

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Lexington County
Honorable William P. Keesley, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL LARONE WILLIAMS,

APPELLANT

APPELLATE CASE NO 2019-001759

RECORD ON APPEAL

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE’S EXHIBIT NO. 4 (LOCATION BLOW-UP)**

1 State of South Carolina) Court of General Sessions
2 County of Lexington) Eleventh Judicial Circuit
3

4 State of South Carolina,) Transcript of Record
5 vs.) 2017-GS-32-03688
6 Michael Larone Williams,) 2017-GS-32-03689
7 Defendant.)
8
9

10 October 7th-10th, 2019
11 Lexington, South Carolina

12 B E F O R E:

13 The Honorable William P. Keesley, Judge; and a Jury
14

15 A P P E A R A N C E S:

16 Savanna M. Goude, Assistant Attorney General
17 Joel A. Kozak, Assistant Attorney General
18 On behalf of the State of South Carolina

19 Robert M. Madsen, Esquire
20 Kebra N. Simpson, Esquire
21 On behalf of the Defendant
22

23 Stacy S. Johnson, RPR
24 Circuit Court Reporter
25

1 MS. GOUDE: Good morning, ladies and gentlemen.

2 I'd like to start this morning by talking to you
3 a little bit about Thanksgiving. Thanksgiving is a day
4 for families to gather together. Some families might
5 have traditions like going to a certain family member's
6 house every year or having the same meal every year or
7 maybe it's something cheesy like you see on TV where a
8 family sits around a dinner table and goes around and
9 tells each other what they're thankful for. A family
10 member might be thankful for, of course, family, friends,
11 a job. And in those moments it's easy to be thankful
12 and to take for granted those family members sitting
13 around the table because that family thinks that next
14 year they will be together doing the exact same thing.

15 Well, that's not always the case. Thanksgiving
16 will never be Thanksgiving Day for Kevadric Pressley's
17 family again. Thanksgiving is the day Kevadric Pressley
18 was shot in the head by the Defendant, Michael Williams.
19 Thanksgiving will always be the day that Kevadric was
20 murdered.

21 Now let's go back to that day, November 24, 2016.
22 Kevadric and his younger brother Nakerrius were hanging
23 out. Nakerrius's friend Dayyan comes over to buy some
24 weed. Nakerrius and Dayyan are cool, they know each
25 other, but this time is different because Dayyan brings

1 the Defendant, Michael Williams. Now Nakerrius and
2 Kevadric don't know Michael Williams. Everything's cool,
3 they're introduced, Nakerrius sells Dayyan the weed, and
4 while they're there Michael Williams mentions having some
5 guns or selling some guns.

6 Mike and Dayyan leave. A little later Dayyan
7 calls Nakerrius back; hey, I want to buy some more weed.
8 Okay. So Dayyan and Mike go back over to Nakerrius's
9 house. This time they're going to exchange Nakerrius's
10 weed for the gun that Mike has. They're not gonna do it
11 at the house this time, so Mike and Dayyan are in Mike's
12 car and Kevadric and Nakerrius get in Kevadric's car.
13 Kevadric's following Mike down the road. Mike turns on
14 a dirt road and Kevadric and Nakerrius pull up beside
15 him. This is where they're gonna do the deal. So
16 Kevadric and Nakerrius throw the weed over to Mike and
17 Dayyan, then Mike just drives off. What's going on?
18 What's he doing? He drives off down the dirt road, turns
19 around, drives back toward Kevadric and Nakerrius's car.
20 He shoots Kevadric in the head.

21 Now after that Kevadric {sic} and Nakerrius both
22 talk to the police and tell the police what happened.
23 The police are looking for Mike Williams. Where is he?
24 They're looking for him most of the day and night. He's
25 driving around, he's having Thanksgiving dinner, he's

1 showing the murder weapon off to his family. At about
2 1:00 that night, the police wind up at his girlfriend's
3 house. While they're there, guess who pulls up? Mike
4 Williams. Oops. He sees the police, tries to drive off,
5 gets in a high speed chase with officers, wrecks his car
6 and then tries to run. They catch him. In the area
7 where he's caught, police also find a .45 semiautomatic
8 pistol. Later when the police search the victim's car,
9 they find the bullet. That bullet was fired from that
10 pistol.

11 Mike Williams is charged with murder and possession
12 of a weapon during a violent crime and it is the State's
13 job, my job and Mr. Kozak's job, to prove to you beyond
14 a reasonable doubt that he is guilty of those crimes
15 and we'll do that through evidence you will hear from
16 testimony on the witness stand.

17 Now today I am thankful to be before you seeking
18 justice for Kevadric Pressley and at the end of this
19 trial I'll ask that you render that justice by finding
20 the Defendant guilty.

21 THE COURT: Thank you, ma'am.

22 Mr. Madsen, you're recognized for your opening
23 statement.

24 MR. MADSEN: It will be Ms. Simpson.

25 THE COURT: Oh, I'm sorry. Ms. Simpson. I didn't

1 ask you-all which one. All right.

2 MS. SIMPSON: Good morning, ladies and gentlemen.
3 This is a crime that just doesn't make sense. No sense
4 at all. That's because it just didn't happen that way.
5 This case is based on the statements of two drug dealers,
6 both whose stories don't match. Then their stories change
7 in subsequent interviews, but never were challenged by
8 law enforcement. None of these investigators ever went
9 back to ask any follow-up questions. Not once. The
10 government wants you to believe the words of two men.

11 We will not be able to tell you what exactly happened
12 that day; however, under the laws of South Carolina and
13 under the laws of the United States Constitution, the
14 State must prove beyond a reasonable doubt that Mike
15 Williams is guilty of murder. Each and every element
16 must be proven to your satisfaction. If they do not,
17 then the law requires that you find Mike not guilty. It
18 will be proven to you that these two men in this case
19 aren't telling the truth. You will hear multiple stories,
20 multiple inconsistencies. You will hear law enforcement
21 heard the name Michael Williams and pounced on him. The
22 investigators assuming ding, ding, I hit the jackpot, and
23 arrested Mike. He was arrested solely because his name
24 was given by one of these men. No investigations were
25 done to see if any of this evidence was true.

1 You will hear there's no physical evidence in this
2 case. Why? Because he didn't do it. These were drug
3 dealers who were trying to make Mike take the fall for a
4 murder that they were involved in. Remember earlier when
5 I said that it doesn't make sense? It can't because Mike
6 did not kill Kevadric Pressley. He's not guilty of
7 murder. He just is not guilty of murder.

8 THE COURT: Thank you, Ms. Simpson.

9 All right. Call your first witness, please.

10 MR. KOZAK: The State calls Nikki Rodgers from
11 9-1-1.

12 THE CLERK: Place your left and raise your right.

13 (Whereupon, Nikki Rodgers was duly sworn by the
14 Clerk of Court.)

15 THE CLERK: Have a seat, please. Once you're
16 seated, state your full name; spelling your last.

17 THE WITNESS: Nikki Rodgers, R-O-D-G-E-R-S.

18 NIKKI RODGERS,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. KOZAK:

22 Q. Ms. Rogers, where are you currently employed?

23 A. Lexington County 9-1-1.

24 Q. And what's your position there?

25 A. I'm the communications chief.

1 Q. How long have you been employed there?

2 A. Twenty-six years.

3 Q. Okay. Have you always been in the position you're
4 in?

5 A. I started out as a call-taker and moved all the way
6 up to the chief of the department.

7 Q. And what is the role of the 9-1-1 station?

8 A. The 9-1-1 department takes and processes emergency
9 calls for service and dispatches EMS, law enforcement or
10 fire service to the location that needs help.

11 Q. And what exactly is the process when a 9-1-1 call
12 comes in?

13 A. So the 9-1-1 call, it rings, we answer that call.
14 Our goal is to answer that call in ten seconds or less
15 90 percent of the time and we process that by locating or
16 asking the questions of the location of the call, what
17 kind of assistance is needed and what is the address of
18 the location. And then depending on the different types
19 of emergencies, there's a system of questions that is
20 asked.

21 Q. Okay. And what -- what's generated when one of these
22 calls comes in?

23 A. All of that information is put into our computer-aided
24 dispatch system which helps us -- it's a records management
25 system that basically helps us to track what calls are

1 open, what calls are pending and which calls are closed,
2 and then we call that the CAD system.

3 Q. Okay. And when a call is completed, what does the CAD
4 system generate?

5 A. It's a CAD report.

6 MR. KOZAK: I'm showing opposing counsel what's
7 marked as State's Exhibit 2.

8 I'm approaching with what's been marked as State's
9 Exhibit 2. Any objection?

10 MR. MADSEN: No, sir.

11 THE COURT: In evidence? Do you want it in
12 evidence?

13 MR. KOZAK: I will after she identifies it,
14 Your Honor.

15 BY MR. KOZAK:

16 Q. What am I showing you?

17 A. This is a CAD report from the Lexington County
18 Communications Center for the date of November 24, 2016.

19 Q. Okay. And to your knowledge, has this been altered
20 or edited in any way?

21 A. It has not.

22 Q. Okay.

23 MR. KOZAK: At this time I'd like to move State's
24 Exhibit 2 in evidence and publish to the jury.

25 THE COURT: Without objection, mark 2 in evidence.

1 Wait a second.

2 MR. KOZAK: Okay.

3 (State's Exhibit Number 2, a CAD report, was
4 admitted into evidence.)

5 BY MR. KOZAK:

6 Q. So what is the date? We just covered it. What is the
7 date on the CAD sheet?

8 A. The date is November 24, 2016.

9 Q. And at what address is this phone call coming from?

10 A. The address of the call is [REDACTED] Harmony Church Lane.

11 Q. And does it say on this report what kind of -- what
12 are they responding to?

13 A. The caller has reported a shooting incident.

14 Q. And at what time does this call come in?

15 A. At 14:04, which is 2:00 PM -- 2:04 PM.

16 Q. Okay. Now after -- while this is happening, the 9-1-1
17 caller is talking to the operator, correct?

18 A. Correct.

19 Q. And is that phone call recorded?

20 A. Yes, it is.

21 Q. Okay.

22 MR. KOZAK: At this time I'm showing opposing
23 counsel --

24 MR. MADSEN: No objection, Your Honor.

25 BY MR. KOZAK:

1 Q. I'm showing you what's been marked as State's
2 Exhibit 1. What am I handing you?

3 A. This is a CD of the call and it has my initials on it.

4 Q. And why would you put your initials on it?

5 A. To verify that it's a true and accurate record.

6 Q. Okay.

7 MR. KOZAK: At this time, I'd like to move State's
8 Exhibit 1 into evidence and publish to the jury.

9 MR. MADSEN: No objection.

10 THE COURT: Without objection, mark 1 in evidence.

11 (State's Exhibit Number 1, a CD of 9-1-1 call,
12 was admitted into evidence.)

13 (Whereupon, State's Exhibit Number 1 was played.)

14 MR. KOZAK: Do you want me to restart it, Your
15 Honor?

16 (Whereupon, State's Exhibit Number 1 was restarted.)

17 MR. KOZAK: No further questions from the State.

18 THE COURT: Cross?

19 CROSS-EXAMINATION

20 BY MR. MADSEN:

21 Q. How are you doing, Ms. Rogers?

22 A. Good. How are you?

23 Q. Does he have -- we both use our glasses, I guess?

24 A. Yes.

25 Q. So I guess looking at that, as you said the call came

1 in on 11-24 of '16 at 14:04?

2 A. Correct.

3 THE COURT: Hold on. Hope, you didn't turn that
4 mic off, did you?

5 THE CLERK: No, sir.

6 THE COURT: It wasn't a second ago.

7 All right. Go ahead.

8 THE WITNESS: Correct.

9 BY MR. MADSEN:

10 Q. So it came in at 14:04, which is military time?

11 A. Correct.

12 Q. Which means 2:04 PM?

13 A. Yes, sir.

14 Q. And your dispatcher was able to route that call, it
15 looks like, within 43 seconds?

16 A. Correct.

17 Q. And the first officer to arrive out there it appears
18 to be within three minutes and seven seconds?

19 A. Correct.

20 Q. And then does that CAD report also -- you-all can log
21 hang-ups also from the same number, correct?

22 A. We -- yes, sir.

23 Q. Do you see anything in there that shows that there was
24 a prior call from that number that was a hang-up?

25 A. No, sir.

1 MR. MADSEN: That's all the questions I have.

2 THE COURT: Redirect?

3 MR. KOZAK: Nothing from the State, Your Honor.

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

5 (Witness excused.)

6 MR. KOZAK: Your Honor, may she be released from
7 her subpoena?

8 MR. MADSEN: No objection.

9 THE COURT: You're free to go. Thank you, ma'am.

10 Call your next witness.

11 MS. GOUDE: Nakerrius Pressley.

12 THE COURT: I'd ask to speak with the attorneys
13 up here, please.

14 (Proceedings held at the bench; not reported.)

15 THE CLERK: Place your left and raise your right.

16 (Whereupon, Nakerrius Pressley was duly sworn by
17 the Clerk of Court.)

18 THE CLERK: Once you're seated, state your full
19 name; spelling your last.

20 THE WITNESS: Nakerrius Pressley.

21 NAKERRIUS PRESSLEY,

22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. GOUDE:

25 Q. Hey, Nakerrius. I believe you -- did you need to

1 spell your last name for the Court?

2 A. Nakerrius Pressley.

3 THE COURT: She wants you to spell your last name.

4 THE WITNESS: Spell it? P-R-E-S-S-L-E-Y.

5 MS. GOUDE: Thank you.

6 BY MS. GOUDE:

7 Q. All right, Nakerrius. What's your nickname?

8 A. Shad.

9 Q. And what does that stand for?

10 A. It's part of my middle name.

11 Q. How old are you?

12 A. Nineteen.

13 Q. And where do you live now?

14 A. Laurens, South Carolina.

15 Q. And what do you do in Laurens?

16 A. Work.

17 Q. Where at?

18 A. Wendy's.

19 Q. When did you graduate from high school?

20 A. Class of 2018.

21 Q. And where did you go to high school?

22 A. Laurens High School.

23 Q. That's where you graduated from?

24 A. Yes, ma'am.

25 Q. Where did you live back in 2016?

- 1 A. [REDACTED] Casa Dell Road, Gaston.
- 2 Q. And how old were you then?
- 3 A. Sixteen.
- 4 Q. Who did you hang out with back in 2016?
- 5 A. Just pretty much I hung out at my brother's house most
- 6 of the time and worked and went to school.
- 7 Q. How did you know Dayyan Felder?
- 8 A. I met him in like elementary school, but outside of
- 9 school I used to sell him weed.
- 10 Q. Who else did you sell weed to?
- 11 A. Just different people that hit up my Facebook. Just
- 12 different people.
- 13 Q. How did you know Kevadric Pressley?
- 14 A. He was my brother.
- 15 Q. What was his nickname?
- 16 A. Kap.
- 17 Q. What did that stand for?
- 18 A. His initials. Kevadric Akeem Pressley.
- 19 Q. How old was Kap?
- 20 A. At the time of his death, he was twenty-one.
- 21 Q. Were you and Kevadric close?
- 22 A. Yes, ma'am. That was my only blood brother.
- 23 Q. What were you-all doing on the morning of Thanksgiving
- 24 Day, November 24, 2016?
- 25 A. We were at -- chilling at my house and Dayyan messaged

1 me on Facebook for some weed. I told him to come over to
2 my house. Him and Michael Williams came to my house. I
3 hopped in -- I walked over to their car and I told them --

4 Q. All right. Before you -- before you go any further,
5 you said Dayyan came over to your house with Michael
6 William?

7 A. Dayyan came over to my house with Michael Williams
8 and --

9 Q. Okay. Let -- let me ask you some more questions,
10 okay, because we want to make sure the jury knows who
11 everybody is. Did you know Michael Williams?

12 A. No, I didn't know him before that day.

13 Q. Okay. Had you ever met him before that day?

14 A. Never saw him a day in my life.

15 Q. So when they show up at your house, what are they
16 driving?

17 A. They were driving Michael Williams's car.

18 Q. How do you know that was his car?

19 A. I don't -- I'm not positive that it was his car, but
20 I know that he was the one driving, so.

21 Q. Had Dayyan been over to your house before?

22 A. Earlier that week.

23 Q. So how do you meet him when they show up?

24 A. How do I meet Michael Williams when they show up?

25 Q. Yes.

1 A. He started talking about a gun. Whenever I was
2 talking to Dayyan, he started -- he rolled down his window
3 and said he's got brand new guns out the box and that he
4 was trying to sell one of them and I told him I didn't want
5 one at that point. And me and Dayyan, we kept talking and
6 I sold him some weed and they left and they hit me up
7 probably about -- maybe about an hour later or so and they
8 asked me if I had some more weed. They pulled back up. My
9 brother was gone to his girlfriend's house to wait on the
10 food to get done because he was gonna come back and get me
11 and Michael and Dayyan pulled back up at my house. I was
12 by myself at that point and I hopped in their back seat.

13 Me, Michael and Dayyan were all -- were all three
14 talking about making a trade for the gun -- and for money
15 and weed and we agreed to a trade. He told me he didn't
16 have any bullets on him or in the gun, so I told him I
17 didn't want the gun without any bullets. So we were -- I
18 hopped in their back seat -- well, I was already in their
19 back seat. I told them let's just ride off to his house
20 because he told me he stay right down the street from me.
21 So I -- we rode down the road, we got in the driveway. As
22 soon as we was about to pull up --

23 Q. Okay. You're going a little fast here, okay? So
24 you-all are at your house?

25 A. (Nods head.)

1 Q. You get in the car?

2 A. We're about to pull out the driveway.

3 Q. Okay.

4 A. We're about to pull out the driveway and my brother
5 is pulling up in the same driveway because our houses was
6 side by side, so we were using my brother's driveway to go
7 out. So when my brother was pulling up, he stopped the
8 car, he hopped out, he walked up to me and asked me what
9 was I doing -- what was I doing and where was I going. I
10 told him I was going to get some bullets. I was fixing to
11 purchase the gun, I was making a trade, and he told me no,
12 we're gonna go follow them, then we're gonna go to my
13 girlfriend's house to eat, and I got in my -- I got out of
14 their car and got in my brother's car and when I got in my
15 brother's car, we got in behind Michael and Dayyan and we
16 followed them up onto a dirt road. Well, we were on a main
17 road at first and we took a shortcut to a dirt road and we
18 were on the dirt road.

19 We pulled on the dirt road. As soon as we got on the
20 dirt road, Michael Williams stopped the car where Dayyan
21 and my brother could make a hand to hand transaction and
22 my brother handed Dayyan the weed out the window. Michael
23 Williams started driving off and me and my brother was just
24 thinking like what is he doing, so at that point Dayyan is
25 messaging me on Facebook telling me to come around the

1 curve, that everything is going through him.

2 So my brother drove up, he went around the curve, we
3 pulled up to where my brother and Michael Williams could
4 make a hand to hand transaction and my brother asked me if
5 I had the money. I handed my brother the \$30. My brother
6 was handing the \$30 out the window. Michael Williams had
7 the gun in his hand and a box of bullets and was handing
8 that out the window and he shot my brother.

9 Q. All right.

10 MS. GOUDE: Your Honor, may I approach the
11 witness?

12 THE COURT: Sure.

13 BY MS. GOUDE:

14 Q. I'm showing Nakerrius Pressley what's been marked as
15 State's Exhibit 4. Nakerrius, do you recognize what this
16 is?

17 A. (Nods head.)

18 Q. What is this?

19 A. Yes, ma'am. That's Harmony Church Lane. That's the
20 dirt road that we were on.

21 Q. Okay.

22 MS. GOUDE: Your Honor, I would move State's
23 Exhibit 4 into evidence.

24 MR. MADSEN: No objection.

25 THE COURT: Mark 4 in evidence, please, ma'am.

1 (State's Exhibit Number 4, a photograph, was
2 admitted into evidence.)

3 MS. GOUDE: May I publish to the jury, Your Honor?

4 THE COURT: Yes, ma'am.

5 BY MS. GOUDE:

6 Q. Nakerrius, I'm gonna hand you some cars. What color
7 was the car your brother was driving?

8 A. I would say a silver Impala. Silvery. Yeah, silver.

9 Q. Would you say like a bluish silver maybe?

10 A. Bluish silver. Yeah, bluish silver.

11 Q. Would you please mark on that car where your brother
12 was sitting and where you were sitting using your initials.

13 A. (Witness complies.)

14 Q. And would you mark on this gray car where Mike was
15 sitting and where Dayyan was sitting.

16 A. (Witness complies.)

17 Q. And I'm gonna let you do the same thing on these other
18 two cars.

19 A. (Witness complies.)

20 Q. Now what happens on that dirt road is a little
21 confusing.

22 MS. GOUDE: So, Your Honor, may I ask Mr. Pressley
23 to step down?

24 THE COURT: Yes, ma'am.

25 Mr. Pressley, I want you, if you will, to stand so

1 you're facing the court reporter and keep your voice up.

2 Other side. I want him facing the court reporter.

3 BY MS. GOUDE:

4 Q. All right, Nakerrius. Will you put this -- show us
5 how you-all drove on that dirt road using these cars. And
6 you can tape them up there.

7 A. All right.

8 Q. And you can explain where you-all are. So whose the
9 blue car?

10 A. The blue car is Kevadric and me. The next car is
11 Michael and Dayyan. This is when we first pulled onto the
12 dirt road and we're making -- my brother and Dayyan are
13 making the hand -- hand to hand transaction.

14 Q. Okay. All right. After that, what happens? And
15 we'll let you use these cars to show.

16 A. They made the hand to hand transaction and then
17 Michael and Dayyan started driving off towards the end of
18 the road and they turned -- they turn around and they came
19 back to right where we couldn't see them like from where me
20 and my brother were because we were still at the end -- the
21 first part of the road. So they went around the curve and
22 they turned around and they stopped about right there,
23 right around the curve.

24 So me -- at that point, like I said, me and Dayyan are
25 texting. He's telling me to pull around the curve, that

1 everything is going through him, so they're in the middle
2 of the dirt road right around the curve and -- this is
3 Michael and Dayyan. They're coming right there. They're
4 sitting around the curve.

5 Q. Then what happens?

6 A. Then me and my brother after we -- after me and Dayyan
7 finished texting, we pull up to where my brother and Mike
8 are making a hand to hand transaction. We pull up and
9 they're making a hand to hand transaction. That's my
10 brother, that's Michael, and I'm on the passenger and
11 Dayyan is on the passenger. My -- my brother asked me for
12 the \$30. I handed my brother the \$30 and Mike picked up
13 the gun and the box of bullets and was acting like he was
14 handing the gun out the window with the box of bullets and
15 my brother was handing the money out the window and he shot
16 and he drove off.

17 Q. You can have a seat.

18 A. (Witness complies.)

19 Q. After that happened, what did you do?

20 A. After -- after they drove off, I waited on them to --
21 like I said, they went back -- after he shot my brother, he
22 went back toward the end of the dirt road that we came in
23 and he turned around at that part by the church and he came
24 back. By that time I was by a house. I was by a house. I
25 ran by a house to make sure that I wasn't gonna get killed,

1 so I waited by that house until I didn't did see their car
2 on the dirt road anymore while I'm on the phone with 9-1-1.
3 I'm on the phone with 9-1-1 for about a good four or
4 fives minutes and by that time -- by the time the police
5 pulled back up -- I was at the car with my brother and the
6 police pulled up and I started talking to them.

7 Q. Who was calling you on your phone during this time?

8 A. During this time -- like while I was talking to the
9 police?

10 Q. Or after. Right after.

11 A. Dayyan called my phone right after.

12 Q. What did you think about that?

13 A. I really didn't want to hear what he had to say at
14 that point.

15 Q. Why not?

16 A. Because I felt like he got my brother killed.

17 Q. Why did you feel that way?

18 A. Because me and my brother never would have saw Michael
19 Williams a day in our life if it wasn't for Dayyan.

20 Q. Have you made threats to Dayyan after this?

21 A. Yes, ma'am, I have.

22 Q. Several threats on Facebook?

23 A. Yes, ma'am, I have.

24 Q. And on Snapchat?

25 A. Yes, ma'am, I have.

1 Q. Did you have a gun that day?

2 A. No, ma'am.

3 Q. Did Dayyan have a gun that day?

4 A. No, ma'am.

5 Q. Did Kevadric have a gun that day?

6 A. No, ma'am.

7 Q. Who had the gun?

8 A. Michael.

9 MS. GOUDE: Could I have a moment, Your Honor?

10 THE COURT: Yes, ma'am.

11 MS. GOUDE: Nakerrius, please answer any questions
12 that the defense has for you.

13 THE COURT: Cross-examination?

14 CROSS-EXAMINATION

15 BY MR. MADSEN:

16 Q. So, Nakerrius, you talked with Sergeant Miller that
17 day, didn't you?

18 A. I'm not really sure of his name. If I saw his face,
19 then I probably would -- would remember, but I'm not sure
20 of no officer names.

21 Q. Sure. You talked with a law enforcement officer that
22 day?

23 A. Yes, sir.

24 Q. And you told that law enforcement officer that when
25 they turned around that they were shooting at you also?

1 A. I heard multiple gunshots, but they were not shooting
2 at me. I heard multiple gunshots, but they were not
3 shooting at me, no.

4 Q. Okay. So I guess I'm confused. 9-1-1, they
5 specifically asked you how many gunshots and you said?

6 A. One.

7 Q. One?

8 A. (Nods head.)

9 Q. But then you told the officer multiple shots?

10 A. No, there was only one shot fired.

11 Q. Okay. So where's the multiple shots come from? I
12 guess that's confusing me.

13 A. Multiple shots, like I told -- like I told them last
14 week, I heard multiple gunshots, but I -- I don't think it
15 was on the dirt road. It might have been down the road
16 because Dayyan told me at one point that he got shot at,
17 but I'm not sure about that part. But I heard gunshots
18 though. I heard multiple gunshots, but they were not on
19 the dirt road.

20 Q. So -- so you did not tell Sergeant Miller, the officer
21 -- and I want to say Shad, but that's not how you pronounce
22 it.

23 A. Shad.

24 Q. Shad. Okay. Shad stated Mike shot at him, then drove
25 off towards Meadowfield Road. That's not true?

1 A. No, he did not. He -- he shot at me and my brother,
2 but that was it, and then he drove off. The bullet
3 actually went past me when he shot my brother.

4 Q. And you also told law enforcement that after it
5 happened before they came around you called 9-1-1, but had
6 to hang up?

7 A. I told them I called 9-1-1? Repeat that.

8 Q. Well, so you told Sergeant Miller that you called
9 9-1-1 and then kind of hear them coming back around and so
10 had to stop that, went back and hid or -- I guess near the
11 house?

12 A. (Nods head.)

13 Q. And then you called 9-1-1 again and that's the call we
14 heard?

15 A. (Nods head.) Yes, sir.

16 Q. And you also gave -- not only did you talk with law
17 enforcement, but you also did a written statement, correct?

18 A. Yes, sir.

19 Q. And never told law enforcement or anyone about getting
20 in the back of that car?

21 A. No, sir. About the back of Mike Williams's car?

22 Q. Sure.

23 A. Yes, I did tell -- I did tell him that. Whenever we
24 were -- I told him that when we were pulling out the
25 driveway I was in the back seat of their car.

1 Q. Well, you gave a written statement, right?

2 A. Yes, sir.

3 Q. And you put that in your written statement?

4 A. I'm not sure. I don't remember what I put in my
5 written statement honestly, but I know that's what I told
6 law enforcement.

7 Q. And so if he doesn't have -- or have that down there,
8 he's just wrong? He just kept that out?

9 A. Repeat that.

10 Q. Well, if the law enforcement officer didn't document
11 that, he's wrong? He just didn't put that in?

12 A. Maybe so because I told the law enforcement that I did
13 hop in the back of their car whenever -- because my brother
14 pulled up at the wrong time because if my brother wouldn't
15 have pulled up, then I would have been on my way down the
16 road with them.

17 Q. And you were going down because he didn't have any
18 bullets?

19 A. Bullets.

20 Q. For the gun that you were going to buy?

21 A. (Nods head.)

22 Q. And you're sixteen at the time?

23 A. (Nods head.)

24 THE COURT: You need to answer -- speak your answer.

25 THE WITNESS: Yes, sir.

1 THE COURT: Mr. Pressley, speak up.

2 BY MR. MADSEN:

3 Q. When I ask you questions, she's got to take down
4 everything that you and I both say --

5 A. Yes, sir.

6 Q. -- so you can't give like head nods or things like
7 that.

8 A. Yes, sir.

9 Q. It's -- it's just got to be a record. So you're
10 trying to buy a handgun?

11 A. Yes, sir.

12 Q. And you know you shouldn't be doing that?

13 A. Yes, sir, I shouldn't have, but my brother was just
14 at the wrong place at the wrong time and he was always
15 behind his little brother and he was just trying to protect
16 his little brother.

17 Q. And when you say they come to the house, they're there
18 how long?

19 A. The first -- the first time?

20 Q. Yes. When you say you sell Dayyan the weed.

21 A. The first time they were there about fifteen minutes,
22 the second time they were there about fifteen minutes
23 before I got in the car with them and we was about to ride
24 off to get the bullets.

25 Q. How long were they gone in between?

1 A. About roughly an hour.

2 Q. And I think you had testified that you and Dayyan had
3 talked the day before on the 23rd, correct?

4 A. Yes, sir, we did. I saw him earlier that week also.

5 Q. But then the day before -- did you sell him weed the
6 day before?

7 A. Yes, sir.

8 Q. And, in fact, you-all communicated on Facebook?

9 A. Yes, sir.

10 Q. Would it surprise you to know that the day before
11 that you and he went back and forth about sixty times on
12 Facebook?

13 A. Yes, sir.

14 Q. That surprises you or you agree with me?

15 A. I mean, we had a full conversation.

16 Q. Okay. And, in fact, you -- you said you sold weed.
17 That day before you put on Facebook who can I scoop?
18 Jiggaz, zanz and gas on decc, D-E-C-C.

19 A. Yes, I sold gas, zanz and jiggaz, but my brother
20 didn't.

21 Q. Okay.

22 A. I sold everything. My brother didn't.

23 Q. Can you tell me the J-I-G-G-A-Z, jiggaz, what are
24 those?

25 A. X pills.

1 Q. What's that?

2 A. X pills.

3 Q. Ecstasy?

4 A. Right.

5 Q. And zanz is Xanax?

6 A. Uh-huh. Yes, sir.

7 Q. What is gas?

8 A. Weed.

9 Q. Why is that?

10 A. Repeat that.

11 Q. Do you know the genesis? I mean, why is weed called
12 gas?

13 A. That's really just a street name for it. Just a
14 street name for it.

15 Q. And then a little bit later on that day you say tell
16 Jacob got juggaz and zanz. That's Ecstasy and Xanax?

17 A. (Nods head.)

18 Q. And someone asked you about it and asked you where
19 you were at and you tell them Gaston and I got one juggaz
20 left?

21 MS. GOUDE: Objection. Your Honor, I think we've
22 established that Mr. Pressley sold weed and other drugs.
23 I don't know where else we would need to go with this.

24 THE COURT: Mr. Madsen?

25 MR. MADSEN: Judge, I mean, they -- they kind of

1 brought it up and I was just following through.

2 THE COURT: Overruled.

3 BY MR. MADSEN:

4 Q. And so let me step forward. So from your statement
5 and what you've testified to, only four people are out
6 there; you, Mike, Dayyan and your brother, correct?

7 A. Yes, sir.

8 Q. And someone posted on your Facebook page and said word
9 is that you were trying to rob Big Mike and your response
10 was that's irrelevant, bitch, where you at? I'm about to
11 pull up.

12 A. No, that's -- that was another -- I had problems with
13 multiple people. They don't -- I don't think they was
14 talking about him. I had problems with a lot of people in
15 the area, but not him.

16 Q. Okay. So -- so when he said --

17 A. I think -- I think you're talking about probably Josh
18 pleading the Fifth?

19 Q. Yes. I mean, that's --

20 A. That's something totally different. Me and him had
21 problems in the past, like two or three years prior before
22 that.

23 Q. Okay. So when you answer about the trying to rob Big
24 Mike and you're saying that's irrelevant, you're talking
25 about something else?

1 A. Yeah, that's -- yeah.

2 Q. Okay. And then someone asked you, M-O-R-I Godfrey,
3 so how this BS happen bret and you answered him can't say
4 over book. That means you can't say it over Facebook,
5 right?

6 A. Yeah, it was an open murder case. I wasn't talking
7 about it over -- to nobody really.

8 Q. Sure. Because you know that that's all recorded and
9 law enforcement can get your Facebook?

10 A. Which they did.

11 Q. Sure. So that wasn't a different story than what you
12 told here today?

13 A. No, sir.

14 Q. And you had mentioned some kind of beef with Josh
15 Moore and I think you --

16 MS. GOUDE: Objection.

17 THE WITNESS: Totally different.

18 THE COURT: Hold on just a minute. What did you
19 ask him?

20 MR. MADSEN: I was just asking him what he brought
21 up.

22 THE COURT: What's your objection?

23 MS. GOUDE: Your Honor, I don't know how that's
24 relevant to this case.

25 THE COURT: I don't know what it is, so.

1 MR. MADSEN: I was just gonna ask him, you and
2 your brother --

3 THE WITNESS: I had problems with a lot of people.

4 THE COURT: Hold on. Hold on.

5 MR. MADSEN: He's got to rule before you're allowed
6 to -- I was just gonna ask -- he brought that up with
7 Josh Moore and there was some stuff on Facebook about it
8 and I was gonna ask him about it.

9 THE COURT: Yes, ma'am.

10 MS. GOUDE: Your Honor, Josh Moore is not involved
11 in this case, in this investigation, and this is
12 irrelevant.

13 THE COURT: Do you wish to be heard?

14 MR. MADSEN: Judge, like I said, he's the one who
15 brought it up and I was just asking him about it because
16 he has it on his Facebook.

17 THE COURT: Overruled.

18 You can answer the question, sir.

19 BY MR. MADSEN:

20 Q. And you --

21 THE COURT: Do you remember the question?

22 MR. MADSEN: I was --

23 THE WITNESS: I mean, I really wasn't ready to
24 talk about that because me and him were cool and he
25 ain't got nothing to do with what's going on in this

1 courtroom, but I understand it, what you're saying
2 though.

3 BY MR. MADSEN:

4 Q. But, I mean, you had a beef with him back then?

5 A. Yeah, I did.

6 Q. You and your brother were talking about it?

7 A. Yeah. Yes, sir.

8 Q. Talking about fighting, shooting, all that kind of
9 stuff?

10 A. Yes, sir, but it doesn't have nothing to do with what
11 happened or what we're in this courtroom for today.

12 Q. Sure. And so the day before you talked on Facebook
13 back and forth with Dayyan sixty-two times. What were
14 you-all talking about?

15 A. Just probably exchanging -- probably me selling him
16 weed, hanging out or something. I mean, me and him never
17 had a problem. We were real cool before all of this
18 happened. Like we were real cool.

19 Q. And he asked you -- I think on that day before he
20 asked if you got more gas, which is weed, correct?

21 A. Yes, sir.

22 Q. And you asked him what you need and he says .5?

23 A. Yes, sir.

24 Q. What does that mean? What's .5?

25 A. Just basically a blunt. A half of a gram.

- 1 Q. Okay. And did you sell him weed the day before?
- 2 A. Yes, sir.
- 3 Q. And then the day of the 24th, you-all are going back
- 4 and forth on Facebook about sales, correct?
- 5 A. Yes, sir.
- 6 Q. And eventually he asked about a half for 125. And
- 7 this is Dayyan?
- 8 A. Yes, sir.
- 9 Q. And that means what, half an ounce?
- 10 A. Yes, sir.
- 11 Q. And you tell him 130?
- 12 A. Yes, sir.
- 13 Q. But you asked him hey, who is this for?
- 14 A. Yes, sir.
- 15 Q. Because you don't want to get in trouble for selling
- 16 to a CI or someone like that?
- 17 A. Yes. Yes, sir.
- 18 Q. And he tells you that it's for him, that he made all
- 19 his money off of pills that he had been selling?
- 20 A. Yes, sir.
- 21 Q. And you asked him hey, do you have more pills?
- 22 A. Yes, sir.
- 23 Q. And I notice that when Dayyan's writing you, he
- 24 doesn't put C. He might change it to a K, but he drops
- 25 the C. Does that have any significance?

1 A. He's supposed to be -- supposed to be in a gang.

2 Q. Okay. So if I'm a Blood, I'm not gonna put that in?

3 A. He's supposed to be in a gang.

4 MS. GOUDE: Objection.

5 THE COURT: Yes, ma'am?

6 MS. GOUDE: Your Honor, this is getting into
7 character evidence. Character evidence, Your Honor.

8 THE COURT: Of who?

9 MS. GOUDE: Of another witness.

10 MR. MADSEN: I mean, Judge, I just -- I asked him
11 if he knew what that meant.

12 THE COURT: Ladies and gentlemen, I need you to
13 step in the jury room. Don't discuss the case. Since
14 we've been out here a while, we'll probably take a break
15 after that, so it will probably be about fifteen minutes
16 before I get you back out.

17 (Whereupon, the jury retires to the jury room at
18 12:06 PM.)

19 THE COURT: All right. Who were you asking about?

20 MR. MADSEN: I'd asked him about a conversation
21 between he and Dayyan that same day.

22 THE COURT: All right. Go ahead and ask him what
23 you were going to ask him.

24 MR. MADSEN: I think he's already answered. I just
25 asked him that when Dayyan writes --

1 EXAMINATION (In-Camera)

2 BY MR. MADSEN:

3 Q. When Dayyan writes you, he drops the word C or changes
4 it to a K and --

5 A. I don't really know what that mean. I mean, people
6 do that when they gang banging. They can't say certain
7 letters. I'm not in a gang, so I don't know.

8 Q. Sure. So if I'm a Blood, I'm not supposed to say or
9 write C? I was curious.

10 A. You're not because apparently that stands for Crips.

11 Q. Okay.

12 MR. MADSEN: That's all I was gonna ask him and I
13 think he's already answered it.

14 THE COURT: What's your objection?

15 MS. GOUDE: Your Honor, my objection is that the
16 only reason this is being asked is to establish that
17 another witness is in a gang and has a bad character.

18 THE COURT: Bear with me.

19 Is there any evidence this is in any way gang
20 related?

21 MR. MADSEN: I mean, other than those Facebook
22 messages back and forth. And, like I said, I was
23 just curious. I thought that that was odd looking at
24 Facebook.

25 THE COURT: I mean, is there any evidence that the

1 shooting was gang related or was set up as some gang
2 activity or some initiation or anything like that?

3 MR. MADSEN: Nothing I've received.

4 MS. GOUDE: No, Your Honor. That's not the State's
5 impression.

6 THE COURT: The objection's sustained.

7 All right. Let's take a ten minute break.

8 Mr. Pressley, during this break you can stay there
9 if you want to or step down if you want to, but you're
10 not permitted to talk to anybody about your testimony,
11 okay? Do you understand?

12 THE WITNESS: (Nods head.)

13 THE COURT: You have to speak your answer.

14 THE WITNESS: Yes, sir.

15 THE COURT: Thank you.

16 We're at ease for ten minutes.

17 (Recess taken at 12:11 PM.)

18 (Back on the record at 12:19 PM.)

19 BAILIFF: All rise. Court's now in session.

20 THE COURT: Thank you. Be seated, please.

21 All right. Are you ready for the jury, Mr. Madsen?

22 MR. MADSEN: Yes, Your Honor.

23 THE COURT: Is the State ready?

24 MS. GOUDE: Yes, Your Honor.

25 THE COURT: Bring the jury, please.

1 (Whereupon, the jury returns to the courtroom at
2 12:21 PM.)

3 THE COURT: Members of the Jury, the objection was
4 sustained. Disregard the last statement of the witness
5 regarding any gang reference. It has nothing to do with
6 this case.

7 All right. You may continue.

8 CONTINUED CROSS-EXAMINATION

9 BY MR. MADSEN:

10 Q. So, Nakerrius, let me back up then. Initially you
11 tell law enforcement that you're just kind of outside and
12 Dayyan comes by in the car with Mike on that day, correct,
13 and they stop?

14 A. Yes, sir.

15 Q. But now you're telling that you and Dayyan had some
16 conversation where you were gonna sell Dayyan some weed
17 that day?

18 A. Yes, sir.

19 Q. And you did tell them that day and they were there for
20 about fifteen minutes?

21 A. Yes, sir.

22 Q. And they leave for an hour?

23 A. Yes, sir.

24 Q. And then come back and you sell Dayyan more weed --

25 A. Yes, sir.

1 Q. -- or he just -- you just leave? Or you just go with
2 them and that's the thing with your brother?

3 A. No, he -- no, I sold them some more weed and then we
4 agreed on a trade for the gun. So they never gave me full
5 cash for the weed because it was supposed to be for the
6 gun.

7 Q. Okay. And you hop in the car and you're gonna follow
8 them to go get the bullets because you want bullets if
9 you're gonna have the gun?

10 A. Right.

11 Q. And your brother pulls up, so you hop up and decide
12 that you-all are gonna go follow that way, correct?

13 A. Right. My brother was just like basically no, you
14 ain't -- no, we're gonna follow them because we're going to
15 eat at my girlfriend's right afterward.

16 Q. And you go -- I think as you kind of said, you-all
17 pull off on the Harmony Church Road, correct?

18 A. Uh-huh.

19 Q. No stops between there?

20 A. (Shakes head.)

21 THE COURT: You need to speak your answer, please.

22 BY MR. MADSEN:

23 Q. Make sure -- you've got to say something.

24 A. Yes, sir.

25 Q. And no one stops to get any bullets or anything?

1 A. No, sir.

2 Q. And so as you kind of pointed out there, you stop and
3 it's -- your brother and Dayyan are kind of side by side?

4 A. Right. Yes, sir.

5 Q. And I think your story to law enforcement was -- is
6 that Kap hands Dayyan the weed?

7 A. Yes, sir.

8 Q. And then they just pull off?

9 A. Yes, sir.

10 Q. And come back around?

11 A. Yes, sir, and stopped at the curve.

12 Q. And then stop and then you-all pull up that way and so
13 it's --

14 A. After -- we pulled up after we talked to Dayyan or
15 messaged Dayyan, yes, sir.

16 Q. And so it's driver's side to driver's side?

17 A. On this second time whenever we pulled up around the
18 curve, it was, yeah, driver to driver; one car was facing
19 one way, the other car was facing the other.

20 Q. Did you ever see Dayyan try to get out of the car?

21 A. Not at all.

22 Q. And I think you testified to the attorney general no
23 one else had any guns?

24 A. (Shakes head.)

25 Q. Correct?

1 A. No, sir.

2 Q. But you were trying to buy a gun earlier on the 24th
3 that day?

4 A. Never got it.

5 Q. That was from Jacob Berry you were trying to buy a
6 gun?

7 A. Never got it.

8 Q. And then later on -- or excuse me, the day after this
9 happened, you talk on Facebook with a fellow by the name of
10 Trip Fredo?

11 A. Yes, sir.

12 Q. And you tell him I had my thing, my --

13 A. Never had -- never had a gun on me.

14 Q. But did you tell him that, I had my thing?

15 A. Yes, sir, I did. I never had a gun on me.

16 Q. And you said I missed?

17 A. Never shot. I said that because people was blaming
18 me for my brother's death.

19 Q. And he asked you if -- damn police got your shit
20 and you answered back yeah, the only reason they're not
21 charging me with unlawful carrying is because of what
22 happened?

23 A. I don't remember saying that, but, no, that's not what
24 happened.

25 Q. So that was just a lie that you put out?

1 A. Yes, sir.

2 Q. A different story?

3 A. Yes, sir.

4 MR. MADSEN: Thank you, Nakerrius.

5 THE COURT: Redirect?

6 MS. GOUDE: Briefly, Your Honor.

7 REDIRECT EXAMINATION

8 BY MS. GOUDE:

9 Q. Nakerrius, have you ever denied to the police that you
10 were a drug dealer?

11 A. Have I ever denied?

12 Q. Did you deny to the police that day that you were a
13 drug dealer?

14 A. No, ma'am. I told them I was a drug dealer, but my
15 brother wasn't. He was a working man.

16 Q. And who was there on that road when your brother was
17 shot?

18 A. Who was there --

19 Q. Yes.

20 A. -- on the dirt road when he was shot?

21 Q. Yes.

22 A. Michael and Dayyan.

23 Q. And?

24 A. Myself.

25 Q. And who had the gun?

1 A. Michael.

2 Q. And did you have a gun that day?

3 A. No, ma'am.

4 MS. GOUDE: No further questions, Your Honor.

5 THE COURT: Recross?

6 MR. MADSEN: No further cross.

7 THE COURT: Thank you, Mr. Pressley. You may step
8 down.

9 (Witness excused.)

10 MR. KOZAK: Your Honor, may he be released from
11 the subpoena?

12 THE COURT: Any reason for him to stay?

13 MR. MADSEN: No, sir.

14 THE COURT: Mr. Pressley, you're free to go if
15 you wish to go, all right?

16 How long is your next witness?

17 MS. GOUDE: Your Honor, I think our next witness
18 will be about twenty minutes.

19 THE COURT: The reason I'm asking is we've got a
20 conference call set up at 2:00 that has literally taken
21 months to set up and so I need -- I need to break. If
22 it's twenty minutes that's fine, but if it's going to
23 run much longer than that, we'll need to break.

24 MS. GOUDE: Your Honor, it's just the first
25 responding officer.

1 THE COURT: All right. Call your witness.

2 MS. GOUDE: The State calls Daniel Schirra.

3 THE CLERK: Place your left and raise your right.

4 (Whereupon, Daniel Schirra was duly sworn by the
5 Clerk of Court.)

6 THE CLERK: Have a seat, sir. Once you're seated,
7 state your full name; spelling your last, please.

8 THE WITNESS: Daniel Schirra, S-C-H-I-R-R-A.

9 DANIEL SCHIRRA,

10 having been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MS. GOUDE:

13 Q. Mr. Schirra, where do you work now?

14 A. I work for the United States Courts probation office.

15 Q. And where did you work back in 2016?

16 A. I worked for the Lexington County Sheriff's
17 Department.

18 Q. How long had you worked there?

19 A. Since March of that same year.

20 Q. Do you remember where you responded on November 24,
21 2016?

22 A. I do. Yes, ma'am.

23 Q. Where was that?

24 A. Harmony Church Lane. It's near the intersection of
25 Meadowfield and Fish Hatchery Road.

1 Q. And what county is that in?

2 A. In Lexington County.

3 Q. What kind of call did you respond to?

4 A. It initially came out as a shots fired call. I think
5 there was some confusion -- or the information we received
6 from dispatch was it was a shooting matter of some sort.

7 Q. And before we go any further, could you just kind of
8 describe the area of Harmony Church Lane?

9 A. Yes, ma'am. Like I mentioned, it's a residential
10 area I believe in the Gaston -- like the outside Gaston
11 area outside the city limits of Gaston. It's near the
12 intersection of Fish Hatchery Road and Meadowfield Road.
13 It's a dirt road that connects the two near the
14 intersection. There's a church, Harmony Church, I believe,
15 and I know of one house on that road. It's a very short,
16 small road that connects Fish Hatchery Road and Meadowfield
17 Road.

18 Q. I'm showing the witness what's been marked as State's
19 Exhibit 5, 6 and 7. Do you recognize what is in these
20 pictures?

21 A. Yes, ma'am.

22 Q. And are those true and accurate depictions of what you
23 recognize?

24 A. Yes. This is Harmony Church Road.

25 MS. GOUDE: Your Honor, at this time I'd move

1 State's Exhibit 5, 6 and 7 into evidence.

2 THE COURT: Any objection?

3 MR. MADSEN: I don't think so. I think I've already
4 seen these.

5 MS. GOUDE: (Hanging.)

6 MR. MADSEN: No objection.

7 THE COURT: Mark 5, 6 and 7 into evidence, please,
8 ma'am.

9 (State's Exhibit Number 5, 6 and 7, photographs,
10 were admitted into evidence.)

11 MS. GOUDE: Permission to publish, Your Honor?

12 THE COURT: Yes, ma'am.

13 BY MS. GOUDE:

14 Q. Mr. Schirra, could you tell us what we see in this
15 picture?

16 A. This is about halfway down Harmony Church -- and I
17 misspoke, I think it's lane, not road. Harmony Church
18 Lane. This is going back toward Meadowfield Road.

19 Q. And State's Exhibit 6?

20 A. This is a residence on Harmony Church Lane. From
21 the perspective of the other picture you just showed, this
22 house would be on your left.

23 Q. And State's 7?

24 A. I believe the residence you showed me on your right
25 is going back toward the church or if you follow this road,

1 it would take you -- Harmony Church Lane, it would take you
2 back to Fish Hatchery.

3 Q. And what's back here, if you can tell?

4 A. It looks like the church. It corners off and comes
5 back to Fish Hatchery.

6 Q. So what happened when you got to Harmony Church Lane?

7 A. On this --

8 Q. What did you see?

9 A. On this day, I arrived. I saw a vehicle. I
10 responded from the Meadowfield side, so I came -- that
11 residence you just showed, there was a vehicle facing me
12 in front of that residence on the far side of the road up
13 on like an embankment. The front end was pressed up
14 against where the -- the road had been recently graded,
15 it didn't really look like that, it had more sand, and I
16 think some of the sand had been pushed up on the side
17 creating like an embankment and there was a vehicle up on
18 the sand and there was a young black male pacing in the
19 roadway and I made contact with him.

20 Q. And what happened when you made contact with -- with
21 that man?

22 A. He seemed very distracted, upset. It was hard to get
23 information from him. He made multiple utterances that
24 they smoked my brother.

25 Q. Who was he?

1 A. He identified himself as the caller eventually and the
2 brother of the victim. I believe his name is -- I think
3 it's a rough pronunciation. Nakerrius Pressley, is what he
4 identified himself to me as.

5 Q. And what did you say he said?

6 A. He -- outside of my questioning, I couldn't really
7 get information from him. He -- as I approached him, he
8 repeatedly said they smoked my brother.

9 Q. What did you -- what did you do when you -- after you
10 made contact with him?

11 A. I tried to pull him away. I clearly identified this
12 victim as a -- there was a male in the driver's seat of the
13 vehicle who looked like he had succumbed to some injury. I
14 tried to pull him away from the scene to then address the
15 victim, so I got him back toward my vehicle, eventually got
16 him inside the rear of my vehicle to sit and wait while I
17 went and checked on the victim, saw that he was not
18 conscious, not breathing, not responding. I observed a
19 single gunshot wound to left side of his head and requested
20 EMS to respond.

21 Q. I'm showing the witness State's Exhibit 8, 9, 10 and
22 11. Do you recognize these pictures?

23 A. Yes, ma'am.

24 Q. Are they true and accurate depictions of what you
25 observed at the scene?

1 A. Yes, ma'am.

2 MS. GOUDE: Your Honor, at this time I would admit
3 State's Exhibit 8, 9, 10, and 11 into evidence.

4 MR. MADSEN: No objection.

5 MS. GOUDE: Permission to publish, Your Honor?

6 THE COURT: Mark 8, 9, 10, and 11 into evidence,
7 please, ma'am.

8 (State's Exhibit Number 8, 9, 10 and 11,
9 photographs, were admitted into evidence.)

10 THE COURT: Yes, ma'am, you may publish.

11 BY MS. GOUDE:

12 Q. What are we looking at in State's Exhibit 8?

13 A. That's the vehicle I mentioned that was driven up
14 on the embankment. As I mentioned, I don't know if it
15 was from previous gradings, but there had been a sand
16 embankment created along the side of the road and that's
17 where the vehicle was positioned when I arrived. The
18 brother, Nakerrius, was in the middle of the roadway kind
19 of where that patrol vehicle is now sitting.

20 Q. State's 9?

21 A. Again, the vehicle that I approached after securing
22 Nakerrius in my vehicle. I checked on that male. I
23 noticed the vehicle was running, the vehicle was in drive.
24 I also noted that I thought it was interesting his foot was
25 on the gas pedal. And checked for his status, his medical

1 status, and asked for EMS.

2 Q. State's 10?

3 A. I approached the vehicle from this position. I,
4 again, responded from the Meadowfield Road side and this
5 is how I saw the vehicle when I arrived on-scene from this
6 perspective.

7 Q. And then State's 11?

8 A. And the victim. He's still in the seatbelt, with his
9 foot on the gas. I don't know if you can really see it
10 from this inspection, but the vehicle was still in drive.
11 I checked on him and, again, asked -- asked for EMS to
12 respond.

13 MS. GOUDE: The State has no further questions for
14 this witness at this time.

15 THE COURT: Cross?

16 CROSS-EXAMINATION

17 BY MR. MADSEN:

18 Q. So you're with Federal probation now?

19 A. I am. Yes, sir.

20 Q. So you're the first officer on the scene, correct?

21 A. I am. Yes, sir.

22 Q. And it looks like you're there within about
23 three minutes of when you're dispatched, so you're there
24 very quickly?

25 A. Yes. When the call was dispatched, I was on Fish

1 Hatchery Road. I was very close.

2 Q. And that's a -- kind of a sandy dirt road that, I
3 guess, had just been plowed or graded?

4 A. I don't know if it had just been, but --

5 Q. More so than some of the pictures that she showed you
6 today, I guess?

7 A. I couldn't see the embankment in the other pictures.
8 I don't know like at what point it was graded or not, but
9 there is a sand embankment created somehow.

10 Q. And when you get there, do you retrieve a gun from
11 Nakerrius?

12 A. I do not. No, sir.

13 Q. If you were aware that he had a gun, would you have
14 taken it?

15 A. Yes, sir.

16 Q. And that would be kind of normal protocol, wouldn't
17 it?

18 A. Yes, sir. Absolutely.

19 Q. You checked on the driver and while you call EMS, I
20 mean, with your training you know he's deceased?

21 A. I don't feel comfortable answering that. I -- I don't
22 know that he was deceased. I know that he was not showing
23 any signs of consciousness, he was not breathing. I don't
24 know at what point he passed away. I do know that EMS
25 later did determine he was deceased.

1 Q. So when you get out there as kind of the first
2 responder, is it your responsibility then to kind of start
3 setting it up as a crime scene?

4 A. Yes, sir. That's why I pulled Nakerrius back
5 immediately just because clearly there was an injury here
6 created by something and I wanted to preserve the scene
7 while I checked on the victim.

8 Q. And you start what's called a crime scene log?

9 A. Ultimately, yes, I do.

10 Q. And that means anyone that comes in or goes out
11 there's a log so that later we can look at that and know?

12 A. Yes, sir.

13 Q. And then do you rope off or -- or tape off the scene
14 with the crime scene tape?

15 A. I assisted. I think some other deputies helped me as
16 well.

17 Q. But you do that because you're attempting to preserve
18 any evidence that's there, correct?

19 A. Yes, sir.

20 Q. And that's just kind of normal protocol?

21 A. Securing the scene. Yes, sir.

22 Q. Do you see a bag out there with some meth-related
23 items in the middle of the road?

24 A. I do not recall observing a bag when I was dealing
25 with the initial incident upon my arrival, no, sir.

1 Q. How about do you ever deal with or get a report of a
2 lady in a white van who was agitated?

3 A. No, sir.

4 Q. Did you have a body cam?

5 A. No, sir.

6 Q. Did your car have a camera?

7 A. No, sir.

8 Q. Obviously if you did, those can help the jury or
9 anyone else kind of see how people's demeanors or things
10 like that are, correct?

11 A. Yes, sir, I would say.

12 Q. Did you ever GSR Nakerrius's hands?

13 A. I'm not a crime scene technician. No, sir.

14 Q. But you know what GSR is, correct?

15 A. I assume you're referring to --

16 Q. Gunshot residue?

17 A. Yes, sir.

18 Q. You're familiar with that?

19 A. I'm familiar that it's a process to be done. I don't
20 know the intricacies of what it can show or how it's done.
21 No, sir. Excuse me, I apologize.

22 Q. I think there's water up there also if you need it.

23 Well, you know it's a process that you can show if you
24 fired a gun or not?

25 A. I don't feel comfortable speaking to GSR. I do not

1 know the parameters or what it can and can't show. I
2 understand there's some nuisances there that I don't feel
3 comfortable talking about.

4 Q. Sure. Okay. Do you attempt to try to photograph any,
5 say, tire tracks on that sandy dirt road?

6 A. Once I secured the scene, that was my only role there.

7 Q. Okay. So, I mean, that would be someone else's job to
8 do that?

9 A. Again, I -- I was not in charge of the investigation.
10 All my job there was, was to keep the scene secure,
11 preserve the scene as you mentioned earlier.

12 Q. Well, the sheriff's office has a crime scene
13 investigator that's generally called out on something like
14 this, correct?

15 A. And there was one. Yes, sir.

16 Q. And they would be responsible for doing stuff like
17 trying to get tire tracks or GSR or fingerprints or
18 anything like that, correct?

19 A. I don't know what they're responsible for. I know
20 that they have their own investigation they do.

21 MR. MADSEN: That's all the questions I have.

22 THE COURT: Redirect?

23 MS. GOUDE: No redirect, Your Honor.

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

25 (Witness excused.)

1 said everybody was ready, so.

2 MR. KOZAK: I was actually going to get them.

3 (Pause in proceedings.)

4 MR. KOZAK: The State is ready to proceed, Your
5 Honor.

6 THE COURT: Is the defense ready?

7 MR. MADSEN: Yes, Your Honor.

8 THE COURT: Bring them in, please.

9 (Whereupon, the jury returns to the courtroom at
10 2:32 PM.)

11 THE COURT: Call your next witness, please.

12 MR. KOZAK: State calls Dalton Shull with EMS.

13 THE CLERK: Raise your right hand, please.

14 (Whereupon, Dalton Shull was duly sworn by the
15 Clerk of Court.)

16 THE CLERK: If you'll have a seat over there,
17 please. State your name and spell your last for the
18 record.

19 THE WITNESS: Good afternoon. My name is Mr. Dalton
20 Shull, S-H-U-L-L.

21 DALTON SHULL,

22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. KOZAK:

25 Q. Mr. Shull, where are you currently employed?

1 A. Currently I'm employed with LifeLine -- or, excuse
2 me, Lifeguard Ambulance, but at the time of this incident
3 I was employed as a region commander with Lexington County
4 EMS.

5 Q. How long were you employed with EMS?

6 A. Twenty-six and a half years. A little over.

7 Q. And what was your role as?

8 A. I was a region commander, which is basically a shift
9 supervisor. We have two to four supervisors on duty on any
10 given day.

11 Q. All right. What are some of the responsibilities of
12 that position?

13 A. We respond to high priority calls such as motor
14 vehicle accidents with entrapment, extrications, a
15 stabbing, shootings, major burns, major structure fires.
16 We provide both first responder and backup support to our
17 primary EMS units, as well as administrative duties such
18 as scheduling and other administrative duties such as
19 employee evaluations and other things.

20 Q. And just as an estimate, how many calls do you think
21 you responded to while you were at EMS?

22 A. Thousands and thousands. Again, eight to ten per day
23 in the earlier years; as a supervisor five or six per day
24 over twenty-six years. An average of a half day of each
25 calendar year working, so.

1 Q. How did you become involved in this case?

2 A. I was the supervisor on duty in the south region of
3 the county, the lower part of the county, and the call was
4 dispatched to myself, two EMS units, an advanced and a
5 basic life support unit, as a stabbing or shooting
6 incident.

7 Q. And how long did it take you to respond to the scene?

8 A. Approximately eight minutes.

9 Q. Once you got to the scene, what did you see?

10 A. I arrived on-scene. I was the first arriving
11 responder from the EMS side. There was a fire engine on
12 the scene, as well as deputies. When I arrived on-scene,
13 there was a vehicle, a Chevy sedan that was being -- or
14 had already been roped off with crime scene tape. One of
15 the firefighters met me as I was approaching and advised me
16 that he believed this patient was gonna be deemed deceased,
17 that there was a gunshot victim, and as I approached the
18 scene I tried to minimize the impact to the scene in case
19 that was the case.

20 So I approached and, again, I saw a male subject in
21 the driver's seat of a Chevy sedan. I believe it was an
22 Impala, and he was kind of slumped over behind the wheel.

23 Q. Okay. When you say you approached the scene, is this
24 -- is this -- I'm showing the witness what's been marked as
25 State's Exhibit 9. Is this what the scene looked like when

1 you arrived?

2 A. That's correct.

3 Q. Okay. Publishing to the jury State's Exhibit 9.

4 THE COURT: Is it in evidence?

5 MR. KOZAK: It is, Your Honor.

6 THE COURT: It's in evidence? Mark it in evidence --

7 THE COURT REPORTER: It's in.

8 THE COURT: I apologize to you.

9 BY MR. KOZAK:

10 Q. All right. So what did you do with the victim?

11 A. As I approached, I was advised by one of the
12 firefighters that the patient appeared to have no -- no
13 breathing, so initially I believe I looked in the back
14 window of the vehicle to observe the patient from the rear,
15 I believe that's the way I approached the vehicle, and I
16 observed a male kind of leaned over in the vehicle. He
17 appeared to have what -- what looked like a gunshot wound
18 or a bullet wound in back of the head at about the 8:00
19 position with some body fluids and even possibly some brain
20 matter herniated from the wound. So believing that there
21 would probably not be any -- any chance of resuscitating
22 this patient, I very carefully approached the driver's door
23 of the vehicle with my cardiac monitor and pulled out the
24 three cardiac monitor leads and placed leads on his right
25 arm, left arm and left ankle area to confirm that he, in

1 fact, was -- had no cardiac activity. I also felt for
2 a pulse and observed that he had no respiratory effort
3 whatsoever.

4 Q. Now is that common procedure to see if someone's alive
5 at the scene?

6 A. It is.

7 Q. And what did your findings show?

8 A. My findings showed that looking at the response time
9 and the fact the he was pulseless and not breathing, when
10 I -- when I arrived on-scene and looking at the wound that
11 I was observing, which seemed to be a -- what I would
12 assume to be a fairly large caliber-type wound in the top
13 of the head that was already -- had -- had brain matter
14 actually herniating from it, I choose -- I made the
15 decision -- the unfortunate decision that there was nothing
16 that we could do to help this gentleman, that he was, in
17 fact, deceased at this point.

18 Q. And once you deem it to be a crime scene, do you try
19 to not mess with anything in the area?

20 A. That's correct. We try not to -- to even step on any
21 footprints that are already there. I did carefully place
22 the electrodes on. I checked for the flatline asystole or
23 lack of heartbeat or lack of electric activity, two leads,
24 and then tried to carefully remove those without disturbing
25 anything in the vehicle and backing out of the crime scene

1 making sure that I didn't disturb anything.

2 Q. And you said the word "asystole". What does that
3 mean?

4 A. Asystole is basically an absence of electrical
5 activity. It means that there's -- you have mechanical
6 and electrical functions of the heart. In this case, the
7 lack of pulse would indicate no mechanical function. The
8 asystole would indicate there was no electrical activity in
9 the heart; that there was absolutely no electrical activity
10 to try to stimulate in any way.

11 Q. So would you -- would you deem the victim dead upon
12 your arrival?

13 A. That is correct. In fact, I did so and advised our
14 dispatcher to contact the coroner's office that he was
15 deceased.

16 MR. KOZAK: No further questions, Your Honor.

17 THE COURT: Cross examination?

18 CROSS-EXAMINATION

19 BY MR. MADSEN:

20 Q. So, Mr. Shull, I guess -- when you said you get there
21 crime scene tape is already up?

22 A. It was either up or in the process. I don't recall
23 exactly. I do recall as I noted in my report that it was
24 up, I believe.

25 Q. And as you testified, I mean, having done this for

1 twenty-six years --

2 A. Yes, sir.

3 Q. -- you're trying not to destroy any potential
4 evidence?

5 A. Correct.

6 Q. So you're not -- you're making sure fingerprints, DNA,
7 tire tracks, things like that, you're in and out minimal?

8 A. Correct.

9 MR. MADSEN: That's all the questions I have.

10 THE COURT: Any redirect?

11 MR. KOZAK: No further questions, Your Honor.

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

13 THE WITNESS: Thank you, Your Honor.

14 (Witness excused.)

15 THE COURT: Is he free to go?

16 MR. KOZAK: May he be released from his subpoena?

17 THE COURT: Any objection?

18 MR. MADSEN: No objection.

19 THE COURT: Mr. Shull, you're free to go.

20 Call your next witness.

21 MS. GOUDE: Doug Novak.

22 THE CLERK: Raise your right hand, please.

23 (Whereupon, Doug Novak was duly sworn by the
24 Clerk of Court.)

25 THE CLERK: If you'll have a seat, please. State

1 your full name and spell your last for the record.

2 THE WITNESS: Doug Novak, N-O-V-A-K.

3 DOUG NOVAK,

4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. GOUDE:

7 Q. Sergeant Novak, where do you work?

8 A. Lexington County Sheriff's Department.

9 Q. How long have you worked there?

10 A. Approximately twenty-two years.

11 Q. What's your current position at the sheriff's
12 department?

13 A. I am the evidence supervisor.

14 Q. Now as the evidence supervisor, could you describe
15 for us the protocol that you-all use to maintain evidence
16 at the Lexington County Sheriff's Department?

17 A. I'll take you through the steps of -- from a scene.
18 If we're out on a scene and we collect an item, it will be
19 sealed by whoever's collecting it by tape and initials and
20 date and the case number would go on it. They bring it
21 over to our office. If the office is not open, we have
22 lockers in there that will be secured. Once the person --
23 the investigator puts it into the locker, there's a lock.
24 Only -- once they put it in there, no one else can get to
25 it except for the three people in the office, which is

1 myself and three other ladies that have keys to get into
2 the back of it, and it's controlled by alarm and motion
3 detectors. Once the item is placed in a locker, we pull it
4 out and we check to make sure all those items are correct
5 and then once we then enter it into the system, which is
6 a records management system, each item is given a unique
7 control number so that item is tracked throughout the time
8 it's in our evidence room. If it needs to be taken out
9 to an outside agency, it is signed out by a person -- by
10 us to that person or wherever it's going to and when it's
11 returned to us, there's a tracking mechanism to it.

12 Q. Let's go back to 2016. What was your position at that
13 time?

14 A. I was a sergeant over forensic services, which
15 included at that time the drug lab, crime scene and
16 evidence.

17 Q. What was your involvement in this case?

18 A. I got called to the scene. Any time there was a
19 gunshot wound and it happened to be a deceased person, it
20 was a requirement of me that I would be notified and I
21 would show up and assist in any way I could to assist the
22 lead investigator. At this time there was -- with it being
23 an outside scene, the lead investigator showed up and I
24 assisted her in any way she needed by taking notes or
25 whatever way she asked me to do it.

1 Q. And what is the first thing you do when you arrive on
2 a scene?

3 A. The first thing you do when you arrive on the scene
4 is ensure that our crime scene tape's up, if it's in the
5 right area, if it doesn't need to be expanded or made
6 further down the road, ensure there's a crime scene log
7 being started. And a crime scene log is basically anybody
8 that enters the scene has to sign the date and time when
9 they enter and when they leave there will be an officer on
10 the outside that signs the scene -- I mean, that's in
11 control of the scene and they're in control of the log.
12 So anybody that enters or leaves is signed into that log.

13 Q. What else did you and the lead crime scene
14 investigator wait for before doing anything on the scene?

15 A. Any time there's a death involved, we're waiting for
16 the coroner's office also to arrive because we like to work
17 jointly with them. We will not touch the body or any of
18 the scene until they're there and it's a joint process with
19 pictures. The initial things that we're gonna do is take
20 pictures, overall pictures, then we move in to medium, to
21 close-up pictures. That way you get the overall picture,
22 exactly what we're seeing from a distance and then all the
23 way up to a close-up.

24 Q. Could you tell us what you did in this case?

25 A. I'm sorry?

1 Q. Could you tell us what you did in this case?

2 A. In this case, I assisted Investigator Shelby, who was
3 my lead at that time, of taking notes and assisting her in
4 any way that needed to be done. If it was collecting a
5 piece of evidence and putting it into a bag for her, I
6 would do that for her and she would note it. Or metal
7 detecting around the car, which I did, and also note
8 whatever else I saw with the vehicle or with the deceased.

9 Q. Did the coroner respond to the scene?

10 A. I'm sorry, the AC's on behind me.

11 Q. Did the coroner respond to the scene?

12 A. Yes, ma'am.

13 Q. So what did you-all observe? What did you observe
14 when you first got to the scene?

15 A. The crime scene tape was up. You had a car off to
16 the -- I'm coming in from the -- if you're looking at the
17 house, the house would be on my left and I'm coming in from
18 that side of the road where the car was. The car was a
19 silver in color Impala Chevy and it was in the embankment
20 with the tires turned towards the left. The car was still
21 running and the tires were still moving. And the car was,
22 of course, stationary in the embankment at that point in
23 time.

24 Q. I'm showing you what's already been marked as State's
25 Exhibit 9. I'll show it to you from over here. Is this

1 what you saw when you arrived on the scene?

2 A. Yes, ma'am.

3 Q. Did you have a chance to observe the victim in the
4 vehicle?

5 A. Yes, ma'am. He was seated in the driver's seat. The
6 seatbelt was still on, his left foot was in the -- on the
7 floorboard, his right foot was on the accelerator, and he
8 was slouched over towards the right towards the passenger
9 side and slouched over that way, and he appeared to have a
10 gunshot wound to the head.

11 Q. How did you go about processing the scene?

12 A. The first thing that we do is -- we did was they
13 photographed the area, and that's the exterior, from far
14 out and as you get up closer. Eventually we got to the
15 scene and between the coroner and us the body was removed
16 from the car and, of course, he was searched to see what he
17 had in his possession and he had -- of course, his wallet
18 was in his pocket, in his back pocket, with minimal money.
19 Approximately \$24.63. He had his ID and Social Security
20 card and insurance and a couple of bank cards in the -- in
21 his wallet. He also had a cell phone. The wallet was
22 turned over to the coroner's office. The cell phone we
23 kept and the money we kept also.

24 Q. Did you search the area around the car for anything?

25 A. Yeah, it's standard protocol any time you have a

1 shooting victim or any shooting we would take a metal
2 detector out and we would go around the car, up and down
3 the road. What we're looking for is shell casings,
4 anything discarded by the suspect or even the victim or
5 anybody else that may have been in the area and we're
6 looking for any discarded shells, weapons of any -- or
7 any type of evidence that we could find through a metal
8 detector.

9 Q. What did you find?

10 A. Nothing.

11 Q. Let's talk for a minute about GSR. What is GSR?

12 A. Gunshot residue.

13 Q. As the -- as an evidence technician in this case, did
14 you receive any, I guess, samples of gunshot residue?

15 A. We didn't take any gunshot residue. The scientific
16 method out there is if you are in a room or in a close
17 vicinity of a gunshot, it is known that you will have
18 gunshot residue on you just by the projection of it coming
19 out and at that time we didn't take any gunshot residue
20 from anybody. Not the passenger in the car because he was
21 in the car where the gunshot was taken. It would be known
22 that he would have gunshot residue on him.

23 MS. GOUDE: I don't have any further questions for
24 this witness at this time, Your Honor.

25 THE COURT: Cross?

1 CROSS-EXAMINATION

2 BY MR. MADSEN:

3 Q. So Shelby Derrick was the lead crime scene
4 investigator, correct?

5 A. Correct.

6 Q. And she was under your supervision?

7 A. Yes, sir.

8 Q. And she doesn't work there anymore, does she?

9 A. No, sir.

10 Q. And so you had mentioned you took notes, correct?

11 A. Yes, sir.

12 Q. And do you have those notes?

13 A. No, sir.

14 Q. Where are those notes?

15 A. I would have provided them to Investigator Shelby so
16 she could do her report.

17 Q. And do you know where those notes ended up?

18 A. No, sir.

19 Q. And you used a metal detector and you didn't find any
20 shell casings, any projectiles, anything like that out
21 there, correct?

22 A. Correct.

23 Q. And that road was kind of a dirt, sand type of road?

24 A. It was dirt, sand, and gravel. There were -- we also
25 checked for tire impressions, but it was so dirt -- it was

1 gravelly, hard-packed and a mixture of it, and numerous
2 cars had been there between the victim's car, the other --
3 the suspect's car, law enforcement had been driven up and
4 down the road. It was impossible to tell what vehicles
5 were to which tire trackings. There was nothing suitable
6 to take photographs on.

7 Q. Well, you can -- when there's tire tracks like that,
8 you can basically -- I guess you use like plaster, maybe
9 even hairspray to kind of solidify it and then you put a
10 plaster in there and you can take those tracks and then you
11 can match them up with a particular car?

12 A. If they're of any quality to do it. We didn't find
13 any of a quality to do it.

14 Q. So on State's Exhibit 8, are those not tire tracks or
15 appear to be tire tracks there?

16 A. Yes, but they appear to be --

17 Q. So -- go ahead.

18 A. Huh?

19 Q. Go ahead.

20 A. They -- if you look at those, those appear to be from
21 a truck or a tractor-type like when they were grading the
22 road, which would not have been relevant in this case.

23 Q. And so Ms. Derrick would have worked that whole scene
24 and you would have been with her the whole time?

25 A. Yes, sir.

1 Q. There was some question about a bag with meth-related
2 items. Did you-all collect that?

3 A. No, sir. What we did with that is we found probably
4 about a hundred yards back from the scene was a bag in the
5 middle of the road that appeared to have meth -- products
6 in it which consists of pill making -- Sudafed in it, cans,
7 there were pipes and little other things that they would
8 use to make meth with and it appeared it had been there
9 longer than that day, so we didn't collect it.

10 Q. Well, actually I think -- Investigator Brock, is he a
11 narcotics guy?

12 A. Yes.

13 Q. I think you-all called him and had him come and
14 collect it, correct?

15 A. He came out and looked at it and determined it was
16 meth products, yes.

17 Q. And I think it was batteries, cold packs, batteries
18 that had lithium stripped out of them. Not actual meth,
19 but --

20 A. It was the products to make it.

21 Q. And he collected those, but no one ever fingerprinted
22 those, no one ever DNA'd those, you-all just ended up
23 destroying that, correct?

24 A. That's my understanding.

25 Q. And then when -- you talked a little about GSR, and

1 that's gunshot residue, so if I fire a pistol potentially
2 I'm going to have that on the back of my hands and that can
3 be tested, correct?

4 A. When you do GSR, you can have it on the back of your
5 hands, on the front of your hands, on your clothing and
6 throughout. I don't want to say I'm an expert, so I don't
7 want to go into that part of how they test it and what the
8 experts say. When I send GSR over to SLED and I tell them
9 that the victim was in the vicinity or the one we're taking
10 it off of, that we took the GSR off of, they're not gonna
11 test it because it was known to have it in their presence.
12 He's already gonna have on him.

13 Q. And that's going to come -- that's basically going to
14 be the particles that come out of a gun, correct?

15 A. (Nods head.)

16 Q. So if I'm going this way, particles might come this
17 way, but they wouldn't come behind me?

18 A. If -- if I'm following you, when a gunshot is fired,
19 you're gonna have particles that come out straight from
20 you, but also come out to the sides too because when you
21 fire it, if it's an automatic weapon and when the ejection
22 comes out the side and the empty shell comes out, you also
23 have GSR that comes out that way.

24 Q. And as far as you know, no one GSR'd Nakerrius
25 Pressley's hands?

1 A. Not to my knowledge.

2 Q. No one GSR'd Dayyan Felder's hands?

3 A. No.

4 Q. And you're not aware that SLED can test and if there's
5 different particles that can kind of show whether you're in
6 kind of that cloud where there could be different particles
7 that might come out that breech like you talked about that
8 can get on the back of hands?

9 A. Right.

10 Q. And so they can sometimes differentiate whether you're
11 in the cloud or whether you're potentially in -- holding
12 the gun?

13 A. I don't want to testify -- I mean, I'm not an expert
14 on that part of it, so I don't want to get into where
15 they're particles and how much and determining where they
16 came from. I'm not an expert on that part.

17 Q. But you've heard about that?

18 A. Yes, sir.

19 Q. Because you're in charge of all the crime scene?

20 A. Yes, sir.

21 MR. MADSEN: Just a moment, Your Honor.

22 THE COURT: Yes, sir.

23 MR. MADSEN: That's all the questions I have.

24 THE COURT: Redirect?

25 MS. GOUDE: Nothing from the State, Your Honor.

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

2 (Witness complies.)

3 THE COURT: Call your next witness.

4 MS. GOUDE: Dayyan Felder.

5 Your Honor, may we approach?

6 THE COURT: Yes.

7 (Proceedings held at the bench; not reported.)

8 THE COURT: Come up to the clerk and be sworn,
9 please.

10 THE CLERK: Raise your right hand, please.

11 (Whereupon, Dayyan Felder was duly sworn by the
12 Clerk of Court.)

13 THE CLERK: If you will have a seat over there,
14 please. If you will state your name and spell your last,
15 please.

16 THE WITNESS: Dayyan Felder. D-A-Y-Y-A-N. Felder,
17 F-E-L-D-E-R.

18 DAYYAN FELDER,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. GOUDE:

22 Q. Hey, Dayyan.

23 A. How you doing?

24 Q. Will you tell the jury how old you are now?

25 A. Nineteen.

- 1 Q. And what are you doing now?
- 2 A. I'm attending college. I'm a freshman at Benedict.
- 3 Q. How old were you back in 2016?
- 4 A. Sixteen.
- 5 Q. And where did you live at that time?
- 6 A. Happy Town Road in Gaston.
- 7 Q. Do you still live out there?
- 8 A. No, ma'am.
- 9 Q. How did you know Nakerrius Pressley?
- 10 A. We went to school together and we played sports
- 11 together.
- 12 Q. How else did you know him?
- 13 A. He was my plug. That's it.
- 14 Q. He was what?
- 15 A. My plug.
- 16 Q. What does that mean?
- 17 A. He sold weed to me.
- 18 Q. About how often did you buy weed from Nakerrius?
- 19 A. Ever so often I would say.
- 20 Q. Did you have anybody else that you'd buy weed from?
- 21 A. Yeah.
- 22 Q. Like a lot of people or one or two people?
- 23 A. A lot of people. Whoever had it at the time, yeah.
- 24 Q. Did you know Kevadric Pressley?
- 25 A. Yes.

1 Q. How did you know him?

2 A. Through Nakerrius. That was his brother.

3 Q. Did you ever hang out with Kevadric that much?

4 A. We have all smoked together before.

5 Q. What about Mike Williams? How do you know him?

6 A. From the neighborhood. My brothers and them grew up
7 him, so. And he went to our church.

8 Q. About how old is Mike?

9 A. He's probably the same age as my brother, so he's like
10 twenty-eight, twenty-nine.

11 Q. Were you-all hanging out back in 2016?

12 A. Yes, ma'am.

13 Q. And what did you-all do when you-all hung out?

14 A. We just smoked really. Like I said, we -- when I
15 would go to Jasper Sutton to chill with some of my other
16 friends, he would come through and we'd chill like that,
17 but --

18 Q. And where is Jasper Sutton? Is that the road?

19 A. Yes, ma'am.

20 Q. Where is that?

21 A. It's near Happy Town.

22 Q. Do you see Mike Williams in the courtroom today?

23 A. Yes, ma'am.

24 Q. Could you tell us what he's wearing?

25 A. A striped brown shirt.

1 MS. GOUDE: Your Honor, let the record reflect
2 that Dayyan Felder has identified Mike Williams.

3 THE COURT: So noted.

4 BY MS. GOUDE:

5 Q. Does Mike look any different than he looked back in
6 2016?

7 A. It look like he put on some weight.

8 Q. All right. Let's go to November 24, 2016,
9 Thanksgiving Day. What were you doing that morning?

10 A. I woke up. Just a normal day. Thanksgiving. Really
11 waiting on my mom to finish cooking and one of my friends
12 asked me for some weed and I knew Mike was selling weed at
13 the time because he had already told me in the neighborhood
14 like if I ever had a serve just let him know and he would
15 give me some weed on the side to smoke or a little bit of
16 money to buy some weed, so.

17 Q. So what's a serve?

18 THE COURT: Hold on just a second. I asked you-all
19 previously at the bench. There's no request for a limine
20 instruction?

21 MR. MADSEN: No, sir.

22 THE COURT: Okay. Go ahead.

23 MS. GOUDE: Thank you.

24 BY MS. GOUDE:

25 Q. What is a serve? What does that mean?

1 A. Somebody that wanted to buy from you. That's it.

2 Q. Somebody that wanted to buy weed period or you would
3 get the weed or how would that work?

4 A. Buy weed period. Like they would get -- if they hit
5 me up asking me did I know somebody that had weed, I would
6 let Mike know. That was it.

7 Q. And how did you contact Mike?

8 A. Through cell phone.

9 Q. Did you have his number?

10 A. Yes, ma'am.

11 Q. What was it saved in your phone as?

12 A. I believe it was -- I had one of them I think it was
13 just Mike and one of them was Mike business.

14 Q. What was the business?

15 A. The one for his serves. He told me to call him if I
16 had a serve for him.

17 Q. About how many times did you call Mike that morning?

18 A. Probably over four times because he wasn't answering
19 at first and then he finally answered.

20 Q. So when he answered, what did you-all talk about?

21 A. When he finally answered, at first he agreed -- he
22 said okay, he was doing other things, it would have to be
23 later, and then after the fact I talked to him again, he
24 was like he was out and that he needed me to find him
25 somebody that had weed and he would buy it from them.

1 Q. So what did you do?

2 A. I hit up Nakerrius Pressley and that's how that came
3 apart. I hit him up and he told me that he would do it for
4 the price that Mike had asked about.

5 Q. Okay. So you were gonna buy weed from Nakerrius now.
6 All right. So how do you -- how do you do that?

7 A. Mike had picked me up because he needed -- he didn't
8 know how to get there, so I had to ride with him. And
9 Nakerrius had never met him, so he told me I had to come,
10 so.

11 Q. And do you remember what Mike was driving when he
12 picked you up?

13 A. I believe it was his girlfriend's car.

14 Q. And how did you-all get to Nakerrius's house?

15 A. He drove there in that car.

16 Q. And you had to give him directions on how to get
17 there?

18 A. Uh-huh.

19 Q. About how far from your house is Nakerrius's house?

20 A. I'd say like probably like fifteen minutes, maybe
21 less.

22 Q. So what happens when you-all get there?

23 A. We get there and everything goes smooth like.
24 Nakerrius, he gets in the car with us, they weighed the
25 weed out. Everything went smooth. He bought it. They

1 was having full conversations.

2 Q. Did you introduce Mike to Nakerrius or one to the
3 other?

4 A. I'm pretty -- yes, ma'am, I'm pretty sure. I'm not --
5 I'm not gonna say I did. I don't know if they introduced
6 they selves to each other or I introduced them, but they
7 talked to each other, so.

8 Q. Was Kevadric there when this was going on?

9 A. Yes, ma'am.

10 Q. Okay. So besides the weed, what else did you-all talk
11 about?

12 A. Speakers and guns.

13 Q. What about with the guns?

14 A. They was talking about a shot -- Mike was talking
15 about trying to sell shotguns, but they wasn't trying to
16 buy it because they didn't want -- I mean, I don't think
17 anyone wanted to have no kind of big gun like that, but
18 that's all I can remember. Like I said, yeah, that's --
19 that's really all I can remember about what they was
20 talking about.

21 Q. Do you remember them talking about any other kind of
22 guns?

23 A. I mean, after the fact, yeah.

24 Q. Were you -- were all the conversations that everybody
25 had in your presence?

1 A. No, ma'am. I had got out of the car -- me and
2 Nakerrius got out of the car and we was outside talking,
3 smoking a Black & Mild. He was asking me about how school
4 was going and sports and Kap had got in the car with Mike
5 and they had rolled the windows up, so I -- I don't know
6 what they could have been talking about during that time
7 period.

8 Q. When do you-all decide to leave Nakerrius's house?

9 A. I'd say like probably thirty to forty-five minutes
10 after because during the time my mom was texting and
11 calling me trying to get me to come home to eat and I was
12 -- I had let Mike know that my mom was doing that and he
13 was like well, he was gonna take me on home and then that's
14 when we left.

15 Q. All right. So where did -- did he take you home when
16 you-all left?

17 A. No, we didn't leave. I mean, when we left we didn't
18 go straight to Happy Town. He had to make serves and I
19 believe we stopped at two gas stations.

20 Q. All right. Then did he take you home?

21 A. No, ma'am. We was on the way -- I guess we was on the
22 way to another serve and my mom called while we was in the
23 car and I answered and I told her that I was on the way
24 back and for some reason he turned around and we headed
25 back to the gas station.

1 Q. How did you-all end up going back to Nakerrius's?

2 A. Mike had needed more weed and he asked me to see if
3 Nakerrius had more weed.

4 Q. Had he ran out or --

5 A. Can you repeat that?

6 Q. Had he ran out of weed or --

7 A. Yeah, he -- I guess he was low. I know he had made
8 like two serves and he had only bought a half.

9 Q. And serves mean selling weed to other people?

10 A. Yes, ma'am.

11 Q. Okay. So you-all contacted Nakerrius again?

12 A. Yes, ma'am. I hit him up and he told me that that
13 was fine and asked me could I do that and he was, like,
14 well, they had wanted a gun that, I guess Mike had told
15 him about a Ruger, and he was like they would do that
16 trade for the weed and a little bit of money.

17 Q. All right. So what did you-all do?

18 A. We went back to Nakerrius's house and when we pulled
19 up it was just Nakerrius there and that's when Mike was
20 just like well, I can't do the gun transaction sitting
21 down, but Kap hadn't -- he wasn't even there yet either.
22 He probably pulled up maybe like five minutes afterwards
23 from then and Nakerrius walked over there and they was
24 talking and he was like are you sure you want me to buy
25 this gun for you and he was like yeah, so. And I was

1 telling Mike the whole time like we've still got to go and
2 he was like -- I just remember he was like I got to go to
3 Jasper Sutton, that's where the gun is, you've got to meet
4 me at my spot and I've got to take him to Happy Town, so.
5 And that's when we left because they agreed to follow us.

6 Q. What was Mike driving at this time?

7 A. I'm guessing his girl's car. I don't know what kind
8 of model it was.

9 Q. Was it the same car -- were you-all in the same car
10 the whole time or the whole day?

11 A. Yes, ma'am.

12 Q. All right. So they agree to follow you-all. Where
13 do you-all go?

14 A. I think it was -- on the way to Happy Town, we ended
15 up turning on a dirt road and Mike tells me that we're
16 gonna do half the transaction there, about giving them
17 bullets, so I hit him up and he was like okay. They pulled
18 beside the car and Mike tells me to put the bullets on the
19 dashboard, put the bullets on the dashboard, and tells me
20 to tell them to toss the weed in the car. They toss the
21 weed in the car and he just pulls off.

22 Q. So who -- who tosses the weed?

23 A. I'm pretty sure it was Kap because he was the driver
24 and that would have been the closest side to me.

25 Q. So the weed's coming from Kevadric and Nakerrius's

1 car?

2 A. Yes, ma'am.

3 Q. All right. What happened next?

4 A. They tossed the weed in the car and Mike pulls off
5 and me being cool with Nakerrius, I was telling him hey,
6 you can't do that, man. That's -- I'm cool with him,
7 that's messing up my face card, and he was just like man,
8 shut up, shut up, I ain't gonna take his weed, I ain't
9 gonna take his weed. So about -- the dirt road ain't but
10 so long, so by the time we got almost toward the end of the
11 dirt road, we turned around and I was figuring -- I'm still
12 telling him to give the weed back. I'm figuring he was
13 giving the weed back and we -- when we turned around, they
14 was sitting probably in the same spot. They wasn't really
15 moving. The car was just creeping. We came back down the
16 dirt road and I know he -- he reached -- I can't say he
17 reached in his pants, but I know he reached in a downward
18 motion like he got it from under the seat or whatever, but
19 he grabbed a gun and he shot into the car one time and
20 pulled off. And I went to open the door and he told him to
21 stay in the car, and that was it.

22 Q. So after -- after he -- after that, where does he
23 drive to?

24 A. Towards my uncle's house on Happy Town because he
25 didn't drop me off at my house. It was like some --

1 somewhere up the street.

2 Q. And what -- what are you thinking?

3 A. The whole time, I mean, I was scared. He was telling
4 me to -- to delete the messages because I was like man,
5 this don't look good, this don't look good. It looks like
6 I'm setting up somebody and he was just telling me man,
7 don't panic, don't panic. Delete everything out your
8 phone, throw it away, get a new one, stuff like that, but
9 I was just panicking. I -- I really couldn't think
10 straight at the time, but by the time we got to Happy Town
11 he dropped me off like toward my uncle's house.

12 Q. When he dropped you off, did anything happen?

13 A. Yeah, he -- he put his head out the window and he was
14 like you ain't seen nothing. He shot one in the air and
15 took off down the road.

16 Q. Who did you call after that happened?

17 A. I'm pretty sure I had called Nakerrius.

18 Q. Why did you do that?

19 A. Because I wanted to find out what had happened because
20 I just -- I just -- it was messing with me. I just wanted
21 to find out what happened because before he -- before I
22 could call, he had already messaged me and was like you-all
23 burned my brother and I didn't -- I didn't want it to be
24 true.

25 Q. How many times do you think you called him?

- 1 A. I'm not sure.
- 2 Q. Probably a bunch of times?
- 3 A. More than once.
- 4 Q. Okay. When did you talk to the police?
- 5 A. The same -- when I had got in contact with Nakerrius,
- 6 they had talked to me off of his phone.
- 7 Q. Did you meet with the police?
- 8 A. Yes, ma'am.
- 9 Q. And what did you tell them when you met with them?
- 10 A. Everything that happened.
- 11 Q. Were you afraid when you met with them?
- 12 A. Kind of. I mean, I -- I guess I was traumatized at
- 13 the time. I just couldn't think straight at the time, but
- 14 I really wasn't scared because I knew what had been done,
- 15 but it just wasn't sitting right with me.
- 16 Q. On that day did you see Nakerrius with a gun?
- 17 A. Not to my knowledge, no.
- 18 Q. Did you see Kevadric with a gun?
- 19 A. Not to my knowledge, no.
- 20 Q. Did you have a gun on you?
- 21 A. No, ma'am.
- 22 Q. Who did you see with a gun?
- 23 A. Mike. It was just that one time and then, I mean,
- 24 he had it in his car with him after that.
- 25 Q. And who shot Kevadric Pressley?

1 A. Michael Williams.

2 Q. And would you point to him?

3 A. (Indicating.)

4 THE COURT: Your Honor, I don't have any further
5 questions for this witness.

6 THE COURT: Thank you. Cross-examination?

7 CROSS-EXAMINATION

8 BY MR. MADSEN:

9 Q. So, Dayyan, you sat and you talked with an officer,
10 didn't you, and you gave him an oral statement?

11 A. Yes, sir.

12 Q. And you also gave law enforcement a written statement?

13 A. Yes, sir.

14 Q. And you did that that day, didn't you?

15 A. Yes, sir.

16 Q. And I think that you told Ms. Goude that you told them
17 everything that happened?

18 A. Yes, sir.

19 Q. But yet in neither of those two statements did you
20 ever mention anything about him putting his hand out the
21 window and shooting up and saying hey, you didn't see
22 anything. That's the first time you've told anyone that,
23 correct?

24 A. No.

25 Q. So you told law enforcement that?

1 A. Yes, sir.

2 Q. You told the attorney general's office that?

3 A. Yes, sir.

4 Q. When did you tell them that?

5 A. When we met.

6 Q. How many times did you meet with them?

7 A. Twice.

8 Q. But that's not in your written statement, is it?

9 A. I know I was rushing and nervous when I wrote the
10 statement and I was told to rewrite it again because I was
11 missing parts and because my mind, I mean, was running
12 away.

13 Q. And so when you rewrote it, you didn't put it in there
14 either, did you?

15 A. I'm pretty sure I did.

16 Q. Would you like to take a look at it?

17 A. Yes, please.

18 Q. Take a look and see if you can find that in there for
19 me.

20 A. I guess I didn't write it in the statement, but all I
21 see is he did put the gun to me.

22 Q. Okay. So it's not in that statement, is it?

23 A. No, sir, but I know that's what happened, so.

24 THE COURT: I can't hear you. What did you say?

25 THE WITNESS: I know that's what happened. Yes,

1 sir.

2 BY MR. MADSEN:

3 Q. And so -- did I leave my notes up there?

4 A. (Handing.)

5 Q. Thank you. So your testimony today starts with hey,
6 I've got a serve for Mike and so that's why you're trying
7 to call him, correct?

8 A. Yes, sir.

9 Q. You testified at a previous hearing that you woke up
10 and wanted to smoke, so you called Mike. Did you not
11 testify at a previous hearing that?

12 A. I do remember saying that, but I was saying like any
13 kid wants to smoke anymore like that's what I wanted to do,
14 but that's not why -- that's not like what I said. Like
15 that's not the reason I called Mike.

16 Q. Well, in your written statement, you started with that
17 you were playing basketball and Mike just called you out of
18 the blue, right?

19 A. No. Can you show me that, please?

20 Q. (Handing.)

21 A. Thank you. See, I never said that he called me out of
22 the blue.

23 Q. Well, you told him that you were playing basketball
24 when he called you?

25 A. Yeah.

1 Q. Okay. And let's just jump back to the day before on
2 the 23rd. You and Nakerrius were talking on Facebook quite
3 a bit that day, weren't you?

4 A. I'm not sure, but I know for a fact that me and
5 Nakerrius had chilled because I bought weed from him. That
6 was --

7 Q. That was the day before?

8 A. I don't know. I'm not sure what the date was, but I
9 know I had bought weed from him and we had talked. I'm
10 pretty sure -- I'm thinking it was before a football game,
11 but I'm not gonna say for sure.

12 Q. Well, the day before on Facebook you sent him message,
13 so this was the 23rd, and it says you got more gas. And
14 gas means weed, correct?

15 A. Yes, sir.

16 Q. And he asked you what you need and you tell him .5?

17 A. Yes, sir.

18 Q. And I guess that's about a blunt?

19 A. Yes, sir.

20 Q. And later you tell him you're outside?

21 A. I guess so if -- if that's what the messages say.

22 Q. And so the day before you go and buy weed from him?

23 A. If that's what it says in the messages.

24 Q. Do you realize that you and he messaged over sixty
25 times back and forth that day before?

1 A. If that's what the messages say. Like I said, we went
2 to school together, we played sports together. Prior to
3 this issue we never had any problems, so.

4 Q. The day of you messaged him and asked him about -- if
5 you could get a quarter for sixty; is that correct?

6 A. If that's what the messages say.

7 Q. And we're talking -- when we say a quarter, we mean a
8 quarter ounce of -- of marijuana?

9 A. Yes, sir.

10 Q. And then you asked hey, can I get a half for 125 to
11 130?

12 A. Yes, sir.

13 Q. And that's a half an ounce, correct?

14 A. (Nods head.)

15 Q. And then he asked you for who though and you tell him
16 me, I just made all my money back off the pills I had
17 sold. You told him that on Facebook, didn't you?

18 A. If that's what the messages say.

19 Q. And you don't work at a pharmacy, do you?

20 A. No, sir.

21 Q. We're talking about illegal -- selling pills that you
22 had made money off of?

23 A. Yes, sir.

24 Q. And on that same day did you tell him I'm waiting on
25 my girl to pull up so I can get the car?

1 A. If that's what the messages state.

2 Q. But now you're testifying that Mike picked you up?

3 A. He did.

4 Q. Mike's not your girlfriend, is he?

5 A. No, sir.

6 Q. That's not how you refer to him?

7 A. No, sir.

8 Q. But you told Nakerrius you were waiting on your
9 girlfriend to come so you could have her car?

10 A. Yes, sir.

11 Q. And later you tell him I got my scale on me?

12 A. If that's what the messages state.

13 Q. A scale meaning something that you could weigh drugs?

14 A. Yes, sir.

15 Q. And later you tell him that you're about to pull up?

16 A. Yes, sir.

17 Q. And says -- and after that it says I'm almost on your
18 road, correct?

19 A. If that's what the messages state.

20 Q. Now you also have testified that, I guess, you go
21 to Nakerrius's house and you-all are there thirty to
22 forty-five minutes, you and Mike, correct?

23 A. Yes, sir. I -- I wouldn't say the exact time because
24 I -- I really don't know. Close to.

25 Q. Sure. That's why it's thirty to forty-five.

1 A. Yeah, thirty minutes.

2 Q. And you testified to the jury that Nakerrius sold
3 Mike weed, correct?

4 A. Yes, sir.

5 Q. He didn't sell you any?

6 A. No, because when we got -- when he got -- when we got
7 there, he knew that I wasn't with my girl and he knew --
8 well, he knew the weed wasn't for me because Mike gave me
9 the money to give to him, so. And he got in the car with
10 us.

11 Q. And then after that thirty to forty-five minutes --
12 or he gets in the car with you and after that thirty-five
13 to forty minutes you leave?

14 A. Yes, sir. I guess so.

15 Q. And you told law enforcement that you went to a
16 convenience store, correct?

17 A. (Nods head.)

18 Q. But now today it's --

19 THE COURT: You've got to answer.

20 Q. You've got to answer. Sorry. She's got to take down
21 everything you say, so if you nod your head she can't --
22 okay.

23 A. I said we went to the store -- the store and serves.
24 I never said just the store.

25 Q. So in your written statement you talk about these

1 serves?

2 A. I'm not sure. Could you show me?

3 Q. Sure. And let me -- let me ask you this though. So
4 in your written statement you talk about going to a
5 convenience store with Mike, correct?

6 A. Yes, sir.

7 Q. But today now it's you went to two convenience stores?

8 A. I'm not sure --

9 Q. Isn't that what you testified to?

10 A. I'm not sure. I would have to go read --

11 Q. Well, I mean, that's what you testified to a little
12 bit ago, wasn't it?

13 A. I guess so.

14 Q. So is it one or two now?

15 A. I'm not sure because I cannot remember that day. I
16 would have to remember. I mean, I'd have to read --

17 THE COURT: I can't hear you.

18 THE WITNESS: I'm not sure. I would have to read.

19 I'm not sure exactly of what happened, everything that day,
20 because it's so long back.

21 BY MR. MADSEN:

22 Q. And now today you're also testifying to -- that from
23 the convenience store you went and did these serves, in
24 other words, dropped off drugs to people, correct?

25 A. I'm guessing so. Yes, sir.

1 Q. Okay. Will you take a look through your written
2 statement and see where that's at in there?

3 A. I don't see it, sir.

4 Q. So this is the first time we're hearing about that,
5 correct?

6 A. Yes, sir. I wrote this statement right after what
7 happened and, of course, I was traumatized, so blank spots
8 was in my head. So, once again, when I had talked to the
9 lawyers or the defense attorney, I had -- I told them that.

10 Q. Well, I mean, I'm the defense attorney.

11 A. I'm mean, met with them.

12 Q. Yeah. You've never told me. We've never met, have
13 we?

14 A. The people I met with.

15 Q. You told law enforcement and the AG's office that
16 difference?

17 A. Yes, sir.

18 Q. And did you tell law enforcement the names of these
19 people so they could go out and talk with them?

20 A. What names?

21 Q. Of these serves, who these people were.

22 A. I didn't know names to -- to the serves at all.

23 Q. You did tell law enforcement in your written statement
24 that you-all went to the convenience store and that there
25 was a guy who got in the car with dreads by the name of Lo?

- 1 A. L.O.
- 2 Q. L.O.?
- 3 A. Yeah.
- 4 Q. Oh, it was --
- 5 A. That's now how you say it.
- 6 Q. Okay. It's not Lo, it's L.O.?
- 7 A. Yes, sir.
- 8 Q. Okay. And so a guy named L.O., but law enforcement
- 9 has never been able to find out who that guy is and you
- 10 don't know, do you?
- 11 A. No, sir.
- 12 Q. And you told law enforcement that L.O. and Mike just
- 13 talked about their old high school days?
- 14 A. That and -- I mean, I wasn't paying them no attention.
- 15 I -- he made me get out of the front seat and get in the
- 16 back and I really wasn't paying them no attention.
- 17 Q. Well, how long were you there?
- 18 A. Not long 'cause we rode off down the road for like
- 19 maybe three to five minutes and that's when my mom started
- 20 calling me and I said he turned around.
- 21 Q. And you say in your written statement that Mike says
- 22 hey, I've got to do another deal with Nakerrius?
- 23 A. Yes, sir. But he wanted to buy more weed.
- 24 Q. He wanted to buy more weed?
- 25 A. Yeah.

1 Q. And so you-all go back to the house?

2 A. No, sir. He tells me to hit him up first, so I hit
3 Nakerrius up.

4 Q. Do you-all end up going back to the house?

5 A. Yes, sir.

6 Q. How many times did you end up going?

7 A. We went back -- how many times did we go that whole
8 day?

9 Q. Yes, to Nakerrius's.

10 A. Twice.

11 Q. You didn't testify at a previous hearing that you-all
12 went three times?

13 A. No, sir.

14 Q. And the second time you get back there you-all get out
15 of the car and they discuss their business again?

16 A. No. When we pulled up the second time, Nakerrius was
17 sitting on the porch and Kap wasn't there yet. Me and
18 Nakerrius, I guess we was talking, I don't know about what,
19 but Kap pulled up not too long after and he walked over
20 there and started talking to Kap and I could -- I remember
21 hearing him asking did you -- are you sure you want me to
22 buy the gun, man, and I'm pretty sure he said yeah, because
23 he was like well, we've got to follow them.

24 Q. And so Nakerrius is just sitting on the porch, you and
25 Mike pull up, Kap pulls up and Nakerrius gets in Kap's car?

1 A. No, he didn't get exactly straight in the car. He
2 walked to the side of the door and was talking to Kap and
3 then he got in.

4 Q. Then he gets in Kap's car?

5 A. Yeah, once -- once he reached there.

6 Q. Now you talked with Officer Rawl. Didn't you tell him
7 that we went back, Mike rolled down the window and told
8 them to follow us. That's different than what you're
9 saying today, isn't it?

10 A. No. Like what -- can you repeat that again?

11 Q. Sure. You didn't tell law enforcement -- you didn't
12 say that you and Mike went back to Nakerrius and Kevadric's
13 house, that he rolled down the window and told Nakerrius
14 and Kevadric to follow him and they began driving down Fish
15 Hatchery?

16 A. I mean, no, sir. I'm pretty -- when I was -- if
17 that's what I told the police officers, I'd say it had to
18 have been right after with blank spots, but when I went
19 back in and wrote it no, we didn't -- we didn't just leave
20 right when we got there. We had Kap -- when Kap pulled up,
21 him and Nakerrius talked first and then he got in the car,
22 but once -- once he had -- because we had already told him
23 that -- Mike was already telling Nakerrius he wasn't gonna
24 do the deal sitting there, he would have to come to Jasper
25 Sutton, follow him to get it.

1 Q. And -- so let me see if I got this straight. You're
2 not denying that that's what you told Sergeant Rawl, you're
3 just saying it's a mistake now, correct? I mean, you're
4 not saying Sergeant Rawl made that up?

5 A. Can you repeat the question?

6 Q. Sure. The -- you're not saying that when you told
7 Sergeant Rawl that -- that you-all went back to Nakerrius
8 and Kevadric's house and that he rolled down the window
9 and told Nakerrius and Kevadric to follow him, you're not
10 saying that Sergeant Rawl made that up?

11 A. Oh, no, sir.

12 Q. You're just saying you misremembered it or --

13 A. Yes, sir.

14 Q. And I think what you told the jury is that Nakerrius
15 or Kap or someone wanted the gun. You had the bullets, but
16 you didn't have the gun, correct?

17 A. Yes, sir.

18 Q. And so you-all needed to leave to go get the gun?

19 A. No, we needed to leave because I had already told
20 Mike that I had to go home to eat and he told -- and that's
21 where he was supposed to take me first, but he was -- they
22 were supposed to follow him to Jasper Sutton to get the
23 gun.

24 Q. But didn't you testify at a previous hearing that he
25 needed or that Mike needed to go get the gun?

1 A. Yes. They had to follow him to Jasper Sutton to get
2 it.

3 Q. So he had the bullets, he didn't have the gun?

4 A. As far as my knowledge. I never seen it.

5 Q. Well, because those are the bullets that you
6 supposedly put on the dash later?

7 A. Yes, sir.

8 Q. And when you-all get on Harmony Church Road, you
9 basically say that they threw -- or you told law
10 enforcement in your written statement that they threw the
11 weed to Mike, correct?

12 A. No, they threw it in the car.

13 Q. And didn't give it to you?

14 A. No, sir. He just threw it in the car and Mike pulled
15 off.

16 Q. And you told him hey, you're doing them dirty,
17 correct?

18 A. Yes, sir. And I told him it was gonna mess up my face
19 card.

20 Q. And did you try to get out of the car?

21 A. I did whenever he had shot Kap, but he told me to stay
22 in the car.

23 Q. You didn't testify at a previous hearing that at that
24 point in time you tried to get out of the car and Mike said
25 something to you?

1 A. Could you repeat that?

2 Q. You didn't testify at a previous hearing that you
3 tried to get out of the car at that point in time?

4 A. When he shot Kap?

5 Q. Before that. When he took the weed?

6 A. No, I never -- no.

7 Q. And you -- I think you told law enforcement that Mike
8 said calm down, I'm playing, I'm gonna take them their
9 weed, correct?

10 A. Yes, sir.

11 Q. And that he backed up?

12 A. No, he turned around in the road.

13 Q. So is that something else that if -- if Sergeant
14 Rawl --

15 A. I didn't say he backed up.

16 Q. So would Sergeant Rawl have gotten that wrong?

17 A. He had to. He turned around in the dirt road.

18 Q. And when he turns around, he comes around and just
19 shoots once and takes off?

20 A. Basically, yes, sir.

21 Q. And that's what you testified at a previous hearing,
22 that he just essentially did kind of a drive-by and shot
23 into the car?

24 A. Yes, sir.

25 Q. And at that point in time you tried to get out of the

1 car?

2 A. Yes, sir.

3 Q. But yet he kind of takes you home and just drops of
4 you off five minutes later?

5 A. Like I was panicking in the car the whole time after
6 that. I was telling him take me home. What did I tell
7 him? Like what's gonna happen, it don't look good for me,
8 and he was just telling me be nonchalant, don't worry about
9 it, just throw your phone away, get a new memory card and
10 stuff like that.

11 Q. And so when you talked to Sergeant Rawl, did you tell
12 him about the throw the phone away and all that or was that
13 left out also?

14 A. I'm pretty sure I told the deputy about that.

15 Q. That day?

16 A. Yes, sir. I'm pretty sure.

17 Q. Would you be surprised to know that for some reason
18 they didn't document that?

19 A. I'm surprised they didn't. I mean --

20 Q. So that's something that they left out?

21 A. I'm guessing. Yes, sir.

22 Q. And you definitely don't put that in your written
23 statement, do you?

24 A. No, sir, I didn't. Like I said, I wrote this right
25 after -- I wrote this with nobody around me and I was

1 sixteen.

2 MR. MADSEN: That's all the questions I have.

3 THE COURT: Redirect?

4 MR. MADSEN: Judge, I will have a matter of law.

5 MS. GOUDE: Briefly, Your Honor.

6 REDIRECT EXAMINATION

7 BY MS. GOUDE:

8 Q. Dayyan, did you write every single detail of that day
9 down in your written statement?

10 A. No, ma'am.

11 Q. Had you ever seen anybody get shot before this day?

12 A. No, ma'am.

13 Q. What was your state of mind?

14 A. I was traumatized really. How I was looking at it
15 really, I was just like it wasn't good for me. That's how
16 I felt because I felt like he used me and I felt like I had
17 lost a friend. But, I mean, me and Kap wasn't close how me
18 and Nakerrius was, but I still looked at him as a friend
19 like. That messed with me.

20 MS. GOUDE: No further questions, Your Honor.

21 THE COURT: Recross?

22 MR. MADSEN: Nothing, Your Honor.

23 THE COURT: Thank you, sir.

24 MR. MADSEN: Well, actually, Judge, just real quick.

25 THE COURT: All right.

1 THE COURT: Bring in the jury.

2 (Whereupon, the jury returns to the courtroom
3 at 3:58 PM.)

4 THE COURT: Call your next witness.

5 MS. GOUDE: Miles Rawl.

6 THE CLERK: Raise your right hand.

7 (Whereupon, Miles Rawl was duly sworn by the
8 Clerk of Court.)

9 THE CLERK: If you will have a seat, please, and
10 state your name for the record.

11 THE WITNESS: Miles Rawl.

12 MILES RAWL,

13 having been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. GOUDE:

16 Q. Could you please spell your last name?

17 A. R-A-W-L.

18 Q. Sergeant Rawl, where do you work?

19 A. I work for the Lexington County Sheriff's Office.

20 Q. How long have you worked there?

21 A. Since 2007.

22 Q. Could you please explain to the jury how you became
23 involved in this case?

24 A. Yes. On November 24, 2016, I was assigned as a
25 detective in our major crimes unit, which we handle

1 anything from homicides to sexual assaults to simple
2 assaults; however, on that Thanksgiving Day I was called
3 to respond to a homicide investigation.

4 Q. And where did you respond to?

5 A. I responded to the area of [REDACTED] Harmony Church Road --
6 or Harmony Church Lane in the Gaston area of Lexington
7 County.

8 Q. What did you do when you got out there?

9 A. Upon arrival, you know, we had multiple units already
10 on-scene. It was my job and duty to try to locate the
11 watch commander at the time and to try to figure out what
12 we had and what -- what our next step should be. At that
13 point in time, I was redirected to go try to attempt to
14 locate and make contact with Dayyan Felder, who was a
15 witness in the case.

16 Q. How did you locate Dayyan?

17 A. First, I was provided his contact information and I
18 made contact with him by phone and Mr. Felder agreed to
19 meet with me roadside off of Happy Town Road just past
20 his residence. Dayyan was walking roadside, said he was
21 uncomfortable to stay at his house; therefore, I relocated
22 and he got in my car. He wanted to go to more secluded
23 area, so we relocated to the ball park just down the road
24 off of I.W. Hutto near Happy Town.

25 Q. What was Dayyan's demeanor like when you-all met?

1 A. Dayyan was very nervous, you know, he just felt
2 uncomfortable as he had just witnessed this horrific
3 incident.

4 Q. Was your interview with Dayyan recorded in any way?

5 A. It was not.

6 Q. So after you spoke with Dayyan, what did you do?

7 A. After speaking to Dayyan, we had obtained information
8 concerning the suspect, Michael Williams, who was
9 identified by him and at that point in time we -- you know,
10 I phoned in to my sergeant at the time and also other units
11 and we attempted to locate him.

12 Q. Did you get a description of what kind of vehicle he
13 may be in?

14 A. Yes, it was a 2013 Ford, a four-door vehicle.

15 Q. Where did you attempt to locate the Defendant?

16 A. The first location we attempted was his girlfriend
17 -- I'm sorry. First we attempted to locate him off of
18 Oakey Springs Drive in Gaston, which was -- we had gotten
19 information that it was possibly the girlfriend's house
20 of Michael Williams.

21 Q. Did you locate him there?

22 A. I did not.

23 Q. Okay. What else did you do to locate him?

24 A. At that point in time we -- you know, after speaking
25 to the homeowners there, we were able to obtain some more

1 information and intel and we relocated to the area of
2 Bethune Drive, which is in the Gaston area of Lexington
3 County as well, where the -- where his girlfriend was known
4 to be residing at that time.

5 Q. Do you know about what time this was?

6 A. It was probably close to ten, 11:00 at night. We had
7 already had -- after doing our intel, we had already had
8 our Thanksgiving supper all together at the Waffle House,
9 so I know it was after suppertime, so it was probably the
10 10:00, 11:00, 12:00 or sometime timeframe.

11 Q. And could you describe the area of the girlfriend's
12 house, what it's like?

13 A. Bethune Drive is a very secluded area. When I say
14 secluded, it is a -- it's a long dirt road where you can
15 actually see all the rows of houses as soon as you turn on
16 from -- turn onto the road, you can see the trailers in
17 line, if that makes sense. It's probably I would say close
18 to a hundred yards, maybe two hundred yards that you can
19 see. A couple of football fields.

20 Q. So you have a drive down a long dirt road to get to
21 this house?

22 A. To get to Bethune, yes. That's correct.

23 Q. And what happened once you-all got out there?

24 A. Upon arrival we had actually, you know, conducted --
25 when we pulled into the driveway, we actually pulled into

1 the wrong driveway by mistake because the trailers were not
2 marked. When we pulled in, we pulled into the trailer to
3 the left side and got out and attempted to locate Michael
4 Williams, at which point in time he was not there at the
5 residence, but we did make contact with his girlfriend.

6 Q. Who is "we"?

7 A. It would have been myself, Detective Andaloro,
8 Detective Miller, Sergeant Laintz, and a couple of K-9
9 officers.

10 Q. And about how many cars do you think were out there?

11 A. During that time, it was probably maybe six cars, six
12 patrol cars.

13 Q. So what -- what did you-all find out there?

14 A. Well, after meeting with Shauna, Shauna basically,
15 you know, gave us permission to come inside, said Mike
16 Williams was not here at the time. She -- you know, we
17 looked around and did a -- basically a sweep of the
18 residence and -- to confirm that he was not there. After
19 that, myself and Detective Andaloro asked Ms. Kirton to
20 come outside and speak with us and we had Ms. Kirton sit in
21 the passenger seat of Detective Andaloro's car to conduct
22 an interview.

23 MR. MADSEN: Judge, may we approach?

24 THE COURT: Yes.

25 (Proceedings held at the bench; not reported.)

1 just taking these witnesses out of order that's causing
2 me the problem. And I understand your time constraints.
3 So the motion's denied.

4 Bring the jury in.

5 MR. MADSEN: Judge, I'm assuming that as soon as
6 she asks that question to protect any appellate issues,
7 I've got to stand up and object again.

8 THE COURT: Okay.

9 MR. MADSEN: And then if that can be just a
10 continuing objection so as she goes through I don't
11 have to pop up and down.

12 THE COURT: Okay. Thank you.

13 (Whereupon, the jury returns to the courtroom at
14 4:44 PM.)

15 THE COURT: The objection's overruled. You may
16 continue, Madam Attorney General.

17 MS. GOUDE: Thank you, Your Honor.

18 CONTINUED DIRECT EXAMINATION

19 BY MS. GOUDE:

20 Q. Sergeant Rawl, I think we left off with you and
21 Detective Andaloro interviewing Shauna Kirton in her yard.

22 A. That's correct.

23 Q. Okay. So -- and had you already told us where you-all
24 were interviewing her at?

25 A. I'm not sure, but we were interviewing Ms. Kirton in

1 the passenger seat of Detective Andaloro's car, which was
2 parked in the neighbor's yard to the left of the residence
3 at that time. That was the most comfortable place to have
4 Ms. Kirton sit down for an interview. Detective Andaloro
5 was sitting in the driver's seat, Ms. Kirton was sitting in
6 the passenger seat and I was standing outside the patrol
7 vehicle watching down the roadway.

8 Q. When you say patrol vehicle, what kind of vehicles
9 were you-all in?

10 A. Detective Andaloro was in an unmarked Crown Victoria
11 and I was in unmarked Ford Taurus.

12 Q. And what were you-all -- or what happened while
13 you-all were talking to Shauna?

14 A. While we were talking to Shauna, like I said, Bethune
15 Court -- as soon as you turn onto Bethune, you could see,
16 like I said, probably couple of football fields' length.
17 As soon as I looked up, I saw headlights coming down the
18 driveway. At that point in time I immediately alerted
19 Detective Andaloro to get Shauna out of the vehicle. I
20 jumped in my car and turned my car around because we had
21 pulled into the residence for -- to attempt to locate
22 Mr. Williams initially, so my vehicle was nose-faced in.
23 So I immediately turned my vehicle around to get ready
24 because, as I say, we had possible intel that Mike Williams
25 may be returning to that residence.

1 Q. And did that car pull over in Shauna Kirton's yard?

2 A. It did. Like I said, I saw headlights coming from a
3 distance at which point in time the vehicle turned into
4 [REDACTED] Bethune Court. Again, myself and Detective Andaloro
5 were sitting to the left of that residence in the next door
6 neighbor's yard and Michael Williams had both the passenger
7 and driver side window rolled down at which point in time
8 he looked -- I heard Shauna yell something out of the
9 window as no, Mike, don't do that and --

10 MR. MADSEN: Judge, I'm gonna object to hearsay.

11 THE COURT: Do you want to be heard?

12 MS. GOUDE: Yes, Your Honor. I would say that
13 that would be an excited utterance.

14 THE COURT: Anything else?

15 MR. MADSEN: No, sir.

16 THE COURT: Objection's overruled. Go ahead, sir.

17 THE WITNESS: At which point in time I positively
18 identified Michael Williams as the driver and he basically
19 looked back and said who the fuck are you. We --
20 therefore, I drew my firearm and advised Michael Williams
21 that we were Lexington County Sheriff's Department and to
22 stop. It all happened in a matter of seconds. Michael
23 Williams turned the vehicle around. It appeared that he
24 was the only one in the vehicle. He turned the vehicle
25 around very sharp in the driveway and started heading

1 back out toward Bethune Court. At that point in time,
2 I, you know, advised Joe or Detective Andaloro to get,
3 you know -- get Shauna out of the vehicle and I was
4 gone. So I immediately took off and got behind Michael
5 Williams's vehicle.

6 BY MS. GOUDE:

7 Q. What was he driving?

8 A. He was driving a dark in color 2013 Ford Focus.

9 Q. Did that match the description of the car that you-all
10 were looking -- had been looking for all day?

11 A. It did. We had actually put out a BOLO on it earlier
12 that day basically to other law enforcement agencies to be
13 on the lookout.

14 Q. What happened while you were following him?

15 A. At that point in time we started traveling down the
16 road. I was waiting on Detective Andaloro to get -- to see
17 him in my rearview mirror basically due to the fact that we
18 had murder warrants on Michael William that -- I mean, he's
19 a danger to the community. I also had information that our
20 other units were on the other side of town, so I did not
21 immediately activate my blue lights at that point in time.
22 However, he started cutting on and off his lights traveling
23 at a high rate of speed. It was probably -- his speed got
24 up to a hundred plus miles an hour. At that point in time
25 based on the severity of the crime, I did see Detective

1 Andaloro in my rearview mirror and based on the safety of
2 the community I activated my blue lights and siren and
3 Michael Williams initiated a pursuit.

4 Q. And how long did that pursuit last?

5 A. The pursuit only lasted, I don't know, a couple of
6 minutes, but it was about 2.4 miles. We had gone on
7 several different roads. The last road was to -- it was
8 a dirt road where he cut through a yard at Ben Spires Road
9 and Fallaw Road and actually crashed into the tree and --
10 I'm sorry.

11 Q. What type of speed did you-all reach?

12 A. Like I said, initially on Cassidy Road we were
13 probably up to a hundred miles an hour or more. On the
14 dirt road portion, seventy, eighty, ninety miles an hour.

15 Q. And I think you were going to say how the chase ended?

16 A. That's correct. The pursuit ended, like I said, as --
17 on this dirt road toward the end it comes into another
18 road, which there's a house that sits right on the corner.
19 Michael Williams cut through that yard and while cutting
20 through that yard he hit a tree at which point in time I
21 pulled in behind him, Detective Andaloro pulled behind me,
22 I looked at -- jumped out of the car to attempt to see if
23 he was there and then I saw Michael Williams take off
24 running back behind the residence.

25 Q. I'm showing you, Sergeant Rawl, what's been marked as

1 State's Exhibit 13, 14 and 15.

2 MR. MADSEN: No objection.

3 THE COURT: Mark those in evidence without
4 objection.

5 (State's Exhibit Number 13, 14 and 15, photographs,
6 were admitted into evidence.)

7 BY MS. GOUDE:

8 Q. Do you recognize these pictures?

9 A. Yes, ma'am.

10 Q. Are they true and accurate depictions of what you
11 recognize?

12 A. They are.

13 MS. GOUDE: Your Honor, at this time I'd move
14 State's 13, 14 and 15 into evidence.

15 THE COURT: They're in.

16 MS. GOUDE: May I publish, Your Honor?

17 THE COURT: Yes, ma'am.

18 BY MS. GOUDE:

19 Q. And, Sergeant Rawl, if you could just tell us what is
20 State's Exhibit 13, what are we looking at here?

21 A. That's the residence of the yard that Michael Williams
22 cut through and I think the correct address is [REDACTED] Ben
23 Spires Road.

24 Q. And State's 14?

25 A. That's also a picture of the residence, the front of

1 the residence.

2 Q. Now is this portion over here part of the residence?

3 A. Yes, I think it's the -- a side shed.

4 Q. And then on State's 15?

5 A. The vehicle you see is Michael Williams' car and you
6 can barely see it, but in front of it is the tree that he
7 clipped with the left side of his vehicle.

8 MS. GOUDE: No further questions from for the
9 State.

10 THE COURT: Cross?

11 CROSS-EXAMINATION

12 BY MR. MADSEN:

13 Q. Sergeant Rawl, you took -- or you talked with Dayyan
14 and took an oral statement from him, correct?

15 A. That's correct.

16 Q. And you also took a written statement from him, didn't
17 you?

18 A. That's correct.

19 Q. And you were told about this guy L.O. at the -- at the
20 gas station or convenience store, correct?

21 A. I'm sorry, say that one more time.

22 Q. He told you about a guy that -- with dreads that got
23 into the car with he and Mike by the name of L.O., I think?

24 A. Yes.

25 Q. But he only --

1 A. I remember hearing a reference to a gentleman they had
2 met at a gas station. That's correct.

3 Q. And you never were able to determine who that fellow
4 was?

5 A. No, sir.

6 Q. And we're told just one gas station, not two?

7 A. Just told one, yes, sir.

8 Q. So if there's two gas stations now, that's news to
9 you?

10 A. That's correct.

11 Q. Because you'd certainly look into that if -- if they
12 went to two gas stations?

13 A. Right. I think I was part of the initial
14 investigation and I'm not sure, you know, of all the
15 follow-up that was done by Detective Andaloro.

16 Q. Sure. And then Dayyan never told you about them going
17 out and selling drugs to people outside of that -- outside
18 of going to just that gas station, did he?

19 A. I don't recall.

20 Q. Do you want to take a look at your notes?

21 A. I just stated that they had pulled in to Casa Dell --
22 a gas station near Casa Dell and Fish Hatchery to meet with
23 an unknown male with dreads driving a blue car.

24 Q. Right. Never talked about going around and doing
25 serves or delivering marijuana, correct?

1 A. They were actually picked up -- Mike had contacted
2 Dayyan. According to Dayyan they were going to pick --
3 pick him up to go buy some weed. He wanted him to ride
4 with him to buy some weed.

5 Q. That's to go to Nakerrius's is what he told you,
6 right?

7 A. That's right.

8 Q. But not to say that he and Mike had gone somewhere
9 else to meet other people to sell weed to them?

10 A. I don't -- I don't have that. No, sir.

11 Q. Because if you did, you would either investigate that
12 yourself if you got assigned to it or give it to other law
13 enforcement to try to corroborate that, wouldn't you?

14 A. That's correct.

15 Q. And Dayyan never told you anything about that when
16 Mike dropped him off that Mike stopped the car, stuck
17 the gun out, shot out straight up in the air and told him
18 not to -- or that -- or didn't tell him you didn't see
19 anything?

20 A. No, but he did tell me that he pointed the gun at him.

21 Q. Right, but -- well, he says that that's earlier when
22 he tries to get out of the car. He says that Mike points a
23 gun at him, right?

24 A. Right.

25 Q. But he doesn't say when he drops him off, basically a

1 threat, hey, you didn't see anything? Dayyan never tells
2 you that, does he?

3 A. Not that I recall. No, sir.

4 Q. And that's not in your notes?

5 A. But here again -- yeah, here again I know he was --
6 that's the reason he wanted to meet me, you know, roadside
7 away from his residence because he had had fear that day.

8 Q. Never told you anything about Mike telling him to get
9 a new phone, to throw his memory card away or anything of
10 that. That's all news to you also, isn't it?

11 A. Yes, sir.

12 Q. Not in your notes, not in his written statement?

13 A. No, sir.

14 MR. MADSEN: That's all the questions I have.

15 THE COURT: Redirect?

16 MS. GOUDE: No, Your Honor.

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

18 (Witness excused.)

19 THE COURT: Call your next witness.

20 MR. KOZAK: The State calls Nick Parker.

21 MR. KOZAK: Your Honor, may the last witness be
22 released?

23 THE COURT: Yes, sir. You're free to go. Thank
24 you.

25 THE CLERK: Raise your right hand, please.

1 (Whereupon, Nicholas Parker was duly sworn by the
2 Clerk of Court.)

3 THE CLERK: If you will have a seat and state your
4 full name; spelling your last for the record.

5 THE WITNESS: My name is Nicholas Parker.

6 THE COURT: Anything unusual about the spelling of
7 your last name?

8 THE WITNESS: No, sir. P-A-R-K-E-R.

9 THE COURT: Thank you. Answer the questions of the
10 attorney general, please.

11 NICHOLAS PARKER,

12 having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. KOZAK:

15 Q. Mr. Parker, where are you currently employed?

16 A. I currently work at Galena Chrysler Jeep Kia.

17 THE COURT: Is that microphone on? Tap it.

18 THE WITNESS: Yes, sir.

19 THE COURT: Unfortunately there is a cool air
20 return vent right there and it's really loud, so keep
21 your voice up, please.

22 THE WITNESS: Yes, sir.

23 MR. MADSEN: And I didn't hear that question.

24 (Telephonic interruption.)

25 THE WITNESS: I'm sorry. I turned that thing off

1 and it came back on.

2 THE COURT: Are you talking about where he works?

3 MR. MADSEN: Yeah, I just didn't hear.

4 THE COURT: It sounds like the mic was off, but I
5 guess you just weren't talking straight into it.

6 Say again where you work, please.

7 THE WITNESS: I work at Galeana Chrysler Jeep Kia on
8 Greystone.

9 THE COURT: Thank you.

10 BY MS. KOZAK:

11 Q. And in November of 2016, where were you working?

12 A. Lexington County Sheriff's Department.

13 Q. And in what regard?

14 A. I was with the K-9-Unit.

15 Q. And how long had you been employed with Lexington
16 County?

17 A. I worked for Lexington County full-time for about
18 fifteen years.

19 Q. And how long of that was in the K-9-Unit?

20 A. My last six years.

21 Q. Okay. How did you become involved in this case?

22 A. Me and my partner were asked to assist in an
23 apprehension of a suspect that they were actively looking
24 for. When we came on duty, we started helping them.

25 Q. Okay. Do you know -- do you remember where you

1 responded to?

2 A. Yes, sir. We were riding around in the -- me and my
3 partner and his K-9 were riding around in the back seat of
4 Jesse Laintz's unmarked SUV and we were in the Gaston area
5 of Lexington County.

6 (Telephonic interruption.)

7 THE WITNESS: I apologize for that. It won't turn
8 off. I apologize for that.

9 BY MR. KOZAK:

10 Q. Did you -- do you remember responding to a house where
11 a car accident had occurred?

12 A. Yes, sir. We had heard over the radio that they were
13 in a -- in a pursuit and we were in the area trying to get
14 to them. Just about the time the crash had occurred and
15 they'd said the suspect ran off on foot, we were pulling
16 up. As we were pulling up, it was still a little -- little
17 dusty from the wreck.

18 Q. And once you responded to the scene, what did you do?

19 A. Myself and my partner, we deployed the K-9 to the last
20 known location of the suspect, which was -- we were told he
21 ran out the driver's door. We put the dog down and started
22 tracking.

23 Q. And were you able to locate the Defendant?

24 A. We sure were not -- not too far away on the other side
25 of the yard he had wrecked in.

1 Q. And how did you find the Defendant?

2 A. Well, the dog -- the dog -- we were told that, you
3 know, he was possibly armed, so we went out with our
4 flashlights off because it was dark and the dog tracked to
5 the other side of the yard and he -- he stopped -- stopped
6 on -- we were on the end of a 50-foot rope, a 50-foot lead,
7 the dog stopped and started circling, so we stopped. I
8 turned my flashlight on, I looked down and I was standing
9 next to the suspect who was laying on the ground on his
10 side.

11 Q. Okay. And did you announce to the Defendant your
12 presence?

13 A. Yes, sir. Yes, sir. I drew my weapon, pointed it out
14 him and told him to show -- roll over, roll over and told
15 him to show me your hands and he would not comply. After
16 repeated orders to roll over and show your hands so that I
17 could take him into custody and see that he didn't have a
18 weapon, he rolled over onto his back and drew up into what
19 most people know commonly as a fighting position where you
20 pull your feet up and you pull your arms up with your fists
21 and when I went to go hands on him, he acted like he wanted
22 to kick, so I backed up and --

23 Q. Stop right there. Were -- were you able to apprehend
24 him?

25 A. Yes, sir.

1 Q. Now once he was placed under arrest, did you find
2 anything on his person or under him?

3 A. Yes, sir. When I -- when I picked him up off the
4 ground, there was a magazine from a handgun laying under
5 him on the ground.

6 Q. Okay. And about -- like when you say under him, what
7 do you mean?

8 A. Like when we picked him up off the ground where he was
9 laying, when I picked him up I saw it.

10 MR. KOZAK: I'm showing State's opposing counsel
11 what is marked as State's Exhibit Number 20.

12 MR. MADSEN: No objection.

13 MR. KOZAK: I'm approaching the witness. May I
14 approach, Your Honor?

15 THE COURT: Yes.

16 BY MR. KOZAK:

17 Q. What am I showing you?

18 A. A magazine from a handgun.

19 THE COURT: Would you speak into the microphone?

20 A. A magazine from a handgun.

21 Q. Does this appear to be the magazine that you saw under
22 him?

23 A. Yes, sir.

24 Q. Has it been altered or edited in any way?

25 A. No, sir.

1 MR. KOZAK: At this time I'd like to move
2 State's Exhibit 20 into evidence and publish to the
3 jury.

4 THE COURT: It's in evidence without objection.

5 (State's Exhibit Number 20, a photograph, was
6 admitted into evidence.)

7 BY MR. KOZAK:

8 Q. Is this the magazine you were discussing that you
9 found?

10 A. Yes, sir.

11 Q. And what did you -- did you do anything with this
12 magazine?

13 A. No, sir. I notified -- I had -- I had control of him
14 and I notified the deputies that were around me that there
15 was a magazine under him and had them collect it.

16 MR. KOZAK: No further questions, Your Honor.

17 THE COURT: Cross?

18 CROSS-EXAMINATION

19 BY MR. MADSEN:

20 Q. Mr. Parker, did you have any kind of car camera or any
21 kind of body camera on yourself?

22 A. No, sir. Not at that time.

23 MR. MADSEN: That's all the questions I have.

24 THE COURT: Redirect?

25 MR. KOZAK: No further questions, Your Honor.

1 10:14 AM.)

2 THE COURT: All right, ladies and gentlemen.
3 We'll continue in a moment with the State's case. I
4 told you I'd try to keep you abreast of how the case
5 appears to be proceeding as far as time is concerned.
6 My best guess at this point is that they're gonna try
7 to finish all the evidence today, but you probably will
8 come back tomorrow for the closing arguments and the
9 charge where I tell you the law. So most likely it
10 will go into tomorrow.

11 All right. Call your next witness.

12 MS. GOUDE: The State calls Roger Sutton.

13 THE CLERK: Right up here, please, sir. Place
14 your left and raise your right.

15 (Whereupon, Roger Sutton was duly sworn by the
16 Clerk of Court.)

17 THE CLERK: Have a seat, please, sir. Once
18 you're seated, state your full name; spelling your
19 last name.

20 THE WITNESS: Full name, Roger Sutton,
21 S-U-T-T-O-N.

22 ROGER SUTTON,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. GOUDE:

1 Q. Good morning, Mr. Sutton.

2 A. Good morning.

3 Q. Before we get started, I'd like to ask you a little
4 bit about your criminal history.

5 A. (Nods head.)

6 Q. Have you been in trouble recently?

7 A. Well, not recently. It's been like, what, four years
8 now.

9 Q. So you have a little bit of a criminal record?

10 A. Uh-huh.

11 Q. Maybe have three fraud check convictions and one
12 forgery conviction?

13 A. That's it.

14 Q. Where are you from, Mr. Sutton?

15 A. Gaston.

16 Q. How long have you lived in Gaston?

17 A. Besides living in Florida, pretty much all my life.

18 Q. And how do you know Michael Williams?

19 A. That's my nephew.

20 Q. Let's talk about Thanksgiving Day of 2016. Do you
21 remember what you were doing that day?

22 A. Well, I went to my mom's first and then I went back
23 home and laid down because she wasn't done cooking, then I
24 went back about 1:30, somewhere along in there.

25 Q. And what time did you see the Defendant that day?

1 A. It was about I'd say 1:45 or almost 2:00, somewhere
2 along in there. He pulled in shortly after I did.

3 Q. Could that have been maybe around 2:30?

4 A. It could have been.

5 Q. And what -- what did you do when you saw him pull up?

6 A. We just started talking like we always do, you know.

7 Q. Where were you-all at talking?

8 A. In my mom's yard.

9 Q. Did you see him with anything when you-all were
10 talking?

11 A. Well, at the time we was laughing and talking. We
12 was talking about the sound of the sirens, we started
13 laughing about that, and -- first he said -- he said
14 where the sirens going, wonder what the noise from the
15 siren on 6 was, and he said the cops or an ambulance or
16 somebody's going somewhere, and we looked at each other
17 and he said you ain't in no trouble, I ain't in no trouble,
18 are you, like that. He said no, like that, you know, and
19 that was it. And we laughed and he -- my son was standing
20 there and he said grand-momma wants to see you, so he
21 didn't go in because he didn't have his hair cut or
22 whatever, and he was playing with some bullets and whatever
23 and I asked him, I said why are doing -- I mean, what you
24 playing with that for and he said I'm just putting it back
25 together and I said oh, okay, and --

1 Q. And so, Mr. Sutton, you saw him playing with bullets?

2 A. Uh-huh.

3 Q. Did you see a gun?

4 A. Yeah, the gun was right in his lap.

5 Q. What did the gun look like?

6 A. Like a regular .45 pistol.

7 Q. Do you remember what color it was?

8 A. Black.

9 Q. Did the Defendant -- or did -- Mike Williams after
10 that, did he stay at the house all day with you-all for
11 dinner or --

12 A. No, he left maybe about an hour or so later and then
13 they came back that evening.

14 Q. So who came back that evening?

15 A. Him and Shauna and the boys.

16 Q. Okay. Do you remember what they were driving?

17 A. They were driving Shauna's little car.

18 Q. About what time was that?

19 A. About 7:00, 7:30, somewhere along in there because it
20 was getting dark.

21 Q. Did they have Thanksgiving dinner with you-all?

22 A. Well, no. His mom had fixed their plates and took
23 them out to them and they were just sitting in the car
24 talking and whatever when we left.

25 Q. When you saw him the second time, did he say anything

1 to you about the police?

2 A. No, me -- me and him was just laughing and talking
3 like we normally knew. You would have never known anything
4 was wrong because he didn't act like anything was wrong.
5 He was just being himself like he always do with me.

6 MS. GOUDE: May I have a moment, Your Honor?

7 THE COURT: Yes, ma'am.

8 MS. GOUDE: Your Honor, I have no further
9 questions for this witness at this time.

10 THE COURT: Any cross-examination?

11 MS. SIMPSON: Yes, sir.

12 CROSS-EXAMINATION

13 BY MS. SIMPSON:

14 Q. Good morning, Mr. Sutton.

15 A. Good morning.

16 Q. How are you?

17 A. I'm great.

18 Q. So you said on the first time you saw Michael he was
19 driving a Crown Vic?

20 A. Uh-huh.

21 Q. Okay. And you got to your mother's house about 1:45?

22 A. 1:45, almost 2:00, somewhere along in there.

23 Q. And he pulled in right behind you after that?

24 A. He pulled in behind me and then Bridgett was behind
25 him.

1 Q. Uh-huh. And you said you saw him with that gun in his
2 lap?

3 A. Uh-huh.

4 Q. You said it didn't smell like it had been shot?

5 A. No.

6 Q. Didn't smell like any gunpowder?

7 A. No.

8 Q. Okay.

9 MS. SIMPSON: No further questions, Your Honor.

10 THE COURT: Redirect?

11 MS. GOUDE: Briefly, Your Honor.

12 REDIRECT EXAMINATION

13 BY MS. GOUDE:

14 Q. Mr. Sutton, do you have any training in firearms?

15 A. Do I have any training in firearms?

16 Q. Yes.

17 A. No, but I've shot a lot of them.

18 Q. Okay. Thank you.

19 MS. GOUDE: Your Honor, I don't have any further
20 questions.

21 THE COURT: Recross?

22 MS. SIMPSON: No, sir.

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

24 (Witness excused.)

25 THE COURT: Call your next witness, please.

1 MS. GOUDE: Bridgett Hipps.

2 MR. KOZAK: Your Honor, may he be released from his
3 subpoena?

4 MR. MADSEN: No objection.

5 THE COURT: Mr. Sutton, you're free to go if you
6 wish to leave.

7 THE WITNESS: Thank you.

8 THE CLERK: Place your left and raise your right.

9 (Whereupon, Bridgett Hipps was duly sworn by the
10 Clerk of Court.)

11 THE CLERK: Have a seat, ma'am. Once you're
12 seated, state your full name; spelling your last,
13 please.

14 THE WITNESS: Bridgett Hipps, H-I-P-P-S.

15 BRIDGET HIPPS,

16 having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MS. GOUDE:

19 Q. Good morning, Ms. Hipps.

20 A. Good morning.

21 Q. Thank you for being here today.

22 A. You're welcome.

23 Q. Ms. Hipps, how do you know Michael Williams?

24 A. He's my cousin.

25 Q. What were you doing on Thanksgiving Day of 2016?

1 A. Headed to my cousin's home to get my cousin to go
2 shopping.

3 Q. And where was the home at? Where were you go -- where
4 did they live?

5 A. Jasper Sutton Road.

6 Q. Is that near Happy Town Road?

7 A. Yes.

8 Q. Do you remember about what time you got to your
9 cousin's house?

10 A. Maybe around 2:40, somewhere up in there.

11 Q. And on the way there, did anything strange happen?

12 A. Nothing strange. I mean, I saw a vehicle when I was
13 approaching Jasper Sutton Road turn in front of me.

14 Q. Could you tell us about that?

15 A. Well, it was a brown vehicle as I approached Jasper
16 Sutton parked on the side and as I got closer to make the
17 left turn, the vehicle turned in front of me as we got on
18 Jasper Sutton.

19 Q. Did you notice anything about the way the vehicle was
20 driving on the road?

21 A. I noticed it was kind of like going from left to
22 right. I was trying to, you know, get to my cousin's. I'm
23 just like who is this, you know, kind of going back and
24 forth, left to right.

25 Q. And when you pulled up in your cousin's yard, what did

1 that vehicle do?

2 A. It pulled on the side.

3 Q. Okay. Then what happened?

4 A. I got out of my vehicle and I noticed it was Michael.
5 He called my name, he spoke to me, and I threw my hand up
6 and said hey, Michael, and proceeded to go inside. And
7 then he called my whole name and I went over to the vehicle
8 at that time.

9 Q. And when you went over to the vehicle, what did you
10 observe?

11 A. We were casually talking. We, you know, had a
12 conversation. He told me I thought you were --

13 Q. Let's not talk about what he told you. Let's talk
14 about just what you saw.

15 A. I just saw him sitting in the vehicle.

16 Q. Did you see him with anything?

17 A. Not as when I approached the vehicle.

18 Q. Well, as you-all were are speaking, what happened?

19 A. As I was speaking what happened?

20 Q. Well, as you-all were talking, what did he do?

21 A. He showed me a handgun.

22 Q. And are you familiar with guns, Ms. Hipps?

23 A. Somewhat.

24 Q. Do you have a gun?

25 A. I do.

1 Q. And so since -- could you kind of describe what that
2 gun looked like?

3 A. Black. It was big. I know it was an automatic.

4 Q. Did you touch the gun?

5 A. I touched the bullet.

6 Q. What did the Defendant say to you when you touched it?

7 A. No, don't do that. Wipe that off.

8 MS. GOUDE: Okay, Ms. Hipps. I don't have any
9 further questions for you at this time.

10 THE COURT: Cross?

11 CROSS-EXAMINATION

12 BY MS. SIMPSON:

13 Q. Good morning, Ms. Hipps.

14 A. Good morning.

15 Q. How are you?

16 A. I'm good.

17 Q. Okay. So you said when you were riding down Jasper
18 Sutton Road you saw a brown car in front of you?

19 A. Well, it -- well, it was parked on the side.

20 Q. When you were coming down the road?

21 A. When I was coming down Happy Town Road.

22 Q. Uh-huh. So the brown car was driving in front of you?

23 A. It was driving in front of me once I got on Jasper
24 Sutton.

25 Q. Got you. Okay. And do you know that Mike usually

1 drives a brown car?

2 A. No.

3 Q. Okay. But when you pulled up in the yard, you saw him
4 in that brown car --

5 A. Right.

6 Q. -- around -- at your -- your cousin's house around
7 about you said 2:40-ish?

8 A. Somewhere up in there.

9 Q. And Roger was standing in the yard along with his son?

10 A. Right.

11 Q. Okay.

12 MS. SIMPSON: All right. No further questions,
13 Your Honor.

14 THE COURT: Redirect?

15 MS. GOUDE: No, Your Honor. And we would ask
16 that Ms. Hipps please be released from her subpoena.

17 THE COURT: Any objection?

18 MS. SIMPSON: No objection, Your Honor.

19 THE COURT: You may step down and you're free
20 to go if you wish.

21 (Witness excused.)

22 THE COURT: Call your next witness.

23 MR. KOZAK: The State calls Sergeant Chad Redding.

24 THE CLERK: Place your left and raise your right.

25 (Whereupon, Chad Redding was duly sworn by the

1 Clerk of Court.)

2 THE CLERK: Have a seat, please, sir. Once
3 you're seated, state your full name; spelling your
4 last.

5 THE WITNESS: Sergeant Chad Redding, Lexington
6 County Sheriff's Department. I believe you said spell
7 it; is that correct?

8 THE CLERK: Yes, please.

9 THE WITNESS: C-H-A-D R-E-D-D-I-N-G.

10 CHAD REDDING,
11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. KOZAK:

14 Q. Sergeant Redding, how long have you been with
15 Lexington County?

16 A. This past June was sixteen years.

17 Q. All right. And what position are you now?

18 A. I'm a patrol sergeant in the south region.

19 Q. What are some duties and responsibilities of that?

20 A. Supervisor of a parole shift, monitoring what they do,
21 responding to calls.

22 Q. And on November 24, 2016, what position were you in?

23 A. That same position.

24 Q. Okay. And how did you become involved in this case?

25 A. That night I believe they were out looking for

1 Mr. Williams. I joined them. As a supervisor, I had my
2 corporal take over the shift.

3 Q. Okay. Did you arrive at the scene where he was
4 apprehended?

5 A. Yes, sir.

6 Q. Okay. Was it after he was apprehended?

7 A. Yes, sir.

8 Q. All right. Once you were on-scene, what were you
9 doing?

10 A. Since there was a pursuit, I was inspecting vehicles
11 that were involved in the pursuit, checking with the
12 deputies who were driving the vehicles, make sure they were
13 okay, no damage to the vehicles. After that, Lieutenant
14 Frier and I started walking the path we were showed that
15 Mr. Williams ran toward looking for a handgun.

16 Q. All right. And when you were on that path, did you
17 find anything?

18 A. Yes, sir.

19 Q. What did you find?

20 A. A black handgun.

21 Q. All right.

22 MR. KOZAK: I'm showing opposing counsel what's
23 been marked as State's Exhibit 16, 17 and 18.

24 MR. MADSEN: No objection.

25 MR. KOZAK: May I approach the witness, Your Honor?

1 THE COURT: Mark 16, 17 and 18 in evidence.

2 (State's Exhibit Number 16, 17 and 18, photographs,
3 were admitted into evidence.)

4 BY MR. KOZAK:

5 Q. I'm showing you what's been marked as 16, 17 and 18.
6 Will you just briefly describe what you're looking at
7 there.

8 A. Right here is the back of a shed that has an overhang.
9 This is Number 16.

10 Q. Okay. Go ahead and do that. We're gonna go over them
11 up there, so if you'd just kind of authenticate them.

12 A. Okay. Number 17 is a close-up -- closer up picture of
13 where the handgun was located on the ground underneath the
14 overhang and 18 is another close-up of the same handgun.

15 MR. KOZAK: At this time I'd like to move State's
16 Exhibit 16, 17 and 18 into evidence and publish to the
17 jury.

18 THE COURT: They're in evidence. You may publish.

19 BY MR. KOZAK:

20 Q. All right. So you said when you arrived on-scene you
21 walking the scene -- or you were trying to walk the path
22 that the Defendant ran on, correct?

23 A. Yes, sir.

24 Q. All right. What are we looking at here?

25 A. That is the overhang, which is the back side of a shed

1 located in the back of a house. Behind the house at that
2 location.

3 Q. Now whereabouts is this in relevance to where the car
4 wrecked?

5 A. I believe you can see the reflection of the rear of a
6 vehicle up there, the two little red lights.

7 Q. Okay.

8 A. Over in that area that is the vehicle, I believe.
9 Over in that area.

10 Q. Okay. That's where the Defendant's vehicle wrecked?

11 A. Yes, sir.

12 Q. All right. So you're walking the path and what did
13 you see in this area?

14 A. Walking slowly, taking a couple of steps, looking
15 around, take a couple more steps, look around with a
16 flashlight, I saw something that did not fit the ground.
17 It was a dirt ground right where -- where it was. This
18 item I noticed was black. It didn't appear to have any
19 dirt on it. I notified Lieutenant Frier over at the time
20 and he took a little closer look and so did I, and it was a
21 handgun.

22 Q. Why do you think it was significant that it didn't
23 have any dirt on it?

24 A. Freshly placed.

25 Q. Okay. I'm showing you what's marked as State's

1 Exhibit 17. What is this?

2 A. That is a picture, I believe, of one of our
3 investigators shining a flashlight on the handgun. That's
4 what it appears to be.

5 Q. All right. So is this what you're referring to where
6 the handgun is?

7 A. Yes, sir.

8 Q. Okay. And is this the same shed that we just saw the
9 bigger picture of?

10 A. Yes, sir.

11 Q. All right. And showing State's Exhibit 18, what is
12 this?

13 A. The same handgun right there on the ground underneath
14 the same shed.

15 Q. All right. And once you found the handgun, what did
16 you do?

17 A. I notified Lieutenant Frier, who walked over to it,
18 and we confirmed yes, it was a handgun.

19 Q. Did you collect the handgun?

20 A. No, sir.

21 Q. Did you touch the handgun?

22 A. No, sir.

23 Q. All right.

24 MR. KOZAK: No further questions, Your Honor.

25 THE COURT: Cross?

1 MS. SIMPSON: No questions from the defense,
2 Your Honor.

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

4 THE WITNESS: Thank you, Your Honor.

5 (Witness excused.)

6 MS. GOUDE: Your Honor, may we release Chad
7 Redding from his subpoena, please?

8 THE COURT: Any objection?

9 MR. MADSEN: No objection.

10 THE COURT: You're free to go, Sergeant, if you
11 wish.

12 THE WITNESS: Thank you, sir.

13 THE COURT: Yes, sir.

14 Call your next witness.

15 MR. KOZAK: The State calls Sergeant Brandon
16 Miller.

17 THE CLERK: Place your left and raise your right.

18 (Whereupon, Brandon Cole Miller was duly sworn
19 by the Clerk of Court.)

20 THE CLERK: Have a seat, sir. Once you're seated,
21 state your full name; spelling your last.

22 THE WITNESS: My name is Brandon Cole Miller,
23 M-I-L-L-E-R.

24 BRANDON COLE MILLER,
25 having been duly sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MR. KOZAK:

3 Q. Sergeant Miller, how long have you been with Lexington
4 County?

5 A. I've been with the Lexington County Sheriff's
6 Department for almost twelve years.

7 Q. And what are some of the duties and responsibilities
8 of being a sergeant?

9 A. While I'm a sergeant, I oversee investigations in our
10 major crimes unit.

11 Q. And what role were you in on 11 -- or November 24,
12 2016?

13 A. At that time I was working as an investigator in the
14 major crimes unit at the sheriff's department.

15 Q. All right. How did you become involved in this case?

16 A. I received a phone call from Sergeant Laintz and he
17 instructed me to respond to the scene and to assist
18 Detective Andaloro.

19 Q. All right. And did you also respond to the scene
20 where the Defendant was apprehended?

21 A. I did.

22 Q. What did you do on that -- at that scene?

23 A. At that scene, I assisted in locating evidence and
24 collecting it.

25 Q. What evidence did you collect and locate?

1 A. There were actually several different pieces of
2 evidence that I collected. I'm gonna look at my notes,
3 if that's okay. There was a black plastic bag containing
4 small yellow plastic bags, a green plastic container with
5 a black plastic bag containing a clear plastic bag with
6 marijuana -- or what appeared to be marijuana in it, a pink
7 and black Bic lighter, a pack of Newport cigarettes that
8 contained, I believe, nine cigarettes, a white bottle cap,
9 a blue headlamp, a black Smith & Weston magazine containing
10 six .45 caliber bullets, a black Smith & Wesson M&P
11 semiautomatic handgun that had serial number MPR8202 with
12 a Smith & Wesson magazine containing seven .45 caliber
13 bullets and one .45 caliber bullet loaded in the gun.

14 Q. Okay. And where did you locate -- where did you
15 collect the gun with the magazine in it from?

16 A. It was -- I believe it was located at [REDACTED] Ben Spires
17 Road and behind the house on that property there's a shed
18 with a lean-to and near that there's a -- I believe an old
19 green refrigerator and the gun was located next to it.

20 Q. Okay. I'm showing you State's Exhibit 18. Is this
21 the gun that you collected on the scene?

22 A. Yes.

23 Q. All right. And had it been moved or touched in any
24 way before you collected it to your knowledge?

25 A. No.

1 Q. Okay.

2 MR. KOZAK: I'm showing State's Exhibit 19 to
3 opposing counsel.

4 MR. MADSEN: No objection.

5 MR. KOZAK: Approaching the witness, please.

6 THE COURT: Yes, sir.

7 BY MR. KOZAK:

8 Q. I'm showing you State's Exhibit 19. What am I
9 showing you?

10 A. It appears to be the Smith & Wesson M&P and a magazine
11 and the bullets that were located at the scene.

12 Q. Okay.

13 MR. KOZAK: Now I'm gonna move State's Exhibit 19
14 into evidence and publish to the jury, Your Honor.

15 THE COURT: Without objection mark it into evidence.

16 (State's Exhibit Number 19, a photograph, was
17 admitted into evidence.)

18 BY MR. KOZAK:

19 Q. Now in this photo the magazine is ejected from the
20 gun. Did you do that?

21 A. Yes, sir.

22 Q. All right. And what is the -- the one bullet that's
23 up there, what is that from?

24 A. That's the .45 caliber bullet that was located loaded
25 in the gun.

1 Q. Now why do you put it in a Ziploc bag like this?

2 A. What we'll do is actually render the gun safe; meaning
3 we'll extract the magazine from it and any rounds that are
4 inside of it and we package them separately from the gun
5 and then turn them into evidence for safety reasons.

6 Q. All right. So once you collect the gun, what do you
7 do with it after that? So you said you turn it into
8 evidence?

9 A. That's correct. That night I actually secured all
10 the evidence into my county-issued vehicle and then
11 transported all the evidence to the Lexington County
12 Sheriff's Department where I loaded it into a locker,
13 which is secured with a lock, in the evidence room.

14 Q. Okay.

15 MR. KOZAK: Your Honor, I'm showing opposing
16 counsel what's been marked as Exhibit 36.

17 MR. MADSEN: No objection.

18 BY MR. KOZAK:

19 Q. What am I showing you here? I'm showing the witness
20 State's Exhibit 36.

21 A. Let me see here. It appears to be the Smith & Wesson
22 handgun that we collected on the scene.

23 Q. All right.

24 MR. KOZAK: At this time I'd like to move State's
25 Exhibit 36 into evidence.

1 THE COURT: Hold on a second. It's in evidence
2 without objection.

3 (State's Exhibit Number 36, a handgun, was
4 admitted into evidence.)

5 THE COURT: I have to tell the jury something.

6 MR. KOZAK: Okay.

7 THE COURT: All right. Ladies and gentlemen, the
8 rules that we operate under in court for any case where
9 a gun or ammunition is admitted into evidence require
10 me to give you this instruction. That gun, first of
11 all, had to be represented to the Court, which it has
12 been, as being secured; that is, it's got a lock on it.
13 It -- it is not to be pointed at anyone at any time.
14 The am -- if ammunition is entered into evidence, it
15 has to be kept separately.

16 So I told you when you go back to your jury room
17 to decide the case you're gonna have all the evidence.
18 Well, you can't have both of them back there at the
19 same time. You can't have the gun and the ammunition,
20 even though it's been disabled by the lock. So if you
21 want -- if you have one back there and you want to see
22 the other, you have to send a note and I'll have one
23 brought out and one put in, okay?

24 All right. That applies to every case in which
25 a gun is entered into evidence.

1 All right. You may continue.

2 MR. KOZAK: Thank you, Your Honor.

3 BY MR. KOZAK:

4 Q. Now this is the gun that you recovered at the scene,
5 correct?

6 A. Correct.

7 Q. What caliber is this gun?

8 A. A .45 caliber.

9 Q. All right. And you were able to check that how?

10 A. Just by the fit and the placement of the bullets in
11 the magazine.

12 MR. KOZAK: State's Exhibit 41.

13 MR. MADSEN: No objection.

14 MR. KOZAK: And State's Exhibit 39.

15 MR. MADSEN: No objection to any of that.

16 BY MR. KOZAK:

17 Q. I'm approaching with State's Exhibit 41 and State's
18 Exhibit 39. What am I showing you here?

19 A. It looks to be a .45 -- let me see.

20 Q. You can pull it out if you want.

21 A. It's a .45 caliber bullet and it appears to be -- all
22 of them are the ones we collected from the scene, as well
23 as --

24 THE COURT: Which number are you looking at?

25 THE WITNESS: I'm sorry. State's Exhibit 39. And

1 while looking at State's Exhibit 41, it appears to be
2 the Smith & Wesson magazine that was collected on that
3 day.

4 BY MR. KOZAK:

5 Q. Now are these the bullets from both magazines?

6 A. Let me see. I believe that's correct.

7 MR. KOZAK: At this time I'd like to move State's
8 Exhibit 41 and 39 into evidence.

9 THE COURT: Mark those without objection into
10 evidence, Madam Court Reporter.

11 (State's Exhibit Number 39, thirteen bullets, and
12 State's Exhibit Number 41, a gun magazine, were admitted
13 into evidence.)

14 BY MR. KOZAK:

15 Q. I'm approaching with State's Exhibit 40. What am I
16 showing you here?

17 A. It appears to be the other Smith & Wesson magazine
18 that was located.

19 Q. And when you say other Smith & Wesson magazine, what
20 are you referring to?

21 A. There were actually two magazines that were located on
22 the scene; one was inside the gun and another one was in a
23 different location about the yard.

24 MR. KOZAK: All right. I'd like to move State's
25 Exhibit 40 into evidence.

1 THE COURT: Mark 40 into evidence without objection,
2 please.

3 (State's Exhibit Number 40, a gun magazine, was
4 admitted into evidence.)

5 BY MR. KOZAK:

6 Q. Now you're saying one of these magazines was found in
7 the gun?

8 A. Correct.

9 Q. Okay. And one of these magazines was found at the
10 other location that was testified to earlier?

11 A. Correct.

12 Q. Were they the same caliber of bullet?

13 A. Yes.

14 Q. Okay. And all those bullets are in here because you
15 rendered the gun safe?

16 A. Correct.

17 Q. Okay. And all those bullets were the exact same
18 caliber, correct?

19 A. Yes.

20 Q. Okay. I'm showing State's Exhibit 20. Is this the
21 other magazine you were referring to when you said you
22 collected another magazine?

23 A. That's correct.

24 MR. KOZAK: No further questions, Your Honor.

25 THE COURT: Cross?

1 CROSS-EXAMINATION

2 BY MR. MADSEN:

3 Q. Sergeant Miller, how are you doing today?

4 A. I'm doing good. How are you?

5 Q. Good. So taking a look at your report, it starts off
6 and it says on 11-23 of '16, I responded to Harmony Church
7 Lane. That's wrong, it was 11-24, correct?

8 A. That's correct. I initially said 11-23 and as soon as
9 I --

10 Q. You did a supplement and corrected that?

11 A. Yes.

12 Q. You were out on that day?

13 A. Yes.

14 Q. And when you get out there, the crime scene tape and
15 all that's been placed out there?

16 A. Correct.

17 Q. And it's being treated as a crime scene?

18 A. Yes, sir.

19 Q. And you come in contact with Nakerrius Pressley?

20 A. Yes.

21 Q. And you talk with him out on that scene?

22 A. Yes.

23 Q. And you take notes and you put that in your report,
24 correct?

25 A. Yes, sir.

1 Q. And he gave you his story at that point in time?

2 A. Yes.

3 Q. And he told you that as Mike drove back that Shad
4 got out of his brother's car to run away. Shad stated
5 Mike shot at him and then drove off towards Meadowfield
6 Road. That is what he told you?

7 A. After Mr. Williams initially shot at --

8 Q. Right. Right. That he -- he says hey, he stops, shot
9 in the car and then when he's kind of driving away, he shot
10 at me?

11 A. Correct.

12 Q. And even though you were with Nakerrius, you never
13 GSR'd his hands? You didn't do any gunshot residue?

14 A. Correct.

15 Q. You could have if you wanted to?

16 A. That's correct.

17 Q. And then you end up taking him from there to the
18 sheriff's office?

19 A. That's correct.

20 Q. And I think you and Detective Andaloro talked to him
21 there?

22 A. Yes.

23 MR. KOZAK: Objection, Your Honor. May we
24 approach?

25 THE COURT: Yes, sir.

1 (Proceedings held at the bench; not reported.)

2 THE COURT: Ladies and gentlemen of the jury, I
3 need to ask you to step in the jury room. Do not
4 discuss the case. Leave your notes here.

5 (Whereupon, the jury retires to the jury room at
6 10:49 AM.)

7 THE COURT: Yes, sir.

8 MR. KOZAK: Your Honor, I think where he's headed
9 is he's about to go down the lineup path and the
10 identification. I believe that the -- asking Miller
11 about Nakerrius's identification of the Defendant
12 would be hearsay because nonverbal -- nonverbal actions
13 can also be considered statements, and I don't think
14 that would be admissible -- admissible hearsay because
15 he's not a party to this case, Your Honor. I do not
16 think it comes in and Nakerrius was on the stand, he
17 had a chance to cross him at that point about his
18 identification and he did not.

19 THE COURT: Mr. Madsen.

20 MR. MADSEN: Judge, we do not believe that it is
21 hearsay under 801(d)(1)(c). I can certainly ask --
22 I'm asking him about the investigation, asking him did
23 they show a lineup to Nakerrius. He had -- or that is
24 a Court's exhibit right now, but they had Nakerrius
25 initial and sign and I do think that I should be

1 allowed to go into that. I, quite honestly, had
2 thought differently. I'm worried that from -- when
3 the Court made the ruling initially, I thought about
4 not going into that, to not open the door. Co-counsel
5 and I have talked. You know, quite honestly, I think
6 it just kind of became very sanitized in front of the
7 jury and so -- then you had Nakerrius up there saying
8 Mike Williams, Mike Williams. They don't -- the jury
9 is certainly not going to understand the difference
10 between someone ID'ing someone in court and, like I
11 said, I -- I think that I should be allowed to ask him
12 did they show him a lineup and did he pick anyone out
13 of the lineup.

14 And I understand that that potentially opens the
15 door. If they want to call Nakerrius and put his
16 reasoning on there, then that's fine.

17 MR. KOZAK: Your Honor, as for 801(d)(1)(c), I
18 believe that involves a prior statement by a witness
19 that's on the stand, not a witness testifying about
20 another witness's prior statement. And also there
21 would be no prior statement that was made by Nakerrius
22 because he never testified about the identification
23 itself.

24 THE COURT: All right. You-all give me just a
25 few minutes. I've got to look up something.

1 (Pause in proceedings.)

2 THE COURT: All right. I've -- I was trying to
3 read the two cases -- well, actually I read two cases
4 that were cited in the note following Rule 801(d)(3)
5 because -- I'm sorry, 801(d)(1)(c) because our notes on
6 the rules of evidence are not just notes that somebody
7 tacks onto them, but they're actually part of the rule
8 itself basically. Unfortunately, those cases were about
9 -- that is they didn't arise in the same exact context.
10 What the note reads is that Subsection C is identical to
11 the Federal rule and consistent with South Carolina law
12 that evidence regarding pre-trial identifications, which
13 are not the product of unconstitutional procedures, are
14 admissible, and it cites State versus Stewart, 275 South
15 Carolina 447, a 1980 case, and State versus Gambrell,
16 274 South Carolina 587, a 1980 case.

17 So going back to the rule, it reads a statement is
18 not hearsay if the declarant testifies at the trial or
19 hearing and is subject to cross-examination concerning
20 the statement and the statement is, Subsection C, one
21 of identification of a person made after perceiving the
22 person.

23 It's -- it may be a situation of trying to fit a
24 round peg into a square hole, but I'm looking at the
25 definitions under 804 about the unavailability of a

1 witness because when -- at the time that the witness
2 testified, that being Nakerrius Pressley, 804(a)(1)
3 defines unavailability as where someone is exempted by
4 a ruling of the court on the ground of privilege from
5 testifying concerning the subject matter or -- well,
6 there wasn't any privilege.

7 All right. I've just got to make a ruling and
8 move on. I don't have the benefit of doing a lot of
9 research. I have an excellent law clerk and she is
10 coaching the law school mock trial team and they are
11 in Alabama competing today.

12 I've read this hearsay rule over and over and
13 over again and it seems to me that the intent of the
14 rule would be allow this under Rule 801(d)(1)(c);
15 therefore -- I realize I may be wrong, but I overrule
16 the objection.

17 I read all the exceptions to the hearsay rule,
18 I've read the unavailability of witnesses. I can't --
19 again, round peg, square hole.

20 Bring the jury back out.

21 There's a remedy of reply.

22 (Whereupon, the jury returns to the courtroom at
23 11:09 AM.)

24 THE COURT: The objection's overruled. You may
25 continue.

1 BY MR. MADSEN:

2 Q. So you go with Nakerrius to the sheriff's department,
3 correct?

4 A. Correct.

5 Q. And Detective Andaloro prepared a photographic lineup?

6 A. Yes.

7 Q. And I believe it had six pictures in there?

8 A. Yes.

9 Q. One of those pictures was my client, Mike Williams?

10 A. Yes.

11 Q. And before you show that to Nakerrius, you kind of
12 read him something from a piece of paper, don't you?

13 A. Correct.

14 Q. And basically you say hey, the person could or could
15 not be in this photographic lineup?

16 A. Yes.

17 Q. And you did that?

18 A. Yes.

19 Q. And he did not select anyone from that photographic
20 lineup, did he?

21 A. Correct.

22 Q. And you had him initial like a little check box on a
23 sheet of paper that I don't see anyone that was involved in
24 this in there, correct?

25 A. Yes.

1 Q. And you have him sign his name?

2 A. Correct.

3 Q. And you -- do you attempt to figure out who a guy
4 named L.O. is?

5 A. I don't believe so.

6 Q. Who's supposed to be at a convenience store, a fella
7 with dreads?

8 A. Yes, there is a point where we received information
9 later and we attempted to follow up on it.

10 Q. But you try to follow up -- you can't ever confirm
11 that this guy even exists, correct?

12 A. Correct.

13 MR. MADSEN: That's all the questions I have.

14 THE COURT: Redirect?

15 MR. KOZAK: No further questions, Your Honor.

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

17 (Witness excused.)

18 THE COURT: Can you-all call Mr. Andaloro before
19 lunch?

20 MS. GOUDE: Yes, Your Honor. He's our next
21 witness.

22 THE COURT: All right. Ladies and gentlemen, I
23 know you-all have been out for a while, but we haven't,
24 so I need to give the people in here a break. So we're
25 gonna take a ten minute break and then there's one more

1 THE COURT: All right. Call your next witness,
2 please.

3 MS. GOUDE: The State calls Joseph Andalaro.

4 (Whereupon, Joseph Michael Andalaro was duly sworn
5 by the Clerk of Court.)

6 THE CLERK: Have a seat, please, sir. Once you're
7 seated, state your full name; spelling your last.

8 THE WITNESS: Joseph Andalaro, A-N-D-A-L-O-R-O.

9 JOSEPH MICHAEL ANDALORO,
10 having been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MS. GOUDE:

13 Q. Hi, Detective Andalaro.

14 A. Good morning.

15 Q. What's your current position at the sheriff's
16 department?

17 A. I'm currently a detective in the property crimes unit
18 in the south region of the county.

19 Q. And what was your position back in November of 2016?

20 A. I was a detective in the major crimes unit serving on
21 one of our catchall teams.

22 Q. And how did you get involved in this case?

23 A. I received a phone call from Sergeant Laintz at the
24 time notifying me about a shooting incident that happened
25 at [REDACTED] Harmony Church Lane down in the Gaston area of

1 Lexington County, South Carolina, and asked me to respond
2 to that scene.

3 Q. Do you remember about what time you responded?

4 A. Yeah, around 2:15 is when I received the phone call,
5 I believe, and then headed straight there.

6 Q. And what did you do when you got out to the scene?

7 A. When I got out to the scene, I made contact with --
8 and I apologize, a lot of people have changed ranks or
9 moved on since this time being three years ago, but I
10 made contact with Lieutenant Frier and I believe Sergeant
11 Rivera, different people on the scene basically, to try to
12 gather information as to what they had.

13 Q. What was your job on the scene?

14 A. Sergeant Laintz had notified me our team would be
15 working the case and I'd be lead detective on it, so that's
16 why I was trying to assess all that we had and where we
17 needed to place people, where people needed to go as far as
18 part of that team management, talking to the witnesses and
19 things of that nature.

20 Q. Who's the first witness you spoke to?

21 A. The first witness I spoke to would have been a
22 Nakerrius Pressley.

23 Q. And where did you speak with him at?

24 A. He was in Sergeant Miller's vehicle at the scene
25 there. We were actually sitting right near the church,

1 Harmony Baptist -- Harmony Church right there off Harmony
2 Church Lane.

3 Q. After you spoke to Nakerrius, what did you-all do?

4 A. After we spoke to him briefly there, we wanted to
5 speak with him further in a more private setting. After --
6 he seemed very traumatized losing his brother, so we talked
7 with his mom and other family members and asked if we could
8 take him up to headquarters being sixteen, a juvenile, and
9 they said that was fine, they would follow us up, and
10 Sergeant Miller that just testified actually drove him up
11 to the sheriff's department and I drove separately in my
12 vehicle.

13 Q. What was Nakerrius's demeanor like when you were
14 interacting with him that day?

15 A. He just seemed very traumatized once we got up to the
16 sheriff's department, putting his head down on the table.
17 It was hard to get information out of him.

18 Q. After you spoke with Nakerrius, what did -- what did
19 you do in your investigation?

20 A. After we took him up to the sheriff's department --

21 Q. Yes.

22 A. -- or while we were there?

23 Q. After you-all took him to the sheriff's department and
24 spoke with him, what did you-all -- you do next?

25 A. Okay. So, yeah, after we were done speaking with

1 Nakerrius, we had received information from another
2 witness --

3 MR. MADSEN: Judge, I'm gonna object to any
4 hearsay.

5 THE COURT: Okay. He hasn't said anything yet.

6 THE WITNESS: Our investigation led us to develop
7 a suspect and actually enough to -- enough information
8 to actually present a probable cause, so probable cause
9 was presented for a murder warrant for Michael Williams
10 and then we teamed up to go try to locate him obviously
11 being a danger to the community. We believed he was
12 armed and still dangerous.

13 BY MS. GOUDE:

14 Q. And so where did you-all attempt to locate Michael
15 Williams?

16 A. If I could take one moment to refer to my notes,
17 ma'am. All right. I remember we met at Gaston Police
18 Department and then we first went to [REDACTED] Gaston Springs
19 Court, which was the listed address for Shauna Kirton,
20 which was Mike Williams's girlfriend, and we made contact
21 with a Donna Hartley and Roger Sutton at that location and
22 they -- they advised us that she may be located with her
23 father -- at her father's rather at [REDACTED] Bethune Court and
24 they gave us that information, so then we went over to that
25 location.

1 Q. What happened while you were at that location?

2 A. When we went to go to [REDACTED] Bethune Court, we actually
3 ended up pulling in at [REDACTED], I believe it was, Bethune
4 Court, next door. They sit right next to each other,
5 they're trailers, and we made contact with Shauna Kirton
6 at that location. She agreed to come out and speak with
7 myself and Sergeant Rawl. There were several units
8 initially that went on-scene. Mike Williams was not
9 located there. All the other units left and then myself
10 and Sergeant Rawl proceeded to interview Shauna Kirton.

11 Q. And then what happened?

12 A. While I tried to start the interview with Shauna
13 Kirton, Sergeant Rawl -- I had both of my windows down in
14 my unmarked patrol vehicle and Sergeant Rawl advised me he
15 saw some headlights and so he was kind of watching that for
16 me because we had -- believed that he may be coming back
17 based off the information we received and we saw a vehicle
18 pull into the driveway of Shauna Kirton's and her father's
19 residence and it appeared to be the vehicle of the BOLO
20 that we had put out, her vehicle, and she yelled out to him
21 basically asking him to stop, they just want to talk,
22 something of that nature, and I distinctly remember Michael
23 saying who the fuck are you. Sergeant Rawl said something
24 of the nature Lexington County Sheriff's Department, stop.
25 I would describe it as like a fishtail. He spun his car

1 around quickly and headed out. Sergeant Rawl had already
2 kind of pre-staged his car, so he took off after the
3 vehicle. Initially he didn't have his blue lights or
4 sirens on. Ms. Kirton, his girlfriend, was reacting very
5 strongly, I couldn't get her out of my vehicle for a little
6 bit, I wanted to make sure she wasn't having any kind of
7 medical issues she needed to be treated for, anything like
8 that, so I asked her -- she eventually got out of my patrol
9 vehicle and went inside her residence. At that time I then
10 proceeded to try to locate Sergeant Rawl and Mike Williams.

11 Q. Were you involved in the pursuit?

12 A. Yes, ma'am, I was.

13 Q. Okay. And how were you -- how did you pursue?

14 A. Yes, ma'am. So when I got in behind them, Mike
15 Williams was just driving very strangely. He wasn't
16 initially at a very high rate. He actually went very slow
17 and would cut his lights off and on and off and then at one
18 point he just basically gunned it. I mean, he went very
19 fast, and like Sergeant Rawl testified to earlier, probably
20 over a hundred miles an hour. He led us on a short chase,
21 a few miles, and ended up wrecking into a tree.

22 Q. What did you do after he wrecked his car?

23 A. After he wrecked his car, I got out of my car.
24 Sergeant Rawl advised me that he had left his vehicle on
25 foot or bush-bonded, basically had got out of his car and

1 ran from that location, and less -- less than a few
2 minutes, I mean, thirty seconds to a minute K-9 was --
3 actually pulled in. I was on the right side of Sergeant
4 Rawl's vehicle and I observed officers go past that vehicle
5 and then a very brief time after they did their track heard
6 loud commands and then ultimately saw them. They took Mike
7 Williams into custody and brought him over to my location.

8 Q. So you actually saw Mike Williams at -- when he was
9 caught?

10 A. Yes, ma'am, I did.

11 Q. And what did you do when you saw him?

12 A. Give me one moment, ma'am. I actually helped lift
13 him up over to the location. EMS had already been called
14 to our location. I introduced myself as Detective Andalaro
15 with the Lexington County Sheriff's Department. I informed
16 him I was the case officer and I'd like to talk with him,
17 but I wanted EMS to come check out -- check him out first.
18 I advised he was under arrest for murder and after
19 introducing myself, I took out a card that I have in my
20 wallet right now --

21 THE COURT: I don't know where you're going with
22 this.

23 MS. GOUDE: We're -- we're just going through the
24 process that the sheriff's department went through when
25 they arrested the Defendant.

1 THE COURT: Ladies and gentlemen, step out to the
2 jury room, please. Don't discuss the cause.

3 (Whereupon, the jury retires to the jury room at
4 11:37 AM.)

5 THE COURT: You're asking him about his Miranda?

6 MS. GOUDE: Your Honor, he's just establishing
7 they arrested him, they Mirandized him. Of course,
8 they wanted to try and talk to him. The Defendant
9 didn't speak to them and they went on about their
10 investigation.

11 THE COURT: You can't do that. You can't do
12 that. If you do that, you're gonna have a mistrial.

13 MS. GOUDE: I'm confused, Your Honor. I -- I
14 believe that police have the right --

15 THE COURT: That's a comment upon the -- go ahead.

16 MS. GOUDE: -- to ask to interview the Defendant.
17 He has the right to decline to be interviewed.

18 THE COURT: And that's a comment on the Defendant's
19 exercise of his right to remain silent. You -- you're
20 not -- I'm sorry, if I'm wrong, I'm wrong, but you can't
21 do that.

22 MS. GOUDE: We will not go into that, Your Honor.

23 THE COURT: No, you're not gonna go into that.

24 We'll be at ease for a few minutes, please.

25 Don't discuss your testimony.

1 THE WITNESS: Yes, sir. Yes, Your Honor.

2 (Recess taken at 11:38 AM.)

3 (Back on the record at 11:43 AM.)

4 BAILIFF: All rise. Court is now in session.

5 THE COURT: Thank you. Be seated, please.

6 Bring the jury in.

7 (Whereupon, the jury returns to the courtroom at
8 11:44 AM.)

9 THE COURT: You may continue.

10 MS. GOUDE: Thank you, Your Honor.

11 BY MS. GOUDE:

12 Q. So, Detective Andalaro, the Defendant's been arrested?

13 A. Yes, ma'am.

14 Q. What happens to his vehicle?

15 A. His vehicle was towed to the sheriff's department at
16 521 Gibson Road in Lexington County and placed into
17 evidence.

18 Q. And were you involved in the search of that vehicle?

19 A. Yes, ma'am, I was. I was actually the person who
20 obtained the search warrant for his vehicle.

21 Q. And when did the search of that car occur?

22 A. It occurred on 11-26, 2016.

23 Q. Who was with you when the car was searched?

24 A. Yes, ma'am. It would have been CSI Derrick, Sergeant
25 Novak, Detective Miller at the time, and myself that

1 executed the search warrant.

2 Q. Can you tell us what was found in the car?

3 A. Yes, ma'am, if you'd give me one moment. All right.
4 Found in that vehicle was -- digital photographs were taken
5 of it -- of the vehicle, which is normal for us to do in a
6 search warrant, of course. A micro SD card, cell phones, a
7 plastic bag with green plant leafy substance, a Nintendo,
8 a CAM system, camera, a digital scale, a South Carolina
9 driver's license, South Carolina ID card, a knife, a USB
10 drive, plastic bags with a substance, a white substance,
11 .22 caliber bullets, .22 caliber casings, electronics
12 cords, a .45 auto casing from a bullet, food was collected
13 for destruction, and that's what was listed, ma'am, in the
14 return.

15 MR. MADSEN: Judge, may we approach?

16 THE COURT: Sure.

17 (Proceedings held at the bench; not reported.)

18 (State's Exhibit Number 42 was marked for
19 identification.)

20 MR. MADSEN: Judge, we don't have any objection
21 to any of the pictures except for 42 under 404(b) under
22 404(3) -- or, excuse me, 403.

23 THE COURT: All right. You still have -- have
24 to offer and lay a foundation for them and then I'll
25 entertain your objection.

1 BY MS. GOUDE:

2 Q. Detective Andalaro, would you, please, look at State's
3 Exhibit 21 through 27 and State's Exhibit 42.

4 A. Yes, ma'am, I can.

5 Q. Do you recognize what's in those pictures?

6 A. Yes, ma'am, I do.

7 Q. Are they true and accurate depictions of what you
8 recognize or remember?

9 A. Yes, ma'am. Those are pictures of a 2013 Ford Focus
10 that I did a search warrant for.

11 MS. GOUDE: Your Honor, I would move State's
12 Exhibit 21 through 27 into evidence and State's
13 Exhibit 42 into evidence.

14 MR. MADSEN: Judge, I don't have any objection
15 except for Item 42 under 404(b) and also 403.

16 THE COURT: Did he say what 42 was?

17 THE WITNESS: 42 is a -- appears to be a box of
18 .22 caliber bullets marked 20.

19 THE COURT: I need to know how it's relevant to
20 the case.

21 MS. GOUDE: Your Honor, this is relevant to the
22 case because these were found in the --

23 THE COURT: No, he's got to say it, not you. He's
24 got to say it.

25 MS. GOUDE: I thought you were asking me, Your

1 Honor. I apologize.

2 BY MS. GOUDE:

3 Q. Detective Andalaro, could you, please, answer the
4 judge's question?

5 A. Yes, ma'am. We had received information through the
6 investigation --

7 THE COURT: No, I want to know just basically
8 about what that photograph is.

9 THE WITNESS: Oh, the photograph is a box of
10 bullets and bullets were involved, a box of bullets
11 being showed during the commission of this crime, so
12 that's why it's relevant.

13 BY MS. GOUDE:

14 Q. And where were the -- where was the box found?

15 A. The box was located in the vehicle in the trunk in a
16 bag, a grocery bag, I believe.

17 THE COURT: The objection's overruled. Mark 21
18 through 27 and 42 into evidence, please.

19 (State's Exhibit Number 21 through 27, photographs,
20 and State's Exhibit Number 42, a photograph, were
21 admitted into evidence.)

22 MS. GOUDE: Your Honor, may I publish to the jury?

23 THE COURT: Yes, ma'am.

24 And we'll put something on the record after --
25 afterwards about the conference at the bench.

1 BY MS. GOUDE:

2 Q. Detective Andalaro, I'm gonna show you State's
3 Exhibit 21. Could you please tell the jury whose car --
4 or what we're looking at?

5 A. We're looking at that 2013 Ford Focus. I don't know
6 how much detail you want on it, but that's the one that I
7 obtained the search warrant on. It was Shauna Kirton's
8 car, the one from this incident.

9 Q. Who was driving this car?

10 A. Michael Williams.

11 Q. How do you know he was driving this car?

12 A. That's the car from the pursuit.

13 Q. State's Exhibit 22?

14 A. Yes, ma'am. That's -- there you go. It's a different
15 angle of the same vehicle in our evidence lot.

16 Q. State's Exhibit 23?

17 A. Thanksgiving food dishes and -- or food in Styrofoam
18 that was collected from the vehicle.

19 Q. State's Exhibit 24?

20 A. The rear -- the rear or back seat of the passenger
21 compartment of the vehicle.

22 Q. State's 25?

23 A. The same.

24 Q. Now what did you do -- what did you do with the --
25 with the back seat of this vehicle?

1 A. Yes, ma'am. So after we searched the passenger
2 compartment, glove box, under the seats, everywhere we
3 could easily reach and see, I actually asked Sergeant
4 Novak, who was there with me, to take the bench seat up,
5 to lift it -- lift it up to look underneath it.

6 Q. Why did you want to do that?

7 A. In case anything had fallen down in between where the
8 seatbelt clickers are, you know, in that grove that's
9 often -- stuff gets, you know, placed down there or lost
10 down there.

11 Q. Did you find anything when you lifted the seat up?

12 A. Yes, ma'am, I did.

13 Q. What was that?

14 A. I found a .45 caliber casing underneath the back bench
15 seat.

16 Q. State's Exhibit 26, could you describe what we're --
17 what's in this picture?

18 A. Yes, ma'am. I don't have a pointer, but where it's
19 marked 19, that little piece that's sticking down, just to
20 the right of it you can see there's a silver casing.

21 Q. (Indicating.)

22 A. Yes, ma'am, right there. And that's what I observed
23 and pointed out to Sergeant Novak, that I located that.

24 Q. State's Exhibit 27?

25 A. Yes, ma'am. That's just a closer picture of the shell

1 casing that I found.

2 Q. What did you do with that shell casing when you found
3 it?

4 A. I didn't do anything with it. I asked CSI Shelby
5 Derrick to take pictures of it and then ultimately collect
6 it and put it into evidence.

7 Q. I'm showing you what's been marked as State's
8 Exhibit 37.

9 A. Yes, ma'am.

10 Q. Could you, please, identify that?

11 A. Yes, ma'am. That appears to be the .45 casing that I
12 found that's in the photograph.

13 MS. GOUDE: Your Honor, at this time I'd admit
14 State's 37 into evidence.

15 MR. MADSEN: No objection.

16 THE COURT: 37? Okay. With no objection, mark it
17 into evidence.

18 (State's Exhibit Number 37, a shell casing, was
19 admitted into evidence.)

20 BY MS. GOUDE:

21 Q. And is this the casing that we just saw in that
22 picture?

23 A. Yes, ma'am, it is.

24 Q. What caliber did you say it was?

25 A. It's a .45 caliber shell casing, so it's been fired.

1 Q. And State's Exhibit 42?

2 A. That is a box of .22 caliber bullets.

3 Q. Where were they found?

4 A. They were found in the -- in that that vehicle. I
5 believe it was in a bag in the trunk area.

6 Q. Did you also search another vehicle in this case?

7 A. Yes, ma'am, I did.

8 Q. And whose vehicle was that?

9 A. That vehicle was the deceased's, the victim,
10 Kevadric Akeem Pressley's Impala, the Chevy Impala. A
11 2011 Chevy Impala.

12 Q. Who was with you when you searched that car?

13 A. That was myself and CSI Shelby Derrick.

14 Q. And when was -- where -- excuse me. Where was it
15 searched at?

16 A. Yes, ma'am. It was on December 9, 2016. It was at
17 the Lexington County Sheriff's Department evidence garage.
18 We have a garage for vehicles that we place in there. That
19 way the elements and things can't get to them. So that's
20 where we searched it, right there in the garage.

21 Q. What did you find when you searched the vehicle?

22 A. Initially nothing of great significance was found.
23 There was a small hole or defect in the right front
24 passenger door and after Ms. Derrick took overview
25 pictures, I asked her could I take off the door to see if

1 there's anything behind it, and I actually myself took the
2 door off or the plastic part of the door and located a
3 projectile hanging on an electrical cable in the foam of
4 the passenger door.

5 Q. Detective Andalaro, I'm showing you State's Exhibit
6 28 through 34.

7 A. Yes, ma'am.

8 Q. Could you please take a look at those and tell me if
9 you recognize them.

10 A. Sure. Yes, ma'am, I do. That's the vehicle that we
11 searched that day and pictures of the passenger door from
12 farther away to closer up and then with the door on and the
13 door off.

14 MS. GOUDE: Your Honor, at this time I would move
15 State's Exhibit 28 through 34 into evidence.

16 MR. MADSEN: No objection.

17 THE COURT: Mark 28 through 34 in evidence, please,
18 without objection.

19 (State's Exhibit Number 28 through 34, photographs,
20 were admitted into evidence.)

21 MS. GOUDE: Permission to publish?

22 THE COURT: Yes, ma'am.

23 BY MS. GOUDE:

24 Q. State's Exhibit 28.

25 A. Yes, ma'am.

1 Q. What are we looking at here?

2 A. That's the right front passenger area of the victim's
3 Chevy Impala. There's -- on the top of the door right
4 below the window with it down there's an A marker.

5 Q. What's that A marker there for?

6 A. To show that hole or defect that's small and difficult
7 to see.

8 Q. State's 29?

9 A. That's actually another picture without the marker.

10 Q. (Indicating.)

11 A. Yes, ma'am. It's right there. That's correct.

12 Q. That's what?

13 A. That's the defect that I observed in the door.

14 Q. State's 30?

15 A. That's a close-up picture.

16 Q. State's 31?

17 A. That's with, like I said, the plastic part of the
18 inside of the door taken off. The same door.

19 Q. And we're seeing that letter A again on a different
20 part of the door?

21 A. Yes, ma'am.

22 Q. What is -- where -- what's that A there for?

23 A. That's actually impact of the projectile. That's
24 where the last -- that's where it impacted the door.

25 Q. State's Exhibit 33?

1 A. That's just a close-up of that from straight on facing
2 the door.

3 Q. State's 32?

4 A. And that's where the bullet ultimately -- it looks
5 like it lodged after it -- you can see the dent. That's a
6 top view down of the door showing the projectile that I
7 found. That's exactly how I found it. I didn't touch it.
8 I asked her to take a picture of it.

9 Q. And then State's 34?

10 A. And that's a close-up of the projectile by itself on
11 some brown paper.

12 Q. And what did you do with the projectile?

13 A. I didn't do anything with it, ma'am. I had CSI
14 Derrick collect it and enter it into evidence at the
15 sheriff's department.

16 Q. I'm showing you State's 38. Do you recognize
17 State's 38?

18 A. Yes, ma'am. That appears to be the projectile that I
19 recovered from this vehicle on that day.

20 MS. GOUDE: Your Honor, I'd move State's 38 into
21 evidence.

22 MR. MADSEN: No objection.

23 THE COURT: Mark 38 in evidence, please.

24 (State's Exhibit Number 38, projectile from vehicle,
25 was admitted into evidence.)

1 MS. GOUDE: Permission to publish?

2 THE COURT: Yes, ma'am.

3 BY MS. GOUDE:

4 Q. And if you could just describe State's -- State's 38,
5 please.

6 A. Yes, ma'am. That's an evidence bag with a box and the
7 projectile is to the left of the box.

8 Q. Did you find any drugs in that car, the victim's car?

9 A. No, ma'am.

10 Q. Did you find any other bullets in that car?

11 A. No, ma'am.

12 Q. Did you find any shell casings in that car?

13 A. No, ma'am, I did not.

14 Q. Did you find a gun in that car?

15 A. No, ma'am.

16 Q. And what was the gun that was recovered at the scene,
17 what caliber?

18 A. It was a .45 caliber semiautomatic handgun.

19 Q. And what caliber of bullet was recovered in the -- or
20 shell casing in the Defendant's car?

21 A. In his girlfriend's car that he was driving at the
22 time, it was a .45 shell casing.

23 MS. GOUDE: Your Honor, I have no further
24 questions for this witness at this time.

25 THE COURT: Thank you. Any cross?

1 CROSS-EXAMINATION

2 BY MR. MADSEN:

3 Q. Detective Andalaro, just few questions. So you're the
4 case officer on this case, correct?

5 A. Yes, that's correct, sir.

6 Q. You're responsible for everything?

7 A. It's a team effort, but I'm --

8 Q. Right. But you coordinate it. I mean, it all comes
9 through you in the end?

10 A. Me and my sergeant, yes, sir.

11 Q. And there was some meth-related items that were
12 collected. Did you ever ask for those to be fingerprinted,
13 DNA'd, anything like that?

14 A. I'm not sure which items specifically you're referring
15 to so I can answer you, sir.

16 Q. The bag of stuff that was found on Harmony Church
17 Lane?

18 A. Collected by?

19 Q. Collected by Brock, I believe. Isn't he a narcotics
20 officer?

21 A. Yes, sir. That's correct. No, that did not appear to
22 have any involvement in this case whatsoever.

23 Q. Okay. To put it mildly, the Ford Focus was pretty
24 messy on the inside. I mean, there was a lot of junk all
25 over the place?

1 A. I mean, there were some items as you could see from
2 the photos, yes.

3 Q. And I believe you said phones. I think you-all got
4 seven phones out of that vehicle?

5 A. If you want the exact -- there were several phones,
6 that's correct. More than one. I can refer to my notes if
7 you want the exact number.

8 Q. Sure. If you could check and see.

9 A. Six cell phones from the vehicle.

10 Q. Six cell phones?

11 A. Yes, sir.

12 Q. Most of those were like the smart cell phones?

13 A. I'm not an expert on phones, but our -- one of our
14 phone resident experts calls them maybe feature phones.
15 They're in between a flip phone and a smart phone. They
16 don't have as much capabilities, but there were some
17 different cell phones in the vehicle, yes, sir.

18 Q. And the .22 bullets that you found were in the trunk
19 in a bag, I guess, is what you said?

20 A. From what I recall, yes, sir.

21 Q. And then you had mentioned ID's in there. There was
22 an ID in there from a Jason David Riley; is that correct?

23 A. One moment.

24 Q. I'm not trying to trick you. I'm just --

25 A. No, no. That's fine. The specific -- specific name

1 counts are not listed on the return. I do remember there
2 being another ID.

3 Q. Of another person?

4 A. Yes, sir.

5 Q. Did you ever follow up and try to figure out who that
6 person was?

7 A. Any name that was given in the investigation I would
8 have attempted to follow up on.

9 Q. Do you know who Jason David Riley is?

10 A. No, sir.

11 Q. Did you ever talk to him?

12 A. I never talked to him in person.

13 Q. Ever get anything back from anyone else that you know
14 of that said that they talked to him?

15 A. I had nothing in my investigation that led me to
16 believe I needed to talk to him, counsel.

17 Q. Okay. You found the .45 casing, I guess, under that
18 back seat after Sergeant Novak pulled it up, correct?

19 A. We pulled it up together at the same time, yes, sir.

20 Q. Okay. And it's standing on its end?

21 A. It's exactly like it was in the pictures when we found
22 it.

23 Q. And that car had been wrecked?

24 A. The car had been wrecked?

25 Q. Yeah. You said that it hit a tree, right?

1 A. Yes, sir.

2 Q. And then, I guess, elevated and towed?

3 A. It was towed to the sheriff's department, that's
4 correct.

5 Q. And when you found that -- and I think the correct
6 term is projectile, I want to say bullet, but I think the
7 experts would say projectile -- out of Kevadric's car door,
8 you make sure -- you don't touch it, you don't let anyone
9 touch it so that any evidence that could be on it is -- is
10 secured, correct?

11 A. Correct. CSI Derrick, that's correct. She collected
12 it.

13 Q. That's just normal protocol?

14 A. Yes, sir. That's correct.

15 MR. MADSEN: That's all the questions I have.

16 THE COURT: Redirect?

17 MS. GOUDE: Nothing from the State, Your Honor.

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

19 THE WITNESS: Thank you, Your Honor.

20 (Witness excused.)

21 THE COURT: That's all the witnesses for the
22 morning. Do -- do you know what time the witnesses are
23 gonna be here this afternoon?

24 MS. GOUDE: Your Honor, we told them to be here at
25 2:00 this afternoon.

1 THE COURT: Ladies and gentlemen, we'll continue
2 with the State's case.

3 Call your next witness, please.

4 MR. KOZAK: The State calls Thomas Darnell.

5 THE COURT: Come around, please.

6 (Whereupon, Thomas Edward Darnell was duly sworn
7 by the Clerk of Court.)

8 THE CLERK: Once you're seated, state your full
9 name; spelling your last, please.

10 THE WITNESS: My name is Thomas Edward Darnell. Last
11 name spelled D-A-R-N-E-L-L.

12 THOMAS DARNELL,

13 having been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. KOZAK:

16 Q. Thomas Darnell, where are you currently employed?

17 A. I am employed at SLED in the forensic laboratory here
18 in Columbia.

19 Q. How long have you been employed there?

20 A. I started there in 1990. I actually retired in 2009
21 and came back to work around 2012.

22 Q. And have you always been in that section at SLED?

23 A. All but about three years I was in the laboratory
24 doing forensic work, crime scene work, latent print,
25 fingerprint work.

1 Q. And what are some of your duties and responsibilities
2 for that position?

3 A. I am a latent print examiner or fingerprint examiner
4 within the laboratory. I -- my duties are -- include being
5 responsible for processing physical evidence that's brought
6 into the laboratory from outside departments; in this case
7 from Lexington County Sheriff's Department. My job is to
8 attempt to develop fingerprint evidence or fingerprints
9 that might be present on evidence. I also collect DNA
10 samples for further -- further analysis and I also do
11 a little bit in the area of footwear and tire tread
12 examinations.

13 Q. And what's some of your educational background?

14 A. I have a bachelor of science degree in criminal
15 justice from the University of South Carolina where I
16 graduated in 1982. I started at the sheriff's office in
17 Richland County in '82 and worked there until about 1990.
18 At that time I went to SLED. Once I got to SLED, I
19 attended and successfully completed a number of courses in
20 forensic science to include everything from basic crime
21 scene, photography, latent print comparison and latent
22 print processing. Most of those classes were at the
23 academy here in Columbia, South Carolina. I've taken some
24 courses out of state as well; Florida, Georgia, North
25 Carolina. I've also attended the fingerprint school in

1 Quantico, Virginia at the FBI Academy.

2 Q. As a SLED employee or SLED agent, how many fingerprint
3 analyses have you done?

4 A. Thousands. Thousands upon thousands. With as many
5 years as I've got, I've probably got close to a hundred
6 thousand to be quite honest with you. It's something I do
7 every day. I look at -- I process and look at fingerprints
8 every day that I go to work.

9 Q. Have you ever testified as in court as an expert?

10 A. Yes, I have.

11 Q. What were you qualified as?

12 A. I was qualified as an expert in latent print analysis
13 or fingerprint analysis and also in different areas of
14 crime scene investigation.

15 MR. KOZAK: At this time I'd like to move to have
16 Thomas Darnell qualified as an expert in fingerprint
17 analysis.

18 THE COURT: Any voir dire?

19 MR. MADSEN: No, sir.

20 THE COURT: Any objections?

21 MR. MADSEN: No, sir.

22 THE COURT: He is so recognized. You may proceed.

23 BY MR. KOZAK:

24 Q. Mr. Darnell, how were you -- how did you become
25 involved in this case?

1 A. I -- I received some evidence from our evidence vault,
2 which is a secure vault in our department. The evidence
3 came in in a sealed container and the evidence originated
4 from Lexington County Sheriff's Department and I simply
5 retrieved it and did what I had to do to process the
6 evidence based on what they had requested.

7 Q. And what exactly goes into a fingerprint analysis at
8 SLED?

9 A. Well, the first thing that we do with any evidence
10 that we get in is just do a visual examination, use just
11 oblique lighting, magnification. Just do a visual -- a
12 quick visual exam just to determine if there's anything
13 present that I can see with the naked eye. If there is,
14 then I have to -- then I have certain steps I have to do
15 to collect it or preserve it. Once I get past the visual
16 examination, I'll then do some chemical processing and
17 depending on the type of evidence would determine what type
18 of process I might use. Once I complete those necessary
19 steps or those required steps by protocol, once I complete
20 those and if I find anything suitable for comparison, I
21 would then have to have it photographed to be able to
22 compare it to an individual.

23 Q. What kind of things can make it where a fingerprint
24 isn't present on something that you received there?

25 A. Well, you know, as -- you know, we all watch

1 television and they always seem to be getting fingerprints
2 on television shows and in the real world it just doesn't
3 -- it just doesn't really happen that way. Fingerprints
4 are very fragile. Fingerprints are mostly moisture,
5 perspiration, sweat, if you want to call it that. It's
6 about 98 to 99 percent moisture, so fingerprints are --
7 are not always left behind. When you touch a surface, it
8 just depends on several things. It depends on how much
9 perspiration you might have coming out of your hand or out
10 of your fingers for one thing.

11 The second thing would be -- it would depend on how --
12 how you handle something. You know, how -- how you handle
13 it, who might handle it behind you because if you -- for
14 example, if you grab a doorknob, you may or may not leave
15 your print there, but then if somebody comes right behind
16 you, they could smudge that off just because it's just so
17 fragile, so.

18 And then weather. Weather also affects it. You know,
19 with fingerprints being mostly moisture, if the surface is
20 out in the heat and humidity it will evaporate, it will not
21 be there very long, especially in an area like this where
22 it gets very hot and humid versus if it was cooler weather.

23 So there are a lot of variables that go into play, but
24 the thing to keep in mind is latent prints or a fingerprint
25 -- in fact, the word "latent" means hidden or invisible,

1 which that means I have to do a process to be able to
2 enhance the print to be able to see it. So just the fact
3 that it's very fragile, you know, all these other factors
4 that come into play causes or prevents in many cases prints
5 from being left or at least prints from being left that I
6 could compare to anyone.

7 Q. In your experience, is it more often or not that
8 prints are left on the stuff that's sent to you guys?

9 A. You know, I've been to court quite a bit and -- and
10 to be perfectly honest with you, I go to court quite a bit
11 to explain what I'm explaining. You know, we -- we do
12 get prints, we do identify individuals, but many times we
13 don't. I've probably gone to court more often to explain
14 why you don't get prints or why something is of no value
15 versus a print where someone has been identified.

16 Q. Now in the case at hand, what -- what was sent to you
17 to be examined?

18 A. I received a -- it was a sealed box that came into the
19 laboratory, which means it was -- it had the evidence tape,
20 it was sealed up to where nobody could contaminate it, and
21 I received a number of items. I received two -- well, I'll
22 just start with my Item 6. My Item 6 in my report is a
23 pistol magazine, a Smith & Wesson magazine, so I received a
24 pistol magazine. I received a .45 caliber semiautomatic
25 pistol, I received a lead projectile, I received a .45

1 caliber auto cartridge case, and I also received a Smith &
2 Wesson -- another Smith & Wesson pistol magazine, along
3 with thirteen .45 caliber cartridges or unfired bullets is
4 what that would be.

5 Q. And do you have to do anything else other than just
6 swab for fingerprints?

7 A. Well, I actually -- the request when it came in was
8 for touch DNA, touch DNA and latent prints, and then --
9 and then ultimately these items ended up in the firearms
10 department for examination. But touch DNA is a -- it's not
11 an area that I'm -- that I'm an expert in. I do know how
12 to collect. I don't do the analysis, but I do collect it.
13 Touch DNA is a process that I have to do prior to any
14 chemical processing. In other words, I would -- I would
15 take a sterile swab, moisten it with like a saline
16 solution, swab a certain area of an item and let it dry,
17 seal it, transfer it to DNA. That has to be done prior to
18 the fingerprint processing. In this case, I did -- I did
19 both.

20 Q. And what do you do with the swabs after you process
21 for touch DNA?

22 A. Well, once the swabs are -- are dried and they're --
23 and I seal them up in an envelope, I note on the envelope
24 where they came from, I seal them, date them, put my
25 initials on it and then that envelope gets transferred to

1 the DNA department for further examination.

2 Q. Okay. So the stuff you examined for fingerprints in
3 this case, what -- what are the possible results that you
4 could have on an item that you examined for fingerprints?

5 A. Well, the -- there are several different results. The
6 first result would simply be no fingerprint evidence was
7 observed. That's one of the phrases that we use, which
8 means there was nothing there. I couldn't see anything
9 that resembled a fingerprint. Or there could be what
10 we refer to as no value for comparison. No value for
11 comparison means that there is evidence of ridge detail or
12 there is evidence of a fingerprint, there's just not enough
13 quality and not enough clarity to be able to compare to
14 anyone, so we use the phrase no value for comparison. So
15 we've got no fingerprint evidence was observed, we've got
16 no value, that's the second result, and then, of course,
17 the third result would be if it was identified to someone
18 or not identified to someone, so there's about four
19 different results that I could come up with when dealing
20 with fingerprint comparisons.

21 Q. So the no value for comparison means there was a piece
22 of a fingerprint there or ridge detail, but as you said you
23 just don't have enough to compare it?

24 A. That's correct. That's correct.

25 Q. Now in the case at hand, was there any no value for

1 comparison prints found in this case?

2 A. Yes, sir.

3 Q. On what?

4 A. I've got no value result on the -- on my Item 6, which
5 is the item number that was assigned to the item once it
6 came into the laboratory. My Item 6, which is a Smith &
7 Wesson pistol magazine, silver in color. That one was no
8 value for comparison. Did you want me to keep going?

9 Q. Yes. What else -- what else did you find no value for
10 comparison on?

11 A. On my Item 7, which was the .45 caliber semiautomatic
12 pistol, that one came up as no value for comparison.

13 Again, like I said, it means there's evidence of prints,
14 but it's not enough to be able to compare. And then on my
15 Item 10, which was a Smith & Wesson pistol magazine, black
16 in color, that one came up as no value for comparison.

17 Q. Okay. What else did you examine besides the things
18 you just listed for no value for comparison?

19 A. I examined a -- I did a visual on my Item 8, which
20 is a lead projectile or the fired bullet, and there was
21 nothing -- no fingerprint evidence was there. I also
22 examined a .45 caliber auto cartridge case and that result
23 was no fingerprint evidence was observed. And on Items 11
24 through 23, which were thirteen .45 caliber cartridges,
25 again, there was no fingerprint evidence observed on those

1 cartridges.

2 Q. Okay. So your results in this case were some of the
3 items did have fingerprints, but the fingerprints weren't
4 strong enough to compare to anything and some of them did
5 not have fingerprints at all?

6 A. That's correct.

7 Q. And in your experience, is that fairly common in
8 cases?

9 A. Yeah. I mean, it's -- it's fairly common. In fact,
10 like I said, I probably -- of the many, many cases that
11 I've processed in my many years, the no value result and
12 the no fingerprint evidence was observed result is very
13 common. We see that result quite a bit. Probably a
14 greater percentage results -- or a greater percentage of
15 the time the result would be no value or nothing was
16 observed versus actually identifying someone. That would
17 be my opinion based on all of my years.

18 Q. You said you took some DNA swabs. Would you just list
19 the items that you swabbed and then sealed and sent to DNA?

20 A. Yes, sir. Once I swabbed them, I sealed them up.
21 They're, you know -- and when I'm -- when I'm taking these
22 swabs, I've got, you know, protective gear on, I've got,
23 you know, gloves and a lab coat and those sort of things,
24 and I'm letting them dry under a sterile hood and there's
25 only one case being processed at a time. We don't want any

1 contamination going on, so we have very strict protocols on
2 that. So -- but once I -- once they air dry, I seal them
3 up and package them up and transfer them downstairs to our
4 evidence control department who then transferred them onto
5 the DNA department.

6 Q. And in this case, what items did you swab for DNA?

7 A. I swabbed pretty much everything that came in, but
8 the -- in fact, it may have been everything that came in.
9 Item 6 on the pistol magazine I swabbed. I swabbed that
10 item. Item 7, the pistol, I swabbed the trigger and I also
11 swabbed the grip and parts -- portions of the slide. I
12 swabbed the projectile in Item 8. And on the Item 9, the
13 .45 caliber cartridge case, I swabbed the headstamp on that
14 cartridge. On Item 10, I swabbed a pistol magazine, black
15 in color. And I swabbed all thirteen caliber cartridges by
16 swabbing the headstamps. And the reason I'm swabbing just
17 the headstamps is I'm trying -- keep in mind I'm trying to
18 collect DNA and I'm also trying to fingerprint, so I
19 swabbed the headstamps and then I processed the remainder
20 of the cartridges for fingerprints. So I swabbed every
21 item that came into the laboratory.

22 MR. KOZAK: No further questions, Your Honor.

23 THE COURT: Cross?

24 CROSS-EXAMINATION

25 BY MR. MADSEN:

1 Q. Agent Darnell, as part of your forensic services do
2 you do GSR analysis?

3 A. No, sir. That's not something that I do in my
4 department.

5 Q. Someone else in SLED does that?

6 A. Yes, sir. That would be our trace department.

7 Q. And you had indicated a number -- a number of things
8 were no value for comparison, indicating some ridge detail,
9 and then I guess you know enough about DNA that the sweat
10 or the oils from the finger, I mean, you can get touch DNA
11 off of that?

12 A. It's -- it's very possible, yes, sir. It's possible.
13 I know it's been in my -- my experience that, you know,
14 touch DNA is -- is not quite as prevalent I suppose as
15 like, you know, blood or, you know, seminal fluid or, you
16 know, something like that, but touch DNA is something that
17 you can -- that you can get off of certain items.

18 Q. Well, and as you said, you use the word "latent",
19 which means you can't see it, so that's why you swab for
20 it, and you can't look at a stick and say hey, I've got
21 DNA on there. That's why you dry it and you follow through
22 all those protocols because you don't know what's on there
23 until that forensic DNA expert looks at it, correct?

24 A. That's correct. I just swab the areas that I believe
25 might give us the best chance at some DNA being present,

1 but I can't see anything. That's why I have to send it
2 onto DNA.

3 MR. MADSEN: That's all the questions I have.

4 THE COURT: Redirect?

5 MR. KOZAK: No further questions, Your Honor.

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

7 THE WITNESS: Thank you.

8 (Witness excused.)

9 MR. KOZAK: Your Honor, can he be released from
10 his subpoena?

11 THE COURT: Any objection?

12 MR. MADSEN: No, sir.

13 THE COURT: You're free to go if you wish, sir.
14 Thank you.

15 Call your next witness.

16 MR. KOZAK: The State calls Alysha Andrews.

17 (Whereupon, Alysha J. Breland was duly sworn by
18 the Clerk of Court.)

19 THE CLERK: Have a seat, please, ma'am. Once
20 you're seated, state your full name; spelling your last.

21 THE WITNESS: Alysha J. Breland, B-R-E-L-A-N-D.

22 ALYSHA J. BRELAND,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. KOZAK:

1 Q. Ms. Breland, where do you currently work?

2 A. I'm currently employed by the South Carolina Law
3 Enforcement Division, commonly referred to as SLED.

4 Q. And how long have you been employed there?

5 A. I've been there for four and a half years.

6 Q. And what area do you work in?

7 A. I am in the DNA casework department.

8 Q. How long have you been working in DNA?

9 A. Four and a half years. The whole time.

10 Q. And what are some of the duties and responsibilities
11 of your job in DNA?

12 A. So as a forensic scientist in the DNA department, I'm
13 responsible for generating DNA profiles off of items of
14 evidence that are submitted to SLED in criminal cases and I
15 will compare those evidentiary profiles to known standards
16 of individuals.

17 Q. Okay. And about how many DNA comparisons do you think
18 you've done in your four and a half years there? Just an
19 estimate.

20 A. Hundreds. Thousands probably.

21 Q. Okay. And what's your educational background?

22 A. So I have my bachelor's of science in biomedical
23 science from Quinnipiac University in Connecticut. I also
24 have a master's of science in forensic science from Arcadia
25 University just outside of Philadelphia.

1 Q. And do you have any specific training as towards DNA
2 analysis?

3 A. Yes. Upon being hired at SLED, I entered into a
4 training program that lasted for one year and two months
5 with a court-qualified DNA analyst. During those training
6 months, I observed and did my own training samples and
7 practice samples. I then did mock cases and had to pass
8 written and oral exams and do a final competency prior to
9 being deemed competent in my own independent casework.

10 Q. And have you ever testified in court as an expert in
11 DNA analysis?

12 A. Yes, I have.

13 Q. And what were you qualified as?

14 A. An expert witness in DNA -- forensic DNA or biology.

15 MR. KOZAK: At this time I'd like to move that
16 she be qualified as an expert in DNA analysis.

17 MR. MADSEN: No questions. No objection.

18 THE COURT: She is so recognized. You may
19 continue.

20 BY MR. KOZAK:

21 Q. In this case, what did you receive that was examined?

22 A. May I refer to my notes?

23 Q. Yes.

24 A. So in total it looks like I worked seven total
25 evidentiary samples.

1 Q. Okay. And what -- what were those samples?

2 A. We had swabs from Item 6, a pistol magazine, swabs
3 from a trigger of Item 7. It looks like it was a Smith &
4 Wesson gun. We also had swabs from the grip and grooved
5 areas of the Smith & Wesson. I also did swabs from a
6 projectile and then there was also swabs from headstamps
7 of cartridge cases and it looks like more headstamps from
8 the cartridge cases and a pistol magazine.

9 Q. All right. And these swabs, when you received them,
10 they're sealed?

11 A. Correct.

12 Q. Okay. And if they weren't sealed, what would you do?

13 A. If I deem that there's any possible tampering of
14 evidence, I would stop my analysis at the beginning and
15 make a note of it in my case file.

16 Q. Okay. Now let's just talk about your analysis for
17 a little while. What goes into your analysis of this
18 evidence?

19 A. So basically whatever type of item that we get we
20 start by extracting the DNA off of the item and then we
21 have to quantify the DNA that is on the item and then
22 next it goes through an amplification step where we make
23 millions and millions of copies of certain areas of the
24 DNA that are variable among individuals and the last step
25 is just developing that DNA profile, which is really just

1 a set of numbers that are associated with a person.

2 Q. And what -- what is a DNA profile?

3 A. So we look at short tandem repeats in DNA or STR's and
4 they're just areas in your DNA that have little sections
5 that repeat multiple times. You inherit DNA from -- half
6 comes from your mother and half comes from your father, so
7 at these locations you can have up to two numbers there,
8 which represents the number of times that DNA repeats and
9 when you look at multiple locations throughout the DNA,
10 that's what develops a unique DNA profile for a person.

11 Q. And just because you touch something, does that --
12 does that necessarily mean you're going to leave DNA every
13 time?

14 A. Again, it's possible to leave your DNA on items that
15 you did touch, but it's not always -- it's not always
16 guaranteed that DNA's going to stay there.

17 Q. Okay. Now what are some of the possible results of
18 the items that you would analyze? Like what are the
19 possible results you would get back?

20 A. So typically in DNA we either develop a full profile,
21 you'll develop a partial profile or you won't develop
22 anything at all. And sometimes when you do develop DNA
23 profiles, there can be mixtures, which just means that more
24 than two individual were detected on a particular item.

25 Q. Okay. Now what -- what would a partial DNA -- a

1 partial DNA profile mean?

2 A. So we look at a specific number of locations for
3 determining a DNA profile. In this case, I used a kit
4 that looks at twenty-four total locations and I would
5 deem anything partial if there were less than twenty-four
6 locations that were developed.

7 Q. And is it possible to match a partial DNA?

8 A. Sometimes it is. Just because a partial DNA profile
9 is developed doesn't mean you always can make a comparison.
10 We have other standards that we use to determine if a
11 profile is deemed interpretable or not.

12 Q. So if a result says insufficient for interpretation,
13 what does that mean?

14 A. That just means that there's not enough DNA there for
15 me to make comparisons to known standards.

16 Q. So that -- does that mean that there was DNA on the
17 item?

18 A. Yes, it would just have been so partial that no
19 comparisons would have been able to be made.

20 Q. So that doesn't necessarily mean it doesn't match the
21 things you have for comparison?

22 A. Correct. Before we make those comparisons from the
23 evidence to the standards of known individuals, I make
24 the determination if there's even enough DNA there to make
25 that comparison, so that decision is made before the

1 comparisons.

2 Q. Okay. And what would no DNA profile developed mean?

3 A. No DNA profile developed?

4 Q. Yes.

5 A. That there was no DNA profile developed. There was
6 just nothing there at all.

7 Q. Okay. And in this case, did you find DNA on some of
8 the items you examined?

9 A. Some of the items had partial DNA profiles developed
10 that weren't suitable for interpretation and I believe
11 there was at least one profile that no DNA was developed
12 off of it.

13 Q. So suitable -- not suitable for interpretation doesn't
14 mean it doesn't match one of the comparisons, correct?

15 A. It just means I'm -- I'm unable to even make that
16 comparison.

17 Q. Okay.

18 MR. KOZAK: No further questions, Your Honor.

19 THE COURT: Cross-examination?

20 CROSS-EXAMINATION

21 BY MR. MADSEN:

22 Q. Hey, Ms. Breland. How are you?

23 A. Good.

24 Q. So I guess I'm a little bit confused, and I imagine
25 if I'm a little bit confused they might be a little bit

1 confused, so let's see if we can kind of figure this out.

2 So there are twenty-four spaces I think called loci --

3 A. Correct.

4 Q. -- that you-all look at for DNA?

5 A. Yes.

6 Q. And in our genes though we probably have a billion of
7 those loci?

8 A. Correct. There's definitely more than we test for.

9 Q. But you-all look at twenty-four?

10 A. Correct.

11 Q. And in each one of those loci are what's called an
12 allele, correct?

13 A. Correct.

14 Q. And I think what you said is you get one allele from
15 your father and one allele from your mother?

16 A. Right. I didn't use the term "allele", but the allele
17 represents -- is the number that I was referring to.

18 Q. And so if you look at a particular place -- so this
19 number up here is one of the loci that you use, the D75820,
20 correct?

21 A. Correct.

22 Q. And so the way you would generate a report is if there
23 were two alleles there, it could come back as something
24 like an 8.10 there?

25 A. That is correct.

1 Q. And so one of those numbers are coming from mom, one
2 of those numbers is coming from dad?

3 A. Correct.

4 Q. And so we know that if I am a 11.12 at that location
5 -- or actually, let's just say an 11, that that can't be
6 coming -- that can't come from me?

7 A. Correct. That's --

8 Q. I'm excluded?

9 A. That's basically how our comparisons are done.

10 Q. And you do that over twenty-four different areas, so
11 we've got forty-eight numbers that we can look at?

12 A. Yeah, I don't want to say there's forty-eight numbers,
13 but --

14 Q. But forty-eight alleles that we can look at?

15 A. That's correct.

16 Q. And so -- and then we look at something like 7.2,
17 which is the grip of the gun, and at the location that
18 would be DS -- excuse me, D8S1179, you've got three numbers
19 there, a 10, an 11 and a 13, correct?

20 A. That's correct.

21 Q. So that means that's got to be DNA from multiple
22 people because one person doesn't have three different
23 alleles?

24 A. There are instances which we refer to as tri-alleles
25 where a person can have a mutation in their DNA and a third

1 number will appear at that location, but in order for me to
2 call something a mixture I need more than just one location
3 that would have at least three alleles. So in this
4 particular profile that you're referring to, I do have
5 another set of three numbers at D2S441.

6 Q. So you're saying hey, on -- on what was swabbed off
7 of the grip, there are -- that's multiple people's DNA?

8 A. Correct. I did call it a partial DNA profile as a
9 mixture of at least two individuals.

10 Q. And you say at least three -- or, I mean, excuse me,
11 at least two individuals. It could be three because one
12 person could have given out each -- or one of those numbers
13 could be associated with a different person?

14 A. Correct. It is possible if mother and father both
15 donate the same allele, it will show up as one number, so
16 it is in the realm of possibility that a three-person
17 mixture could have only three alleles at one location.

18 Q. And it looks like on 7.2, that is that grip -- let
19 me see if I got this right -- you got an allele at
20 twenty-two different spots out of the forty-eight possible?

21 A. That would -- that would sound about right.

22 Q. I'm not trying to trick you. I just counted it up.
23 Twenty-two out of forty-eight. And so if my DNA -- or if
24 my alleles don't match one of those, I'm excluded as -- as
25 providing that DNA?

1 A. Well, like I mentioned previously, I make the
2 determination if I can make comparisons to the evidence
3 prior to looking at the standards of the individuals and
4 their DNA profiles and I deemed this particular profile
5 not suitable for interpretation because of my inability
6 to calculate a statistic which is because of it being a
7 partial profile.

8 Q. Well, I got you. I mean, you can't do a statistic,
9 but I thought we talked about that if there's an 8.10 at a
10 particular location and you've got my DNA and I'm an 11,
11 statistically it's not me?

12 A. Correct, but I don't make those comparisons once I
13 deem a profile not suitable for comparison.

14 Q. So if you don't see enough, you just decide hey, we're
15 just not gonna look at it even though you could exclude
16 someone?

17 A. We have it in our protocols if we can't make an
18 inclusion, we don't make an exclusion either. We just
19 don't do any comparisons whatsoever.

20 Q. And I understand that's your protocol, but -- you
21 don't do it, but you could?

22 A. Yes, I could, but, again, it's just not something that
23 we do.

24 Q. And what you have listed as the projectile, 8.1 --

25 A. Yes.

1 Q. -- that's the swab off of that. So I guess it's the
2 swab off of a projectile. I call it a bullet. I think
3 SLED calls it a projectile to say a fired projectile. Out
4 of the forty-eight potential places, there is only a little
5 bit of DNA at the one spot, the 11.3, I think?

6 A. Yes, for Item 8.1 where I received swabs off of
7 Item 8, I only developed one allele.

8 Q. Okay. Out of forty-eight spots?

9 A. Yes, to give us a potential two-person.

10 Q. And I know it's -- you're probably cringing when I
11 say forty-eight spots, but I'm trying to make it simplistic
12 for myself. And you never get any DNA from Mike to try to
13 attempt to exclude him from any of these partial profiles,
14 correct?

15 A. Correct. I never received a standard from any suspect
16 in the case.

17 Q. And you never received a standard from Deon -- or
18 Dayyan Felder?

19 A. I have not.

20 Q. Never received a standard from Nakerrius Pressley?

21 A. I -- I don't think it's the same person.

22 Q. Now there's a couple -- you received a blood standard
23 from Kevadric Pressley.

24 A. Correct.

25 Q. But no one ever typed that for DNA?

1 A. Correct. I -- because the DNA profiles from the
2 evidence that I developed were insufficient for any
3 comparison, I did no analysis on the victim's standard.

4 Q. So you do the DNA analysis, but no one gives you any
5 DNA to compare it against, any DNA standards?

6 A. Right. Because I deemed all the profiles not
7 comparable, I didn't request any subject standards.

8 Q. But as we said, that's SLED's protocol. You could
9 look at something and, like, exclude someone?

10 A. Again, just based on the -- the quality of the
11 profiles I developed, I wouldn't have done any comparisons
12 even if I did receive standards from anyone else in the
13 casework.

14 Q. But as we said, you didn't, but you could?

15 A. I could, but I wouldn't be able to report out on it.

16 MR. MADSEN: That's all the questions I have.

17 THE COURT: Redirect?

18 MR. KOZAK: Briefly, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. KOZAK:

21 Q. Let me just clarify for a second. On 7.2, the partial
22 DNA profile that you recovered --

23 A. Uh-huh.

24 Q. -- it was -- was it unsuitable for interpretation?

25 A. Correct.

1 Q. And so even if you had a sample from anyone, you
2 couldn't include or exclude them, correct?

3 A. Correct; hence, why I didn't develop the profile for
4 the victim because I wouldn't have been able to make a
5 comparison anyway.

6 MR. KOZAK: Thank you. No further questions,
7 Your Honor.

8 THE COURT: Recross?

9 RE CROSS-EXAMINATION

10 BY MR. MADSEN:

11 Q. But we know you got partial DNA back at twenty-two out
12 of those forty-eight spots on that, correct?

13 A. Like I said, it looks like there's about half the
14 numbers there.

15 Q. And if my DNA -- or my alleles that I have, both of
16 my alleles are different than those numbers on there, you
17 could exclude me. Even though SLED doesn't with their
18 protocol, you could say this can't come from him?

19 A. I mean, based -- I mean, I can only follow my
20 protocols at SLED.

21 Q. I understand that, and I'm -- I'm not trying to put
22 you into a position with SLED, but it can't -- someone
23 could look at that and say at well, D5S18 there's 12 here,
24 Rob Madsen doesn't have a 12 there or he's a 13.11, that's
25 not him. That can be done?

1 A. Correct. That is how the comparisons are done.

2 MR. MADSEN: That's all the questions I have.

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

4 (Witness excused.)

5 MR. KOZAK: Can she be excused from her subpoena,

6 Your Honor?

7 MR. MADSEN: No objection.

8 THE COURT: You're free to go if you wish.

9 THE WITNESS: Thank you.

10 THE COURT: Call your next witness.

11 MS. GOUDE: Michelle Eichenmiller.

12 THE CLERK: Place your left and raise your right,

13 please.

14 (Whereupon, Michelle Eichenmiller was duly sworn
15 by the Clerk of Court.)

16 THE CLERK: Have a seat, please, ma'am. Once
17 you're seated, state your full name; spelling your
18 last, please.

19 THE WITNESS: Michelle Eichenmiller,

20 E-I-C-H-E-N-M-I-L-L-E-R.

21 MICHELLE EICHENMILLER,

22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. GOUDE:

25 Q. Good afternoon.

1 A. Hello.

2 Q. Is it Special Agent Eichenmiller --

3 A. That's fine.

4 Q. -- or is it Ms. Eichenmiller?

5 A. Either's fine.

6 Q. Agent Eichenmiller, where do you work?

7 A. I work for the South Carolina Law Enforcement Division
8 that's also known as SLED. I work in the forensic lab in
9 the firearms department.

10 Q. How long have you worked there?

11 A. Approximately thirteen and a half years.

12 Q. Can you explain to us a little about your training and
13 education?

14 A. I have a bachelor's degree in biology and psychology.
15 I also have a master's degree in forensic science. In
16 order to be a firearms examiner though, there's no classes
17 you can attend at a university, you have to be hired
18 somewhere and then learn under the examiners that are
19 there, so it's like an apprenticeship. So once I was hired
20 at SLED I learned from all the examiners that were already
21 employed there, I did a lot of reading and casework -- or
22 examinations on my own, practicals, and then at the end of
23 a three to four-year training program I took a test and
24 they said I could do casework on my own.

25 Q. How long have you been doing your own casework?

1 A. Since 2010.

2 Q. About how many, I guess, weapons or firearms have you
3 examined during that time?

4 A. It's probably in the thousands.

5 Q. Have you ever testified in general sessions court in
6 South Carolina before?

7 A. I have.

8 Q. About how many times?

9 A. Approximately ninety.

10 MS. GOUDE: Your Honor, at this time I'd move to
11 qualify Agent Eichenmiller as an expert in firearms
12 and toolmarks.

13 MR. MADSEN: No voir dire and no objection.

14 THE COURT: She is so recognized. You may
15 continue.

16 BY MS. GOUDE:

17 Q. Now, Agent Eichenmiller, I don't know too much about
18 guns, so if you could, could you kind of give us some of
19 the basics? Like what is a cartridge round?

20 A. A cartridge is the whole -- the whole package. So
21 there's a bullet, which is also known as a projectile,
22 inside of a case. The case holds the gunpowder and the
23 primer. When a firearm hits the primer, it ignites the
24 gunpowder, which expels the bullet. So after firing you'll
25 have two pieces, whereas before firing you just have one.

1 Q. Okay. So a cartridge is the bullet and the case
2 together?

3 A. Correct.

4 Q. Okay. And how does one go about firing, let's say, a
5 semiautomatic handgun?

6 A. In a semiautomatic handgun, you'll load a magazine,
7 which is what holds the cartridges. You insert the
8 magazine into the mag well and then pull the slide back, a
9 cartridge will load into the chamber, you pull the trigger,
10 the firing pin will hit the primer, the bullet will come
11 out the front of the gun and the cartridge case will get
12 ejected out the side. During this another cartridge is
13 loaded in, the slide will close and it's ready to fire
14 again.

15 Q. And do you have to, I guess, rack that gun for it to
16 reload to fire?

17 A. You either have to rack it or you have to fire it.

18 Q. And how are -- you mentioned the casing would be
19 ejected. How is it ejected?

20 A. During firing, the slide will come back with the
21 pressure of the firing and the cartridge case, which is
22 empty and lighter, it will get kicked out by an ejector.

23 Q. Is there any type of way a gun usually ejects a case?

24 A. It depends on the firearm. Some eject to the right,
25 some eject to the left, some go straight out the -- like

1 the top almost.

2 Q. Now what do you typically do when you receive a
3 firearm for testing?

4 A. Whenever I receive a firearm for testing, I will take
5 photographs of how I received it, I'll document anything
6 about the firearm on our worksheet, so I say the caliber,
7 the make, the model, anything that's wrong with it,
8 anything I see on it, and then I will test fire it into our
9 bullet recovery tank, which is water tank two stories deep
10 filled with water. That way I get perfect specimens that I
11 know came from that firearm.

12 Q. And how can you determine whether a bullet or a casing
13 that you have received in evidence came from a specific
14 firearm?

15 A. I will examine any evidence that I receive under my
16 comparison microscope, which is basically two separate
17 microscopes connected by what looks like binoculars. I can
18 put a cartridge case on one side and one on the other or a
19 bullet on either side. I can change the lighting and turn
20 the cartridge case or bullet and evaluate it for individual
21 characteristics that I would use to match to a firearm.
22 After I look at the evidence and I look at the test fires
23 that I shot from the firearm compared to the evidence and
24 then come to an opinion as to if it was fired by that
25 firearm.

1 Q. Now in this case did you receive some evidence from
2 the Lexington County Sheriff's Department?

3 A. I did.

4 Q. And do you think you would recognize that evidence if
5 I showed it to you?

6 A. Yes.

7 Q. Let's see. I believe it's already been admitted into
8 evidence. I'm showing the witness State's Exhibit 36.
9 Could you please explain that item.

10 A. This is a semiautomatic pistol. Whenever I receive
11 evidence in a case, I will write on it with an electric
12 pencil, so engrave it with the case number, the item number
13 and my initials. And this is the firearm I examined in
14 this case.

15 Q. State's Exhibit 40 and 41?

16 A. These are two different magazines that I examined in
17 this case.

18 Q. State's Exhibit 39?

19 A. These are the unfired cartridges I received in this
20 case. They're still sealed with my heat seal and my
21 initials and the date on them.

22 Q. State's 37?

23 A. This is the cartridge case I examined in this case.

24 Q. And State's 38?

25 A. And this is the fired bullet I examined in this case.

1 Q. And when you received the gun, did you test fire it
2 and everything like you described earlier?

3 A. I did.

4 Q. And what did you do when you received the magazines?

5 A. I documented those as well on our worksheet. I said
6 what the capacity was, if I saw anything on them that would
7 be considered trace evidence. I documented the caliber if
8 I could tell, color, various things that I just noted.

9 Q. And what caliber?

10 A. If I can refer to my notes?

11 THE COURT: Sure.

12 A. State's Exhibit 40 magazine is the one that came with
13 State's Exhibit 36.

14 Q. Could you hold that one up for us?

15 A. Actually they didn't come together. This is a
16 Smith & Wesson brand magazine, Item -- State's Exhibit 40.
17 It fit and functioned in the State's Exhibit 36. The other
18 magazine I received was also the correct magazine for use
19 with the firearm.

20 Q. What can you tell us about the cartridges we have
21 there?

22 A. The unfired cartridges were all .45 auto caliber,
23 various makes and bullet styles, but they were all correct
24 for use in the firearm.

25 Q. And what did you do with these items when you received

1 them?

2 A. I just documented the condition that I received
3 them in, I documented what type of bullets were in the
4 cartridges, that -- they were unfired, so I just made note
5 of what they were.

6 Q. Now the fired caliber cartridge case, what can you
7 tell us about that item?

8 A. It's a .45 auto caliber cartridge case. It's a
9 Remington brand.

10 Q. Did you compare it to any items or run any tests on
11 it?

12 A. I compared that fired cartridge case to the test
13 specimens that I test fired myself from the firearm.

14 Q. And what did you determine?

15 A. I determine that the fired cartridge case that was
16 received as evidence was fired by the firearm that I
17 received.

18 Q. And now let's move onto the bullet or projectile that
19 you have. What did you do with that item when you received
20 it?

21 A. The same thing. I document what I see on it, the
22 condition I received it in. It's a little damaged at the
23 nose. I counted the lands and groves on it and I measured
24 its diameter to determine its caliber.

25 Q. And what did you determine about that projectile?

1 A. It's consistent with being a bullet from a .45 auto
2 caliber cartridge. It had six lands and grooves with a
3 right twist.

4 Q. Did you compare it to the gun that was received in
5 this case?

6 A. I did.

7 Q. And what did you determine?

8 A. I determined that that bullet in my opinion was fired
9 by that firearm.

10 Q. Now can you tell whether the casing you have there and
11 that projectile were once part of the same cartridge?

12 A. There's no test to tell if they were the same
13 cartridge. Just that they came from the same firearm.

14 Q. All right.

15 MS. GOUDE: Thank you. I don't have any further
16 questions at this time.

17 THE COURT: Cross?

18 CROSS-EXAMINATION

19 BY MR. MADSEN:

20 Q. Agent Eichenmiller, so -- bear with me for just a
21 second. So .22 caliber bullets aren't gonna shoot out of
22 that gun?

23 A. No, they won't.

24 Q. Because that's a .45 and so that's bigger than, say,
25 a .40 caliber?

1 A. Correct.

2 Q. Which is bigger than a .22 and it kind of slides down
3 from .45 -- I mean, you get up to like a .50 caliber Desa
4 -- Desert Eagle kind of --

5 A. Not too often, but that's -- that's the largest one we
6 would see.

7 Q. Something -- I mean, that's a powerful gun. And then,
8 I guess, guns can also go like nine millimeter, so instead
9 of using the English, they can also be judged on size by
10 the metric like a nine millimeter?

11 A. Yes.

12 MR. MADSEN: That's all the questions I have.

13 THE COURT: Redirect?

14 MS. GOUDE: No further questions, Your Honor.

15 THE COURT: All right. Thank you, ma'am. You may
16 step down.

17 (Witness excused.)

18 MS. GOUDE: And may she be excused, Your Honor?

19 MR. MADSEN: No objection.

20 THE COURT: You're free to go if you wish. Just
21 leave those exhibits right there.

22 All right. Ladies and gentlemen, we're gonna take
23 a ten minute break. Don't discuss the case.

24 (Whereupon, the jury retires to the jury room at
25 2:58 PM.)

1 THE COURT: We're at ease for ten minutes.

2 (Recess taken at 2:59 PM.)

3 (Back on the record at 3:10 PM.)

4 BAILIFF: All rise. Court is now in session.

5 THE COURT: Be seated, please.

6 Is the State ready?

7 MR. KOZAK: Yes.

8 THE COURT: And the defense?

9 MR. MADSEN: Yes, sir.

10 (Whereupon, the jury returns to the jury room at
11 3:11 PM.)

12 THE COURT: Call your next witness, please.

13 MR. KOZAK: Dr. Janice Ross.

14 THE COURT: Come around, please.

15 THE CLERK: Place your left and raise your right.

16 (Whereupon, Janice Edwards Ross was duly sworn
17 by the Clerk of Court.)

18 THE CLERK: Have a seat, Doctor. Once you're
19 seated, state your name; spelling your last, please.

20 THE WITNESS: Janice Edwards Ross, R-O-S-S.

21 JANICE EDWARDS ROSS,

22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. KOZAK:

25 Q. Dr. Ross, where are you currently employed?

1 A. I'm currently in Charleston, South Carolina working
2 with the coroner down there, but before that I was in
3 Newberry, South Carolina, with Newberry Pathology
4 Associates.

5 Q. And what is your current position down there?

6 A. It's just a coroner's position. I do autopsies for
7 the coroner.

8 Q. And back in 2015, what was your position?

9 A. I was the CEO of Newberry Pathology Associates. We
10 did autopsies for various counties of the state of South
11 Carolina.

12 Q. And what is your educational background?

13 A. I received a bachelor's degree from the University
14 of South Carolina and my M.D. after four years of medical
15 school in -- from Syracuse, New York, where I did training
16 in the field of pathology.

17 Q. And do you have any board certifications in that area?

18 A. Yes, I have board certifications in three areas of
19 pathology, including forensic pathology, which is a
20 discipline where we learn how to identify diseases by using
21 the microscope and using the laboratory of the hospital.
22 We also learn how to do autopsies. And a forensic
23 pathologist learns how to identify patterns of injury
24 concerning accidents, homicides, suicides and natural
25 deaths.

1 Q. And over your career about how many autopsies have you
2 performed?

3 A. Over 14,000.

4 Q. And have you ever testified in court as an expert
5 witness?

6 A. Yes.

7 Q. What were you qualified as?

8 A. A forensic pathologist.

9 MR. KOZAK: At this time I'd like to offer
10 Dr. Janice Ross as an expert in forensic pathology.

11 MR. MADSEN: No voir dire. No questions -- or no
12 objections. Excuse me.

13 THE COURT: Dr. Ross is so recognized. You may
14 continue.

15 BY MR. KOZAK:

16 Q. Dr. Ross, what exactly goes into an autopsy?

17 A. We -- we did autopsies in the morgue at Newberry
18 County Memorial Hospital. The county coroner would call
19 us and authorize an autopsy on a person and schedule it
20 with us. He or she would then send us the patient in --
21 to the morgue where we would receive the body in a -- in a
22 body bag. We would open up the body bag, take photographs,
23 clothed and unclothed, do an inventory of the clothing.
24 In a case like this, we did -- we further knew that there
25 was a gunshot wound, so we did x-rays to see if there was

1 any bullet or bullet fragments left in the person. So we
2 do photographs. And then we do an internal exam of each
3 organ to identify any injury to the organs.

4 Q. All right. And did you perform the autopsy on the
5 victim in this case?

6 A. Yes.

7 Q. And what's the first step in your autopsy in this
8 case?

9 A. Again, we did photographs of the outside and the
10 inside -- outside of the body clothed and unclothed and
11 we found that there was a gunshot wound in the head, so
12 we did an x-ray of the -- of the head and found no bullets
13 or bullet fragments remaining in the head. So we found an
14 entrance wound and an exit wound.

15 Q. All right. And if I'm gonna come --

16 MR. KOZAK: Your Honor, may I approach?

17 THE COURT: Yes.

18 BY MR. KOZAK:

19 Q. And if I were to stand in front of you, would you
20 point out to the jury where the entrance wound on the
21 victim was and the exit wound?

22 A. Yes. It entered -- it entered just above and behind
23 the left ear and exited -- it went pretty much straight
24 across.

25 MR. MADSEN: Judge, can I come up?

1 THE COURT: Yes, sir.

2 MR. MADSEN: I just can't see what --

3 THE WITNESS: Oh, sorry.

4 MR. MADSEN: That's fine. If I can come over so
5 I can see both sides.

6 THE WITNESS: So it went straight across and a
7 little bit downward and came out behind the right ear.
8 It went through the -- part of the back of the brain.

9 BY MR. KOZAK:

10 Q. And did you -- would you reiterate what was the
11 trajectory of the projectile?

12 A. It went left to right and slightly downward.

13 Q. Okay. And, once again, no -- no projectile was found
14 inside of him, correct?

15 A. Correct.

16 Q. Now in gunshot wounds, it is -- are you capable of
17 telling how far away the gun was?

18 A. In certain cases. With this patient, he had thick
19 hair and braided hair. When you shoot a gun, the bullet
20 comes out along with some soot and some powder. The soot
21 and the powder only go a certain distance, whereas the
22 bullet obviously goes quite far. So if you see evidence
23 of soot or powder on the skin, you can sort of identify
24 that the gun was closer -- within a certain distance of the
25 -- of the victim, but we -- because of the hair we could

1 not see any -- any soot or anything, so we couldn't say
2 what the range is. It's indeterminant.

3 Q. And in this case were you able to determine a cause of
4 death to a degree of medical certainty?

5 A. Yes.

6 Q. And what was the cause of death you determined?

7 A. A laceration of the brain due to the gunshot wound to
8 the head.

9 MR. KOZAK: Thank you, Your Honor. No further
10 questions.

11 THE COURT: Cross?

12 CROSS-EXAMINATION

13 BY MR. MADSEN:

14 Q. Dr. Ross, just a few questions. As a normal protocol
15 when you do an autopsy, you generally request a toxicology?

16 A. Yes.

17 MR. KOZAK: Your Honor --

18 THE COURT: Yes.

19 MR. KOZAK: -- a matter of law. Can we approach?

20 THE COURT: You can approach, but I'm probably
21 gonna want it on the record.

22 MR. KOZAK: Okay.

23 THE COURT: Ladies and gentlemen, please step in
24 the jury room. Don't discuss the case.

25 (Whereupon, the jury retires to the jury room at

1 3:18 PM.)

2 THE COURT: What are you trying to elicit,
3 Mr. Madsen?

4 MR. MADSEN: Judge, there was a toxicology. The
5 -- really the only important thing that I am interested
6 in is Kevadric tested positive for methamphetamine. As
7 Your Honor has heard, there was meth products out on the
8 scene in a bag that law enforcement did not test; they
9 just basically threw away.

10 THE COURT: What's the position of the State?

11 MR. KOZAK: The position of the State, Your Honor,
12 is this would just be improper character evidence as to
13 the victim. The only reason he's trying to get this in
14 is to show that he was under the influence of meth.
15 That has nothing to do with the actual facts that have
16 been put in at trial here, Your Honor.

17 MR. MADSEN: Your Honor, I'll stipulate I'm not
18 gonna argue whether he was under the influence or that
19 he did anything, but I do think it is important for the
20 case considering that there was evidence that law
21 enforcement just ignored.

22 THE COURT: What relevance does it have other than
23 the fact that you claim that it's something that should
24 not have been ignored? I mean, what --

25 MR. MADSEN: Well, I think that, you know, there's

1 -- there's this bag of basically your own do-it-yourself
2 meth kit there that law enforcement says we've decided
3 that it doesn't have any relevance because they bought
4 into a story, kind of hook, line and sinker to this
5 story, and they certainly didn't look for any further
6 avenues and then yet Kevadric has -- tests positive
7 for meth, which I think provides a nexus that there
8 might be a little bit more going on here. I mean,
9 because it's on this -- it's been testified numerous
10 times this is kind of a lonely dirt road with one house
11 on it. And, like I said, law enforcement said they
12 collected it, but then they just destroyed it.

13 MR. KOZAK: Your Honor, I think there's been
14 plenty of evidence that there was drugs involved in
15 this case. I don't think -- other than this bag that
16 was disconnected that he's brought up multiple times,
17 there's no reason that him being under the influence
18 of meth should have anything to do with it other than
19 his character for them, Your Honor.

20 MR. MADSEN: And he tested positive for other
21 stuff. I don't care about that because that doesn't
22 -- I mean, he tested positive for THC, amphetamines.
23 I don't care about that because that doesn't have the
24 nexus to what was found out there and I think his --
25 I think his brother -- and I'll be honest, I don't

1 remember if it was pre-trial or in front of the jury,
2 that I think talked about maybe that they had smoked
3 or something. I don't care about any of that.

4 THE COURT: I'm trying to figure out how even if
5 he were a methamphetamine manufacturer what that has
6 to do with the case. Unless there's some evidence
7 of a drug deal gone bad or that the person who was
8 shot was threatening the Defendant or something, I
9 just -- I'm struggling to determine what it has to do
10 with the case. I understand what you said. There
11 was a bag, which they testified was -- appeared to
12 them to be older and not having anything to do with
13 the matter, and so they decided not to test it. It
14 was one of those -- it sounded like one of those
15 2-liter bottles --

16 MR. MADSEN: No. No, it wasn't even that point.
17 It was basically a bag with the components, lithium
18 batteries, lithium batteries stripped, cold packs,
19 things like that. No actual meth. Everything -- the
20 pseudoephedrine was in there. Everything you need to
21 get to that bottle, but it wasn't as that. And, like
22 I said -- and, Judge, obviously the importance, and
23 Your Honor's listened to the testimony, I mean, things
24 have changed more, gone back and forth, and besides,
25 you know, hey, two witnesses saying that Mike did the

1 shooting, everything else is different and that is why
2 I think it's -- the importance is the nexus because it
3 has been so fluid even from the pre-trial hearings to
4 the actual testimony, and that's -- we just think that
5 that is the nexus and that that would be sufficient.
6 Like I said, I would limit it. I'm not going to -- I
7 would stipulate and tell them in the closing I'm not
8 gonna get up there and argue that this kid, you know,
9 was this bad person because of that, but I do think
10 that it is important because of what was found out
11 there and what law enforcement just through their
12 investigation just decided, you know what, we're
13 ignoring it.

14 THE COURT: I'm struggling to see how it's
15 relevant, but even if it were relevant based on
16 what you just argued, in my mind it -- it should be
17 excluded under Rule 403 because any probative value
18 is substantially outweighed by the danger of unfair
19 prejudice, confusion of the issues and misleading
20 the jury.

21 So the objection's sustained.

22 MR. MADSEN: May I just make a quick proffer?

23 THE COURT: Certainly.

24 MR. MADSEN: Okay. And I'm just gonna proffer
25 all of it and -- if that's okay, real quickly.

1 THE COURT: Whatever you need to do.

2 EXAMINATION (In-Camera)

3 BY MR. MADSEN:

4 Q. Dr. Ross, in normal protocol you request a toxicology,
5 correct?

6 A. Yes.

7 Q. And you did that in this case?

8 A. Yes.

9 Q. And Kevadric Pressley tested positive for THC?

10 A. Yes.

11 Q. I think a quantity of 9.2 with the threshold being a
12 2.0?

13 A. Yes.

14 Q. THC metabolites?

15 A. Yes.

16 Q. Another type of THC metabolite, I guess?

17 A. Yes.

18 Q. Two different types. .12 as far as testing positive
19 for methamphetamine?

20 A. Yes.

21 Q. And then was also positive for amphetamine, which
22 could be a metabolite of methamphetamine, or if someone was
23 on, I guess, like Vyvanse or Adderall?

24 A. Correct.

25 MR. MADSEN: That's all the questions I would

1 have.

2 THE COURT: All right.

3 Bring the jury.

4 (Whereupon, the jury returns to the courtroom at
5 3:25 PM.)

6 THE COURT: The objection's sustained.

7 Any further questions of the witness?

8 MR. MADSEN: Yes, Your Honor.

9 CONTINUED CROSS-EXAMINATION

10 BY MR. MADSEN:

11 Q. So, Dr. Ross, I believe you testified -- well, you
12 didn't testify, but your report appears that the entrance
13 wound is three and a half inches below the top of the head?

14 A. Yes.

15 Q. And then the exit wound was five inches below the top
16 of the head?

17 A. Correct.

18 Q. So in a slightly downward angle?

19 A. Yes.

20 Q. And that the entrance wound was .38 inches in diameter
21 with a thick abrasive collar around it?

22 A. Yes.

23 Q. And then there were some notes from crime -- or
24 Lexington County crime scene that indicates that they
25 thought they saw stippling, but you did not see any of

1 that?

2 A. No.

3 MR. MADSEN: That's all the questions I have.

4 THE COURT: Redirect?

5 MR. KOZAK: Nothing from the State, Your Honor.

6 THE COURT: Thank you, Doctor. You may step down.

7 (Witness excused.)

8 MR. KOZAK: May she be released from her subpoena,
9 Your Honor?

10 MR. MADSEN: No objection.

11 THE COURT: You're free to go if you wish to leave.
12 Any other evidence from the State?

13 MS. GOUDE: The State rests, Your Honor.

14 THE COURT: Thank you.

15 Ladies and gentlemen, I told you when the State
16 rests I had to discuss some legal issues with the
17 attorneys. That's where we are. I'm gonna ask you
18 to step back in the jury room to find out where we are
19 and then I'll bring you back out and tell you where we
20 go from here, all right?

21 Leave your notes in your seat. Don't discuss the
22 case.

23 (Whereupon, the jury retires to the jury room at
24 3:28 PM.)

25 THE COURT: Are there any motions?

1 MR. MADSEN: Yes, Your Honor.

2 We would move for a directed verdict at this
3 point in time. We do not believe that even given
4 evidence -- or evidence in the light most favorable
5 to the State that there is sufficient evidence for
6 this case to go to a jury.

7 Additionally, we would renew all of our
8 objections, Your Honor, and renew our request for
9 the evidence that Your Honor ruled against us and
10 did not allow to be put in.

11 THE COURT: All right. There's ample evidence
12 to submit to the jury, so the directed verdict motion
13 is denied.

14 Reconsidering the rulings previously made, I'm
15 gonna stick with what I made.

16 All right. Mr. Williams, I have to go over some
17 things with you now and I need your responses under
18 oath.

19 Would you raise your right hand, please.

20 (Whereupon, Michael Williams was duly sworn by
21 the Court.)

22 THE COURT: Mr. Williams, we've reached the
23 stage of the trial where the State has rested and the
24 next thing that would happen is your side is given
25 the opportunity to present evidence for the jury to

1 present?

2 MR. MADSEN: Your Honor, the defense rests.

3 THE COURT: Thank you.

4 Ladies and gentlemen of the jury, please give me
5 your attention. I need to give you an instruction.
6 The fact that the Defendant elected not to testify in
7 this case is not a factor to be considered by you in
8 any way in your deliberations and in your consideration
9 on the question of whether or not he is guilty. It must
10 not be considered in any manner whatsoever against
11 Mr. Williams. An accused has the constitutional right
12 to remain silent and the assertion of that right cannot
13 be considered by you in your deliberations. Under your
14 oath you are to reach no inference and you are to draw
15 no conclusion whatsoever from the fact that the Defendant
16 elected not to testify. His decision not to testify
17 should not even be discussed in the jury room. It
18 should not enter your minds in making your decisions.
19 The State has the entire burden of proof and an accused
20 has no burden to prove anything at all.

21 So, ladies and gentlemen, you have all the evidence
22 you're gonna have to decide the case or the cases and
23 there is another point at the end of the trial -- at
24 this point in the trial where I have to confer with the
25 attorneys about legal issues, so we're gonna stay here

1 the art of advocacy to attempt to get you to see
2 things as they would like you to see them on behalf
3 of their respective positions.

4 The way this works is that the State's attorney
5 will go first and then the defense attorney will go
6 last and shortly after that we'll take a break, I'll
7 send you out. It won't be a long break. I'll bring
8 you back in and I'll tell you the law. I think it's
9 gonna take me about eighteen minutes to explain the law
10 to you and then there will be a little bit of a period
11 before the case goes to you, but that will all be clear
12 to you when the time comes.

13 I invite your close attention.

14 Ms. Goude, are you gonna make the closing argument?

15 MS. GOUDE: Yes, Your Honor.

16 THE COURT: You're recognized.

17 MS. GOUDE: Thank you, Your Honor.

18 Kevadric Pressley was murdered by the Defendant,
19 Michael Williams. This is not a case of whodunit,
20 this is not a case of bad police work or jumping to
21 conclusions. This is a case of cold blooded murder.
22 A murder with no cause or excuse, a total disregard
23 for human life. Senseless, unnecessary. This is a
24 case where we must prove beyond a reasonable doubt
25 that the Defendant, Michael Williams, is guilty.

1 And let's talk a little bit about some of what
2 you've heard over the past few days. You heard from
3 both Nakerrius Pressley and Dayyan Felder. You heard
4 they were selling drugs, smoking weed, selling weed.
5 You heard that Dayyan and Mike Williams went over to
6 Nakerrius Pressley's house. Kevadric was there. This
7 is the first time that Mike meets Kevadric and Nakerrius.
8 Dayyan had to tell him how to get there. Mike picked
9 him up, Dayyan tells him how to get there. They get
10 there, everything's cool. Nakerrius sells Dayyan the
11 weed. While they're there there's this talk about
12 buying guns and selling guns.

13 Mike and Dayyan leave, go sell some weed. Mike
14 wants some more, so Dayyan texts Nakerrius again. They
15 go back over there. This time they're going to exchange
16 weed for a gun. Now Nakerrius is gonna go with Mike
17 and Dayyan because he needs to get bullets or either
18 Mike doesn't have the gun, so he's gonna go with them,
19 but Kevadric shows up, all right? Now Nakerrius is
20 gonna ride with Kevadric so they can go to Kevadric's
21 girlfriend's house for Thanksgiving after.

22 Mike and Dayyan are driving, Kevadric and Nakerrius
23 are following them. Mike pulls onto Harmony Church
24 Road, a dirt road. Kevadric and Nakerrius pull up
25 beside Mike and Dayyan. They toss the weed over.

1 Then Mike pulls off. Dayyan's freaking out, what's
2 going on, you can't do this to my friend, we took
3 their weed. Mike says psych, I'm just playing. They
4 meet back up on the dirt road. Mike pulls out that
5 gun and instead of giving it to Kevadric, he shoots
6 him with it. He then drives off. He drops Dayyan
7 off at his house. Dayyan's scared. Mike's threatened
8 him.

9 Then he drives over to his grandmother's house
10 right after the shooting. He talks to his cousin and
11 his uncle, Bridgett Hipps and Roger Sutton. They see
12 him with a black handgun. He has all day to drive
13 around and do whatever he wants. Meanwhile, Nakerrius
14 is back on Harmony Church Road with his dead brother
15 and Dayyan is at his house thinking he's gonna get
16 arrested or that Mike's coming back for him.

17 Now the police find Mike at about 1:00 that morning
18 when he's at his girlfriend Shauna Kirton's house or
19 rather they're there talking to Shauna, he pulls up in
20 the yard, sees these two unmarked police cars. She's
21 in the seat of one. She yells at him Mike, don't do
22 it. He drives off.

23 This happens really quickly. Sergeant Rawl was
24 able to follow him and the pursuit starts. We reach
25 speeds of a hundred miles per hour, he crashes his

1 car, he tries to run, but he gets caught.

2 And we've talked about the gun that the police
3 found near where he ran, the .45 caliber shell casing
4 that was found in his car and the bullet that was
5 found in the victim's car. We heard from SLED that
6 that .45 caliber shell casing in the Defendant's car
7 was fired from that gun that was recovered. We've
8 also heard that that bullet found in the victim's car
9 was fired from that gun that was recovered.

10 Now let's talk a little bit about the law. The
11 burden is on the State to prove to you beyond a
12 reasonable doubt that Mike Williams is guilty of
13 murder. Now beyond a reasonable doubt does not mean
14 all doubt. It means reasonable doubt and it means
15 that you must be firmly convinced that Mike Williams
16 is guilty. We must prove he's guilty of murder,
17 of killing another person with malice aforethought.
18 Malice means wickedness, acting in total disregard for
19 human life. Malice can occur in the blink of an eye.

20 Let's talk about some of the testimony that shows
21 we have met this burden. You heard the 9-1-1 call.
22 You'll be able to take it back into the jury room with
23 you. You can listen to it again if you would like.
24 You heard Nakerrius Pressley. You heard him begging
25 for help. You heard him hoping his brother was still

1 alive.

2 Next Nakerrius took the witness stand. He
3 admitted to selling drugs. He was sixteen then. He
4 was in high school. He was a kid. He's not some drug
5 kingpin. He told you what happened that day. He told
6 you he met Mike Williams twice. He told you Mike shot
7 his brother. He told you Mike was the only one with
8 a gun.

9 Now are his and Dayyan Felder's stories a little
10 different? Sure. Is Nakerrius a little inconsistent
11 at times? Yeah. He had just seen his brother get
12 shot. That bullet that went through Kevadric's head
13 lodged in the passenger side door next to where
14 Nakerrius was sitting. That day was the worst day of
15 his life. You observed him on the witness stand. Do
16 you think he was lying?

17 Next let's talk about Dayyan Felder. He also
18 admitted to selling drugs, smoking weed. He was also
19 sixteen when this happened. He's a kid playing drug
20 dealer. His momma's on the phone with him trying to
21 get him to come home for Thanksgiving dinner. He
22 tells you what happens. He sees Mike Williams shoot
23 Kevadric. He pointed Mike out to you in this courtroom
24 as the shooter. He said no one else had a gun.

25 Now, again, are his and Nakerrius's stories a

1 little different? Yeah. They're perceiving things
2 differently. They're on different sides here. Does
3 he give more detail in his testimony than he did when
4 he talked to police? He does. He had just seen
5 someone get shot. He's panicking. He's thinking
6 Mike's coming back after him. He had just been
7 threatened. He's thinking the police are gonna arrest
8 him because he was with Mike. He doesn't know what's
9 going on. You saw him on the witness stand. Do you
10 think he was lying?

11 Next we have Roger Sutton and Bridgett Hipps.
12 They're both related to the Defendant. We know they
13 saw him at about 2:30, 2:45 that day. The 9-1-1 call
14 came in at 2:04. This was right after the shooting.
15 They both said that he had a black handgun. Roger
16 Sutton said he was playing with the bullets. Bridgett
17 Hipps said she touched the gun and he told her to wipe
18 it off. He's even laughing about hearing police sirens
19 come by.

20 We know that Michael Williams is caught after this
21 chase. Why would you run from the police, even wreck
22 your car and get out and run? He knows two people saw
23 him shoot Kevadric Pressley. He doesn't want to get
24 caught.

25 Let's talk about some of the evidence. The first

1 scene we're at is Harmony Church Road where the
2 shooting occurred, that dirt road. Now there's not
3 really much evidence out there. We've got Kevadric's
4 car and Kevadric.

5 THE COURT: Can I see you-all up here a second?

6 (Proceedings held at the bench; not reported.)

7 MS. GOUDE: Harmony Church Road. Kevadric Pressley
8 in his car. The car's still running when officers get
9 there. He's buckled up, his foot's on the gas. The
10 police use metal detectors to search the area around
11 the car for any shell cases or bullets. They don't
12 find anything. They also don't find any other weapons.

13 The defense talked a little bit about this meth
14 trash that was found on Harmony Church Road. That's
15 just some distraction. We don't know when it got
16 there, how it got there or was it in the victim's car.

17 The other evidence we found was when the Defendant
18 was apprehended. Law enforcement found this magazine
19 under where he was laying, State's Exhibit 40. It was
20 loaded. In the path of where the Defendant ran officers
21 found a black handgun freshly put there, not dirty.
22 This gun. It was loaded with this magazine and had a
23 round in the chamber.

24 The police search the Defendant's vehicle. In
25 that vehicle, they found the food from the Defendant's

1 Thanksgiving dinner when Roger Sutton saw him the
2 second time at his grandmother's house. They also
3 found this box of bullets. Now I don't know --
4 remember or not, but Dayyan and Nakerrius both talked
5 about a box of bullets. Nakerrius said that they had
6 the gun, but they didn't have bullets, so they were
7 going to get the bullets. Then when they're on Harmony
8 Church Road, they're gonna do the exchange, the Defendant
9 has the gun and a box of bullets. Dayyan Felder says
10 they're going to get the gun and the bullets are in the
11 car. He says when they pull up the Defendant tells him
12 to put a box of bullets on the dash. These bullets are
13 .22's. The gun is a .45. You don't shoot .22's from a
14 .45. The police also found this .45 shell casing under
15 the back seat of the Defendant's car.

16 Next the police search the victim's car. Detective
17 Andaloro testified about seeing -- the way the light's
18 shining here, you can't really see this bullet hole
19 or this hole in the passenger side door of the car.
20 He took the door frame off of the car. He found that
21 bullet.

22 You heard from SLED. You heard how there was no
23 fingerprints, how there was no DNA. Well, I guess
24 that's not right. There were fingerprints and there
25 were DNA, but none of that was sufficient for

1 comparison.

2 You heard from Special Agent Eichenmiller about
3 this gun. She received this gun and she tested it and
4 she was able to tell you that this shell casing that
5 was found under the back seat of the Defendant's car
6 was fired from this gun. She also told you that this
7 bullet that was found in the door of the victim's car,
8 and that did have DNA on it that could not be compared,
9 was fired from this gun.

10 You heard from the pathologist, Dr. Janice Ross.
11 She told you that Kevadric died from a laceration to
12 the brain caused from a gunshot wound. She said it
13 was a through and through, that there were no bullets
14 left or bullet fragments in his head. She said that
15 she couldn't determine the range he was shot from.
16 She said he was shot from the left to the right at a
17 downward angle.

18 Let's put all of this together. Nakerrius
19 Pressley and Dayyan Felder saw the Defendant, Mike
20 Williams, shoot Kevadric Pressley with this gun. This
21 is the bullet that went through Kevadric Pressley's
22 head and lodged in that car door. This is the shell
23 casing that ejected from this gun.

24 Michael Williams murdered Kevadric. The State
25 has met its burden and I ask that you find the

1 Defendant guilty of murder and possession of a
2 weapon during a violent crime.

3 THE COURT: Thank you, Ms. Goude.

4 Which of you are going to make the closing?

5 MR. MADSEN: Yes, sir.

6 THE COURT: Mr. Madsen.

7 MR. MADSEN: May it please the Court?

8 THE COURT: Yes, sir.

9 MR. MADSEN: Isn't it interesting that the
10 attorney general starts off their case with this isn't
11 a case of whodunit? Isn't that interesting that she
12 starts off, the first words are, this isn't about bad
13 police work? Why does she start off that way? Because
14 she knows that both those things are true. As we told
15 you in the beginning, this just doesn't make sense. It
16 absolutely doesn't make sense. No rhyme, no reason.
17 It just doesn't make sense whatsoever.

18 And she told you the judge is gonna charge you on
19 the law and he's going to give you all of the elements
20 and the State must prove beyond a reasonable doubt every
21 single element of every single charge. Malice is going
22 to be one of those elements. Did you hear anything about
23 any kind of malice? Did you hear about any type of beef,
24 any type of fight, any type of reason whatsoever? No,
25 you didn't. Because there wasn't any. This never

1 happened like this. This was not true.

2 You did hear about the relationship between
3 Nakerrius and Dayyan, didn't you? I mean, talking the
4 day before, 11-23, sixty Facebook messages between the
5 two of them. What were they talking about? According
6 to them, drug sales. In their little world, just the
7 two of them, talking the day before about drugs.
8 Remember what they told you? They talked about their
9 drug sale on 11-23. There's some language that they
10 talked about. About the .5, and that means just one
11 kind of joint, and then we jump to the next day before
12 the 2:00 hour. They start negotiating a half ounce.
13 But what do we know about a drug dealer? They don't
14 want to get caught. They know each other. They've
15 known each other for a long time. So what does
16 Nakerrius ask him, for who? For who are these drugs
17 for? What's he tell him? Dayyan. They're for Dayyan.
18 He doesn't want it to be an undercover, he doesn't want
19 it to be a CI, he doesn't want it to be someone that
20 can get him in trouble. It's for Dayyan.

21 Well, what's Dayyan telling him back? Hey, I'm
22 waiting to come, but I've got to get my girl's car.
23 Right before the 2:00 hour, what does Dayyan tell him?
24 I am waiting for my girl's car. Not hey, I'm bringing
25 Mike William with me. Hey, I'm waiting on a friend

1 to come pick me up. I'm waiting on a girl. And I
2 know it was a silly question, but Mike Williams isn't
3 his girlfriend. He told you that. Remember what he
4 says. I'm on my way. Not we're on the way, I'm on
5 my way. I didn't put a thing up here, but I think
6 the other thing was I'm almost on your road. Not
7 we're almost on your road, I'm almost on your road.

8 Now, you know, you've gotten Nakerrius's story
9 versus Dayyan's story. Can you get more polar opposite?
10 Can they be more different? And, you know, I'm gonna
11 go over some of the ways that they're different, but
12 you-all are twelve people. You-all probably remember
13 or have written in your notes or think of even more
14 ways that they were just absolutely the polar opposite.
15 And why are they the polar opposite? Why are they
16 different? Because it didn't happen that way. It is
17 not true. It is absolutely not true.

18 So let's just start with what Nakerrius says.
19 Hey, they come over and they're there for ten to
20 fifteen minutes and then they leave. What's Dayyan
21 say? We're there for thirty to forty-five minutes.
22 Okay. A little bit of difference in time. A little
23 bit of difference in time. Okay. Maybe that's just a
24 slight difference.

25 Nakerrius says I sell the weed to Dayyan hand to

1 hand. What's Dayyan tell you? No, that's not what
2 happens. He sells the weed to Mike. One of those
3 aren't true. Someone's not telling the truth.

4 Remember Nakerrius. Hey, I don't really want to
5 buy the gun, but you know what? Okay. I decided in
6 the end I'm gonna buy the gun. What's Dayyan say?
7 No, the gun was for Kevadric. That's what he says. A
8 difference.

9 What's Nakerrius say? Had the gun, but didn't
10 have the bullets. I'm not going to buy the gun if
11 there aren't any bullets. And I know you-all know what
12 Dayyan said. Exactly the opposite. Had the bullets,
13 but didn't have the gun. One's here, one's here because
14 they're not being truthful. They are lying. They are
15 making up a story.

16 Nakerrius says they left, they came back, they
17 stayed. Remember he kind of talked about -- and I'll
18 talk about this in a second, but remember they came
19 back, there was some discussion and that. What's
20 Dayyan say? That we came back, but we rolled up and
21 told them to follow us. Just rolled up and told them
22 to follow us. Different. Why is it different? He's
23 not telling the truth. They're lying.

24 Remember how Nakerrius said he got in the car?
25 I got in the car, Kevadric pulls up, but I'm going --

1 so I end up getting out and I get in with Kevadric and
2 go to his car. Do you remember what Dayyan says? That
3 Mike and Kevadric get in the car together. Can't hear
4 what they're saying, windows are rolled up, and Nakerrius
5 and I are out there talking about, you know, sports and
6 that kind of stuff. Why is that different? Because
7 they're lying. They're telling a story.

8 They go down this road and they stop and the weed
9 goes to Dayyan on the road. Dayyan, the weed's thrown
10 to Mike in the car. It's different because they're
11 stories and they're not true stories.

12 Nakerrius says they pull off, but then they stop
13 around the curve and tell us to come on up to that
14 curve. What did Dayyan say? No, that's not what he
15 said. He says we just went up, I'm saying stuff to
16 Mike, he just turns around and comes back.

17 Nakerrius says we followed, stopped, handing the
18 bullets and that's when he said the shot occurs. What's
19 Dayyan say? He's totally different. That basically we
20 just turned around, came back and Mike did a drive-by.
21 Are those stories even close? How do you confuse those
22 except for when you've got two people telling two stories
23 that aren't true.

24 Now we talked about how Nakerrius and Dayyan, how
25 their stories are different, how they're not true.

1 Well, what about Nakerrius and Dayyan versus law
2 enforcement? How about the stories that they told
3 them that law enforcement got up and said never heard
4 that, not true. First time I've ever heard that.
5 After three years, the first time. You judge the
6 credibility, you decide who you believe. The people
7 that keep on lying to you or the law enforcement
8 officers that say hey.

9 Do you remember what Nakerrius -- he told Sergeant
10 Miller sitting there in the first row that after this
11 shot that he gets out of the car and there's a second
12 shot. Denies it from the stand now. No, didn't tell
13 him that. Must have got it wrong. A trained law
14 enforcement officer must have got that wrong. He put
15 it in his report, but it must not be true. Who's lying?
16 Why is that story changing? Why can't Nakerrius keep
17 it straight in his mind except for the fact that he's
18 getting caught in his own lies, in his own untruths.

19 Dayyan talks about -- tells law enforcement about
20 a gas station that he says that they go to. Now it's
21 two gas stations. Sergeant Miller never heard that.
22 New information to him. Why does this story keep on
23 changing? Why is it different? Because it is not true.

24 Now they did multiple serves. They were driving
25 around. Do you think law enforcement would have liked

1 to have tried to corroborate that, to find someone, to
2 talk with them? Of course, they would. The problem is
3 when someone doesn't tell you their ever-changing story,
4 how are they going to do it? Because they're just making
5 stuff up. They're just getting caught in their lies and
6 they're compounding it because it's a fabrication. It
7 is not the truth. It is not what happened.

8 Dayyan talked about how, hey, now when I'm dropped
9 off Mike takes the gun, points it up in the air, shoots
10 it and says you didn't see anything and pulls off.
11 After three years. After three years the first time
12 law enforcement heard that. Why? Because he's making
13 it up. He's telling an untruth.

14 Throw away your phone, get rid of it, wipe it.
15 Also after three years from that stand the first time
16 law enforcement hears that also. Is law enforcement
17 lying? You're the judge of the credibility. You make
18 that decision on who's being truthful to you and who's
19 lying.

20 So many things that the first time law enforcement
21 heard because the story's ever-changing because the
22 story is not true. Mike did not kill Kevadric and the
23 story keeps on changing.

24 Do you remember when I was talking to Nakerrius
25 about the ever-changing story on Facebook? Someone

1 says hey, I heard you were trying to rob Big Mike.
2 His reply was that's irrelevant, bitch. According to
3 him oh, that's about something else. I mean, it's the
4 reply to that, but it's about something else, some other
5 beef he had. As he said, we've got a lot of beefs going
6 on with a lot of people. But that's not what that was
7 about because it is a different story.

8 I had my thing and I shot and I missed. So he's
9 saying on Facebook hey, I had a gun, I shot back. He
10 does say okay, I lied about that now. Three years
11 later all of a sudden I lied about that. Another story.
12 Ever-changing.

13 We know and even he admits that, mind you, this
14 was someone who really wasn't interested in buying a
15 gun, but he was trying to buy another gun that morning
16 on Facebook. He admits that, but says, you know what,
17 I didn't get it. According to him, he doesn't get it.

18 How about law enforcement going out and looking
19 for the fellow with dreads, L.O.? I called him Lo. I
20 see that, I think Lo. No, L.O. They can't ever find
21 that this person even exists because he doesn't, so
22 it's not true. It's just part of the story. It's just
23 absolutely not true. L.O. does not exist because it is
24 another story.

25 So part of Dayyan's story is he tries to get out

1 of the car and Mike threatens to shoot him. Okay.
2 I'm gonna go do a shooting. Does it make sense that
3 I'm gonna take a witness with me? And then when he
4 tries to get out, I'm gonna point a gun and threaten
5 to kill him, but five minutes later I'm just gonna let
6 him off and just let him out. Does that make any sense
7 whatsoever? It doesn't because it's not true. It didn't
8 happen that way.

9 Now you heard from Roger Sutton and Bridgette Hipps
10 and do you remember what Roger said when Ms. Goude asked
11 him what time Mike pulled up? 1:45. Do you think that's
12 the answer she wanted to hear? Absolutely not. Well,
13 could it have been maybe? Could have, would have,
14 should have. It wasn't the answer she wanted to hear,
15 but he talks about how they hear the sirens while
16 they're there. And I didn't think about that until
17 this morning. Why is that important? Because we know
18 from Nikki Rogers that law enforcement is already out
19 there on a shooting call within three minutes. You
20 don't think that when they get a shooting call it's not
21 lights and sirens?

22 And what's Mike pull up in? A brown car. Both
23 Roger says that and both Bridgett said that. Pulls up
24 in a brown car. Not the gray car from later, but a
25 brown car. As I said, Mike and Roger are talking

1 about that, up and down Number 6. Do you remember
2 what Roger says? The gun doesn't smell of gunpowder.
3 He's shot a bunch of guns and he knows. That's got
4 a distinct smell if you've ever smelled a gun -- or
5 if you've ever smelled a gun that's shot. I'm gonna
6 imagine out of the twelve of you that someone has and
7 knows that fresh smell of gunpowder.

8 We talked a little bit about gunshot residue and
9 you heard Sergeant Novak talk about that. Hey, you
10 know, if you're around it or anything like that, we can
11 get it off there, but it can show if you're around a
12 shooting of a gun. And they never test Nakerrius, they
13 never test Dayyan. Ways to corroborate their story,
14 ways to blow their story apart? Of course. But more
15 importantly than that, more importantly than that, how
16 about test Mike? They caught him, right? They don't
17 test him either. It'd show he was around the shooting,
18 right? But we don't do it. You heard from Tommy
19 Darnell, Agent Darnell, from SLED. SLED's got a section
20 that tests that. It doesn't fit with the story. Let's
21 just buy it hook, line and sinker and not do anything.

22 I thought it was interesting that Ms. Goude didn't
23 mention on that same day up at police headquarters
24 Nakerrius is shown a photo lineup. Six pictures in
25 that photographic lineup. One of those pictures was

1 my client, Mike Williams. One person may or may not
2 be in there. Sergeant Miller read over that, showed
3 him the photographic lineup. Who doesn't he pick out?
4 Mike Williams. Because he wasn't there. He didn't do
5 it. He doesn't recognize the guy out of his story.

6 I'm gonna talk about this a few times. We had
7 the DNA lady up here and I hope I -- I'm a simple guy,
8 I hope I tried to make it simplistic for you about
9 kind of the DNA and how they do it. It can get kind
10 of complex, but we know out of basically forty-eight
11 spots only a little DNA on one spot. And that always
12 seemed really odd to me. As Ms. Goude said, a bullet
13 that passes through someone's head, through their
14 brain as you heard, kind of graphic testimony from the
15 EMS about the herniated brain matter. You don't think
16 that would leave some DNA? I mean, those fluids, that
17 matter? And, you know, I didn't make much of that for
18 a while, and I'm gonna -- and I'll tell you why in just
19 a second. I didn't think that was that important, I
20 didn't think that was such a big deal, but then when
21 you look at it, we get a DNA expert, and she follows
22 SLED protocol and we know that there's multiple people
23 that touch multiple things, but she's never given any
24 DNA to test it against. She could exclude people off
25 of a trigger, she could exclude someone off of a

1 handle, but was never given any standards and, you
2 know, you-all judge that. Because she told you she
3 could have.

4 Now one of the things that I kind of thought of,
5 I'm a good bit taller than Ms. Simpson. I guess four
6 or five inches. She's sitting down. Say she's in a
7 car, I'm in a car, we're both sitting down. I'm
8 gonna shoot her. I'm gonna shoot her. Whether I am
9 left-handed or whether I'm right-handed, I'm going to
10 shoot her. I'm a good four to five inches taller than
11 her and I'm gonna shoot her. Would it be a downward
12 angle? Remember what the pathologist testified to. Up,
13 down about an inch and a half, a downward angle. It's
14 gonna be upward angle or it's gonna be a level angle,
15 but it's not gonna be a downward angle. That doesn't
16 make any sense. Even if I'm taller, I'm not gonna shoot
17 like this. Who does that? Does that make any sense?
18 I bet you it does to the prosecution because it's the
19 only way to explain the downward angle. It doesn't
20 make any sense whatsoever.

21 Now the other thing I'll say is -- and this is
22 kind of to get back, I guess, to the DNA, these stories,
23 and that's all that it is, these stories, these things
24 that are absolutely polar opposite are reasonable doubt
25 in and of themselves. They can't both be true and the

1 State has the burden of proof beyond a reasonable doubt.
2 They can't be true. And that's more than enough. That
3 is absolutely more than enough, but I'm a simple guy and
4 I've got to have simple, tangible things sometimes. And
5 then I realized something this week. What is more?
6 What is something on top of everything that you already
7 have that says that Mike Williams is not guilty, that
8 the State of South Carolina has not met their burden of
9 proof? What is even more that you can put in your hands
10 that you know for a fact is not true? A .45 caliber
11 bullet does not make a .38 hole. Doesn't make a .38
12 hole. It is a bigger bullet than the hole. I missed
13 it until this week. A bigger bullet doesn't make a
14 smaller hole. It doesn't make a smaller hole. And
15 that's why there's not DNA on that projectile. Because
16 that didn't go through Kevadric. That actually makes
17 sense. A .38 bullet makes a .38 hole.

18 You know, my grandfather's been dead for, gosh,
19 I guess, twenty-five years, but he always used to say
20 there's one path to the truth, there's multiple paths
21 to a lie. There's one path to the truth, multiple
22 paths to a lie. How many paths have you heard during
23 this week? More than multiple? A bunch? Ones that
24 can't be true?

25 You know, Ms. Simpson told you in the beginning

1 that this doesn't make any sense, but, you know, I'm
2 not gonna be able to stand up here and tell you what
3 happened. It's not Mike's burden of proof. It's the
4 State of South Carolina's burden of proof to prove
5 each and -- each and every element beyond a reasonable
6 doubt. Did they do that? Absolutely not. This case
7 is absolutely riddled, riddled, with lies, riddled
8 with untrue stories, riddled with stories that no one
9 has heard including law enforcement until this week
10 because they're ever-changing. Because they are not
11 true.

12 This case is absolutely soaked, dripping wet with
13 reasonable doubt. And, you know, a lot of times in a
14 lot of cases you can't necessarily see, touch, feel
15 reasonable doubt. In this case, you can. Different
16 stories, ever-changing, and in this case you can see
17 it. Each one of these pieces of paper sitting down
18 here on the floor is a piece of reasonable doubt, and
19 you can see it. Count them up if you want. I don't
20 know how many are down there. Each one of those is
21 a piece of reasonable doubt. Does it make sense?
22 Does what you heard make sense? Of course, it doesn't
23 because it's not true. It's a story. It is an absolute
24 story.

25 Mike Williams is not guilty of killing Kevadric

1 Pressley. He is not guilty. The State has not met
2 their burden of proof beyond a reasonable doubt and
3 he didn't do it. He is not guilty. Thank you.

4 THE COURT: Thank you, Mr. Madsen.

5 Ladies and gentlemen, as I told you, we're gonna
6 take a brief break and I need you to go back to the
7 jury room. Leave your notes in the courtroom, please.
8 I'll get you back out here and tell you the law. Don't
9 discuss the case.

10 (Whereupon, the jury retires to the jury room at
11 11:02 PM.)

12 THE COURT: We'll be at ease for a few minutes.

13 (Recess taken at 11:02 AM.)

14 (Back on the record at 11:33 AM.)

15 BAILIFF: All rise. Court is now in session.

16 THE COURT: Thank you. Be seated, please.

17 Bring the jury in.

18 (Whereupon, the jury returns to the courtroom at
19 11:34 AM.)

20 THE COURT: All right. Ladies and gentlemen,
21 all the evidence has been presented and you've heard
22 the arguments of counsel. It is now time for me to
23 instruct you on the law that applies in these kind of
24 cases. Please continue to pay close attention during
25 the next stage.

1 Now, first, you need to understand some basic
2 ground rules. You, the jury members, are the sole
3 judges of the facts. You decide all the issues of
4 fact, the truth of the evidence, its effect, its value
5 and its weight. You alone will judge the credibility
6 of the witnesses; in other words, whether or not a
7 witness's testimony is believable.

8 In evaluating the testimony of the witnesses,
9 you may believe all that a witness said or none of it,
10 you may believe part of what the witness said and not
11 believe the balance, you may believe one witness against
12 many or many against one. You may consider any interest
13 or bias or prejudice that you feel that a witness has
14 in the case. You may consider the demeanor and the
15 appearance of the witness and the opportunity for
16 knowledge that the witness had. You're not to excise
17 these considerations arbitrarily however. What I want
18 you to do is to use your common sense, use your sense of
19 logic and reasoning and your good judgment.

20 Now the rules of evidence allow for opinion
21 testimony to be given under certain circumstances. One
22 area where that's allowed is where someone by virtue
23 of education, training or experience is permitted to
24 testify as an expert witness. The mere fact that an
25 expert is allowed to give opinions under our rules

1 does not mean that you must accept the opinion given
2 if you choose not to do so. You may accept or reject
3 the testimony of an expert witness just as you may any
4 other witness, in whole or in part.

5 It's improper for me to give you a charge on the
6 facts of the case. I cannot discuss the facts with
7 you or even convey to you an impression as to what
8 personal opinions, if any, I might have about the facts
9 of the case. If you develop an impression that I have a
10 personal opinion about the facts, you are to remove that
11 belief totally from your mind. You're the sole judges
12 of the facts.

13 I am the judge of the law that applies to the case
14 and you're bound under your oath to accept and apply
15 the law as I tell it to you. You must abandon any
16 conflicting ideas you might have as to what the law is
17 or what it should be. I give you the law, you apply
18 it to the facts that you determine them to be and in
19 that way you reach your verdicts.

20 It is also my job to decide what evidence is
21 admissible. If I rule something inadmissible or
22 instruct you to disregard something, you're not to
23 consider those things in arriving at your verdicts.
24 You must base your verdict on the competent evidence
25 before you, consider the testimony of the witnesses

1 and any exhibits admitted.

2 I need to explain to you that there are two types
3 of evidence that are generally presented during a trial,
4 there's direct evidence and circumstantial evidence.
5 Direct evidence directly proves the existence of a fact
6 and does not require deduction. Circumstantial evidence
7 is proof of a chain. It is proof of a chain of facts
8 and circumstances indicating the existence of a fact.
9 Crimes may be proven by circumstantial evidence. The
10 law makes no distinction between the weight or value to
11 be given to either direct or circumstantial evidence.
12 However, to the extent that the State relies on
13 circumstantial evidence, all of the circumstances must
14 be consistent with each other and when taken together
15 they must point conclusively to the guilt of the accused
16 beyond a reasonable doubt. If the circumstances merely
17 portray the Defendant's behavior is suspicious, the
18 proof has failed. The State has the burden of proving
19 the Defendant guilty beyond a reasonable doubt and this
20 burden rests with the State regardless of whether the
21 State relies on direct evidence, circumstantial evidence
22 or some combination of the two.

23 Now the Defendant in this case, Mr. Williams, is
24 presumed innocent. This is no mere legal theory. It
25 is a fundamental and substantial right to which all

1 citizens are entitled. It's been described as being
2 like a robe of righteous that's placed around an accused
3 and it remains with him through every stage of the
4 trial. It continues with him after you retire to your
5 jury room to deliberate and it continues to exist so that
6 the Defendant is presumed innocent unless and until you,
7 the jury, determine that the State has proved the guilt
8 of the Defendant beyond a reasonable doubt.

9 A defendant is not required to prove his innocence.
10 He's not required to prove anything at all. The burden
11 is on the State to prove the guilt of the Defendant
12 beyond a reasonable doubt and it's required that every
13 essential element of an offense charged be proven by
14 the State beyond a reasonable doubt. The State is not
15 required to prove the guilt of the Defendant beyond all
16 doubt or beyond every doubt however. The appropriate
17 standard is proof beyond a reasonable doubt.

18 Some of you may have served as jurors in a civil
19 court where the burden of proof requires establishing
20 that something is more likely than not, and that's
21 called the greater weight or preponderance of the
22 evidence. But in criminal courts such as we're in now,
23 the standard is much higher and the proof must be much
24 stronger than what's required in civil court. The
25 burden of proof in a criminal case such as these cases

1 is proof beyond a reasonable doubt.

2 So what do I mean by that term? Proof beyond a
3 reasonable doubt is proof that leaves you firmly
4 convinced of the Defendant's guilt. There are few
5 things in the world that we know with absolute certainty
6 and in criminal cases the law does not require proof
7 that overcomes every possible doubt. If based on your
8 consideration of the evidence, you are firmly convinced
9 that the Defendant is guilty of a crime, then you are to
10 find him guilty of that crime. If, on the other hand,
11 you think there's a real possibility that he is not
12 guilty, you must give him the benefit of the doubt
13 and find him not guilty of that crime. There is no
14 obligation on the Defendant to raise any doubt or any
15 other possibility. He is presumed innocent and the
16 State has the entire burden of proof and must prove
17 that the Defendant is guilty through the exclusion of
18 any other real possibility.

19 I remind you that the fact that the Defendant
20 elected not to testify is not a factor to be considered
21 by you in any manner in your deliberations and in your
22 consideration on the question of whether the Defendant
23 is guilty or not guilty. It must not be considered by
24 you in any manner whatsoever against him. An accused
25 has a constitutional right to remain silent and the

1 assertion of that right cannot be considered by you in
2 your deliberations. Under your oath you are to reach
3 no inference, you're to draw no conclusion whatsoever
4 from the fact that the Defendant elected not to testify.
5 His decision not to testify should not even be discussed
6 by you in the jury room. It's not to enter your minds
7 in making your decisions. The State has the entire
8 burden of proof and the accused has no burden to prove
9 anything at all.

10 All right. Now let's turn to the specific
11 charges alleged here; murder and possession of a firearm
12 during the commission of a violent crime. I read the
13 indictments to you at the beginning of the trial. As
14 you recall, it's alleged that in Lexington County, on
15 or about November 24, 2016, Mr. Michael Larone Williams,
16 willfully and unlawfully, with malice aforethought,
17 killed Kevadric Pressley by means of shooting him with
18 a firearm resulting in the death of Mr. Pressley.

19 Another indictment alleges that on the same date
20 and at the same time and place Michael Larone Williams,
21 knowingly and unlawfully, possessed a firearm during
22 the commission of a crime. Specifically the violent
23 crime alleged is murder. I remind you that the
24 indictments are not evidence. They are charging papers
25 and you may not accord any evidentiary value to the

1 fact that the Defendant has been charged with these
2 crimes.

3 One of the issues in this case is the
4 identification of the Defendant as the perpetrator of
5 the crime charged. The State has the burden of proving
6 identity beyond a reasonable doubt. Unless you are
7 convinced that the State has proved the identity of
8 the Defendant as the perpetrator, you must find him
9 not guilty.

10 Identification testimony is an expression of
11 belief or impression by a witness. You must determine
12 the accuracy of the identification of the Defendant.
13 You must consider the believability of each
14 identification witness in the same way as you do any
15 other witness. You may consider whether the witness
16 had an adequate opportunity to observe the offender
17 at the time of the offense and to make a reliable
18 identification later and you should consider all the
19 factors that would be relevant to the issue of whether
20 the identification testimony proves that the
21 identification is credible and reliable. If, after
22 examining the testimony, you have a reasonable doubt
23 as to accuracy of the identification, you must find the
24 Defendant not guilty.

25 Now Mr. Williams is charged with murder. Murder

1 is the unlawful killing of another person with malice
2 aforethought, either expressed or inferred. So to
3 convict the Defendant of murder, the State has to prove
4 to you beyond a reasonable doubt that on the date and
5 at the time and place alleged in the indictment the
6 Defendant unlawfully killed Kevadric Pressley and
7 that the killing was done willfully with malice
8 aforethought.

9 Willfully means that something is done consciously
10 and intentionally, not something that occurs by
11 accident or is involuntary. Criminal intent may be
12 shown from the acts and conduct of the Defendant and
13 other circumstances from which you may naturally and
14 reasonably infer intent, but the State has to prove to
15 you beyond a reasonable doubt that the Defendant acted
16 with malice.

17 Malice is a term that imports wickedness and
18 excludes any just cause or legal excuse. It is
19 something that springs from wickedness, from depravity,
20 a depraved spirit, from a heart devoid of social duty,
21 fatally bent on mischief. It connotes hostility and
22 ill will towards another. It is the intentional doing
23 of a wrongful act without just cause or excuse with the
24 intent to inflict an injury or under circumstances that
25 prove that the Defendant was acting with malice.

1 Malice may be expressed or inferred, which is to
2 say that the element of malice may be shown by direct
3 evidence or by inference. Now these terms "expressed"
4 and "inferred" do not mean different kinds of malice,
5 but merely the manner in which malice may be shown to
6 exist. So malice may be proven by direct evidence or
7 by inference from the facts and circumstances that are
8 proved by the State. Malice may be inferred from conduct
9 showing a total disregard for human life. Malice is an
10 essential element of murder and it has to be proven by
11 the State beyond a reasonable doubt.

12 Now whether the malice is expressed or inferred,
13 malice must be aforethought; that is, the malice must
14 exist in the mind of the accused just before and at the
15 time of the commission of the act. It is not required
16 that the malice exist for any particular amount of time,
17 but there has to be a combination of the previous evil
18 intent and the act producing the fatal result. To
19 constitute murder, the killing must be unlawful; meaning,
20 that the killing was not justified or warranted under
21 the law.

22 Another charge made against Mr. Williams is for
23 possessing a firearm during the commission of a violent
24 crime. It is a separate criminal offense to have in
25 one's possession a firearm during the commission of

1 a violent crime. I charge you that a pistol is a
2 firearm under the law and that the offense of murder
3 is defined as a violent crime. To convict Mr. Williams
4 of this offense, you must determine that the State has
5 proven him guilty of murder because the possession of
6 a firearm must be during the commission of a violent
7 crime. You must then determine that the State has
8 proved beyond a reasonable doubt that Mr. Williams
9 possessed a firearm during the commission of that
10 violent crime that's alleged in the indictment.

11 Now if upon reviewing an entire case you have a
12 reasonable doubt as to whether the Defendant has been
13 proven guilty of that offense, he is entitled to that
14 doubt and a verdict of not guilty as to charge. On the
15 other hand, if upon reviewing the case you find that
16 the State has proven every essential element of its
17 case against the Defendant beyond a reasonable doubt,
18 it is equally your duty to find him guilty of that
19 charge. And that's the law.

20 Ladies and gentlemen, when you go back to your
21 jury room to deliberate, you're gonna have with you all
22 the exhibits admitted in the trial with the exception
23 of that firearm and ammunition that I told you about
24 and you're gone have these verdict forms. On the
25 verdict forms you're gonna tell us your decisions.

1 There's one verdict form on the charge of murder,
2 there's another for possession of a firearm during
3 the commission of a violent crime. Now on each of
4 these you're gonna have two options.

5 So this is the verdict form for murder and it
6 reads: We, the jury, unanimously find the Defendant.
7 You may find him not guilty or you may find him guilty
8 of murder. The other verdict form reads as to the
9 charge of possession of a firearm during the commission
10 of a violent crime, we, the jury, unanimously find
11 the Defendant not guilty or guilty of possession of a
12 firearm during the commission of a violent crime. So
13 you have two options on each case.

14 Now, ladies and gentlemen, how you go about your
15 deliberations, how you go about your votes, that's all
16 in your discretion subject to this requirement. The
17 verdict must be unanimous. All twelve jurors must agree
18 in order for the verdict to be recorded.

19 Mr. Foreman, part of your job is to record the
20 verdict for me. I think you'll find the form
21 self-explanatory. Just fill in the option chosen by
22 the jury and sign your name on the signature line. And
23 obviously you would consider the murder charge first
24 because that is the predicate for possession of a
25 firearm during the commission of a violent crime.

1 Now I've told you many times not to discuss the
2 case until I tell you to. You haven't reached that
3 point quite yet. I have to go over with the attorneys
4 what I just charged you. If I am satisfied with what
5 I told you, this is the signal you need to be looking
6 for. I will send the verdict forms and the exhibits
7 into the jury room, we'll bring the alternate out. When
8 it's just the twelve of you in the jury room and the
9 alternate is out, you may begin discussing the case,
10 you don't have to wait another second, but don't talk
11 about it until then.

12 You may take your notepads with you and retire to
13 the jury room, please.

14 (Whereupon, the jury retires to the jury room at
15 11:49 AM.)

16 THE COURT: Exceptions, additions or objections
17 to the charge from the State?

18 MS. GOUDE: None from the State, Your Honor.

19 MR. MADSEN: Nothing, Your Honor.

20 THE COURT: Do you want to preserve not charging
21 voluntary manslaughter?

22 MR. MADSEN: Yes, Your Honor. We would just
23 re-request that.

24 THE COURT: All right. Thank you very much.

25 Please check the verdict forms and check the

1 FOREPERSON: (Hanging.)

2 THE CLERK: (Hanging.)

3 THE COURT: Thank you.

4 Publish the verdicts, please.

5 THE CLERK: Indictment 2017-GS-32-3688, the State
6 versus Michael Larone Williams. As to the charge of
7 murder, we, the jury, unanimously find the Defendant
8 guilty of murder, and it is so signed.

9 Indictment 2017-GS-32-3689, the State versus
10 Michael Larone Williams. As to the charge of possession
11 of a firearm during the commission of a violent crime,
12 we, the jury, unanimously find the Defendant guilty
13 of possession of a firearm during the commission of a
14 violent crime. It is so signed by the foreperson
15 October 10, 2019.

16 Mr. Foreman, ladies and gentlemen of the jury, if
17 these are your verdicts, please indicate each of you by
18 raising your right hand.

19 All hands raised, Your Honor.

20 THE COURT: Thank you.

21 Are there any matters to take up prior to the jury
22 being discharged from the State?

23 MS. GOUDE: None from the State.

24 THE COURT: From the defense?

25 MR. MADSEN: No, Your Honor.

1 THE COURT: Ladies and gentlemen, that concludes
2 your jury service. I really appreciate the way you
3 approached your duty. You paid attention throughout
4 the trial, were always on time. I really appreciate
5 that.

6 You have an exemption from jury service for 2019,
7 '20 and '21 at this level. You're disqualified from
8 serving on a jury in state court at this level for one
9 year since you were actually on a trial jury. They
10 will mail to you your checks for your jury service.
11 Inside the envelope will be a letter, a certificate for
12 the days you were actually up here so you can show that
13 to your employer if you need it. If you need something
14 sooner than that, just let the clerk know downstairs and
15 they will get that for you.

16 All right. Thank you so much. You're free to go.

17 THE CLERK: May I have the indictments?

18 THE COURT: Oh, I need the foreman. Can you stay
19 back there until we sign the originals?

20 FOREPERSON: Yes.

21 (Whereupon, the jury was dismissed at 1:41 PM.)

22 THE COURT: Are there any motions?

23 MR. MADSEN: Judge, we would renew our motion for
24 a directed verdict. We would also move for new trial,
25 Your Honor. We do not think that there was sufficient

1 evidence even given the evidence in light most favorable
2 to the State for a guilty verdict in this matter and
3 so we would renew that motion, renew all objections,
4 and renew all pre-trial or trial motions.

5 THE COURT: All right. The motion for new trial
6 is respectfully denied. There's sufficient evidence
7 for the jury to reach its verdict. Having reconsidered
8 the rulings made throughout the trial and pre-trial,
9 the Court declines to modify the rulings.

10 Do you have the sentence sheets?

11 MS. GOUDE: Yes, Your Honor. We're finishing
12 filling out those right now.

13 AGENT RENTIERS: Your Honor, he's on probation.
14 We're ready to handle it.

15 MS. GOUDE: May I approach, Your Honor?

16 THE COURT: Yes, ma'am.

17 Does the State have anything related to sentencing?

18 MS. GOUDE: Your Honor, in relation to the
19 sentencing, I believe the victim's family would like
20 to be heard. As far as it goes for the State, we would
21 ask for life based on the Defendant's prior record.
22 I'll go back through that. He has a 2006 assault and
23 battery of a high and aggravated nature. In 2016,
24 assault and battery in the second degree. 2016,
25 unlawful carrying. And a 2016 assault and battery in

1 the first degree.

2 Your Honor, Mr. Williams was also on probation
3 at the time of this murder. He had just been released
4 from the Department of Corrections on September 30th of
5 2016, and this happened on November 24, 2016.

6 THE COURT: Who wishes to be heard?

7 MR. KOZAK: Your Honor, where would you like them
8 to stand?

9 THE COURT: The security people will tell them
10 where to stand.

11 What's your name?

12 DETRA PRESSLEY: Detra Pressley.

13 THE COURT: Spell your first name for me.

14 DETRA PRESSLEY: D-E-T-R-A.

15 THE COURT: Thank you. What would you like to
16 say, Ms. Pressley?

17 DETRA PRESSLEY: Thanksgiving Day will never be
18 the same for us. Kevadric was the most loveable,
19 respectful young man that you would ever meet. He was
20 taken away from us. He's a menace to society and I
21 don't feel like Michael Williams needs to be on the
22 street again where he could put another family through
23 the same thing that we have gone through. Life will
24 never be the same for us. Kevadric didn't even begin
25 to start enjoying his life. His life was just beginning.

1 He wouldn't harm anybody. It's not fair. This man took
2 my son away from me. It's not fair and he deserves
3 life in prison.

4 THE COURT: Thank you, ma'am.

5 What's your name, sir?

6 JAMES BOOKER: James Booker.

7 THE COURT: James Booker?

8 JAMES BOOKER: (Nods head.)

9 THE COURT: What would you like to say, Mr. Booker?

10 JAMES BOOKER: I'd just like to say that these
11 two years and eleven months have been very hard. It's
12 been hard on my family, hard for me. My son has a
13 brother dead he never even got to see. I don't think
14 this man should ever get out of prison again. I think
15 he should have life in prison. I think this man should
16 have the decency to apologize for what he did to our
17 son, but it doesn't matter because justice has been
18 served. Thank you.

19 THE COURT: Thank you, sir.

20 All right. Tell me about his probation case.

21 AGENT RENTIERS: Your Honor, he was sentenced
22 in Lexington County on February 10, 2016, assault
23 and battery first degree. The sentence was six years
24 suspended on three years and three years probation.
25 He's completed -- so he has three years basically

1 hanging over his head. We've issued two warrants and
2 served two warrants on him. One, November 23rd of
3 2016, was served November 28th of 2016, for violation
4 of failing to report on -- let's see -- four separate
5 days -- five separate days. Also failing to pay his
6 financial obligations.

7 Then another warrant was issued on November 29,
8 2016, and that was served the next day, on the 30th.
9 And in that basically the charges -- it was what we
10 call a probable cause warrant for the offenses he was
11 arrested here on, and that's the violations.

12 THE COURT: Mr. Madsen?

13 MR. MADSEN: Judge, Mike is thirty years of age.
14 He grew up in Lexington County. He initially went to
15 Swansea High School, but eventually transferred over
16 to Christian Kingdom Academy where he graduated. He's
17 lived his entire life in Lexington County. He has done
18 work in the past doing construction and drywall and was
19 living with his mother in Gaston, Gina Dibble.

20 A number of his family members have been here
21 during the trial supporting him. He does have daughter.
22 I believe she is fourteen. She's local living in
23 Columbia.

24 By my calculations, he has been in jail for 1,048
25 days, Your Honor. He has always denied to me that he

1 had been involved in this shooting, Your Honor. We
2 would request Your Honor to consider a thirty-year
3 sentence. That is day for day, which would mean that
4 he would be almost sixty by the time he would be
5 released from the Department of Corrections. We would
6 ask Your Honor given the time that he has been in jail
7 that he gets credit on the probation violation and that
8 Your Honor just revoke that concurrently as a time served
9 sentence.

10 THE COURT: Did you want to say anything,
11 Mr. Williams?

12 THE DEFENDANT: No, sir.

13 THE COURT: If nothing further, Mr. Williams, any
14 appeal from this proceeding has to be filed in writing.
15 It's a very short timeframe to file an appeal, so you
16 need to instruct Mr. Madsen immediately to file the
17 notice of intent to appeal on -- on this sentence.

18 The sentence of the Court on murder is that you
19 be committed to the South Carolina Department of
20 Corrections for a period of life in prison, plus costs
21 and assessments, concurrent. Credit 1,048 days served.
22 Restitution's deferred.

23 The sentence on possession of a firearm during
24 a violent crime is five years subsumed by the life
25 sentence, plus costs and assessments, concurrent.

1 On the probation violation, I find that you
2 willfully violated probation by failing to report as
3 directed and failed to refrain from violation of state
4 law.

5 Revoke it in full, run it concurrent. Give him
6 credit for the time since the warrants were served.

7 Good luck to you, sir.

8 Court's in recess.

9 (Whereupon, the proceedings were concluded at
10 1:55 PM.)

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C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter
for the Eleventh Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a
true, accurate and complete transcript of record of
all the proceedings had and the evidence introduced in
the trial of the captioned case in Circuit Court on
October 7th-10th, 2019.

This transcript may contain quoted material.
Such material is reproduced as read by the speaker.

I do further certify that I am neither of kin,
counsel, nor have an interest to any party hereto.

January 6, 2020

/s/ Stacy S. Johnson
STACY S. JOHNSON
CIRCUIT COURT REPORTER

WITNESSES

Lexington County Sheriffs Department

Brandon C Miller

Law Enforcement Case #: 16023601

LSM

ARREST WARRANT NUMBER

2016A3210202218

ACTION OF GRAND JURY

TRUE BILL

Sheryl R. Ferguson
Foreperson of Grand Jury

Date: 11-13-17

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2017GS3203688

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2017

THE STATE

vs.

Michael Larone Williams

CDR #: 0116

Indictment for

Murder

§ 16-03-0010

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)

INDICTMENT FOR
Murder

COUNTY OF LEXINGTON)

§ 16-03-0010

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

That **Michael Larone Williams** did in Lexington County on or about November 24, 2016, willfully and unlawfully kill one Kevadric Pressley with malice aforethought, either express or implied, to wit: did shoot one Kevadric Pressley with a firearm, resulting in his death, in violation of §16-3-10, Code of Laws of South Carolina, 1976, as amended

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


ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Joseph M Andaloro

Law Enforcement Case #: 16023601

LSM

ARREST WARRANT NUMBER

2016A3210202220

ACTION OF GRAND JURY

TRUE BILL

Sheryl R. Ferguson
Foreperson of Grand Jury

Date: *11-13-17*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2017GS3203689

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2017

THE STATE

vs.

Michael Larone Williams

CDR #: 0549

Indictment for

Possession of a weapon during a violent
crime

§ 16-23-0490

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

Possession of a weapon during a violent crime

COUNTY OF LEXINGTON)

§ 16-23-0490

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

That **Michael Larone Williams** did in Lexington County, South Carolina on or about November 24, 2016 knowingly and willfully possess a firearm during the commission of a violent crime or attempt to commit a violent crime, to wit: did possess a handgun during the commission of the crime of murder and/or attempted murder, in violation of § 16-23-490 of the Code of Laws of South Carolina, 1976, as amended.

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


ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”

Respectfully Submitted,

RECEIVED

Feb 12 2021

SC Court of Appeals

s/Adam Ruffin

Adam Sinclair Ruffin

Appellate Defender

South Carolina Commission on Indigent Defense

Division of Appellate Defense

PO Box 11589

Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 12th day of February, 2021.