landscaping. I worked at several
5 plants. Worked on a couple cars, you know, basic
6 things.

7 Q. Okay. Now, before we get into what happened on
8 the sixth, let me ask you a couple questions.

9 A. Yes, sir.

10 Q. In 2000 and -- let me make sure I get the date
11 right here Adriel. 2014 you pled guilty to a giving
12 false information charge?

13 A. Yes, sir.

14 Q. Okay. And we've all heard about 2016 in
15 Richland. You pled guilty to giving a false name to a
16 cop.

17 A. Yes, sir.

18 Q. Okay. You pled guilty to those charges?

19 A. Yes, sir.

20 Q. You pled guilty because you were guilty of those?

21 A. Yes, sir.

22 Q. And you have not pled guilty in this case?

23 A. No, sir.

24 MS. JORDAN: Objection, Your Honor.

25 THE COURT: Okay. I'll sustain the objection.

DIRECT EXAMINATION OF ADRIEL GARNETT BY MR. NEELY

1 Go ahead.

2 BY MR. NEELY:

3 Q. Adriel, let's go back to 2016. All right? Let's
4 go back before February 6th. Let's go back to January
5 24th.

6 A. Right.

7 Q. What happened on January 24th?

8 A. My grandmother passed away.

9 Q. Were y'all close?

10 A. Yes, sir.

11 Q. And where was your grandmother living at the
12 time?

13 A. Enoree, South Carolina.

14 Q. Here in Spartanburg County?

15 A. Yes, sir.

16 Q. All right. And where were you living at the
17 time?

18 A. Goose Creek.

19 Q. And that's in Berkeley County?

20 A. Yes, sir.

21 Q. All right. January 24th she passed away. You
22 came up for the funeral?

23 A. Yes, sir.

24 Q. When did you come up to Spartanburg County?

25 A. She was buried, I think, the 29th so I came the

1 28th.

2 Q. You came up on the 28th?

3 A. Yes, sir.

4 Q. And that was to bury your grandmother?

5 A. Yes, sir.

6 Q. All right. Now, who did you stay with?

7 A. My grandfather, Bruce Westfield.

8 Q. All right. Is he present in the courtroom today?

9 A. Yes, sir.

10 Q. All right. And we've already heard from Mr.
11 Bruce, right?

12 A. Yes, sir.

13 Q. All right. Who else was staying at that house?

14 A. My aunt, Brittany Westfield.

15 Q. Is she in the courtroom?

16 A. Yes, sir.

17 Q. All right. And we've already heard from her too,
18 right?

19 A. Yes, sir.

20 Q. All right. So that was January 28th you came up
21 to stay with Mr. Bruce and Ms. Brittany, your aunt and
22 your granddad?

23 A. Yes, sir.

24 Q. How long were you in Spartanburg County?

25 A. From the 28th. I actually got a ride up here

1 because my car was broken, so my son's mom, I met her in
2 Walterboro, South Carolina.

3 Q. Okay.

4 A. And we rode up here together and she went to the
5 funeral with me. And I didn't have nobody to pick me up
6 because she get off on 95 to get back to Savannah where
7 she's from, where she live. And I didn't have nobody to
8 meet me on 95 right there to get back to Charleston, so
9 I stayed at my granddad's house for that week to wait
10 for my mom to come back and she was gonna take me back
11 to Charleston.

12 And I did get sick, so I stayed in the house the
13 whole time, that whole week. I stayed in the house the
14 whole week.

15 Q. Okay. So you got there on the 28th. You were
16 waiting for your momma --

17 A. Yes, sir.

18 Q. -- to come back up from Atlanta to take you back
19 to the Charleston, Berkeley area.

20 A. Yes, sir.

21 Q. And you said you were sick.

22 A. Yes, sir.

23 Q. So most of that week you were in the house?

24 A. Yes, sir.

25 Q. Let's go to February 6th. Do you remember

1 February 6th?

2 A. Yes, sir, very well.

3 Q. All right. You were feeling better?

4 A. Yes, sir.

5 Q. All right. So what happened?

6 A. I asked my aunt to go to the store to get me a
7 pack of beer.

8 Q. All right. Hang on, let me clarify real quick.
9 You didn't ask her to go to the store, you wanted to go
10 to the store?

11 A. Yeah. Yeah.

12 Q. Okay. So what happened?

13 A. So she let me go to the store. And then I called
14 her and let her know could I go do a couple things, and
15 I ended up going to Shay Higgins' house.

16 Q. Okay. So there was a couple things you wanted to
17 do.

18 A. Yeah.

19 Q. You wanted to go see your girlfriend?

20 A. Yeah.

21 Q. All right. And after you left Ms. Higgins' house
22 what --

23 A. I got a call.

24 Q. -- did you do then?

25 A. I got a call from a friend of mine that I grew up

1 with when I used to come up here. His last name is
2 Jeter. He's a twin. I call him big Tav. And ---

3 Q. Is that Tavis Jeter?

4 A. Yes, sir.

5 Q. Okay.

6 A. And we end up -- he wanted to go to Cecil's
7 house. And, you know, they had a little gathering
8 together so that's where we went to.

9 Q. Okay. And do you know about what time you got to
10 Cecil's?

11 A. Awww, maybe 11. Maybe 11. Ten maybe.

12 Q. How long do you think you were at Cecil's house
13 that night?

14 A. Probably like two or three hours.

15 Q. You were there about two or three hours?

16 A. Yeah.

17 Q. Okay. So you got there about 2 o'clock in the
18 morning?

19 A. Yeah, approximately.

20 MS. JORDAN: Objection, Your Honor, he's answered
21 the question already. Mr. Neely's testifying.

22 THE COURT: I'll sustain the objection.

23 BY MR. NEELY:

24 Q. What were you doing for the rest of your time
25 while you were there?

1 A. When I first got there, me and Cecil we talked
2 about welding and stuff. And then we were playing pool
3 together. We played pool, a couple games of pool. A
4 lot of family. Like our family go hand-to-hand, so it's
5 like we all family so, you know, just talking back and
6 forth and, you know, just having a good time.

7 Q. Did you shoot pool?

8 A. Yeah, shooting pool. Just talking.

9 Q. All right.

10 A. Kicking it basically.

11 Q. Do you remember at one point going up to the bar
12 and Cecil offering you boot or bootleg?

13 A. Yes, sir. Yes, I remember.

14 Q. All right. Cecil was gonna charge you for it?

15 A. Yes, sir.

16 MS. JORDAN: Objection, Your Honor, he's
17 testifying and this is direct.

18 THE COURT: All right. Do you want to rephrase
19 the question?

20 BY MR. NEELY:

21 Q. Tell me what you remember about going up to the
22 bar.

23 A. I went to the bar and I asked for a drink and he
24 wanted to give me moonshine and I'm not -- I don't drink
25 moonshine, so I didn't want any.

DIRECT EXAMINATION OF ADRIEL GARNETT BY MR. NEELY

1 Q. Okay. Did you end up getting a drink?

2 A. No, not -- no, not after that.

3 Q. Was there any altercation between you and Cecil?

4 A. It was not nothing major. It wasn't nothing, you
5 know, out of the ordinary. I didn't see anything major
6 going on.

7 Q. Okay. So was there any hostility?

8 A. Not really.

9 Q. Any animosity?

10 A. Not really.

11 Q. Any bad feelings?

12 A. No. I spoke to his wife, he smiled. You know,
13 it was just regular family thing going on.

14 Q. Okay. How much did you have to drink that night?

15 A. I had a -- I might have had a beer or two. It
16 wasn't nothing major.

17 Q. Were you drunk?

18 A. No, sir.

19 Q. Buzzed?

20 A. No, sir. I had my aunt's car. I'm the only
21 designated driver, so I really ain't -- I had to be
22 responsible for her car so I ain't get too messed up.

23 Q. Okay. So after you decided not to have
24 moonshine, what did you do?

25 A. We walked, we walked back into the pool area and

1 we was just having a conversation, just enjoying
2 ourselves.

3 Q. Who?

4 A. Me, big Tav and a couple of other fellows from
5 Woodruff.

6 Q. Okay.

7 A. Uh-huh.

8 Q. Then what happened?

9 A. I went outside. We went outside, me, big Tav, I
10 don't, I can't -- I don't know what the other fellow's
11 name is. He's kind of tall with glasses. I don't know
12 his name. And we was outside basically talking about
13 weed. And what we was saying about the weed is South --
14 every state is going to let people basically smoke weed,
15 but South -- it ain't gonna be legalized in South
16 Carolina.

17 That's what we were talking about, it won't be
18 legalized no time soon in South Carolina or whatever.
19 So that's what we was out there having a conversation
20 about.

21 And the other fellow walked in, went back inside
22 the house. And then Cecil came out. And he told me if
23 I move he's gonna gut me like a fish. A mother fucking
24 fish. Sorry for my language, but he told me he'd gut me
25 like a mother fucking fish.

1 Q. Okay. So his exact words to you when he walked
2 out was: I'm gonna gut you like a mother fucking fish?

3 A. Yes, sir.

4 Q. Where was he standing when he said that?

5 A. If you had a picture up there I could show you.

6 MS. JORDAN: Your Honor, may I approach Mr.
7 Neely?

8 THE COURT: (Nods head up and down.)

9 MR. SMITH: It should be good to go.

10 (Turns on the Elmo projector.)

11 THE COURT: Mr. Neely, will you give the letter
12 or number for the exhibit?

13 MR. NEELY: Yes, sir. Your Honor, this is
14 State's Exhibit 32.

15 THE COURT: Thank you.

16 BY MR. NEELY:

17 Q. All right, Adriel.

18 A. I was standing ---

19 Q. Cecil -- when Cecil walked out and told you he
20 was gonna gut you like a fish --

21 A. Yes, sir.

22 Q. -- where were you standing?

23 A. I was standing like right here. (Indicating.)

24 Q. All right. Tavis was outside with you?

25 A. Yeah, he was over here. (Indicating.)

1 Q. And where was Cecil standing?

2 A. Like right here in the middle of the door, once
3 he closed the door. (Indicating.)

4 Q. When he said that to you, did you take it
5 seriously?

6 A. Yes, sir.

7 Q. And why did you take it seriously?

8 A. Because when I looked down he had a knife in his
9 hand.

10 Q. I'm gonna show you State's Exhibit 10. That
11 sharp knife right there, that's the knife you saw?

12 A. I couldn't -- I mean, it was dark but it was a
13 knife. So I can't say that was the knife because it was
14 dark, to be totally honest with you.

15 Q. But he had a knife?

16 A. Yes, sir.

17 Q. And he said he was gonna gut you like a fish?

18 A. Yes, sir.

19 Q. So you took him seriously?

20 A. Yes, sir.

21 Q. What were you feeling at the time?

22 A. Scared. And wondered why, you know, what -- why
23 would you want to -- what do you want to gut me like a
24 fish for?

25 Q. All right. So what did you do once he told you

1 he was gonna gut you like a fish?

2 A. I put my hands up. I put my hands straight in
3 the air.

4 Q. And what did you start doing?

5 A. Backing up down the ramp.

6 Q. So you started moving down the ramp?

7 A. Yes, sir.

8 Q. All right. What were you trying to do?

9 A. Just retreat, get away from him.

10 Q. You were trying to retreat?

11 A. Yes, sir.

12 Q. Where were you trying to get to?

13 A. To the car.

14 Q. The car you had borrowed from your Aunt Brittany?

15 A. Yes, sir.

16 Q. How far away from you was the car at that point?

17 A. Well, if you -- if you come up the ramp, there
18 was a red Impala right there, if I ain't mistaken. And
19 my aunt's car was the next car over beside it. So
20 roughly -- I don't know how many feet that would be,
21 unless you got a picture I could show you.

22 Q. About 15 feet do you think?

23 A. Ummm.

24 MS. JORDAN: Objection, Your Honor. Mr. Neely is
25 testifying.

1 THE WITNESS: If you got a picture I can show
2 you.

3 THE COURT: I'll sustain the objection. Do you
4 want to rephrase the question?

5 THE WITNESS: I don't know. I can't tell you
6 exactly how far the car is from the ramp, but it was a
7 red Impala. There's a picture of the Impala in that
8 evidence somewhere. And there's a red Impala right
9 there. Then my aunt's car would be right next door to
10 it. Right next to it.

11 Q. Okay. Did you have the opportunity to make it to
12 that car?

13 A. Nope. No, sir.

14 Q. Why not?

15 A. Because he was coming at me.

16 Q. Who was coming at you?

17 A. Cecil was.

18 Q. Was he still holding the knife?

19 A. Yes, sir.

20 Q. So what was going through your mind when he was
21 coming at you with that knife?

22 A. Either it was gonna be me or him.

23 Q. When you say it was either gonna be you or him,
24 what did you mean?

25 A. I mean that somebody -- I felt like somebody -- I

1 knew I was gonna get hurt if I didn't react.

2 Q. Did you think you were gonna get seriously hurt?

3 A. Yes, sir.

4 Q. Did you think you could possibly die?

5 A. Yes, sir.

6 Q. So you took that threat very seriously?

7 A. Yes, sir.

8 Q. And you didn't think you were able to get in your
9 aunt's car?

10 A. No, sir.

11 Q. So what was your option? What was your only
12 option?

13 A. Well, I had a gun on my hip so I pulled it.

14 Q. And what did you do once you pulled the gun?

15 A. I fired it.

16 Q. Do you think you had a choice?

17 A. No, sir.

18 Q. Why not?

19 A. Because if not I'd get stabbed.

20 Q. You heard Dr. Wren testify this morning?

21 A. Yes, sir.

22 Q. You heard him tell us that there were seven entry
23 wounds?

24 A. Yes, sir.

25 Q. Why did you fire that many times?

1 A. Because he was still moving. And I feel like I
2 just wanted to make sure I was safe.

3 Q. What do you mean he was still moving?

4 A. When I shot the first -- the first time I shot,
5 well I kept -- I was hitting the trigger fast, to be
6 honest with you. But when I shot, he jumped to the side
7 and hit the ground and was pushing up off the ground and
8 I kept shooting.

9 Q. When did you stop shooting?

10 A. When I felt like I was safe and I could get away.

11 Q. What would have happened if you hadn't shot him?

12 A. I would have been stabbed.

13 Q. What did you do once Cecil stopped moving?

14 A. I got in the car and left.

15 Q. Where did you go?

16 A. I went to my -- actually, when I got, when I got
17 in the car, I pulled off and Mr. Jeter was jumping up
18 and down, down the street like get in the car. So I let
19 him get in the car. And then I dropped him off at his,
20 at his house or his uncle's house, one of them. It was
21 either one of their house. And then I went to my
22 granddad's house.

23 Q. Okay. And what did you do once you got to your
24 granddaddy's house?

25 A. I woke my aunt up and told her exactly what

1 happened.

2 Q. Which is what?

3 A. Somebody tried to stab me and I had to defend
4 myself.

5 Q. How long were you at your Aunt's house?

6 A. Maybe from four -- maybe from like 4:30 to
7 8 o'clock in the morning maybe or 7:30 or something.
8 But like three or four hours.

9 Q. What were you feeling once you were there?

10 A. Scared. I ain't never been through this
11 situation before.

12 Q. We all heard that you left.

13 A. I did leave.

14 Q. Why?

15 A. Because I was scared and I ain't never been in
16 this situation before.

17 Q. What were you scared of?

18 A. This right here, to be honest with you. Jail. I
19 ain't know the self-defense law or anything like that.
20 I didn't even know if I was hitting him because you
21 can't see. If you was in the same situation I was in,
22 you don't see bullets hit nobody. You didn't see it.
23 It's not like a movie. It ain't no movie, you
24 know what I'm saying? So I didn't see. I didn't know
25 what was going on, so I left. I was scared and left

1 because my first reaction was to leave. And I stayed at
2 my granddaddy's house for a while, but they ain't never
3 come, so I had too much time to think.

4 Q. If law enforcement had showed up while you had
5 been there, what would you have told them?

6 A. The same thing I'm telling y'all today.

7 Q. And that's the same thing you told your Aunt
8 Brittany?

9 A. Yes, sir.

10 Q. And it's the same thing you just told us?

11 A. Yes, sir.

12 Q. We also heard from a Richland -- from a Columbia
13 City police officer about the false information in July
14 of 2016 when you gave your cousin, Shane's, name.

15 A. Yes, sir.

16 Q. Why?

17 A. Cause I was wanted for murder.

18 Q. You knew you were wanted for murder?

19 A. Yes, sir.

20 Q. You knew there was a warrant for murder out for
21 you?

22 A. Yes, sir.

23 Q. And this right here is what you were afraid of?

24 A. Yes, sir.

25 Q. Where have you lived for the last two years?

1 A. Spartanburg County jail.

2 Q. And that's what you were afraid of?

3 A. Yes, sir.

4 Q. When Cecil was coming down the ramp at you, did
5 he say anything else besides I want to gut you like a
6 fish?

7 A. He was saying all types of things. He was saying
8 all types of stuff, man.

9 Q. Like what? Tell us like what.

10 A. Like he's gonna kill me and just all types of
11 things, man. I mean, it been a while, it been a while,
12 so...

13 But he was saying all type of stuff. I was just
14 worried about my safety, to be honest with you.

15 Q. How was he acting?

16 A. Aggressively.

17 Q. You heard Dr. Wren testify this morning that none
18 of the shots were directed to the front of Cecil.

19 A. Yes, sir.

20 Q. So describe for us that morning when you pull
21 that gun and you start shooting.

22 A. When I pulled the gun, I stepped to the side.
23 And he was trying to go to the side too.

24 Q. Why don't you come down here, Adriel.

25 (Witness leaves witness stand.)

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1 THE COURT: Sir, you're stepping away from the
2 microphone, so when you speak, please speak up loud
3 enough so that both the court reporter and the last
4 juror over there can hear you, okay?

5 THE WITNESS. Yes, sir.

6 BY MR. NEELY:

7 Q. All right, Adriel. This is the double doors that
8 we all saw.

9 A. Right.

10 Q. Where are you standing?

11 A. Right here. (Indicating.)

12 Q. And where is Cecil standing?

13 A. Right here. (Indicating.)

14 Q. How is his arm positioned?

15 A. Like this. (Indicating.)

16 Q. Like this? (Indicating.)

17 A. Yes, sir.

18 Q. And he's holding a knife?

19 A. Yes, sir.

20 Q. Okay. And what does he say?

21 A. I'm gonna gut you like a fucking fish.

22 Q. All right. And what did you do?

23 A. I put my hands up.

24 Q. Okay. And then what happened?

25 A. I started backing down the ramp. And he kept on

1 coming and saying all types of things. And I turned
2 like this. (Indicating.) And when I turned, he was
3 still coming and I started shooting.

4 Q. All right. Where were you standing when you
5 started shooting?

6 A. Put that picture up there, I'll try to show you.

7 THE COURT: Mr. Garnett, I need you to really
8 speak up, okay?

9 THE WITNESS. Okay. Can you put a picture up
10 there. Probably about right here. (Indicating.)

11 BY MR. NEELY:

12 Q. Okay. All right. And what was Cecil doing when
13 you were standing -- did you move once you started
14 shooting?

15 MS. JORDAN: Objection, Your Honor.

16 THE WITNESS: I was ---

17 MS. JORDAN: He's testifying and not ---

18 THE WITNESS. I was.

19 THE COURT: All right, hang on.

20 MR. NEELY: Judge, I asked him if he moved when
21 he was shooting.

22 THE COURT: All right. I was going to overrule
23 the objection on that one. All right.

24 BY MR. NEELY:

25 Q. Did you move once you started shooting?

1 A. Yeah. I was backing -- I was backed up to
2 probably right here. Like I said, when I shot him, he
3 jumped that way to that side over there. (Indicating.)

4 Q. All right. So when you fired the first shot,
5 which way did Cecil's body go?

6 A. Right there. (Indicating.)

7 Q. Which way did he turn?

8 A. He turned that way like that. Like he turned and
9 stumbled that night. Over on the side of this rail
10 right here. (Indicating.)

11 Q. So he kept coming down the ramp at you?

12 A. Yes, sir.

13 Q. All right. And his body was turning?

14 A. Yes, sir.

15 Q. So you thought you were shooting at the front of
16 him?

17 A. Yes, sir.

18 (Witness returns to witness stand.)

19 Q. Okay. So it was you or Cecil?

20 A. Yes, sir.

21 Q. Did you think you were gonna die?

22 A. Yes, sir.

23 Q. You did what you thought you had to do?

24 A. Yes, sir.

25 Q. All right. Adriel, if you'll answer any

1 questions.

2 THE COURT: (Nods head.)

3 CROSS-EXAMINATION

4 BY MS. JORDAN:

5 Q. So did you shoot him in the back to begin with or
6 did you shoot him in the back to end it?

7 A. I was -- he was coming down the rail when I
8 started shooting, ma'am, so he was facing me.

9 Q. So he was facing you when you started shooting?

10 A. Yes, ma'am.

11 Q. Straight on?

12 A. He was coming down the ramp area, ma'am.

13 Q. Okay. Coming down the ramp. Was he coming at
14 you straight on?

15 A. Yes, ma'am.

16 Q. Okay. And when you fired the first shot?

17 A. Yes, ma'am, and jumped to the side.

18 Q. But you fired the first shot when he was straight
19 on at you?

20 A. Yes, ma'am.

21 Q. Okay. Straight looking at you?

22 A. Yes, ma'am.

23 Q. So it wasn't all this turning stuff that you just
24 did with your defense attorney?

25 A. When I pulled the gun, he start turning and I'm

1 turning but he's facing me.

2 Q. Okay. He's facing you when you shot the first
3 time?

4 A. Yes, ma'am.

5 Q. Okay. Then after you shot the first time, you
6 said that he started to turn and stumbled?

7 A. He jumped. He jumped over there. He jumped to
8 the side over here. He jumped over here.
9 (Indicating.)

10 Q. He jumped over the railing or...

11 A. No. He jumped from like right here to over
12 there. He jumped to the side.

13 Q. Okay. So he jumped away from you?

14 A. Yes, ma'am.

15 Q. And you continued to shoot?

16 A. Yes, ma'am.

17 Q. Seven more times?

18 A. Because he was still getting up.

19 Q. But he was down the first shot?

20 A. He wasn't down. He was -- can I get up and show
21 you?

22 Q. Yes, sir.

23 (Witness leaves witness stand.)

24 A. When he jumped from right there and he landed
25 like this. He landed like this and then was getting

1 back up like this, and I continued to fire.

2 (Indicating.)

3 Q. Where was the knife at this point?

4 A. Have you seen the knife? You've seen that knife,
5 right?

6 Q. Yes, sir. I've seen all two inches of it.

7 A. Okay then. So can you see -- can you think once
8 I've come down that rail, do you think you would have
9 seen it?

10 Q. No, sir.

11 A. Okay then.

12 Q. Why didn't you see it?

13 A. Because I can't see -- I'm sorry, I'm defending
14 myself.

15 Q. Okay.

16 A. I'm worried about defending myself. I'm not
17 worried about the knife any more. I'm trying to get on
18 -- get out of there.

19 Q. So you're not worried about the knife that you
20 believe is gonna injure you or kill you?

21 A. I was worried -- I'm worried about getting
22 injured, but I'm not worried about what -- like looking
23 for it in his hand when I'm trying to get out of the
24 way.

25 Q. Okay. So you have no idea where this knife went

1 after you shot him the first time?

2 A. No, ma'am.

3 Q. No idea?

4 A. No, ma'am.

5 Q. But you continue to empty your gun?

6 A. Yes, ma'am.

7 Q. You fired a second shot?

8 A. Yes, ma'am.

9 Q. A third shot?

10 A. Yes, ma'am.

11 Q. Fourth?

12 A. Yes, ma'am.

13 Q. Fifth?

14 A. Yes, ma'am.

15 Q. Sixth?

16 A. Yes, ma'am.

17 Q. Seventh?

18 A. Yes, ma'am.

19 Q. And eighth?

20 A. Yes, ma'am.

21 Q. All at a man on the ground no idea where the
22 knife is?

23 A. I didn't know where the knife was. I knew it was
24 around because he started. He was standing first.

25 Q. I thought you didn't know --

CROSS-EXAMINATION OF ADRIEL GARNETT BY MS. JORDAN

1 A. It went so fast --

2 Q. -- whether you hit him or not.

3 A. Ma'am, it goes so fast. Excuse me. I'm not
4 gonna ask you any questions because you ask me
5 questions, but have you ever been in this type of
6 situation?

7 Q. Sir, I wasn't there that night.

8 A. Oh, I -- you're right.

9 Q. Correct?

10 A. You're right, you wasn't. But, like I said, he
11 was coming at me with a knife. And all I wanted to do
12 was defend myself and get out, get out of the way. I'm
13 -- I didn't -- I don't see -- had no problem with him.

14 Q. You actually had a pleasant conversation with him
15 earlier in the night.

16 A. Yes, ma'am.

17 Q. Okay. But at one point in time you were -- he
18 asked you to pay for a drink.

19 A. Yes, ma'am.

20 Q. And you didn't want to pay for the drink, did
21 you?

22 A. No, ma'am.

23 Q. Were you offended that Cecil was gonna make you
24 pay for a drink?

25 A. No, ma'am.

1 Q. But you didn't get one after that?

2 A. No, ma'am.

3 Q. So you expected it to be free?

4 A. Yes, ma'am.

5 Q. Okay.

6 A. But I mean, I don't drink moonshine so I didn't
7 have to -- I don't drink moonshine.

8 Q. But there were other things there to drink if you
9 would have chose to?

10 A. Yes, ma'am.

11 Q. But you didn't want to pay?

12 A. I didn't want to -- I didn't want to get real
13 intoxicated because I had my aunt's car.

14 Q. And because Cecil wanted you to pay?

15 A. It's not that. It ain't got nothing to do with
16 the pay part.

17 Q. Okay. How long were you outside before Cecil
18 came out?

19 A. Maybe 10 or 15 minutes.

20 Q. Okay. And you were standing -- what you pointed
21 out on State's Exhibit 32.

22 A. We were all standing right here. I was right
23 here, big Tav was right here, and the other guy was kind
24 of in the middle, yeah. (Indicating.)

25 Q. Who's the other guy?

CROSS-EXAMINATION OF ADRIEL GARNETT BY MS. JORDAN

1 A. I don't know his name.

2 Q. So there was another guy out there?

3 A. Yes. Yes, ma'am.

4 Q. You don't know his name?

5 A. No, I'm not familiar with him. He was a tall
6 fellow that had glasses. I'm pretty sure that his
7 family know who it is.

8 Q. Okay. Was he out there when Cecil came out and
9 threatened you with a knife?

10 A. No, he walked. He walked inside right before
11 Cecil came out.

12 Q. Okay. So you're standing there and what you're
13 pointing at on State's 32, it looks like you're maybe
14 three to four feet from the door; is that correct?

15 A. Like right here. (Indicating.) If you was out
16 there, we might be able to manage it, but it not -- I
17 don't know. It's just like an estimate on that.

18 Q. Okay. So were you up there near where that
19 bullet strike is? I'm gonna use my finger to point this
20 out. About right here? (Indicating.)

21 A. Yes, ma'am. Well, no. Probably a little, a
22 little farther. Like, probably about right here. Yes,
23 ma'am, about right here. (Indicating.)

24 Q. So you're starting to back up?

25 A. No. When he passed -- when we was just out there

1 having a conversation, I was like right here. And Big
2 Tav was right here and the other fellow was in the
3 middle. We was just conversating (sic). (Indicating.)

4 Q. Okay. And earlier you told Mr. Neely that you
5 were standing in that same position when Cecil walked
6 out.

7 A. Yes, ma'am.

8 Q. Okay. So you were maybe three to four feet from
9 you (sic)?

10 A. Yeah, he may have been. What do you want to say?

11 Q. No, I'm not -- it's what you want to say. How
12 far was he from you when he walked out the door?

13 A. Well, if I'm right here, he walked at least right
14 here. I don't know how we're gonna make a direct
15 estimate of that, but that's where I was at right here
16 and he came out. The bullet gets the door right here
17 and he came out right there, and he had a knife in his
18 hand already. (Indicating.)

19 Q. Yeah. He just walked out with a knife raring to
20 go?

21 A. He had a knife in his hand already.

22 Q. Okay. And he -- which hand did he have it in?

23 A. His back is to -- this is -- say this is back,
24 this green lights, so the knife is in this hand right
25 here. So that would be, that would be, that would be,

1 is it right or left? And my back is -- exactly right.
2 I'm a -- that's his left hand. Let me think. Yeah,
3 that's his left hand.

4 Q. Do you recall previously giving sworn testimony
5 that Cecil was holding the handgun or the knife in his
6 right hand?

7 A. Yeah, I remember.

8 Q. Okay. You said right hand previously?

9 A. Yes. If I could show you. He came -- if this is
10 the door and I'm standing right here, Cecil Gilliam,
11 this is him coming right here. You've got to -- oh, so
12 this is the right. You're right. This is the right.
13 He's got it in this one.

14 Q. He's got it in his right hand?

15 A. Yeah, in this hand. It's the right hand.

16 Q. Okay. And where are you standing about?

17 A. Right here. (Indicating.)

18 Q. Okay. So this is two to three feet?

19 A. Right.

20 Q. He's got a knife in his hand and he says: I'm
21 gonna gut you like a mother fucking fish?

22 A. Yes, ma'am.

23 Q. And you put your hands up and started to back
24 away?

25 A. Put my hands up, yes, I did.

1 Q. And while all this is going on, he also starts to
2 talk?

3 A. Right.

4 Q. What does he start to say?

5 A. Um, I was trying to think. All these type of
6 terrible things. I can't recall everything. It's been
7 a while. It's all type of -- I was just worrying about
8 getting to Tav.

9 Q. So it was a lengthy conversation with Cecil right
10 there?

11 A. No, it wasn't -- it wasn't like -- when you say a
12 lengthy, how do you mean lengthy?

13 Q. Well, what did he say?

14 A. First of all he said he was gonna gut me like a
15 fish.

16 Q. Okay.

17 A. And after that I put my hands up.

18 Q. Okay.

19 A. And after that, I was walking back and he was
20 still coming towards me, still saying all type of other
21 things.

22 Q. And Cecil at this point is probably three to four
23 feet from you?

24 A. I wouldn't say that he's that close, but he's
25 kind of close.

1 Q. But he walks out with a knife in his hand?

2 A. Yes, ma'am.

3 Q. If he wanted to hurt you, under your story, he
4 could have?

5 A. Yes, ma'am, he was.

6 Q. But did he have -- did you have any injuries on
7 you?

8 A. No, ma'am.

9 Q. And you put your hands up?

10 A. Yes, ma'am.

11 Q. So your hands are in the air?

12 A. Yes, ma'am.

13 Q. You're backing up?

14 A. Yes, ma'am.

15 Q. Which hand do you use to grab the gun that you
16 were carrying and loaded?

17 A. This one. (Indicating.)

18 Q. All right. I'm gonna be Cecil.

19 A. All right.

20 Q. Okay. And is Cecil, where is Cecil is holding
21 his knife? Is he holding it up or is he holding it
22 down?

23 A. Down to the side, I guess.

24 Q. He's got it to the side right here?

25 (Indicating.)

1 A. Yes, ma'am.

2 Q. And you're this close to him? (Indicating.)

3 A. Well, probably like right here. (Indicating.)

4 Q. Okay. Hands up.

5 A. Yes, ma'am.

6 Q. Huge argument.

7 A. Right.

8 Q. Cause he's saying stop. What's he saying to you?

9 A. I can't recall that directly, but he was ---

10 Q. Is he talking about your family?

11 A. He's saying all kinds of things, ma'am.

12 Q. Such as?

13 A. A lot of different things.

14 Q. Did he talk about your mom?

15 A. He said a lot of things.

16 Q. Did he talk about your mom?

17 A. Yes, ma'am.

18 Q. Did he talk about anybody else in your family?

19 A. I can't recall, but he was saying a lot of
20 different things.

21 Q. A lot of different things in a short period of
22 time with a knife in his hand?

23 A. Yes, ma'am.

24 Q. And you just stood there and backed up a little?

25 A. I'm just backing. I'm back, coming down the

1 ramp.

2 Q. Okay. Hands up, hands up. And you use your
3 right hand to reach in and grab?

4 A. Right.

5 Q. And Cecil did nothing?

6 A. When I, when I pulled, he jumped to the side and
7 I fired.

8 Q. He jumped to the side?

9 A. Yes, ma'am. After the first shot. I don't know
10 if that part right here. This might be when the first
11 fire when I shot. I can't tell you exactly but, yeah,
12 when I started firing he jumped to the side and tried to
13 jump to the side and then tried to get up and I just
14 kept on firing.

15 Q. So only one shot up in this area?

16 A. I'm not, I'm not saying one shot up in this area,
17 but that shot might have missed him maybe. I don't -- I
18 couldn't tell you that. I'm not a scientist or nothing
19 like that, but...

20 Q. So there was enough light out there that you can
21 see this two-inch knife?

22 A. Uh, I don't even remember that that light right
23 there was on, but I did see something. I seen the
24 object in his hand, because he said that he was gonna do
25 something to me, so that made me look in his hand.

1 Q. Okay.

2 A. Yes, ma'am.

3 Q. If you'll have a seat.

4 (Witness resumes witness stand.)

5 So you're backing up. Is Cecil advancing towards
6 you?

7 A. Yes, ma'am.

8 Q. But then he manages to jump away to the side?

9 A. After the, after the -- well, after I start
10 firing.

11 Q. Okay. After you start firing he does a magic
12 jump?

13 A. But it ain't magic, lady.

14 Q. Okay. And then he -- you fired one time and then
15 he ends up over here in the ground?

16 A. To be completely honest with you, it was, it was
17 fast. Everything happened so fast.

18 Q. But you testified earlier that you fired one shot
19 and he went down.

20 A. Yes. Everything happened so fast.

21 Q. But you were certain earlier it was one shot and
22 he's down.

23 A. I'm gonna tell you one more time. Everything
24 happened so fast. It was fast. I ain't never been
25 through nothing like that. And, like I said before, I

1 ain't never -- I ain't never shot nobody. I ain't seen
2 no blood jumping out of no body or nothing like that.
3 All I know is I wanted to get, get on out of the way and
4 defend myself.

5 Q. All because he was talking about your mom.

6 A. No. Because he told me he was gonna gut me like
7 a fish and he had a weapon in his hand.

8 Q. And he was three to four inches from you. And
9 you had the --

10 A. Well, not inches. I said --

11 Q. -- time to pull out a weapon and fire at him.

12 A. I said feet.

13 Q. Feet, I apologize.

14 A. Yes, ma'am.

15 Q. But you still had the time to pull out a weapon
16 and fire at him?

17 A. Yes, ma'am.

18 Q. And then he magically jumps off --

19 A. It's not magic.

20 Q. -- or ends up at the bottom?

21 A. Lady, it's not magic, Lady. I wish you was there
22 for you could see it for yourself. It's not magic.

23 None of this -- this is -- all this is real. Everything
24 going on is real.

25 Q. I understand it's real.

1 A. I didn't do nothing -- I didn't do nothing to
2 hurt nobody, and I hate that we all are here and we got
3 to sit in here and do this.

4 Q. You fired eight shots but you didn't mean to hurt
5 anybody?

6 A. I was trying to defend myself, Lady. I didn't
7 have -- I didn't come up here for nothing. I was trying
8 to defend myself. Some man -- a man that's 6'2", 260
9 pounds. I'm 5'8", coming at me with a knife, what I
10 supposed to do? What would you do?

11 Q. Your friends are there with you?

12 A. Huh?

13 Q. Are your friends there with you?

14 A. I think he took off running. I don't know cause
15 when I backed out the car, he was jumping up and down
16 wanting me to pick him up.

17 Q. So he got away, but you didn't?

18 A. He was directing it towards me.

19 Q. Okay. So a reasonable person, such as the other
20 one who was standing there, was able to get away from
21 this?

22 A. Ma'am, listen. I feel like if I would have
23 turned around and took off running, I was gonna get
24 stabbed in the back cause I'm running to the car. I'm
25 not going -- if I'm going to get, I'm gonna get in the

1 car and --

2 Q. So since ---

3 A. -- leave, but...

4 Q. I apologize. Do you want to finish?

5 A. No. Go ahead.

6 Q. So you were afraid of getting stabbed in the back
7 so you shot him in the back?

8 A. No, Lady. I -- it started from the front. Only
9 time I shot when he, like, back towards was when he was
10 getting up. He was getting up. It hadn't -- it
11 probably been five seconds when all that -- they went
12 off in like five seconds. It was, it was quick. It
13 wasn't nothing I had to think about it. I ain't have
14 time. I ain't have time to do nothing but defend
15 myself.

16 Q. Then you left, where did you go?

17 A. I went to my granddad's house. Well, first I
18 dropped off, I dropped off Big Tav.

19 Q. Okay. You dropped off the Jeter twin.

20 A. Yes, ma'am.

21 Q. Then you went to your Grandpa Bruce's house?

22 A. Yes, ma'am.

23 Q. And at your Grandpa Bruce's house what did you
24 do?

25 A. I told my aunt exactly what happened.

1 Q. You told them what? They've heard what you told
2 them?

3 A. I told her exactly what happened.

4 Q. Okay. And what did she tell you to do?

5 A. She told me to call 911. She gonna call 911.

6 Q. Okay. Did you call the police?

7 A. No, ma'am.

8 Q. So you had the keys to your aunt's car in your
9 hands at Cecil's place?

10 A. No, I didn't have them in my hand.

11 Q. You had them on your person?

12 A. Yes, ma'am.

13 Q. Okay. And the car was working?

14 A. Yes, ma'am.

15 Q. The car was running. Did you have a phone on
16 you?

17 A. It wasn't running, but the car runs. It works.

18 Q. Yes, sir.

19 A. I had to turn it on --

20 Q. Yes, sir.

21 A. -- to make it run.

22 Q. Yes, sir.

23 A. Okay.

24 Q. Did you have a phone on you?

25 A. Yes, ma'am.

1 Q. Okay. And you knew all these other people were
2 inside playing inside?

3 A. Well, once I'm outside, I can't tell you exactly
4 what nobody's doing.

5 Q. Okay.

6 A. Or what's going on outside.

7 Q. Did you offer your aunt money to take you out of
8 town?

9 A. Yes, ma'am, I did.

10 Q. How much?

11 A. Like just a hundred bucks.

12 Q. Okay. So you wanted a hundred bucks to get out?

13 A. Yes, ma'am.

14 Q. Did she do it?

15 A. No, ma'am.

16 Q. Did you call your cousins to try to get out?

17 A. Yes. But I didn't get to talk to them, but I
18 called them.

19 Q. Okay. And the purpose of calling them was to do
20 what?

21 A. Was to leave.

22 Q. Okay. Did you ever call 911?

23 A. No, ma'am.

24 Q. Okay. And when your Aunt Brittany called 911,
25 what did you do?

1 A. I was just pacing back and forth in the house.

2 Q. Okay. What did you do? Did you stay?

3 A. I stayed. I stayed there for like three hours
4 after she called 911 and after my granddaddy called 911.
5 I was still there.

6 Q. Your testimony today is you were there for three
7 hours?

8 A. Like three or two hours.

9 Q. And you just got tired of waiting?

10 A. I got scared. I was scared. I ain't never been
11 through this before.

12 Q. The police weren't moving on your time, so you
13 just left?

14 A. It ain't even about my time or nothing like that.
15 I just had never been through this type of situation
16 before, ma'am.

17 Q. You planned to leave from the minute you walked
18 in --

19 A. What do you mean?

20 Q. -- to your aunt's house?

21 A. What do you mean?

22 Q. You planned to leave ---

23 A. Yeah, I was scared.

24 Q. Okay.

25 A. I was scared. I was scared.

1 Q. Your first thing wasn't please call 911, get the
2 police here; it was, if I give you a hundred bucks will
3 you take me to --

4 A. Yes, ma'am.

5 Q. -- Columbia?

6 A. Yeah, you're correct.

7 Q. So you eventually found somebody who would take
8 you to Columbia?

9 A. Yes, ma'am.

10 Q. Who was it?

11 A. My little cousin John.

12 Q. What's John's name?

13 A. Jonathan Norman.

14 Q. Okay. What did you do with the gun once you left
15 Sharpe Street?

16 A. I threw it in the woods because I didn't want it
17 in my possession.

18 Q. Okay. Did you throw it in the woods, where at?

19 A. Around my granddaddy's.

20 Q. Okay. So while you were waiting for a ride, you
21 disposed of the weapon?

22 A. Yes, ma'am.

23 Q. Okay. What did you do once you got to Columbia?

24 A. I stayed at a friend of mine's house.

25 Q. Who's your friend?

1 A. Her name is Keta (phonetic).

2 Q. Pita?

3 A. Keta.

4 Q. Keta. How long did you stay with Keta?

5 A. Maybe three hours.

6 Q. Okay. What did you do after that?

7 A. I left.

8 Q. And where did you go?

9 A. Charleston.

10 Q. How long did you stay in Charleston?

11 A. For the rest of the remaining -- like, I think it
12 be like six months, maybe. No, about five months from
13 the incident to whenever I got caught. But I came to
14 Columbia. I was back in Columbia for about two days or
15 so.

16 Q. Okay. What did you do in those five months in
17 Charleston?

18 A. Really just be paranoid, and I didn't really have
19 nowhere to sleep or nothing. It just kind of -- it was,
20 it was a wild situation, ma'am.

21 Q. Did you work?

22 A. No, ma'am.

23 Q. How did you get by?

24 A. I've got friends. I got people. There's people
25 that love me out there.

1 Q. Okay. Did you have friends that would give you a
2 ride back to Woodruff if you needed it?

3 A. No. I wouldn't even be that -- I didn't want to
4 be up this way anyway to come up here. Why would I want
5 to be up here if I just ran from here?

6 Q. Why did you run?

7 A. Because I was scared, ma'am. I ain't never been
8 through this.

9 Q. Five-and-a-half months.

10 A. Five-and-a-half months.

11 Q. But your grandpa told you to turn yourself in if
12 it was self-defense.

13 A. Yes, ma'am.

14 Q. Your Aunt Brittany told you to turn yourself in
15 if it was self-defense.

16 A. Yes, ma'am.

17 Q. And you ran.

18 A. Yes, ma'am.

19 Q. When you got in your car that night, did you have
20 any injuries?

21 A. You asked me that before, but no, ma'am.

22 Q. Okay. So you had no injuries from a man with a
23 two-inch knife standing three to four feet away from
24 you?

25 A. No, ma'am.

1 Q. Okay. Did you have the gun on you the entire
2 night you were at Cecil's house?

3 A. Yes, ma'am.

4 Q. Why did you carry a gun with you to a gathering?

5 A. Just to protect myself. I carry a gun just to
6 protect myself. You see how the world is. People just
7 do anything nowadays.

8 Q. Like shoot someone seven times in the back or
9 five times in the back?

10 A. No. It ain't even not like that. Like walking
11 to church and just start shooting people. Walk in the
12 courtroom and just doing that type of stuff. I'm just
13 trying to protect myself, ma'am.

14 Q. So your testimony is he comes out with a knife
15 ready?

16 A. Yes, ma'am.

17 Q. And you're standing up near the top where that
18 bullet strike is, roughly. Did you at any point turn
19 around and look at your vehicle?

20 A. When -- after I -- yeah, after when I got in it
21 to leave.

22 Q. Didn't you previously testify that you had time
23 to turn around and look at your vehicle but then turned
24 back around?

25 A. Say it again.

1 Q. Did you previously testify that you -- or in
2 previously sworn testimony, that you had time to look,
3 to turn and look to see the vehicle but then turned back
4 around?

5 A. No, I don't -- I did not testify to nothing like
6 that. But, like I said, he was up on me so I had to do
7 what I had to do.

8 Q. Okay. I want to direct your attention to Page
9 139, Line 25.

10 A. Yes, ma'am.

11 Q. Did you previously state ---

12 MR. NEELY: Objection, Judge. There's no
13 foundation for this.

14 THE COURT: Well, I don't know what she's having
15 him publish or read.

16 MR. NEELY: Right, Your Honor. There's no
17 foundation for this.

18 THE COURT: Do y'all want to approach?

19 MS. JORDAN: Yes, sir.

20 (A bench conference was held off the record.)

21 BY MS. JORDAN:

22 Q. Mr. Garnett, did you give previously sworn
23 testimony -- let me ask you this. Your testimony is
24 that when you were backing away from Cecil you never
25 turned around and looked at your vehicle?

1 A. Say it again. Rephrase your question for me,
2 please.

3 Q. Yes, sir. When you were backing away from Cecil,
4 your testimony today is that you never turned around and
5 looked back?

6 A. I just, I just -- I really just showed you and
7 Mr. Neely what happened. And I did show you that I did
8 turn. Do you need me to replay it for you?

9 Q. Yes, sir.

10 (Witness steps off witness stand.)

11 Okay. I will be Mr. Gilliam. I'm at the door.
12 Show me again.

13 A. Which part do you want? Which one?

14 Q. Okay. I'm facing you the whole time with a knife
15 about right here?

16 A. Right.

17 Q. And you're about three to four feet from me.

18 A. Yes, ma'am. I put my hands up.

19 Q. You put your hands up.

20 A. And I start backing down the ramp.

21 Q. And the whole time Cecil is talking?

22 A. Yes, ma'am.

23 Q. And the whole time you're facing him?

24 A. He was coming toward me.

25 Q. And this was a ---

1 A. And when I turned like this, he's still turned.
2 I'm looking at him and turning. I fired. I turned
3 around and fired. And he jumped to the side and I kept
4 firing.

5 Q. Okay. So he has to get past you --

6 A. No.

7 Q. -- to get away from you.

8 A. He never, he never got past. He never passed me.

9 Q. Then how does he end up dead at the bottom of a
10 ramp?

11 A. Behind the ramp. If I'm backing down the ramp,
12 eventually I'm gonna have to hit the ground right here.
13 So when I get down here, that's when he jumps this way
14 and I'm standing right here. (Indicating.)

15 Q. Okay. But you've already fired one shot at him
16 at this point?

17 A. Probably more than, probably more than that at
18 that point. I didn't -- I was -- it was fast. It was
19 fast. I didn't -- I wasn't -- there wasn't no time to
20 just think, ma'am.

21 Q. The whole time straight on?

22 A. Yes. And then he jumped to the side, yeah.

23 Q. But he was straight on at you when you fired that
24 first shot?

25 A. Yes, ma'am.

1 Q. Just like this. (Indicating.)

2 A. Yes, ma'am. Not like that. Not like that with
3 his hand.

4 Q. (Indicating.)

5 A. Yeah. There you go, put a knife in your hand.

6 Q. Okay. Well, the pen is my knife.

7 A. Okay. Yeah, there you go with a knife in his
8 hand he was coming at me.

9 Q. Coming at you like this when you fired the first
10 shot? (Indicating.)

11 A. Yes, ma'am.

12 Q. Okay. And then he magically jumped over this
13 way.

14 A. It's not magic, ma'am. It's not magic. I --
15 this... Can I ask you a question, ma'am?

16 Q. No.

17 A. Okay.

18 Q. So your testimony today is that he was facing you
19 at the very beginning but then he looked away and fell
20 off?

21 A. I tell you he jumped to the side.

22 Q. Okay. And you previously gave a sworn statement,
23 testimony that -- I'm gonna reference you to Page 162.
24 I'm reading. My question was: Okay, but you're saying
25 he was facing you this entire time?

1 Your answer is? Your answer is?

2 A. Oh, I said: When? Yes, ma'am.

3 Q. Okay. And I said: Okay. The entire time you
4 let all eight bullets fly?

5 Your answer was?

6 A. Where you at? Show me where you're at.

7 Q. (Indicating.)

8 A. Oh, okay. I said: Yes, ma'am.

9 Q. Okay. Facing you, you can see his face?

10 A. I said: Well, to the side and I'm stuttering.
11 Probably after. Probably. I'm stuttering. Before shot
12 or something. I was really -- I wasn't really counting
13 the shots. And to tell you the truth I ain't never
14 think I hit him because I ain't never did it, been
15 experienced with this before. And it ain't like a
16 movie. You don't see no blood. You don't -- he just
17 jumped to the side. You don't see no blood or nothing
18 out there, ma'am.

19 Q. Where did you say he just jumped to the side?

20 A. Oh, I seen him jump. It ---

21 Q. No, sir. Read what is on the paper, please.

22 A. It wasn't like a movie. You're not seeing no
23 blood jump out nobody or nothing like that, so I don't
24 know even -- I don't, I don't even know if I've hit him.
25 That's why I'm just keeping on firing to keep it -- to

1 get away from him.

2 Q. To get him ---

3 A. Away from me.

4 Q. Yeah.

5 A. All right.

6 Q. So previously you were facing him when all shots
7 were fired. Today you fired one and he falls to the
8 ground?

9 A. No. No. He didn't fall to the ground, he just
10 jumped to the side, ma'am.

11 Q. I'm gonna jump ahead to the July 2016 incident in
12 Columbia.

13 A. Yes, ma'am.

14 MR. NEELY: Under my previous objection, Judge.

15 THE COURT: All right. She's on

16 cross-examination. Go ahead, ma'am.

17 BY MS. JORDAN:

18 Q. Did you tell the officers who you were?

19 A. No, ma'am.

20 Q. Why?

21 A. Because I didn't want to go to jail.

22 Q. So you fought the officers?

23 A. No, I didn't fight nobody.

24 MR. NEELY: Objection, under my previous
25 objection.

1 THE COURT: I'm gonna allow it. Go ahead.

2 BY MS. JORDAN:

3 Q. But you lied to the officers?

4 A. Yes, ma'am.

5 Q. Because you didn't want to be caught?

6 A. I didn't want to be locked up for murder when I
7 ain't murder nobody.

8 MS. JORDAN: Your Honor, may I have a moment?

9 THE COURT: (Nods head up and down.)

10 BY MS. JORDAN:

11 Q. Real quickly just for clarification. Do you have
12 the pointer or do I have it here?

13 A. (Indicating.)

14 Q. Can you show me one more time where Cecil was
15 when you fired that first shot?

16 A. The first shot, I'm backing down the ramp so I
17 probably fired about right -- I probably started firing
18 about right here. (Indicating.)

19 And if you look at the blood splattered in the
20 pattern it's coming down, you will understand what I'm
21 talking about. You got the diagram. Look at the blood
22 patterns, they all coming down, down the ramp, ma'am.
23 They're coming down the ramp obviously. They're coming
24 down the ramp. I was backing away from him.

25 Q. And he came out the door and he immediately

1 threatened you?

2 A. Yes, ma'am.

3 Q. No breaks, no nothing?

4 A. Say it again, ma'am.

5 Q. He came out and immediately threatened you?

6 A. Yes, ma'am.

7 Q. Talked about your mom.

8 A. It was just a whole lot of nonsense basically,
9 ma'am. I don't know what it all ---

10 Q. What was the nonsense?

11 A. I don't know. I don't know what it was for. I
12 mean, I can't explain it. That's the hard part. The
13 hardest part about the whole situation. I don't know.
14 That's why it's so hard because somebody lost their
15 life, I don't know why, because they had a knife in
16 their hand.

17 Q. Because you shot him eight times.

18 A. I don't know why. I can't tell you why, what was
19 his problem. I can't tell you that. I can't tell you
20 what was his problem.

21 Q. You can't even tell the jury what he said.

22 MR. NEELY: If he could be allowed to answer the
23 question.

24 MS. JORDAN: I apologize.

25 MR. NEELY: Go ahead.

1 THE WITNESS: Ma'am, I could tell you that man
2 had a knife in his hand and he was coming towards me,
3 ma'am. I can't recall everything that came out of this
4 guy's mouth. Do you understand what I'm saying? It had
5 been three years. All I want to do is defend myself,
6 ma'am.

7 BY MS. JORDAN:

8 Q. How quickly can you pull a gun?

9 A. Huh?

10 Q. How quickly can you pull a gun?

11 A. Uh, not trying to be funny. I'm not John Wayne
12 or nobody, but I mean when you're scared you do a lot of
13 things quick. If a cat -- if you put a cat in the wall
14 back there in that corner and you try to attack it, he
15 probably gonna be quick.

16 Q. But Cecil didn't injure you.

17 A. Ma'am, he -- I wasn't gonna let nobody injure me,
18 ma'am. I wasn't gonna let nobody hurt me.

19 Q. You were gonna win?

20 A. It's not, not like that, but I felt like somebody
21 was gonna kill me so I had to do what I had to do. I
22 wasn't trying to -- and then if you look at, look at the
23 diagrams of the body. I was not -- if I just wanted to
24 kill somebody, I probably would have shot somebody in
25 the face or the chest or anything like that.

1 Q. Yeah. If you were facing somebody, that's where
2 you would have shot him.

3 A. Ma'am. Ma'am, listen. If I was trying to kill
4 anybody, it would probably be in the head or the chest
5 or something like that.

6 Q. Or in the back when they're not facing you.

7 MR. NEELY: Objection, Your Honor, she's arguing
8 with the witness.

9 MS. JORDAN: I asked him a question.

10 THE COURT: All right. I'll allow it.

11 THE WITNESS: Shit. Crazy.

12 MS. JORDAN: No more questions.

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

15 MR. NEELY: Yes, sir.

16 REDIRECT EXAMINATION

17 BY MR. NEELY:

18 Q. Adriel, she just made a really big deal about
19 what Cecil was saying to you when he was coming down the
20 ramp.

21 A. Yes, sir.

22 Q. When he was saying all that, where was your
23 focus?

24 A. On the knife and making sure I was getting --
25 making sure I was -- making sure I was safe.

1 Q. All right. So, again, as you're backing down the
2 ramp, as Cecil's coming at you with a knife, what are
3 you thinking about?

4 A. Making it home to my family.

5 Q. What would have happened if you had not pulled
6 that gun?

7 A. I was gonna be stabbed.

8 Q. Without a doubt in your mind?

9 A. Not a doubt in my mind.

10 Q. All right. You said Tavis took off running. How
11 come you couldn't do that?

12 A. Because he was directing all this stuff towards
13 me. He was coming towards me. I'm not paying attention
14 to it, but what the other man's doing when I'm in
15 danger. I'm trying to make sure I'm straight.

16 Q. Cecil was backing down the ramp at you?

17 A. No, not backing. He was coming towards me.

18 Q. He was walking -- he was coming --

19 A. There you go.

20 Q. -- towards you?

21 A. Yes, sir.

22 Q. He was threatening you?

23 A. Yes, sir.

24 Q. He wasn't threatening Tavis Jeter?

25 A. No, sir.

1 MS. JORDAN: Objection, Your Honor. He's
2 directing the witness or redirecting the witness or
3 testifying.

4 THE COURT: I'll sustain the objection.

5 BY MR. NEELY:

6 Q. Who was Cecil threatening?

7 A. Me.

8 Q. And what was that threat again?

9 A. I'm gonna gut you like a fish.

10 Q. How long ago did this happen?

11 A. Two years. Three years. Two years and some
12 change. Two years and some change maybe. Yeah, two
13 years. I've been in here 28 months so, yeah, almost
14 three years.

15 Q. The details that you remember are what?

16 A. Everything that I'm letting y'all know today.

17 Q. How fast were you shooting?

18 A. I was, I was shooting fast.

19 Q. Why?

20 A. Because I was scared.

21 Q. What were you trying to accomplish?

22 A. To make sure I ain't get hurt.

23 Q. All right. When the solicitor just went through
24 that when you fired that first shot that Cecil was
25 direct on --

1 A. Yes, sir.

2 Q. -- and you said yes.

3 A. Yeah.

4 Q. And you said he magically jumped.

5 A. Right.

6 Q. What do you mean by that?

7 A. When he -- when I fired, he jumped to the side.

8 He jumped and I, I just kept firing.

9 Q. Okay. And in which direction was he moving as
10 you were firing?

11 A. He was coming towards me, but he jumped to the
12 side.

13 Q. So what did you think Cecil was doing as he kept
14 coming towards you?

15 A. Trying to hurt me.

16 Q. Okay. Did you have -- did you see Cecil have
17 anything to drink?

18 MS. JORDAN: Objection, Your Honor. Outside the
19 scope of cross.

20 THE COURT: I'll agree.

21 MR. NEELY: All right. Nothing further, Judge.

22 THE COURT: All right. You may step down, sir.

23 THE WITNESS: All right, thank you. Thank you.

24 THE COURT: Watch your step as you're stepping
25 down.

1 (Witness leaves witness stand.)

2 Ready to call your next witness?

3 MR. NEELY: May we approach?

4 THE COURT: Uh-huh.

5 (Bench conference was held off the record.)

6 Ladies and gentlemen, we need to have a
7 discussion with the lawyers outside of your presence, so
8 if you would retire back to the jury deliberation room,
9 but do not have any discussions among yourselves about
10 anything involved in the case. We'll get you back here
11 shortly.

12 (Jury leaves courtroom at 2:47 p.m.)

13 MS. JORDAN: Your Honor, can we have a break and
14 then come back?

15 THE COURT: Okay.

16 MS. JORDAN: Thank you.

17 (A recess was had 2:49 p.m. - 2:56 p.m.)

18 THE COURT: All right.

19 MR. NEELY: Judge, my next witness would be Jared
20 Castellani from the South Carolina Law Enforcement
21 Division, forensic toxicologist. The State has already
22 objected to his testimony.

23 Judge, what I would say is that his testimony is
24 now relevant for two reasons. Number one, based off of
25 what my client said, and what Ms. Jordan cross-examined

1 him at length about the talking, the loud talking, the
2 coming at him, the gutting him like a fish, those are
3 the actions of a man with lowered inhibitions.

4 What he would testify to is that his blood
5 alcohol content was .186, lowers inhibitions. It gives
6 you liquid courage. It would explain the actions. It
7 would go to corroborate my client's version of events.
8 So it's incredibly relevant to my client's case, so I
9 think it should be allowed. And, Judge, I'll point you
10 to State v. -- State v. James Marcus Page.

11 THE COURT: Do you have a copy of it?

12 MR. NEELY: No, sir. I found it while we were
13 doing this.

14 THE COURT: Well, the other case you referenced
15 to me earlier about the other topic we were dealing with
16 had nothing to do with that topic.

17 MR. NEELY: Then it was the other one I meant,
18 State v. Slater then, Judge.

19 THE COURT: Yeah.

20 MR. NEELY: State v. James Marcus Page.

21 MS. JORDAN: Your Honor, can we have a citation
22 and we can pull it up? Your Honor, for purposes of -- I
23 don't know if your clerk is looking this up or anything,
24 but it's ---

25 THE COURT: Well, we haven't been told the

1 citation yet.

2 MS. JORDAN: It appears to be, and I can also
3 e-mail it to you, 406 SC 272 or 750 S.E.2d 623.

4 THE COURT: And, Mr. Neely, what is it that you
5 say that case stands for?

6 MR. NEELY: Yes, sir. That case, our Supreme
7 Court cites a case called Washington 388 U.S. 14 at
8 phase 19. It's a 1967 case which says that the right to
9 offer testimony of a witness in plain terms, the right
10 to present a defense, the right to present the
11 defendant's version of the facts, as well as the
12 prosecution's to the jury so it may decide where the
13 truth lies. That's Washington vs. Texas.

14 THE COURT: I understand those general concepts.
15 We're talking -- we're talking about a witness that is
16 gonna come in and testify as an expert witness that's
17 gonna testify that a man had a blood alcohol content
18 when there's been no evidence that this gentleman's
19 conduct indicated that he was intoxicated.

20 MR. NEELY: Judge, I think what he would testify
21 to is that at that blood alcohol content, that lowers
22 inhibitions. Again, that's what he testified to during
23 the pretrial hearing. Those lowered inhibitions would
24 explain Cecil Gilliam's actions that my client described
25 to the jury.

1 THE COURT: But ---

2 MR. NEELY: But it does corroborate it and it
3 does make it incredibly relevant.

4 THE COURT: But how would that relate to your
5 self-defense argument when self-defense is viewed in the
6 eye and the mind of the defendant?

7 MR. NEELY: It gives the jury the whole picture
8 of what's going on that night. It explains. It gives
9 the jury the whole picture of how my client -- of why my
10 client was perceiving Mr. Gilliam the way he was.

11 And, Judge, the other reason why we'd like to
12 call him ---

13 THE COURT: Your client did not testify that the
14 defendant looked drunk.

15 MR. NEELY: No, sir. He testified that he was
16 loud talking, that he was coming at him aggressively,
17 all things that are characteristics of lowered
18 inhibitions.

19 THE COURT: And so are smelling someone who is
20 drunk.

21 MR. NEELY: And Dr. Wren testified that ---

22 THE COURT: And you want to argue with the Court.
23 Your client testified that he was three, sometimes four
24 feet away from him face-to-face, having discussions.
25 Never once was he asked the question did the defendant

1 appear intoxicated to him.

2 MR. NEELY: Judge, Dr. Wren did testify that when
3 he ---

4 THE COURT: I asked -- you never asked him that.

5 MR. NEELY: No, sir, I did not. And Dr. Wren has
6 testified that when he did the autopsy he smelled the
7 odor of alcohol. He smelled the odor of beer. And my
8 client testified to the way that the decedent was
9 acting. So those two things, along with the BAC would
10 corroborate my client's version of events.

11 The other reason I believe the toxicologist ---

12 THE COURT: What I am concerned with is that you
13 are going to have me to allow testimony to be presented
14 to this jury that has no factual foundation in the way
15 that this case has been presented to this Court. That's
16 what I'm concerned with.

17 MR. NEELY: Judge, the other reason that it is
18 relevant is that the second BAC was not done -- was not
19 taken until, I believe, August of this year. And there
20 has been testimony today that a murder warrant was
21 signed about three hours after this case was done. So
22 the chain of custody, the time that evidence was
23 collected is relevant in this case?

24 THE COURT: How? I thought y'all agreed to the
25 chain of custody. Y'all stipulated to it.

1 MR. NEELY: We did stipulate to the chain, but
2 the time the evidence was collected and the fact that a
3 murder warrant was signed years before it happened, is
4 relevant to the jury's determination of whether law
5 enforcement did their job and investigated this case.

6 THE COURT: You -- your -- you could go over it
7 even further. And it's your -- you represent your
8 client the way you want to represent him.

9 MR. NEELY: Judge, at this point I would just
10 like to proffer Mr. Castellani and then the Court's
11 ruling and we'll rest at that point.

12 THE COURT: I already know what Mr. Castellani is
13 gonna testify to because he testified at pretrial.

14 MR. NEELY: Will that serve as a proffer, Your
15 Honor?

16 THE COURT: If you don't want to present him as a
17 witness to this jury. You can call him.

18 MR. NEELY: Judge, it doesn't sound like his
19 testimony is going to be relevant, so I would like the
20 Court to ---

21 THE COURT: I'm trying to figure out how it is
22 relevant based upon the testimony that I have heard.

23 MR. NEELY: Judge, I've made my argument at this
24 point, and so if the Court's gonna sustain the State's
25 objection, I'd like to proffer his testimony and we'll

1 rest at this point.

2 THE COURT: What's the State say?

3 MR. SMITH: You just want to proffer it and then
4 rest without him testifying in front of the jury? I
5 don't ---

6 MR. NEELY: If the Court is gonna sustain the
7 State's objection to Mr. Castellani testifying then,
8 yes, I would like his testimony proffered for the record
9 outside the presence of the jury to preserve the record
10 and then I'll, I'll move on because the objection to him
11 has been sustained.

12 THE COURT: I am trying to be sure that I
13 understand what you're gonna offer this witness for.
14 And if I understand it, you are gonna attack the law
15 enforcement's investigation of this case?

16 MR. NEELY: Partly, Your Honor, yes, sir.

17 THE COURT: And the other part is that you want
18 to somehow have this jury to believe that because the
19 defendant might have been intoxicated, that that somehow
20 assists your client in the case that you're presenting
21 to them on the issue of self-defense?

22 MR. NEELY: Not might have been intoxicated, Your
23 Honor. Had a blood alcohol content of .186, double the
24 legal limit. Which, again, during the pretrial Mr.
25 Castellani testified because he's an expert in forensic

1 toxicology with his training and experience, testified
2 about the effects of a .186 on the body. And that does
3 become relevant to a jury's determination of how Mr.
4 Gilliam was acting in the minutes before his death.

5 MR. SMITH: Your Honor, the defendant's testimony
6 was that he had a conversation about welding and then he
7 was standing at the bar and had a nice conversation, a
8 slight disagreement. There's nothing until that one
9 moment of any of the witnesses. And we just think that
10 Mr. Castellani's testimony, while he is an expert, is
11 speculative.

12 As he admitted in the pretrial hearing, he
13 doesn't know if Mr. Gilliam was a happy drunk, an angry
14 drunk. He wouldn't know if he would become drowsy from
15 this or if he would have double vision, visual acuity
16 issues, motor functions. It's entirely speculative.
17 There's multiple witnesses that saw Mr. Gilliam right
18 before this happened. They've offered no testimony.

19 As far as the attacking the investigation, I
20 don't think Mr. Castellani is really the appropriate
21 witness to do that through. I mean, he just tests
22 things that are sent to him.

23 They had Darrell Dawkins, and he already asked
24 him about did he change his results after he received
25 all of these testing. He's already gotten into that.

1 We just think it would be duplicative and just wants to
2 have the expert testify to bolster what Darrell Dawkins
3 has already testified to, but...

4 MR. NEELY: Judge, it's not bolstering. He can
5 testify as to when SLED received a piece of evidence,
6 which would be different testimony than what Officer
7 Dawkins testified to.

8 What my client testifies to, the timeline that
9 the solicitor's going into is incorrect. My client
10 testified that he was there for two hours. He had a
11 conversation with Cecil at some point in the night.

12 Over the course of two hours when you're
13 drinking, to get yourself to a blood alcohol content of
14 .186, you might act differently when you first get there
15 and have a conversation than you do with somebody else
16 two hours later. For instance, when you walk outside
17 and you pull a knife on somebody and you threaten to gut
18 them like a fish.

19 But what would explain that behavior when he was
20 otherwise acting normally is lowered inhibitions, which
21 would be exactly what he's asking. I'm not asking Mr.
22 Castellani to speculate how Cecil Gilliam was acting
23 that night. I'm asking what normal effects of .186
24 blood alcohol content would do in a person, and in his
25 expert opinion and based on his training, what that

1 would do to the body.

2 THE COURT: All right. I'll allow it for now.
3 It might, depending on how you approach it, might
4 require some curative instructions on the Court's part.

5 MR. NEELY: Yes, sir. Thank you, Judge.
6 Anything before the jury returns?

7 MS. JORDAN: Nothing from the State, Your Honor.

8 THE COURT: All right.

9 MS. JORDAN: If I can just clarify one thing with
10 Mr. Neely. This second SLED report was done in January
11 of 2018, not in August.

12 MR. NEELY: That's -- I might have had the date
13 wrong, but it's January '18.

14 THE COURT: Anything else?

15 MR. NEELY: No, sir.

16 THE COURT: Bring them in.

17 (Jury enters the courtroom at 3:07 p.m.)

18 THE COURT: Yes, sir.

19 MR. NEELY: Thank you, Judge. We call Jared
20 Castellani.

21 THE COURT: Sir, just come on up here and have
22 the clerk of court swear you in.

23 (Witness comes forward.)

24 THE CLERK. Place your left hand on the Bible,
25 please, and raise your right. (Complies.)

1 Do you solemnly swear the testimony you'll give
2 will be the truth, the whole truth and nothing but the
3 truth so help you God?

4 THE WITNESS. Yes.

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

8 JARED CASTELLANI,

9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. NEELY:

12 Q. If you'll give us your name and spell your last
13 name for the record.

14 A. It's Jared Castellani, C-A-S-T-E-L-L-A-N-I.

15 Q. Where are you currently employed, Mr. Castellani?

16 A. I currently work at the South Carolina Law
17 Enforcement Division.

18 Q. That's commonly known as SLED?

19 A. Yes.

20 Q. How long have you been employed there?

21 A. I worked there for approximately four-and-a-half
22 years.

23 Q. Okay. Where did you -- give us your educational
24 background, please.

25 A. I have a Bachelor of Science in biochemistry from

1 the University of Scranton and a Master of Science in
2 forensic science from Arcadia University.

3 MR. SMITH: We're fine in stipulating that he's
4 an expert in forensic toxicology. I know him as a
5 witness, Your Honor.

6 THE COURT: Forensic toxicology?

7 MR. NEELY: Yes, sir.

8 THE COURT: Is that agreeable?

9 MR. NEELY: Yes, sir.

10 THE COURT: Ladies and gentlemen, as I've
11 instructed you before, normally a person cannot give
12 opinion testimony. Normally when a person testifies,
13 they must testify as to what either they saw, heard or
14 sensed by smell or something of that nature. However,
15 there are -- there is an exception when someone is
16 qualified because of education or experience, they are
17 permitted to give their opinion in certain areas if the
18 Court qualifies them that way.

19 This witness will be qualified in the area of
20 forensic toxicology, to give opinion testimony in that
21 area. Now, that does not mean that you must accept the
22 opinion, but it is evidence for you to use in any way
23 that you see fit and give the weight and credibility you
24 think that it deserves.

25 MR. NEELY: Thank you, Your Honor.

1 BY MR. NEELY:

2 Q. Can you explain forensic toxicology to us,
3 please.

4 A. Forensic toxicology is a, a branch of forensic
5 science where I would be testing biological specimens
6 for the presence or absence of drugs, alcohol or
7 poisons, and then to interpret those findings for
8 pathologists, coroners or courts of law.

9 Q. And what special training did you have to learn
10 how to do that?

11 A. I had my formal education. And once we are
12 employed by the forensic toxicology lab at SLED, we go
13 through an in-house training program. In addition to
14 that, I have attended Society of Forensic Toxicology
15 meetings where we do continuing education. And I also
16 have attended classes, such as the Working Seen course
17 on alcohol, which deals with litigation, research and
18 training.

19 Q. And how long have you been doing this job or any
20 job dealing with forensic toxicology?

21 A. For approximately four-and-a-half years.

22 Q. Okay. So what exactly is your role at SLED?

23 A. I am a forensic scientist one.

24 Q. All right. So what do you --

25 A. Two, I'm sorry.

1 Q. So what do you do on a day-to-day basis?

2 A. Could range anywhere from doing blood alcohol
3 testing, drug screens, extractions for more complex
4 drugs, and also writing reports and reviewing data to
5 issue those reports.

6 Q. All right. Did you happen to receive a vial of
7 blood labeled Cecil Gilliam?

8 A. Yes.

9 Q. Okay. How many vials did you receive at SLED?

10 A. I believe we -- we were -- the first time
11 evidence was submitted to us, we received one vial of
12 blood.

13 Q. Okay. And when was that submitted to you?

14 A. Could I reference the chain of custody envelope?

15 Q. (Nods head up and down.)

16 A. The first piece of evidence was submitted to us
17 on February 10th, 2016.

18 Q. February 10th of 2016?

19 A. Yes.

20 Q. Okay. And was -- and what was tested for?

21 A. A blood alcohol test was performed and a drug
22 screen.

23 Q. Okay. And were you able to get a reading?

24 A. On the first test we were not able to get an
25 exact ethanol reading, so it was only reported as

1 positive. And the drug screen, which includes 12
2 panels, was completely negative.

3 Q. Okay. And did you receive the second vial of his
4 blood?

5 A. Yes, we did.

6 Q. When?

7 A. I only have the chain of custody for the first
8 vial here.

9 Q. Is that the correct chain of custody?

10 A. Yes.

11 Q. Okay. And when did you receive that second vial
12 of blood?

13 A. It shows that the toxicology department received
14 the evidence on 12/21/2017.

15 Q. So 21 months after you received the first vial?

16 A. Roughly.

17 Q. Okay. 21 months later you get a new piece of
18 evidence to examine. What were the results you found?

19 A. The ethanol -- the ethanol was able to be
20 quantitative at a .186 percent.

21 Q. Okay. And a lot of your training is in blood
22 alcohol content, correct?

23 A. For ethanol, yes.

24 Q. Okay. And that's approximately how many times
25 the legal limit?

DIRECT EXAMINATION OF JARED CASTELLANI BY MR. NEELY

1 A. The legal limit refers to ---

2 MR. SMITH: Objection, Your Honor. A legal limit
3 for driving or ---

4 THE COURT: Yeah, do you want to ---

5 MR. NEELY: Yes, sir.

6 BY MR. NEELY:

7 Q. That's approximately how many times the legal
8 limit for driving?

9 A. It's the legal limit for driving, which is a .08,
10 so it's over double the legal limit for driving, but...

11 Q. Okay. And what would a .186 do to the body?

12 A. It's important to understand that with any drugs,
13 the amount of -- the more of a drug you have, whether it
14 be alcohol or any other substance, the more you have,
15 the more intoxicated or there's a progression of signs
16 and symptoms. So at a lower blood alcohol level, a
17 person would feel mild dysphoria, be more talkative,
18 will have lowered inhibitions.

19 As you get to a progressively higher, around the
20 legal limit, a person's visual acuity or cognitive and
21 psycho-motor functions are going to be affected. This
22 can range from not being able to focus. Their reaction
23 times are gonna be slowed.

24 And then as you get higher to the levels where
25 we're talking about at a .18, a person's balance might

1 be affected. They may have difficulty walking straight,
2 stumbling possibly. Their -- again, their visual acuity
3 would be more affected to the point where you might have
4 blurry vision to the point of double vision, drowsiness,
5 dizziness, things of this nature.

6 Q. At .186, would a person still display lowered
7 inhibitions?

8 A. Well, again, once at the lower levels, it's just
9 that it's more pronounced or more significant.

10 MR. NEELY: Thank you, Judge. I don't have any
11 further questions.

12 CROSS-EXAMINATION

13 BY MR. SMITH:

14 Q. Lowered inhibitions like talking to the girl that
15 you've never had the nerve to talk to?

16 A. Yes, that would be an example of...

17 Q. Okay. Or maybe dancing if you don't like
18 dancing?

19 A. Correct.

20 Q. All right. So you're saying those levels start
21 even at the very, probably even prior to the driving
22 limits where you would have, as you said, dysphoria and
23 lowered inhibitions?

24 A. Yes. Those are some of the first signs that you
25 would typically see, so those could be as low as a .03,

CROSS-EXAMINATION OF JARED CASTELLANI BY MR. SMITH

1 .04.

2 Q. All right. But the levels that we're talking
3 about, what you indicated would be stumbling, blurry or
4 double vision, drowsiness, dizziness, I guess they would
5 have not as much control of their normal functions than
6 they normally would?

7 A. Typically, yes.

8 Q. You don't know Cecil Gilliam, you've never met
9 him, right?

10 A. No.

11 Q. Does alcohol interact differently with different
12 people?

13 A. Each person has slightly different, different
14 reactions, yes.

15 Q. It goes without saying, you weren't there the
16 night this incident happened?

17 A. Correct.

18 Q. Is it common or possible, I guess, for someone to
19 be exhibiting no signs to them be exhibiting extreme
20 signs of alcohol within a timeframe, a short timeframe?

21 A. In my experience, normally it's a gradual
22 progressions, so...

23 MR. SMITH: I don't have any further questions,
24 Your Honor.

25 THE COURT: Any redirect limited to what he went

1 into?

2 MR. NEELY: None, Your Honor.

3 THE COURT: Thank you, sir. Watch your step as
4 you're stepping down. Any reason why the witness cannot
5 be excused?

6 MR. NEELY: None, from the defense.

7 MR. SMITH: No, Your Honor.

8 THE COURT: Thank you, sir, you may be excused.
9 Thank you for coming, sir.

10 (Witness leaves witness stand and courtroom.)

11 The lawyers want to approach a moment?

12 (Bench conference was held off the record.)

13 THE COURT: Yes, sir, Mr. Neely.

14 MR. NEELY: Judge, at this time the defense
15 rests.

16 THE COURT: Thank you, sir.

17 Ladies and gentlemen, I just need to inform you
18 that you've heard reference to a person by the name of
19 Travis (sic) Jeter. Mr. Jeter has passed away prior to
20 this proceeding and Mr. Jeter has passed away due to
21 matters unrelated to this case. I need to inform you of
22 those facts.

23 Ladies and gentlemen, we have now, all of the
24 evidence that is going to be presented to you has been
25 presented to you. We won't have left to do, is to argue

1 (sic). And the lawyers have to argue and charge. I
2 have to instruct you on the law.

3 The lawyers and I have probably a couple of hours
4 of work to do in order to get to that point. So given
5 the hour that it is today, I'm going to ask that you
6 return home or return back tomorrow by 9:30.

7 But, ladies and gentlemen, now more than ever, I
8 need to stress to you that you cannot have any
9 discussions with anyone about anything involving the
10 case. This includes your family, your friends, among
11 yourselves, anyone.

12 And also, do not do any type of independent
13 research or investigation. Even if you still have
14 questions about what's gone on or information that's
15 been presented, allow us, allow the lawyers and the
16 Court the opportunity to be able to present to you the
17 remaining parts of this case tomorrow before your
18 deliberations. So do not do any type of independent
19 research, investigation. And do not even pull Webster's
20 Dictionary off the shelf, if you don't even understand a
21 word.

22 But thank you for your attention and your time.

23 MR. SMITH: Can we just approach briefly?

24 (Bench conference was held off the record.)

25 THE COURT: Thank you for your attention and your

1 time. And I have been corrected. As you recall, we had
2 -- they were twins, so it's Tavis who had passed away
3 and who will not be appearing as part of this trial, not
4 Travis. That's his brother, who was the twin. Thank
5 you for that correction.

6 All right. Ladies and gentlemen, you may go with
7 the bailiff. We'll see you back at 9:30 in the morning.

8 (Jury leaves the courtroom at 3:23 p.m.)

9 THE COURT: All right. They're basically what I
10 gave y'all before except I made some changes. Take a
11 look at the murder charge. I redid the murder charge to
12 reflect more of what the State had presented during
13 theirs. The first part of the murder charge, though,
14 comes word-for-word from a recent South Carolina Court
15 of Appeals case. And then it follows up with what the
16 State had presented to us.

17 The case that -- and then the extra charges that
18 the defense gave, I've enclosed those except on the part
19 where you used the phrase out of a case -- I don't have
20 yours in front of me now. I did not use the word in
21 explaining imminent danger, to get a drop on him, but I
22 did use -- I took that. I went and took a look at the
23 State vs. Nichols case, so I took the language out of
24 State vs. Nichols on that one.

25 On the -- and then you had another one that I'll

1 use the language directly from the *Sturkey* case that you
2 had referenced. So basically, I did not use that word
3 calculation. I've used the words that came out of the
4 *Sturkey* case, but it says the same thing.

5 But take a look at those and I'll come back in a
6 few minutes and we'll probably get these done.

7 MS. JORDAN: Your Honor, as to malice, I
8 presented the *Belcher* case.

9 THE COURT: Right. *Belcher*, I read *Belcher* as
10 applying cases that do not have self-defense, and so I
11 paired these as if we had self-defense and we did not
12 have self-defense. So when we got to the point that now
13 we have self-defense, it is probably going to the jury,
14 that language came out.

15 MS. JORDAN: Thank you, Your Honor.

16 THE COURT: Yeah.

17 MR. NEELY: So the Court -- and can I renew my
18 motion for a directed verdict at this time? Judge, now
19 that we've heard from law enforcement officers who said
20 that they had a murder warrant signed before the update,
21 that goes to explain the flight. My client testified
22 that he was scared of exactly what's happening here now.

23 And then we heard from the pathologist who
24 testified further -- the forensic toxicologist who
25 testified that Mr. Gilliam had a .186 blood alcohol