

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Jennifer B. McCoy, Circuit Court Judge

RECEIVED

Feb 23 2021

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

K'SONE MARQUAIL CAMPBELL,

APPELLANT

APPELLATE CASE NO 2020-000508

RECORD ON APPEAL

KATHRINE H. HUDGINS
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

TOMMY EVANS, JR.
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT VOLUME 1 (OF 5) DATED MARCH 2, 2020	1
JACKSON V. DENNON HEARING.....	17
TESTIMONY	
PAUL KRASOWSKI (IN CAMERA)	
Direct Examination by Mr. Osborne.....	19
Cross Examination by Mr. Mulbry	30
MOTION FOR CONTINUANCE.....	49
RULING OF THE COURT	52
NEIL V. BIGGERS HEARING	53
TESTIMONY	
MARK MELLETTE (IN CAMERA)	
Direct Examination by Mr. Osborne.....	53
Cross Examination by Mr. Mulbry	60
Redirect Examination by Mr. Osborne	63
RULING OF THE COURT	65
MOTION IN LIMINE TO EXCLUDE TEXT MESSAGES	67
TESTIMONY	
JASON JARRELL (IN CAMERA)	
Direct Examination by Mr. Hundley	70
Cross Examination by Mr. Mulbry	76
MOTIONS TO SUPPRESS	82
MOTIONS IN LIMINE	96
TRIAL TRANSCRIPT VOLUME 2 (OF 5) DATED MARCH 3, 2020	113
RULINGS OF THE COURT.....	129
OPENING STATEMENT BY MR. OSBORNE.....	153

OPENING STATEMENT BY MR. MULBRY	157

TESTIMONY

MICHAEL CALORE

Direct Examination by Mr. Osborne.....	160
Cross Examination by Mr. Mulbry	171
Redirect Examination by Mr. Osborne	177

KAITLIN BUTLER

Direct Examination by Mr. Osborne.....	178
Cross Examination by Mr. Mulbry	192

ANGELA CASEY

Direct Examination by Mr. Hundley	194

RENE CHARLES

Direct Examination by Mr. Osborne.....	204
Cross Examination by Mr. Mulbry	222
Redirect Examination by Mr. Osborne	227

SARAH GLADWELL

Direct Examination by Mr. Osborne.....	237
Cross Examination by Mr. Mulbry	256
Redirect Examination by Mr. Osborne	258

MIKEL FUNNIE

Direct Examination by Mr. Osborne.....	260
Cross Examination by Mr. Mulbry	273
Redirect Examination by Mr. Osborne	281

LUKE SPRATT

Direct Examination by Mr. Hundley	284
Cross Examination by Mr. Mulbry	293
Redirect Examination by Mr. Hundley	298
Re-Cross Examination by Mr. Mulbry	299

PAUL GREER

Direct Examination by Mr. Osborne.....	301
Cross Examination by Mr. Mulbry	320
Redirect Examination by Mr. Osborne	323
Re-Cross Examination by Mr. Mulbry	325

JEFFREY MILLER

Direct Examination by Mr. Osborne.....	328

MARTHA LOHNES	
Direct Examination by Mr. Osborne.....	336
Cross Examination by Mr. Mulbry	343
JAMES RICHARDSON	
Direct Examination by Mr. Osborne.....	346
Cross Examination by Mr. Mulbry	364
TRIAL TRANSCRIPT VOLUME 3 (OF 5) DATED MARCH 4, 2020	369
TESTIMONY	
CORY WATSON	
Direct Examination by Mr. Osborne.....	385
Cross Examination by Mr. Mulbry	407
LINDA WILSON	
Direct Examination by Mr. Hundley	411
JACKIE DAVIS	
Direct Examination by Mr. Hundley	417
JERRY ROBERTS	
Direct Examination by Mr. Osborne.....	424
JASON JARRELL	
Direct Examination by Mr. Osborne.....	434
Cross Examination by Mr. Mulbry	475
Redirect Examination by Mr. Osborne	487
Re-Cross Examination by Mr. Mulbry	490
ASHLEY WOJSLAWOWICZ	
Direct Examination by Mr. Osborne.....	492
Cross Examination by Mr. Mulbry	505
MEGAN FLETCHER	
Direct Examination by Mr. Osborne.....	507
Cross Examination by Mr. Mulbry	521
Redirect Examination by Mr. Osborne	524
CHARLES JOLLIFF	
Direct Examination by Mr. Osborne.....	526
Cross Examination by Mr. Mulbry	530
Redirect Examination by Mr. Osborne	532

PAUL KRASOWSKI	
Direct Examination by Mr. Osborne.....	535
Cross Examination by Mr. Mulbry	558
Redirect Examination by Mr. Osborne	564
NICHOLAS BATALIS	
Direct Examination by Mr. Osborne.....	566
Cross Examination by Mr. Mulbry	582
THE STATE RESTS	583
TRIAL TRANSCRIPT VOLUME 4 (OF 5) DATED MARCH 5, 2020	589
MOTION FOR DIRECTED VERDICT.....	608
RULING OF THE COURT	608
COLLOQUY WITH THE DEFENDANT REGARDING HIS RIGHT TO TESTIFY	611
TESTIMONY	
K'SONE CAMPBELL	
Direct Examination by Mr. Mulbry	615
Cross Examination by Mr. Osborne.....	642
Redirect Examination by Mr. Mulbry.....	677
Re-Cross Examination by Mr. Osborne.....	683
MOTION FOR DIRECTED VERDICT.....	688
RULING OF THE COURT	689
REBUTTAL TESTIMONY	
LORETTA MITCHUM	
Direct Examination by Mr. Osborne.....	701
CLOSING ARGUMENT BY MR. OSBORNE	711
CLOSING ARGUMENT BY MR. MULBRY.....	734
REPLY CLOSING ARGUMENT BY MR. OSBORNE	750
CHARGE ON THE LAW	757
TRIAL TRANSCRIPT VOLUME 5 (OF 5) DATED MARCH 6, 2020	783

VERDICT	791
SENTENCING	808
INDICTMENT AND SENTENCE SHEET	810
COURT’S EXHIBIT #1 (PROFFER AGREEMENT).....	813
MOTION TO RECONSIDER SENTENCE.....	817
ORDER DENYING MOTION TO RECONSIDER SENTENCE	873
CERTIFICATE OF COUNSEL	874

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT #105 (CLIPPED RAWAN STORE SURVEILLANCE VIDEO); AND
STATE’S EXHIBIT #211 (APPELLANT’S STATEMENT, CLIPPED)**

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2019-GS-10-1423
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
	)	
K' SONE MARQUAIL CAMPBELL	)	
	)	
Defendant	)	
	)	
	)	
_____	)	TRANSCRIPT OF RECORD

March 2, 2020
Charleston, South Carolina

Volume 1 (of 5)

B E F O R E:

THE HONORABLE JENNIFER B. MCCOY, JUDGE

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

DAVID L. OSBORNE, ESQ.
RICHARDS HUNDLEY, ESQ.
Attorneys for the State

REED W. MULBRY, ESQ.
MEGHAN EHRLICH, ESQ.
Attorneys for the Defendant

JOYCE C. RUEGER,
Certified Verbatim Reporter-Master
Circuit Court Reporter

[Certified Transcript Provided for: SCCID]

INDEX TO PROCEEDINGS

	PAGE
PROCEEDINGS	15
VOIR DIRE	17
STRIKING OF THE JURY	47
JACKSON V DENNO HEARING	
PAUL KRASOWSKI	
Direct Examination by Mr. Osborne	65
Cross-Examination by Mr. Mulbry	76
MOTION FOR CONTINUANCE	
Remarks by Mr. Mulbry	95
Remarks by Mr. Osborne	97
NEIL V BIGGERS HEARING	
MARK MELLETTTE	
Direct Examination by Mr. Osborne	99
Cross-Examination by Mr. Mulbry	106
Redirect Examination by Mr. Osborne	107
MOTION TO SUPPRESS TEXT MESSAGES	
Remarks by Mr. Mulbry	113
Remarks by Mr. Hundley	114
JASON JARRELL	
Direct Examination by Mr. Hundley	116
Cross-Examination by Mr. Mulbry	122
MOTION TO SUPPRESS CELL PHONES	
Remarks by Mr. Mulbry	128
Remarks by Mr. Osborne	130
Remarks by Mr. Mulbry	135
Remarks by Mr. Osborne	136

INDEX TO PROCEEDINGS (continued)

	PAGE
MOTION TO SUPPRESS PRIOR CONVICTIONS	
Remarks by Mr. Mulbry	140
Remarks by Mr. Osborne	140
MOTION IN LIMINE (Demetrius Young guilty plea)	
Remarks by Mr. Osborne	142
Remarks by Mr. Mulbry	142
MOTION IN LIMINE (Tox. report of victim & prior convictions)	
Remarks by Mr. Osborne	144
MOTION IN LIMINE (911 calls by Milligan)	
Remarks by Mr. Osborne	146
MOTION IN LIMINE (Proffer Agreement of Defendant)	
Remarks by Mr. Osborne	148
Remarks by Mr. Mulbry	149
Remarks by Mr. Osborne	150
Remarks by Mr. Mulbry	151
Remarks by Mr. Osborne	152
MOTION IN LIMINE (Photographs)	
Remarks by Mr. Osborne	153
CERTIFICATE OF THE COURT REPORTER	158

INDEX TO EXHIBITS

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
1	CAD Report	
2	911 calls	
3	911 call (clipped version)	
4	Google overhead map	
5	Google overhead map (close up)	
6	Photo	
7	Photo	
8	Photo	
9	Photo	
10	Photo	
11	Photo	
12	Photo	
13	Photo	
14	(Not used)	
15	Photo	
16	Photo	
17	Photo	
18	Photo	
19	Photo	
20	Photo	
21	Photo	
22	Photo	
23	Photo	
24	Photo	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
25	Photo	
26	Photo	
27	Photo	
28	Photo	
29	Photo	
30	Photo	
31	Photo	
32	Photo	
33	Photo	
34	Photo	
35	Photo	
36	Photo	
37	(Not used)	
38	Photo	
39	Photo	
40	Photo	
41	Photo	
42	Photo	
43	Photo	
44	Photo	
45	Photo	
46	Photo	
47	Photo	
48	Photo	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
49	Photo	
50	Photo	
51	Photo	
52	Photo	
53	Photo	
54	Photo	
55	Photo	
56	Item 1: Black t-shirt	
57	Item 2: Black clothing	
58	Item 3: Black baseball hat	
59	Item 4: FSC (.45)	
60	Item 5: Metal jacket	
61	Item 6: Fired projectile	
62	Item 7: Bullet fragment	
63	Item 9: GSR-Deangelo Milligan	
64	CD	
65	Lineup w/Campbell	
66	Lineup w/Young	
67	(Not used)	
68	(Not used)	
69	Thumb drive	
70	Item 401: Barber cell	
71	Barber DEU report	
72	Item 3: Milligan's cell	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
73	Milligan DEU report	
74	Milligan DEU report	
75	Item 36-301: Funnie cell	
76	Funnie DEU report (Skinny)	
77	Funnie DEU report	
78	Item 74: K'Sone's cell	
79	K'Sone DEU report	
80	K'Sone DEU report	
81	(Not used)	
82	"We strap" message	
83	K'Sone DEU report	
84	Item 123-1: Young's cell	
85	(Not used)	
86	(Not used)	
87	Young DEU report	
88	CD (lineups)	
89	Lineup Phiri	
90	Lineup w/Young	
91	Lineup w/Campbell	
92	Surveillance still of K'Sone	
93	Surveillance still of Young	
94	26 Maverick	
95	Clipped video	
96	14 Maverick (whole video)	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
97	14 Maverick (clipped video)	
98	(Not used)	
99	Food Lion (clipped video)	
100	(Not used)	
101	1000 King (clipped video)	
102	James Simmons (whole video)	
103	James Simmons (clipped video)	
104	Rawan surveillance (whole video)	
105	Rawan surveillance (clipped video)	
106	(Not used)	
107	Shorty's Liquor surveillance (clipped)	
108	Mikel Funnie Chevy Malibu pictures	
109	Mikel Funnie Chevy Malibu pictures	
110	Mikel Funnie Chevy Malibu pictures	
111	Mikel Funnie Chevy Malibu pictures	
112	Mikel Funnie Chevy Malibu pictures	
113	Mikel Funnie Chevy Malibu pictures	
114	Mikel Funnie Chevy Malibu pictures	
115	Mikel Funnie Chevy Malibu pictures	
116	Mikel Funnie Chevy Malibu pictures	
117	Mikel Funnie Chevy Malibu pictures	
118	Mikel Funnie Chevy Malibu pictures	
119	Mikel Funnie Chevy Malibu pictures	
120	Mikel Funnie Chevy Malibu pictures	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
121	Mikel Funnie Chevy Malibu pictures	
122	Mikel Funnie Chevy Malibu pictures	
123	Mikel Funnie Chevy Malibu pictures	
124	Mikel Funnie Chevy Malibu pictures	
125	Item 303: Glock G23 box	
126	(Not used)	
127	Item 310: Empty Springfield magazine	
128	Item 311: PT11 .9mm magazine	
129-A	Item 304: Taurus PT 111G2 .9mm	
129-B	Item 312: PT11 .9mm magazine	
130	Photo	
131	Photo	
132	Photo	
133	Photo	
134	Photo	
135	Photo	
136	Photo	
137	Photo	
138	Photo	
139	Photo	
140	Photo	
141	Photo	
142	Photo	
143	Photo	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
144	Photo	
145	Photo	
146	Photo	
147	Photo	
148	Photo	
149	Photo	
150	Photo	
151	Photo	
152	Photo	
153	Photo	
154	Photo	
155	Photo	
156	Photo	
157	Photo	
158	Photo	
159	Photo	
160	Photo	
161	Photo	
162	Photo	
163	Photo	
164	Photo	
165	Photo	
166	Photo	
167	Photo	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
168	Photo	
169	Photo	
170	Photo	
171	Photo	
172	Photo	
173	Photo	
174	Photo	
175	Photo	
176	Photo	
177	Photo	
178	Photo	
179	Photo	
180	Photo	
181	Photo	
182	Photo	
183	Photo	
184	Photo	
185	Photo	
186	Photo	
187	Photo	
188	Photo	
189	Photo	
190	Photo	
191	Photo	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
192	Photo	
193	Photo	
194	Photo	
195	Photo	
196	Photo	
197	Photo	
198	Photo	
199	Photo	
200	Photo	
201	Photo	
202	Photo	
203	Photo	
204	Item 219: Fired bullet-dash	
205	Item 220: Fired bullet	
206	Item 206: Fired bullet	
207	CPD Item 404: GSR Barber	
208	CPD Item 33-501: GSR Funnie	
209	Defendant Miranda card	
210	Defendant's statement (whole)	
211	Defendant's statement (clipped)	
212	Item 404/SLED 13: GSR kit-Barber	
213	Item 35-501/SLED 9: GSR Funnie	
214	Item 82-707/SLED 14: GSR Dodge Avenger	
215	Photo	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
216	Photo	
217	Photo	
218	Photo	
219	Photo	
220	Photo	
221	Photo	
222	Photo	
223	Photo	
224	Photo	
225	Photo	
226	Photo	
227	Photo	
228	Photo	
229	Photo	
230	Photo	
231	Defendant's blue shirts	
232	Defendant's torn white t-shirt	
233	Defendant's white t-shirt	
234	Photo	
235	Photo	
236	Photo	
237	Photo	
238	Photo	
239	Photo	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
240	Photo	
241	Photo	
242	Photo	
243	Photo	
244	Photo	
245	Photo	
246	Photo	
247	Photo	
248	Photo	
249	Photo	
250	Photo	
251	Photo	
252	Photo	
253	Autopsy diagram	
254	FB of Skinny	
255	Screenshot-Milligan cell	
256	Search warrant-Milligan phone	129
257	Extraction-Funnie phone	
258	Search warrant-Funnie phone	135
259	Photo-943 King St.	
260	Report-Officer Lohnes	
261	DVD-jail calls	

State v K'Sone M. Campbell
Proceedings
March 2, 2020

1 both the State and the defense can have a fair trial in
2 this case all right? Once again, I'm going to release
3 you at this time and ask that you be back here tomorrow
4 at 9:30 in the morning and we'll get started then. Thank
5 you very much.

6 Oh, generally speaking too I try to keep banker's
7 hours; we try to stop about 5 o'clock in the afternoon.
8 I know everybody has got responsibilities after work so
9 we try not to keep you past 5 o'clock just so you know
10 that okay. Thank you very much.

11 [Whereupon, the jury exits at 11:58 a.m.]

12 THE COURT: Okay. I am in receipt of pretrial
13 briefs from both sides or pretrial motions I believe both
14 sides request in this matter. I know we've got the need
15 for a Denno hearing and a Biggers hearing as well as some
16 other Motions to Suppress that were filed on behalf of
17 the Defendant; is that correct Mr. Mulbry?

18 MR. MULBRY: Yes, Your Honor.

19 THE COURT: Relating to some cell phone information
20 I believe?

21 MR. MULBRY: Yes, Your Honor ---

22 THE COURT: --- based on my cursory review of
23 those. Are the witnesses that we need for those ready to
24 be present this afternoon?

25 MR. OSBORNE: It's my understanding for the Denno

1 hearing we'll need Sergeant Krasowski and he'll be here.
2 Our case agent Jason Jarrell, Detective Jarrell, he'll be
3 here. The search warrants I know Jarrell signed one of
4 them and I think Mark Mellette signed another one. I can
5 get them here as well. Is that all you need?

6 [Whereupon, Mr. Osborne and Mr. Mulbry confer]

7 MR. MULBRY: Aside from possibly Mr. Roberts from
8 CPD's Digital Extraction Unit I believe, no.

9 THE COURT: Okay. And his involvement with the
10 search warrant itself is what?

11 MR. OSBORNE: He had nothing to do with the search
12 warrant. It's one of those -- he's in the digital
13 evidence unit so once the warrant is signed by the
14 detective ---

15 THE COURT: --- he retains right ---

16 MR. OSBORNE: --- all he does is just analyze it.

17 THE COURT: Do you need him here for the warrant
18 suppression hearing?

19 MR. MULBRY: Your Honor, my understanding is he
20 conducted the search, when he extracted that's when the
21 search occurred. So he may need to be here to say when
22 he searched this phone.

23 MR. OSBORNE: If the warrant is invalid then it
24 doesn't matter when he searched ---

25 THE COURT: --- I guess I'd have to hear the

State v K'Sone M. Campbell
Proceedings
March 2, 2020

1 grounds of your Motion to Suppress before we determine
2 whether or not his appearance is required. But at any
3 rate let's we'll take that up as necessary this
4 afternoon. What time are y'all prepared to begin this
5 afternoon? It's noon now.

6 MR. OSBORNE: 1:30.

7 MR. MULBRY: Yes, Your Honor.

8 THE COURT: 1:30? Sure. We'll be back at 1:30.

9 Thank you all.

10 [Whereupon, Court is in recess from 12:01 p.m. until
11 1:44 p.m.]

12 THE COURT: Are we ready to proceed?

13 MR. OSBORNE: Yes, Your Honor.

14 MR. MULBRY: Yes, Your Honor.

15 THE COURT: All right. We are here on pretrial
16 matters regarding the State verses Campbell. We have
17 selected a jury this morning and I released the jury for
18 the remainder of the day. They will return back tomorrow
19 morning at 9:30. But I understand we have several
20 pretrial motions filed by both parties so I'm happy to
21 hear those in any order that you all see fit.

22 MR. MULBRY: Your Honor, we move for a Jackson v
23 Denno hearing.

24 THE COURT: Okay. All right Mr. Osborne, do you
25 have a witness prepared to give testimony with regards to

State v K'Sone M. Campbell

Proceedings

March 2, 2020

1 this proceeding?

2 MR. OSBORNE: I do, Your Honor.

3 THE COURT: All right.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v K'Sone M. Campbell

Jackson v Denno Hearing-Paul Krasowski-Direct Examination by Mr. Osborne

March 2, 2020

1 MR. OSBORNE: The State calls Detective Sergeant
2 Paul Krasowski.

3 [Whereupon, Sergeant Krasowski comes forward]

4 THE COURT: And is this alleged statement under
5 video or audio or?

6 MR. OSBORNE: It is audio and video, Your Honor. I
7 think in the entirety it is about 15 minutes that we
8 would seek to introduce.

9 THE COURT: Okay. And you have a copy of that for
10 the Court's Exhibit today?

11 MR. OSBORNE: I do -- I have our copy that we were
12 going to move into evidence.

13 THE COURT: That's fine. Yes, that's okay. I just
14 wanted to make sure we got it ready to go.

15 MR. OSBORNE: And for the record I've given a copy
16 to the defense probably about two weeks ago; maybe a week
17 and a half.

18 MR. MULBRY: I don't know exactly when it was given
19 but I did receive a copy of the clipped version.

20 THE COURT: Okay. All right.

21 [Whereupon, the witness is duly sworn by the Clerk
22 of Court]

23 CLERK OF COURT: Please take a seat. Please state
24 your full name and spell your last name for the record.

25 THE WITNESS: My full name is Paul Krasowski and my

State v K'Sone M. Campbell

Jackson v Denno Hearing-Paul Krasowski-Direct Examination by Mr. Osborne

March 2, 2020

1 last name is spelled K-R-A-S-O-W-S-K-I.

2 - - - - -

3 PAUL KRASOWSKI,

4 Having been first duly sworn,

5 Was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. OSBORNE:

8 Q. All right Detective, where are you employed?

9 A. I work for the City of Charleston Police Department.

10 Q. Okay. And how long have you been there?

11 A. I'm going on 13 years now.

12 Q. Okay. We're going to skip ahead to the purpose of
13 this hearing. Where were you assigned back in May of
14 2017?

15 A. I was a detective in the Violent Crimes Unit in
16 central investigations.

17 Q. Okay. And did you have the occasion to assist with
18 this investigation?

19 A. I did.

20 Q. But you weren't the case agent, right?

21 A. That's correct.

22 Q. All right. During the course of this investigation
23 did you and other detectives develop the Defendant,
24 K'Sone Campbell, as a suspect in this murder?

25 A. We did.

State v K'Sone M. Campbell

Jackson v Denno Hearing-Paul Krasowski-Direct Examination by Mr. Osborne
March 2, 2020

1 Q. All right. Did y'all make any attempts to try to
2 speak to him?

3 A. We did.

4 Q. And when was that?

5 A. So that was on a Saturday -- the date is slipping my
6 mind right now; I don't have the report in front of me.

7 But we responded out to his residence and were able to
8 make contact with him at his residence on Walter Drive on
9 Johns Island.

10 Q. May the 13th does that sound right?

11 A. That does sound correct.

12 Q. That would have been two days after the murder then?

13 A. Correct.

14 Q. All right. You said Walter Drive. 3258 Walter
15 Drive?

16 A. That sounds correct.

17 Q. Okay. And did you make contact with the Defendant
18 then?

19 A. We did.

20 Q. And when you say we who else was with you?

21 A. I believe Detective Jarrell was with me at that
22 time.

23 Q. All right. Just walk the Judge through how that
24 worked out when you made contact with him. What was
25 said?

State v K'Sone M. Campbell

Jackson v Denno Hearing-Paul Krasowski-Direct Examination by Mr. Osborne
March 2, 2020

1 A. So we made contact with him at his residence. I
2 believe he came outside and we spoke to him briefly. We
3 explained the reason why we were there and that we wanted
4 to speak with him if he was willing to do so.

5 He did acknowledge that he had an attorney but he
6 was willing to come with us and provide a statement
7 without him present.

8 Q. Okay. Was he under arrest at that time?

9 A. He was not under arrest.

10 Q. Did y'all have any warrants or anything for his
11 arrest?

12 A. We did not.

13 Q. When you said that you explained to him, for
14 purposes of this hearing when you explained to him you
15 know why you were there as best you can recall what did
16 you tell him?

17 A. I think we just referred to the incident that
18 happened downtown possibly on Maverick Street from a
19 couple of nights before and that we wanted to speak to
20 him about that.

21 Q. Okay. And you said that he had mentioned an
22 attorney. What did he say about his attorney?

23 A. So he said he had an attorney. He named, I believe
24 so he named him when we were in the interview room but he
25 also I believe he named him out there at the scene and he

State v K'Sone M. Campbell

Jackson v Denno Hearing-Paul Krasowski-Direct Examination by Mr. Osborne
March 2, 2020

1 said his name was Bill Thrower if I remember correctly.

2 Q. Okay. But what did he say? Did he say look, I'm
3 not talking to you; I've got an attorney. And what did
4 he say in reference to his attorney?

5 A. No, he just referenced that he had an attorney but
6 he was willing to come with us voluntarily and it was
7 explained just as that to come down to the station. And
8 so we did escort him.

9 He was never detained or anything like that. But he
10 said he was willing to answer the questions that we had
11 or the questions that he was willing to answer anyway.

12 Q. Okay. And so he didn't have any other pending
13 charges or anything like that.

14 A. That's correct. We had no reason to take him into
15 custody.

16 Q. Okay. So you asked him to come down to the station?

17 A. Yes.

18 Q. And he agreed?

19 A. He did.

20 Q. Did he drive his own car or did y'all take him?

21 A. No, we escorted him in our vehicle.

22 Q. Okay. Who else, who all was in the car?

23 A. I believe it was Detective Jarrell as well.

24 Q. Okay. And when y'all got to the station did you
25 take an audio and video recorded statement from him?

State v K'Sone M. Campbell

Jackson v Denno Hearing-Paul Krasowski-Direct Examination by Mr. Osborne

March 2, 2020

1 A. We did. So he came into the police station through
2 the lobby as a guest. He was -- we were in an interview
3 room which was audio and video recorded.

4 Q. All right. And about how long was -- and I know
5 this is kind of the tricky question, but again for
6 purposes of only this hearing there was a moment in which
7 there was an invocation, correct, where he asked for an
8 attorney?

9 A. Yes.

10 Q. And then it was shut down.

11 A. That's correct.

12 Q. And then arguably he reinitiated and then it kept
13 going.

14 A. Yes, that's correct.

15 Q. Okay. The entire time he was in there how long was
16 he in there?

17 A. So if I remember correctly the video started around
18 6:25 or so in the evening and it ended just after 8
19 o'clock.

20 Q. Okay.

21 MR. OSBORNE: Judge, may I approach?

22 THE COURT: Yes.

23 Q. [Mr. Osborne] All right. I'm showing you 209, 210,
24 and 211. Can you take a look at those and tell me if you
25 recognize those?

State v K'Sone M. Campbell

Jackson v Denno Hearing-Paul Krasowski-Direct Examination by Mr. Osborne
March 2, 2020

1 [Whereupon, the witness is shown exhibits]

2 A. Yes. So this envelope is the envelope I used to
3 place the original audio recording or audio and video
4 recording that was on a DVD drive into evidence. And
5 that was 209.

6 210 is going to be the actual recording of our
7 interview, the audio and video, and then 211 are the
8 clips that are pulled from the whole audio that we
9 reviewed during pretrial preps.

10 Q. Okay. So 209 is the Miranda card, 210 is the whole
11 interview, and 211 are just the clips?

12 A. Yes, that's correct.

13 Q. Okay. So let me just ask you a couple of questions
14 here. During your entire time with the Defendant did you
15 or did he appear to be intoxicated or under the influence
16 of drugs?

17 A. He did not.

18 Q. Did the Defendant appear to have any physical or
19 mental disability that would have impaired his ability to
20 understand what was being said to him?

21 A. Nothing apparent. And I followed up with questions
22 about education and ability to read and write as well.

23 Q. Okay. Prior to or during the interview with the
24 Defendant did you offer him or deny him access to a
25 bathroom or breaks or otherwise if he had asked?

State v K'Sone M. Campbell

Jackson v Denno Hearing-Paul Krasowski-Direct Examination by Mr. Osborne
March 2, 2020

1 A. No. I think there were several occasions where I
2 asked him if he needed a drink or a bite to eat or
3 anything.

4 Q. Okay. Were there any threats or promises made in
5 exchange for his statement?

6 A. No.

7 Q. Sometimes during interrogations things can get kind
8 of heated. Was this one of these interrogations?

9 A. So you're referring to like accusatory? I think for
10 the most part it was more of a conversation based
11 interview.

12 There might have been moments where it elevated --
13 escalated a little bit. But it was relatively a very
14 calm conversational type of interview.

15 Q. What about any parts that were not seen that aren't
16 audio or video recorded like when y'all were in the car
17 on the way there? Were there any threats promises or
18 anything like that?

19 A. No, nothing like that.

20 Q. Okay.

21 MR. OSBORNE: Your Honor, at this time I'm going to
22 play State's 211. These are the clips.

23 THE COURT: Okay.

24 MR. OSBORNE: This is clip 1.

25 [Whereupon, State's exhibit 211, clip 1 plays with

State v K'Sone M. Campbell

Jackson v Denno Hearing-Paul Krasowski-Direct Examination by Mr. Osborne
March 2, 2020

1 questions from Mr. Osborne]

2 Q. [Mr. Osborne] What is that hanging from his shirt
3 there [indicates]?

4 A. That's our visitor's badge. So when you come in
5 through the lobby of the police station that's where you
6 can get checked in and you receive that visitor's badge.

7 Q. Okay. It sounds like a stupid question; do you give
8 visitor badges to people who are under arrest?

9 A. No. Somebody under arrest would not come in through
10 the lobby of the police station.

11 Q. All right. And what is the date and time on here?

12 A. So, this is an accurate timestamp. It's Saturday,
13 May 13, 2017 and it is 6:12 p.m.

14 Q. Okay. And is this the first image where the
15 Defendant walks into the interview room?

16 A. This is.

17 Q. All right. Playing clip 2.

18 [Whereupon, State's exhibit 211, clip 2, plays]

19 Q. All right. I know we've got stops there so let's
20 just for the record what time does it stop at?

21 A. 6:22:43.

22 Q. Okay. Now playing clip 3.

23 [Whereupon, State's exhibit 211, clip 3, plays with
24 questions from Mr. Osborne]

25 Q. And what time is it now?

State v K'Sone M. Campbell

Jackson v Denno Hearing-Paul Krasowski-Direct Examination by Mr. Osborne
March 2, 2020

1 A. It's 6:22:51. So this is going back a little bit.

2 [Whereupon, State's exhibit 211, clip 3, resumes]

3 Q. Let me just pause it right there. I'm showing you
4 State's 209.

5 [Whereupon, the witness is shown exhibit]

6 Q. Are these the Miranda rights that you read? This is
7 the card?

8 A. Yes, this is the card.

9 Q. And you read each one of those?

10 A. I did.

11 Q. And then on the back do you understand your rights,
12 whose initials are those [indicates]?

13 A. Those are K'Sone's right there [indicates]; the
14 Defendant's.

15 Q. And I understand all my rights as read to me who
16 initials are those [indicates]?

17 A. Those are the Defendant's again.

18 Q. Okay. And you put the date and time down?

19 A. I did.

20 Q. And suspect's signature who signed it?

21 A. He signed it.

22 Q. And who signed warning officer and witness?

23 A. So I am the warning officer that's my signature
24 there [indicates] and the witness is Detective Jarrell
25 who you saw in the interview.

State v K'Sone M. Campbell

Jackson v Denno Hearing-Paul Krasowski-Direct Examination by Mr. Osborne
March 2, 2020

1 Q. Okay.

2 [Whereupon, State's exhibit 211, clip 3, resumes]

3 [Whereupon, State's exhibit 211, clip 3, ends]

4 MR. OSBORNE: No further questions.

5 THE COURT: Okay. Mr. Mulbry?

6 MR. MULBRY: Thank you, Your Honor.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v K'Sone M. Campbell

Jackson v Denno Hearing-Paul Krasowski-Cross-Examination by Mr. Mulbry

March 2, 2020

1	CROSS-EXAMINATION
2	BY MR. MULBRY:
3	Q. Good afternoon, Detective.
4	A. Hello.
5	Q. So you met K'Sone the afternoon of May 13th, right?
6	A. Yes, I did.
7	Q. And you guys were serving a search warrant at that
8	time.
9	A. We did have a search warrant.
10	Q. And you executed it, right?
11	A. We did.
12	Q. So it wasn't just you and Detective Jarrell there?
13	A. Well, so Detective Jarrell and I were the first to
14	arrive and we were the ones that made contact with the
15	Defendant. I think the others came in afterwards.
16	Q. After you guys left or after you guys got there?
17	A. I can't be certain of that. I'm not sure.
18	Q. And when you saw him he wasn't under arrest at that
19	time.
20	A. Correct.
21	Q. But there was a search warrant.
22	A. There was.
23	Q. So there was probable cause, right?
24	A. For the search warrant, yes.
25	Q. You asked him to get in your squad car?

State v K'Sone M. Campbell

Jackson v Denno Hearing-Paul Krasowski-Cross-Examination by Mr. Mulbry

March 2, 2020

1 A. I asked him if he was willing to.

2 Q. And he got in?

3 A. He did.

4 Q. And you drove to the police station?

5 A. We did.

6 Q. And in that squad car while you're driving there is

7 you and Detective Jarrell?

8 A. That's correct.

9 Q. Detective Jarrell is sitting behind him?

10 A. I think so.

11 Q. And you interviewed him.

12 A. We did.

13 Q. And you arrested him at the end of the interview,

14 right.

15 A. We did.

16 Q. Now, you knew he had an attorney you said.

17 A. Yep.

18 Q. You tried to contact his attorney, right?

19 A. We did.

20 Q. And you couldn't contact him.

21 A. Correct. We left a voice mail.

22 Q. Did you try to contact him before May 13th? Were

23 there any discussions between you and Bill Thrower?

24 A. I can't say with certainty but I don't think so. I

25 think we learned of the attorney when we first

State v K'Sone M. Campbell

Jackson v Denno Hearing-Paul Krasowski-Cross-Examination by Mr. Mulbry
March 2, 2020

1 encountered him.

2 Q. And when you brought him to the station you put him

3 in an interview room.

4 A. We did.

5 Q. You put him in the room around 6:12?

6 A. Yes, it was 6:12 when we brought him in there.

7 Q. And you made him wait a little bit.

8 A. We did.

9 Q. He was by himself, small room.

10 A. Yes. The interview rooms aren't too, too big.

11 Q. But by himself?

12 A. Yes.

13 Q. No windows?

14 A. No windows.

15 Q. Just table and a chair.

16 A. Correct.

17 Q. And you came into the room, right?

18 A. Yep.

19 Q. And read Miranda.

20 A. We did.

21 Q. Before that you talked about his education, right?

22 A. Yes.

23 Q. And he said basically he has a high school

24 education.

25 A. Yes.

State v K'Sone M. Campbell

Jackson v Denno Hearing-Paul Krasowski-Cross-Examination by Mr. Mulbry

March 2, 2020

1 Q. And you also knew he was young, right?

2 A. Depends on what you define as young I suppose.

3 Q. He looked young.

4 A. He was an adult.

5 Q. He was an adult? Okay. Now you asked my client how
6 he was feeling, right?

7 A. Yes.

8 Q. And he told you he only had two hours sleep?

9 A. That's correct.

10 Q. And people are supposed to get eight hours of sleep,
11 right?

12 A. They're supposed to. I guess that's the recommended
13 amount.

14 Q. The recommended amount? Because sleep deprivation
15 can lead to memory issues.

16 A. I suppose.

17 Q. Trouble thinking.

18 A. I guess it varies from person to person.

19 Q. And you continued to interview him despite the lack
20 of sleep.

21 A. I think we were both on the same page with the
22 amount of sleep about at that point.

23 Q. About an hour into the interview, it wasn't part of
24 that clip but K'Sone said he was finished talking.

25 A. Yes, that was beyond that.

State v K'Sone M. Campbell

Jackson v Denno Hearing-Paul Krasowski-Cross-Examination by Mr. Mulbry

March 2, 2020

1 Q. He wanted to terminate the interview.

2 A. And he did.

3 Q. So you terminated it right then?

4 A. We terminated it and we advised him that he was
5 under arrest. And then when I think Detective Jarrell
6 was getting his booking information he indicated that he
7 wanted to talk again.

8 And I think it was a little bit after that is when I
9 came back in there to re-advise Miranda and never got
10 back to any kind of questioning or anything.

11 Q. Do you remember writing a report in this case?

12 A. I did.

13 Q. Now, you said when he said he wanted to stop talking
14 you terminated the interview, is that what you said?

15 A. Yeah. I think we walked out of the interview right
16 around there because he said -- he asked if he was free
17 go, and this is just from my memory, but we said no at
18 that point he was going to be placed under arrest.

19 Q. In your report, if I showed you your report would it
20 kind of help refresh your memory?

21 A. Yeah.

22 MR. OSBORNE: Your Honor, I'm just going to object
23 to this only because we're not seeking to introduce any
24 part of his statement so it's not relevant at all to this
25 hearing.

State v K'Sone M. Campbell

Jackson v Denno Hearing-Paul Krasowski-Cross-Examination by Mr. Mulbry

March 2, 2020

1 THE COURT: Okay. I'll allow it at this point in
2 time. Go ahead.

3 MR. MULBRY: Thank you, Your Honor.

4 Q. [Mr. Mulbry] The top portion right there [indicates]
5 where it's highlighted.

6 [Whereupon, the witness is shown document]

7 A. All right.

8 Q. Now you said when he wanted to stop speaking you
9 terminated the interview however, you kept asking more
10 questions didn't you?

11 A. I don't know that I asked him more questions about
12 it.

13 Q. You said he wanted to keep speaking.

14 A. So, I guess it depends where you're referring to.
15 When we went in -- when Detective Jarrell -- what are you
16 referring to if you can clarify?

17 Q. So at 19:06 he said he wanted to terminate the
18 interview, right?

19 A. That's correct.

20 Q. Had you read Miranda before?

21 A. Yes.

22 Q. Many times?

23 A. Yeah.

24 Q. And the last thing you say is you have the right to
25 stop answering questions at any time.

State v K'Sone M. Campbell

Jackson v Denno Hearing-Paul Krasowski-Cross-Examination by Mr. Mulbry

March 2, 2020

1 A. Correct.

2 Q. And you kept asking questions, didn't you?

3 A. I don't believe so. So my report doesn't suggest

4 that.

5 Q. Well, at some point he did request an attorney,

6 correct?

7 A. He did.

8 Q. And again I think he also says he doesn't want to

9 answer any questions as well.

10 A. Okay.

11 Q. Then you tell him he's not free to leave.

12 A. Correct.

13 Q. You put him in cuffs.

14 A. Correct.

15 Q. Leave him in the room for a little bit.

16 A. Correct.

17 Q. And some minutes later did Detective Jarrell go in

18 the room?

19 A. He did.

20 Q. Do you know why?

21 A. Yes. So because he was placed under arrest we have

22 to complete a booking form. And that booking form just

23 has the basic biographical information of next of kin,

24 contact information and so he went in for that purpose.

25 Q. Do you know if he went in to talk about a cell

State v K'Sone M. Campbell

Jackson v Denno Hearing-Paul Krasowski-Cross-Examination by Mr. Mulbry

March 2, 2020

1 phone?

2 A. I don't know.

3 Q. Now when Detective Jarrell went in there to ask him
4 about his booking information that's when K'Sone said am
5 I --

6 THE COURT REPORTER: I'm sorry; repeat the
7 question.

8 THE COURT: Said what?

9 Q. [Mr. Mulbry] When Detective Jarrell went in there
10 and asked him about booking information that's when
11 K'Sone said it might have been meet man.

12 A. I think he uttered that, yes.

13 Q. Okay. And at some point he then says I want to
14 start talking, right?

15 A. Yes. I think he asked to speak with me.

16 Q. And that's when he said he didn't expect it to
17 happen?

18 A. I don't know if I was in the room for that.

19 MR. OSBORNE: Your Honor, this is...

20 THE COURT: I'm not sure -- so it's imperative that
21 I understand exactly what statements the State is seeking
22 to introduce that you object to and then we'll deal with
23 those. There is really no need to deal with the ones
24 that they are not seeking to introduce into evidence.

25 MR. MULBRY: Okay. I guess ---

State v K'Sone M. Campbell

Jackson v Denno Hearing-Paul Krasowski-Cross-Examination by Mr. Mulbry

March 2, 2020

1 THE COURT: --- I don't think unless they're
2 leading this is going somewhere that I don't maybe
3 understand quite yet. So it's apparent that the
4 statement that was shown to the Court was it all three
5 clips or the third clip?

6 MR. OSBORNE: Just those three clips and that's the
7 only thing we would publish to the jury ---

8 THE COURT: --- are the only ones they would seek
9 to introduce as evidence in the trial of this case, is
10 that correct, Mr. Osborne?

11 MR. OSBORNE: Yes, Your Honor.

12 THE COURT: Okay. So as to those clips only you
13 can kind of hone in.

14 MR. MULBRY: No further questions.

15 THE COURT: Okay. Mr. Osborne, any further
16 questions for this witness?

17 MR. OSBORNE: No, Your Honor.

18 THE COURT: Okay. Then I think he -- you can have
19 a seat.

20 THE WITNESS: Thank you.

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

23

24

25

State v K'Sone M. Campbell
Jackson v Denno Hearing
March 2, 2020

1 THE COURT: Any other witnesses pertaining to this
2 hearing from the State?

3 MR. OSBORNE: No, Your Honor.

4 THE COURT: Any from the defense? Does your client
5 wish to testify as to voluntariness of his statement?

6 MR. MULBRY: No, Your Honor.

7 THE COURT: Okay. I'm happy to hear any argument
8 if any is necessary from the State and the defense at
9 this point in time. Okay.

10 MR. MULBRY: Your Honor, we request that the
11 statement be suppressed on the basis of it was not
12 voluntary, Your Honor. As the detective said they took
13 him from his house. There were two detectives, they
14 drove him home -- they drove him to the police station.
15 He's in the car with two detectives; one sitting behind
16 him.

17 They put him in an interview room by himself, a
18 small interview room with no windows. And he's a young
19 kid and he is lacking sleep, Your Honor. I think under
20 the totality of the circumstances the statement was not
21 voluntary.

22 THE COURT: Okay. His date of birth, did I hear
23 that 1993 was the year of birth? I'm sorry, I don't have
24 it.

25 [Whereupon, the Court reviews documents]

State v K'Sone M. Campbell

Jackson v Denno Hearing

March 2, 2020

1 THE COURT: Yeah. He was born in 1993 is that
2 correct, Mr. Mulbry?

3 MR. MULBRY: Yes, Your Honor.

4 THE COURT: It's on the indictment. Mr. Osborne,
5 do you care to respond?

6 MR. OSBORNE: Just briefly, Your Honor. He
7 controlled this interview. He was the one that was
8 calling the shots. It was very little that was said by
9 the detectives, and when he wanted to terminate it, like
10 his lawyer said, it was terminated.

11 Everything that happened after that to be perfectly
12 frank I think is close. I think we could have gotten
13 some of that in but like I told Detective Krasowski I
14 think he has to re-advise him of his Miranda warnings and
15 he just never did that. So that's the only reason why I
16 don't think the rest of it is admissible.

17 THE COURT: Okay. Well, obviously I'm only dealing
18 with what we have today that the State seeks to
19 introduce. So going through the analysis that I need to
20 go through and considering the totality of the
21 circumstances I consider obviously the Defendant's
22 background, his education, the conduct during the
23 interview whether or not I believe he was under any sort
24 of coercion or duress I do not believe he was under any
25 sort of coercion or duress. I understand he was given a

State v K'Sone M. Campbell
Jackson v Denno Hearing
March 2, 2020

1 ride to the police station, escorted by the police inside
2 through the lobby and given a visitor's badge and no
3 doubt having signed in at the lobby and probably went
4 through a metal detector at that point in time as well
5 like everybody else does that walks into the police
6 station.

7 I understand he was put into a room, albeit perhaps
8 a small room, and left there for what I believe is a
9 relatively short period of time by himself. His age at
10 the time it looks like he was into his 20's at this point
11 in time. Certainly he wasn't a minor under the law nor
12 do I believe he was even, could have been misconstrued as
13 a minor by the detectives at this point in time. So I
14 don't believe the fact that he was in isolation is of any
15 effect for purposes of today's hearing.

16 I certainly didn't hear any threats of violence by
17 law enforcement nor any promises of leniency made at this
18 point in time. His Miranda rights were certainly given
19 to him. He indicated numerous times that he understood
20 his rights and that he wanted to give a statement, which
21 he did.

22 And so for purposes again of this limited amount of
23 testimony the State is seeking to introduce I will allow
24 it at this point in time based on everything I've heard
25 so far today. Are there any other statements that are at

State v K'Sone M. Campbell
Jackson v Denno Hearing
March 2, 2020

1 issue?

2 MR. OSBORNE: No, Your Honor. I feel that this is
3 a good time here to talk about, which I didn't include
4 this in my trial brief just because I figured it was not
5 going to be elicited.

6 But through my conversations with Mr. Mulbry before
7 lunch he indicated to me that he plans on asking
8 questions about what the Defendant said outside of what
9 we intend to introduce. I mean the rules are pretty
10 clear on that; that's hearsay.

11 The only reason why we get to play that is because
12 it's an admission by a party opponent. And that line of
13 questioning right there what did he say then, what did he
14 say then and cherry picking those types of it he doesn't
15 get to do that. I get to do that. I get to introduce
16 parts of the statement but he doesn't.

17 And so at this point I would make an oral motion to
18 preclude him from asking or eliciting any questions as to
19 what the Defendant said during this interview and during
20 the proffer later on. Those would both be hearsay;
21 whether he testifies or not.

22 THE COURT: Do you want to respond to that?

23 MR. MULBRY: Your Honor, if I may? Under the rule
24 of completeness and also State v Cabrera; and the site
25 Your Honor is 361 S.C. 372. I think that case is similar

State v K'Sone M. Campbell
Jackson v Denno Hearing
March 2, 2020

1 to what happened here. So the State in that case the
2 detective got up on the stand and said basically put in
3 the admission by the Defendant. The Defendant tried to
4 cross-examine him on another statement he made,
5 exculpatory statement he made. And the same arguments
6 came up; its self-serving hearsay, you can't bring it in.

7 Your Honor, the Court found that was an error. And
8 they did that because of this situation. When you put in
9 little clips you're taking statements out of context.
10 And the Court was pretty clear that when part of a
11 conversation is put into evidence an adverse party is
12 entitled to prove the remainder of the conversation.
13 That's what I was trying to get into up there because in
14 the clip the State showed my client does say look, I
15 don't know what happened. I drove home and I don't know
16 what happened.

17 And the part that is not in that clip is my client
18 explains I was not expecting that to happen; it might
19 have been meet man. I think if this clip comes in I
20 should be allowed to get in his statement that explain or
21 clarify what he initially said under the rule of
22 completeness and State v Cabrera.

23 THE COURT: Okay.

24 MR. OSBORNE: Well, a couple of things about that
25 case and obviously he didn't provide that to me before

State v K'Sone M. Campbell
Jackson v Denno Hearing
March 2, 2020

1 now. But my recollection of that case was the -- it was
2 pretty preposterous because the Defendant if I remember
3 correctly said I did it but then he followed that up by
4 saying I did it because the guy tried to kill me. It was
5 a self-defense issue so the State only played that one
6 part of I did it. Well, certainly you need to hear the
7 whole story to hear why he did it.

8 This is different. This is what we're playing to
9 the jury is him saying I wasn't there. I wasn't there at
10 all. I don't know anything about anything. And then
11 later on after he was evoked his Miranda rights it might
12 have been Meet Man. Well, it might have been. That's
13 not inconsistent with what he just said. What he told
14 the police was that I wasn't there; I didn't have
15 anything to do with it.

16 And I will add this is exactly why I gave this
17 statement to him a week and a half ago or two weeks ago I
18 may be okay with playing those parts of the statement but
19 I need to know what he wants to play. This is the first
20 I'm hearing that he wants ---

21 THE COURT: --- I mean -- Mr. Mulbry maybe you can
22 just catch me up a little bit. Obviously I'm hearing all
23 these things as a first impression as well so I'm trying
24 to catch up with what we're talking about here. So he
25 gave some further statements it sounds like?

State v K'Sone M. Campbell
Jackson v Denno Hearing
March 2, 2020

1 MR. MULBRY: Yes, Your Honor.

2 THE COURT: That the State isn't seeking to
3 introduce. Is that something that you're seeking to
4 introduce or you just want to be able to talk to the
5 detective about it on the stand or what exactly are we
6 talking about.

7 MR. MULBRY: If they put in this clipped portion of
8 his statement I'm saying I should be able to cross-
9 examine the detectives on the remainder of the statement
10 he made that comes at about an hour after the clipped
11 version ends.

12 And like I said he mentions it was somebody else who
13 did this. He mentions he was not expecting it to happen.
14 I'm not saying it is inconsistent; I'm saying it explains
15 or clarifies his earlier statement in the same
16 conversation.

17 MR. OSBORNE: All right. So ---

18 THE COURT: --- so would those portions be -- I'm
19 trying to figure out -- are those portions that you would
20 say are inadmissible because they were after he had
21 already invoked his right to an attorney. I mean I have
22 to make sure -- you can't have it both ways. So are the
23 statements inadmissible?

24 MR. MULBRY: Your Honor, I would obviously like the
25 whole statement to be suppressed based on it not being

State v K'Sone M. Campbell
Jackson v Denno Hearing
March 2, 2020

1 voluntary.

2 THE COURT: Okay.

3 MR. MULBRY: However, if that statement is coming
4 in I think that under due process of the Constitution and
5 under State v Cabrera and under the rules of evidence I
6 should be able to ---

7 THE COURT: --- so you would waive his right under
8 Miranda and ask that the rest of the statements come in?

9 MR. MULBRY: If this statement comes in I would as
10 to that specific portion where he says it might have been
11 Meet Man; I was not expecting this to happen.

12 MR. OSBORNE: Okay see that I have a problem with.

13 THE COURT: Right.

14 MR. OSBORNE: If he wants the whole thing in I have
15 no problem playing the whole thing. But to cherry pick
16 this portion of it well he says a lot more than that. He
17 says if the guy did it maybe he was doing to get respect
18 from me. I want that in there too ---

19 THE COURT: --- these are conversations that
20 typically need to be had before trial obviously okay.
21 This is why because y'all are throwing arguments at me
22 and I have no basis to make a ruling. I haven't seen the
23 whole statement so maybe I'm going to have to watch the
24 whole thing to make a ruling on this issue. I don't know
25 how to deal with it frankly. If you want me to consider

State v K'Sone M. Campbell
Jackson v Denno Hearing
March 2, 2020

1 the whole statement I'm going to have to see the entire
2 thing. I can't just...

3 MR. OSBORNE: I can make a copy. I can give that
4 to you. I apologize. This is really the first I've
5 heard of that.

6 THE COURT: I understand. Things happen; I'm not
7 faulting anybody. I'm just trying to understand. Your
8 position Mr. Mulbry I just need to make sure that I
9 understand what you want; that that's really clear today.
10 So you would like the whole statement?

11 MR. MULBRY: Your Honor, I want to be able to
12 cross-examine that detective on the statement he makes
13 that clarified that he was not there when this happened.

14 THE COURT: Okay.

15 MR. MULBRY: And that occurs at 8:06. The rest of
16 this -- everything between there really doesn't clarify
17 anything.

18 MR. OSBORNE: So he doesn't want a rule of
19 completeness; he wants a rule of halfness and he gets to
20 pick the half. Well that's not -- that's hearsay.

21 THE COURT: And I'm going to have to see the entire
22 thing to make any kind of ruling. I would tend to tell
23 you that when I have these types of issues the entire
24 statement tends to come in okay, unless the attorneys can
25 get together and agree on what portions are to be

1 redacted. And when that happens it's beautiful, it's
2 really nice; it works out well. But sometimes that
3 doesn't happen and I understand that so I'm going to have
4 to watch the entire thing. How long is the whole
5 interview? About an hour and half?

6 MR. OSBORNE: I can give you a summary, Judge.
7 I'll cc him as well that just shows -- unless y'all got
8 it transcribed -- that just shows the parts where he's
9 not in there so it just shows the talking parts. The
10 talking parts aren't that long.

11 THE COURT: Okay. So I'm going to just have to
12 take this particular part of your argument under
13 advisement. I'm going to have to ask y'all once we're
14 finished with all of our other motions today to get
15 together and make sure that you see and approve of
16 whatever it is he is going to have me look at and I'll
17 have to make a ruling in the morning before opening
18 arguments. Does that sound good?

19 MR. MULBRY: Thank you, Your Honor.

20 THE COURT: Sure. All right. So that's Jackson v
21 Denno. What else? Do we have a Biggers hearing?

22

23

24

25

State v K'Sone M. Campbell

Motion for Continuance-Remarks by Mr. Mulbry

March 2, 2020

1 MR. MULBRY: Your Honor, very quickly, just for the
2 record.

3 THE COURT: Yes.

4 MR. MULBRY: We did make a Motion for Continuance
5 on Friday. We emailed Judge Dennis and he did deny that
6 Motion for Continuance.

7 THE COURT: Okay.

8 MR. MULBRY: The reason why is because frankly this
9 case has kind of had a weird procedural history. Your
10 Honor, he was originally represented by Bill Thrower.
11 Bill Thrower died. He got a new attorney, he got me.
12 And he's been a cooperating witness this whole time.
13 He's been sitting and waiting for his co-defendant's
14 trial. And his co-defendant's trial was set for this
15 week.

16 And it's been our understanding that everything is
17 good and we're cooperating. The co-defendant took a plea
18 deal about two weeks ago that kind of changed the posture
19 of this case. We'd like more time to prepare. Those are
20 the reasons for our Motion for Continuance.

21 THE COURT: Okay. How long have you represented
22 him?

23 MR. MULBRY: Since I think February of 2019.

24 THE COURT: Okay. So a little over a year?

25 MR. MULBRY: Yes, Your Honor.

State v K'Sone M. Campbell
Motion for Continuance-Remarks by Mr. Mulbry
March 2, 2020

1 THE COURT: Okay. And how long have you been aware
2 this case has been on the trial docket?

3 MR. OSBORNE: Since October?

4 MR. OSBORNE: October 2019.

5 THE COURT: And your request was made to Judge
6 Dennis last Friday?

7 MR. MULBRY: Yes, Your Honor.

8 THE COURT: And he understood. Of course he's the
9 Chief Administrative Judge of General Sessions terms so
10 I'm assuming he took part in assigning the State
11 certainly before this trial is that correct?

12 MR. MULBRY: I believe so. Yes, Your Honor.

13 THE COURT: And these arguments that you're making
14 to me were made to him via email on Friday?

15 MR. MULBRY: Not the full extent of the argument
16 but a summary version yes, Your Honor.

17 THE COURT: Okay. Mr. Osborne?
18
19
20
21
22
23
24
25

State v K'Sone M. Campbell

Motion for Continuance-Remarks by Mr. Osborne

March 2, 2020

1 MR. OSBORNE: Your Honor, I do have some of the
2 emails. I don't think Mr. Mulbry would contest that we
3 were exchanging emails I think probably around May of
4 last year. And Mr. Mulbry, I know how this sounds as if
5 its posture, but he was going through the file then
6 because he was pointing out things to me that I quite
7 frankly hadn't sunk my teeth in yet to realize that we
8 didn't have certain things.

9 So he was making those requests. I ultimately did
10 get those things to him in October. He did agree to a
11 date certain along with Jim Smiley for this week. And
12 nothing changed. The only thing that changed was that
13 Demetrius Young pled. At no point was he going to get a
14 free ride. If Demetrius Young pled or if Demetrius Young
15 was tried he was going to get a plea offer. I wasn't
16 going to drop the case.

17 THE COURT: He being who?

18 MR. OSBORNE: The Defendant.

19 THE COURT: Okay.

20 MR. OSBORNE: He got his plea offer and he didn't
21 like it and didn't want to plea. And that's why we put
22 the co-defendants on the trial together in cases like
23 this; they get cold feet and they don't accept the plea.
24 I know Mr. Mulbry says that he was a cooperator but as
25 the day of trial Mr. Campbell may have changed his mind.

State v K'Sone M. Campbell
Motion for Continuance-Remarks by Mr. Osborne
March 2, 2020

1 And if that had been the case we would have tried him; he
2 would have needed to be prepared in that case too. So to
3 me this is no different than any other co-defendant case.

4 THE COURT: Okay. You didn't bring up any issue of
5 late discovery or anything like that? That doesn't seem
6 to be one of your grounds for continuance. So it sounds
7 like Judge Dennis has heard all arguments that you made
8 today.

9 You've obviously been on notice since October that
10 this trial was forthcoming so respectfully I've preserved
11 your motion for the record but it's denied. Okay. All
12 right, so we'll go on to the next pretrial motion. I
13 believe there is a Neil v Biggers hearing that is
14 necessary, is that right?

15 MR. MULBRY: Yes, Your Honor.

16 THE COURT: Okay. We'll move into that.

17

18

19

20

21

22

23

24

25

State v K'Sone M. Campbell

Neil v Biggers Hearing-Mark Mellette-Direct Examination by Mr. Osborne

March 2, 2020

1 MR. OSBORNE: Thank you, Your Honor. The State
2 calls Detective Sergeant Mark Mellette.

3 [Whereupon, Detective Mellette comes forward]

4 MR. OSBORNE: Your Honor, for the defense as well
5 we only have one witness who has responded to our
6 subpoena, Cory Watson. We do not have Donald Phiri so we
7 won't be moving forward with that Biggers hearing. If we
8 do get him I guess we could then but we don't anticipate
9 getting him.

10 THE COURT: Okay.

11 [Whereupon, the witness is duly sworn by the Clerk
12 of Court]

13 CLERK OF COURT: Please take a seat. Please state
14 your full name spelling your last name for the record.

15 THE WITNESS: My name is Mark Mellette. My last
16 name is spelled M-E-L-L-E-T-T-E.

17 - - - - -

18 MARK MELLETTE,

19 Having been first duly sworn,

20 Was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. OSBORNE:

23 Q. Sergeant Mellette, where do you work?

24 A. The Charleston Police Department.

25 Q. All right. And back on May the 12th of 2017 did you

State v K'Sone M. Campbell

Neil v Biggers Hearing-Mark Mellette-Direct Examination by Mr. Osborne

March 2, 2020

1 work with CPD then?

2 A. I did.

3 Q. What was your assignment then?

4 A. I was a detective assigned to the Violent Crimes
5 Unit.

6 Q. Okay. So did you have the occasion to assist with
7 this murder investigation?

8 A. I did.

9 Q. And on that date did you have the occasion to meet
10 with a Cory Watson?

11 A. I did.

12 Q. And just briefly, you can do that for this hearing,
13 what was your purpose for meeting with Mr. Watson and
14 what is it that he brings to this investigation?

15 A. Sure. My purpose was to conduct an interview with
16 Mr. Watson and show him a six person photo lineup. Cory
17 Watson was an employee at the Rawan Market at 949 King
18 Street and was present for the fight that preceded the
19 shooting.

20 Q. Okay. And so is it fair to say you were interested
21 in identifying individuals who were in the fight?

22 A. Yes, sir.

23 Q. And at this time when you met with Cory had you
24 developed potential suspects for who was involved in that
25 fight?

State v K'Sone M. Campbell

Neil v Biggers Hearing-Mark Mellette-Direct Examination by Mr. Osborne
March 2, 2020

1 A. Yes.

2 Q. So what did you elect to do?

3 A. I elected to show him the photo lineup to see if he
4 was able to I.D. the people involved in the fight.

5 Q. Okay. A photographic lineup of six pictures?

6 A. That's correct.

7 Q. Was it two separate photographic lineups?

8 A. Correct; one for each Defendant.

9 Q. And who was the suspects that you had developed at
10 this time?

11 A. One was the Defendant, K'Sone Campbell and the other
12 was Demetrius Young.

13 Q. Okay.

14 MR. OSBORNE: Your Honor, may I approach?

15 Yes.

16 Q. [Mr. Osborne] I'm showing you State's 64, 65, and
17 66.

18 [Whereupon, the witness is shown exhibits]

19 Q. Can you take a look at those and tell me if you
20 recognize them?

21 A. 64 is a recording of the lineup presentation of Cory
22 Watson. And 65 and 66 are the two photo lineup
23 admonition forms and lineups that were presented to Mr.
24 Watson.

25 Q. Okay. Do you remember who prepared these

State v K'Sone M. Campbell

Neil v Biggers Hearing-Mark Mellette-Direct Examination by Mr. Osborne
March 2, 2020

1 photographic lineups in this case?

2 A. I do not.

3 Q. How is that normally prepared?

4 A. I'm sorry?

5 Q. How is it normally prepared? Like how do you go
6 about getting one of these photographic lineups?

7 A. Sure. In most cases I would request that a lineup
8 be generated by the Department's criminal intelligence
9 unit.

10 I would provide a person of interest that I would
11 like to be composed and then they will provide it to me
12 for presentation.

13 Q. Okay. So we'll just go through this and then I'll
14 because it is an audio recording. So when you met with
15 Mr. Watson, I'm showing you State's exhibit 65.

16 [Whereupon, the photograph is shown]

17 Q. How did you go about -- walk us through this
18 procedure. How did you present this lineup to him?

19 A. Sure. I did it the same way I always do, which is
20 to say that I recorded the procedure. I began by reading
21 this departmental photo lineup admonition form.

22 And in the middle paragraph there [indicates] that
23 is something that I read out loud to the person viewing
24 the lineup. And once I establish that Mr. Watson
25 understands the procedure and understands the admonition

State v K'Sone M. Campbell

Neil v Biggers Hearing-Mark Mellette-Direct Examination by Mr. Osborne
March 2, 2020

1 at that point I allow him to view the lineup. The lineup
2 itself is contained in a manila folder and as soon as we
3 establish admonition he grabs the folder, opens it up and
4 views the lineup then.

5 Q. Okay. So you read this admonition form to him
6 first?

7 A. I did.

8 Q. And then he looked at this lineup here [indicates]?
9 Is that him that circles it or?

10 A. Yes sir, that's him and his initials.

11 Q. Okay. Did you indicate or suggest to him in any way
12 who he should pick out from this lineup?

13 A. No, I did not.

14 Q. And that is the Defendant, photograph number 1?

15 A. Yes, sir.

16 Q. And this check I was able to make an identification
17 is that Mr. Watson's signature?

18 A. Yes, it is.

19 Q. Okay. Now I'm showing you State's exhibit 66. Did
20 you go through the same procedure here ---

21 A. --- I did ---

22 Q. --- with this ---

23 A. --- yes, the same procedure.

24 Q. And I see he is able to identify photo number 6.

25 Again, that's Mr. Watson's signature?

State v K'Sone M. Campbell

Neil v Biggers Hearing-Mark Mellette-Direct Examination by Mr. Osborne

March 2, 2020

- 1 A. It is.
- 2 Q. Now who is that person [indicates]?
- 3 A. That is Demetrius Young, the co-defendant.
- 4 Q. Okay. And he circled it and put his initials there?
- 5 A. He did.
- 6 Q. You said that you had audio recorded this?
- 7 A. I did.
- 8 Q. Where were you?
- 9 A. I was at the Charleston Police Headquarters.
- 10 Q. Okay. Do you know why it wasn't video recorded? I
- 11 guess we'll find out.
- 12 A. If it took place in the interview room it would have
- 13 been video recorded. If it took place elsewhere it was
- 14 the audio with my handheld.
- 15 Q. Did he hesitate at all when making either one of
- 16 these identifications?
- 17 A. No. He stated that he was positive.
- 18 Q. I'll play State's exhibit 64. I'm just going to go
- 19 to 38:40 and that's where the lineup procedure occurred.
- 20 Prior to this did you interview him?
- 21 A. I did.
- 22 Q. The video on this one does not sync up to the audio,
- 23 isn't that correct?
- 24 A. Yes, sir.
- 25 Q. So we're going to hear it but we're not actually

State v K'Sone M. Campbell

Neil v Biggers Hearing-Mark Mellette-Direct Examination by Mr. Osborne

March 2, 2020

1 going to get to see it.

2 [Whereupon, the audio recording, State's exhibit 64,
3 plays]

4 Q. So after this you showed him still shots to identify
5 which of the two individuals he was referring to?

6 A. Yes.

7 Q. Okay.

8 MR. OSBORNE: No further questions, Your Honor.

9 THE COURT: Any cross?

10 MR. MULBRY: Thank you, Your Honor.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v K'Sone M. Campbell

Neil v Biggers Hearing-Mark Mellette-Cross-Examination by Mr. Mulbry

March 2, 2020

1	CROSS-EXAMINATION
2	BY MR. MULBRY:
3	Q. Good afternoon.
4	A. Afternoon.
5	Q. Now are you familiar with the Charleston Police
6	Department field guide?
7	A. Yes.
8	Q. And that guide tells you how to conduct photo
9	lineups, right?
10	A. Yes.
11	Q. There are different kinds of lineups.
12	A. There are.
13	Q. There is a photographic lineup.
14	A. Yes.
15	Q. There is a -- that includes, so that basically means
16	you're showing a photo of the suspect and five others.
17	A. That's correct.
18	Q. At one time.
19	A. Yes.
20	Q. And here that's what you chose to do.
21	A. Yes.
22	Q. But regardless of what you do you don't want to be
23	suggestive.
24	A. Correct.
25	Q. You don't want to steer the witness in any one

State v K'Sone M. Campbell

Neil v Biggers Hearing-Mark Mellette-Cross-Examination by Mr. Mulbry

March 2, 2020

1 direction.

2 A. That's correct.

3 Q. And some police agencies they like to use an
4 independent administrator, right?

5 A. Perhaps.

6 Q. Yes?

7 A. I work with the Charleston Police Department and
8 other agencies may do it differently.

9 Q. So you knew who the suspect was when you gave this,
10 right?

11 A. I did.

12 Q. An independent administrator would not know who the
13 suspect was, correct?

14 A. Correct.

15 Q. And that reduces your or the person's ability to
16 subconsciously steer that witness in one direction,
17 right?

18 A. Correct.

19 Q. But you showed it knowing the suspect, correct?

20 A. I did.

21 Q. You could have sent another officer to conduct it.

22 A. I couldn't have you're asking?

23 Q. You could have sent another officer.

24 A. Could have. That's why we take steps to remove such
25 suggestiveness which is why I conduct that in the way

1 that I did.

2 Q. And it's also part of your policy not to provide
3 feedback to the witness, right?

4 A. We do not provide feedback; that's correct.

5 Q. And after Mr. Watson identified my client in the six
6 pack you showed him a still photo, right?

7 A. Afterwards yes, we showed him the surveillance
8 images.

9 Q. A single photo, right?

10 A. A single surveillance image.

11 Q. Of my client ---

12 A. --- after the identification was made, yes sir.

13 Q. A single photo of my client, correct?

14 A. Surveillance image, yes.

15 Q. In the store where this happened.

16 A. Yes.

17 MR. MULBRY: Court's indulgence.

18 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

19 MR. MULBRY: No further questions, Your Honor.

20 THE COURT: Okay. Any redirect?

21 MR. OSBORNE: Just very briefly.

22

23

24

25

State v K'Sone M. Campbell

Neil v Biggers Hearing-Mark Mellette-Redirect Examination by Mr. Osborne
March 2, 2020

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REDIRECT EXAMINATION

BY MR. OSBORNE:

Q. So you showed him a screenshot from surveillance
footage from inside the Rawan Market?

A. I did.

Q. Was Cory Watson inside the Rawan Market?

A. He was, yes.

Q. So you're showing him a screenshot of something that
he saw with his own eyes.

A. That's correct.

Q. Okay.

MR. OSBORNE: No further questions, Your Honor.

THE COURT: Okay. Anything else?

MR. MULBRY: No, Your Honor.

THE COURT: All right. You can step down.

[Whereupon, the witness is excused and exits the
witness stand]

1 THE COURT: I'm happy to hear from you Mr. Mulbry.

2 MR. MULBRY: Your Honor, we'd argue the lineup was
3 suggestive. He could have used an independent
4 administrator and he did not. The reason we use
5 independent administrators is so we don't subconsciously
6 steer witnesses to any one suspect.

7 Your Honor, he also basically confirmed the
8 witness's identification by showing him a picture of my
9 client in the store where this happened right after he
10 identified my client. And for those reasons we'd argue
11 that's suggestive.

12 THE COURT: Okay. Mr. Osborne?

13 MR. OSBORNE: Just briefly. There is no case law
14 yet in South Carolina that requires an independent
15 administrator. In fact, CPD does have guidelines that is
16 more stringent than other law enforcement agencies. The
17 FBI for example they will not audio or video record their
18 lineup presentations. CPD does that.

19 And granted it got a little wonky here with the
20 audio and video but you can still sort of see what
21 happens afterwards. And more importantly I like the way
22 he does it. He puts it in a manila envelope so as not to
23 suggest anything as he's handing it to him.

24 THE COURT: Okay. Anything else?

25 MR. MULBRY: No, Your Honor.

State v K'Sone M. Campbell
Neil v Biggers Hearing
March 2, 2020

1 THE COURT: I do not find that it was an unduly
2 suggestive eyewitness identification. I think the
3 process even though they did not use an independent agent
4 to conduct the process in this circumstance. But under
5 the totality of these circumstances it is reliable. I
6 find that the showing of a photograph after he has
7 already picked somebody out does not violate the
8 suggestiveness of the procedure.

9 Obviously it would be a different situation had he
10 shown a photograph of somebody in a store and then said
11 pick this guy out of a lineup; that's a whole different
12 scenario. But I think afterwards doesn't give a rise to
13 a level of suggestiveness that I think would suppress it
14 from being brought into evidence.

15 So that coupled with the fact that this witness did
16 assert a positive identification on both accounts, he
17 even gave other details after picking the people out
18 including the guy was bulky, this is the guy that asked
19 for his shirt when he came back and then yes, I'm
20 positive this is the other guy; these two were together.

21 Those statements seem to indicate that there was a
22 high level of certainty demonstrated by this witness so
23 for those reasons your motion is respectfully denied at
24 this time. Shall we go to the next? Anybody want a
25 break? How about that? We'll take about a five minute

State v K'Sone M. Campbell

Neil v Biggers Hearing

March 2, 2020

1 break. We'll be at ease for about five minutes okay.

2 Then we'll come back.

3 [Whereupon, Court is in recess from 2:58 p.m. until
4 3:07 p.m.]

5 THE COURT: All right. Is everybody ready to
6 proceed?

7 MR. MULBRY: Yes, Your Honor.

8 THE COURT: Okay. All right Mr. Mulbry; let's move
9 on to the next pretrial matters.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v K'Sone M. Campbell
Motion to Suppress Text Messages
March 2, 2020

1 MR. MULBRY: Your Honor, we could start with our
2 Motion in Limine to exclude text messages between my
3 client's phone and another number 843-510-7208. I think
4 it has been premarked as State's exhibit 82.

5 THE COURT: Let me pull that out.

6 [Whereupon, the Court reviews documents]

7 THE COURT: I'll pull that out so I can follow
8 along with you. Now are these messages or just -- oh, I
9 see, that some communication went back and forth.

10 MR. MULBRY: Yes, Your Honor.

11 THE COURT: It's not the actual message itself, is
12 that right, or is it?

13 MR. MULBRY: It's the messages.

14 THE COURT: Oh, I'm sorry. Okay. I see now. So
15 I'm now viewing what has been premarked as State's
16 exhibit 82. And this is the exhibit that you object to
17 the introduction of in the course of the trial?

18 MR. MULBRY: Yes, Your Honor.

19 THE COURT: All right. Are there any other
20 exhibits along the same lines or is it ---

21 MR. MULBRY: --- no, Your Honor ---

22 THE COURT: --- all encompassed in this one piece
23 of paper?

24 MR. MULBRY: My understanding is the State is
25 trying to put this series of text messages and this is

State v K'Sone M. Campbell
Motion to Suppress Text Messages
March 2, 2020

1 what we are objecting to ---

2 THE COURT: --- okay.

3 MR. MULBRY: I'm not aware of them trying to put in
4 anything else like this.

5 THE COURT: Okay. Mr. Osborne, does the State seek
6 to introduce this text message exchange between these two
7 numbers that has been premarked as State's 82?

8 MR. HUNDLEY: Your Honor, we are.

9 THE COURT: Okay. I'm sorry; thank you Mr.
10 Hundley. Okay.

11 MR. HUNDLEY: That's fine. That's fine.

12 THE COURT: Okay. For what purpose do you seek to
13 introduce these text messages?

14 MR. HUNDLEY: Your Honor, just for a little
15 background the text message is between the Defendant and
16 one of the two he got into an altercation with; Mr.
17 Milligan. And the text says yeah, we strap. It's kind
18 of common knowledge now what strap means. He says it, he
19 texts it to Mr. Milligan an hour before the murder
20 occurs.

21 THE COURT: Now tell me what strap means.

22 MR. HUNDLEY: Strap means having a gun on one's
23 person. Of course in this context he says we so that
24 likely means that whoever was with him also had a gun and
25 perhaps they had it together amongst themselves. And we,

State v K'Sone M. Campbell
Motion to Suppress Text Messages
March 2, 2020

1 Judge ---

2 THE COURT: --- just for clarification whose phone
3 number do you, does the State allege belongs to the
4 Defendant? Is it the 260-7555 number or the other one?

5 MR. HUNDLEY: Yes, Your Honor.

6 THE COURT: Okay.

7 MR. HUNDLEY: And we have not identified the number
8 that ends in 208.

9 THE COURT: You have not identified the owner of
10 the number ending in 208?

11 MR. HUNDLEY: That's correct.

12 THE COURT: Okay. And how did the State come to
13 get this information?

14 MR. HUNDLEY: We have a search warrant by Detective
15 Jarrell for the Defendant's phone and we found that in
16 the phone.

17 THE COURT: Okay. So it was pursuant to a cell
18 phone dump I believe is what they call it of the
19 Defendant's cell phone ---

20 MR. HUNDLEY: --- yes, Your Honor ---

21 THE COURT: --- post search warrant for that phone?
22 All right. Do you have any witnesses you care to call in
23 regards to that search warrant or the dump?

24 MR. HUNDLEY: We call Detective Jarrell.

25 THE COURT: Okay.

State v K'Sone M. Campbell

Motion to Suppress Text Messages-Jason Jarrell-Direct Examination by Mr. Hundley
March 2, 2020

1 [Whereupon, Mr. Jarrell comes forward]

2 [Whereupon, the witness is duly sworn by the Clerk
3 of Court]

4 CLERK OF COURT: Please have a seat. Please state
5 your full name spelling your last name for the record.

6 THE WITNESS: My name is Jason Jarrell; last name
7 is J-A-R-R-E-L-L.

8 - - - - -

9 JASON JARRELL,

10 Having been first duly sworn,

11 Was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. HUNDLEY:

14 Q. Thank you. Detective Jarrell, how did you come
15 about getting this search warrant? On what basis did you
16 ---

17 THE COURT: --- go back a little bit. First of all
18 establish where he works, tell me what he does and all
19 that kind of stuff first, okay?

20 Q. [Mr. Hundley] Detective Jarrell, where do you work?

21 A. I work at the Charleston City Police Department.

22 Q. How long have you been there?

23 A. A little over 12 years.

24 Q. And what's your position there?

25 A. I'm currently on patrol.

State v K'Sone M. Campbell

Motion to Suppress Text Messages-Jason Jarrell-Direct Examination by Mr. Hundley
March 2, 2020

1 Q. And what sort of duties does that entail?

2 A. Right now I'm responding to 911 calls for activity
3 and things like that. During the time of this incident I
4 was assigned to the Violent Crimes Unit.

5 Q. Okay. So in 2017 you said you were in the Violent
6 Crimes Unit?

7 A. Correct.

8 Q. So you were involved with this investigation?

9 A. Yes, I was.

10 Q. Okay. So following that how did you lead into this,
11 getting this search warrant?

12 A. Upon the arrest of the Defendant, Mr. Campbell, his
13 cell phone was seized as is in most cases during violent
14 crimes.

15 A search warrant was then obtained to download the
16 contents of his cell phone and that's when we came across
17 the evidence in question.

18 Q. So it was a phone dump?

19 A. Correct.

20 Q. What does a phone dump entail?

21 A. A phone dump is basically a forensic download of a
22 telephone.

23 Q. And that would show specifically what text messages
24 a ---

25 A. --- it shows text messages, call logs. Sometimes it

State v K'Sone M. Campbell

Motion to Suppress Text Messages-Jason Jarrell-Direct Examination by Mr. Hundley
March 2, 2020

1 shows Internet search histories, contacts, text messages;
2 things of that nature.

3 Q. And it would show what the actual text messages and
4 who it's going to and who is it from?

5 A. Correct.

6 MR. HUNDLEY: Beg the court's indulgence.

7 [Whereupon, Mr. Osborne and Mr. Hundley confer]

8 MR. HUNDLEY: Your Honor, may I approach?

9 THE COURT: Yes.

10 Q. [Mr. Hundley] I'm showing you State's 78 and 82.

11 [Whereupon, the witness is shown exhibits]

12 Q. Do you recognize those?

13 A. I do.

14 Q. And tell me ---

15 A. --- exhibit 78 is the Defendant, Mr. Campbell's
16 telephone. And exhibit 82 is an excerpt of the text
17 messages that were downloaded from the phone.

18 Q. And could you please ---

19 THE COURT: --- 78 you said?

20 THE WITNESS: 78 is the phone, Your Honor, and 82
21 is the excerpt.

22 THE COURT: Hold on real quick. I've got two 77's
23 by accident. I don't know that I need it. Can you show
24 me how the -- oh, I see; that would be why. Okay. Thank
25 you. Go ahead.

State v K'Sone M. Campbell

Motion to Suppress Text Messages-Jason Jarrell-Direct Examination by Mr. Hundley
March 2, 2020

1 Q. [Mr. Hundley] Could you please read the text message
2 in question?

3 A. The text message in question is labeled as number 3
4 on this excerpt and it says: [Reading] Yeah, we strap so
5 don't think it's easy.

6 Q. And what time was that?

7 A. That was at 7:56 p.m.

8 Q. And about what time was the incident in the matter
9 of this case?

10 A. It was at approximately 9:30 so about an hour and
11 half prior to the incident this text message was sent.

12 Q. And what is the number that sent that text message?

13 A. The number that sent the text message is 843-260-
14 7555.

15 Q. So that would be the phone that you received the
16 search warrant for?

17 A. That's correct.

18 Q. And that phone belonged to?

19 A. To the Defendant, Mr. Campbell.

20 MR. HUNDLEY: Beg the court's indulgence.

21 [Whereupon, Mr. Osborne and Mr. Hundley confer]

22 Q. [Mr. Hundley] A couple more questions. What does
23 that text message mean to you?

24 A. This text message to me means that the person
25 sending this message more than likely another person or

1 persons with him are in possession of a firearm since we
2 implies he and at least one more person.

3 And strap during my 12 years of experience commonly
4 refers to a firearm or being in possession of a firearm.

5 Q. Meaning it's on your person or you have easy access
6 to it?

7 A. Correct.

8 Q. So you could pull it out at any time?

9 A. Yes.

10 Q. And we means you assume and probably from the
11 investigation you found out that he was with someone.

12 A. Correct.

13 Q. So you could say that he and whoever was with him
14 they both had at least one gun.

15 A. That's correct.

16 MR. HUNDLEY: Beg the court's indulgence one more
17 time.

18 [Whereupon, Mr. Osborne and Mr. Hundley confer]

19 Q. [Mr. Hundley] One last question. How was the victim
20 killed in this case?

21 A. With a firearm --

22 THE COURT REPORTER: I'm sorry; repeat your answer.

23 THE WITNESS: The victim in this incident was
24 killed with a firearm.

25 MR. HUNDLEY: No further questions, Your Honor.

State v K'Sone M. Campbell

Motion to Suppress Text Messages-Jason Jarrell-Direct Examination by Mr. Hundley
March 2, 2020

1 THE COURT: Okay. Mr. Mulbry?

2 MR. MULBRY: Thank you, Your Honor.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v K'Sone M. Campbell

Motion to Suppress Text Messages-Jason Jarrell-Cross-Examination by Mr. Mulbry
March 2, 2020

1 CROSS-EXAMINATION

2 BY MR. MULBRY:

3 Q. Good afternoon.

4 A. Good afternoon.

5 Q. Were you able to identify that 710 number who that
6 belonged to?

7 A. No, I was not.

8 Q. I want to go through the text messages before that
9 if that's okay. The first one that is he gets, in the
10 inbox 7:19:09:

11 I done had a fight with this girl and we been bag
12 and all. She ain't dumb, she know you. Just ain't
13 telling the truth and she believed that he got you.

14 That's referring to a female, right?

15 A. I believe so.

16 Q. And a little while later she says or this number
17 says: If you never would have fucked with me we wouldn't
18 be going through this you weak ass bitch got the best of
19 me the first time but next time that oh DEA debt.

20 What is happening there? Did you try to interpret
21 that?

22 A. It sounds like that one female is possibly
23 threatening another female or that someone who is I guess
24 you could say with Mr. Campbell is making threats toward
25 another female; someone being with meaning a significant

State v K'Sone M. Campbell

Motion to Suppress Text Messages-Jason Jarrell-Cross-Examination by Mr. Mulbry
March 2, 2020

1 other or partner.

2 Q. Now is Mr. Campbell's significant other involved in
3 this case?

4 A. No.

5 Q. Was she at the scene ---

6 A. --- only the vehicle, no.

7 Q. How -- is 710 number is it involved in the case at
8 all?

9 A. No, I do not think so.

10 Q. I'm going to switch gears here for a second. When
11 you search the phone do you do the search of the phone or
12 does someone else do it?

13 A. Someone else downloads the phone and then gives the
14 context of that download to me and I search that.

15 MR. MULBRY: Court's indulgence.

16 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

17 Q. [Mr. Mulbry] That 710 phone number that wasn't tied
18 to Mr. Milligan at all, correct?

19 A. I'm not sure who that number is.

20 Q. Was it tied to Mr. Milligan?

21 A. I'm not sure.

22 Q. Did you tie it to Mr. Milligan?

23 A. From looking at this I don't believe so.

24 Q. Did you tie that to Derrick Barber?

25 A. No.

State v K'Sone M. Campbell

Motion to Suppress Text Messages-Jason Jarrell-Cross-Examination by Mr. Mulbry
March 2, 2020

1 Q. Did you tie that to Demetrius Young?

2 A. No.

3 MR. MULBRY: Court's indulgence.

4 THE COURT: Wait, to be clear the number you just
5 asked about was a different one than the one that is
6 involved in this text message exchange.

7 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

8 THE COURT: Just be careful that we are just clear.

9 MR. MULBRY: My apologies.

10 THE COURT: That's okay ---

11 MR. MULBRY: --- my apologies ---

12 THE COURT: --- just make sure you ask the right
13 number.

14 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

15 Q. [Mr. Hundley] Sorry; 720, and that's the text
16 message ---

17 THE COURT: --- 7208. It ends in ---

18 A. --- I'm sorry; are we talking about 7208, is that
19 what ---

20 Q. --- yes, it ends in 7208. Those are the text
21 messages I'm talking about.

22 A. Okay.

23 Q. And those are the ones you were answering questions
24 about?

25 A. Yes.

State v K'Sone M. Campbell

Motion to Suppress Text Messages-Jason Jarrell-Cross-Examination by Mr. Mulbry
March 2, 2020

1 Q. And for clarification 7208 was not tied to Milligan,
2 correct?

3 A. I'm sorry; there were so many phone numbers. I'm
4 not sure but I do not believe that this number was
5 identified.

6 Q. It was not tied to Derrick Barber, correct?

7 A. Correct.

8 Q. It was not tied to Demetrius Young, 7208.

9 A. Correct.

10 MR. MULBRY: Court's indulgence.

11 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

12 MR. MULBRY: No further questions, Your Honor.

13 THE COURT: Any redirect?

14 MR. HUNDLEY: No, Your Honor.

15 THE COURT: All right. You can step down from the
16 witness stand.

17 [Whereupon, the witness is excused and exits the
18 witness stand]

19 THE COURT: Any other witnesses necessary for this
20 portion of the hearing from the State?

21 MR. HUNDLEY: No, Your Honor.

22 THE COURT: From the defense?

23 MR. MULBRY: No, Your Honor.

24

25

State v K'Sone M. Campbell
Motions to Suppress-Text Messages
March 2, 2020

1 THE COURT: All right. Mr. Mulbry, I'm happy to
2 hear summation of your argument with regards to this text
3 message exchange. I guess it's just essentially you're
4 telling me that you don't want it put in based on the
5 fact that I'm assuming for the messages you asked of --
6 or the questions you asked that it has nothing to do at
7 least ostensibly we don't know the owner of this other
8 number, is that correct?

9 MR. MULBRY: Your Honor, there are text messages
10 before that who she references herself as being me but
11 no, this was never connected to anyone involved in this
12 case.

13 THE COURT: Okay.

14 MR. MULBRY: And I will also say it's not really
15 relevant. The State has dropped that possession of a
16 weapon charge. If you do find this relevant I think it's
17 prejudicial, Your Honor.

18 It's just kind of painting K'Sone as somebody who
19 likes guns or is pro guns or has guns on him. I also
20 think it also may fall under 404(b) as a prior bad act
21 having a gun; that shows that he's more likely to have a
22 gun as well.

23 THE COURT: Okay. You want to respond Mr. Hundley?

24 MR. HUNDLEY: It's relevant because it's admitting
25 that there is a gun an hour before the murder. He was

State v K'Sone M. Campbell
Motions to Suppress-Text Messages
March 2, 2020

1 murdered by a pistol. And...

2 THE COURT: What time did the alleged murder take
3 place approximately?

4 MR. HUNDLEY: About 9:30.

5 THE COURT: So it's -- okay, I see.

6 MR. HUNDLEY: Maybe a little bit later. And this
7 text message was sent about 7:56.

8 THE COURT: Okay.

9 MR. HUNDLEY: And it's admitting that they were
10 strapped and the victim was killed with a gun not too
11 long -- not too much longer after this.

12 THE COURT: Okay. As a rule I typically don't make
13 final rulings on Motions in Limine until they come up at
14 trial. But based on everything I've heard thus far I am
15 most likely not going to admit this evidence at trial. I
16 find it obviously as highly prejudicial.

17 I think that the prejudicial effect would
18 substantially outweigh any probative value it might have.
19 Obviously, it's not necessarily illegal to possess a
20 firearm. I don't know the ins and outs of these
21 particular individuals but it's certainly the act of
22 stating you have one doesn't necessarily mean that you do
23 so. So that's the way that I am probably going to rule.
24 But like I said I reserve any final ruling until it comes
25 up at trial. Okay, what's the next motion Mr. Mulbry?

State v K'Sone M. Campbell
Motions to Suppress-Cell phones
March 2, 2020

1 MR. MULBRY: I do have those two Motions to
2 Suppress.

3 THE COURT: Regarding more cell phone technology,
4 is that right?

5 MR. MULBRY: Yes, Your Honor.

6 THE COURT: Okay. Tell me more about that.

7 MR. MULBRY: So Your Honor I have two Motions to
8 Suppress; one for Deangelo Milligan's cell phone.
9 Court's indulgence.

10 [Whereupon, Mr. Mulbry reviews documents]

11 MR. MULBRY: Your Honor, I'm keenly aware that we
12 have no Fourth Amendment standing to challenge the search
13 warrant under the Fourth Amendment. However, it's my
14 understanding in State v McKnight that we can challenge a
15 violation of the search warrant statute and that is 17 30
16 140, Your Honor. Court's indulgence.

17 [Whereupon, Mr. Mulbry reviews documents]

18 THE COURT: Is the search warrant at issue? Do I
19 have a copy of it at all in this stack that I have?
20 Would it have been premarked as a State's exhibit?

21 MR. OSBORNE: It is. This is 256. This is the one
22 Mr. Mulbry is referring to now.

23 THE COURT: Do I have it already? I might already
24 have one.

25 MR. OSBORNE: I just marked it. I didn't know we

State v K'Sone M. Campbell
Motions to Suppress-Cell phones
March 2, 2020

1 were...

2 [Whereupon, State's exhibit number 256 is marked by
3 the Solicitor]

4 [Whereupon, Mr. Osborne provides documents to the
5 Court]

6 THE COURT: Thank you, sir. All right Mr. Mulbry
7 I'll be happy to hear from you. It has been premarked.
8 This is a search warrant dated May 12th 2017 by Detective
9 Mark Mellette, case number 17-08295 entitled Milligan
10 cell phone dump. It has been premarked for today's
11 purposes as State's exhibit 256. I'm happy to hear from
12 you.

13 MR. MULBRY: Thank you, Your Honor. Your Honor, as
14 you'll see the search warrant was signed May 12th at 9:29
15 in the morning. If you will also look at State's exhibit
16 -- Court's indulgence.

17 [Whereupon, Mr. Mulbry reviews exhibits]

18 MR. MULBRY: State's exhibit 72; oh sorry, 73. It
19 should indicate when this extraction occurred or in my
20 opinion when the search occurred. And that indicates it
21 occurred May 12th at 8:25 in the morning; an hour before
22 this search warrant was signed. The statute clearly says
23 that any warrant issued shall be executed and return made
24 only within 10 days after it has been dated. Here the
25 extraction report indicates that the search occurred at

State v K'Sone M. Campbell
Motions to Suppress-Cell phones
March 2, 2020

1 8:30. The search warrant was not signed until 9:30. So
2 there never was a search warrant when they searched it.

3 THE COURT: This is State's 73 that you're
4 referring to, is that right?

5 MR. MULBRY: I'm sorry Your Honor, my copy is...

6 MR. OSBORNE: It's State's exhibit 73, Judge.

7 MR. MULBRY: Yes, Your Honor.

8 THE COURT: Okay. So you're saying they actually
9 extracted it before the search warrant was signed, is
10 that right?

11 MR. MULBRY: Yes, Your Honor.

12 THE COURT: Okay. And therefore any information
13 gained as a result of the search warrant should be
14 suppressed?

15 MR. MULBRY: Yes, Your Honor.

16 THE COURT: All right. Mr. Osborne or Mr. Hundley,
17 how would you like to respond?

18 MR. OSBORNE: Your Honor, may I approach?

19 THE COURT: Sure.

20 [Whereupon, Mr. Osborne provides documents to the
21 Court]

22 MR. OSBORNE: Mr. Mulbry brought this to my
23 attention earlier. Can I put this on the overhead for
24 you?

25 THE COURT: Uh Huh.

State v K'Sone M. Campbell
Motions to Suppress-Cell phones
March 2, 2020

1 MR. OSBORNE: This is State's 255.

2 [Whereupon, the exhibit is shown]

3 MR. OSBORNE: All right. So what you're looking at
4 here is -- Mr. Mulbry is correct; on the left side you
5 see a logical extraction time. The logical extraction
6 time is 8:25. The warrant was signed at 9:30. I think
7 he's correct. I looked it up over the lunch and if I can
8 find something tonight that lets me argue this I
9 certainly will tomorrow.

10 But I think he's correct. I think that if the
11 search began at 8:25 and the warrant is not signed until
12 9:30 then it's out. So I think everything from the
13 logical extraction is out. The logical is a very brief
14 cursory extraction. The more detailed extraction is the
15 physical extraction and you'll see the time on there is
16 10:45; after the warrant was signed.

17 I think we need to get testimony from Mr. Roberts to
18 indicate that test that I want to get in did he get that
19 at 8:25 or did he get it at 10:45? If he got it after
20 the warrant is signed I think it's good. If it's before,
21 unless I can find a case, I think it's out.

22 THE COURT: What is the text in question? Was it a
23 premarked exhibit as well?

24 MR. OSBORNE: It is. It's actually call logs from
25 Milligan. And what's important to the State from those

State v K'Sone M. Campbell
Motions to Suppress-Cell phones
March 2, 2020

1 call logs is that Milligan calls Barber and then we're
2 going to present other evidence to show then Barber then
3 goes to Maverick Street right after receiving that call.
4 And State's 74 is the only thing we would be seeking to
5 introduce. So if you look starting at 7654, it's going
6 backwards, that number 530-4352 we're able to tie in
7 through Derrick Barber.

8 The police downloaded his phone, Derrick Barber's
9 phone. They got it from MUSC from the autopsy. That is
10 the phone number to the phone that Mr. Barber had in his
11 possession.

12 THE COURT: The 530-4352?

13 MR. OSBORNE: Yes, ma'am.

14 THE COURT: Okay.

15 MR. OSBORNE: And then we have at 9:35 two
16 different -- well, three attempts but two calls to 911.
17 We also have recordings of those calls. So this just
18 sort of ties in that evidence.

19 We also from Mr. Watson is going to say that he saw
20 Mr. Milligan on the phone. And while on the phone he
21 overheard him say Maverick, Maverick. We also have
22 surveillance video at 9:24 showing Milligan on the phone.
23 So this shows who he called.

24 THE COURT: Okay. You want to...

25 MR. OSBORNE: What I could do -- I don't plan on --

State v K'Sone M. Campbell
Motions to Suppress-Cell phones
March 2, 2020

1 I will curtail what I say in my opening regarding this
2 and then we could have this testimony from Mr. Roberts
3 prior to him ---

4 THE COURT: --- where is he? Is he that individual
5 that is in Spartanburg today?

6 MR. OSBORNE: Yes, ma'am.

7 THE COURT: He got a subpoena for this trial,
8 correct?

9 MR. OSBORNE: He is -- I quite honestly told him
10 that I didn't think I would need him for this -- I told
11 him I probably needed him on Wednesday; Tuesday or
12 Wednesday. I didn't know this was an issue until now.

13 THE COURT: Okay.

14 MR. MULBRY: And I apologize for that, Your Honor.

15 THE COURT: All right. Just give a heads up on
16 when you want witnesses to come in. This is what we'll
17 do. This will give me an opportunity to look into the
18 statute a little bit more, some case law if you want to
19 send me some overnight you're welcome to do so; either
20 side. We'll have Detective Roberts here in the morning,
21 is that right?

22 MR. OSBORNE: Yes, ma'am.

23 THE COURT: Maybe we can wrap this up first thing
24 in the morning and ask him what was done and when it was
25 done and exactly what happened with regards to the search

State v K'Sone M. Campbell
Motions to Suppress-Cell phones
March 2, 2020

1 warrant. Something else you want to add right now?

2 MR. MULBRY: Your Honor, I would just say my Motion
3 to Suppress Mikel Funnie we could also do the same thing
4 and just hear both motions at the same time?

5 THE COURT: Oh, is this a similar motion?

6 MR. MULBRY: Yes, Your Honor. It's based on the
7 same statute. The ---

8 THE COURT: --- same basis? Was it signed after
9 the alleged extraction or?

10 MR. MULBRY: This is for our being outside the ten
11 day window.

12 THE COURT: Oh, it's for violating the ten day
13 window?

14 MR. MULBRY: Yes, Your Honor.

15 MR. OSBORNE: So it's a staleness argument.

16 THE COURT: It's a little ---

17 MR. OSBORNE: --- I mean I think case law is pretty
18 obvious. He has to show some prejudice to himself. It's
19 hard for me to imagine how the victim's phone not being
20 downloaded within or the return not being -- the victim's
21 friend's phone return, the search warrant not being
22 turned in within 10 days somehow prejudices him.

23 THE COURT: Okay. Let's go through this and a
24 little bit more clearly for the record Mr. Mulbry. So
25 this is your next suppression motion. I've already

State v K'Sone M. Campbell
Motions to Suppress-Cell phones
March 2, 2020

1 stated I'll take the first one under advisement pending
2 Agent Roberts coming in tomorrow. This one deals with a
3 different cell phone, is that correct, and a different
4 search warrant?

5 MR. MULBRY: Yes, Your Honor.

6 THE COURT: All right. And let's go ahead and
7 premark that search warrant as well Mr. Osborne. Mr.
8 Osborne has a copy. If not we'll do it later. So would
9 this be 257?

10 MR. OSBORNE: 258 is the search warrant itself.

11 THE COURT: 258. Thank you so much.

12 [Whereupon, State's exhibit number 258 is marked by
13 the Solicitor]

14 [Whereupon, Mr. Osborne provides documents to the
15 Court]

16 THE COURT: Thank you so much. All right. State's
17 exhibit 258 which has been premarked for today's purposes
18 is a search warrant dated June 7, 2017 Officer Detective
19 Jason Jarrell, case number 17-08295. And this one is
20 entitled Funnie's F-U-N-N-I-E'S Samsung DEU. And Mr.
21 Mulbry, you would seek to suppress any evidence obtained
22 as a result of this search warrant as well. And I'll
23 hear your argument in a little bit more in length now as
24 to that.

25 MR. MULBRY: Yes, Your Honor. The extraction report

State v K'Sone M. Campbell
Motions to Suppress-Cell phones
March 2, 2020

1 related to that search warrant indicates the extraction
2 occurred June 28th, 2017.

3 THE COURT: All right.

4 MR. MULBRY: Outside that ten day window. It is
5 also my understanding that from ministerial violations of
6 the statute you do have to show prejudice. I would argue
7 that being outside the ten day window is not a
8 ministerial violation. Just to be clear it is a
9 violation of the statute. It's not a Scribner's error;
10 it's not some attorney making a return outside the ten
11 days. It is not executing a search warrant within the
12 ten days required by statute.

13 THE COURT: All right. And Mr. Osborne you have
14 already indicated the staleness issue. He says that the
15 prejudice is the fact that it's done outside the window
16 in and of itself. How do you respond to that?

17 MR. OSBORNE: I mean just very briefly. I don't --
18 if it were his phone I think there would be prejudice
19 because he'd have the right to get his phone back. But
20 it's not his phone. So I don't -- I struggle to see what
21 prejudice it is.

22 And I mean we're dealing with the same thing
23 downloading phones; too early on one, too late on the
24 other. Too early might be a problem and too late I don't
25 think is a problem and they did get the return turned in

State v K'Sone M. Campbell
Motions to Suppress-Cell phones
March 2, 2020

1 ten days after the download. And I have that on 257 if
2 you'd like to take a look at that. It just illustrates
3 what Mr. Mulbry just said that it was downloaded on June
4 the 28th.

5 [Whereupon, Mr. Osborne provides documents to the
6 Court]

7 MR. OSBORNE: And just for the record Mikel Funnie
8 is the victim's longtime friend.

9 THE COURT: That was my next question who is
10 Funnie. Okay.

11 MR. OSBORNE: And I will say this. Mikel Funnie
12 was interviewed by Detective Jarrell. During that
13 interview Detective Jarrell asked Mr. Funnie you said you
14 spoke to the victim throughout this night. Would you
15 mind if we take your phone and download the phone? Mr.
16 Funnie said sure, take it; take whatever you need.

17 I don't even think he needed a search warrant. He
18 just got one anyway.

19 THE COURT: Okay. And what is it that was
20 retrieved as a result of this search warrant that the
21 State would seek to introduce.

22 MR. OSBORNE: This corroborates Mr. Funnie's
23 testimony that he had been talking to the victim that
24 night.

25 THE COURT: Is it something that already premarked

State v K'Sone M. Campbell
Motions to Suppress-Cell phones
March 2, 2020

1 as well?

2 MR. OSBORNE: It's 66 --- I'm sorry; 76 and 77.

3 And what 76 ends up showing is it ties in Barber's number
4 to the number that Deangelo ends up talking to. And he
5 has that contact; Mr. Funnie does, as Skinny. And we can
6 establish that as a nickname of the victim.

7 THE COURT: Okay. So like on State's exhibit 77
8 where it is in red Skinny and LeShay are those how the
9 contacts appeared in the phone or how law enforcement
10 came ---

11 MR. OSBORNE: --- they are, Your Honor. Well, I
12 can't represent the color but I can say that LeShay and
13 that was the other part, LeShay is the victim's
14 children's mother. So he ended up calling her after.
15 Funnie was notified that there was a shooting. He went
16 to the scene.

17 He ended up taking both of the victim's children
18 from the scene so he could get them out of there because
19 their father had just been shot. And while he's leaving
20 with the children he then calls LeShay. So those two
21 calls corroborate that part of his testimony as well.

22 THE COURT: And Skinny is the victim?

23 MR. OSBORNE: Yes, Your Honor.

24 THE COURT: Okay. So these two pages worth of
25 State's exhibit 77 that you would be seeking to introduce

State v K'Sone M. Campbell
Motions to Suppress-Cell phones
March 2, 2020

1 is call logs essentially.

2 MR. OSBORNE: Yes, Your Honor.

3 THE COURT: Okay. Mr. Mulbry, you want to respond
4 at all? Do you have anything else?

5 MR. MULBRY: No, Your Honor.

6 THE COURT: Okay. I'll take that under advisement
7 as well. I'll look into that a little bit more. You're
8 just essentially relying on the statute at this point in
9 time. And outside the window prejudice is just any
10 evidence obtained is prejudicial naturally ---

11 MR. MULBRY: --- yes, Your Honor.

12 THE COURT: All right. I'll take a look at it.
13 Any case law you want to send me in the meantime is
14 always welcome, okay. I'll take a look at it for in the
15 morning. All right. What else do we need to take up
16 this afternoon?

17

18

19

20

21

22

23

24

25

State v K'Sone M. Campbell
Motions to Suppress-Prior Convictions
March 2, 2020

1 MR. MULBRY: One final motion regarding prior
2 convictions just to determine the admissibility?

3 THE COURT: Of whom?

4 MR. MULBRY: My client. It's my understanding he
5 has a 2011 driving under suspension, a 2012 strong arm
6 robbery, and a 2017 accessory after the fact to --

7 THE COURT REPORTER: I'm sorry; what's the last
8 thing you said?

9 MR. MULBRY: To a felony A, B, or C.

10 THE COURT: That carries what? Zero to ten?

11 MR. MULBRY: Up to 15.

12 THE COURT: Up to 15? All right. Mr. Osborne, you
13 seek to introduce evidence of this young man's record?

14 MR. OSBORNE: I do not, Your Honor. The only thing
15 that gives me a little bit of hesitation is that
16 accessory after the fact that screams to me like there
17 may have been some untruthfulness there. So if I could
18 just have tonight to make sure that there is no
19 untruthfulness in that charge or in that conviction; then
20 I don't think there is ---

21 THE COURT: --- I don't think so either but I'll
22 let you have the night to look into it.

23 MR. OSBORNE: Okay.

24 THE COURT: This took place once again in 2017
25 right, this alleged incident?

State v K'Sone M. Campbell
Motions to Suppress-Prior Convictions
March 2, 2020

1 MR. MULBRY: Yes, Your Honor.

2 THE COURT: All right. So we'll look into that and
3 we'll get clear on which, if any, prior offenses would be
4 admissible. Any other -- anything else we need to take
5 up before we come back in the morning?

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

State v K'Sone M. Campbell
Motion in Limine (as to Demetrius Young's guilty plea)
March 2, 2020

1 MR. OSBORNE: Just a couple of things, Your Honor.

2 THE COURT: Sure.

3 MR. OSBORNE: We in our trial brief we asked that
4 there be no mention of Demetrius Young's guilty plea. I
5 think the case law on that is pretty sound. Guilty pleas
6 of co-defendants are not relevant or admissible as
7 substantive evidence of a Defendant's guilt or innocence.
8 It's irrelevant.

9 Now the charge is another matter. I think we can
10 get into that. I think that's unavoidable but his plea
11 is irrelevant.

12 THE COURT: Yes. I've looked into this myself.
13 I'm happy to hear from you Mr. Mulbry. I don't believe
14 his conviction or the fact that he pled is admissible.
15 But certainly I think you have free range to introduce
16 other individuals that were investigated in conjunction
17 with this offense but I'm happy to hear from you.

18 MR. MULBRY: I think if he testifies it's relevant
19 to bias.

20 THE COURT: Who, Mr. Young?

21 MR. MULBRY: Mr. Young, yes. If he testifies it
22 goes to bias, motive to lie. But other than -- if he
23 does not testify...

24 THE COURT: Well, it certainly isn't coming in
25 unless he testifies.

State v K'Sone M. Campbell
Motion in Limine (as to Demetrius Young's guilty plea)
March 2, 2020

1 MR. MULBRY: That would be my ---

2 THE COURT: --- there is no way it's coming in
3 unless he testifies. And if he does testify its coming
4 in sure as to bias -- I mean all those things would
5 certainly come in like; bias, motive, things of that
6 nature.

7 MR. OSBORNE: I don't anticipate that. He made his
8 intention very clear to us.

9 THE COURT: So we'll see. Okay. But certainly any
10 reference to someone else that has been convicted in
11 conjunction with this case would be off limits for
12 opening statements or anything of that nature, okay.

13 MR. MULBRY: Yes, Your Honor.

14 THE COURT: Just so we're clear. Okay, what else
15 Mr. Osborne?

16

17

18

19

20

21

22

23

24

25

State v K'Sone M. Campbell

Motion in Limine (Toxicology report of the victim and prior convictions)

March 2, 2020

1 MR. OSBORNE: The next thing we have the victim's
2 toxicology report showed that he had THC in his blood.
3 At the autopsy he was found to be in possession of
4 marijuana and crack cocaine. We would ask that the
5 defense not be allowed to go into either one of those.
6 It's not relevant to his murder. And there has been
7 plenty of case law to establish that.

8 THE COURT: Okay. Certainly I don't know what the
9 surrounding circumstances are of this alleged altercation
10 or incident. But at least from what I've heard so far it
11 doesn't sound like it is necessarily drug related but
12 unless I hear something else regarding that I don't think
13 it would be admissible. What's your position on that Mr.
14 Mulbry?

15 MR. MULBRY: I don't plan on getting into it, Your
16 Honor.

17 THE COURT: Okay, great.

18 MR. OSBORNE: Well, and just so I'm clear and in
19 all candor to the Court I think it is drug related ---

20 THE COURT: --- oh, okay ---

21 MR. OSBORNE: --- just not with my victim. The
22 drugs that are occurring are between Deangelo and the
23 Defendant.

24 THE COURT: Okay.

25 MR. OSBORNE: Or reasonable inferences to that.

State v K'Sone M. Campbell

Motion in Limine (Toxicology report of the victim and prior convictions)

March 2, 2020

1 THE COURT: I take this as I do any other motion in
2 limine. I will reserve final ruling until time but
3 certainly it would be off limits for purposes of an
4 opening statement.

5 MR. MULBRY: For opening statement, Your Honor, but
6 if the door is opened though I may change my mind.

7 THE COURT: Okay.

8 MR. OSBORNE: The victim has some convictions.
9 We'd ask there be no mention of the victim's convictions.
10 It's not of violence and there is no evidence to suggest
11 that he was the aggressor. They are drug convictions.

12 THE COURT: Yes, I read the pretrial brief and I
13 didn't see anything on there that would lend itself to
14 admissibility from what I saw. Is there anything that
15 you would seek to have admitted?

16 MR. MULBRY: No, Your Honor.

17 THE COURT: I don't think anything rang a bell with
18 me as something that would be admissible. Okay, go
19 ahead.

20

21

22

23

24

25

State v K'Sone M. Campbell
Motion in Limine (911 calls by Milligan)
March 2, 2020

1 MR. OSBORNE: The 911 call. There were several 911
2 calls that were made. It was almost 20 if I remember
3 correctly. We only intend to introduce the one that was
4 made by Milligan. This is relevant to our case because
5 Milligan was there whenever he was shot, the victim was
6 shot. This evidence to me is pretty compelling to show
7 that not only was he administering first aid he tried to
8 call 911 to save his friend.

9 So we believe that evidence exonerates Milligan even
10 if he refuses to testify. And there is a litany of case
11 law that says that 911 calls are business records,
12 excited utterance and doesn't implicate the confrontation
13 clause.

14 THE COURT: Well, and these based on what I read in
15 the pretrial brief these two calls are not testimonial in
16 nature, is that correct?

17 MR. OSBORNE: That's correct.

18 THE COURT: They are not being introduced to prove
19 the truth of the matter asserted therein in any way shape
20 or form.

21 MR. OSBORNE: It's ---

22 THE COURT: --- so it's not hearsay in the first
23 place. So what's your argument as to these two 911
24 messages, recordings coming in?

25 MR. MULBRY: Your Honor, I would probably argue

State v K'Sone M. Campbell
Motion in Limine (911 calls by Milligan)
March 2, 2020

1 with what you're saying but I hear your ruling.

2 THE COURT: Well, again I'll reserve final ruling.

3 To me this is an opportunity for me to indicate to you
4 all how I will most likely rule. Sometimes things change
5 in trial and that's fine. But at this point in time I
6 would most likely allow them in barring some other
7 evidence coming in the meantime to change my mind, okay?

8 MR. MULBRY: Yes, Your Honor.

9 THE COURT: All right. Go to the next one.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v K'Sone M. Campbell
Motion in Limine (Proffer Agreement of the Defendant)
March 2, 2020

1 MR. OSBORNE: The next thing is the Defendant's
2 proffer. I would ask that the defense not be allowed to
3 get into his proffer agreement. Again, this falls right
4 back into the hearsay element of it. I believe Mr.
5 Mulbry has indicated that he would not try to introduce
6 what was said during the proffer but that there was a
7 proffer.

8 Well, that in and of itself introduces a whole
9 problem. And he in essence is opening up the door and
10 forcing me to go through that door. And if I could
11 envision the way those questions would go is on May the
12 17th did you have the occasion to meet with my client?
13 Yes. Following that meeting you arrested Demetrius Young
14 didn't you? That indicates that the evidence that was
15 obtained during that meeting was used to arrest Demetrius
16 Young.

17 Well, that is classic hearsay. He is introducing
18 that assertion for the truth of the matter asserted. And
19 furthermore there is no exception to bring that in. The
20 agreement that was entered into, the proffer agreement,
21 as I often say and I'm sure all prosecutors do, is the
22 most one-sided agreement that you can get into.

23 We are still under that proffer agreement. We are
24 not trying to bust his proffer. We are not trying to use
25 any of that against him. If he decides to take the

State v K'Sone M. Campbell
Motion in Limine (Proffer Agreement of the Defendant)
March 2, 2020

1 stand, if he says something that I think is materially
2 different than what he said in that proffer agreement
3 before I question him on that, before I ask you to bust
4 his proffer I'll bring that to your attention.

5 But as far as I'm concerned the proffer, any
6 testimony eliciting that there was a proffer elicits
7 hearsay testimony. And so I'm asking you to leave all of
8 that out.

9 THE COURT: Do you want to respond?

10 MR. MULBRY: Your Honor, part of the hearsay is the
11 statement. I wouldn't be getting into any statements.
12 He met with detectives. That's not a statement. Someone
13 was charged. That's not a statement. There is no
14 statements by any -- it's just what did you do. I
15 realize there could be certain implications but it's not
16 hearsay because there is no statement.

17 Also, if my client does decide to testify and he
18 does use that proffer as impeachment I should be allowed
19 to go into the context in which that statement was made
20 and how it was made and why it was made.

21 Otherwise it's just some secret little -- otherwise
22 the jury is going to hear there was a statement
23 previously made that they're not going to know why it was
24 made. I think for due process arguments I should be
25 allowed to get into why that statement was made if he's

State v K'Sone M. Campbell
Motion in Limine (Proffer Agreement of the Defendant)
March 2, 2020

1 impeached with it. But even if he doesn't testify it's
2 not hearsay because it's not a statement. The fact that
3 he met with detectives is not a statement. The fact that
4 he met with the Solicitor is not a statement. The fact
5 that detectives charged Demetrius Young is not a
6 statement.

7 MR. OSBORNE: Well, that makes my point. That's
8 the door that he just opened and then he wants to go
9 through it. The door that he is going to open is he just
10 said it himself when the detective gets on the stand did
11 you have the occasion to meet with my client? Yeah, I
12 did. What date was that? On this date. And then what
13 did you do after that? I got an arrest warrant for
14 Demetrius Young.

15 He opened that door. Then he puts his client on the
16 stand. I have to tell the jury what the statement was
17 about. He didn't have to if he didn't ask. And that's
18 what I'm asking you to do is order him -- instruct him to
19 not ask that question.

20 When he asks that question he opens the door and
21 then he gets to go through it. This is classic when a
22 Defendant gets on the stand the Defendant doesn't get to
23 say I told my mom I didn't do. I told my dad I didn't do
24 it. I told my brother I didn't do it. You don't get to
25 say any of that. That's all hearsay.

State v K'Sone M. Campbell
Motion in Limine (Proffer Agreement of the Defendant)
March 2, 2020

1 MR. MULBRY: Your Honor, I'm not going to take this
2 proffer and put into the record. I'm just saying he can
3 get into that, that he met with detectives that Demetrius
4 was charged after he met with detectives. I just don't
5 see any case law saying I can't get into that.

6 THE COURT: I think you're -- essentially this
7 comes down to evidence of third party guilt and the case
8 law that gives us guidance on third party guilt evidence.
9 And this gets us into sort of this overlap of that
10 argument of does the conviction of Mr. Young come in and
11 if not, all the same lines.

12 So, again, I'm not going to rule right now. I have
13 to hear the questions as they are stated in Court and
14 then you'll have to make an objection, a contemporaneous
15 objection and we'll take it up at that time. If he's
16 just saying he's going to ask the detective if he met
17 with his client and the detective says yes I'm okay with
18 that. We haven't talked about a proffer agreement or the
19 contract or what that means or anything yet. Obviously,
20 that's a different scenario.

21 So I'm going to just have to take it as it comes; I
22 don't really know or what else to say. It just really
23 kind of depends on how this thing evolves. But certainly
24 doors can be opened and then I'm sure we're all going to
25 have to be really careful how that goes.

State v K'Sone M. Campbell
Motion in Limine (Proffer Agreement of the Defendant)
March 2, 2020

1 MR. OSBORNE: Well, it's not just met with. That's
2 why he put Chad Simpson and Bill Thrower on his client's
3 list of voir dire.

4 THE COURT: I mean I don't know what he's going to
5 ask. But the question he put in a vacuum a minute ago
6 was did you meet with my client. I'm okay with that; so
7 far I'm okay with that. Did you make a subsequent arrest
8 of someone else afterwards? I'm okay with that too.
9 That's all fair game right now. What happens after that
10 I don't know yet.

11 MR. MULBRY: Before -- if I intend to go into this
12 of course I'll stop and we'll take it up as a matter of
13 law. I'm not going to just barge right into this issue.

14 THE COURT: Sure, sure. We all know this is the
15 reason we have these is just bring it to my attention and
16 we'll deal with it when the time comes. It has been
17 brought to my attention so we can all be doing our
18 research in anticipation of it coming up at trial, okay.

19
20
21
22
23
24
25

State v K'Sone M. Campbell
Motion in Limine (Photographs)
March 2, 2020

1 MR. OSBORNE: The last thing, Your Honor, we've
2 tried to talk about the photographs to see if some of
3 them could come in and some of them couldn't that we
4 could agree on that. It just became a little bit too
5 cumbersome.

6 THE COURT: Okay.

7 MR. OSBORNE: I don't think, I can't imagine the
8 defense is arguing for foundation or objecting to
9 foundation. I think it's purely going to be relevance or
10 too prejudicial.

11 THE COURT: Where are they? Which ones are we
12 talking about?

13 MR. OSBORNE: We can start with 6 and I can just
14 put them up on the overhead and you...

15 THE COURT: Let me look at them real quick.

16 MR. OSBORNE: I mean there's no jury here. We
17 could go through them.

18 THE COURT: Well, we've got a lot of people in the
19 courtroom they might not want to see all these. Let me
20 see -- are these crime scene photographs?

21 MR. OSBORNE: Mostly crime scene photographs,
22 search warrants of cars, houses; things of that nature.

23 THE COURT: All right Mr. Mulbry which ones, let's
24 start with which ones you object to coming in and we'll
25 go from there rather than just going through them all.

State v K'Sone M. Campbell
Motion in Limine (Photographs)
March 2, 2020

1 MS. EHRLICH: Your Honor, I think he left his copy
2 of the exhibits at the office.

3 THE COURT: Oh.

4 MS. EHRLICH: It may work better if he has them with
5 him.

6 THE COURT: You'll have to share. Go through them,
7 pull out the ones you object to and we'll talk about
8 them.

9 MR. OSBORNE: Six through 55 is probably a good
10 place to start.

11 THE COURT: Did you have them like premarked or
12 flagged at your office Mr. Mulbry?

13 MR. MULBRY: I did, Your Honor.

14 THE COURT: You already had them premarked? I
15 don't want to put you on the spot and make you -- if you
16 just want to take this up in the morning we can do that.

17 MR. MULBRY: Your Honor, I think I can...

18 THE COURT: Were there quite a few ---

19 MR. MULBRY: --- I think I can do it now ---

20 THE COURT: --- are you sure?

21 MR. MULBRY: I mean it wasn't -- it's something
22 that Mr. Osborne and I can agree on.

23 THE COURT: Okay. He said he wasn't so sure y'all
24 can agree so that's why we're here.

25 MR. MULBRY: I think we can agree.

State v K'Sone M. Campbell
Motion in Limine (Photographs)
March 2, 2020

1 [Whereupon, Mr. Mulbry and Mr. Osborne confer]
2 THE COURT: Let's do this. You know what ---
3 MR. MULBRY: --- we can take this up outside and
4 then come back tomorrow morning ---
5 THE COURT: --- yes ---
6 MR. OSBORNE: --- we already tried that ---
7 THE COURT: --- we'll just do this in the morning;
8 its fine. If I need to say yay or nay on some in the
9 morning we'll do that. That's fine. I mean are there
10 any in particular Mr. Osborne you're trying to like have
11 in preparation for openings tomorrow ---
12 MR. OSBORNE: --- oh no, I don't need it for the
13 opening. It's just ---
14 THE COURT: --- I wouldn't think you would be using
15 it then anyway but.
16 MR. OSBORNE: There are a lot of pictures. There
17 are multiple crimes here.
18 THE COURT: Okay.
19 MR. OSBORNE: So it's just going to be so
20 cumbersome if we were to argue them in front of the jury
21 with a witness. That's the only reason.
22 THE COURT: No, I think you need to do it before
23 trial starts. But let's just do it in the morning. Hone
24 it down to whichever ones you cannot agree on and bring
25 me those. How about that? In the meantime give me my

State v K'Sone M. Campbell
Motion in Limine (Photographs)
March 2, 2020

1 stuff back.

2 MR. MULBRY: Yes, Your Honor.

3 THE COURT: All right. What else can we do?

4 MR. OSBORNE: That's it.

5 MR. MULBRY: No further issues, Your Honor.

6 THE COURT: All right. I've got a matter in an
7 unrelated case at 9 a.m. tomorrow morning and then we
8 will begin in here. I anticipate that other matter; it's
9 a sentence reconsideration, lasting no more than 10 or 15
10 minutes tops.

11 So I'll be in here. Y'all are welcome to come in
12 anytime after that. You heard the jury is not going to
13 be here until 9:30 but we obviously have a few things we
14 need to shore up before we start in the morning. So I'll
15 see y'all about 9:15. How does that sound?

16 MR. OSBORNE: Thank you, Judge.

17 THE COURT: All right. We'll be at ease until 9:15
18 tomorrow morning. Thank you very much.

19 MR. OSBORNE: Oh, Your Honor; I'm sorry. I do have
20 to make a request. This is a murder charge. I realize
21 he's out on bond. He's been on good behavior. I still
22 have to make a request to remand into custody for the
23 duration of the trial.

24 THE COURT: He is out on bond?

25 MR. OSBORNE: He is out on bond.

State v K'Sone M. Campbell
Motion in Limine (Photographs)
March 2, 2020

1 THE COURT: Yes, we typically, I mean -- yes, he'll
2 remain in custody for the period just during this trial,
3 okay. Thank you very much.

4 Wait. Before we leave Mr. Osborne and attorneys
5 where were we on me -- do I need to go ahead and review
6 this whole audio video? That's fine.

7 [Whereupon, Mr. Osborne and Mr. Mulbry confer]

8 MR. OSBORNE: We'll have an answer ---

9 THE COURT: --- I'm going to take it with me. Can
10 y'all just email me and let me know?

11 MR. OSBORNE: Yes, ma'am.

12 MR. MULBRY: Yes, ma'am.

13 THE COURT: Perfect. I'll take it with me just in
14 case.

15 [Whereupon, Court adjourns at 3:55 p.m.]
16
17
18
19
20
21
22
23
24
25

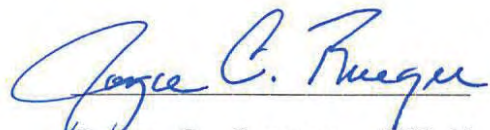
State v K'Sone M. Campbell
Certificate of the Court Reporter
March 2, 2020

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 2nd day of March, 2020.

I do further certify that I am neither of kin,
counsel, nor interest to any party hereto.

May 20, 2020


Joyce C. Rueger, CVR-M
Court Reporter

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2019-GS-10-1423
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
	)	
K' SONE MARQUAIL CAMPBELL	)	
	)	
Defendant	)	
	)	
	)	
_____	)	TRANSCRIPT OF RECORD

March 3, 2020
Charleston, South Carolina

Volume 2 (of 5)

B E F O R E:

THE HONORABLE JENNIFER B. MCCOY, JUDGE

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

DAVID L. OSBORNE, ESQ.
RICHARDS HUNDLEY, ESQ.
Attorneys for the State

REED W. MULBRY, ESQ.
MEGHAN EHRLICH, ESQ.
Attorneys for the Defendant

JOYCE C. RUEGER,
Certified Verbatim Reporter-Master
Circuit Court Reporter

[Certified Transcript Provided for: SCCID]

INDEX TO PROCEEDINGS

	PAGE
PROCEEDINGS	173
RULINGS ON MATTERS UNDER ADVISEMENT	175
JURY SWORN	198
COURT'S OPENING REMARKS TO JURY	199
OPENING STATEMENTS	
Remarks by Mr. Osborne	207
Remarks by Mr. Mulbry	211
 MICHAEL CALORE	
Direct Examination by Mr. Osborne	214
Cross-Examination by Mr. Mulbry	225
Redirect Examination by Mr. Osborne	231
 KAITLIN BUTLER	
Direct Examination by Mr. Osborne	232
Cross-Examination by Mr. Mulbry	246
 ANGELA CASEY	
Direct Examination by Mr. Hundley	248
 RENE CHARLES	
Direct Examination by Mr. Osborne	258
Cross-Examination by Mr. Mulbry	276
Redirect Examination by Mr. Osborne	280
 SARAH GLADWELL	
Direct Examination by Mr. Osborne	290
Cross-Examination by Mr. Mulbry	309
Redirect Examination by Mr. Osborne	311

INDEX TO PROCEEDINGS (continued)

	PAGE
MIKEL FUNNIE	
Direct Examination by Mr. Osborne	313
Cross-Examination by Mr. Mulbry	326
Redirect Examination by Mr. Osborne	334
LUKE SPRATT	
Direct Examination by Mr. Hundley	337
Cross-Examination by Mr. Mulbry	346
Redirect Examination by Mr. Hundley	351
Recross-Examination by Mr. Mulbry	352
PAUL GREER	
Direct Examination by Mr. Osborne	354
Cross-Examination by Mr. Mulbry	373
Redirect Examination by Mr. Osborne	376
Recross-Examination by Mr. Mulbry	378
JEFF MILLER	
Direct Examination by Mr. Osborne	381
MARTHA LOHNES	
Direct Examination by Mr. Osborne	389
Cross-Examination by Mr. Mulbry	396
JAMES RICHARDSON	
Direct Examination by Mr. Osborne	399
Cross-Examination by Mr. Mulbry	417
CERTIFICATE OF THE COURT REPORTER	421

INDEX TO EXHIBITS

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
1	CAD Report	
2	911 calls CD	251
3	911 calls CD (clipped version)	194
4	Google overhead map	194
5	Google overhead map (close up)	194
6	Photo	194
7	Photo	194
8	Photo	194
9	Photo	194
10	Photo	194
11	Photo	194
12	Photo	194
13	Photo	194
14	(Not used)	
15	Photo	194
16	Photo	194
17	Photo	194
18	Photo	194
19	Photo	194
20	Photo	194
21	Photo	194
22	Photo	194
23	Photo	194
24	Photo	194

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless
otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
25	Photo	194
26	Photo	194
27	Photo	194
28	Photo	194
29	Photo	194
30	Photo	194
31	Photo	194
32	Photo	194
33	Photo	194
34	Photo	194
35	Photo	194
36	Photo	194
37	(Not used)	
38	Photo	194
39	Photo	194
40	Photo	194
41	Photo	194
42	Photo	194
43	Photo	194
44	Photo	194
45	Photo	194
46	Photo	194
47	Photo	194
48	Photo	194

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
49	Photo	194
50	Photo	194
51	Photo	194
52	Photo	194
53	Photo	194
54	Photo	194
55	Photo	194
56	Item 1: Black t-shirt	274
57	Item 2: Black clothing	274
58	Item 3: Black baseball hat	274
59	Item 4: FSC (.45)	274
60	Item 5: Metal jacket	274
61	Item 6: Fired projectile	274
62	Item 7: Bullet fragment	274
63	Item 9: GSR-Deangelo Milligan	275
64	CD	
65	Lineup w/Campbell	
66	Lineup w/Young	
67	(Not used)	
68	(Not used)	
69	Thumb drive	
70	Item 401: Barber cell	
71	Barber DEU report	
72	Item 3: Milligan's cell	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
73	Milligan DEU report	
74	Milligan DEU report	
75	Item 36-301: Funnie cell	
76	Funnie DEU report (Skinny)	
77	Funnie DEU report	
78	Item 74: K'Sone's cell	
79	K'Sone DEU report	
80	K'Sone DEU report	
81	(Not used)	
82	"We strap" message	
83	K'Sone DEU report	
84	Item 123-1: Young's cell	
85	(Not used)	
86	(Not used)	
87	Young DEU report	
88	CD (lineups)	
89	Lineup Phiri	
90	Lineup w/Young	
91	Lineup w/Campbell	
92	Surveillance still of K'Sone	
93	Surveillance still of Young	
94	26 Maverick	
95	Clipped video	408
96	14 Maverick (whole video)	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
97	14 Maverick (clipped video)	242
98	(Not used)	
99	Food Lion (clipped video)	
100	(Not used)	
101	1000 King (clipped video)	
102	James Simmons (whole video)	
103	James Simmons (clipped video)	
104	Rawan surveillance (whole video)	
105	Rawan surveillance (clipped video)	
106	(Not used)	
107	Shorty's Liquor surveillance (clipped)	
108	Mikel Funnie Chevy Malibu pictures	194
109	Mikel Funnie Chevy Malibu pictures	194
110	Mikel Funnie Chevy Malibu pictures	194
111	Mikel Funnie Chevy Malibu pictures	194
112	Mikel Funnie Chevy Malibu pictures	194
113	Mikel Funnie Chevy Malibu pictures	194
114	Mikel Funnie Chevy Malibu pictures	194
115	Mikel Funnie Chevy Malibu pictures	194
116	Mikel Funnie Chevy Malibu pictures	194
117	Mikel Funnie Chevy Malibu pictures	194
118	Mikel Funnie Chevy Malibu pictures	194
119	Mikel Funnie Chevy Malibu pictures	194
120	Mikel Funnie Chevy Malibu pictures	194

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
121	Mikel Funnie Chevy Malibu pictures	194
122	Mikel Funnie Chevy Malibu pictures	194
123	Mikel Funnie Chevy Malibu pictures	194
124	Mikel Funnie Chevy Malibu pictures	
125	Item 303: Glock G23 box	
126	(Not used)	
127	Item 310: Empty Springfield magazine	
128	Item 311: PT11 .9mm magazine	
129-A	Item 304: Taurus PT 111G2 .9mm	
129-B	Item 312: PT11 .9mm magazine	
130	Photo	194
131	Photo	194
132	Photo	194
133	Photo	194
134	Photo	194
135	Photo	194
136	Photo	194
137	Photo	194
138	Photo	194
139	Photo	194
140	Photo	194
141	Photo	194
142	Photo	194
143	Photo	194

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless
otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
144	Photo	194
145	Photo	194
146	Photo	194
147	Photo	194
148	Photo	194
149	Photo	194
150	Photo	194
151	Photo	194
152	Photo	194
153	Photo	194
154	Photo	194
155	Photo	194
156	Photo	194
157	Photo	194
158	Photo	194
159	Photo	194
160	Photo	194
161	Photo	194
162	Photo	194
163	Photo	194
164	Photo	194
165	Photo	194
166	Photo	194
167	Photo	194

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless
otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
168	Photo	194
169	Photo	194
170	Photo	194
171	Photo	194
172	Photo	194
173	Photo	194
174	Photo	194
175	Photo	194
176	Photo	194
177	Photo	194
178	Photo	194
179	Photo	194
180	Photo	194
181	Photo	194
182	Photo	194
183	Photo	194
184	Photo	194
185	Photo	194
186	Photo	194
187	Photo	194
188	Photo	194
189	Photo	194
190	Photo	194
191	Photo	194

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
192	Photo	194
193	Photo	194
194	Photo	194
195	Photo	194
196	Photo	194
197	Photo	194
198	Photo	194
199	Photo	194
200	Photo	194
201	Photo	194
202	Photo	194
203	Photo	194
204	Item 219: Fired bullet-dash	308
205	Item 220: Fired bullet	308
206	Item 206: Fired bullet	308
207	CPD Item 404: GSR Barber	383
208	CPD Item 33-501: GSR Funnie	384
209	Defendant Miranda card	
210	Defendant's statement (whole)	
211	Defendant's statement (clipped)	
212	Item 404/SLED 13: GSR kit-Barber	
213	Item 35-501/SLED 9: GSR Funnie	
214	Item 82-707/SLED 14: GSR Dodge Avenger	
215	Photo	194

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
216	Photo	194
217	Photo	194
218	Photo	194
219	Photo	194
220	Photo	194
221	Photo	194
222	Photo	194
223	Photo	194
224	Photo	194
225	Photo	194
226	Photo	194
227	Photo	194
228	Photo	194
229	Photo	194
230	Photo	194
231	Defendant's blue shirts	
232	Defendant's torn white t-shirt	
233	Defendant's white t-shirt	
234	Photo	194
235	Photo	194
236	Photo	194
237	Photo	194
238	Photo	194
239	Photo	194

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
240	Photo	194
241	Photo	194
242	Photo	194
243	Photo	194
244	Photo	194
245	Photo	194
246	Photo	194
247	Photo	194
248	Photo	194
249	Photo	194
250	Photo	194
251	Photo	194
252	Photo	
253	Autopsy diagram	
254	FB of Skinny	
255	Screenshot-Milligan cell	394
256	Search warrant-Milligan phone	
257	Extraction-Funnie phone	
258	Search warrant-Funnie phone	
259	Photo-943 King St.	
260	Report-Officer Lohnes	
261	DVD-jail calls	

State v K'Sone M. Campbell
Proceedings
March 3, 2020

1 PROCEEDINGS

2 THE COURT: Is everybody ready to proceed?

3 MR. OSBORNE: Yes, Your Honor.

4 THE COURT: Mr. Mulbry, do you need some time with
5 your client before we get started?

6 MR. MULBRY: Yes, Your Honor.

7 THE COURT: You need a minute?

8 MR. MULBRY: Yes, Your Honor.

9 THE COURT: You want to go in the back with him or
10 you okay right here?

11 MR. CAMPBELL: Yes, ma'am.

12 THE COURT: You okay right here?

13 MR. CAMPBELL: Yes, ma'am.

14 [Whereupon, Mr. Mulbry confers with his client]
15 [Off the record momentarily]

16 MR. MULBRY: Your Honor, I believe we are ready.

17 THE COURT: Okay.

18 MR. MULBRY: Your Honor, just for the record my
19 client something happened at the jail and his glasses
20 were taken from him. He is near-sighted where he can't
21 see things close to him; that's near-sighted I believe,
22 or far-sighted.

23 THE COURT: The other way around; its far-sighted.

24 MR. MULBRY: Far-sighted; I'm sorry. He believes
25 he can continue ---

1 THE COURT: --- so he needs like reading glasses.

2 MR. MULBRY: Yes, Your Honor.

3 THE COURT: Does he know what his prescription is?

4 [Whereupon, Mr. Mulbry confers with the Defendant]

5 MR. MULBRY: He has back up glasses that he can
6 bring next time ---

7 THE COURT: --- sure, I'm happy. Anytime anybody
8 wants to pass him a pair of glasses if they know what he
9 needs pass them on up. It's not a problem.

10 [Whereupon, a pair of glasses are provided for the
11 Defendant]

12 THE COURT: Does that help?

13 [Whereupon, the Defendant nods negatively]

14 THE COURT: No? Made it worse? Okay. Well, thank
15 you Mr. Mulbry. We are ready to get started this
16 morning. I know yesterday we spent most of the afternoon
17 handling several pretrial matters. I believe the
18 attorneys were going to get together after we broke the
19 end of the day yesterday and get together on what they
20 agreed on and disagreed on and come back to me with
21 specifically what is still disagreed upon.

22 I took a couple of things under advisement. I will
23 address those matters under advisement first and then
24 we'll move on to stipulations.

25

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 THE COURT: The first matter I believe I took under
2 advisement dealt with the search warrants of I believe
3 Milligan's cell phone if I'm not mistaken. And this was
4 the search warrant that was apparently signed by the
5 Magistrate judge approximately an hour or so after an
6 initial search of the phone took place. And then there
7 was a second search of the phone.

8 And I think based on what has been communicated to
9 my law clerk that the State seems to at least agree that
10 the initial search would not come in; would not be
11 admissible, which would have been my ruling anyway. But
12 the second portion potentially will be.

13 I understand there is an officer who needs to
14 testify as to what exactly came of the first and then
15 subsequent search and his availability is as yet unknown
16 or where is he?

17 MR. OSBORNE: Your Honor, so Charleston Police
18 Department were investigating a murder that has made the
19 news. A woman was dismembered. They found her body in
20 Spartanburg. They're in the middle of that investigation
21 now.

22 I had told Mr. Roberts that he would not be needed
23 until Wednesday so he got involved in that investigation.
24 He is still in Spartanburg now. It's still an active
25 investigation. They are still working it.

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 THE COURT: Okay.

2 MR. OSBORNE: He said that he will be here tomorrow
3 though on Wednesday.

4 THE COURT: Okay. Mr. Mulbry?

5 MR. MULBRY: Your Honor, I'm fine with addressing
6 this on Wednesday.

7 THE COURT: All right. Well, that portion will
8 remain under advisement then until he is able to be --
9 his testimony can be proffered so the defense counsel
10 knows fully on what exactly came before and after the
11 search warrant was executed, okay?

12 MR. MULBRY: Yes, Your Honor.

13 THE COURT: All right. Then until then obviously
14 references to whatever did come of that search would be
15 off limits as we begin the trial.

16 The next thing was the search warrant on a phone
17 that I believe was voluntarily given to the police
18 department from a Mr. Funnie. So I'm not sure that we
19 even really need to get to the Fourth Amendment
20 implications of that phone. But anyway those issues were
21 raised by Mr. Mulbry.

22 The search warrant was done anyway even though it
23 was a voluntarily procured phone. And that search
24 warrant was not executed until after the ten day time
25 period under the search warrant statute. How many days

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 exactly afterwards was it? I believe it was about 13.

2 How many days outside?

3 MR. OSBORNE: Thirteen or 14 days.

4 THE COURT: About 13, not quite two weeks outside
5 of that ten day window. I heard arguments on that
6 yesterday. I've looked into the case that you referenced
7 Mr. Mulbry, the McKnight case. That case did suppress
8 some evidence regarding -- that came out of a search
9 warrant.

10 However, that case really was dealing with an issue
11 of no affidavit whatsoever accompanying that search
12 warrant. It's clearly a very separate issue and distinct
13 from what we're dealing with which is sort of an expired
14 search warrant if you will. That took me to the case of
15 State v Wise which is 272 S.C. 384. It's a 1979 Supreme
16 Court case.

17 State v Wise said that in such cases as this with a
18 quote unquote expired search warrant that we essentially
19 it's incumbent on the defense to show some type of
20 prejudice resulting. Based on the arguments I heard
21 yesterday there was really no actual prejudice asserted
22 other than just it came out afterwards.

23 Our Supreme Court has held this is really a
24 ministerial duty nature of a duty pursuant to any search
25 warrants. So that Motion to Suppress on those grounds is

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 denied and that evidence will come in. All right next
2 let's go to the matters of the photographs. I received
3 an email yesterday afternoon from the defense attorney
4 with a long list of the evidence or the photographs that
5 he does not object to.

6 But we need to get real clear on those that you do
7 object to and just go through those one at a time all
8 right. And I'm happy to do that now. I have a copy and
9 I think they are all premarked so if you just want to get
10 on into those.

11 MR. MULBRY: Your Honor, the first one is State's
12 exhibit 20. We argue that it is prejudicial. It just --
13 it's mainly half a picture of just blood and then a hat
14 in the middle of it. Your Honor, this hat is shown in
15 other pictures as well. We think it will prejudice the
16 jury. The location, let me clarify, the location of the
17 hat and its position in the crime scene is shown in other
18 pictures.

19 THE COURT: Okay. Such as State's 19?

20 MR. MULBRY: Yes, Your Honor, 19.

21 THE COURT: All right Mr. Osborne?

22 MR. OSBORNE: The fact -- well, I anticipate there
23 will be testimony that will say that the victim was found
24 on the ground where the pool of blood is. Escaping the
25 blood in this case is going to be impossible. He was

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 shot numerous times. He was bleeding out on the scene.
2 The fact that he was wearing the hat at the time of the
3 shooting is extremely important to our case. And only 20
4 shows from the crime scene that there is a bullet hole in
5 the brim of the hat.

6 THE COURT: Is that that white fleck I see?

7 MR. OSBORNE: Yes. You see it right to the left of
8 the D.

9 THE COURT: Uh Huh.

10 MR. OSBORNE: That hole there.

11 THE COURT: On the bill?

12 MR. OSBORNE: We're going to argue that that's a
13 bullet hole.

14 THE COURT: On the bill of the hat?

15 MR. OSBORNE: On the brim.

16 THE COURT: Okay. All right.

17 MR. OSBORNE: You can see that better in some of
18 the other pictures. Obviously our position here is that
19 this goes to malice. That is nothing more than an
20 attempted head shot.

21 THE COURT: Okay. I don't think that 19 would show
22 that. So for that purpose it will come in. All right,
23 next?

24 MR. MULBRY: The next one Your Honor is 31, 37, and
25 38. Basically all of those are -- they seem a little --

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 there is about...

2 THE COURT: What is 31? What am I looking at?
3 Clothing?

4 MR. MULBRY: 31 is the shirt, yes. There are 15
5 pictures of this shirt. There are multiple pictures of
6 bullet hole one. Multiple pictures of bullet hole two.
7 I think it's cumulative, Your Honor.

8 THE COURT: So 31, 37, and 38 you specifically
9 object to?

10 MR. MULBRY: Yes.

11 THE COURT: All right, Mr. Osborne?

12 MR. OSBORNE: The reason why I have so many
13 pictures of this and I think Mr. Mulbry can attest to
14 this, there is a lot of blood on these shirts. I don't
15 plan on opening these shirts and watch that dried blood
16 spew out all over the courtroom.

17 So all of these photographs show the various angles
18 of that shirt which will allow the jury to not have to
19 open those bags. These shirts are going into evidence.
20 If they wanted to open them they certainly could. But
21 all these photographs will prevent that from happening.

22 And furthermore I anticipate Doctor Batalis will
23 testify, which is another key point to our case that the
24 victim has what Doctor Batalis describes as being a
25 shored wound to his back. The doctor says there are a

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 couple of things that can cause that shored wound one of
2 which is being heavy clothing. If the victim had been
3 wearing heavy clothing then that would have prevented it.

4 Basically Your Honor a shored wound which we found
5 out is when a bullet goes into the body and then comes
6 out it fillets the skin open as it's coming out. The
7 victim's skin was intact. If the victim had been wearing
8 heavy clothing that would have kept the skin intact.

9 These are light clothing and that's what these
10 photographs show. So the only way that the victim's skin
11 would have remained that way is if he had been against an
12 object; mainly the car.

13 THE COURT: Okay. I don't find these pictures to
14 be prejudicial necessarily. I mean duplicative at worst
15 but really 37 and 38 appear to be measuring something.
16 So I don't know that they are necessarily duplicative of
17 anything else. So those will stay in as well. All
18 right, let's go -- what's next?

19 MR. MULBRY: Your Honor, 41, 42, and 43 are all the
20 same. They are cumulative.

21 THE COURT: Well, they're all measuring different
22 things; certainly 42 and 43 are. So I don't have a
23 problem with those. Mr. Osborne, I'll let you be heard
24 on those.

25 MR. OSBORNE: The same thing, Your Honor.

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 THE COURT: 41 I guess is duplicative. We can take
2 it out. You don't really need 41. 42 is the exact same
3 thing but with the measurements on it. So we'll keep 41
4 out as duplicative. I'll note that for the record. All
5 right, what's next?

6 MR. MULBRY: Your Honor, State's 144 and 150.

7 THE COURT: All right.

8 MR. MULBRY: 144 I don't know what this shows other
9 than children's play toys, which is moved around the car
10 as they take pictures. It does show I can see the food
11 box in the back but I think it's prejudicial the
12 children's play toy being put in obvious positions.

13 THE COURT: So you object, say that again 144.

14 MR. MULBRY: 144.

15 THE COURT: Okay. And 140...

16 MR. MULBRY: And then 150 which is just a shot of
17 the play toy.

18 THE COURT: Okay. And what's the other one?

19 MR. MULBRY: And also Your Honor 161 through 163.
20 This is pictures of --

21 THE COURT: Wait. Let's stick with the play toy
22 issue first. Let me just look at -- 144 and 150 are what
23 you object to?

24 MR. MULBRY: Yes, Your Honor.

25 THE COURT: All right Mr. Osborne, you want to talk

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 about 144 and 150.

2 MR. OSBORNE: I would anticipate that the crime
3 scene technician on 144 is going to testify that as she
4 was going around the car she is photographing the car as
5 it was when she got there. So 144 depicts as the car ---

6 THE COURT: --- as is condition.

7 MR. OSBORNE: Yes.

8 THE COURT: Okay.

9 MR. OSBORNE: Then she at 145, or I'm sorry 150 ---

10 THE COURT: --- 150 ---

11 MR. OSBORNE: --- is her moving that toy because
12 she needs to get to the food box and that is the best
13 image that I have of the food box on 150. It also shows
14 that she did move that item.

15 The food box is important because it shows that the
16 victim wasn't engaged in any sort of criminal activity
17 that night. He was simply buying food and running
18 errands and that food there was his food, his dinner,
19 which corroborates Funnie's account of what the victim
20 was doing that night.

21 THE COURT: And I guess in 151 and 152 are there
22 multiple food boxes?

23 MR. OSBORNE: There are.

24 THE COURT: Oh, okay.

25 MR. OSBORNE: He bought food for his son too.

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 THE COURT: Yes, I'll allow it is. I think it's
2 necessary for the crime scene technician to give her
3 account of how she found things and then what she had to
4 do in order to see what else was in the car. All right,
5 so what's next?

6 MR. MULBRY: Your Honor, 160 through 163. They are
7 pictures of a bullet hole from I believe an unrelated
8 shooting. I think it could be potentially misleading to
9 the jury, Your Honor.

10 MR. OSBORNE: Your Honor, I can make this one easy.

11 THE COURT: 160, what is that? I don't even know
12 what -- is that the inside of the door?

13 MR. OSBORNE: So 160 and 164 shows prior damage to
14 the car where the victim's car was shot in a separate
15 incident. I just assumed that Mr. Mulbry would want to
16 elicit that testimony. If he doesn't want to elicit that
17 testimony we'll just keep it out. I'm fine with that.

18 THE COURT: Are you sure you want it out?

19 MR. MULBRY: No, Your Honor. I changed my mind.

20 THE COURT: Changed your mind. All right, what's
21 next?

22 MR. MULBRY: Your Honor --

23 THE COURT: --- we can revisit it later if
24 necessary. But go ahead.

25 MR. MULBRY: My last one is 252. They are pictures

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 of just traffic tickets in his car. Your Honor, under
2 404(b) a prior bad act. Your Honor, if he had other
3 documents in that car but under 404 ---

4 THE COURT: --- 252?

5 MR. MULBRY: Yes, Your Honor.

6 THE COURT: So we've moved on to a different car
7 now? We're talking about, I see, this is the white
8 vehicle that was allegedly involved.

9 MR. MULBRY: Yes, Your Honor.

10 THE COURT: All right so now 252 are uniform
11 traffic tickets out of North Charleston with the
12 Defendant's name on them; a photograph of two such
13 tickets. Mr. Osborne, what's your take on this?

14 MR. OSBORNE: Mr. Mulbry is correct. There is
15 documents in the car that show the Defendant's name.

16 THE COURT: So you don't need the tickets
17 necessarily?

18 MR. OSBORNE: This is the only document that shows
19 that he was actually driving the car. And that's really
20 the key issue here did he have possession of the car.
21 This shows that he did have possession of the car at some
22 point.

23 And furthermore I don't know how it can be
24 prejudicial. He's on trial for murder. These two
25 tickets here are parking in a handicap zone and

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 beginner's permit violation. And the dates on it are
2 March the 15th from that year. So two months earlier he
3 had possession of this car and he was driving that car.
4 If Mr. Mulbry would like me to redact the two violations
5 parking in a handicap zone and beginner's permit I would
6 certainly be happy to do that.

7 THE COURT: Would that cure it?

8 MR. MULBRY: Yes, Your Honor.

9 THE COURT: It would? Just redacting the tickets?

10 MR. MULBRY: I'm sorry; no Your Honor. There are
11 other documents in the car, Your Honor.

12 THE COURT: What ---

13 MR. MULBRY: --- there is a statement they're
14 putting in.

15 THE COURT: Okay.

16 MR. MULBRY: I mean...

17 THE COURT: There are other documents in the car.
18 So Mr. Osborne, you said there were some other documents
19 in the car. Are these the only ones that bear the
20 Defendant's name?

21 MR. OSBORNE: These are the only ones that bear the
22 Defendant's name and showing that he had possession of
23 the car, that he was driving the car. It's one thing for
24 documents to be in the car W-2 forms, letters and things
25 of that nature. This shows that he had possession of

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 that car, that he was driving that car ---

2 THE COURT: --- but not on this day in question.

3 MR. OSBORNE: Not on this day; it was two months
4 earlier.

5 THE COURT: I think it stays out. I think it's
6 more prejudicial than probative so I'll grant your motion
7 as to 252. What's next?

8 MR. MULBRY: Your Honor, with regard to the -- if
9 the statement is coming in Your Honor I want to clarify
10 from yesterday I do not intend to or consent to have his
11 whole statement in.

12 If the statement comes in, if Your Honor rules that
13 it is admissible I don't intend putting the rest in. I
14 would ask that the clip of -- in the clipped portion
15 there are two to three references. I would ask it be
16 ruled inadmissible. The first, there are two references
17 to Red being shot at this house where they're hanging
18 out. That shooting had nothing to do with this case.

19 THE COURT: Red, this is the drive through? Is
20 that that conversation about the drive in or the drive
21 way or whatever?

22 MR. MULBRY: Yes, Your Honor.

23 THE COURT: Okay.

24 MR. MULBRY: It just makes my client look like he's
25 hanging out at a murder house. It has nothing to do with

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 this case. I think it's prejudicial.

2 THE COURT: All right Mr. Osborne, I'll let you be
3 heard on that issue.

4 MR. OSBORNE: Well, that's how they were able to
5 identify the house. And furthermore it's not his house.
6 In his statement he says it's Demetrius Young's house.
7 The detectives were able to identify what house it is and
8 tie it in to that Defendant by both of their knowledge
9 that a crime had occurred there. No one was insinuating
10 that he had anything to do with that crime.

11 THE COURT: No, I don't think there is anything in
12 the statement that makes it sound like some sort of
13 prejudicial effect of it sounding like the Defendant.
14 Regularly hangs out at this place where a crime happened
15 I mean unfortunately crime happens all around all of us
16 all the time but that doesn't necessarily mean that we're
17 taking part in that. Just because he had knowledge of a
18 crime location I don't see -- respectfully your argument
19 is preserved for the record but denied.

20 And so that portion that we heard yesterday which
21 was clip number 3 on that video will come in. It's my
22 understanding you don't want the entire thing in.
23 Anything after that under your argument was really your
24 client invoked his right to an attorney even though there
25 was some discourse about whether or not he sort of

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 reinitiated that argument. Nonetheless I think
2 everything after that initial sort of stopping the
3 questioning going back and forth about getting the
4 attorney would be suppressed anyway based on my review of
5 the case law. So, just that portion that we discussed
6 yesterday will come in okay.

7 MR. OSBORNE: And just for clarification by that
8 same token I think what he had wanted to do was ask
9 questions about what is client said after that. And so
10 that would be inadmissible as well.

11 THE COURT: To the investigator, is that correct?

12 MR. OSBORNE: Right.

13 THE COURT: Is that what your intention was going
14 to be; asking what was said afterwards? That would be
15 hearsay. You would be eliciting hearsay testimony ---

16 MR. MULBRY: --- it would be hearsay Your Honor
17 unless it came in through like a prior inconsistent
18 statement I wouldn't be getting into it under your
19 ruling.

20 THE COURT: Yes. So far yes, you'd have to get to
21 that.

22 MR. OSBORNE: That I would be getting into if he
23 testified as a prior inconsistent statement.

24 MR. MULBRY: Yes --

25 THE COURT: Correct. That sounds right. Anything

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 else that we need to take up before the jury comes in?

2 MR. OSBORNE: One other thing Your Honor. It was
3 brought to my attention that this has made its way to the
4 news in a very limited capacity. There are no facts or
5 anything like that; I'm just bringing this to your
6 attention for the jury ---

7 THE COURT: --- this case?

8 MS. EHRLICH: There was something running on Live 5
9 yesterday. And so I don't know -- I wasn't here for the
10 jury selection. I don't know ---

11 THE COURT: --- they were instructed yesterday when
12 they left not to do any independent research or anything
13 like that. But I'm certainly -- I appreciate you telling
14 me. I will definitely make sure that we reiterate that
15 at every stage where they would be leaving or having
16 access to cell phones. Anything else?

17 MR. OSBORNE: No, Your Honor.

18 THE COURT: All right. Who will be delivering our
19 opening statements today for the State?

20 MR. OSBORNE: I will.

21 THE COURT: All right. For the defense?

22 MR. MULBRY: Your Honor, Court's indulgence.

23 THE COURT: Sure.

24 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

25 MS. EHRLICH: Judge, do you mind if we talk to him

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 for a moment?

2 THE COURT: No. And we haven't had any media
3 requests. Obviously any time I get those I let the
4 attorneys know. All right, you need to talk to him.
5 We'll be at ease for about five minutes.

6 [Off the record momentarily while Mr. Mulbry and Ms.
7 Ehrlich confer with their client]

8 THE COURT: All right Mr. Mulbry, you ready to
9 proceed?

10 MS. EHRLICH: Your Honor, we have another issue.
11 He informed us this morning that he was jumped at the
12 jail.

13 THE COURT: Okay.

14 MS. EHRLICH: And assaulted and ---

15 THE COURT: --- I'm sorry to hear that.

16 MS. EHRLICH: That's I think how his glasses went
17 missing and I think he was x-rayed at the jail. But he
18 is in some pain but feels comfortable going forward.

19 THE COURT: Okay.

20 MS. EHRLICH: I've asked him to let me know if that
21 situation changes at all ---

22 THE COURT: --- sure ---

23 MS. EHRLICH: --- and informed him that we will
24 contact the jail regarding safety precautions.

25 THE COURT: Sure.

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 MS. EHRLICH: I don't think they have him in
2 protective custody, which probably should have happened
3 because Mr. Milligan who is a witness is also in the jail
4 as well as Mr. Young who is a co-defendant. And so I'm
5 sure the word is out over who's inside the jail. So we
6 will contact them ---

7 THE COURT: --- Mr. Young is here in Charleston
8 right now?

9 MR. OSBORNE: I had asked for him to be sent back
10 so hopefully ---

11 MS. EHRLICH: --- I know he was here as of
12 yesterday.

13 MR. OSBORNE: All right. I'll put in a second
14 request.

15 THE COURT: Sure. Obviously whenever we have
16 issues of safety all that you need to do is bring it to
17 my attention and we'll do everything in our power to
18 ensure that safety measures are taken by all those
19 parties that are under my order.

20 So regarding your issue brought forward today
21 regarding the way he feels if there is an issue we need
22 to stop and take a break, of course things I tell the
23 jury, just let me know. You can pass the word to the
24 Clerk if you can't get my attention and we'll do it,
25 okay.

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 MS. EHRLICH: Thank you, Judge.

2 THE COURT: Sure. Other than that are we ready to
3 proceed?

4 MR. OSBORNE: Your Honor, for the court reporter's
5 edification can I go ahead and move these into evidence
6 now?

7 THE COURT: Sure. What is that?

8 MR. OSBORNE: Okay.

9 THE COURT: All of the State's exhibits that were
10 premarked?

11 MR. OSBORNE: Yes, Your Honor.

12 THE COURT: Okay.

13 MR. OSBORNE: All right. State's 4 through 13 are
14 admitted, were stipulated to. 14 is out. 15 through 19
15 were admitted, stipulated. 20 was admitted over the
16 defense's objection. 21 through 30 were admitted via
17 stipulation, 31 over the Defendant's objection, 32
18 through 36 by stipulation. There is no 37. 38 was
19 admitted over the Defendant's objection. 39 and 40 by
20 stipulation. 41 is out. 42 admitted over Defendant's
21 objection as well as 43. 44 through 55 were admitted by
22 stipulation --

23 THE COURT REPORTER: Give me those numbers again;
24 44?

25 MR. OSBORNE: 44 through 55. 108 through 124

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 admitted by stipulation. 130 to 143 by stipulation. 144
2 admitted over the Defendant's objection. 145 to 149 by
3 stipulation. 150 admitted over Defendant's objection.
4 151 through 159 -- actually 151 through 164 by
5 stipulation. And then 165 through 175 by stipulation.
6 176 over the Defendant's objection. And 177 to 203 by
7 stipulation. 215 to 230 by stipulation. 234 to 251 by
8 stipulation. And 252 is out.

9 [Whereupon, State's exhibit numbers 4 through 13, 15
10 through 19, 20, 21 through 30, 31, 32 through 36, 38, 39
11 through 40, 42 through 43, 44 through 55, 108 through
12 124, 130 through 143, 144, 145 through 149, 150, 151
13 through 164, 165 through 175, 176, 177 through 203, 215
14 through 230, and 234 through 251 are entered into
15 evidence by the Court]

16 THE COURT: All right. Are you ready now?

17 MR. OSBORNE: And then lastly we'd just ask for the
18 witnesses in this case to be sequestered.

19 THE COURT: I grant the motion to sequester the
20 witnesses. Obviously, your client can stay, the lead
21 investigator can stay. Who else? Is that it?

22 MR. OSBORNE: The case agent and the investigator.

23 THE COURT: No one else. Apart from that obviously
24 anybody can come in once they have testified and stay for
25 the duration if they feel like it.

State v K'Sone M. Campbell
Court's Ruling on Matters under Advisement
March 3, 2020

1 MR. MULBRY: My investigator as well, Your Honor.

2 THE COURT: Sir?

3 MR. MULBRY: My investigator.

4 THE COURT: Oh, of course. Yes, your investigator
5 can stay as well.

6 MR. MULBRY: And for the record I've removed
7 Kimberly Campbell from our witness list. I do not plan
8 on calling her.

9 THE COURT: Ms. Campbell has been removed from your
10 witness list. Okay. Thank you very much. Anybody see
11 any witnesses out of order of course that I wouldn't
12 necessarily be familiar with just bring it to my
13 attention, okay. All right, you can bring the jury in.

14 And just if the attorneys could make sure -- this
15 courtroom is so big and the acoustics are unfortunately
16 are a little bit poor and I'm going to have to make an
17 extra effort to sort of enunciate and speak loudly even
18 though I'm pretty loud anyway. If you all could just
19 kind of do the same for the court reporter's benefit that
20 would be great.

21 [Whereupon, the jury enters at 10:25 a.m.]

22

23

24

25

1 THE COURT: Please be seated everybody. Ladies and
2 gentlemen thank you for patience this morning. We had a
3 few more matters of law to take up outside your presence
4 with these attorneys so we took advantage of the morning
5 and did that. It lasted a little bit longer than we
6 anticipated.

7 But I understand you have filled out your lunch
8 menus and taken the time to do that. At the outset
9 ladies and gentlemen this Court is absolutely aware of
10 the Coronavirus that is going around and understand that
11 there are concerns that everybody has with that. We
12 obviously are providing as many things as we can to cut
13 down on that.

14 We're disinfecting each chair every night, every
15 day. We're providing extra wipes, Lysol wipes, Lysol
16 spray, hand sanitizer, Kleenex if you think you need it
17 and would encourage you to use it if you think you need
18 it at all. I'm following DHEC guidelines and things that
19 come out from the CDC constantly. That's one reason I
20 keep a computer in front of me at all times.

21 So your care is my primary concern, okay. So just
22 be aware that we are aware of what is going on and will
23 certainly keep up to date on things as they unfold in
24 that regard. Again, if you have any other concerns
25 please bring it to the bailiff's attention and they will

State v K'Sone M. Campbell
Proceedings
March 3, 2020

1 bring it to my attention, okay. So we appreciate your
2 patience this morning. Ladies and gentlemen we are going
3 to try the case now of the State of South Carolina verses
4 K'Sone Marquail Campbell. Before we begin this trial I'm
5 going to tell you that this trial is probably going to be
6 different than what you might expect.

7 Now many people don't have the chance to attend
8 actual court sessions as you're doing now. And they
9 think that from watching T.V. or movies or reading books
10 that trial are always full of high drama and riveting
11 circumstances. And while some of these things are true
12 at times this trial is not for our entertainment. It is
13 a fundamental part of our democracy. It's an effort to
14 make sure that justice is done between the parties before
15 the Court.

16 Now making sure that justice is done is often slow,
17 deliberate, and repetitive, which is the opposite of what
18 you've seen on T.V. or in movies. Now this courtroom
19 ladies and gentlemen is a place of honor and it is
20 dedicated to the protection and the preservation of
21 citizen's rights through what many have called the
22 greatest justice system ever created.

23 The attorneys, which appear before you, are
24 advocates for the party that they represent. But first
25 and foremost they are officers of this Court. They've

1 taken an oath to uphold the integrity and the fairness of
2 our judicial system and to help you. And you should
3 expect them to be professional, competent, and ethical in
4 the representation of their party's interest. Now,
5 remember that in just a moment you will take an oath to
6 try this case and to reach a verdict and you will also be
7 expected to be professional, reasonable, and ethical in
8 doing so.

9 We thank you for accepting this important
10 responsibility of jury service and for your contribution
11 today to our justice system. I will now ask the Clerk of
12 Court to swear the jury in.

13 CLERK OF COURT: Please have the Defendant stand.

14 [Whereupon, the Defendant stands]

15 CLERK OF COURT: Ladies and gentlemen of the jury
16 please stand and raise your right hands.

17 [Whereupon, all jurors comply]

18 CLERK OF COURT: Do you swear or affirm that you
19 shall well and truly try and a true deliverance make
20 between the state of South Carolina and Defendant at the
21 bar whom you shall have in charge and a true verdict
22 render according to the evidence and the law so help you
23 God? Please indicate by saying I do.

24 [Whereupon, all jurors respond with I do]

25 CLERK OF COURT: Thank you. You may be seated.

State v K'Sone M. Campbell
Opening Statements-Remarks by Mr. Osborne
March 3, 2020

1 OPENING STATEMENTS

2 BY MR. OSBORNE:

3 Derrick Barber was gunned down for someone else's
4 fight. That somebody else was Deangelo Milligan.
5 Deangelo was Derrick's long time friend. The other
6 person involved in that fight was this man [indicates],
7 the Defendant in this case, K'Sone Campbell.

8 In battles sometimes there is collateral damage.
9 And that's exactly what happened in this case. Derrick
10 had nothing to do with this fight. He didn't start it.
11 It wasn't his fight but he [indicates] made sure it
12 ended.

13 Derrick was murdered on the night of May the 11th of
14 2017. You will hear that Derrick that night was running
15 errands. He was driving around in his dark colored
16 Lincoln Town car and he had his two children in the back.
17 Daia was his 11 month old daughter and D.J. was his seven
18 year old son.

19 He was running typical errands. He was buying money
20 orders so that he could pay for rent and he was buying
21 dinner for himself and his son. His plans were later on
22 that night that he would go to Mikel Funnie's house.
23 Funnie is another one of his longtime friends. They
24 would watch a basketball game together. But Derrick
25 would not get to see that game. He received a fateful

1 phone call that night from his friend Deangelo and after
2 receiving that phone call he went to Maverick Street.
3 Derrick was completely oblivious to the danger that was
4 waiting for him. Had he known he would never have put
5 himself or his children in that situation.

6 Now I say that he was in danger because just minutes
7 earlier Deangelo had a conversation with a man. They
8 were talking in a parking lot. He was talking to that
9 man [indicates]. Deangelo and the Defendant know each
10 other but whatever -- by all accounts they appear to be
11 friends. But whatever Deangelo said to him in that
12 parking lot set him off. It made him mad. He was
13 furious.

14 Deangelo then walked away from him and then went
15 into the corner store, Rawan Market, right at King and
16 Maverick Street, right next to the liquor store. He
17 followed him with his friend, Demetrius Young, who was
18 behind him. Once he got into the store, the Defendant
19 and Demetrius, the Defendant confronted Deangelo. And
20 what started as an argument turned into a physical fight.

21 Demetrius is then seen engaging into the fight. And
22 you can see on the video it sure looks like Demetrius has
23 a gun in his hand and then he kind of uppercuts Deangelo
24 striking him about three times in his abdomen. The
25 employees then rush in. They separate the three men, the

State v K'Sone M. Campbell
Opening Statements-Remarks by Mr. Osborne
March 3, 2020

1 Defendant and Demetrius, and escort them out of the
2 store. Deangelo stays in the store for safety. But the
3 Defendant doesn't go far. You can see him on the video
4 around the corner watching, angry, waiting for Deangelo.
5 Deangelo stays by the door of the Rawan Market looking
6 seeing if it is safe to go and then he makes that fateful
7 phone call.

8 Now once Deangelo does leave the store about five
9 minutes later the Defendant then gets into his white
10 Dodge Avenger and starts circling the area. Just a few
11 minutes after that phone call that Deangelo makes Derrick
12 pulls up in his Lincoln Town Car and he parks. He
13 couldn't have been too far away because seconds later he
14 then pulls up right next to Derrick.

15 Now see Derrick is friends with Deangelo; they know
16 each other. Deangelo knows the Defendant. Derrick too
17 knows the Defendant so when he pulled up next to him
18 Derrick got out the car and he started talking to them.
19 He was not in a talking mood. The anger that he had
20 toward Deangelo he redirected into Derrick.

21 Now Deangelo must have heard it because he was just
22 a few feet away, well actually about a half block away.
23 He then started walking up and seconds after Deangelo
24 gets there gunshots start ringing out; five or six shots
25 all coming from the driver's side window striking Derrick

State v K'Sone M. Campbell
Opening Statements-Remarks by Mr. Osborne
March 3, 2020

1 over and over and over and over again. Derrick would
2 ultimately die. He would fall to the ground; bleed out
3 right outside of his car with his children in the
4 backseat crying.

5 Now you'll hear evidence that detectives also charge
6 another man in this case, Demetrius Young, the guy that
7 was in the store with the gun. Now when you're watching
8 this trial and listening to the evidence make no mistake
9 two men can be guilty of murder even though only one
10 pulled the trigger. I'll talk more about that at the end
11 of the trial.

12 Now ladies and gentlemen you will hear testimony and
13 you will see evidence that will leave you firmly
14 convinced of this man's [indicates] role in Derrick
15 Barber's death. And at the end of this trial I'm going
16 to ask you to return the only just verdict in this case;
17 a verdict of guilty as to murder. Thank you.

18 THE COURT: Mr. Mulbry?

19 MR. MULBRY: May it please the Court?
20
21
22
23
24
25

State v K'Sone M. Campbell
Opening Statements-Remarks by Mr. Mulbry
March 3, 2020

OPENING STATEMENTS

BY MR. MULBRY:

Friends remain friends by putting their differences behind them. And on May 11th, 2017 as K'Sone Campbell spoke to Derrick Barber about an earlier scuffle with their mutual friend Deangelo Milligan K'Sone witnessed as Demetrius Young shot and killed Derrick Barber.

And all this started with an argument; an argument that occurred between K'Sone and a guy he grew up with Deangelo Milligan. It occurred at the Rawan Market and you're going to hear that it is at the corner of Maverick and King Street.

And the argument led to a fight between K'Sone and Milligan. That is until Demetrius Young stepped in. And this is captured on surveillance video. You're going to see it. You're going to see K'Sone arguing with Deangelo Milligan at the market. You're going to see Demetrius Young involve himself in that altercation between K'Sone and Milligan.

And you're going to see Demetrius pull a gun while K'Sone is fighting. K'Sone did not want that gun to be pulled. K'Sone did not ask Demetrius to pull that gun. And when this fight is broken up and K'Sone left the store he was upset. He was upset about the argument with this guy he grew up with. He was upset about the fight

1 with his friend. And as K'Sone is getting ready to leave
2 he reluctantly agrees to give Demetrius a ride. But that
3 ride came with an important condition; leave that gun.
4 And K'Sone watched as Demetrius ran back inside his
5 grandmother's house. You'll learn that his grandmother's
6 house is right near the market. He came back outside and
7 hopped in the front seat.

8 But as K'Sone was driving this argument with
9 Milligan is weighing on him. It's an argument with a guy
10 he grew up with. And as K'Sone is driving in the area of
11 Maverick and Oswego Streets, which is right there behind
12 the market, he saw another friend of his; another friend
13 he grew up with, a guy he looked up to, Derrick Barber.

14 To K'Sone this was a great opportunity; an older
15 mature person that both he and Milligan grew up with to
16 mediate the situation. So K'Sone stopped and spoke with
17 Derrick with the goal that Derrick could alleviate the
18 situation, to smooth over what happened between he and
19 Milligan.

20 And as they were talking Milligan walked up behind
21 K'Sone's car and when Milligan got close Demetrius
22 decided to pull a gun again. He did not consult K'Sone.
23 He did not ask K'Sone what was going on. He did not say
24 anything to him. And K'Sone did not tell him to pull a
25 gun or shoot. And on his own Demetrius decided to shoot

State v K'Sone M. Campbell
Opening Statements-Remarks by Mr. Mulbry
March 3, 2020

1 Derrick Barber. Make no mistake there is one shooter and
2 that man is Demetrius Young. Demetrius Young is
3 responsible for Derrick Barber's death. K'Sone never
4 wanted someone to get shot. K'Sone never anticipated
5 someone would get shot.

6 All he wanted to do was talk to Derrick about their
7 mutual friend and smooth things over. Friends remain
8 friends by putting their differences behind them.

9 THE COURT: Mr. Osborne, you can call your first
10 witness.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

State v K'Sone M. Campbell
Michael Calore-Direct Examination by Mr. Osborne
March 3, 2020

1 MR. OSBORNE: Thank you, Your Honor. The State
2 calls Officer Michael Calore.

3 [Whereupon, Officer Calore comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: Please take a seat. Please state
7 your full name spelling your last name for the record.

8 THE WITNESS: Officer Calore, Michael Calore, C-A-
9 L-O-R-E.

10 - - - - -

11 MICHAEL CALORE,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. OSBORNE:

16 Q. Good morning, Officer.

17 A. How are you?

18 Q. Good. Where do you work?

19 A. Charleston City Police.

20 Q. Okay. And how long have you been there?

21 A. I've been there 11 years now.

22 Q. All right. What have been some of your previous
23 assignments and current assignment I guess while at CPD?

24 A. I currently work patrol. I've been with patrol for
25 about I mean all of my 11 years. I've been a part of a

State v K'Sone M. Campbell
Michael Calore-Direct Examination by Mr. Osborne
March 3, 2020

1 CAT team, which is community policing and just regular
2 Team One patrol.

3 Q. Okay. And for the jury's edification so CPD breaks
4 boundaries down into teams?

5 A. Yes, sir. So Team One is basically from Ashley
6 River to East Bay Street to Calhoun to North Charleston.

7 Q. Okay. Let's get into the night of May 11th of 2017.
8 Were you working that night?

9 A. Yes, sir.

10 Q. And what was your assignment then?

11 A. I was part of Team One patrol.

12 Q. Okay. At about 9:36 p.m. did you have the occasion
13 to respond to a shots fired call for service?

14 A. Yes.

15 Q. And where were you dispatched to?

16 A. I believe the original call went out to Moultrie
17 Street and in that area; so Moultrie, Maverick, Oswego.

18 Q. Okay. Do you have an estimation as to how long it
19 took you to get to the scene from the moment that you
20 were dispatched?

21 A. Not that long. I mean the city is big but it's not
22 -- about a minute, two minutes.

23 Q. All right. And when you arrived to -- so the call
24 came out as shots fired.

25 A. Yes, sir.

1 Q. And when you arrived to the area did you locate a
2 crime scene?

3 A. Yes.

4 Q. And where was the crime scene?

5 A. Basically at the corner of Oswego and Maverick.

6 Q. Okay. And is that in the city and county of
7 Charleston?

8 A. Yes.

9 Q. All right. Okay, tell the jury what you saw when
10 you arrived on the scene.

11 A. So it went out as shots fired, which obviously we
12 run lights and sirens to. When we get there initially
13 our first response to one of those calls is hey, find the
14 offender, you know is the fight over. Basically we're
15 looking to see if there are any more, any other threats
16 that we have to take care of.

17 When I realized that was over I saw at the corner of
18 Oswego and Maverick a car parked on the corner or looked
19 like it was parked on the corner.

20 And I went and I saw someone laying next to the car
21 basically in a pile -- a bloody, it was a pool of blood
22 around that person.

23 Q. Was that person still alive at that moment?

24 A. I mean it's hard for me to tell. There was a lot of
25 blood. I mean I think he -- maybe, I don't know. It's

State v K'Sone M. Campbell
Michael Calore-Direct Examination by Mr. Osborne
March 3, 2020

1 you know...

2 Q. Was there anyone else on scene other than the person
3 that had been shot?

4 A. Yes. There is another party next to him kneeling
5 down. And I didn't see him at first -- so when I rolled
6 up and got out of my car I saw the person laying on the
7 ground.

8 I kind of -- my focus kind of switched back because
9 there is also a kid in the car looking down crying
10 yelling daddy.

11 He was leaning over the back window looking down at
12 the party that was shot. So the other guy was kneeling
13 down yelling at me asking for help, to help his friend.

14 Q. Okay. All right. So, and you kind of touched on
15 this a little bit, so when you get there you're by
16 yourself.

17 A. Yes.

18 Q. And you said that you know one of the things --
19 well, the first thing you're concerned about is making
20 sure that the threat isn't there.

21 A. Yes.

22 Q. And in this case was the shooter still there?

23 A. No.

24 Q. All right. So you mentioned a little bit so there
25 is a lot going on ---

1 A. --- yes ---

2 Q. --- in a short period of time.

3 A. Yes.

4 Q. You've got a friend that is trying to administer
5 first aid?

6 MR. MULBRY: Objection, Your Honor. Leading.

7 THE COURT: Just try to rephrase.

8 Q. [Mr. Osborne] What was the friend doing?

9 A. I mean he was I'm not sure if he was trying to help
10 him but when I first came up he was like hey help him,
11 help him.

12 Q. So you're got a friend that is trying to help him?

13 A. Yes.

14 Q. And you said you had a child crying in the back.

15 MR. MULBRY: Objection, Your Honor. Leading.

16 MR. OSBORNE: I'm repeating what he said.

17 THE COURT: I know. But you're saying it in sort
18 of a question eliciting a response. So just try to
19 rephrase it and let him do all the explaining. Thank
20 you.

21 Q. [Mr. Osborne] I'll ask you just to repeat that.
22 What exactly was the child doing and saying?

23 A. So the child was in the backseat of the car, which I
24 saw that there was -- it looked like the car had been
25 shot so that's where my attention was at first because

State v K'Sone M. Campbell
Michael Calore-Direct Examination by Mr. Osborne
March 3, 2020

1 there is a child in the backseat of this car that was
2 obviously shot at leaning out the window, the back
3 window, yelling daddy, daddy.

4 And so I mean I assumed that that was his son; I
5 didn't know. Like you said there was a lot going on so I
6 was just...

7 Q. And the only reason why I was asking you to repeat
8 it was to say so with all that going on what were you
9 doing? What happened next?

10 A. So, I think I believe I told -- the guy was asking
11 for help. Obviously I wanted to help the party, the guy;
12 the victim on the ground. But like I said my eyes were
13 focused on the kid.

14 The kid was screaming yelling daddy. I just didn't
15 want, it was kind of like I didn't want the child to see
16 if that was his father I didn't want him to see him like
17 that. So my focus was kind of on him. I wanted to make
18 sure he wasn't injured.

19 So I was telling -- there were a lot of people I
20 think, so I told someone to check on the kid, check on
21 the kid. I was worried about him. And at that point
22 someone went on the other side of the car and took the
23 kid out.

24 Q. Okay.

25 A. So...

1 Q. And did that person then leave the scene?

2 A. Yes. So I was -- so after he checked on the kid and
3 he was dealing with the kid I was trying to make sure he
4 was all right. That car somehow, I remember the car, I
5 think it was a darker car and it took off and left the
6 scene when they grabbed the kid.

7 Q. Okay.

8 A. So I was kind of focused on the kid until they said
9 he was all right and then I went down back towards the
10 victim and kind of lost track of the kid.

11 Q. Okay. Did you or did you not put out a description
12 then ---

13 A. --- yes ---

14 Q. --- of the vehicle that took the kid and that
15 vehicle was located?

16 A. Yes, by I believe North Charleston.

17 Q. Okay. Now you had mentioned earlier there was a
18 person, a friend that was down with the victim. Did you
19 identify that individual?

20 A. Yes, afterwards.

21 Q. Okay. And what was his name?

22 A. I believe the last name Milligan.

23 Q. Deangelo Milligan?

24 A. Yes.

25 Q. Okay. So without getting into what he said of

State v K'Sone M. Campbell
Michael Calore-Direct Examination by Mr. Osborne
March 3, 2020

1 course did you try to speak to him about what had
2 happened?

3 A. Yes.

4 Q. And how did that work out?

5 A. I didn't get any information from him.

6 Q. Fair to say he wasn't exactly forthright with it?

7 A. Yes.

8 Q. Did at any point when you were there did you ever
9 obtain a suspect's name?

10 A. No.

11 Q. Did you have a suspect vehicle description?

12 A. I think I was -- I had a brief description of it. I
13 think dispatch put out something.

14 Q. Do you remember a white vehicle?

15 A. Uh Huh.

16 THE COURT REPORTER: Is that yes?

17 Q. [Mr. Osborne] Is that a yes?

18 A. Yes.

19 Q. I'm showing you what has already been marked and
20 admitted as State's 4.

21 [Whereupon, the photograph is published]

22 Q. Does this look familiar to you?

23 A. Yes.

24 Q. Okay. What are we looking at here?

25 A. This is within Team One; King Street, Rutledge,

1 Oswego, Maverick just that whole...

2 Q. Okay. So while I've got you I want you to if you
3 don't mind pointing out some landmarks for me.

4 A. Okay.

5 Q. That are going to be coming up a little later.
6 James Simmons Elementary school can you put an X on that?
7 And you can actually write on that tablet.

8 A. Okay.

9 [Whereupon, witness indicates on screen]

10 Q. The Palace Apartments at 1000 King Street?

11 [Whereupon, witness indicates on screen]

12 Q. All right. The Food Lion?

13 [Whereupon, witness indicates on screen]

14 Q. And the Jerusalem Church at Rutledge and Maverick?

15 A. Yep.

16 [Whereupon, witness indicates on screen]

17 Q. All right. And the Rawan Market at Maverick and
18 King?

19 [Whereupon, witness indicates on screen]

20 Q. Okay. And there is a liquor store right next to
21 that Rawan Market?

22 A. Yes.

23 Q. Now, can you put an arrow when you said that you
24 came up and there was a dark colored car and the victim
25 was outside the car can you put an arrow as to which way

State v K'Sone M. Campbell
Michael Calore-Direct Examination by Mr. Osborne
March 3, 2020

1 that car was facing and where it was located?

2 A. So it was on Maverick facing towards King.

3 [Whereupon, witness indicates on screen]

4 Q. Okay. You can go ahead and clear that. I'm going
5 to show you now what has already been marked and admitted
6 as State's 8.

7 [Whereupon, the photograph is published]

8 Q. And do you recognize this?

9 A. Yes.

10 Q. And what is that?

11 A. That's the corner of Maverick and Oswego.

12 Q. Okay. Is that the dark colored car you were
13 referring to?

14 A. Yes.

15 Q. I'm going to get a little closer here on State's
16 exhibit 13.

17 [Whereupon, the photograph is published]

18 Q. Can you kind of I guess with a stick figure just
19 sort of put how the body was positioned?

20 [Whereupon, witness indicates on screen]

21 A. Basically right -- I mean you can see the hat in the
22 picture. It was around right there [indicates].

23 Q. Okay. So the child was at?

24 A. The child was yes ---

25 Q. --- taken out of that window [indicates]?

State v K'Sone M. Campbell
Michael Calore-Direct Examination by Mr. Osborne
March 3, 2020

1 A. That window [indicates] just leaning out overlooking
2 the victim.

3 Q. Through the smashed glass?

4 A. Uh Huh.

5 THE COURT REPORTER: Was that yes?

6 THE WITNESS: Yes.

7 MR. OSBORNE: No further questions, Your Honor.

8 THE COURT: All right. Cross-Examination.

9 MR. MULBRY: Thank you, Your Honor. May it please
10 the Court?

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v K'Sone M. Campbell
Michael Calore-Cross-Examination by Mr. Mulbry
March 3, 2020

1	CROSS-EXAMINATION
2	BY MR. MULBRY:
3	Q. Good afternoon -- or good morning.
4	A. Yes.
5	Q. You were the first officer to respond?
6	A. Yes, sir.
7	Q. And you saw Derrick Barber lying on the ground.
8	A. Yes, sir.
9	Q. And he was standing next -- or laying next to that
10	green Lincoln?
11	A. Yes, sir.
12	Q. And that Lincoln was facing towards King Street?
13	A. Yes.
14	Q. Deangelo Milligan was there.
15	A. Yes.
16	Q. And near the intersection of Maverick and Oswego?
17	A. Yes, sir.
18	Q. And that's near the Rawan Market.
19	A. Yes.
20	Q. Derrick was outside the vehicle, correct?
21	A. Uh Huh.
22	THE COURT REPORTER: Is that yes?
23	Q. [Mr. Mulbry] The driver's side that was closed?
24	A. Yes.
25	Q. And the other doors in the vehicle were closed as

1 well, right?

2 A. Yes, I believe so.

3 Q. Now, your job involves protecting the community.

4 A. Yes.

5 Q. And helping people, right?

6 A. Yes, sir.

7 Q. And saving lives.

8 A. Yes, sir.

9 Q. And that day protecting and saving Derrick's life

10 was your job.

11 A. Yes, sir.

12 Q. Your primary focus when you arrived.

13 A. Yes.

14 Q. You're not going to ignore Derrick to take the crime

15 scene.

16 A. But...

17 Q. You've got to answer out loud.

18 A. Yes. The initial thing is to first go look for the

19 offender and then render aid once you know the...

20 Q. So your focus is rendering aid, right?

21 A. After -- yes, after finding the offender yes.

22 Q. It's not on taping the incident location.

23 A. No.

24 Q. It's not on documenting where evidence is.

25 A. No.

State v K'Sone M. Campbell
Michael Calore-Cross-Examination by Mr. Mulbry
March 3, 2020

1 Q. It's not taking photographs of the crime scene.

2 A. No.

3 Q. It's saving Derrick's life.

4 A. Yes.

5 Q. And while you were there didn't a fire truck arrive?

6 A. Yes.

7 Q. And so did an ambulance.

8 A. Yes.

9 Q. And that ambulance drove right through that crime
10 scene.

11 A. I'm not sure.

12 Q. If I showed you your body camera would you remember?

13 A. Yes.

14 MR. MULBRY: Your Honor, I think we have a very
15 quick matter of law.

16 THE COURT: Okay. All right. Ladies and gentlemen
17 we'll take our first break of the day. I'll excuse you
18 for about five -- how long will this take?

19 MR. MULBRY: No longer than five minutes, Your
20 Honor.

21 THE COURT: About a five minute break. We'll be at
22 ease for about five minutes. Once again please do not
23 discuss the case. We'll call you back in here
24 momentarily. Thank you very much.

25 [Whereupon, the jury exits at 11:00]

1 THE COURT: Yes, sir?

2 MR. MULBRY: Just to refresh his recollection I'm
3 using the body camera. I wasn't planning on showing that
4 to the jury.

5 THE COURT: Sure. You're only going to show it to
6 him obviously.

7 MR. MULBRY: Yes, Your Honor.

8 THE COURT: Yes.

9 MR. OSBORNE: This is pretty gruesome.

10 THE COURT: I was wondering. Could we maybe just
11 limit it to his screen?

12 MR. MULBRY: Yes, Your Honor.

13 THE COURT: I'm sorry; I should have phrased that
14 better.

15 [Whereupon, the video footage body cam is shown to
16 the witness only]

17 THE COURT: Are you finished?

18 MR. MULBRY: Yes, Your Honor.

19 THE COURT: You can bring the jury back now. Thank
20 you.

21 [Whereupon, the jury enters at 11:04 a.m.]

22 THE COURT: Thank you very much. Please be
23 seated. Ladies and gentlemen, thank you for that short
24 break. Just for your own knowledge too you don't have
25 assigned seats. The only person who does is the Foreman.

State v K'Sone M. Campbell
Michael Calore-Cross-Examination by Mr. Mulbry
March 3, 2020

1 Otherwise you all can sit mix it up however you want
2 except the alternates will remain in the back row. But,
3 other than that, feel free to sit and rearrange as you
4 like or not; either way. Are we ready to proceed, Mr.
5 Mulbry?

6 MR. MULBRY: Yes, Your Honor.

7 THE COURT: Yes, sir.

8 MR. MULBRY: May it please the Court?

9 THE COURT: Yes.

10 CROSS-EXAMINATION (resumes)

11 BY MR. MULBRY:

12 Q. Like I said an ambulance arrived on scene?

13 A. Yes.

14 Q. And that vehicle drove right through the crime
15 scene?

16 A. Yes.

17 Q. Medics walked through the crime scene?

18 A. Yes.

19 Q. Correct?

20 A. Yeah, they are on scene.

21 Q. And fireman also walked through the crime scene.

22 A. Yes --

23 THE COURT REPORTER: What was the last part of your
24 answer?

25 THE WITNESS: Within the scene.

1 MR. MULBRY: Court's indulgence.

2 THE COURT: Sure.

3 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

4 MR. MULBRY: No further questions.

5 THE COURT: Okay. Any redirect?

6 MR. OSBORNE: Just briefly, Your Honor.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v K'Sone M. Campbell
Michael Calore-Redirect Examination by Mr. Osborne
March 3, 2020

1 REDIRECT EXAMINATION

2 BY MR. OSBORNE:

3 Q. All right. You saw the video. I'm showing you what

4 has been marked and admitted as State's 10.

5 [Whereupon, the photograph is published]

6 Q. That EMS wagon came up Maverick, is that correct?

7 A. Yes.

8 Q. From Rutledge?

9 A. Yes.

10 Q. On that [indicates] side of the road?

11 A. Yes.

12 Q. Is that fair to say?

13 A. Yes.

14 MR. OSBORNE: No further questions, Your Honor.

15 THE COURT: Any recross?

16 MR. MULBRY: No, Your Honor.

17 THE COURT: All right. Thank you very much.

18 You're free to step down from the witness stand. Thank

19 you very much.

20 [Whereupon, the witness is excused and exits the

21 witness stand]

22 THE COURT: Is your next witness ready?

23 MR. OSBORNE: Yes, Your Honor.

24

25

State v K'Sone M. Campbell
Kaitlin Butler-Direct Examination by Mr. Osborne
March 3, 2020

1 MR. OSBORNE: The State calls Kaitlin Butler.

2 [Whereupon, Ms. Butler comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please have a seat. Please speak
6 loud and clear into the mic. State your full name
7 spelling your last name for the record.

8 THE WITNESS: Kaitlin Butler, last name is B-U-T-L-
9 E-R.

10 - - - - -

11 KAITLIN BUTLER,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. OSBORNE:

16 Q. Good morning, Ms. Butler. I'm just going to ask you
17 a couple of background questions and get you used to
18 talking to the jury and then used to listening to you
19 before we get into the crux of it. Where are you from?

20 A. California.

21 Q. All right. And what brought you to Charleston.

22 A. College about 15 year ago --

23 THE COURT REPORTER: I need you to speak up a
24 little bit.

25 THE WITNESS: Oh, sorry. I moved here for college.

State v K'Sone M. Campbell
Kaitlin Butler-Direct Examination by Mr. Osborne
March 3, 2020

1 Q. [Mr. Osborne] Okay. And you said you've been here
2 for about 15 years?

3 A. Yep.

4 Q. All right. What did you study in school?

5 A. I just finished my second degree in Esthetics, it's
6 like skin care.

7 Q. Okay. And are you married?

8 A. Yes, I am, to Doctor Butler.

9 Q. Okay. And back in 2017 you were Kaitlin Anderson?

10 A. Yes.

11 Q. All right. Any children?

12 A. No.

13 Q. Back on May the 11th of 2017 where did you live
14 then?

15 A. I lived on 8 Maverick Street.

16 Q. Okay. And did you live with Doctor Butler as well?

17 A. Yes.

18 Q. Okay. Well, let's get right into it. At some point
19 in the night did you and Doctor Butler go outside to the
20 front steps of your apartment?

21 A. Yes, we did.

22 Q. All right. And did you hear something that drew
23 your attention?

24 A. Yes. We heard arguing from the intersection of
25 Oswego and Maverick Street.

1 Q. Okay. And when you say arguing was it -- I mean I
2 guess it's obvious but were the voices loud?

3 A. Yeah. I was able to hear them from my front door so
4 yeah.

5 Q. And how far was your front door from Oswego and
6 Maverick?

7 A. It's a few houses down but walking it's probably 15
8 seconds away walking.

9 Q. Okay. Now just so the jury understands did you have
10 a clear view of that intersection or was there anything
11 obstructing your view?

12 A. It was pretty clear. There is a tree on the corner
13 but our apartment was up high so able to pretty much see
14 the intersection.

15 Q. Okay. When your attention was drawn to the
16 intersection due to the yelling what did you see when you
17 looked at the intersection?

18 A. I saw a dark parked car. There was also a white car
19 and...

20 Q. Okay. Did you see anyone?

21 A. Yes. I saw somebody in a white shirt and a darker
22 shirt. That's all I saw for people.

23 Q. All right. And I'm just talking about what first
24 drew your attention to that intersection and you say you
25 saw a dark shirt. Did the guy with the white shirt walk

State v K'Sone M. Campbell
Kaitlin Butler-Direct Examination by Mr. Osborne
March 3, 2020

1 up after?

2 A. Yes.

3 Q. All right. And you said you saw a dark car that was
4 parked and a white car.

5 A. Yes.

6 Q. Was the white car in the middle of the roadway or
7 was it parked as well?

8 A. It was in the middle of the roadway facing Rutledge.

9 Q. Okay. So the white car was in the middle of the
10 roadway facing Rutledge. What about the dark car; which
11 direction was it facing?

12 A. That was facing down King Street.

13 Q. Okay. So they were opposites?

14 A. Uh Huh.

15 THE COURT REPORTER: Is that yes?

16 THE WITNESS: Yes.

17 Q. [Mr. Osborne] All right. The guy with the black
18 shirt could you tell in reference to the two cars where
19 he was standing?

20 A. Yes. He was standing outside the driver's door.

21 Q. Okay. So inbetween the cars?

22 A. Yes.

23 Q. Did anyone -- did you see anyone get out of the
24 white car?

25 A. No, I did not.

1 Q. Now were you able to ascertain based on the voices,
2 the arguing how many people were engaged in this
3 argument?

4 A. I would say at least two people or it could be more.

5 Q. Okay. Could you make out anything that was said in
6 the argument?

7 A. I heard very clearly ---

8 MR. MULBRY: --- objection, Your Honor. Calls for
9 hearsay.

10 THE COURT: It would call for hearsay. Are you
11 just trying to ask her if she heard something?

12 MR. OSBORNE: I mean I can lay down the foundation
13 for the excited utterance exception.

14 THE COURT: All right.

15 Q. [Mr. Osborne] Okay. So you heard clearly someone
16 say something.

17 A. Yes.

18 Q. Okay. And the something that was said was it said
19 in a calm relaxing voice or was it said during the course
20 of the argument?

21 A. During the course of the argument.

22 Q. Okay. And the content of what was said did it seem
23 to relate to something concerning an argument?

24 A. Yes.

25 Q. Okay. What did you hear?

State v K'Sone M. Campbell
Kaitlin Butler-Direct Examination by Mr. Osborne
March 3, 2020

1 MR. MULBRY: Objection, Your Honor. I don't think
2 that's a proper foundation, Your Honor.

3 THE COURT: If y'all could just approach briefly it
4 might aid me in determining what we're talking about.

5 [Whereupon, an off the record bench conference is
6 held]

7 THE COURT: All right. Go ahead.

8 Q. [Mr. Osborne] Okay Ms. Butler, what did you clearly
9 hear said?

10 A. We don't want any trouble here.

11 Q. We don't want any trouble here?

12 A. Yes.

13 Q. How long would you estimate, again I'm still talking
14 about the argument before the guy in the white comes up,
15 how long would you estimate that the argument took place?

16 A. Just a few minutes; one to two minutes.

17 Q. Okay. So while that's going on, now going into
18 that, then what happened?

19 A. After the arguing; I'm sorry?

20 Q. Well, did you see someone else approach?

21 A. Yes. There was a man in a white shirt that had
22 walked up to the corner of Oswego and Maverick Street.
23 The arguing and then a cab had approached from Rutledge
24 down Maverick Street to where the cars were parked.

25 Q. Okay. The guy that was walking up you said he was

1 walking up Maverick. Was he coming from King or was he
2 coming from Rutledge?

3 A. Yes. He was coming from King.

4 Q. Okay. And then also at King and Maverick is there
5 that corner store, the Rawan Market?

6 A. Yes.

7 Q. You said the white guy then walked -- the guy in the
8 white shirt then walks up and then he then engages in
9 that or at least walks up to it?

10 A. Yes.

11 Q. All right. And what were you saying about a cab?

12 A. After that cab had pulled down Maverick Street off
13 of Rutledge ---

14 Q. --- okay ---

15 A. --- and had faced off with the white parked car in
16 the middle of the street.

17 Q. Okay. So when they faced off did the cab
18 immediately go around -- well, did the cab go around him
19 at some point?

20 A. It seemed like it was about a minute before the cab
21 went around him; they were faced off. The white --
22 neither of the cars were moving. So it seemed like it
23 was a minute and then the cab had went around the white
24 car.

25 Q. Okay. So, and you said this I think but the cab and

State v K'Sone M. Campbell
Kaitlin Butler-Direct Examination by Mr. Osborne
March 3, 2020

1 white car faced off. So the white car doesn't then move
2 off the road. He stays in the middle of the road.

3 A. Yes.

4 Q. And forcing the cab to go around.

5 A. Yes.

6 Q. Okay. After the cab went around then what happened?

7 A. Probably within 20 or 30 seconds shots were fired;
8 about four to five or four to six shots, gunshots.

9 Q. Could you tell who was shooting the gun?

10 A. No, I couldn't. I didn't see anybody but I would
11 assume it was from the white car.

12 Q. Okay. You heard the shots but it's not like you saw
13 anybody ---

14 A. --- no, I heard the shots, correct. I didn't see
15 anybody.

16 Q. Okay. All right. What did you and Doctor Butler
17 then do?

18 A. Ran inside, turned the lights off and called 911.

19 Q. Okay. Did you look back at any point out your
20 window to see what had happened afterwards?

21 A. Uh Huh. We had a big kitchen window so it was easy
22 to see with the lights off. A man in a white shirt --
23 oh, I'm sorry, black shirt was on the ground.

24 There was blood. The man in the white shirt I
25 assume was calling 911 and had ran off down to the cul-

1 de-sac in the Oswego area.

2 Q. Okay. I guess you're assuming that because you saw
3 him on the phone; the guy in the white shirt?

4 A. Yes.

5 Q. I'm showing you what has been marked and admitted
6 already as State's exhibit 5.

7 [Whereupon, the photograph is published]

8 Q. Can you orient yourself at all to this?

9 A. Yes.

10 Q. Okay. Where is -- let's start with where is your
11 home or was your home?

12 A. Right -- do I put it on this screen?

13 Q. Yes, I'm sorry. You can actually mark on that
14 tablet in front of you.

15 A. Okay. It was this one.

16 [Whereupon, witness indicates on screen]

17 Q. Okay. So like you say you're a couple of hours from
18 Oswego and Maverick?

19 A. Yes.

20 Q. And can you point or draw on there where the dark
21 colored car was and then put an arrow on it so we can
22 understand which way it was facing?

23 A. Okay. Here. And it was this direction.

24 [Whereupon, witness indicates on screen]

25 Q. Okay. But on the other side of the intersection,

State v K'Sone M. Campbell
Kaitlin Butler-Direct Examination by Mr. Osborne
March 3, 2020

1 right?

2 A. Yes.

3 Q. And then the white car which way was it facing with
4 an arrow if you don't mind please.

5 [Whereupon, witness indicates on screen]

6 Q. Okay.

7 A. Sorry.

8 Q. That's okay.

9 A. Sorry, it was facing Rutledge.

10 Q. That's okay. Were they side by side or was the
11 white car in front of the dark colored car, if you
12 remember?

13 A. I believe they were parallel side by side.

14 Q. Okay. All right. Were you familiar at that time
15 if any of your neighbors had exterior surveillance
16 cameras?

17 A. Yes. My neighbor to the right of me had
18 surveillance.

19 Q. Okay. Would you mind putting an X on that?

20 [Whereupon, witness indicates on screen]

21 Q. Okay.

22 MR. OSBORNE: Your Honor, may I approach?

23 THE COURT: Sure.

24 Q. [Mr. Osborne] I'm showing you what has been marked
25 as State's exhibit number 97.

1 [Whereupon, the witness is shown exhibit]

2 Q. Can you take a look at that and tell me if you
3 recognize that?

4 A. Yes, I recognize it.

5 Q. And what is that?

6 A. That's footage from the night in question.

7 Q. Okay. Footage from the night of the shooting?

8 A. Yes.

9 Q. And you know that how? Have you seen this before?

10 A. Yes, I have and those are my initials.

11 Q. Okay. And you saw that in my office?

12 A. Yes, I did.

13 Q. Do the events, the images that are captured on this
14 C.D. accurately depict what you saw with your own eyes
15 that night?

16 A. Yes.

17 MR. OSBORNE: Your Honor, at this time we would
18 seek to admit State's 97 into evidence.

19 THE COURT: Any objection?

20 MR. MULBRY: Objection, Your Honor.

21 THE COURT: All right. Without objection it will
22 be admitted.

23 [Whereupon, State's exhibit number 97 is entered
24 into evidence by the Court]

25 [Whereupon, State's exhibit 97, video clip 2, plays

State v K'Sone M. Campbell
Kaitlin Butler-Direct Examination by Mr. Osborne
March 3, 2020

1 with questions from Mr. Osborne]

2 Q. [Mr. Osborne] So what we're looking at right here

3 Maverick and Oswego would that be off to your left or off

4 to your right?

5 A. To the right.

6 Q. Okay. And your house would be to the left, is that

7 correct?

8 A. Yes.

9 Q. Okay. Is that the dark colored vehicle that you saw

10 parked?

11 A. Yes.

12 Q. Now where we see the headlights turn around would

13 that have been about in the location in which you would

14 later see the dark colored car?

15 A. Yes.

16 Q. I'm going to keep playing for a few seconds here.

17 Is that the guy you were talking about in the white

18 shirt?

19 A. Yes.

20 Q. And just to again clarify, the Rawan Market is to

21 the left or the right of this image?

22 A. To the left.

23 Q. Okay. For the record I played the clip that was

24 titled number two. Now I'm going to play number three.

25 [Whereupon, State's exhibit 97, video clip 3, plays

1 with questions from Mr. Osborne]

2 Q. Now where the white car stopped would we be able to
3 see that on this image?

4 A. Can you repeat that?

5 Q. The white car, would it have been on the other side
6 of this house?

7 A. Yes.

8 Q. Okay. This [indicates] is the cab you were
9 referring to?

10 A. Yes.

11 Q. And I assume that's the part where the guy in the
12 white shirt ran off and then came back?

13 A. Yes.

14 Q. All right. We obviously don't have sound here.
15 From your perspective is it fair to say that when the guy
16 in the white shirt ran off that's when the shots were
17 fired?

18 A. Yes.

19 Q. All right. So now I want to take you back this same
20 night and go back earlier. At some point prior to this
21 arguing right here did you hear arguing earlier in the
22 night?

23 A. I did, yes.

24 Q. And about ten minutes or so or how long do you
25 think?

State v K'Sone M. Campbell
Kaitlin Butler-Direct Examination by Mr. Osborne
March 3, 2020

1 A. About ten minutes coming from the corner of King and
2 Maverick.

3 Q. Is that where the Rawan Market is?

4 A. Yes.

5 MR. OSBORNE: No further questions, Your Honor.

6 THE COURT: Cross-Examination?

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

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1	CROSS-EXAMINATION
2	BY MR. MULBRY:
3	Q. Good morning.
4	A. Good morning.
5	Q. So if I heard you correctly you were living on
6	Maverick Street when this happened, right?
7	A. Yes.
8	Q. And you were outside when it happened?
9	A. Yes.
10	Q. You said you had a clear view of what happened?
11	A. Yes.
12	Q. Nothing obstructing you, you said.
13	A. There -- I had said there is a tree on our sidewalk
14	but I could mostly see the intersection area.
15	Q. You couldn't see inside the white car, right?
16	A. No.
17	Q. You couldn't see how many people were in that white
18	car?
19	A. No.
20	Q. You said you didn't see a gun.
21	A. No.
22	Q. You didn't see anybody get out of the white car?
23	A. No.
24	Q. You immediately went inside when you heard shots.
25	A. Yes.

State v K'Sone M. Campbell
Kaitlin Butler-Cross-Examination by Mr. Mulbry
March 3, 2020

1 MR. MULBRY: Court's indulgence.

2 THE COURT: Uh Huh.

3 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer with
4 the Defendant]

5 MR. MULBRY: No further questions, Your Honor.

6 THE COURT: All right. Any redirect?

7 MR. OSBORNE: None, Your Honor.

8 THE COURT: You are free to step down. Thank you
9 very much.

10 THE WITNESS: Thank you.

11 MR. OSBORNE: Your Honor, I'd ask that the witness
12 be released.

13 THE COURT: Any objection to her being released?

14 MR. MULBRY: No, Your Honor.

15 THE COURT: All right. Thank you very much.

16 [Whereupon, the witness is excused and exits the
17 witness stand]

18 THE COURT: The State may call its next witness.
19
20
21
22
23
24
25

State v K'Sone M. Campbell
Angela Casey-Direct Examination by Mr. Hundley
March 3, 2020

1 MR. HUNDLEY: The State calls Angela Casey.

2 [Whereupon, Ms. Casey comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please take a seat. Please state
6 your full name spelling your last name for the record.

7 THE WITNESS: Angela Henrika [phonetic] Casey, C-A-
8 S-E-Y.

9 - - - - -

10 ANGELA CASEY,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. HUNDLEY:

15 Q. Thank you, Ms. Casey. Where are you employed?

16 A. Charleston County Consolidated 911 Center.

17 Q. And how long have you been there?

18 A. For six years at Consolidated Dispatch Center.

19 Q. Where did you work prior to that?

20 A. Charleston County -- I'm sorry; the City of
21 Charleston Police Department.

22 Q. What is your current position with them?

23 A. With CCC is the CAD analyst.

24 Q. What are your duties and responsibilities in that
25 position?

State v K'Sone M. Campbell
Angela Casey-Direct Examination by Mr. Hundley
March 3, 2020

1 A. I pull recordings for 911 recordings and CAD reports
2 for incidents.

3 Q. Do you sometimes receive subpoenas from law
4 enforcement or investigators with my office?

5 A. Yes.

6 Q. What are the typical documents they request?

7 A. The audio, the 911 calls, the radio transmissions,
8 and the CAD reports.

9 Q. Are those all regularly conducted business
10 activities for y'all to record 911 calls?

11 A. Yes.

12 Q. How are those recorded calls captured and stored?

13 A. They are stored on a recorder for -- audio are
14 stored on a recorder for one year until we pull them.
15 Once we pull them they are still on our PCs for as long
16 as we need them.

17 CAD reports are stored on the recorders. So for
18 three years after we pull them they are still on our PC
19 also as long as we need them.

20 Q. And when you receive a request or a subpoena for a
21 particular 911 call or a group of calls how do you go
22 about retrieving those?

23 A. We look for the date of the incident, the incident
24 number or case number, the address and then we look at
25 the recorder and coincide the times and dates and pull

1 the audio based on the CAD report.

2 Q. Did you receive a subpoena from my office in
3 reference to this case?

4 A. Yes.

5 Q. And did you retrieve those calls?

6 A. Yes.

7 Q. For I.D. purposes only I'm showing you State's
8 exhibit 2.

9 MR. HUNDLEY: Your Honor, may I approach?

10 THE COURT: Sure.

11 [Whereupon, the witness is shown exhibit]

12 Q. [Mr. Hundley] Do you recognize this?

13 A. Yes, I do.

14 Q. And how do you recognize this?

15 A. My initials are on it.

16 Q. What is this, Ms. Casey?

17 A. That's an audio for the incident.

18 Q. And how do you know that?

19 A. Because I retrieved the audio and put it on a disk.

20 MR. HUNDLEY: Your Honor, may I approach?

21 THE COURT: Uh Huh.

22 Q. [Mr. Hundley] I'm now showing you State's exhibit 3.

23 [Whereupon, the witness is shown exhibit]

24 Q. Do you recognize that?

25 A. Yes.

State v K'Sone M. Campbell
Angela Casey-Direct Examination by Mr. Hundley
March 3, 2020

1 Q. And how do you recognize this?

2 A. My initials are on that also.

3 Q. And what is this C.D.?

4 A. Also the audio and the CAD reports.

5 MR. HUNDLEY: Your Honor, I'd like to -- I'd seek
6 to admit State's exhibit 3 into evidence to be published
7 through a later witness.

8 THE COURT: Any objection from the defense?

9 MR. MULBRY: Your Honor, I'd like to renew my prior
10 objections.

11 THE COURT: Okay. Approach briefly if you don't
12 mind.

13 [Whereupon, an off the record bench conference is
14 held]

15 THE COURT: Thank you so much. This will be
16 admitted over the previous objection renewed timely by
17 the defense counsel. Go ahead.

18 THE COURT REPORTER: Is this 3?

19 THE COURT: This is State's exhibit 3 I believe.
20 Is that right, Mr. Hundley?

21 MR. HUNDLEY: Yes, Your Honor.

22 [Whereupon, State's exhibit number 3 is entered into
23 evidence by the Court]

24 Q. [Mr. Hundley] On the night of this incident were
25 there several 911 calls that were recorded?

State v K'Sone M. Campbell
Angela Casey-Direct Examination by Mr. Hundley
March 3, 2020

1 A. I believe so, yes.

2 Q. Now from your experience shootings are not a normal
3 occurrence?

4 A. No, those are not a normal occurrence.

5 Q. How many would you say normally occur in Charleston,
6 the city of Charleston?

7 A. For the city of Charleston it varies ---

8 MR. MULBRY: --- Your Honor, objection. Relevance
9 and basis of knowledge.

10 THE COURT: I think she's given a basis of
11 knowledge with regards to her experience. So
12 respectfully it's overruled. She can continue. Go
13 ahead.

14 MR. HUNDLEY: Thank you, Your Honor.

15 Q. [Mr. Hundley] So you said how many?

16 A. You can have a range of approximately about 20
17 shootings within six months in the city of Charleston.

18 Q. Now out of these shootings how many would you say
19 are instances where people actually get shot and there
20 are injuries?

21 A. That also varies. You can have a shooting where
22 just a building got shot or someone shot up in the air.
23 But then you have the times where there are someone
24 actually did get shot.

25 Q. So out of those 40 you said there is ---

State v K'Sone M. Campbell
Angela Casey-Direct Examination by Mr. Hundley
March 3, 2020

1 A. --- I apologize; 15 or 10.
2 Q. So 15 or 10 out of 40 ---
3 A. --- uh huh ---
4 Q. --- are where someone is injured.
5 THE COURT: Try to say yes or no if you don't mind.
6 THE WITNESS: Yes; I'm sorry.
7 THE COURT: Thank you.
8 Q. [Mr. Hundley] When something like that happens are
9 there a lot of calls to 911 from your experience?
10 A. Yes.
11 Q. And are all the calls answered?
12 A. To the best of my knowledge yes; they're all
13 answered.
14 Q. What happens when they're not?
15 A. When they're not answered the operator goes back and
16 gets all the unanswered telephone calls and try to call
17 them back as much as possible.
18 Q. So if they can't answer the phone call and they do
19 try to call back how are they able to call back?
20 A. They receive on their screen at the 911 center they
21 have a log that will tell you the telephone number and
22 they will actually call those numbers back that is listed
23 that was not answered.
24 Q. So what's the process for the 911 caller when it's
25 not answered on their end?

1 A. The process? Will you repeat that please? I'm
2 sorry.
3 Q. What does a 911 caller hear when they don't get
4 answered unfortunately?
5 A. We call their cell phone or telephone number back
6 and they will receive a call from us. It is like their
7 phone just rings from us and then we'll say Charleston
8 County Consolidated Dispatch.
9 Q. Do you -- is that recorded at all?
10 A. Yes, that's also recorded.
11 Q. From when it's dialed until?
12 A. From when it's dialed until it's answered.
13 Q. So anything you say is recorded ---
14 A. --- correct ---
15 Q. --- even if y'all don't answer.
16 A. Anything gets recorded once we answer it.
17 Q. And that unfortunate situation typically happens
18 whenever y'all get a flood of phone calls?
19 A. Yes.
20 Q. Like this night, that night of May 11th.
21 A. Yes.
22 Q. 2017; excuse me. Now let's talk about those
23 incident detail reports that you mentioned earlier. What
24 are those exactly?
25 A. Those are documentation that documents when a person

State v K'Sone M. Campbell
Angela Casey-Direct Examination by Mr. Hundley
March 3, 2020

1 calls and an incident is presented to the operator. Once
2 they pick up the phone it tells the time that they pick
3 up the phone, the first key stroke that they have.

4 There is an incident number even if a police
5 department does not write a police report it tells the
6 time and the date. And they try to put in the location
7 of the incident.

8 Q. So anytime in this report that 911 is called there
9 is a stamp which gives all the details of it?

10 A. Yes.

11 Q. And then whoever receives the call writes in as much
12 notes as they can?

13 A. Yes.

14 Q. How often are these made?

15 A. Every time there is an incident brought to the
16 dispatcher -- I'm sorry; I mean the call taker.

17 Q. I know you had referenced this earlier but how long
18 are these sort of records kept?

19 A. CAD reports are kept on the recorder for three
20 years. 911 audios are kept on the recorder for one year.
21 Once we have pulled those recordings or CAD reports from
22 the recorder then they are kept on our PC as long as
23 needed.

24 Q. And those are made pretty close to the date and time
25 that they are called in?

1 A. Once -- it could be made the day of the incident or
2 it could be made up to the year from the date of the
3 incident.

4 Q. And this is in the ordinary course of business for
5 y'all?

6 A. Yes.

7 Q. Did you receive a subpoena for an incident detail
8 report for a shooting that occurred on May 11th, 2017?

9 A. Yes.

10 MR. HUNDLEY: Your Honor, may I approach?

11 THE COURT: Yes.

12 Q. [Mr. Hundley] For I.D. purposes only I'm showing you
13 State's exhibit 1. Just hold on to that for a second.

14 [Whereupon, the witness is shown exhibit]

15 Q. Do you recognize that?

16 A. Yes.

17 Q. What is that?

18 A. It's a CAD report which some call the incident
19 detail report.

20 Q. And does it display anything of note to this case?

21 A. Yes. It states the incident, the type of incident
22 is going to be a weapon and shots heard with weapon
23 incident.

24 Q. Okay. And it would probably show like, this would
25 show the 911 call, the first one that was made?

State v K'Sone M. Campbell
Angela Casey-Direct Examination by Mr. Hundley
March 3, 2020

1 A. Yes, it does.

2 Q. What time is that?

3 A. The first one was at 21:35 and two seconds.

4 MR. HUNDLEY: No further questions, Your Honor.

5 THE COURT: All right. Any cross-examination of
6 this witness?

7 MR. MULBRY: No, Your Honor.

8 THE COURT: All right. You are free to step down
9 from the witness stand. Thank you very much.

10 [Whereupon, the witness is excused and exits the
11 witness stand]

12 THE COURT: You can call your next witness.
13
14
15
16
17
18
19
20
21
22
23
24
25

State v K'Sone M. Campbell
Rene Charles-Direct Examination by Mr. Osborne
March 3, 2020

1 MR. OSBORNE: The State calls Rene Charles.

2 [Whereupon, Mr. Charles comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please take a seat. Please state
6 your full name spelling your last name for the record.

7 THE WITNESS: My first name is Rene, last name
8 Charles, C-H-A-R-L-E-S.

9 - - - - -

10 RENE CHARLES,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. OSBORNE:

15 Q. Good morning, Mr. Charles.

16 A. Good morning, sir.

17 Q. Where are you employed?

18 A. With the City of Charleston Police Department.

19 Q. Okay. And how long have you been there?

20 A. Twenty-two years.

21 Q. Twenty-two years?

22 A. Yes, sir.

23 Q. And what is your position there?

24 A. My position with the Department I'm a crime scene
25 investigator. I work in the forensic department.

State v K'Sone M. Campbell
Rene Charles-Direct Examination by Mr. Osborne
March 3, 2020

1 Q. Okay. And how you been a crime scene investigator
2 for the entire 22 years?

3 A. Yes, sir.

4 Q. So in that capacity on May the 12th of 2017 did you
5 have the occasion to respond to the area of 17 Maverick
6 in reference to a murder investigation?

7 A. Yes sir, I did. On May 11th I was dispatched to 17
8 Maverick Street in reference to a shooting that just
9 occurred in the area.

10 Q. May 11th. I think I said May 12th but you're right
11 May 11th.

12 A. May 11th, yes sir.

13 Q. All right. And so just sort of walk the jury
14 through what does a crime scene investigator do whenever
15 he responds to the scene?

16 A. My job as a crime scene investigator is to respond
17 to crime scene calls to process the scene, document the
18 scene, photograph the scene, collect the evidence and
19 also physical evidence.

20 And also depending on the type of calls pretty much
21 document and process and collect the evidence as needed.

22 Q. Okay. And so when you respond to the scene
23 everything is sort of a little bit more calmed down I
24 guess.

25 A. Yes, sir. That's pretty much ---

1 Q. --- taped off ---

2 A. --- taped off, secured; protect the evidence and
3 also secure the surrounding area to prevent anyone to
4 access the crime scene.

5 Q. Okay. The victim in this case was he still there
6 when you got there?

7 A. No, sir. When I arrived on scene the victim was
8 already transported by EMS. He was not at the scene.

9 Q. Okay. All right. Did you see a vehicle on scene?

10 A. Yes, sir. I observed a Lincoln Town Car was at the
11 scene. The vehicle was parked in front of the residence
12 17 Maverick.

13 The driver's side window and the rear driver's side
14 windows were damaged. Also, there was some clothing also
15 on the ground.

16 Q. Okay. Do you begin your process of documenting the
17 scene and collecting evidence by photographing the scene?

18 A. Yes, sir. First, I document the scene by taking
19 photographs to show the condition of the scene. I took
20 photographs of the car; I took photographs of the shirt
21 clothing on the ground.

22 I photographed the damage to the vehicle and I also
23 photographed the bullet holes in the driver's side. And
24 pretty much that's my first step is to document the scene
25 the way the scene when I first arrive at the location.

State v K'Sone M. Campbell
Rene Charles-Direct Examination by Mr. Osborne
March 3, 2020

1 Q. Okay Investigator Charles, I'm going to go through
2 some of these exhibits. They've already been marked and
3 admitted. Can you just sort of -- I'll call them off and
4 you just describe what we're looking at, okay?

5 A. Yes, sir.

6 Q. State's exhibit 6.

7 [Whereupon, the photograph is published]

8 A. That's the photo card showing the location of the
9 shooting with the case number, the date, and also the
10 first responding officer.

11 In this case that is Officer Calore. He was the one
12 at the scene and that's the first photograph is the photo
13 card with the information.

14 Q. Okay. State's 7?

15 [Whereupon, the photograph is published]

16 A. State's 7 showing the corner of Oswego and Maverick
17 Street. That's where the shooting took place.

18 Q. State's 8?

19 [Whereupon, the photograph is published]

20 A. This photograph is showing an overall picture of the
21 vehicle. As you can see right here [indicates] that's
22 the vehicle Lincoln Town Car.

23 The residence right here [indicates] that's 17
24 Maverick and his vehicle was parked on Maverick Street
25 facing towards Oswego.

1 Q. And State's 9?

2 [Whereupon, the photograph is published]

3 A. In this photograph you can see some of the items
4 left behind by EMS medics. And also close up photographs
5 of the Lincoln Town Car and also some of the items on the
6 ground.

7 Q. Okay. This is going to be 10.

8 [Whereupon, the photograph is published]

9 A. In this photograph you can see the vehicle Town Car
10 showing the position of the vehicle and also some of the
11 items on the ground.

12 And the rear passenger side door was also open so I
13 just tried to show the direction and also pictures of the
14 vehicle.

15 Q. Okay. And 11?

16 [Whereupon, the photograph is published]

17 A. In this photograph you can see the license plate of
18 the vehicle and I'm showing the tag number on the car and
19 also the back of the vehicle.

20 Q. And 12?

21 [Whereupon, the photograph is published]

22 A. Yes, sir. This photograph you can see the close up
23 photographs of the Lincoln Town Car. And I was also
24 showing the victim's hat on the ground, the damage to the
25 driver's side window and also the damage to the rear

State v K'Sone M. Campbell
Rene Charles-Direct Examination by Mr. Osborne
March 3, 2020

1 driver's side window.

2 Q. All right. 13?

3 [Whereupon, the photograph is published]

4 A. Yes, sir. This photograph also is showing a close
5 up photograph of the blood stain on the ground near the
6 vehicle right here [indicates] and also the black, the
7 victim's hat.

8 And also close up photographs of the damage to the
9 driver's side rear window and also the rear driver's side
10 window.

11 Q. All right. 15?

12 [Whereupon, the photograph is published]

13 A. Yes, sir. Fifteen I'm showing the front of the
14 vehicle and showing the rear passenger side door and also
15 show the condition of the front of the Lincoln Town Car.

16 Q. Sixteen?

17 [Whereupon, the photograph is published]

18 A. Sixteen is just showing the close up photograph of
19 the rear passenger side door and also showing the close
20 up photograph of the front of the vehicle.

21 Q. All right. I'm showing you 17.

22 [Whereupon, the photograph is published]

23 A. In this photograph I placed an evidence marker on
24 the ground with different items. I have here items 1, 2,
25 3, 4, and 5.

1 Q. Okay. 18?

2 [Whereupon, the photograph is published]

3 A. Eighteen I placed an evidence marker number 1, which
4 is a black t-shirt and evidence marker number 2 is also a
5 black piece of clothing, and evidence marker number 4 and
6 also evidence marker number 3.

7 Q. All right. 19?

8 [Whereupon, the photograph is published]

9 A. And this photograph is the close up pictures of the
10 evidence marker number 3, the black hat. And also
11 evidence marker number 4 that's a fired shell casing in
12 this area right there [indicates].

13 Q. And 20.

14 [Whereupon, the photograph is published]

15 A. At 20 that's the close up photograph of the victim's
16 hat marked as evidence number 3.

17 Q. And these placards that you're putting down on the
18 ground that's just a way of you categorizing the
19 evidence?

20 A. Yes, sir. That's the way for me to identify the
21 evidence at the scene and also the relation between each
22 item on the ground.

23 Q. All right. And you mentioned this earlier, 21?

24 [Whereupon, the photograph is published]

25 A. Yes, sir. This photograph is a close up picture of

State v K'Sone M. Campbell
Rene Charles-Direct Examination by Mr. Osborne
March 3, 2020

1 the fired shell casings on the ground near the vehicle.

2 Q. Okay. 22?

3 [Whereupon, the photograph is published]

4 A. And this photograph is item 5, evidence marker
5 number 5 that's also a piece of metal jacket from the
6 bullet.

7 Q. And now we're getting up a little closer here with
8 23?

9 [Whereupon, the photograph is published]

10 A. Yes, sir. That's a close up photograph of the metal
11 jacket recovered at the scene.

12 Q. This isn't a bullet; this is a metal jacket?

13 A. Yes, just a piece of metal from the bullets.

14 Q. And 24?

15 [Whereupon, the photograph is published]

16 A. This photograph showing evidence marker number 6 is
17 also a part of a bullet; fired projectiles recovered at
18 the scene near the front passenger side door on the
19 ground.

20 Q. Okay. So 25, this is a bullet?

21 [Whereupon, the photograph is published]

22 A. Yes, sir. This is a bullet; a close up photograph
23 of the bullet.

24 Q. All right. And 26?

25 [Whereupon, the photograph is published]

1 A. Twenty-six I took a close up photographs of the
2 bullet holes located in the door frame.

3 Q. Driver's side door?

4 A. Yes sir, driver's side door.

5 Q. Twenty seven?

6 [Whereupon, the photograph is published]

7 A. And 27 is also an overall picture of all the
8 evidence on the ground with all the evidence markers.

9 Q. All right. 28?

10 [Whereupon, the photograph is published]

11 A. Twenty eight that's item 7. It is also the bullet
12 fragment; it is a piece of metal recovered at the crime
13 scene.

14 Q. Now I'm showing you 29.

15 [Whereupon, the photograph is published]

16 Q. You had mentioned before that there was two pieces
17 of clothing that was on the ground. Is that what we're
18 looking at here?

19 A. Yes, sir. This photograph is showing the victim's
20 black t-shirt that was recovered at the crime scene and I
21 took close up a picture of it at the crime scene office
22 showing the condition of the black t-shirt.

23 Q. Okay. And what were you trying to depict here on
24 30?

25 [Whereupon, the photograph is published]

State v K'Sone M. Campbell
Rene Charles-Direct Examination by Mr. Osborne
March 3, 2020

1 A. Here I'm trying to show what appears to be in this
2 area right here [indicates] a hole on the shirt and also
3 some debris and some blood stain on the shirt.

4 Q. And 31?

5 [Whereupon, the photograph is published]

6 A. Thirty one I took a close up of the black t-shirt
7 showing different angles and also the debris on the
8 shirt.

9 Q. Okay. 32?

10 [Whereupon, the photograph is published]

11 A. This photograph is showing the close up picture of
12 the victim's t-shirt. It's showing some debris also in
13 the area with some pieces of debris on the shirt.

14 Q. Thirty three?

15 [Whereupon, the photograph is published]

16 A. This photograph is showing different areas where I
17 noticed some distinguished what appear to be bullet holes
18 or specific debris on the shirt.

19 So I marked different location and took a close up
20 photograph with scales.

21 Q. And I think we can see this on here. This shirt was
22 it was cut, correct?

23 A. Yes, sir. The shirt was cut by medics by EMS at the
24 scene.

25 Q. They were just trying to get it off quick.

1 A. That's correct.
2 Q. All right. 34?
3 [Whereupon, the photograph is published]
4 A. It's a close up photograph of the shirt with what
5 appears to be bullet holes and also some debris and blood
6 stains.
7 Q. You put a number on it, that's 1?
8 A. Yes, sir.
9 Q. And 35 is two?
10 [Whereupon, the photograph is published]
11 A. Yes, sir.
12 Q. And 36 is three?
13 [Whereupon, the photograph is published]
14 A. Yes, sir.
15 Q. Now we're moving to 38?
16 [Whereupon, the photograph is published]
17 Q. This is two?
18 A. Yes, sir. That's a close up photograph of number 1.
19 Q. Okay. And now we're at 39?
20 [Whereupon, the photograph is published]
21 A. Yes, sir. That is a close up photograph of the
22 victim's t-shirt with all three numbers one, two, and
23 three.
24 Q. All right. Now we're just looking at perspective on
25 40?

State v K'Sone M. Campbell
Rene Charles-Direct Examination by Mr. Osborne
March 3, 2020

1 [Whereupon, the photograph is published]

2 A. Yes sir; just overall photograph of the shirt.

3 Q. Now we have is this the second shirt here on 42?

4 [Whereupon, the photograph is published]

5 A. Yes, sir. That is also the black tank top I also
6 collected at the crime scene. And I took photographs of
7 the black tank top showing different location, different
8 holes on the black tank top.

9 Q. You found four in total, right?

10 A. Yes, a total of four what appear to be bullet holes.

11 Q. Okay. 43 is showing one?

12 [Whereupon, the photograph is published]

13 A. Yes, sir.

14 Q. Forty four is showing two?

15 [Whereupon, the photograph is published]

16 A. Yes, sir.

17 Q. Forty three?

18 [Whereupon, the photograph is published]

19 A. Yes, sir. And the same ---

20 [Whereupon, the photograph is published]

21 Q. That was 45 and this is 46?

22 [Whereupon, the photograph is published]

23 A. Yes, sir. The same thing with number four. It
24 appears to be bullet holes on the black tank top.

25 Q. Okay. And now we have a rag that was found on the

1 scene?

2 [Whereupon, the photograph is published]

3 A. Yes, sir. At the scene I also recovered a black in
4 color rag and I collected it and I took a close up
5 picture of it at the crime scene office.

6 Q. Okay. And what are we looking at in 48?

7 [Whereupon, the photograph is published]

8 A. You're looking at the victim's hat that I recovered
9 at the crime scene showing an overall picture of the hat.

10 Q. Forty nine?

11 [Whereupon, the photograph is published]

12 A. Forty nine is item 104. I took close up picture of
13 five shell casings at the crime scene.

14 Q. Fifty?

15 [Whereupon, the photograph is published]

16 A. That's the base of the fired shell casings showing
17 the description on the back of the fired shell casings.
18 And this casing was a .45 -- Federal.

19 Q. A .45 you said?

20 THE COURT REPORTER: A .45?

21 THE WITNESS: .45 auto federal. That was the
22 information on the base of the fired shell casing.

23 Q. [Mr. Osborne] And that is stamped .45 auto federal?

24 A. Yes sir, it is stamped on the back of the fired
25 shell casings.

State v K'Sone M. Campbell
Rene Charles-Direct Examination by Mr. Osborne
March 3, 2020

1 Q. [Mr. Osborne] All right. 51?
2 [Whereupon, the photograph is published]
3 A. Fifty one is a close up photograph of item number 5
4 which was the metal jacket.
5 Q. And then 40? I'm sorry 52?
6 [Whereupon, the photograph is published]
7 Q. That's a projectile by the passenger?
8 A. Yes, sir. That's the fired projectile recovered at
9 the crime scene. It's a close up photograph of the
10 bullets.
11 Q. Okay. And just here on 53 you just put some
12 measurement to it?
13 [Whereupon, the photograph is published]
14 A. Yes, sir.
15 Q. All right. 54?
16 [Whereupon, the photograph is published]
17 A. Fifty four that's item 17. It's a bullet fragment
18 recovered at the crime scene and I took a close up
19 picture of it.
20 Q. And 55 is just measurement to it?
21 [Whereupon, the photograph is published]
22 A. Yes, sir. That's with the scale.
23 MR. OSBORNE: Your Honor, may I approach?
24 THE COURT: Yes.
25 Q. [Mr. Osborne] I'm showing you 56, 57, 58, 59, 60,

1 61, 62, and 63.

2 [Whereupon, the witness is shown exhibits]

3 Q. I realize that there is blood involved here. You
4 don't need to pull it out; we don't need to show the
5 jury; that's why we showed so many pictures.

6 But can you just identify just looking at the
7 markings on the outside of the bags what they are?

8 A. Yes, sir.

9 Q. Okay. Can you go through each one individually?

10 A. Yes, sir.

11 Q. And then just call them out.

12 A. Okay. Yes, sir. In this bag is item 103, that's
13 the black in color baseball hat with the letter A on the
14 front of it. Inside of the bag that's the victim's hat
15 and also with the bullet hole in the hat.

16 Q. And just for the court reporter if you can use my
17 number or our numbers. So that's 58, right?

18 A. Oh, yes. Oh, yes. That's 58.

19 Q. Okay.

20 A. And this bag is item 57 and inside of the bag is a
21 black piece of clothing also I collected at the crime
22 scene and bagged it and sealed it. That's my initial and
23 also that's all the information from the bag.

24 Q. Okay.

25 A. And inside of this bag is the victim's black t-shirt

State v K'Sone M. Campbell
Rene Charles-Direct Examination by Mr. Osborne
March 3, 2020

1 and also the black tank top. That's my initial outside
2 of the bag and also that's item 56.

3 Q. Okay.

4 A. And this envelope has the fired shell casings that I
5 collected from the crime scene. And I have my initial on
6 the outside. Also, that evidence 59.

7 Q. All right. Skip 63 if you would. Just hang on to
8 it; we'll come back to that.

9 A. This envelope that's the metal jacket that I
10 recovered from the crime scene and that's my R.C. my
11 initials showing up on the outside of the envelope. And
12 that's evidence number 60.

13 Q. Okay.

14 A. And this envelope that's the fired bullet that I
15 recovered from the crime scene at the crime scene and
16 that's the bullets inside and also that's my initial on
17 the outside of the envelope, R.C. And that's evidence
18 61.

19 Q. Okay.

20 A. And this envelope that's the bullet fragments that I
21 recovered at the crime scene. And that's my initial on
22 the outside of the envelope. And also that's item 62.

23 MR. OSBORNE: Your Honor, at this time we'd seek to
24 admit 56, 57, 58, 59, 60, 61, and 62 into evidence.

25 THE COURT: Any objection?

State v K'Sone M. Campbell
Rene Charles-Direct Examination by Mr. Osborne
March 3, 2020

1 MR. MULBRY: No, Your Honor.

2 THE COURT: All right. Without objection those
3 will be admitted.

4 [Whereupon, State's exhibit numbers 56 through 62
5 are entered into evidence by the Court]

6 Q. [Mr. Osborne] All right. So did you have the
7 occasion to collect any additional evidence in this case?

8 A. Yes sir, I did. While I was at the crime scene
9 Detective Richardson requested crime scene to collect
10 what we call the gunshot residue from the subject at the
11 scene.

12 And in this case it was Mr. Milligan and I did
13 collect some gunshot residue processed the subject for
14 what we call GSR for gunshot powder.

15 Q. All right. We'll hear testimony later regarding
16 gunshot residue. But how do you go about collecting
17 gunshot residue and how did you do it in this case?

18 A. In this case we use -- I used in this case a sticky
19 stub on the subject's hands. It's just like a swab
20 subject for any residue involved due to the fact that a
21 shooting just occurred.

22 And the detective requested crime scene to process
23 for gunshot powder residue on individuals.

24 Q. Okay. And that's -- and you did that in this case
25 with Mr. Deangelo Milligan?

State v K'Sone M. Campbell
Rene Charles-Direct Examination by Mr. Osborne
March 3, 2020

1 A. Yes, sir. In this case I did to Mr. Deangelo
2 Milligan.

3 Q. Okay.

4 MR. OSBORNE: Your Honor, at this time we'd seek to
5 admit State's exhibit 63 into evidence.

6 THE COURT: And what is 63?

7 MR. OSBORNE: 63.

8 THE COURT: And what is that?

9 MR. OSBORNE: The GSR ---

10 THE COURT: --- the actual ---

11 MR. OSBORNE: --- for Deangelo Milligan.

12 THE COURT: All right. Any objection?

13 MR. MULBRY: No objection.

14 THE COURT: All right. Without objection 63.

15 [Whereupon, State's exhibit number 63 is entered
16 into evidence by the Court]

17 Q. [Mr. Osborne] And you said State's exhibit 58 was
18 the victim's hat that was recovered from the scene.

19 A. Yes, sir. That was the victim's hat that was
20 recovered that from the scene. I photographed it and
21 also documented with my photographs.

22 MR. OSBORNE: No further questions, Your Honor.

23 THE COURT: Any cross-examination?

24 MR. MULBRY: May it please the Court?
25

1	CROSS-EXAMINATION
2	BY MR. MULBRY:
3	Q. So you arrived on the scene after this happened,
4	right?
5	A. Yes, sir.
6	Q. On the night of May 11th?
7	A. May 11th, yes sir.
8	Q. And you were briefed by the sergeant on the scene.
9	A. Yes, sir.
10	Q. You walked through the crime scene.
11	A. Yes, sir.
12	Q. And your job is to process the crime scene.
13	A. That's correct.
14	Q. And your colleagues -- you rely on your colleagues
15	to make sure no one disturbs the crime scene.
16	A. Yes sir, to see that it is secured and no
17	disturbance, yes sir.
18	Q. That's why it's taped off.
19	A. That's correct. Yes, sir.
20	Q. And you want to make sure civilians don't change
21	something.
22	A. Yes, sir.
23	Q. And your colleagues know not to touch anything.
24	A. Yes, sir.
25	Q. Because you need to document the scene.

State v K'Sone M. Campbell
Rene Charles-Cross-Examination by Mr. Mulbry
March 3, 2020

- 1 A. Yes sir, I need to document the scene.
- 2 Q. And the documentation needs to be accurate.
- 3 A. Yes, sir.
- 4 Q. And you want to accurately document the condition of
- 5 the evidence.
- 6 A. Yes, the condition as found at the scene.
- 7 Q. You want to accurately document where that evidence
- 8 is.
- 9 A. Yes.
- 10 Q. And the night of May 11th you took a lot of
- 11 pictures.
- 12 A. I took a lot of pictures, yes I did.
- 13 Q. You took pictures of the car?
- 14 A. I did, yes.
- 15 Q. I'm showing you what has been admitted as State's
- 16 exhibit 26.
- 17 [Whereupon, the photograph is published]
- 18 Q. Is that blood right there [indicates]?
- 19 A. Yes, sir.
- 20 Q. That's not the only blood you found in the car.
- 21 A. No, sir. There was different areas in the car with
- 22 blood stains.
- 23 Q. Those were on the driver's side?
- 24 A. Yes, the driver's side, yes.
- 25 Q. When you arrived on the scene you were briefed that

1 an ambulance and fire truck had also responded.

2 A. Yes, sir. The fire department and EMS were at the
3 scene but they weren't there at the time I responded.
4 They were already gone.

5 Q. Without saying what anyone told you, you weren't
6 told that a fire truck, where the fire truck drove,
7 right?

8 A. No, sir.

9 Q. You weren't told where the ambulance drove.

10 A. No, sir.

11 Q. The fire trucks can have more than one firefighter.

12 A. Most of the time yes sir; it's possible.

13 Q. And ambulances usually have more than one medic.

14 A. Yes, sir.

15 Q. And another part of your job is to look for shell
16 casings.

17 A. That's correct, yes.

18 Q. And casings can be an indicator of how many shots
19 were fired.

20 A. Yes, sir.

21 Q. And you looked for them May 11th.

22 A. I did. I did look for fired shell casings -- at the
23 crime scene.

24 Q. And you only found one.

25 A. I only found one.

State v K'Sone M. Campbell
Rene Charles-Cross-Examination by Mr. Mulbry
March 3, 2020

1 MR. MULBRY: Court's indulgence.

2 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

3 Q. [Mr. Mulbry] Did you process any of the evidence for
4 fingerprints?

5 A. No, I did not.

6 Q. Did you process any of it for DNA?

7 A. I did not, sir. I collected the blood stain on the
8 driver's side door and the vehicle was towed by Jennings
9 Towing to the crime scene office for further
10 investigation.

11 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

12 MR. MULBRY: No further questions, Your Honor.

13 THE COURT: Any redirect?

14 MR. OSBORNE: Just briefly.

15

16

17

18

19

20

21

22

23

24

25

State v K'Sone M. Campbell
Rene Charles-Cross-Examination by Mr. Mulbry
March 3, 2020

1

State v K'Sone M. Campbell
Rene Charles-Redirect Examination by Mr. Osborne
March 3, 2020

1	REDIRECT EXAMINATION
2	BY MR. OSBORNE:
3	Q. Let's go back to State's 20 real quick.
4	[Whereupon, the photograph is published]
5	Q. Now, obviously I'm not trying to put you out but it
6	seems like it's pretty obvious, these look like bloody
7	boot prints.
8	A. Yes, sir.
9	Q. Okay. And do police normally wear boots.
10	A. Yes sir, we have them.
11	Q. And EMS techs?
12	A. EMS techs boot and officer's boots and firemen wear
13	boots.
14	Q. When they got on the scene -- when EMS shows up on
15	the scene are they trying to collect evidence or is that
16	your job?
17	A. That's my job to collect the evidence, yes.
18	Q. And saving lives is more important than collecting
19	evidence?
20	A. Yes sir that is correct. EMS the main job is to
21	save lives.
22	Q. Sometimes through your training and experience do
23	you know that you could step on a fired shell casing and
24	take it?
25	A. Yes sir, it could happen. Yes, sir.

1 Q. Okay. I mean that happens.

2 A. That happens, yes.

3 Q. And there are a lot of shootings and murders in
4 which first responders get there before you can collect
5 evidence, right because they're trying to save lives.

6 A. They are trying to save lives; the fire department,
7 EMS, and the officers they all at the scene try to save
8 lives and are walking back and forth so foot traffic,
9 yes.

10 Q. Okay. DNA and fingerprint decisions those are
11 generally made by the case agent?

12 A. Yes, they are usually made by the detective on the
13 scene and also depends on the type of scene you're
14 dealing with.

15 Q. But they make that determination.

16 A. That's correct.

17 Q. Because you don't know the facts of the case, right?

18 A. Not at this time, no sir.

19 Q. Like this man, Detective Jarrell [indicates].

20 A. The detective, yes.

21 Q. Okay.

22 MR. OSBORNE: No further questions, Your Honor.

23 THE COURT: Anything?

24 MR. MULBRY: No further questions, Your Honor.

25 THE COURT: Okay. Thank you. You can step down.

State v K'Sone M. Campbell
Rene Charles-Redirect Examination by Mr. Osborne
March 3, 2020

1 THE WITNESS: Thank you.

2 [Whereupon, the witness is excused and exits the
3 witness stand]

4 [Whereupon, the Court confers with the Clerk]

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 THE COURT: All right ladies and gentlemen we will
2 take our lunch break at this time. It's about 12:06 p.m.
3 right now. We will reconvene at 1:30. Ladies and
4 gentlemen of the jury I understand that your lunches that
5 you ordered have arrived at the courthouse and they're
6 bringing them upstairs right now.

7 Obviously you are free to stay in the room and eat.
8 I have no problem with you going outside, I don't know
9 what the weather's like right now, and walking around.
10 You're not held hostage by any means in this courthouse
11 but we would ask that you return at any rate by 1:30.
12 Okay, we'll see you then. Thank you very much. Please
13 do not discuss the case.

14 [Whereupon, the jury exits at 12:11 p.m.]

15 THE COURT: We'll be at ease if there is nothing
16 else until 1:30.

17 MR. OSBORNE: Just one question, Judge. We may
18 have to issue a bench warrant for one of our witnesses.
19 Is this something that I can just request from you or do
20 you want me to type one up.

21 THE COURT: That's more of a Clerk's Office
22 question probably, Mr. Osborne.

23 [Whereupon, the Court confers with the Clerk]

24 THE COURT: You just need to request it through me.
25 I'll be the one signing it. The Clerk's office will be

State v K'Sone M. Campbell
Proceedings
March 3, 2020

1 the one processing it. Okay.

2 MR. OSBORNE: Thank you, Judge.

3 THE COURT: We're at ease until 1:30. Thank you.

4 [Whereupon, Court is in recess from 12:12 p.m. until
5 1:30 p.m.]

6 THE COURT: Is the jury ready?

7 THE BAILIFF: Yes, ma'am.

8 THE COURT: They are? Okay. Thank you so much.
9 Are the parties and attorneys ready to proceed?

10 MR. OSBORNE: Yes, Your Honor.

11 MS. EHRLICH: We actually have I think at least one
12 issue to bring to your attention.

13 THE COURT: Okay.

14 MS. EHRLICH: During the break our client's
15 grandmother informed me that she thought she recognized
16 one of the jurors.

17 THE COURT: Okay.

18 MS. EHRLICH: And she's unsure if that juror knows
19 who she is so I wanted to bring that to the Court's
20 attention. I don't know if ---

21 THE COURT: --- does she anticipate testifying?

22 MS. EHRLICH: No. I think she believes that she
23 knows her from their work at the Mayor's office. So I
24 just wanted everybody to be aware. I don't know if the
25 State wants to...

1 THE COURT: You want me to bring her in and voir
2 dire her?

3 MR. OSBORNE: I prefer not really.

4 MS. EHRLICH: Okay.

5 THE COURT: We've got to think about it. Other
6 places in the State in these small towns and small
7 counties almost everybody has got a connection to
8 somebody else. So that connection that you're bringing
9 to my attention while I appreciate your candor I don't
10 think it would give rise to any sort of a conflict absent
11 ---

12 MR. OSBORNE: --- and I'll just add we had a
13 conversation. It might be a different situation from my
14 perspective if she actually knew her name. But she said
15 it's just somebody I might have recognized.

16 THE COURT: Sure. I mean you know obviously if
17 something changes if somebody tries to contact her or
18 something like this on the jury that would be something
19 else to report and that would be a different issue all
20 together. But at this point in time we'll just monitor
21 the situation and keep it as, okay. All right, anything
22 else?

23 MR. MULBRY: Yes, Your Honor. I believe the State
24 made a Motion to Sequester. It's come to my attention
25 that we have two people on our witness list, Elizabeth

State v K'Sone M. Campbell
Proceedings
March 3, 2020

1 Robinson and Shay Johnson who are on our witness list.
2 It has come to my attention that they may be in this
3 courtroom. If they have been I'd just ask if they are
4 that they leave.

5 MR. OSBORNE: So Ms. Robinson I believe is
6 Demetrius' grand mom. And then LeShay ---

7 MR. MULBRY: --- I think it's Shay, LeShay

8 MR. OSBORNE: Is it the victim's fiancé ---

9 MR. MULBRY: --- no, no Demetrius.

10 THE COURT: Who is Demetrius?

11 MR. OSBORNE: He's on our witness list.

12 MR. MULBRY: Demetrius is the co-defendant.

13 THE COURT: Okay, that's his first name. Okay. At
14 any rate these two witnesses you think may be in the
15 courtroom right now. Their names again?

16 MR. MULBRY: Elizabeth Robinson.

17 THE COURT: Is Ms. Robinson in the courtroom?

18 MS. ROBINSON: Yes.

19 THE COURT: Okay. Elizabeth Robinson?

20 MS. ROBINSON: Yes.

21 THE COURT: All right. You're on a witness list
22 for this trial. Did you receive a subpoena?

23 MS. ROBINSON: Why am I on a witness list is what I
24 want to know.

25 THE COURT: I don't know the answer to that

1 question. But at any rate the State made a Motion to
2 Sequester witnesses which means keep the witnesses out of
3 here until they've testified. So I'm going to have to
4 honor that -- I've already made a ruling on that motion
5 and granted that motion so -- or maybe it was your motion
6 Mr. Mulbry.

7 MR. MULBRY: I believe it was Mr. Osborne's.

8 THE COURT: At any rate so you'll have to leave the
9 courtroom up until the time that you testify and then you
10 can come back in.

11 MS. ROBINSON: And when will that be?

12 THE COURT: I don't know.

13 MR. MULBRY: Depends on what happens at the trial,
14 Your Honor.

15 THE COURT: It really all depends on what happens
16 at trial, probably definitely not today and potentially
17 not tomorrow, potentially Thursday. But I don't know
18 yet; it all depends on what happens during the course of
19 trial, okay. So you'll have to excuse yourself from the
20 courtroom until you are called as a witness. And who's
21 the other ---

22 MS. ROBINSON: --- I don't know why he called me as
23 a witness for him anyway.

24 THE COURT: Okay.

25 MS. ROBINSON: That don't make no sense.

State v K'Sone M. Campbell
Proceedings
March 3, 2020

1 THE COURT: Well, you're on the witness list is all
2 I know. I don't know what makes sense and what doesn't
3 right now but all I know is you're on the witness list.
4 Thank you. Who's the next?

5 [Whereupon, Ms. Robinson exits courtroom]

6 MR. MULBRY: I don't believe she's here today, Shay
7 Johnson.

8 THE COURT: Johnson, Shay Johnson?

9 [Whereupon, no one responds]

10 THE COURT: Apparently not. If we receive
11 notification otherwise we'll just keep each other
12 informed. Okay. All right, anything else?

13 MR. OSBORNE: Nothing from the State, Your Honor.

14 THE COURT: Are we ready for the jury to come back
15 in? Your next witness ready?

16 MR. OSBORNE: Yes.

17 THE COURT: All right. You can have the jury come
18 back in.

19 [Whereupon, the jury enters at 1:37 p.m.]

20 THE COURT: Thank you so much. Please be seated.
21 Welcome back ladies and gentlemen.

22 I haven't mentioned this yet but if at any point in
23 time anybody needs a comfort break feel free to throw a
24 hand up or pass the word down to the bailiff if you can't
25 get my attention and we'll be sure to do that, okay. All

1 right Mr. Osborne, is your next witness ready?
2 MR. OSBORNE: She is, Your Honor.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

State v K'Sone M. Campbell
Sarah Gladwell-Direct Examination by Mr. Osborne
March 3, 2020

1 MR. OSBORNE: The State calls crime scene
2 investigator Sarah Gladwell.

3 [Whereupon, Ms. Gladwell comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: Please have a seat. State your
7 full name spelling your last name for the record.

8 THE WITNESS: My name is Sarah Gladwell; Gladwell
9 G-L-A-D-W-E-L-L.

10 - - - - -

11 SARAH GLADWELL,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. OSBORNE:

16 Q. All right Investigator Gladwell, good afternoon.

17 A. Good afternoon.

18 Q. Where are you employed?

19 A. I work for the Charleston City Police Department
20 crime scene unit.

21 Q. Okay. And how long have you been there?

22 A. Almost ten years now.

23 Q. And in that entire ten year period were you a crime
24 scene investigator?

25 A. Yes, sir.

1 Q. Okay. Let's get right into your involvement in this
2 case. On May the 11th did you do some investigation or
3 collect some evidence in reference to this murder
4 investigation of 2017?

5 A. On May 12th.

6 Q. May 12th; I'm sorry.

7 A. Yes, I did.

8 Q. All right. And how did that come about?

9 A. On May 12th how I was involved is I processed the
10 vehicle that was involved in the incident from the
11 incident processed the vehicle per a search warrant.

12 Q. Okay. And I know you wouldn't know this but we
13 heard some testimony from crime scene investigator Rene
14 Charles this vehicle was at the crime scene and then
15 transported to the crime scene office?

16 A. Yes, sir.

17 Q. And that's where you did a more detailed search of
18 the vehicle?

19 A. Yes, sir.

20 Q. In the collection of evidence? Okay. What type of
21 vehicle was it?

22 A. This vehicle was a Lincoln Town Car.

23 Q. Okay. Now when you have a vehicle that you are
24 processing for a shooting or murder I guess pretty much
25 any sort of crime how do you go about processing the

State v K'Sone M. Campbell
Sarah Gladwell-Direct Examination by Mr. Osborne
March 3, 2020

1 vehicle?

2 A. When we process a vehicle for a search warrant the
3 first thing we make sure we do is get the search warrant.
4 And once we have that document signed by a judge then we
5 can legally enter the vehicle.

6 And that's when we can do all of our processing
7 which consists usually and mostly of photographs of
8 latent print processing and evidence collection. And
9 based on the incident and what happened with the vehicle
10 depends on what else we do with the vehicle.

11 Q. Okay. And so you kind of touched on this. You
12 weren't working on the night of the murder?

13 A. No, sir.

14 Q. And so you said the search warrant kind of guides
15 into what you're looking for?

16 A. Yes, sir. Before we can start processing it we get
17 the search warrant and it has, it is outlined in there
18 what we are supposed to be searching for and looking for,
19 what type of evidence; specifically what type of
20 processing we're going to be doing.

21 It's kind of like a guideline and it helps us figure
22 out what we're going to collect and what we're going to
23 do.

24 Q. Okay. And then the detectives get those like this
25 guy [indicates] Detective Jarrell?

1 A. Yes.

2 Q. Okay. Now when you're processing a vehicle is one
3 of the first things you do photograph the car?

4 A. Yes. Always the first thing we usually do is, not
5 usually, the first thing we do is we photograph the car
6 how it is before we even enter it. Before we open the
7 doors or anything like that we photograph the car.

8 And after we photograph the outside then we'll open
9 the doors and photograph the inside. And then we'll keep
10 photographing based on you know what we find and what we
11 do.

12 Q. Okay. Let's get right into it.

13 [Whereupon, the photograph is published]

14 Q. I'm showing you what has already been marked and
15 admitted as State's 130. Can you just explain to the
16 jury, it's kind of self-explanatory, but what this is?

17 A. This is just an identifier shot. It's usually the
18 first picture that we take and it just identifies what
19 the case number is, what type of call it is, the date and
20 time and who is doing it. And in this particular one the
21 vehicle information is on there as well.

22 Q. Okay. And now 131.

23 [Whereupon, the photograph is published]

24 A. This is the Lincoln Town Car. And this is, in our
25 old office we had an exterior bay so when we had more

State v K'Sone M. Campbell
Sarah Gladwell-Direct Examination by Mr. Osborne
March 3, 2020

1 than one vehicle we had both; process one outside instead
2 of inside.

3 Q. All right. 132?

4 [Whereupon, the photograph is published]

5 A. This is an overall photograph of the exterior of the
6 driver's side.

7 Q. Okay. 133?

8 [Whereupon, the photograph is published]

9 A. It's a different angle; the exterior of the driver's
10 side of the vehicle.

11 Q. And this is you circling the car photographing?

12 A. Yes. Yes, sir.

13 Q. All right. 134?

14 [Whereupon, the photograph is published]

15 A. Like you said just going all the way around it
16 again, the vehicle, photographing from all angles.

17 Q. 135?

18 [Whereupon, the photograph is published]

19 A. This is the back of the car just to document what
20 type of car it is as well as the license plate.

21 Q. This is 136.

22 [Whereupon, the photograph is published]

23 Q. And now 137.

24 [Whereupon, the photograph is published]

25 A. And now we move on to a different angle of the

1 passenger side of the vehicle.

2 Q. 138?

3 [Whereupon, the photograph is published]

4 A. And the same thing; just focusing more on the front
5 passenger side of the vehicle, a different angle.

6 Q. All right. 139?

7 [Whereupon, the photograph is published]

8 A. Same thing; just going all the way around.

9 Q. And 140?

10 [Whereupon, the photograph is published]

11 A. This is like I said before after we photograph the
12 outside we open the doors so that we can you know
13 photograph the inside and move on from there. So this is
14 just a photograph of the driver's side door open.

15 Q. Okay. 141?

16 [Whereupon, the photograph is published]

17 A. And another photograph just to document what you can
18 see while standing from the outside looking in.

19 Q. 142?

20 [Whereupon, the photograph is published]

21 A. And this is going to be on the passenger side. Both
22 doors open and you can see that the trunk is open as
23 well.

24 Q. 143?

25 [Whereupon, the photograph is published]

State v K'Sone M. Campbell
Sarah Gladwell-Direct Examination by Mr. Osborne
March 3, 2020

1 A. Just focusing on the rear passenger door being open.
2 Q. 144?
3 [Whereupon, the photograph is published]
4 A. Just more close up photograph of the front passenger
5 seat. I'm showing the kids toys on the seat there.
6 Q. Okay. I just want to go back to 143.
7 [Whereupon, the photograph is published]
8 Q. We'll talk a little bit more about this but we have
9 like a to-go box of food on the backseat?
10 A. Yes.
11 [Whereupon, the photograph is published]
12 Q. And then in 144 is another to-go box of food on the
13 front seat?
14 A. That's correct ---
15 Q. --- front floor board. Then 145?
16 [Whereupon, the photograph is published]
17 A. This is going to be like before; just a more close
18 up photograph of the driver's side. There are some --
19 can I use the...
20 Q. Yes, please.
21 A. Right here [indicates] those are just little
22 measuring stickers. Those are identifying latent prints.
23 And then over here [indicates] you can see some blood and
24 then both windows are shattered as well.
25 Q. Okay. And this is just a close-up here of 146.

1 [Whereupon, the photograph is published]

2 Q. Of the rear driver's side door?

3 A. Uh Huh. Yes, this is just going to be some
4 bloodstains that are on the exterior of the vehicle.

5 Q. Okay. And 147?

6 [Whereupon, the photograph is published]

7 A. This is just going to be more close-up photographs
8 of the bullet that was observed.

9 Q. And again -- so we see two I guess more pronounced
10 spots. This again is the rear driver's side door?

11 A. Yes.

12 Q. And then 147 is just getting up close on that?

13 A. Yes, right there [indicates].

14 Q. Okay. 148?

15 [Whereupon, the photograph is published]

16 A. This is just another photograph. And now you can
17 see blood on the door handle right there [indicates] too.

18 Q. Okay. 149?

19 [Whereupon, the photograph is published]

20 Q. So now we're on the passenger side?

21 A. Yes.

22 Q. And we have some more of these markings here
23 [indicates]?

24 A. Yes. Like I said before this is just the sticky
25 like rulers and we use them when we photograph our latent

State v K'Sone M. Campbell
Sarah Gladwell-Direct Examination by Mr. Osborne
March 3, 2020

1 prints from a car.
2 Q. Okay. 150?
3 [Whereupon, the photograph is published]
4 Q. We can see the to-go box again on the driver's --
5 well, on the front passenger floor?
6 A. Yes.
7 Q. Getting up closer, 151.
8 [Whereupon, the photograph is published]
9 A. Uh Huh. Yes, just a close up shot of that.
10 Q. And 152?
11 [Whereupon, the photograph is published]
12 A. That's the food inside.
13 Q. All right 153?
14 [Whereupon, the photograph is published]
15 Q. Are we in the backseat now?
16 A. In the backseat and another to-go container of food
17 I believe.
18 Q. And 154?
19 [Whereupon, the photograph is published]
20 Q. Just a close-up of it?
21 A. Yes, sir.
22 Q. And 155?
23 [Whereupon, the photograph is published]
24 A. Again, more food --
25 THE COURT REPORTER: I did not hear your answer.

1 What was your answer?

2 THE WITNESS: I just said more food.

3 Q. [Mr. Osborne] All right. Now, we're back to the
4 front seat on 156?

5 [Whereupon, the photograph is published]

6 Q. Is that correct?

7 A. Yes, sir.

8 Q. What are we looking on 157?

9 [Whereupon, the photograph is published]

10 A. These are money orders.

11 Q. And what is the date on the money orders?

12 A. They are from May 11th, 2017. One is for 500
13 dollars and one is for 200 dollars.

14 Q. And the location?

15 A. Rutledge Mart.

16 Q. Okay. Now, the next series of photographs did you
17 find bullet damage to the car that appeared to be related
18 to a separate shooting incident?

19 A. Yes, sir. While documenting the vehicle there were
20 obvious damages from bullet strikes and bullet holes.
21 But while searching and examining it was determined there
22 were some that was from a previous incident and was not
23 related to this at all.

24 Q. Okay. So this is 158?

25 [Whereupon, the photograph is published]

State v K'Sone M. Campbell
Sarah Gladwell-Direct Examination by Mr. Osborne
March 3, 2020

1 Q. This is showing the driver's side door?
2 A. Yep, the interior of the driver's side door.
3 Q. The same with 159?
4 [Whereupon, the photograph is published]
5 A. Yes, sir.
6 Q. All right. What about 160?
7 [Whereupon, the photograph is published]
8 A. Right there [indicates] you can see a defect in the
9 carpeting on the bottom of the door, which is a hole.
10 Q. Okay. 161?
11 [Whereupon, the photograph is published]
12 A. This is going to be a, yes, this is a better
13 photograph of that; a close-up photograph of that.
14 Q. All right. 162?
15 [Whereupon, the photograph is published]
16 A. Another photograph of the interior driver's side
17 door and seat. And right here [indicates] you can see
18 part of the door frame that's resting on the dash and on
19 the seat.
20 Q. Okay. And down here [indicates] would this be sort
21 of corresponding to that door hole and the seat?
22 A. Yes. I'm sure there is a close-up photograph but
23 there is going to be another hole in the seat right there
24 [indicates].
25 Q. Yes.

1 [Whereupon, the photograph is published]
2 Q. And this is 163 what you're talking about.
3 A. Yes.
4 Q. Same hole, getting a closer?
5 [Whereupon, the photograph is published]
6 A. Same hole closer.
7 Q. All right. And is this -- what are we looking at,
8 at 165?
9 [Whereupon, the photograph is published]
10 A. I believe if I can remember correctly that this is a
11 photograph of, there is another photograph of it that the
12 damage from the previous incident that was repaired.
13 Q. Okay. So, it looks like ---
14 A. --- it's right there [indicates] ---
15 Q. --- it could have been -- okay, where it's kind of
16 wavy here [indicates]?
17 A. Yes.
18 Q. Is that fair to say that's how you were able to
19 ascertain this was from a different shooting?
20 A. Yes. Yes, because you can see that there is the
21 hole on the opposite side is there but the one on the
22 exterior is absent.
23 Q. All right. Now let's move into some recovered
24 bullets. 166, what are we looking at here?
25 [Whereupon, the photograph is published]

State v K'Sone M. Campbell
Sarah Gladwell-Direct Examination by Mr. Osborne
March 3, 2020

1 A. This is going to be the front dash of the car. And
2 I believe, I believe there is something right there
3 [indicates].

4 Q. All right. We'll get up here in a second. And 167?
5 [Whereupon, the photograph is published]

6 A. Is going to be a crack in the windshield and this
7 right here [indicates] is damage as well.

8 [Whereupon, the photograph is published]

9 A. This is another photograph of that crack.

10 Q. All right, that was 168. Now we're back to the
11 dashboard, 169?

12 [Whereupon, the photograph is published]

13 A. Right there over just a little bit that's going to
14 be the evidence right there [indicates].

15 Q. 170?

16 [Whereupon, the photograph is published]

17 A. Yes, just a more close-up photograph of that.

18 Q. And 171 closer again?

19 [Whereupon, the photograph is published]

20 A. Yes. That is a fired bullet.

21 Q. And 172?

22 [Whereupon, the photograph is published]

23 A. This is just a better photograph of what it looks
24 like after it is removed.

25 Q. All right. 173?

1 [Whereupon, the photograph is published]
2 A. Just the opposite end of it.
3 Q. And this is 174.
4 [Whereupon, the photograph is published]
5 A. This is a photographing all sides of the bullet.
6 Q. All right. Now we're moving back. 175?
7 [Whereupon, the photograph is published]
8 A. Okay. The driver's door. You can also see right
9 here [indicates] that there is a bullet hole.
10 Q. All right.
11 A. In the window frame.
12 Q. Now you had mentioned this earlier, what was this
13 [indicates] lying on the driver's seat again?
14 [Whereupon, the photograph is published]
15 A. That is part of the doorframe.
16 Q. And 177?
17 [Whereupon, the photograph is published]
18 Q. Just another image showing it?
19 A. Yes; and just another photograph of the opposite end
20 of the frame.
21 Q. All right. 178?
22 [Whereupon, the photograph is published]
23 A. It's going to be a close-up photograph of that hole.
24 Q. State's 179?
25 [Whereupon, the photograph is published]

State v K'Sone M. Campbell
Sarah Gladwell-Direct Examination by Mr. Osborne
March 3, 2020

1 A. Even closer.
2 Q. And 180?
3 [Whereupon, the photograph is published]
4 A. And even closer and you can see a little bit of the
5 other side of it.
6 Q. And 181?
7 [Whereupon, the photograph is published]
8 A. Yes.
9 Q. All right. So in 181 when we look through the hole
10 it looks like we're seeing some metallic on the back end
11 of it?
12 A. Yes.
13 Q. And now on 182.
14 [Whereupon, the photograph is published]
15 Q. Is this the back end that we're looking at here?
16 A. Yes.
17 Q. 183?
18 [Whereupon, the photograph is published]
19 A. Another photograph closer looking down into the
20 actual window frame right there [indicates].
21 Q. Now 184 what don't we see here?
22 [Whereupon, the photograph is published]
23 Q. Do you see any exit wound or exit damage?
24 A. Yeah, we don't see anything like that right there
25 [indicates]. It is absent.

1 Q. Okay. 185?
2 [Whereupon, the photograph is published]
3 A. This is just the opposite end of that hole we were
4 talking about.
5 Q. The same with 186?
6 [Whereupon, the photograph is published]
7 A. Yes, sir.
8 Q. Now the trim in 187?
9 [Whereupon, the photograph is published]
10 A. Yes, that's the window trim.
11 Q. 188?
12 [Whereupon, the photograph is published]
13 A. That's just a close-up photograph and we'll see it
14 in a second but there is another hard bullet lodged right
15 there [indicates].
16 Q. All right. And 190?
17 [Whereupon, the photograph is published]
18 A. Another close-up photograph of that.
19 Q. All right. And 191?
20 [Whereupon, the photograph is published]
21 A. And another one.
22 Q. 192, 193; all the same?
23 [Whereupon, the photographs are published]
24 A. Just photographing it from all angles.
25 Q. Okay. And 194?

State v K'Sone M. Campbell
Sarah Gladwell-Direct Examination by Mr. Osborne
March 3, 2020

1 [Whereupon, the photograph is published]

2 A. This is the same photograph we saw before; it just
3 has that sticker that I was discussing.

4 Q. All right. Did you find any evidence that a shot or
5 shots were fired also into the backseat of the car?

6 A. Yes.

7 Q. All right. 195?

8 [Whereupon, the photograph is published]

9 Q. Is this just an overview of the backseat?

10 A. Yes. Yes, sir.

11 Q. And what are we looking at in 196?

12 [Whereupon, the photograph is published]

13 A. All right. Right here [indicates] you can see this
14 defect right here [indicates] in the upholstery you can
15 see where the damage is caused from the bullet.

16 Q. All right. And 197?

17 [Whereupon, the photograph is published]

18 A. Just a more close-up photograph of that.

19 Q. And now what is 198?

20 [Whereupon, the photograph is published]

21 A. This is a trajectory rod. What it does is we insert
22 them sometimes into holes when we're doing vehicles or
23 homes or anything like that.

24 And it helps us to determine where that bullet
25 actually went. It helps us, it makes it easier to find

1 and also shows the angle in which it was coming.

2 Q. All right. 199?

3 [Whereupon, the photograph is published]

4 A. This is just another photograph looking in from the
5 driver's, rear driver's side at that trajectory rod.

6 Q. Okay. So is it fair to say based on this trajectory
7 that the bullet would have been coming from the driver's
8 side going toward the rear passenger side?

9 A. Yes.

10 Q. And both windows were smashed out?

11 A. Yes, sir.

12 Q. The driver and rear driver's?

13 A. Yes, sir.

14 Q. All right. Are you continuing to try to follow the
15 bullet's path in 200?

16 [Whereupon, the photograph is published]

17 A. Yes.

18 Q. 201?

19 [Whereupon, the photograph is published]

20 A. Yes. This is just a close-up photograph of that
21 trajectory rod and we can see the material underneath the
22 upholstery.

23 Q. Okay. And 202?

24 [Whereupon, the photograph is published]

25 A. And we see that right there [indicates].

State v K'Sone M. Campbell
Sarah Gladwell-Direct Examination by Mr. Osborne
March 3, 2020

1 Q. And lastly 203?

2 [Whereupon, the photograph is published]

3 A. And there [indicates] is the fired bullet; or the
4 one.

5 MR. OSBORNE: Your Honor, may I approach?

6 THE COURT: Yes.

7 Q. [Mr. Osborne] I'm showing you what has been marked
8 as 205 -- well, 204, 205, and 206.

9 [Whereupon, the witness is shown exhibits]

10 Q. Can you tell me if you recognize those items?

11 A. Yes. These are the three bullets that we talked
12 about that we found inside the car.

13 Q. Okay.

14 MR. OSBORNE: Your Honor, at this time we'd seek to
15 admit 204, 205, and 206 into evidence.

16 MR. MULBRY: No objection.

17 THE COURT: No objection?

18 MR. MULBRY: No objection.

19 THE COURT: All right. Without objection they will
20 be admitted.

21 [Whereupon, State's exhibit numbers 204, 205, and
22 206 are entered into evidence by the Court]

23 MR. OSBORNE: Okay. No further questions.

24 THE COURT: All right. Cross-Examination?

25

1	CROSS-EXAMINATION
2	BY MR. MULBRY:
3	Q. Good afternoon.
4	A. Good afternoon.
5	Q. Now you executed a search warrant on Derrick's car.
6	A. Yes.
7	Q. You found that crack in the windshield that the
8	Solicitor just showed you a picture of that crack?
9	A. Yes.
10	Q. You don't know when that got there, right?
11	A. The crack in the windshield? No.
12	Q. And when you processed the car you looked for
13	bullets.
14	A. Yes.
15	Q. You found three.
16	A. Yes, sir.
17	Q. One in the frame.
18	A. Yes.
19	Q. One in -- there was one sitting in the driver's --
20	in front of the car behind the windshield.
21	A. Yes.
22	Q. And then there was one kind of in the backseat?
23	A. That's correct, yes.
24	Q. But three bullets, correct?
25	A. Three bullets, yes.

State v K'Sone M. Campbell
Sarah Gladwell-Cross-Examination by Mr. Mulbry
March 3, 2020

1 MR. MULBRY: Court's indulgence.

2 THE COURT: Sure.

3 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

4 MR. MULBRY: No further questions, Your Honor.

5 THE COURT: All right. Thank you very much. Any
6 redirect?

7 MR. OSBORNE: Just briefly, Your Honor.

8 THE COURT: All right.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v K'Sone M. Campbell
Sarah Gladwell-Redirect Examination by Mr. Osborne
March 3, 2020

1 REDIRECT EXAMINATION

2 BY MR. OSBORNE:

3 Q. I'm showing you what has already been marked and
4 admitted as State's 13.

5 [Whereupon, the photograph is published]

6 Q. I believe Mr. Mulbry asked you there is no way to
7 date or time when those windows were smashed out is that
8 correct?

9 MR. MULBRY: Your Honor, objection. I didn't ask
10 that. The crack in the windshield...

11 MR. OSBORNE: You're talking about the crack in the
12 windshield?

13 THE COURT: Maybe you can just rephrase the
14 question or ask her to clarify her answer if what you're
15 seeking...

16 [Whereupon, Mr. Osborne confers with Mr. Mulbry]

17 MR. OSBORNE: Okay. No further questions, Your
18 Honor.

19 THE COURT: Anything else Mr. Mulbry of this
20 witness?

21 MR. MULBRY: No, Your Honor.

22 THE COURT: All right. You're free to step down.
23 Thank you, ma'am.

24 THE WITNESS: Thank you.

25 THE COURT: Any objection to her being released

State v K'Sone M. Campbell
Sarah Gladwell-Redirect Examination by Mr. Osborne
March 3, 2020

1 from the subpoena?

2 MR. OSBORNE: No, Your Honor.

3 MR. MULBRY: No, Your Honor.

4 THE COURT: All right. You're free to leave.

5 [Whereupon, the witness is excused and exits the
6 witness stand]

7 THE COURT: The State may call its next witness.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v K'Sone M. Campbell
Mikel Funnie-Direct Examination by Mr. Osborne
March 3, 2020

1 THE COURT: The State calls Mikel Funnie.

2 [Whereupon, Mr. Funnie comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please take a seat. Please speak
6 loud and clear into the mic. Please state your full name
7 and spell your last name for the record.

8 THE WITNESS: My name is Mikel Funnie. Last name
9 is spelled -- Funnie is spelled F-U-N-N-I-E.

10 - - - - -

11 MIKEL FUNNIE,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. OSBORNE:

16 Q. Good afternoon, Mr. Funnie.

17 A. How you doing?

18 Q. Good. How about you?

19 A. All right.

20 Q. Thanks for coming in. I'm just going to ask you a
21 couple of background questions, okay. Where are you
22 from?

23 A. I'm from Charleston, South Carolina.

24 Q. Born and raised?

25 A. Yes, sir.

State v K'Sone M. Campbell
Mikel Funnie-Direct Examination by Mr. Osborne
March 3, 2020

1 Q. Did you go to high school?
2 A. Yes, sir.
3 Q. Graduated?
4 A. Yes, sir.
5 Q. Got some college?
6 A. Yes sir, Benedict College.
7 Q. All right. What did you study?
8 A. Mathematics.
9 Q. All right. Let's talk a little bit about the victim
10 in this case Derrick Barber. Would you say that you knew
11 him well?
12 A. Yeah.
13 Q. How well?
14 A. Pretty well.
15 Q. How long had you known him?
16 A. Since like when we went to school.
17 Q. Okay. So y'all pretty much grew up together.
18 A. Uh Huh.
19 THE COURT REPORTER: Is that yes?
20 THE WITNESS: Oh, yes.
21 Q. She's going to type down everything you say. Okay.
22 Did you know him to have any children?
23 A. Yeah, he's got two kids.
24 Q. And what were their names or are their names?
25 A. Daia and D.J.; Derrick, Junior.

State v K'Sone M. Campbell
Mikel Funnie-Direct Examination by Mr. Osborne
March 3, 2020

- 1 Q. Diaya?
- 2 A. Daia.
- 3 Q. Daia and D.J.
- 4 A. Uh Huh.
- 5 Q. At the time of this incident about how old was Daia?
- 6 A. Daia was like a little baby. She wasn't too old;
- 7 she was a little baby.
- 8 Q. Okay. So like under a year?
- 9 A. Yeah.
- 10 Q. What about D.J.? How old was he?
- 11 A. D.J. was walking and talking and stuff like that.
- 12 So I'd say about five or something like that.
- 13 Q. Okay. What type of work did Derrick do?
- 14 A. Derrick was an electrician.
- 15 Q. All right. Did you know him to go by any nicknames?
- 16 A. Skinny.
- 17 Q. All right. Let's talk about the night of the
- 18 murder. Did you speak to Derrick that night?
- 19 A. We was talking back and forth.
- 20 Q. What was Derrick doing when you were talking to him?
- 21 A. I talked to him earlier that day and he was saying
- 22 that he was going to pay some bills or something like
- 23 that for his Mom.
- 24 Q. Okay. Any mention about dinner?
- 25 A. Yeah. He told me he was doing to Dave's to get some

State v K'Sone M. Campbell
Mikel Funnie-Direct Examination by Mr. Osborne
March 3, 2020

1 beef stew and I told him to get me a plate of beef stew
2 as well.

3 Q. Okay. All right. And do you remember was that
4 towards later on in the night or was it in the afternoon
5 or do you remember?

6 A. I think it was like in the afternoon because we was
7 supposed to meet up and watch the basketball game. It
8 was a playoff game I believe going on that night.

9 Q. Okay. So after speaking to Derrick did you go
10 anywhere that night in reference to your girlfriend?

11 A. I was going to pick up my girlfriend and my
12 daughter.

13 Q. And where did you go to go pick them up?

14 A. Bayside Manor.

15 Q. For those who might not be familiar with Bayside
16 where in particular is Bayside? Is it in Charleston
17 downtown?

18 A. Yes, sir.

19 Q. Can you describe where it is?

20 A. It's right off I think North Romney Street.

21 Q. Okay. North Romney at Morrison?

22 A. Uh Huh. Off of Morrison.

23 Q. Okay. Or East Bay?

24 A. Uh Huh.

25 THE COURT REPORTER: Is that yes?

State v K'Sone M. Campbell
Mikel Funnie-Direct Examination by Mr. Osborne
March 3, 2020

1 THE WITNESS: Yes.

2 Q. [Mr. Osborne] All right. Bridgeview, Bayside I

3 think is the same name?

4 A. Yes.

5 Q. So while you were in Bayside did you hear anything?

6 A. What happened is I got a phone call and someone was

7 stating that there was a shooting on Maverick Street,

8 which my aunt live on Maverick Street. So I leave from

9 out Bayside and go on Maverick Street to check on my

10 aunt.

11 Q. Okay. And again for those who aren't familiar with

12 it Bayside and Maverick they're not that far apart; is

13 that fair to say?

14 A. No, it's not far apart.

15 Q. I mean it's not like you were close enough to hear

16 the shots but you weren't that far away.

17 A. Uh Huh.

18 Q. Yes?

19 A. Yes.

20 Q. All right. So knowing that your auntie lived on

21 Maverick Street you said you decided to go there?

22 A. Uh Huh.

23 Q. You got to say ---

24 A. --- yes.

25 Q. I'm sorry. All right. When you arrived on Maverick

State v K'Sone M. Campbell
Mikel Funnie-Direct Examination by Mr. Osborne
March 3, 2020

1 what did you see?

2 A. When I arrived on Maverick Street I saw Derrick
3 Barber's car. I walked around the car -- I parked my car
4 and I walked around the car and I see Derrick laying on
5 the ground. So I said to Derrick get up.

6 And then I hear his daughter in the backseat crying
7 and his son sitting right there looking at Derrick. So I
8 took them out the car and tell them, come on help me get
9 your sister in the car and I'll take y'all home to your
10 granny.

11 Q. Okay. Let me ask you a couple of questions if you
12 remember; if you don't its fine. When you got there were
13 the police already on scene?

14 A. Yes.

15 Q. Okay. Do you remember if the driver's side door was
16 open or closed?

17 A. The driver's side door was open.

18 Q. And you said both Daia and D.J. were in the car?

19 A. Uh Huh; in the backseat.

20 Q. And they were both in the backseat? Now, I want to
21 ask you about a guy named Deangelo Milligan.

22 A. Uh Huh.

23 Q. Do you know him?

24 A. Yes.

25 Q. Was he on scene as well?

1 A. I believe yes, he was.
2 Q. Okay. What was he doing?
3 A. He was on the ground like trying to talk to Derrick.
4 Q. When you say trying to talk to him did -- what was
5 he saying?
6 MR. MULBRY: Objection, Your Honor.
7 THE COURT: Sustained.
8 MR. OSBORNE: I'll lay down the foundation.
9 Q. [Mr. Osborne] All right. Deangelo you said he was
10 on the ground talking to Derrick.
11 A. Uh Huh. Yes.
12 Q. Let me ask you. Do you know Deangelo?
13 A. Yes, that's my little cousin.
14 Q. He's your little cousin?
15 A. Uh Huh.
16 Q. Is Deangelo, do you know if Deangelo and Derrick are
17 friends?
18 A. Yes, they cool.
19 Q. All right. Deangelo you said was on the ground with
20 Derrick?
21 A. Uh Huh.
22 THE COURT: You got to say yes or no.
23 THE WITNESS: Yes.
24 THE COURT: I know it's hard. Thank you.
25 Q. [Mr. Osborne] Did Deangelo appear upset?

State v K'Sone M. Campbell
Mikel Funnie-Direct Examination by Mr. Osborne
March 3, 2020

1 A. I can't recall.
2 Q. You can't recall?
3 A. No.
4 Q. Do you recall a conversation that you had with this
5 man [indicates] Detective Jarrell on May the 17th of
6 2017?
7 A. I don't recall.
8 Q. Okay.
9 A. I can't remember.
10 Q. So you don't recall telling him that you overheard
11 Deangelo saying brah, no brah get up brah, get up.
12 A. Somewhere in my mind but I can't remember.
13 Q. That's okay. All right. So you said you took Daia
14 and D.J. And where did you go with them?
15 A. I took them to his grandmother's house.
16 Q. Okay. To Derrick's ---
17 A. --- his grandmother's house --
18 THE COURT REPORTER: Say that last part of your
19 answer again.
20 THE WITNESS: The kid's grandmother's house;
21 Derrick's mom's house.
22 Q. [Mr. Osborne] Okay. Now at some point later that
23 night the police came to you right?
24 A. Uh Huh.
25 Q. And I -- you have to say yes or no.

1 A. Yes.

2 Q. And you were interviewed by Detective Jarrell, is
3 that correct?

4 A. Yes ---

5 MR. MULBRY: --- objection, Your Honor. Leading.

6 THE COURT: Sustained.

7 Q. [Mr. Osborne] Were you interviewed by Detective
8 Jarrell?

9 A. Yes.

10 Q. And in addition to that was your car searched?

11 A. Yes, it was.

12 Q. Okay.

13 MR. OSBORNE: Your Honor, may I approach?

14 THE COURT: Yes.

15 Q. [Mr. Osborne] I'm showing you what has been marked
16 as State's exhibit 129. Can you take a look at that?

17 [Whereupon, the witness is shown exhibit]

18 A. Yes.

19 Q. Do you recognize it?

20 A. Yes.

21 Q. And what is that?

22 A. That's my firearm.

23 Q. This is your pistol?

24 A. Yes, it is.

25 Q. And where was it? Where did you keep it?

State v K'Sone M. Campbell
Mikel Funnie-Direct Examination by Mr. Osborne
March 3, 2020

1 A. In my middle console, my armrest.
2 Q. All right. Did you purchase this gun?
3 A. Yes, I did.
4 Q. You did? You purchased it?
5 A. Uh Huh.
6 Q. Okay. The police got that from your car?
7 A. Yes, they did.
8 Q. Well, I'm just going to ask you. When you got on
9 scene did you take that gun from Derrick's possession?
10 A. No, it was already in mine.
11 Q. Did you find it on the ground and say you know what
12 I'm going to help my friend out. I'm going to take this.
13 A. No.
14 Q. Okay. That's your gun?
15 A. Yes.
16 Q. You purchased that gun?
17 A. Yes.
18 Q. All right. While you were being interviewed by the
19 police did they take your phone?
20 A. Yes.
21 MR. OSBORNE: Your Honor, may I approach?
22 THE COURT: Yes.
23 Q. [Mr. Osborne] I'm showing you what's been marked as
24 State's exhibit 75.
25 [Whereupon, the witness is shown exhibit]

State v K'Sone M. Campbell
Mikel Funnie-Direct Examination by Mr. Osborne
March 3, 2020

1 Q. Can you take a look at that and tell me if you
2 recognize it?

3 A. Yes.

4 Q. And what is that?

5 A. My cell phone.

6 Q. That's your cell phone?

7 A. Uh Huh.

8 Q. In your car did you have other accessories to that
9 gun like other clips; things of that nature?

10 A. Yes.

11 MR. OSBORNE: Your Honor, may I approach?

12 THE COURT: Yes.

13 Q. I'm showing you 128 and 129.

14 [Whereupon, the witness is shown exhibits]

15 Q. Do you recognize these?

16 A. Yes, I do.

17 Q. Okay. What are they?

18 A. Those are extra magazines.

19 Q. Okay. Just extra magazines that you have for your
20 gun?

21 A. Uh Huh.

22 Q. Yes?

23 A. Yes.

24 THE COURT: Mr. Osborne, just so we're clear. You
25 introduced -- you showed him 128 and 129. What is the

State v K'Sone M. Campbell
Mikel Funnie-Direct Examination by Mr. Osborne
March 3, 2020

1 box labeled?

2 MR. OSBORNE: 129 is -- oh...

3 THE COURT: Are there two 129's.

4 MR. OSBORNE: I will make ---

5 THE COURT: --- one can be A and one can be B. The
6 box will be A. The subsequent one you just referred to
7 will be B.

8 MR. OSBORNE: Okay.

9 Q. [Mr. Osborne] So 129-B is the magazine?

10 A. Uh Huh.

11 Q. 128 is a magazine?

12 A. Yes.

13 Q. And 129-A is your pistol?

14 A. Yes.

15 Q. What caliber is it?

16 A. It's a .9mm.

17 Q. Okay. When you were in my office --

18 MR. OSBORNE: Your Honor, may I approach?

19 THE COURT: Yes.

20 Q. [Mr. Osborne] Do you recall me showing you these
21 documents here; 76 and 77?

22 [Whereupon, the witness is shown exhibits]

23 A. Yes.

24 Q. So did you have Derrick's number saved into your
25 phone?

State v K'Sone M. Campbell
Mikel Funnie-Direct Examination by Mr. Osborne
March 3, 2020

1 A. Yes.

2 Q. What did you have the contact saved as?

3 A. Skinny.

4 Q. And does document number 76 show that?

5 [Whereupon, the witness reviews document]

6 A. Yes.

7 Q. All right. You said that you had spoke to Derrick

8 on the phone ---

9 A. --- uh huh ---

10 Q. --- a few times.

11 A. Uh Huh.

12 Q. Yes?

13 A. Yes.

14 Q. After you got his children and you were leaving the

15 scene did you call anyone?

16 A. I called his baby mother.

17 Q. And what's her name?

18 A. LeShay.

19 Q. Okay. And does document 77 reflect those calls?

20 [Whereupon, the witness reviews document]

21 A. Yes.

22 Q. Okay.

23 MR. OSBORNE: No further questions, Your Honor.

24 THE COURT: Cross-Examination?

25 MR. MULBRY: May it please the Court?

State v K'Sone M. Campbell
Mikel Funnie-Cross-Examination by Mr. Mulbry
March 3, 2020

1	CROSS-EXAMINATION
2	BY MR. MULBRY:
3	Q. Good afternoon.
4	A. How are you?
5	Q. Doing okay. So you know Deangelo?
6	A. Uh Huh. Yes.
7	Q. Your younger cousin.
8	A. Yes.
9	Q. He's family.
10	A. Yes.
11	Q. He lives in Charleston too.
12	A. Yes.
13	Q. You live in Charleston.
14	A. Yes.
15	Q. Family is important to you.
16	A. Yes.
17	Q. You two grew up together in Charleston.
18	A. Yes.
19	Q. Friends are also important to you too, right?
20	A. Yes.
21	Q. And Derrick was your friend.
22	A. Yes.
23	Q. One of your best friends.
24	A. Yes.
25	Q. He was your partner.

1 A. Uh Huh.

2 Q. And so you, Deangelo, and Derrick all grew up
3 together.

4 A. Yes.

5 Q. And you and Derrick were supposed to hang out the
6 night of May 11th.

7 A. Yes.

8 Q. He was going to get you something from Dave's.

9 A. Yes.

10 Q. A beef stew dinner?

11 A. Yes.

12 MR. OSBORNE: Your Honor, I'm sorry; what was that
13 last question?

14 MR. MULBRY: A beef stew dinner.

15 THE COURT: Beef stew.

16 MR. OSBORNE: I just can't hear him.

17 THE COURT: Yes. It's difficult in this room.
18 Thank you. Go ahead.

19 Q. [Mr. Mulbry] And later on that night you were
20 driving to meet Derrick at his house, right?

21 A. Yes. We was supposed to meet up.

22 Q. And you heard about the shooting while you were
23 driving.

24 A. I was actually on Bayside.

25 Q. You were on Bayside?

State v K'Sone M. Campbell
Mikel Funnie-Cross-Examination by Mr. Mulbry
March 3, 2020

- 1 A. Yes.
- 2 Q. Okay. Do you remember who called you?
- 3 A. I don't.
- 4 Q. But you left Bayside and then went to Maverick
5 Street, right?
- 6 A. Yes.
- 7 Q. You saw Derrick's car.
- 8 A. Yes.
- 9 Q. You parked your car.
- 10 A. Yes.
- 11 Q. You got out of your car.
- 12 A. Yes.
- 13 Q. You saw a police officer.
- 14 A. Yes.
- 15 Q. You saw Derrick laying on the ground.
- 16 A. Yes.
- 17 Q. You saw your little cousin Deangelo.
- 18 A. Yes.
- 19 Q. You saw one other family member too; Patricia
20 Williams?
- 21 A. I don't know; it was a lot of people out there.
- 22 Q. Do you remember giving a statement to the detective?
- 23 A. I don't remember exactly what I said to him.
- 24 Q. You don't remember saying that you saw Patricia
25 Williams there?

1 A. There was a number of people out there so there's a
2 possibility that I did see her.

3 Q. So there was a number of people surrounding the
4 crime scene.

5 A. Yes.

6 Q. And after the police are helping Derrick you checked
7 on Derrick's children.

8 A. Yes.

9 Q. The children were in the backseat of the car.

10 A. Uh Huh.

11 Q. They're inside the car.

12 A. Yes.

13 Q. You went in the vehicle.

14 A. Yes.

15 Q. To get the children.

16 A. Uh Huh.

17 THE COURT REPORTER: Is that yes?

18 THE WITNESS: Yes.

19 Q. [Mr. Mulbry] And while this is going on the officer
20 is trying to save Derrick.

21 A. Yes, I wasn't paying attention to what the officer
22 was doing but I would assume so.

23 Q. I think you left the scene in your car with the
24 children.

25 A. Yes.

State v K'Sone M. Campbell
Mikel Funnie-Cross-Examination by Mr. Mulbry
March 3, 2020

- 1 Q. Now you don't know why Derrick was there that night.
2 A. No.
3 Q. He didn't tell you what was going on that night.
4 A. No.
5 Q. He didn't tell you about anyone he was meeting.
6 A. No.
7 Q. And he doesn't have problems with anybody that you
8 know about.
9 A. No.
10 Q. Doesn't have trouble with anybody.
11 A. No.
12 Q. And when the police search your car they found a
13 gun, right?
14 A. My gun.
15 Q. Your gun?
16 A. Yes.
17 Q. There was also a gun box in the back, right?
18 A. My trunk?
19 Q. Yes.
20 A. I believe so; could be. I'm not sure.
21 Q. It was for a Glock .23, right?
22 A. I'm not sure. I don't remember.
23 Q. You don't know about the gun box in your backseat?
24 A. No, I don't remember it.
25 Q. It was your car, right?

1 A. Yes.

2 Q. You don't know about the gun box in the back seat?

3 A. No.

4 Q. And a Glock is not the same gun as the one the

5 Solicitor just showed you, right?

6 A. No.

7 MR. MULBRY: Court's indulgence.

8 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

9 Q. [Mr. Mulbry] I'm showing you what has been admitted

10 as State's exhibit 109.

11 [Whereupon, the photograph is published]

12 Q. Do you recognize that car?

13 A. Yes.

14 Q. Is that your car?

15 A. Yes.

16 Q. That's the trunk of your car?

17 A. Yes.

18 Q. For the record that is State's exhibit 111.

19 [Whereupon, the photograph is published]

20 Q. I'm showing you what has been admitted as State's

21 exhibit 113.

22 [Whereupon, the photograph is published]

23 Q. Is that the driver's seat of the vehicle?

24 A. Yes.

25 Q. Your vehicle?

State v K'Sone M. Campbell
Mikel Funnie-Cross-Examination by Mr. Mulbry
March 3, 2020

1 A. Yes.
2 Q. Is that the gun right there [indicates]?
3 A. Yes.
4 Q. That's the gun the Solicitor just showed you, right?
5 A. Yes.
6 Q. I'm showing you what has been admitted as State's
7 exhibit 114.
8 [Whereupon, the photograph is published]
9 Q. This is the closer look to the driver's seat.
10 A. Yes.
11 Q. And that's the gun right there [indicates]?
12 A. Yes.
13 Q. That's a gun box, correct?
14 [Whereupon, the photograph is published]
15 A. Yes.
16 Q. For a Glock .23?
17 A. It says Glock on it, yes.
18 MR. MULBRY: For the record that's State's exhibit
19 120.
20 THE COURT: Okay.
21 Q. [Mr. Mulbry] I'm showing you what has been admitted
22 as State's exhibit 122.
23 [Whereupon, the photograph is published]
24 Q. That's not a Glock, right?
25 A. No.

State v K'Sone M. Campbell
Mikel Funnie-Cross-Examination by Mr. Mulbry
March 3, 2020

1	[Whereupon, Mr. Mulbry and Ms. Ehrlich confer]
2	MR. MULBRY: No further questions, Your Honor.
3	THE COURT: Okay. Any redirect?
4	MR. OSBORNE: Yes, Your Honor.
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

State v K'Sone M. Campbell
Mikel Funnie-Redirect Examination by Mr. Osborne
March 3, 2020

1	REDIRECT EXAMINATION
2	BY MR. OSBORNE:
3	Q. All right. Let's show you the rest of those
4	pictures. I'm showing you 122.
5	[Whereupon, the photograph is published]
6	Q. This is your gun?
7	A. Yes.
8	Q. A .9mm?
9	A. Yes.
10	Q. 123.
11	[Whereupon, the photograph is published]
12	Q. This is the Glock box in the back?
13	A. Yes.
14	Q. Are you familiar with any of these items that was in
15	that Glock box?
16	A. No.
17	Q. Does anybody else have access to that car?
18	A. No, not besides just me.
19	Q. How does a gun box get in the back of your car then?
20	A. I don't know.
21	Q. You don't know?
22	A. No. I don't know why that would be in there. I
23	would normally leave something like that in the house. I
24	don't know why it would be in my trunk.
25	Q. So you admit that the gun was yours but not the gun

State v K'Sone M. Campbell
Mikel Funnie-Redirect Examination by Mr. Osborne
March 3, 2020

1 box.
2 A. Yes.
3 Q. Okay. And this is for a Glock; not your gun.
4 A. Yes.
5 Q. Okay. So you don't know that those are .40 caliber
6 bullets.
7 A. No ---
8 MR. MULBRY: --- objection, Your Honor. Leading.
9 MR. OSBORNE: I'll ask him what he knows.
10 THE COURT: Just rephrase the question if you don't
11 mind.
12 Q. [Mr. Osborne] Do you know the caliber of the bullets
13 in that magazine?
14 A. No, not in that magazine.
15 Q. What's the caliber of bullets in your magazine?
16 A. It's .9mm.
17 Q. Okay.
18 MR. OSBORNE: No further questions, Your Honor.
19 THE COURT: All right. Anything else?
20 MR. MULBRY: No, Your Honor.
21 THE COURT: You're free to step down from the
22 witness stand. Any objection to this witness being
23 released at this point in time?
24 MR. OSBORNE: No.
25 THE COURT: None from the State. Any from the

State v K'Sone M. Campbell
Mikel Funnie-Redirect Examination by Mr. Osborne
March 3, 2020

1 defense?

2 MR. MULBRY: None, Your Honor.

3 THE COURT: All right. You're free to leave.

4 [Whereupon, the witness is excused and exits the
5 witness stand]

6 THE COURT: The State may call its next witness.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 MR. HUNDLEY: The State calls Luke Spratt to the
2 stand.

3 [Whereupon, Mr. Spratt comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: Please take a seat. Please state
7 your full name spelling your last name for the record.

8 THE WITNESS: My name is Luke Spratt, S-P-R-A-T-T.

9 - - - - -

10 LUKE SPRATT,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. HUNDLEY:

15 Q. Thank you, Investigator Spratt. Where are you
16 currently employed?

17 A. I work for the Charleston Police Department.

18 Q. And what's your position with Charleston?

19 A. I'm a crime scene investigator.

20 Q. How long have you been there and been a crime scene
21 investigator?

22 A. I've been a crime scene investigator for my full
23 time there which is four and a half years.

24 Q. What's your training or education?

25 A. I have a Bachelor's of Science in forensic science

State v K'Sone M. Campbell
Luke Spratt-Direct Examination by Mr. Hundley
March 3, 2020

1 and a Master's in criminal justice. I'm a certified
2 crime scene investigator through the International
3 Association for Identification. I have over 400 hours of
4 in-service training.

5 Q. Now on May 12th, 2017 did you become involved in
6 this murder investigation?

7 A. I did.

8 Q. How did you become involved?

9 A. I received a search warrant for a Chevy Malibu.

10 Q. Now we've already heard testimony regarding how the
11 vehicle was processed but did you photograph and process
12 this vehicle?

13 A. I did.

14 MR. HUNDLEY: Court's indulgence.

15 [Whereupon, Mr. Hundley reviews photographs]

16 Q. [Mr. Hundley] Now, I'm showing you exhibit 108
17 through 124.

18 [Whereupon, the photograph is published]

19 Q. Do you recognize this?

20 A. Yes.

21 Q. What is that?

22 A. It is a photo placard we use before starting a scene
23 or a processing.

24 Q. Now, I'm showing you 109.

25 [Whereupon, the photograph is published]

1 Q. What is that?

2 A. That is the Chevy Malibu that I was asked to process
3 and photograph and search in this case.

4 Q. And 110?

5 [Whereupon, the photograph is published]

6 A. It is the same vehicle; it was down the driver's
7 side.

8 Q. And 111?

9 [Whereupon, the photograph is published]

10 A. The rear of the vehicle and the tag.

11 Q. And 112?

12 [Whereupon, the photograph is published]

13 A. It's the passenger side of the vehicle.

14 Q. This is 113?

15 [Whereupon, the photograph is published]

16 A. This is inside the front driver door of the vehicle.

17 Q. 114?

18 [Whereupon, the photograph is published]

19 A. It was the driver seat showing the items that I
20 viewed there.

21 Q. And this is how you found the vehicle; this is how
22 it came to you?

23 A. It would have been brought to the office and secured
24 there until we got a search warrant ---

25 Q. --- you were taking pictures as you first

State v K'Sone M. Campbell
Luke Spratt-Direct Examination by Mr. Hundley
March 3, 2020

1 encountered it?

2 A. Yes.

3 Q. Now back on 113 what is that that's open?

4 A. It's the center console area of the vehicle.

5 Q. And that's open?

6 A. Yes.

7 Q. And this is 115.

8 [Whereupon, the photograph is published]

9 A. The inside of the front driver door.

10 Q. 116?

11 [Whereupon, the photograph is published]

12 A. That's a little bit closer into the pocket there.

13 Q. And then 117?

14 [Whereupon, the photograph is published]

15 A. Closer of the items that were on the seat.

16 Q. And what all is in that seat?

17 A. There was two drink bottles, a driver's license, the
18 wallet, a Samsung flip phone, and a firearm; a Taurus
19 .9mm if I recall --

20 THE COURT REPORTER: What's the last part of your
21 answer?

22 THE WITNESS: A .9mm I said if I recall.

23 Q. [Mr. Hundley] And this is State's 118?

24 [Whereupon, the photograph is published]

25 A. Just closer up. I think I had a glare on that I.D.

1 in the last photo so I took it again to see that I.D.
2 better.

3 Q. And State's 119?

4 [Whereupon, the photograph is published]

5 A. Generally we pull items out of the car and spread
6 them out so you can see them better. These are all items
7 that were on that seat.

8 Q. So that's what -- I'm sorry; go ahead.

9 A. So I would have pulled them out and laid it out on
10 the paper so you could see everything that was on that
11 seat.

12 Q. And this State's 120. What is this?

13 [Whereupon, the photograph is published]

14 A. This is inside the trunk as I first opened it up;
15 just all the items. There is a gun box there [indicates]
16 and right above the white bag.

17 Q. There is a gun box in the trunk?

18 A. Yes. This is that gun box that you can see in the
19 last picture and this is opened up.

20 Q. This is State's exhibit 121.

21 [Whereupon, the photograph is published]

22 Q. Do you remember what kind of gun box it was?

23 A. A Glock brand.

24 Q. This is State's 122.

25 [Whereupon, the photograph is published]

State v K'Sone M. Campbell
Luke Spratt-Direct Examination by Mr. Hundley
March 3, 2020

1 Q. What is this?

2 A. This is the firearm and the magazine that were on
3 the front driver's seat.

4 Q. Now you said you had found a cell phone, a gun, and
5 an I.D. in the driver's seat. Do you remember whose I.D.
6 it was?

7 A. I don't.

8 Q. I'm showing you State's exhibit 75.

9 [Whereupon, the witness is shown exhibit]

10 Q. Do you recognize this?

11 A. Yes. This would be the phone that was on the
12 driver's seat.

13 Q. Do you know what kind of phone it is?

14 A. It's a Samsung.

15 MR. HUNDLEY: At this time, Your Honor, I'd like to
16 seek to admit 75 -- well actually...

17 Q. [Mr. Hundley] Now Investigator I'm going to show you
18 125, 126, 127, 128, and 129. Well, 129 has now become
19 129-A and 129-B.

20 [Whereupon, the witness is shown exhibits]

21 Q. Could you just briefly go through those items and
22 tell me how you recognize them?

23 A. These are items I took from the vehicle. The
24 magazine and that Glock box in the trunk.

25 Q. Could you tell me what they are?

1 A. It was a PT-111 .9mm magazine. Oh, I'm sorry, this
2 was from the center console, it has five .40 Smith and
3 Wesson rounds in it.

4 This is also a PT-111 magazine .9mm with seven
5 rounds of ammunition. This is an empty Springfield .9mm
6 magazine which was in that Glock box in the back.

7 And this is the handgun that was on the front
8 driver's seat. I recognize all them from our evidence
9 labels that I put on there.

10 Q. Thank you.

11 MR. HUNDLEY: Court's indulgence.

12 Q. [Mr. Hundley] Now, part of your job duties is
13 transporting evidence to SLED, is that correct?

14 A. Yes.

15 Q. And when you come into possession of this evidence
16 do you check to see if it is properly sealed or packaged
17 correctly or if anything is wrong with it?

18 A. Yes.

19 Q. What would happen if you did receive something that
20 was perhaps opened or damaged or anything like that?

21 A. I would have not received it from the person or the
22 area I was taking it from. We examine it all before we
23 take it into evidence.

24 Q. I'm showing you 59, 60, 61, 62, 63, 204, 205, 206,
25 207 --

State v K'Sone M. Campbell
Luke Spratt-Direct Examination by Mr. Hundley
March 3, 2020

1 THE COURT REPORTER: I'm sorry, 204?

2 MR. HUNDLEY: Sorry, I know it's a lot. Where did
3 you lose me?

4 THE COURT REPORTER: 204, 205.

5 Q. [Mr. Hundley] 206, 207, 208, and 214.

6 [Whereupon, the witness is shown exhibits]

7 Q. And as you're going through them if you could just
8 I.D. them as well.

9 A. Sure. This contains three GSR kits from this case
10 identified with the case number. This is another GSR
11 test kit with this case number.

12 THE COURT: If you can while you're going through
13 these tell me what that red sticker says.

14 THE WITNESS: Sure.

15 THE COURT: Thank you, sir.

16 A. The three GSR kits are it says 63, 214, 208, and 207
17 are all GSR kits. 62 is a bullet fragment. 61 is a
18 projectile. 60 is a metal jacket with a portion of a
19 projectile.

20 59 is a fired shell casing. 204 is a projectile,
21 205 is a projectile, and 206 is a projectile. And 125 is
22 a Glock gun box that was taken from the trunk of the
23 vehicle.

24 Q. [Mr. Hundley] I apologize for making you go through
25 all that but thank you for doing so. Now, how do you

1 recognize all these items?

2 A. They all have evidence labels and item numbers that
3 match the items that I transported to SLED.

4 Q. And when did you transport them to SLED?

5 A. They were brought there on January 27th, of 2020.

6 Q. Do you remember who gave them to you to transport to
7 SLED?

8 A. I obtained them from Brian Hinton who is our
9 evidence custodian.

10 Q. And who did you turn them over to at SLED?

11 A. SLED gives us secure evidence lockers. When we
12 arrive there we put the items in the locker and lock them
13 for them to access.

14 Q. As they are before you do they appear substantially
15 the same as when you first saw them?

16 A. Yes ---

17 Q. --- and transported them?

18 MR. HUNDLEY: Nothing further, Your Honor.

19 THE COURT: Any cross for this witness?

20 MR. MULBRY: Yes, Your Honor. May it please the
21 Court?

22

23

24

25

State v K'Sone M. Campbell
Luke Spratt-Cross-Examination by Mr. Mulbry
March 3, 2020

1	CROSS-EXAMINATION
2	BY MR. MULBRY:
3	Q. Good afternoon.
4	A. Hey.
5	Q. You executed a search warrant on the Chevy Malibu,
6	right?
7	A. Correct.
8	Q. And you process evidence as it comes to you?
9	A. Yes.
10	Q. You don't mess with it. You don't move things
11	around.
12	A. Correct.
13	Q. Your colleagues know not to move things around,
14	right?
15	A. I can only speak to what I would do in a situation.
16	Q. So you're saying your colleagues move things, move
17	evidence around?
18	A. It would not be general practice to, no.
19	Q. Okay. So it wouldn't be general practice to so they
20	should know, correct?
21	A. Yes.
22	Q. And so you executed this warrant on May 12th, 2017,
23	right?
24	A. Yes.
25	Q. And when you execute a search warrant you're

1 supposed to look for things described in a search
2 warrant?

3 A. Yes.

4 Q. And in this case you're supposed to look for
5 firearms, ammunition, firearm accessories?

6 A. They were included in that, yes.

7 Q. And you found that in the Chevy Malibu, right?

8 A. Yes.

9 Q. What's that?

10 [Whereupon, the photograph is published]

11 A. That's a handgun.

12 Q. And where it is located?

13 A. That's the front driver's seat of the Malibu.

14 THE COURT: What picture is that?

15 MR. MULBRY: That's State's exhibit 114.

16 Q. [Mr. Mulbry] That's a .9mm, correct?

17 A. Yes.

18 Q. There were rounds inside it, right?

19 A. Let me double check real quick.

20 Q. To help refresh your memory.

21 [Whereupon, the witness views his notes]

22 A. When I first interacted with the gun it was the way
23 it was there so it was unloaded.

24 Q. Okay. There was that gun box though for a Glock .23
25 in the trunk?

State v K'Sone M. Campbell
Luke Spratt-Cross-Examination by Mr. Mulbry
March 3, 2020

- 1 A. Yes.
- 2 Q. And that's not a .9mm, right?
- 3 A. Correct.
- 4 Q. It's not a Glock.
- 5 A. Yes, it's not that brand of gun.
- 6 Q. And sometimes when you process evidence you may swab
7 for touch DNA, right?
- 8 A. Yes.
- 9 Q. And DNA can be left behind when someone touches
10 something.
- 11 A. Correct.
- 12 Q. When I touch this [indicates] my DNA could be there.
- 13 A. Correct.
- 14 Q. And you took DNA swabs in this case, right?
- 15 A. Yes.
- 16 Q. Of two drink bottles.
- 17 A. Yes.
- 18 Q. Several locations inside the Malibu, right?
- 19 A. Yes.
- 20 Q. But you didn't swab the Glock .23 box did you?
- 21 A. Not to my knowledge.
- 22 Q. You didn't swab the gun, the .9mm.
- 23 A. No.
- 24 Q. You didn't swab the empty Springfield magazines.
- 25 A. No.

1 Q. You didn't swab the .9mm magazine with the .9mm
2 round in it.

3 A. No.

4 Q. You didn't swab the .9mm magazine with the Smith and
5 Wesson round it in.

6 A. No.

7 MR. MULBRY: Court's indulgence.

8 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

9 Q. [Mr. Mulbry] When you process a crime scene do you
10 also sometimes try to get latent prints?

11 A. Yes.

12 Q. Again, if I touch something my print could be right
13 there, correct?

14 A. Correct, on a surface that is suitable for that.

15 Q. And you didn't search for prints on the Glock .23
16 box did you?

17 A. No, those are items that we collect like that are
18 items that we get processed at a later date.

19 Q. So you didn't.

20 A. No.

21 Q. You didn't look for prints on the gun, correct?

22 A. I did not, no.

23 Q. Or any of the magazines, right?

24 A. No.

25 MR. MULBRY: Court's indulgence.

State v K'Sone M. Campbell
Luke Spratt-Cross-Examination by Mr. Mulbry
March 3, 2020

1	[Whereupon, Mr. Mulbry and Ms. Ehrlich confer]
2	MR. MULBRY: No further questions, Your Honor.
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

1 REDIRECT EXAMINATION

2 BY MR. HUNDLEY:

3 Q. Investigator Spratt, how do you -- who makes the
4 decision to swab for DNA or fingerprints or anything of
5 that sort?

6 A. Generally the investigator for the case, the
7 detective that is assigned to the case. We're going to
8 process items that for example that car that we would
9 give back verses an item that is collected.

10 Q. So not you?

11 A. Correct.

12 MR. HUNDLEY: No further questions, Your Honor.

13 THE COURT: All right. Anything else, Mr. Mulbry?

14 MR. MULBRY: Briefly, Your Honor.

15

16

17

18

19

20

21

22

23

24

25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Q. So if I just heard you correctly the lead investigator makes those decisions?

A. To an item that I would have collected and turned in. Any processing after that is the case investigator...

Q. So it's his decision, right?

A. Yes.

MR. MULBRY: Court's indulgence.

[Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

MR. MULBRY: No further questions, Your Honor.

THE COURT: All right. Thank you very much. You may step down.

[Whereupon, the witness is excused and exits the witness stand]

1 THE COURT: Anybody need a break on the jury? We'll
2 take about a five or ten minute break right now. Thank
3 you very much. We'll be at ease.

4 [Whereupon, the jury exits at 2:42 p.m.]

5 [Whereupon, Court is in recess from 2:43 p.m. until
6 3:00 p.m.]

7 THE COURT: Is everybody ready to proceed?

8 MR. OSBORNE: Yes, Your Honor.

9 MR. MULBRY: Yes, Your Honor.

10 THE COURT: Okay. You can bring them back in when
11 they're ready.

12 [Whereupon, the jury enters at 3:01 p.m.]

13 THE COURT: Thank you. Please be seated. The
14 State can call its next witness.

15

16

17

18

19

20

21

22

23

24

25

State v K'Sone M. Campbell
Paul Greer-Direct Examination by Mr. Osborne
March 3, 2020

1 THE COURT: The State calls SLED Firearms Examiner
2 Paul Greer.

3 [Whereupon, Mr. Greer comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: Please take a seat. Please state
7 your full name and spell your last name for the record.

8 THE WITNESS: My name is Paul Greer, G-R-E-E-R.

9 - - - - -

10 PAUL GREER,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. OSBORNE:

15 Q. Good afternoon, Mr. Greer. Where do you work?

16 A. I'm employed at the South Carolina Law Enforcement
17 Division commonly known as SLED.

18 Q. All right. And what do you do at SLED?

19 A. I'm a firearms and tool mark examiner in the
20 forensic services laboratory.

21 Q. All right. And how long have you been with SLED?

22 A. Six years.

23 Q. And have you been a firearms and tool mark examiner
24 the entire time?

25 A. Yes, sir. During my six year time there I've been

1 in training to be a firearms and tool mark examiner and
2 then I've been released doing case work as a firearms and
3 tool mark examiner.

4 Q. Okay. So let's talk about firearms examination.
5 What does that field consist of?

6 A. Firearms identification and examination that's
7 basically just a discipline of forensic science where our
8 main objection every day is to look at fired ammunition
9 components.

10 That would be like the fired cartridge case or the
11 fired bullet. And we're trying to look at those and
12 examine those under microscopic magnification to link
13 them back and match them to a particular firearm.

14 Q. Okay. And what is your educational background?

15 A. I received a Bachelor of Science in biological
16 sciences from the University of South Carolina. And then
17 upon my appointment at SLED I completed the SLED firearms
18 and tool mark course of instruction program.

19 This is basically an extensive multiyear
20 apprenticeship style training program that is conducted
21 under the supervision of other court qualified examiners.

22 During this time I completed many written and
23 practical examinations. I assisted other court qualified
24 examiners prep their cases and conducted many microscopic
25 comparisons. When I was concluding my training I was

State v K'Sone M. Campbell
Paul Greer-Direct Examination by Mr. Osborne
March 3, 2020

1 given a multi-part comprehensive exam that included case
2 work. I successfully completed that exam and the case
3 work and was able to begin case work on my own.

4 Q. All right. And how many cases would you estimate
5 that you've been involved on?

6 A. I've been involved with hundreds of cases at this
7 point.

8 Q. Are you a member of any professional organizations
9 related to firearms examination?

10 A. Yes, sir. I'm a member of our professional
11 organization known as AFTE; it the Association of
12 Firearms and Tool Mark Examiners.

13 Q. All right. And in a court of law have you ever been
14 qualified as an expert in the area of firearms
15 identification?

16 A. Yes sir, I have.

17 Q. And how many times?

18 A. Five times.

19 Q. In what courts?

20 A. Those are all in state courts.

21 MR. OSBORNE: Your Honor, at this time we would
22 offer Mr. Greer as an expert in the field of firearms
23 examination.

24 THE COURT: Does the defense wish to voir dire this
25 witness as to that topic?

1 MR. MULBRY: No, Your Honor.

2 THE COURT: Any objection to him being qualified as
3 an expert in that area?

4 MR. MULBRY: No, Your Honor.

5 THE COURT: All right. Ladies and gentlemen
6 normally a person from that witness stand can't give any
7 opinion testimony. Typically people can only testify to
8 things that they've seen or heard themselves. However,
9 there is an exception when someone is deemed an expert in
10 some area or field of expertise.

11 This witness will be qualified in the area of
12 firearms identification and examination and he will be
13 allowed to give opinion testimony in that area. Now that
14 does not mean that you have to accept his opinion but it
15 is information for you to use in any way that you see
16 fit. You may proceed.

17 MR. OSBORNE: Thank you, Your Honor.

18 Q. [Mr. Osborne] All right. So let me just ask you
19 some general questions. When you receive a bullet or a
20 fired shell casing how do you go about matching those to
21 a particular gun?

22 A. When I receive fired components such as the bullet
23 or fired cartridge case I would first begin by examining
24 those items and documenting what I see about their
25 characteristics on our departmental worksheets. I would

State v K'Sone M. Campbell
Paul Greer-Direct Examination by Mr. Osborne
March 3, 2020

1 also photograph those. I would then take some
2 measurements, take weights, and try to figure out what
3 caliber the bullet may be and what its characteristics
4 are.

5 And I would do the same thing for a cartridge case.
6 I would look at it; look at it under the microscope as
7 well just to kind of see what its characteristics are.
8 Then if I have a gun to compare that to I would see if
9 those characteristics that I got from the fired bullet
10 and those cartridge cases were consistent with the gun.
11 And then I would test fire that firearm.

12 At SLED we have a bullet recovery tank that is
13 approximately two stories tall and is just filled with
14 water. So I would test fire that firearm into that water
15 tank, recover those test specimens and then I would look
16 at those under the comparison microscope.

17 And what a comparison microscope is its basically
18 two microscopes that are connected through an ocular
19 bridge. So basically I can look at two things at one
20 time and kind of looking through what you would think a
21 pair of binoculars would look like.

22 I look at those test specimens and determine their
23 characteristics. Then I would place my evidence bullet
24 or that evidence cartridge case and compare it to the
25 appropriate bullet or cartridge case that I test fired.

1 At that point I would make a conclusion on what I've seen
2 under the microscope.

3 Q. Okay. And you know just in layman's terms I guess
4 or explain it to those who might not know when we're
5 talking about a fired cartridge case what are we talking
6 about?

7 A. Yes, sir. The fired cartridge case is the little
8 cylindrical container. So that's basically what holds
9 the cartridge together, complete cartridge. It holds the
10 gunpowder, it holds the primer, and it holds the bullet.

11 A lot of people refer to that as a bullet or
12 different type things but the correct terminology there
13 is a fired cartridge case if it has been fired. And
14 that's what you see that is ejected from a pistol for
15 instance.

16 Q. If it were a semiautomatic?

17 A. If it were a semiautomatic pistol, yes.

18 Q. And when those fired cartridge cases are ejected
19 typically do they come out of the right or left of a
20 semiautomatic handgun?

21 A. It really kind of depends on the position of the
22 firearm when it's fired.

23 Q. Okay. Let's say that it is in the standard position
24 like straight up and down. Is there any percentage of
25 guns that are made to eject the fired cartridge case to

State v K'Sone M. Campbell
Paul Greer-Direct Examination by Mr. Osborne
March 3, 2020

1 the right as opposed to the left or does it all depend?

2 A. It kind of all depends. Sometimes they tend to go
3 more towards the right just the way they are extracted
4 and ejected from that gun. But it just all depends on a
5 lot of variables, a different variables there is.

6 Q. And when you're talking about a revolver so what's
7 the difference? The cartridge casing doesn't exit a
8 revolver, right?

9 A. Right. And a semiautomatic pistol when you're
10 firing that and the cartridge case is automatically
11 extracted that means it is pulled from the firearm and
12 ejected.

13 That means that it is kicked out of the firearm. It
14 can go flying for example just flying in whichever
15 direction you're holding the firearm in and whatever
16 those conditions are.

17 A revolver is a different type of firearm. It is a
18 handgun that has a cylinder with multiple chambers. The
19 cartridges and the fired cartridge cases are not
20 automatically ejected out of a revolver. You would have
21 to do that manually.

22 Q. And when we're talking about a bullet in here for
23 these purposes what are you talking about; a projectile,
24 not a bullet. I'm sorry; a fired projectile?

25 A. As in the fired cartridge case?

State v K'Sone M. Campbell
Paul Greer-Direct Examination by Mr. Osborne
March 3, 2020

1 Q. No, the actual bullet itself. As opposed to the
2 cartridge case as a piece of the bullet ---

3 A. --- okay ---

4 Q. --- and then the projectile.

5 A. A bullet is just a material that travels to the
6 target. In this case they could be copper jacketed; they
7 could be lead; made of different metallic properties.
8 But it's essentially just the piece that travels down the
9 barrel to a target.

10 Q. Okay. With regards to this case I think it's your
11 lab number 20-00899 did you have the occasion to examine
12 some evidence submitted by the Charleston Police
13 Department?

14 A. Yes sir, I did.

15 Q. All right. And I believe, and you can double check,
16 you came into possession of these items on February 4th
17 of 2020, is that correct?

18 A. Yes, sir. I received this evidence from our
19 evidence control technician on February 4th of 2020.

20 Q. Okay.

21 MR. OSBORNE: Your Honor, may I approach?

22 THE COURT: Yes.

23 Q. [Mr. Osborne] I'm showing you what has been marked
24 as State's 59, 60, 61, and 62. Can you take a look at
25 those items and tell me if you recognize them?

State v K'Sone M. Campbell
Paul Greer-Direct Examination by Mr. Osborne
March 3, 2020

1 [Whereupon, the witness is shown exhibits]

2 A. Yes, sir. I do recognize these. These items do
3 appear to be in the envelopes and packaging that I
4 returned them in and it still has my initials and seal
5 dates at the top.

6 Q. Okay. And when you -- who did you receive those
7 from? Do you have that in front of you?

8 A. Yes, sir. These items were received from evidence
9 control technician Jackie Davis.

10 Q. Okay. And when you received them did they appear to
11 be properly packaged and sealed?

12 A. Yes, sir. They were perfectly sealed in their
13 container.

14 Q. Okay. No evidence they had been tampered with in
15 any way?

16 A. No sir, not that I could tell.

17 MR. OSBORNE: Your Honor, may I approach one more
18 time?

19 THE COURT: Uh Huh.

20 Q. [Mr. Osborne] I'm showing you now State's exhibit
21 129-A.

22 [Whereupon, the witness is shown exhibit]

23 Q. Can you tell me if you recognize that item?

24 THE WITNESS: Ladies and gentlemen, this gun is
25 unloaded and it's safe for me to handle.

State v K'Sone M. Campbell
Paul Greer-Direct Examination by Mr. Osborne
March 3, 2020

1 A. Yes sir, I do recognize this evidence. It is still
2 marked with the appropriate SLED and lab number, item
3 number and my initials.

4 Q. Okay.

5 MR. OSBORNE: Your Honor, at this time I would seek
6 to admit 59 through 62 into evidence.

7 THE COURT: Any objection?

8 MR. MULBRY: No objection, Your Honor.

9 THE COURT: Without objection they will be
10 admitted.

11 Q. [Mr. Osborne] Okay. So let's go through each of
12 these exhibits, the shell casing, the bullets, and then
13 talk about your findings in reference to that.

14 And then also doubling back to the gun and whether
15 you compared to see if any of those bullets or shell
16 casings could have been fired from that gun.

17 So, we'll start with 59. Did you have the occasion
18 to examine that exhibit?

19 A. Yes, sir.

20 Q. All right. Well, just tell the jury what, if any,
21 findings did you come or conclusions did you come to?

22 A. State's exhibit 59 was SLED item number 1 and that
23 was determined to be one fired .45 auto caliber cartridge
24 case.

25 Q. Now did you have the occasion to compare that to the

State v K'Sone M. Campbell
Paul Greer-Direct Examination by Mr. Osborne
March 3, 2020

1 pistol that's sitting there?

2 A. Yes sir, I did. There were differences in class
3 characteristics which that means different caliber among
4 the other characteristics on this cartridge case.

5 And I was able to determine that State's exhibit 59,
6 SLED item 1 was not fired by State's exhibit 126-A [sic],
7 the pistol.

8 Q. Okay. And this is kind of obvious ---

9 A. --- excuse me; 129-A.

10 Q. Okay. So the pistol is a .9mm and this fired
11 cartridge case is a .45?

12 A. That's correct.

13 Q. Okay. Let's get into some of the other items.
14 State's exhibit 60, that's your SLED item number 2. What
15 can you tell us about that item?

16 A. State's exhibit 60, SLED item 2 this fired bullet
17 jacket fragment was really too damaged. I wasn't able to
18 determine the caliber of this item. I was able to
19 determine that it had seven lands and grooves and that it
20 was polygonally rifled and it had right twist rifling.

21 And that just means that when the bullet is
22 traveling down the barrel the barrel inside will have
23 lands and grooves and that's just essentially what gives
24 the barrel, I mean what gives that bullet a nice tight
25 spiraling motion and gives it velocity and speed so it

1 can travel.

2 Q. Okay. I know you said it is damaged.

3 A. Yes, sir.

4 Q. Let me ask you first of all a jacket; how does that
5 come into play with a bullet? What is that exactly?

6 A. The jacket essentially encompasses the bullets core
7 so it kind of holds it all together. The core of this
8 bullet may have been some type of lead material or other
9 metal metallic material.

10 But it just holds it all together and encompasses it
11 and gives it some more durability.

12 Q. Okay. And I know you said it was damaged and there
13 wasn't much to deal with. Can you draw any conclusions
14 whatsoever in regards to whether State's 129-A that .9mm
15 could have fired the bullet that left that jacket?

16 A. Due to the characteristics that were visible on
17 State's exhibit 60 I was able to determine that State's
18 exhibit 129-A, the .9mm pistol, did not fire State's
19 exhibit 60.

20 Q. Did not?

21 A. Did not.

22 Q. Okay. All right. So let's move on to State's 61.
23 It's going to be SLED item number 3. What can you tell
24 us about that item?

25 A. Yes, sir. State's exhibit 61 this was one fired

State v K'Sone M. Campbell
Paul Greer-Direct Examination by Mr. Osborne
March 3, 2020

1 bullet. I was able to determine after measuring it and
2 weighing it that it was consistent with being a .45 auto
3 caliber or a .45 gap caliber bullet.

4 It exhibited eight lands and grooves on the surface
5 of the bullet. It also had right twists and -- rifling
6 as well --

7 THE COURT REPORTER: It had right twists and?

8 THE WITNESS: Polygonal.

9 Q. [Mr. Osborne] All right. So I'm going to try to
10 bring it together. So can you draw any conclusion at all
11 or was there any similarities between that bullet and the
12 jacket that was found on the ground that we talked about
13 just now, which would have been SLED 2 or State's 60?

14 A. State's exhibit 60 and 61 both had polygonal
15 rifling. Due to the damage on both of these items I
16 wasn't able to determine if they were fired by the same
17 firearm so my results for comparison to those were
18 inconclusive.

19 And that basically is kind of a fancy word for I
20 don't know because due to the damage that that bullet,
21 that these bullets sustained and the fragment sustained I
22 can't tell if it was fired with the same gun.

23 It's possible and it's possible it may not have
24 been. But they did exhibit some similarities in they
25 both had polygonal rifling.

1 Q. Some similarities; were there any inconsistencies
2 that you noticed?

3 A. Not that I could...

4 Q. Ascertain ---

5 A. --- determine, yes.

6 Q. That bullet is it possible that that bullet was
7 fired, I know you said it's a .45 but is it possible that
8 that was fired from the .9mm gun, 129-A?

9 A. No, sir. It was not fired from State's exhibit
10 129-A.

11 Q. Okay. And is there any way to match up a fired
12 bullet to a cartridge case or can you tell whether that
13 cartridge case, the .45 cartridge case came from that
14 bullet? Can you tie those together?

15 A. No, sir. There is no policy or procedure that we
16 have in our department at SLED to conduct that type of
17 examination.

18 Q. All right. Moving on to State's 62; I think it's
19 SLED item number 4. What can you tell us about that
20 item?

21 A. State's exhibit 62 was one fired bullet jacket
22 fragment. It again, due to its small size and the damage
23 that it sustained I was unable to determine the caliber.

24 I did or was able to observe two lands and grooves
25 on this small fragment. Those had right hand twist

State v K'Sone M. Campbell
Paul Greer-Direct Examination by Mr. Osborne
March 3, 2020

1 rifling and also polygonal rifling.

2 Q. Let's go through that same study. Can you tell if
3 that bullet was fired from the same gun as the other
4 bullet that you just talked about, the full bullet?

5 A. No sir, I cannot.

6 Q. Okay. Can you tell whether that bullet or that
7 jacket was at all fired from the gun 129-A?

8 A. State's exhibit 62 was not fired from State's
9 exhibit 129-A.

10 Q. Okay.

11 MR. OSBORNE: Your Honor, may I approach?

12 THE COURT: Yes.

13 Q. [Mr. Osborne] I'm showing you State's 204, 205, and
14 206.

15 [Whereupon, the witness is shown exhibits]

16 Q. Can you take a look at these items and tell me if
17 you recognize those?

18 A. Yes sir, I do recognize these. These are still in
19 the packages that I placed them in with my initials and
20 the seal. And they are also marked with the SLED lab
21 number, item number and my initials.

22 Q. And did you receive those items at the same time
23 that you received the other items that we just went over?

24 A. Yes, sir.

25 Q. So Jackie Davis gave those to you as well?

State v K'Sone M. Campbell
Paul Greer-Direct Examination by Mr. Osborne
March 3, 2020

1 A. Yes, sir.

2 Q. Did they appear to be packaged properly and sealed
3 properly?

4 A. Yes sir, they were.

5 Q. Damaged or altered in any way?

6 A. No, sir.

7 MR. OSBORNE: Your Honor, at this time I'd seek to
8 admit State's exhibit 204, 205, and 206 into evidence.

9 THE COURT: Any objection?

10 [Whereupon, the Court confers with the court
11 reporter]

12 THE COURT: They're already in. We have them
13 marked as already in evidence.

14 MR. OSBORNE: Okay.

15 THE COURT: We'll double check that later. Any
16 objection at any rate? No objection at any rate?

17 MR. MULBRY: No, Your Honor.

18 THE COURT: Okay.

19 Q. [Mr. Osborne] All right. Let's go through that same
20 dance. Let's start with 204. I believe this was labeled
21 as a fired bullet recovered from a dash. Can you tell
22 me, can you tell me anything about that?

23 A. Yes, sir. State's exhibit 204 was SLED item number
24 7. I was able to determine this was one fired bullet.
25 Based on its weight and my measurements I was able to

State v K'Sone M. Campbell
Paul Greer-Direct Examination by Mr. Osborne
March 3, 2020

1 determine that it was a .45 auto caliber or a .45 gap
2 caliber. It also displayed eight lands and grooves, had
3 right twist rifling and was polygonally rifled as well.

4 Q. Okay. Any chance the gun 129-A, the .9mm fired
5 that?

6 A. No, sir.

7 Q. Okay. And in reference to comparing that back to
8 the projectile that was found on the crime scene, and
9 that's going to be your SLED item 3, can you make any
10 determination or any conclusions as to whether those two
11 bullets were fired from the same gun?

12 A. No, sir. The results of those comparisons were
13 again inconclusive.

14 Q. Okay. Can't say they're not; just can't say they
15 are, is that fair to say?

16 A. That's correct.

17 Q. But they are both .45's?

18 A. They are both .45, auto .45 gap caliber.

19 Q. All right. Let's move on to SLED item number 8,
20 State's 205 labeled as fired bullet from the passenger
21 rear side deck. What can you tell us about that item?

22 A. Yes, sir. This was again one fired bullet. Based
23 on its weight and measurements it was determined to have
24 been .45 auto caliber or .45 gap caliber. It also
25 displayed eight lands and grooves with right twist

1 rifling and polygonal rifling as well.

2 Q. Okay. Any chance 129-A, the .9mm fired that?

3 A. No, sir.

4 Q. And can you again compare that to the other two
5 bullets we've already talked to and say whether it is
6 fired from the same gun?

7 A. No, sir. The results from those comparisons were
8 also inconclusive.

9 Q. And again just like all the bullets that we've been
10 talking about same characteristics; just not enough to
11 say definitively, is that right.

12 A. That's correct.

13 Q. And the last one State's 206, SLED item 6 labeled as
14 fired bullet from the driver's window frame.

15 A. This was also a fired bullet. Based on its weight
16 and measurements I determined it to be .45 auto caliber
17 or .45 gap caliber. It also displays eight lands and
18 grooves, had right twist rifling and was polygonally
19 rifled as well.

20 Q. Okay. I know I asked this before but none of these,
21 they are not .40 calibers, correct?

22 A. No, sir. They are .45 auto or .45 gap caliber.

23 Q. All right. I'm showing you 129-B, 127 and 128.

24 [Whereupon, the witness is shown exhibits]

25 Q. Were you asked to take a look at these items? And

State v K'Sone M. Campbell
Paul Greer-Direct Examination by Mr. Osborne
March 3, 2020

1 it may just be your SLED item 11 and 12.

2 A. Yes, sir. I did have a chance to look at State's
3 exhibit 128 and 129-B.

4 Q. Okay. And are those two magazines consistent or
5 correct for being loaded into 129-A?

6 A. Yes, sir.

7 Q. And again, no evidence that a .9mm, no fired
8 cartridge case, no projectiles, no evidence at all that a
9 .9mm is involved in this at all with the exception of a
10 .9mm gun case --

11 A. There is no evidence that the evidence that we have
12 here is not fired by State's exhibit 129-A.

13 Q. Okay.

14 MR. OSBORNE: No further questions, Your Honor.

15 THE COURT: Cross-Examination?

16 MR. MULBRY: May it please the Court?

17

18

19

20

21

22

23

24

25

1 CROSS-EXAMINATION

2 BY MR. MULBRY:

3 Q. Good afternoon.

4 A. Good afternoon.

5 Q. Now, you analyzed this evidence at the request of

6 the State, right?

7 A. Yes, sir.

8 Q. And you wrote a report, correct?

9 A. Yes, sir.

10 Q. When was that report dated?

11 A. My report is dated February 18, 2020.

12 Q. That's a little over two weeks ago?

13 A. Yes, sir.

14 Q. And the suspect in that is Demetrius Young, right?

15 MR. OSBORNE: Objection, Your Honor. Relevance.

16 THE COURT: Sustained.

17 MR. MULBRY: Your Honor, may we approach?

18 THE COURT: Sure.

19 [Whereupon, an off the record bench conference is

20 held]

21 Q. [Mr. Mulbry] Now, when you receive evidence you

22 receive them at the request of the State, correct?

23 A. Yes, sir.

24 Q. And the State investigates cases, correct?

25 A. Yes, sir.

State v K'Sone M. Campbell
Paul Greer-Cross-Examination by Mr. Mulbry
March 3, 2020

1 Q. Police investigate cases, right?

2 A. Yes, sir.

3 Q. They gather evidence, correct?

4 A. I'm sorry?

5 Q. They gather evidence?

6 A. Yes, sir.

7 Q. And when they are doing their investigation they
8 develop suspects, correct?

9 A. Yes ---

10 MR. OSBORNE: --- objection, Your Honor. This is
11 beyond the scope of his knowledge. He's here for an
12 expert for firearms examinations.

13 THE COURT: Okay. If we can just hone in on the
14 question and get to it and how he would know. Go ahead.

15 Q. [Mr. Mulbry] How did you know that Demetrius was a
16 suspect in this case?

17 MR. OSBORNE: Objection, Your Honor. It calls for
18 hearsay.

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

20 A. When cases are submitted to the laboratory it is up
21 to the submitting agency to enter that information. When
22 I'm working a case I typically do not know who was
23 involved.

24 It is basically information that is placed by the
25 agency that submitted and filled out the logging

1 paperwork.

2 Q. [Mr. Mulbry] Information submitted by the State?

3 A. In this case it was the Charleston City Police
4 Department.

5 MR. MULBRY: Court's indulgence.

6 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

7 MR. MULBRY: No further questions, Your Honor.

8 THE COURT: All right. Redirect?

9 MR. OSBORNE: Just briefly.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v K'Sone M. Campbell
Paul Greer-Redirect Examination by Mr. Osborne
March 3, 2020

1 REDIRECT EXAMINATION

2 BY MR. OSBORNE:

3 Q. If more than one Defendant was not added or suspect
4 added on your form does that mean that more than one
5 person was not charged with a murder?

6 A. The names that appear at the top of my report I
7 don't know who is involved. Typically in these cases
8 it's just up to whoever is placed in the system.

9 I can't say that these are the correct names of
10 everyone involved as I was not investigating out there
11 and determining who the subjects were involved.

12 Q. So that's a good point. So you don't know whether
13 there was one person charged, two people charged, three
14 people charged or five people charged. You wouldn't
15 know.

16 A. No, sir.

17 Q. You don't know the facts about any of that. And I
18 know I'm asking you unfair questions, okay. But that's
19 not your job; you don't know anything about the facts of
20 this case, is that fair to say?

21 A. No, sir. I simply examine the evidence that is
22 submitted.

23 Q. All right. A case might know though, right?

24 A. It's possible.

25 Q. Okay. No further questions.

State v K'Sone M. Campbell
Paul Greer-Redirect Examination by Mr. Osborne
March 3, 2020

1	THE COURT: Any recross?
2	MR. MULBRY: Briefly, Your Honor.
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

State v K'Sone M. Campbell
Paul Greer-Recross-Examination by Mr. Mulbry
March 3, 2020

1	RECROSS EXAMINATION
2	BY MR. MULBRY:
3	Q. Who submitted this evidence, do you know?
4	[Whereupon, the witness reviews document]
5	A. The evidence that I have was submitted by Luke
6	Spratt of the Charleston City Police Department.
7	[Whereupon, Mr. Mulbry and Ms. Ehrlich confer]
8	Q. Who is the investigating officer, do you know?
9	A. No, sir.
10	MR. MULBRY: Court's indulgence.
11	[Whereupon, Mr. Mulbry and Ms. Ehrlich confer]
12	Q. [Mr. Mulbry] Would looking at the forensic services
13	request refresh your memory?
14	MR. OSBORNE: He's trying to refresh -- objection,
15	Your Honor.
16	THE COURT: Okay.
17	MR. OSBORNE: He's refreshing his memory with a
18	document he did not prepare. There is no way to refresh
19	his memory ---
20	THE COURT: --- I'm not sure what you're referring
21	to. Is that his own...
22	Q. [Mr. Mulbry] Did you -- when you received this
23	evidence --
24	MR. MULBRY: If I may, Your Honor.
25	THE COURT: Sure.

1 Q. [Mr. Mulbry] When you receive this evidence do you
2 get a forensic service request?

3 A. Yes, sir --

4 THE COURT REPORTER: I'm sorry, repeat your answer.

5 THE WITNESS: Yes, sir.

6 Q. [Mr. Mulbry] And on that does it say who the name of
7 the investigating officer is?

8 A. Yes, sir. At the top there is a name.

9 Q. And whose name is that?

10 MR. OSBORNE: Objection, Your Honor. He's
11 publishing something that is not in evidence.

12 Q. [Mr. Mulbry] That name is David Osborne, correct?

13 MR. OSBORNE: Objection, Your Honor.

14 THE COURT: Wait a minute. I haven't made a ruling
15 so you can't keep going until I make a ruling on an
16 objection.

17 MR. MULBRY: I'm sorry, Your Honor.

18 THE COURT: I'm going to sustain the objection.

19 And ladies and gentlemen you are to strike the last
20 answer of the witness. It is not for your consideration.
21 Any other questions?

22 MR. MULBRY: Court's indulgence.

23 THE COURT: Uh Huh.

24 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

25 MR. MULBRY: No further questions, Your Honor.

State v K'Sone M. Campbell
Paul Greer-Recross-Examination by Mr. Mulbry
March 3, 2020

1 THE COURT: All right. Thank you very much.

2 MR. OSBORNE: Your Honor, may I approach?

3 THE COURT: Yes.

4 [Whereupon, an off the record bench conference is
5 held]

6 THE COURT: Any other questions for this witness at
7 this time?

8 MR. MULBRY: No, Your Honor.

9 THE COURT: All right. You can step down from the
10 witness stand. Thank you so much. We appreciate it.
11 Any objection to him being released from subpoena from
12 the State?

13 MR. OSBORNE: No, Your Honor.

14 THE COURT: Any from the defense?

15 MR. MULBRY: No, Your Honor.

16 THE COURT: All right. You're free to leave.
17 Thank you, sir.

18 [Whereupon, the witness is excused and exits the
19 witness stand]

20 THE COURT: Does the State have their next witness
21 ready?

22

23

24

25

State v K'Sone M. Campbell
Jeff Miller-Direct Examination by Mr. Osborne
March 3, 2020

1 MR. OSBORNE: We do, Your Honor. The State calls
2 Jeff Miller.

3 THE COURT: All right.

4 [Whereupon, Mr. Miller comes forward]

5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]

7 CLERK OF COURT: Please take a seat. Please state
8 your full name spelling your last name for the record.

9 THE WITNESS: Jeffrey Miller, M-I-L-L-E-R.

10 - - - - -

11 JEFFREY MILLER,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. OSBORNE:

16 Q. All right Mr. Miller, good afternoon.

17 A. Hey.

18 Q. Where are you employed?

19 A. Charleston Police Department.

20 Q. And how long have you been there?

21 A. For 34 years.

22 Q. All right. And what do you do now for the
23 Charleston Police Department?

24 A. I'm a crime scene investigator.

25 Q. All right. Have you been a crime scene investigator

State v K'Sone M. Campbell
Jeff Miller-Direct Examination by Mr. Osborne
March 3, 2020

1 the whole time?

2 A. No, I became a crime scene officer in 1994. And I
3 retired and am now a civilian.

4 Q. All right. Let's get right into it. Were you asked
5 to assist in this investigation in any way?

6 A. Yes, I was.

7 Q. And where were you asked to respond to?

8 A. I went to MUSC to collect the belongings of the
9 victim, his cell phone, any clothing; any items that were
10 on him at the time.

11 Q. Okay.

12 MR. OSBORNE: Your Honor, may I approach?

13 THE COURT: Uh Huh.

14 Q. [Mr. Osborne] I'm showing you State's exhibit 70 and
15 207.

16 [Whereupon, the witness is shown exhibits]

17 Q. Can you take a look at those items and tell me if
18 you recognize them?

19 A. This [indicates] is the cell phone that I collected
20 at MUSC. And I did a gunshot residue test also at MUSC.

21 Q. Okay. 70 is the cell phone that was collected at
22 MUSC?

23 A. Yes.

24 Q. And State's exhibit 207 is the gunshot residue
25 collected from the victim?

State v K'Sone M. Campbell
Jeff Miller-Direct Examination by Mr. Osborne
March 3, 2020

1 A. Yes.

2 Q. All right.

3 MR. OSBORNE: Your Honor, at this time we'd seek to
4 admit State's exhibit 207 into evidence.

5 THE COURT: Any objection to 207?

6 MR. MULBRY: No, Your Honor.

7 THE COURT: All right. Without objection it will
8 be admitted.

9 [Whereupon, State's exhibit number 207 is entered
10 into evidence by the Court]

11 Q. [Mr. Osborne] Later on that night were you asked to
12 collect GSR, gunshot residue samples from a guy by the
13 name of Mikel Funnie?

14 A. Yeah. I left MUSC and went straight to the police
15 department and Captain -- was there and requested a GSR
16 on Mr. Funnie.

17 THE COURT REPORTER: Captain who?

18 THE WITNESS: Weiss [phonetic]

19 Q. [Mr. Osborne] All right.

20 MR. OSBORNE: Your Honor, may I approach?

21 THE COURT: Yes.

22 Q. [Mr. Osborne] I'm showing you State's exhibit 208.

23 [Whereupon, the witness is shown exhibit]

24 Q. Can you take a look at that and tell me if you
25 recognize that?

State v K'Sone M. Campbell
Jeff Miller-Direct Examination by Mr. Osborne
March 3, 2020

1 A. Yes. This is the envelope with the GSR collection
2 from Mr. Funnie.

3 Q. Okay.

4 MR. OSBORNE: Your Honor, at this time I'd seek to
5 admit State's exhibit 208 into evidence.

6 THE COURT: Any objection to 208?

7 MR. MULBRY: No, Your Honor.

8 THE COURT: All right. Without objection it will
9 be admitted as well.

10 [Whereupon, State's exhibit number 208 is entered
11 into evidence by the Court]

12 Q. [Mr. Osborne] All right. So let me ask you another
13 question. During your time at CPD how many crime scenes
14 would you estimate that you -- how many crime scenes
15 would you estimate that you responded to?

16 A. In 25 years its well probably up in the thousands.

17 Q. Okay. And is it fair to say that during that time
18 you have seen your fair share of blood spatter evidence?

19 A. Yes.

20 Q. All right. And as a crime scene technician when you
21 are looking at blood is it possible for you to ascertain
22 the direction of the blood?

23 A. You can determine that, yes.

24 Q. And just -- well, explain to the jury how you go
25 about doing that?

1 A. Well, if it is a surface like a wall if you see
2 direction where a tail or a drop hits and you'll see a
3 tail at the end if the tail is to the right then the
4 direction was left to right.

5 Q. Can you just draw on that overhead kind of what that
6 would look like?

7 MR. MULBRY: Your Honor, may we approach?

8 THE COURT: Yes.

9 [Whereupon, an off the record bench conference is
10 held]

11 Q. [Mr. Osborne] That's okay.

12 MR. OSBORNE: No further questions.

13 THE COURT: All right. Any cross-examination for
14 this witness?

15 MR. MULBRY: No, Your Honor.

16 THE COURT: All right. You're free to step down.

17 THE WITNESS: Can I be excused from the trial?

18 THE COURT: It's okay with me. How about everybody
19 else? Can he be released from his subpoena?

20 MR. OSBORNE: Yes, Your Honor.

21 MR. MULBRY: Yes, Your Honor.

22 THE COURT: Thank you very much.

23 [Whereupon, the witness is excused and exits the
24 witness stand]

25 THE COURT: State ready to call its next witness?

State v K'Sone M. Campbell
Proceedings
March 3, 2020

1 MR. OSBORNE: Your Honor, may we approach?

2 THE COURT: Sure.

3 [Whereupon, an off the record bench conference is
4 held]

5 MR. OSBORNE: Your Honor, the next officer,
6 witness, is actually walking up right now.

7 THE COURT: Okay. Sounds good. Anybody need a
8 break.

9 [Whereupon, there is no response]

10 THE COURT: All right. We'll sit tight and wait.

11 [Off the record momentarily]

12 THE COURT: While we're waiting could I have the
13 attorneys approach just for scheduling this afternoon.

14 [Whereupon, an off the record bench conference is
15 held]

16 THE COURT: Everybody, we'll be at ease for about
17 five minutes so I'll let y'all step out. I think it's
18 going to take her some time to go through security and
19 the elevator. It just takes a minute.

20 So rather than all of us sitting here in silence
21 I'll allow everybody to take a break for about five
22 minutes. We'll bring you back in here shortly. Thank
23 you ladies and gentlemen.

24 [Whereupon, the jury exits at 3:45 p.m.]

25 [Whereupon, an off the record bench conference is

1 held]

2 [Whereupon, Court is in recess from 3:45 p.m. until
3 3:56 p.m.]

4 THE COURT: Okay everybody. It was brought to my
5 attention by one of the clerks that juror number 376 who
6 was one of the alternates believes that she has the flu
7 so I've released her. I've spoken to her; she just
8 didn't feel well. I've noticed that she's been coughing
9 in the back row for quite a while.

10 So any objections -- she hasn't left the building
11 yet or left the hallway for that matter. Any objection
12 to her being released from the State?

13 MR. OSBORNE: Not from the State, Your Honor.

14 THE COURT: And from the defense?

15 MR. MULBRY: Not at all, Your Honor.

16 THE COURT: All right. Thank you very much. Just
17 confirm her release. And April you can give her a letter
18 or whatever she needs.

19 CLERK OF COURT: Yes, ma'am.

20 THE COURT: Thank you very much. Are we ready to
21 proceed otherwise?

22 MR. OSBORNE: We are Judge, thank you.

23 THE COURT: Sure. Bring everybody back.

24 [Whereupon, the jury enters at 3:58 p.m.]

25 THE COURT: Thank you. Ladies and gentlemen we

State v K'Sone M. Campbell
Proceedings
March 3, 2020

1 had to release one of the alternates who wasn't feeling
2 well. So obviously, we don't want anybody else to catch
3 anything so we went ahead and released her. We are ready
4 to proceed. Is the State ready?

5 MR. OSBORNE: Yes, Your Honor.

6 THE COURT: Okay.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

State v K'Sone M. Campbell
Martha Lohnes-Direct Examination by Mr. Osborne
March 3, 2020

1 MR. OSBORNE: The State calls Officer Martha
2 Lohnes.

3 [Whereupon, Officer Lohnes comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: Please take a seat. Please state
7 your full name and spell your last name for the record.

8 THE WITNESS: Martha Lohnes, L-O-H-N-E-S.

9 - - - - -

10 MARTHA LOHNES,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. OSBORNE:

15 Q. All right Officer. Thanks for coming in on such
16 short notice. We have a question for you. Do you know
17 how that gun got on that driver's seat?

18 [Whereupon, the photograph is published]

19 A. Yes. I pulled it out of the center console and put
20 it there.

21 Q. Okay. Where do you work?

22 A. North Charleston Police Department.

23 Q. Okay. And on May the 11th, 2017 were you working
24 that night?

25 A. Yes, sir.

State v K'Sone M. Campbell
Martha Lohnes-Direct Examination by Mr. Osborne
March 3, 2020

1 Q. And were you patrolling at that time?

2 A. Yes, sir.

3 Q. And did you have the occasion to become involved in
4 an out of agency assist on that night?

5 A. Yes, sir.

6 Q. Just tell the jury how is it that you got involved?

7 A. I was working the south end of the city which is
8 connected obviously to Charleston city. There was a BOLO
9 on dispatch for a shooting that just occurred downtown
10 and they said to be on the lookout for two different
11 vehicles that supposedly fled the scene.

12 The descriptions were a white sedan and a black
13 Chevy sedan. And I was at Meeting Street Road that turns
14 into King Street extension and so I started heading that
15 way in case it was coming towards North Charleston.

16 And as I headed that way I could see a black Chevy
17 at a high rate of speed coming down King Street
18 extension. Due to the fact that it was driving so fast
19 leaving that jurisdiction and matched the description I
20 decided to follow it.

21 I followed it because, without lighting it up at
22 first, because it was involved in a shooting and I needed
23 backup. So I followed it over to Admiral Drive which is
24 just off Cosgrove. And a backup hadn't got to me yet but
25 it came to a stop so I decided to get out and make

1 contact. I seen a black male get out of the driver's
2 side and that's how I got in contact with all of that.

3 Q. Okay. And while you were behind the car did you see
4 -- well, let me ask you this. You said that there was a
5 black male driver. Did you later identify him?

6 A. I don't know if I identified him. I saw him but I
7 don't believe that I was the one that -- well, other
8 officers were talking to him too but I did end up having
9 his information in the end.

10 Q. Okay. And do you remember his name?

11 A. I don't.

12 Q. Does Mikel Funnie sound right?

13 A. Yes.

14 Q. Now, he was in the car and I think you said
15 something about children in the car too.

16 A. Yes. As soon as he got out the vehicle there was a
17 small child that got out the back and ran up to the house
18 that he had come to a stop at. And then he was helping
19 another child out the back seat as well.

20 Q. Okay. The kid that got out and ran how old was he
21 about? I know it's tough to say but about how old?

22 A. If I remember like five or six; maybe seven.

23 Q. Okay. And you said that Mr. Funnie then helped
24 another child out of the car.

25 A. Uh Huh.

State v K'Sone M. Campbell
Martha Lohnes-Direct Examination by Mr. Osborne
March 3, 2020

1 Q. How old was that child?

2 A. Much younger. I'm not exactly sure but I feel like
3 I remember there being a car seat. I'm not sure though.

4 Q. Okay. Young enough to be in a car seat.

5 A. Yes.

6 Q. And Mr. Funnie grabbed the infant from the car seat
7 and carried that one.

8 A. Yes, sir.

9 Q. Okay. Now during your whole time behind Mr. Funnie
10 driving that car did you ever see him throw anything out
11 of the window?

12 A. No, sir.

13 Q. Did you ever see him discard anything?

14 A. No, sir.

15 Q. All right. Now you said that BOLO, you mentioned
16 that. Be on the lookout?

17 A. Yes, sir.

18 Q. Okay. So you were told to be or at least you heard
19 be on the lookout for a black car and a white sedan.

20 A. Yes, sir.

21 Q. Now, how would you describe Mr. Funnie's demeanor
22 during this account?

23 A. Frantic would be the best word I could describe. He
24 seemed really scared and he was shaking. I could see
25 that he was shaking and he was like panting. He was

1 scared.

2 Q. So he was visually shaken?

3 A. Yeah.

4 Q. Don't say what he said yet but did he make comments?

5 A. Yes, sir.

6 Q. And did those comments appear by the context to

7 relate to what had upset him?

8 A. Yes, sir.

9 Q. And did it appear as though the comments of what had

10 upset him had occurred recently?

11 A. Yes, sir.

12 Q. All right. What is it that Mr. Funnie said?

13 MR. MULBRY: Objection.

14 THE COURT: I'll allow it over the objection.

15 Thank you.

16 Q. [Mr. Osborne] Go ahead.

17 A. He said they got my boy. These are his kids. I'm

18 bringing them back to the house.

19 Q. Okay. And during your entire encounter with Mr.

20 Funnie would you describe him as being cooperative or non

21 cooperative?

22 A. Cooperative.

23 Q. And Charleston Police Department arrived on the

24 scene?

25 A. Yes, sir.

State v K'Sone M. Campbell
Martha Lohnes-Direct Examination by Mr. Osborne
March 3, 2020

1 Q. Detective Jason Jarrell?

2 A. Yes.

3 Q. And a decision was made to tow Mr. Funnie's car?

4 A. Yes, sir.

5 Q. So you searching the car what is that called in the
6 business, prior to it being searched? Did you do an
7 inventory ---

8 A. --- oh inventory of the vehicle, yes sir.

9 Q. Okay. And when you inventoried the vehicle is that
10 when you ran across these items here [indicates].

11 A. Yes, sir.

12 Q. Was the gun in that position like made safe with the
13 slide open or did you open it?

14 A. I did that.

15 Q. Was there a round in the chamber?

16 A. Yes, sir.

17 Q. Can I --

18 MR. OSBORNE: Your Honor, may I approach?

19 THE COURT: Yes.

20 Q. [Mr. Osborne] I know I got you here on short notice.

21 [Whereupon, State's exhibit number 255 is marked by
22 the court reporter]

23 Q. Would it help to refresh your recollection in
24 regards to whether there was a round in the chamber to
25 review your report?

State v K'Sone M. Campbell
Martha Lohnes-Direct Examination by Mr. Osborne
March 3, 2020

1 A. Yes, sir.

2 Q. And again, I know I put you in a bad spot calling
3 you so quickly.

4 A. You're okay.

5 [Whereupon, the witness is shown document]

6 Q. It would be at the end right by cold to the touch.

7 [Whereupon, the witness reviews document]

8 A. [Reading] Firearm was cold to the touch and did not
9 have a round in the chamber --

10 THE COURT REPORTER: Could you repeat that and
11 speak up just a little.

12 THE WITNESS: The firearm was cold to the touch and
13 did not have a round in the chamber.

14 Q. [Mr. Osborne] It did not, okay. Is that correct?

15 A. Yes.

16 Q. Okay. Thanks again for coming in.

17 MR. OSBORNE: No further questions, Your Honor.

18 THE COURT: All right. Cross-Examination?

19 MR. MULBRY: Thank you, Your Honor.
20
21
22
23
24
25

State v K'Sone M. Campbell
Martha Lohnes-Cross-Examination by Mr. Mulbry
March 3, 2020

1	CROSS-EXAMINATION
2	BY MR. MULBRY:
3	Q. Good afternoon. Now that night May 11th you saw a
4	Chevy Malibu travelling away from downtown, right?
5	A. Yes, sir.
6	Q. At a high rate of speed?
7	A. Yes, sir.
8	Q. You got behind it?
9	A. Yes, sir.
10	Q. You followed it to Admiral Drive.
11	A. Yes.
12	Q. The vehicle stopped at Admiral Drive.
13	A. Yes, sir.
14	Q. Mikel Funnie was in the vehicle.
15	A. Yes, sir.
16	Q. You found a gun in the vehicle.
17	A. Yes, sir.
18	Q. And Mikel Funnie he was really upset, right.
19	A. Correct.
20	Q. He was upset about what had just happened, correct?
21	A. Correct.
22	Q. And he said he was downtown, right.
23	A. Yes, sir.
24	Q. There was a gun in that car, correct?
25	A. Yes, sir.

1 Q. And that gun is not a Glock, right?

2 A. I don't remember the -- it was silver, but I don't
3 know for sure.

4 MR. MULBRY: Court's indulgence.

5 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

6 Q. [Mr. Mulbry] I'm showing you what has been admitted
7 as State's exhibit 114.

8 [Whereupon, the photograph is published]

9 Q. That's a picture of the gun, right?

10 A. Yes, sir.

11 [Whereupon, the photograph is published]

12 Q. That's the same gun, correct?

13 A. It looks to be, yes sir.

14 Q. That's not a Glock, right?

15 A. Sir, I'm not the best of knowing every model of
16 every gun.

17 Q. Do you carry a firearm?

18 A. Yes, sir.

19 Q. What kind of firearm do you carry?

20 A. A Glock.

21 THE COURT: For the record that was 122.

22 MR. MULBRY: Thank you, Your Honor.

23 Q. [Mr. Mulbry] You don't have any information about
24 who put that gun in there, correct?

25 A. No sir, I don't.

State v K'Sone M. Campbell
Martha Lohnes-Cross-Examination by Mr. Mulbry
March 3, 2020

1 Q. You don't have any information about where that gun
2 came from, right?

3 A. No, sir.

4 MR. MULBRY: No further questions, Your Honor.

5 THE COURT: All right. Any redirect?

6 MR. OSBORNE: None, Your Honor.

7 THE COURT: You're free to step down. Any need to
8 keep this witness under subpoena?

9 MR. OSBORNE: None from the State, Your Honor.

10 MR. MULBRY: We're okay if she goes, Your Honor.

11 THE COURT: Okay. Thank you so much. You're free
12 to leave.

13 [Whereupon, the witness is excused and exits the
14 witness stand]

15 THE COURT: I believe the State is going to call
16 one more witness this afternoon, is that correct?

17 MR. OSBORNE: Yes, Your Honor.

18 THE COURT: All right.

19

20

21

22

23

24

25

State v K'Sone M. Campbell
James Richardson-Direct Examination by Mr. Osborne
March 3, 2020

1 MR. OSBORNE: The State calls Detective James
2 Richardson.

3 [Whereupon, Detective Richardson comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: Please be seated. Please state
7 your full name spelling your last name for the record.

8 THE WITNESS: Detective James Richardson. My last
9 name is spelled R-I-C-H-A-R-D-S-O-N.

10 - - - - -

11 JAMES RICHARDSON,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. OSBORNE:

16 Q. Good afternoon, Detective.

17 A. Good afternoon.

18 Q. Where are you employed?

19 A. Currently the City of Charleston.

20 Q. Okay. And how long have you been with the police
21 department?

22 A. Eleven years to date.

23 Q. What is your position with CPD now?

24 A. My current position is violent crime detective
25 assigned to the Violent Crime unit with the City of

State v K'Sone M. Campbell
James Richardson-Direct Examination by Mr. Osborne
March 3, 2020

1 Charleston Police Department central investigations
2 division.

3 Q. Okay. What have been some of your previous
4 assignments with CPD?

5 A. My previous assignment was assigned to the robbery
6 unit which is typically under the person's
7 classification.

8 From there I eventually made my way laterally over
9 to the Violent Crime unit which is my current position to
10 date.

11 Q. All right. Back on May the 11th of 2017 where were
12 you assigned then?

13 A. May the 11th I was assigned to the robbery unit. I
14 was the on-call detective at the time and I was under the
15 4 p.m. to 12 a.m. shift.

16 Q. All right. Now this case right here were you the
17 case agent or one of the assisting detectives?

18 A. I was one of the assisting detectives.

19 Q. You were one of the detectives who responded to the
20 scene that night.

21 A. Yes, sir.

22 Q. All right. So what did you see when you arrived on
23 the scene?

24 A. I was called to the scene for a report of several
25 gunshots heard at the intersection of Oswego and Maverick

1 Street. Upon my arrival the then investigator, which was
2 investigator Beth Wilson at the time, we both responded.
3 I pulled onto Rutledge Avenue where I got out my unmarked
4 unit.

5 Upon the approach onto Maverick Street at the
6 intersection of Oswego Street I observed a Lincoln Town
7 Car which was unoccupied with two broken windows to
8 include the front driver's side and rear passenger side
9 windows. The vehicle was running.

10 EMS and emergency technicians were already on scene
11 rendering aid to what appeared to be a gunshot victim who
12 had been pulled out of the front driver's seat of the car
13 mentioned.

14 Q. I'd ask you to speak up just a tad bit.

15 A. Sure.

16 Q. And so you said the Lincoln Town Car was running.

17 A. Correct.

18 Q. Okay. And was the victim later identified?

19 A. Yes.

20 Q. And who was -- what was his name?

21 A. He was identified to be one Derrick Barber.

22 Q. Okay. Was there anyone else on scene?

23 A. Also on scene was an individual who went by the name
24 of Deangelo Milligan.

25 Q. Okay. All right. Did you attempt to speak to Mr.

State v K'Sone M. Campbell
James Richardson-Direct Examination by Mr. Osborne
March 3, 2020

1 Milligan?

2 A. Yes.

3 Q. And how did that go?

4 A. It took some time to talk to him but ultimately he
5 gave a statement but was ultimately uncooperative; very
6 vague on the details leading up to this incident.

7 Q. Okay. Did you after speaking to Mr. Milligan elect
8 to seize something from his possession?

9 A. Yes. I seized his cell phone as well as a gunshot
10 residue kit test.

11 Q. Okay.

12 MR. OSBORNE: Your Honor, may I approach?

13 THE COURT: Yes.

14 Q. [Mr. Osborne] I'm showing you what has been marked
15 as State's 72.

16 [Whereupon, the witness is shown exhibit]

17 Q. Can you take a look at that and tell me if you
18 recognize it?

19 A. Yes. This was the cell phone that was in Mr.
20 Milligan's possession that night.

21 Q. Okay. All right. After speaking, well or trying to
22 talk to Mr. Milligan seizing his phone and having the GSR
23 done what did you do then?

24 A. After the conclusion of those efforts I was then
25 tasked as the on-duty detective for canvassing; walking

1 the intersection where we know this occurred to look for
2 any exterior video surveillance in the area.

3 Q. Okay. And did you find any surveillance of
4 interest?

5 A. Yes.

6 Q. And where was that located?

7 A. At 14 Maverick Street.

8 Q. All right. I believe 97 is already in evidence. I'm
9 going to play clip number 2.

10 [Whereupon, State's exhibit 97, clip 2, plays with
11 questions by Mr. Osborne]

12 Q. Is this the victim's car?

13 A. Yes, sir.

14 Q. And just for clarification that white SUV right
15 there [indicates] is not related to this investigation?

16 A. Unrelated, correct.

17 Q. Now I'm going to stop it here at 9:33:40 and I want
18 to back it up for a second. In reference to this SUV
19 over here [indicates] that I've got my cursor on right
20 here [indicates] did you see something of significance to
21 this investigation just seconds before I stopped it here?

22 A. Yes, sir. So at the front portion of the front
23 quarter panel of that vehicle, the quarter panel in the
24 picture where the pole is at you can see what appeared to
25 have been some kind of set of headlights.

State v K'Sone M. Campbell
James Richardson-Direct Examination by Mr. Osborne
March 3, 2020

1 Q. Okay. So headlights are going against this car
2 right here [indicates].

3 A. Correct.

4 Q. And Oswego is right over here [indicates]?

5 A. Yes, sir.

6 Q. I think that's it right there [indicates]. Is that
7 what you're referring to?

8 A. Yes, sir.

9 Q. Okay. Can you tell which direction the car appears
10 to turn? Is it right or left on Maverick?

11 A. It appears that the vehicle actually stops due to
12 where the headlights are at.

13 Q. Well, when it's coming up Oswego does it appear to
14 make a left or a right onto Maverick?

15 A. A right onto Maverick. It doesn't pass this camera.

16 Q. All right. So as a bookend this white SUV here
17 [indicates] passing by at 9:33:35 do you later see that
18 white SUV on another camera?

19 A. Yes, sir.

20 Q. Right after this?

21 A. Yes, sir.

22 Q. Do you see any vehicles immediately before that?

23 A. No, sir.

24 Q. So when you said stop are you basing that on the
25 fact that when the headlights come and turn the next

1 vehicle you see is this white SUV.
2 A. Correct.
3 Q. You don't see another car.
4 A. You do not.
5 Q. At least not right away.
6 A. Correct.
7 Q. Were you able to identify this [indicates]
8 individual?
9 A. Yes, sir.
10 Q. Who is that?
11 A. That is going to be Mr. Milligan.
12 Q. Deangelo?
13 A. Deangelo Milligan, yes sir.
14 Q. Okay. What type of vehicle was this [indicates]?
15 A. That appears to be a Dodge and it's understood to be
16 a taxicab based off the top marker on the vehicle.
17 Q. All right. Is this video time that we're looking
18 here now 9:34 is this accurate?
19 A. Yes. This is the correct time.
20 Q. And what was the time of the first 911 call?
21 A. The first time of the first 911 call would be 9:35
22 p.m.
23 Q. All right. So were you tasked with reviewing
24 additional or locating or retrieving additional evidence?
25 A. Yes.

State v K'Sone M. Campbell
James Richardson-Direct Examination by Mr. Osborne
March 3, 2020

1 Q. And what additional surveillance video did you
2 review?

3 A. I was tasked with responding over to Maverick and
4 Rutledge, which is the intersection just down, 14
5 Maverick Street, to retrieve exterior video surveillance
6 from that intersection as well.

7 MR. OSBORNE: Beg the court's indulgence.

8 [Whereupon, Mr. Osborne reviews documents]

9 MR. OSBORNE: Your Honor, may I approach?

10 THE COURT: Yes.

11 Q. [Mr. Osborne] I'm showing you State's exhibit number
12 96.

13 [Whereupon, the witness is shown exhibit]

14 Q. Can you take a look at that and tell me if you
15 recognize that?

16 A. Yes.

17 Q. All right. What is that?

18 A. This is the exterior video surveillance that I
19 obtained the night of this incident.

20 Q. From where?

21 A. From 14 Maverick Street.

22 Q. So that contains the entire clip from this, right?

23 A. That's correct ---

24 Q. --- from what we just watched. When you watch that
25 entire video were you able to see police respond?

State v K'Sone M. Campbell
James Richardson-Direct Examination by Mr. Osborne
March 3, 2020

1 A. Yes.

2 Q. And about how long after this was it that police
3 responded?

4 A. Not too long after.

5 Q. Okay. Now did you have the occasion to retrieve
6 surveillance video from another location?

7 A. Yes.

8 Q. And where was that?

9 A. That's going to be the Jerusalem Church at Maverick
10 Street and Rutledge.

11 Q. All right. So let's talk about that surveillance
12 video a little bit or those images on there. Were you
13 able to verify the accuracy of the time on that video?

14 A. Yes.

15 Q. And did it appear accurate?

16 A. Yes.

17 Q. Were you able to see things on this video that you
18 had verified as being accurate and tied into the shooting
19 that you would then see continuing on into the Jerusalem
20 Church video?

21 A. That's correct.

22 MR. OSBORNE: Your Honor, may I approach?

23 THE COURT: Yes.

24 Q. [Mr. Osborne] I'm showing you State's exhibit 95.

25 [Whereupon, the witness is shown exhibit]

State v K'Sone M. Campbell
James Richardson-Direct Examination by Mr. Osborne
March 3, 2020

1 Q. Can you take a look at that and tell me if you
2 recognize that?

3 A. Yes, sir.

4 Q. And what is that?

5 A. This is a copy of that video footage from the
6 Jerusalem Church at that intersection.

7 Q. All right.

8 MR. OSBORNE: Your Honor, at this time I'd seek to
9 admit State's exhibit 95 into evidence.

10 THE COURT: Any objection?

11 MR. MULBRY: No objection, Your Honor.

12 THE COURT: All right. It will be admitted without
13 objection.

14 [Whereupon, State's exhibit number 95 is entered
15 into evidence by the Court]

16 Q. Let me do something first. I'm going to show you
17 State's exhibit 5 so we can kind of put this in
18 perspective here.

19 [Whereupon, the photograph is published]

20 Q. All right. Looking at State's exhibit 5 can you
21 point out where the Lincoln Town Car was located?

22 A. Yes, sir. Utilizing this screen it was
23 approximately this location right here [indicates].

24 Q. Okay. And which way was it facing?

25 A. So if we're going to refer to the streets it's

1 facing towards King Street.

2 Q. Okay. And 14 Maverick where was that again?

3 A. 14 Maverick Street is going to be right here
4 [indicates] where the circle is.

5 Q. Okay. And the Rawan Market?

6 A. Rawan Market is going to be at this intersection
7 down here [indicates].

8 Q. All right. And when we're looking at this church
9 video that we're about to look at where is that at?

10 A. It is at this church up here [indicates] and the
11 camera angle is placing this way [indicates] as well as
12 in front.

13 Q. Okay. So we have two camera angles in front and
14 then one on to the side facing Maverick?

15 A. Yes, sir.

16 Q. Okay. All right. Playing clip 2 at 15:30:41.

17 [Whereupon, State's exhibit 95, video clip 2, plays
18 with questions from Mr. Osborne]

19 Q. And again, just to make sure, this is Maverick that
20 we're looking at here?

21 A. Yes, sir.

22 Q. All right. Now in that other video we saw the
23 victim's car turning around. Did you see anything
24 consistent with that in this video?

25 A. Yes, sir. You could see the headlights of the

State v K'Sone M. Campbell
James Richardson-Direct Examination by Mr. Osborne
March 3, 2020

1 vehicle turning around in the same position that the
2 victim's car was found.

3 Q. Can you circle that and then just take it off? I'll
4 back it up again and you can take it off.

5 [Whereupon, the witness complies]

6 Q. Okay. So this is the white SUV that we talked about
7 before?

8 A. Yes, sir.

9 Q. When that victim vehicle did the three point turn
10 did we see any other cars in this video other than this
11 white SUV?

12 A. It was a vehicle just off the side of Oswego Street
13 and it is very faintly seen on the video. We see a pair
14 of headlights which caught our attention.

15 Q. All right. And that would have been consistent with
16 the reflection of the headlights that were on the SUV?

17 A. Correct.

18 Q. All right. And here's the cab again?

19 A. That's correct.

20 Q. And it looks as though the cab stops?

21 A. Yes, sir.

22 Q. And it drives again, is that correct?

23 A. Correct.

24 Q. All right. What, if anything, was significant about
25 this car to this investigation?

1 A. This vehicle which was leaving that vicinity where
2 this victim was known to have been located was white in
3 color and we could tell that it was a sedan that was also
4 missing a hubcap.

5 And it is also distinctive outline body angles on
6 the car to the rear passenger side window which kind of
7 arches up a tad bit.

8 It's a slick top. We know it has two headlights.
9 It has an indentation of what appears to be a line down
10 at the base trim line which was also significant as well.

11 Q. It's a little better image, no?

12 A. Yes, sir.

13 Q. All right. Okay. Do you see this vehicle again on
14 the other camera from the church?

15 A. Yes, sir.

16 Q. I'll play clip 3 now.

17 [Whereupon, State's exhibit 95, video clip 3, plays
18 with questions from Mr. Osborne]

19 Q. That's consistent with the time of it making a turn
20 on the previous clip?

21 A. Yes, sir.

22 Q. Which way would this car be heading now?

23 A. So this being Rutledge Avenue direction north;
24 towards North Charleston.

25 Q. Okay. And this is a little better image here. Is

State v K'Sone M. Campbell
James Richardson-Direct Examination by Mr. Osborne
March 3, 2020

1 this [indicates] the missing hubcap that you're referring
2 to?

3 A. Yes, sir.

4 Q. All right. Did you have the occasion to see this
5 car earlier than that on the video?

6 A. Yes sir, I did.

7 Q. And what time was that about do you remember?

8 A. Approximately 9:29.

9 Q. Okay. So we're talking about six, five or six
10 minutes earlier?

11 A. Yes, sir.

12 Q. I'm playing clip 1, file 2.

13 [Whereupon, State's exhibit 95, clip 1, file 2,
14 plays with questions from Mr. Osborne]

15 Q. All right. And which way is it heading now?

16 A. So this is the direction on Maverick Street heading
17 towards King Street.

18 Q. Okay. So the same direction it was headed earlier
19 or later?

20 A. Correct.

21 Q. And this is the same time here 9:29?

22 A. Yes, sir.

23 Q. All right. So we're looking at another image to see
24 which way it came. Again, that's Rutledge up there?

25 A. Correct.

State v K'Sone M. Campbell
James Richardson-Direct Examination by Mr. Osborne
March 3, 2020

1 Q. Taking a right now onto Maverick?

2 A. Yes, sir.

3 Q. All right. So did you go back then and then look at
4 the 14 Maverick camera to see if you saw the white car
5 pass by 14 Maverick?

6 A. Correct.

7 Q. All right. And what's the time here again?

8 A. The time on this camera is going to be 9:29
9 approximately.

10 Q. All right. So go ahead and cut to the chase. Do
11 you see the white car come across this camera image?

12 A. No, sir.

13 Q. But do you see headlights turning?

14 A. Yes, sir.

15 Q. And which way do they turn?

16 A. They turn onto Oswego Street, which is just right of
17 this camera.

18 Q. Okay. Making a right or a left?

19 A. A --

20 THE COURT REPORTER: I'm sorry; a?

21 THE WITNESS: Left.

22 Q. [Mr. Osborne] All right. I'm going to go back to 5
23 for a second.

24 [Whereupon, State's exhibit 95, clip 1, file 2,
25 plays with questions from Mr. Osborne]

State v K'Sone M. Campbell
James Richardson-Direct Examination by Mr. Osborne
March 3, 2020

1 [Whereupon, the photograph is published]

2 Q. And let's just kind of put all that into
3 perspective, okay. Can you put the direction at 9:29
4 that the white car was coming up Rutledge and then
5 turning right onto Maverick?

6 A. Yes, sir. North, and then a right on Maverick
7 Street.

8 Q. Okay. Now keep going. This is at 9:29. Which way
9 did it go when it went down Maverick?

10 A. It's going to proceed down Maverick street and then
11 it's going to make a left onto Oswego Street this way
12 [indicates].

13 Q. Okay. And that's 9:29?

14 A. Correct.

15 Q. And now again earlier you had the victim right here
16 [indicates] facing that direction [indicates]?

17 A. Yes sir, approximately right here [indicates].

18 Q. Okay. And then we see headlights indicating that --
19 when we saw the reflection off the SUV which way was the
20 headlights coming from?

21 A. The headlights would have been coming down Maverick
22 Street and it would have swooped right from the 14
23 Maverick Street camera image.

24 Q. So which direction would the vehicle had been coming
25 from?

1 A. It would have coming from Rutledge Avenue making a
2 left on Oswego.

3 Q. I'm talking about the headlights that were right
4 there [indicates] on that SUV.

5 A. Okay. The headlights that were pointing at the SUV
6 would have been pointing in this direction [indicates]
7 casting a reflection.

8 Q. Okay. So which way did that car go?

9 A. This car inevitably made a right onto Maverick
10 Street.

11 Q. Okay. And after that car made that right onto
12 Maverick Street what is the next car that you see on the
13 Jerusalem video other the white SUV?

14 A. Okay. The next car that comes by after the SUV
15 you're going to see the van taxi, which will pull onto
16 Rutledge Avenue on the intersection.

17 Q. I'm referring to going up Maverick towards Rutledge.

18 A. Towards Rutledge? You will see the white in color
19 car seen earlier from Rutledge Avenue coming down this
20 way [indicates] then proceeding on Rutledge Avenue north.

21 Q. Okay. So you see it coming up here [indicates] and
22 then turning that way [indicates].

23 A. Correct.

24 Q. Okay.

25 [Whereupon, State's exhibit 95, video clip ends]

State v K'Sone M. Campbell
James Richardson-Direct Examination by Mr. Osborne
March 3, 2020

1 MR. OSBORNE: No further questions, Your Honor.

2 THE COURT: Cross-Examination?

3 MR. MULBRY: Thank you, Your Honor.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CROSS-EXAMINATION

2 BY MR. MULBRY:

3 Q. Good afternoon.

4 A. Afternoon.

5 Q. Now you responded to the intersection of Maverick

6 and Oswego Street the night this happened, correct?

7 A. Correct.

8 Q. And the fire department was on scene.

9 A. Correct.

10 Q. So was EMS.

11 A. Correct.

12 Q. You spoke to Deangelo Milligan.

13 A. Correct.

14 Q. Deangelo Milligan had dried blood on his hands?

15 A. Not by what I can recall.

16 Q. If I showed you your report would it help you

17 remember?

18 A. I have the report right in front of me if I can

19 refer to it if you tell me what page.

20 [Whereupon, the witness reviews document]

21 A. Yes, its page one of seven.

22 Q. And you asked crime scene to check Milligan for

23 gunshot residue?

24 A. Yes, sir.

25 MR. MULBRY: Court's indulgence.

State v K'Sone M. Campbell
James Richardson-Cross-Examination by Mr. Mulbry
March 3, 2020

1 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

2 MR. MULBRY: No further questions, Your Honor.

3 THE COURT: All right. Any redirect?

4 MR. OSBORNE: No, Your Honor.

5 THE COURT: All right. You may step down from the
6 witness stand at this time. Any objection to this
7 witness being released from subpoena at this point in
8 time?

9 MR. OSBORNE: No, Your Honor.

10 THE COURT: From the defense?

11 MR. MULBRY: Your Honor, we may need ---

12 THE COURT: --- oh right. We have one more matter.
13 Thank you so much. You can step down at this time.

14 [Whereupon, the witness is excused and exits the
15 witness stand]

16

17

18

19

20

21

22

23

24

25

1 THE COURT: All right. Ladies and gentlemen we
2 have determined based on our schedules that we will go
3 ahead and recess for the day today rather than go past 5
4 o'clock. I'm going to try to keep my promise to you all.
5 We will reconvene in the morning once again at 9:30.

6 I will let you leave for the day and I will instruct
7 you once again not to research any topics that have come
8 up. Don't look up anything about this case or the
9 parties involved. And we will see you bright and early
10 tomorrow morning at 9:30. Thank you very much.

11 [Whereupon, the jury exits at 4:41 p.m.]

12 THE COURT: Before we recess just so I have a vague
13 idea about how more of these witnesses does the State
14 anticipate we'll go through? I'm not going to hold you
15 to anything; I'm just trying to get an idea.

16 MR. OSBORNE: I'm almost certain that all our
17 bullets are in evidence so I don't think we need any of
18 the chain witnesses for that. I'm counting like eight or
19 nine.

20 THE COURT: About eight or nine. So likely the
21 State may rest tomorrow is possible, is that correct?

22 MR. OSBORNE: Yes, Your Honor.

23 THE COURT: Okay. I'm just trying to get an idea
24 so we should be good for this week. I don't think we'll
25 need to hold over the jury into next week or anything

State v K'Sone M. Campbell
Proceedings
March 3, 2020

1 like that at this point. All right. I'll see everybody
2 -- anything else I can do for y'all today?

3 MR. OSBORNE: No, Your Honor.

4 THE COURT: I'll see you in the morning about, if I
5 could have y'all back here about 9:15 that would be
6 great. We'll be at ease.

7 [Whereupon, Court is adjourned at 4:43 p.m.]

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

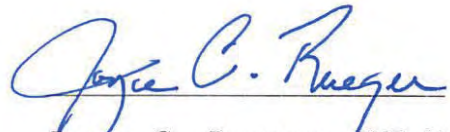
State v K'Sone M. Campbell
Certificate of the Court Reporter
March 3, 2020

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 3rd day of March, 2020.

I do further certify that I am neither of kin,
counsel, nor interest to any party hereto.

May 20, 2020



Joyce C. Rueger, CVR-M

Court Reporter

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2019-GS-10-1423
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
	)	
K' SONE MARQUAIL CAMPBELL	)	
	)	
Defendant	)	
	)	
	)	
_____	)	TRANSCRIPT OF RECORD

March 4, 2020
Charleston, South Carolina

Volume 3 (of 5)

B E F O R E:

THE HONORABLE JENNIFER B. MCCOY, JUDGE

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

DAVID L. OSBORNE, ESQ.
RICHARDS HUNDLEY, ESQ.
Attorneys for the State

REED W. MULBRY, ESQ.
MEGHAN EHRLICH, ESQ.
Attorneys for the Defendant

JOYCE C. RUEGER,
Certified Verbatim Reporter-Master
Circuit Court Reporter

[Certified Transcript Provided for: SCCID]

INDEX TO PROCEEDINGS	PAGE
PROCEEDINGS	437
CORY WATSON	
Direct Examination by Mr. Osborne	439
Cross-Examination by Mr. Mulbry	461
LINDA WILSON	
Direct Examination by Mr. Hundley	465
JACKIE DAVIS	
Direct Examination by Mr. Hundley	471
JERRY ROBERTS	
Direct Examination by Mr. Osborne	478
JASON JARRELL	
Direct Examination by Mr. Osborne	488
Cross-Examination by Mr. Mulbry	529
Redirect Examination by Mr. Osborne	541
Recross Examination by Mr. Mulbry	544
ASHLEY WOJSLAWOWICZ	
Direct Examination by Mr. Osborne	546
Cross-Examination by Mr. Mulbry	559
MEGAN FLETCHER	
Direct Examination by Mr. Osborne	561
Cross-Examination by Mr. Mulbry	575
Redirect Examination by Mr. Osborne	578

INDEX TO PROCEEDINGS (continued)

	PAGE
CHUCK JOLLIFF	
Direct Examination by Mr. Osborne	580
Cross-Examination by Mr. Mulbry	584
Redirect Examination by Mr. Osborne	586
 PAUL KRASOWSKI	
Direct Examination by Mr. Osborne	589
Cross-Examination by Mr. Mulbry	612
Redirect Examination by Mr. Osborne	618
 DR. NICHOLAS BATALIS	
Direct Examination by Mr. Osborne	620
Cross-Examination by Mr. Mulbry	636
 CERTIFICATE OF THE COURT REPORTER	642

INDEX TO EXHIBITS

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
1	CAD Report	
2	911 calls	
3	911 call (clipped version)	
4	Google overhead map	
5	Google overhead map (close up)	
6	Photo	
7	Photo	
8	Photo	
9	Photo	
10	Photo	
11	Photo	
12	Photo	
13	Photo	
14	(Not used)	
15	Photo	
16	Photo	
17	Photo	
18	Photo	
19	Photo	
20	Photo	
21	Photo	
22	Photo	
23	Photo	
24	Photo	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless
otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
25	Photo	
26	Photo	
27	Photo	
28	Photo	
29	Photo	
30	Photo	
31	Photo	
32	Photo	
33	Photo	
34	Photo	
35	Photo	
36	Photo	
37	(Not used)	
38	Photo	
39	Photo	
40	Photo	
41	Photo	
42	Photo	
43	Photo	
44	Photo	
45	Photo	
46	Photo	
47	Photo	
48	Photo	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
49	Photo	
50	Photo	
51	Photo	
52	Photo	
53	Photo	
54	Photo	
55	Photo	
56	Item 1: Black t-shirt	
57	Item 2: Black clothing	
58	Item 3: Black baseball hat	
59	Item 4: FSC (.45)	
60	Item 5: Metal jacket	
61	Item 6: Fired projectile	
62	Item 7: Bullet fragment	
63	Item 9: GSR-Deangelo Milligan	
64	CD	
65	Lineup w/Campbell	459
66	Lineup w/Young	459
67	(Not used)	
68	(Not used)	
69	Thumb drive	
70	Item 401: Barber cell	
71	Barber DEU report	484
72	Item 3: Milligan's cell	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
73	Milligan DEU report	
74	Milligan DEU report	
75	Item 36-301: Funnie cell	
76	Funnie DEU report (Skinny)	486
77	Funnie DEU report	486
78	Item 74: K'Sone's cell	
79	K'Sone DEU report	517
80	K'Sone DEU report	
81	(Not used)	
82	"We strap" message	
83	K'Sone DEU report	517
84	Item 123-1: Young's cell	
85	(Not used)	
86	(Not used)	
87	Young DEU report	487
88	CD (lineups)	
89	Lineup Phiri	
90	Lineup w/Young	
91	Lineup w/Campbell	
92	Surveillance still of K'Sone	
93	Surveillance still of Young	
94	26 Maverick	
95	Clipped video	
96	14 Maverick (whole video)	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
97	14 Maverick (clipped video)	
98	(Not used)	
99	Food Lion (clipped video)	497
100	(Not used)	
101	1000 King (clipped video)	500
102	James Simmons (whole video)	
103	James Simmons (clipped video)	605
104	Rawan surveillance (whole video)	
105	Rawan surveillance (clipped video)	443
106	(Not used)	
107	Shorty's Liquor surveillance (clipped)	505
108	Mikel Funnie Chevy Malibu pictures	
109	Mikel Funnie Chevy Malibu pictures	
110	Mikel Funnie Chevy Malibu pictures	
111	Mikel Funnie Chevy Malibu pictures	
112	Mikel Funnie Chevy Malibu pictures	
113	Mikel Funnie Chevy Malibu pictures	
114	Mikel Funnie Chevy Malibu pictures	
115	Mikel Funnie Chevy Malibu pictures	
116	Mikel Funnie Chevy Malibu pictures	
117	Mikel Funnie Chevy Malibu pictures	
118	Mikel Funnie Chevy Malibu pictures	
119	Mikel Funnie Chevy Malibu pictures	
120	Mikel Funnie Chevy Malibu pictures	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
121	Mikel Funnie Chevy Malibu pictures	
122	Mikel Funnie Chevy Malibu pictures	
123	Mikel Funnie Chevy Malibu pictures	
124	Mikel Funnie Chevy Malibu pictures	
125	Item 303: Glock G23 box	
126	(Not used)	
127	Item 310: Empty Springfield magazine	
128	Item 311: PT11 .9mm magazine	
129-A	Item 304: Taurus PT 111G2 .9mm	
129-B	Item 312: PT11 .9mm magazine	
130	Photo	
131	Photo	
132	Photo	
133	Photo	
134	Photo	
135	Photo	
136	Photo	
137	Photo	
138	Photo	
139	Photo	
140	Photo	
141	Photo	
142	Photo	
143	Photo	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless
otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
144	Photo	
145	Photo	
146	Photo	
147	Photo	
148	Photo	
149	Photo	
150	Photo	
151	Photo	
152	Photo	
153	Photo	
154	Photo	
155	Photo	
156	Photo	
157	Photo	
158	Photo	
159	Photo	
160	Photo	
161	Photo	
162	Photo	
163	Photo	
164	Photo	
165	Photo	
166	Photo	
167	Photo	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless
otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
168	Photo	
169	Photo	
170	Photo	
171	Photo	
172	Photo	
173	Photo	
174	Photo	
175	Photo	
176	Photo	
177	Photo	
178	Photo	
179	Photo	
180	Photo	
181	Photo	
182	Photo	
183	Photo	
184	Photo	
185	Photo	
186	Photo	
187	Photo	
188	Photo	
189	Photo	
190	Photo	
191	Photo	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
192	Photo	
193	Photo	
194	Photo	
195	Photo	
196	Photo	
197	Photo	
198	Photo	
199	Photo	
200	Photo	
201	Photo	
202	Photo	
203	Photo	
204	Item 219: Fired bullet-dash	
205	Item 220: Fired bullet	
206	Item 206: Fired bullet	
207	CPD Item 404: GSR Barber	
208	CPD Item 33-501: GSR Funnie	
209	Defendant Miranda card	595
210	Defendant's statement (whole)	
211	Defendant's statement (clipped)	595
212	Item 404/SLED 13: GSR kit-Barber	
213	Item 35-501/SLED 9: GSR Funnie	
214	Item 82-707/SLED 14: GSR Dodge Avenger	557
215	Photo	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless
otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
216	Photo	
217	Photo	
218	Photo	
219	Photo	
220	Photo	
221	Photo	
222	Photo	
223	Photo	
224	Photo	
225	Photo	
226	Photo	
227	Photo	
228	Photo	
229	Photo	
230	Photo	
231	Defendant's blue shirts	552
232	Defendant's torn white t-shirt	552
233	Defendant's white t-shirt	552
234	Photo	
235	Photo	
236	Photo	
237	Photo	
238	Photo	
239	Photo	

INDEX TO EXHIBITS (continued)

[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>	
240	Photo		
241	Photo		
242	Photo		
243	Photo		
244	Photo		
245	Photo		
246	Photo		
247	Photo		
248	Photo		
249	Photo		
250	Photo		
251	Photo		
252	Photo		
253	Autopsy diagram		625
254	FB of Skinny		
255	Screenshot-Milligan cell		
256	Search warrant-Milligan phone		
257	Extraction-Funnie phone		
258	Search warrant-Funnie phone		
259	Photo-943 King St.	600	601
260	Report-Officer Lohnes		
261	DVD-jail calls		

State v K'Sone M. Campbell
Proceedings
March 4, 2020

1 PROCEEDINGS

2 THE COURT: Welcome back everybody. Any matters
3 that I need to take up before I bring the jury back in
4 this morning?

5 MR. OSBORNE: Your Honor, we had discussed calling
6 Mr. Roberts to deal with the search warrant issue.

7 THE COURT: Yes.

8 MR. OSBORNE: I spoke to Mr. Roberts and he said
9 that this was a peculiar phone and that the least
10 invasive form of searching which occurred at 8:30
11 revealed is where he got all the information.

12 The latter search at 10:30 revealed nothing. So we
13 will not be seeking to introduce State's exhibit 73 nor
14 74. I will however have him I.D. them in case I need
15 them later if somehow the door is opened.

16 THE COURT: Okay. Do you need to bring him up or
17 we can just that during the course of his regular
18 testimony ---

19 MR. OSBORNE: --- I think that would ---

20 THE COURT: --- he would be testifying anyway I'm
21 assuming?

22 MR. OSBORNE: I think I can just do it in regular
23 testimony.

24 THE COURT: Okay.

25 MR. OSBORNE: And I'll also be having him identify

1 State's exhibit 82. This was the we strap message. I
2 understand the Court's ruling that we cannot introduce
3 that in our case in chief. I just want him to I.D. it in
4 case again, that comes up later.

5 THE COURT: Okay. But obviously he knows not to
6 publish it or anything like that ---

7 MR. OSBORNE: --- I'll be very careful about that.

8 THE COURT: All right. What else? Anything else
9 from the defense this morning before we get started?

10 MR. MULBRY: No, Your Honor.

11 THE COURT: I see we've got some glasses back;
12 that's good, okay. Well, we will bring the jury in
13 whenever they're ready.

14 [Whereupon, the jury enters at 9:38 a.m.]

15 THE COURT: Thank you so much. Please be seated
16 everybody. Welcome back ladies and gentlemen. Good
17 morning. Thank you all for being here so promptly this
18 morning. We sure do appreciate that. And we will go
19 ahead and get started. Mr. Osborne, the State can call
20 its next witness.

21 MR. OSBORNE: Thank you, Your Honor.
22
23
24
25

State v K'Sone M. Campbell
Cory Watson-Direct Examination by Mr. Osborne
March 4, 2020

1 MR. OSBORNE: The State calls Cory Watson.

2 [Whereupon, Mr. Watson comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please take a seat. Please speak
6 loud and clear into the mic and state your full name
7 spelling your last name for the record.

8 THE WITNESS: Cory Watson, W-A-T-S-O-N.

9 - - - - -

10 CORY WATSON,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. OSBORNE:

15 Q. Good morning, Cory. Where are you from?

16 A. Downtown Charleston.

17 Q. Okay. Born and raised here in Charleston?

18 A. Yes.

19 Q. Go to high school?

20 A. Yes.

21 Q. Which high school?

22 A. Burke.

23 Q. All right. Do you have any kids?

24 A. Yes.

25 Q. I'm just asking you some questions to kind of get

1 you used to talking to the jury and them hearing you. Do
2 you work?
3 A. Yes.
4 Q. What kind of work do you do?
5 A. Cook.
6 Q. Okay. Do you do any other kind of work?
7 A. Not no more. I used to do -- in the store --
8 THE COURT REPORTER: I'm sorry sir; I'm having
9 trouble hearing you.
10 THE COURT: That helps, thank you.
11 THE COURT REPORTER: Repeat that.
12 THE WITNESS: I used to work in a corner store.
13 Q. [Mr. Osborne] Okay. And how long did you work in
14 that corner store?
15 A. Ten years.
16 Q. Okay. And where is the corner store located?
17 A. On Maverick and King Street.
18 Q. Okay. And what is it called?
19 A. Rawan's.
20 Q. Rawan's? And sometimes I think or it used to be
21 called Lanna's [phonetic] was it?
22 A. Lanna's [phonetic].
23 Q. Lanna's [phonetic].
24 A. Lanna's [phonetic] Market.
25 Q. Okay. Let's go to May the 11th of 2017. Were you

State v K'Sone M. Campbell
Cory Watson-Direct Examination by Mr. Osborne
March 4, 2020

1 working in the market that day?

2 A. Yes.

3 Q. And when you worked at the market what was your
4 normal hours?

5 A. From 5 to close.

6 Q. Okay. And what was your position? What were your
7 duties there?

8 A. Just to stock the cooler.

9 Q. To stock the cooler? Okay. All right so just go
10 ahead and explain to the jury what you saw and you heard
11 in reference to this case.

12 A. I was just stocking the cooler and came out there
13 and as normal people came in and I just saw them talking
14 like everybody always do.

15 They start talking and then they started to get loud
16 so I just moved away and was looking at them and they
17 just started wrestling.

18 Q. Okay.

19 A. Tussling in the store.

20 Q. Okay. How many people were involved in the
21 wrestling?

22 A. It was two and then a third person came. Like I
23 said I ain't know if it was a friend or what but I don't
24 know if he was trying to help at first but they were
25 broken it up. And then they started, all three of them

State v K'Sone M. Campbell
Cory Watson-Direct Examination by Mr. Osborne
March 4, 2020

1 started wrestling and then the other guy from behind the
2 counter came and started broking them up.

3 Q. Okay. So three people. Was it two on one?

4 A. Two on one.

5 Q. Two on one? And you said some other people came and
6 broke it up. These being other employees?

7 A. Yeah.

8 Q. Okay. Do you know any of the people that were
9 involved in the fight?

10 A. I know them from being in the store.

11 Q. Okay. Just from being in the store?

12 A. Yeah.

13 Q. Do you know them by name?

14 A. Not all of them. I just know by their nicknames and
15 whatever they call them in the store.

16 Q. Okay. Well, when we watch the video then we'll go
17 through that.

18 MR. OSBORNE: Your Honor, may I approach?

19 THE COURT: Yes.

20 Q. [Mr. Osborne] I'm showing you what has been marked
21 as State's exhibit 105.

22 [Whereupon, the witness is shown exhibit]

23 Q. Can you take a look at that and tell me if you
24 recognize that?

25 A. [Indicates]

State v K'Sone M. Campbell
Cory Watson-Direct Examination by Mr. Osborne
March 4, 2020

1 Q. Is that a yes?

2 A. Yes.

3 Q. She's just writing down everything you're saying.

4 What is 105? What's on that CD?

5 A. That was the video from the camera in the store.

6 Q. Okay. So in this video does this video accurately
7 depict what you saw with your own eyes that night?

8 A. Yes.

9 Q. And how do you know that's on this CD?

10 A. Because I saw it the other day when I had viewed it.

11 Q. Okay. And are those your initials on it?

12 A. Yes.

13 MR. OSBORNE: Your Honor, at this time I'd seek to
14 admit 105 into evidence.

15 THE COURT: Any objection to 105?

16 MR. MULBRY: Your Honor, may we approach?

17 THE COURT: Sure

18 [Whereupon, an off the record bench conference is
19 held]

20 THE COURT: Go ahead. Any objection to 105 being
21 admitted?

22 MR. MULBRY: No objection, Your Honor.

23 THE COURT: All right. 105 will be admitted.

24 [Whereupon, State's exhibit number 105 is entered
25 into evidence by the Court]

State v K'Sone M. Campbell
Cory Watson-Direct Examination by Mr. Osborne
March 4, 2020

1 Q. [Mr. Osborne] All right. I'm playing from 105,
2 camera 4.

3 [Whereupon, State's exhibit 105, camera 4, plays
4 with questions from Mr. Osborne]

5 Q. [Mr. Osborne] And before we get started into this
6 what is this camera here depicting? Is it the front door
7 of the business?

8 A. Yeah.

9 Q. All right. Is this one of the individuals here that
10 was engaged in the fight?

11 A. Yeah.

12 Q. And do you know him?

13 A. Not by his name; just by him coming in the store.

14 Q. Is he a regular would you say?

15 A. He come there a lot.

16 Q. Okay. How about this guy here [indicates] in the
17 tank top?

18 A. Yeah.

19 Q. How do you know him?

20 A. He always come to the store.

21 Q. Do you know him by name?

22 A. K'Sone.

23 Q. K'Sone? Do you see K'Sone in the courtroom?

24 A. Yes.

25 Q. Can you describe what he's wearing?

State v K'Sone M. Campbell
Cory Watson-Direct Examination by Mr. Osborne
March 4, 2020

1 A. A blue shirt and grey pants.

2 MR. OSBORNE: Your Honor let the record reflect the
3 witness identified the Defendant as K'Sone.

4 THE COURT: The record will so reflect.

5 Q. [Mr. Osborne] Did you happen to hear what he was
6 saying when he came in the store?

7 A. Not when he came in the store.

8 Q. Okay. I meant to ask you do you know where the
9 Defendant lives?

10 A. Not off hand, no.

11 Q. All right. How about this guy?

12 A. That's the other guy that was fighting.

13 Q. Okay. Do you know him?

14 A. By coming in the store. I don't know his name
15 though.

16 Q. Is he a regular too?

17 A. Yeah.

18 Q. Is the Defendant a regular customer as well?

19 A. All them regular customers. They always come to the
20 store.

21 Q. All three of these guys?

22 A. Uh Huh.

23 THE COURT REPORTER: Was that yes?

24 THE WITNESS: Yes.

25 Q. [Mr. Osborne] Let me show you something real quick.

State v K'Sone M. Campbell
Cory Watson-Direct Examination by Mr. Osborne
March 4, 2020

1 I'm going to show you State's exhibit 4.
2 [Whereupon, the photograph is published]
3 Q. Can you orient yourself to this map here? Do you
4 see King Street?
5 A. Yeah.
6 Q. Do you see Moultrie?
7 A. Right.
8 Q. Is this Maverick here [indicates]?
9 A. Maverick is right there, yeah.
10 Q. You can actually write on that screen there and we
11 can all see it.
12 A. That would be Maverick right here [indicates].
13 Q. Can you put an X on where the Rawan Market would be?
14 Put a big X on it so we all can see it.
15 A. It's right there on the corner. You got the liquor
16 store and store --
17 THE COURT REPORTER: I'm sorry ---
18 Q. --- you said there is a liquor store ---
19 A. --- at the store and Rawan all on the corner
20 together.
21 Q. Okay. Do you see Moultrie Street?
22 A. It's right here [indicates].
23 Q. Do you know if and if you don't that's fine, do you
24 know if the Defendant has any family on Moultrie Street?
25 A. I don't think they live around there no more.

State v K'Sone M. Campbell
Cory Watson-Direct Examination by Mr. Osborne
March 4, 2020

1 Q. Did they use to?
2 A. Yes.
3 Q. Do you know about where on Moultrie?
4 A. The only thing I know is Moultrie Street.
5 Q. Okay.
6 A. I don't know the exact house.
7 Q. Okay. I'm playing camera 2 for the record.
8 [Whereupon, State's exhibit 105, camera 2, plays
9 with questions from Mr. Osborne]
10 Q. Okay. Can you identify yourself in here?
11 A. I'm standing right here [indicates].
12 Q. Okay. That's you leaning up against the cooler ---
13 A. --- the cooler, yes.
14 Q. Now do you see the Defendant and the other
15 individual engaged with one another?
16 A. Yes.
17 Q. Can you say what was happening then?
18 A. They was talking loud in the back.
19 Q. Was one talking louder than the other or was it kind
20 of both?
21 A. Both.
22 Q. Could you hear anything specifically that the
23 Defendant said?
24 A. All I know they was fussing. I don't know what
25 their conversation been about but all I heard was if you

State v K'Sone M. Campbell
Cory Watson-Direct Examination by Mr. Osborne
March 4, 2020

1 had felt this way why you -- we been together this whole
2 week. You could have said something then --

3 THE COURT REPORTER: I'm sorry, sir. Tell me your
4 answer again a little slower.

5 THE WITNESS: If you felt like that you should have
6 tell me. We been together this whole week. If you had
7 something to say you should have said it then.

8 Q. [Mr. Osborne] Okay. And do you remember them saying
9 anything else?

10 A. No. They just been keep on talking loud. I wasn't
11 really paying attention. Everybody come in that store be
12 talking loud like that.

13 Q. Do you remember on May the 12th of 2017 you were
14 interviewed by Detective Mark Mellette; this is the day
15 after this incident?

16 A. Yes.

17 Q. On that date do you remember telling Mark Mellette
18 the Defendant said that's my block?

19 A. That came after that.

20 Q. Oh, it was after that? Okay. I tell you what Mr.
21 Watson at any point if you remember what they were saying
22 when they were saying it just tell me and I'll stop it,
23 okay.

24 A. Okay.

25 Q. But right now this is just jawing back and forth?

State v K'Sone M. Campbell
Cory Watson-Direct Examination by Mr. Osborne
March 4, 2020

1 A. Yeah.

2 Q. I'll just stop it here for one second. This
3 gentleman that seems to be talking to the Defendant do
4 you know him?

5 A. He used to been a co-worker, Don.

6 Q. Okay. He used to be a co-worker?

7 A. Yeah.

8 Q. And the woman?

9 A. She used to be a co-worker, too.

10 Q. She used to be a co-worker, too?

11 A. Yeah.

12 [Whereupon, the video resumes]

13 A. And that when he had said you can't come down here
14 no more; this is my block. And the other guy said I can
15 come anywhere I want.

16 Q. Okay. So who said you can't come around here
17 anymore; that's my block?

18 A. He said if felt like that you can't come down here
19 no more. And the guy, the girl pushes the man I can come
20 anywhere I want. And that's when they left out the
21 store.

22 Q. Okay. I guess I'm asking who said it?

23 A. Oh, K'Sone.

24 Q. So K'Sone said, the Defendant said you can't come
25 around here anymore. That's my block.

1 A. Yeah.

2 Q. And then this man [indicates] with the Paris shirt
3 on said I can come wherever I want?

4 A. Yeah.

5 Q. Now, I'm going to show another camera here in a
6 second. But what happened with the Defendant and the guy
7 that he was with? Were they escorted out the store?

8 A. They left out the store. They just left right after
9 that.

10 Q. It looks like the guy in the Paris shirt stays in
11 the store for a while?

12 A. Yeah. We told him to just stay in the store and let
13 everything cool down.

14 Q. Y'all told him to stay?

15 A. Yeah. We tell him to stay because he been about to
16 leave out the store at the same time. And Don told him
17 to stay in the store, hold up for a second.

18 Q. He didn't fight you on that?

19 A. Huh?

20 Q. He didn't fight you on that? He stayed in the
21 store?

22 A. Yeah, he stayed in the store. He just walked like
23 he's doing now just walking back and forth. And I was
24 handing him all his phone that fall on the floor.

25 Q. He was on the phone you said?

State v K'Sone M. Campbell
Cory Watson-Direct Examination by Mr. Osborne
March 4, 2020

1 A. No. His phone had fall on the floor and we was
2 giving him all his earpiece and stuff that came off.

3 Q. All right. Then camera 4 of 105.

4 [Whereupon, State's exhibit 105, camera 4, plays
5 with questions from Mr. Osborne]

6 Q. I'm going to move ahead to the four minute nine
7 second mark. So at this point in the video the guy that
8 was inside the store with the Paris shirt he had already
9 left?

10 A. I think he already left.

11 Q. And we see the Defendant come back inside the store?

12 A. He came back and got his shirt.

13 Q. Okay. Do you remember if he said anything or what
14 he said?

15 A. No. He just came and grab his shirt.

16 Q. He was just being what?

17 A. He just came and grab his shirt.

18 Q. All right. I want to ask you one last question.

19 When we saw the guy with the Paris shirt on we saw him on
20 the phone. Did you hear anything that he was saying on
21 the phone?

22 MR. MULBRY: Objection.

23 THE COURT: Sustained ---

24 MR. OSBORNE: --- I'm not offering it for the truth
25 of the matter.

State v K'Sone M. Campbell
Cory Watson-Direct Examination by Mr. Osborne
March 4, 2020

1 THE COURT: Well he can -- I'm just afraid of what
2 his answer -- his answer might elicit hearsay.

3 MR. OSBORNE: Okay. May we approach?

4 THE COURT: Sure. Maybe you can rephrase it.

5 [Whereupon, an off the record bench conference is
6 held]

7 Q. [Mr. Osborne] When you saw the guy in the Paris
8 shirt, I think we all saw it on this, is it fair to say
9 that he was in an amped up mood?

10 A. Yeah.

11 Q. And he just got involved in a fight ---

12 MR. MULBRY: --- objection.

13 THE COURT: Leading ---

14 MR. MULBRY: --- leading ---

15 THE COURT: --- yes. Sustained.

16 Q. [Mr. Osborne] What did he just get involved in?

17 A. He is fighting.

18 Q. And how many people were fighting with him?

19 A. Like I said before really one. The other guy looked
20 like he didn't want to -- fight. I ain't know what he
21 been doing.

22 Q. When we watched that video in my office did you see
23 something in there that you didn't see in the store?

24 A. Yeah. After the camera zoom in I saw it.

25 Q. What did you see?

State v K'Sone M. Campbell
Cory Watson-Direct Examination by Mr. Osborne
March 4, 2020

1 A. The other guy had a gun.
2 Q. Which guy?
3 A. The tall slim guy that wasn't in the fight. The
4 tall guy ---
5 Q. --- the tall guy ---
6 A. --- yeah.
7 Q. You didn't see that.
8 A. I ain't saw that until y'all, until I see it in the
9 video.
10 Q. You weren't the one getting hit were you?
11 A. No.
12 Q. Let's go back. We'll go back to camera 2.
13 [Whereupon, State's exhibit 105, camera 2, plays
14 with questions from Mr. Osborne]
15 Q. I'll tell you what. Why don't we do this Mr.
16 Watson? I'm going to try to slow this down for a little
17 bit.
18 [Whereupon, the video plays in slow motion]
19 Q. I want you to watch the guy; not the Defendant but
20 the other one. Is that what you're referring to?
21 A. Yes.
22 Q. You didn't see that when it was going on right ---
23 MR. MULBRY: --- objection ---
24 A. --- no.
25 MR. MULBRY: Leading.

State v K'Sone M. Campbell
Cory Watson-Direct Examination by Mr. Osborne
March 4, 2020

1 THE COURT: Yes. Sustained. Just rephrase it and
2 make sure you're not asking him close ended questions.

3 Q. [Mr. Osborne] Same question. Did you or did you not
4 see that?

5 A. Not at that time, no.

6 Q. Okay. But you saw it -- or did you see it in my
7 office?

8 A. In your office, yeah.

9 Q. Okay. You weren't getting hit were you?

10 A. No ---

11 MR. MULBRY: --- objection.

12 THE COURT: Sustained.

13 Q. [Mr. Osborne] Were you getting hit?

14 A. No.

15 Q. Okay. But the individual that was getting hit did
16 you hear him say something after this?

17 MR. MULBRY: Objection.

18 THE COURT: Sustained.

19 Q. [Mr. Osborne] I'm not asking what he heard. I'm
20 asking if he heard.

21 THE COURT: Okay. Well, ask if he heard it.

22 Q. [Mr. Osborne] Did you hear him say something after
23 this?

24 A. After the fight, the only thing he was saying after
25 the fight was ---

State v K'Sone M. Campbell
Cory Watson-Direct Examination by Mr. Osborne
March 4, 2020

1 MR. MULBRY: --- objection.

2 THE COURT: All right. I'll allow it this time.

3 Q. [Mr. Osborne] When he was on the phone this man who
4 is getting struck with what looks to be a pistol what did
5 you hear him say?

6 A. After the fight all I know is he got on the phone
7 and tell someone to come pick him up.

8 Q. What did he say?

9 MR. MULBRY: Objection.

10 THE COURT: Same objection, same ruling. Sustained
11 -- or overruled.

12 A. He just been calling someone to come to the store
13 and come get me now.

14 Q. [Mr. Osborne] Come get me now?

15 A. You can come get me now. Come to the store and come
16 get me.

17 Q. Okay. All right. These three guys that were
18 engaged in this fight have you seen all three of them in
19 the store together at the same time before?

20 A. All in the store together not like come in the store
21 but it's like a hangout spot so everybody be in that
22 store, yeah.

23 Q. Okay. And you haven't seen anything like this
24 before or have you?

25 A. Yeah.

State v K'Sone M. Campbell
Cory Watson-Direct Examination by Mr. Osborne
March 4, 2020

1 Q. Fighting like that?
2 A. Yeah, but not them. But other people.
3 Q. Okay. But not them?
4 A. Yeah, right.
5 MR. OSBORNE: Your Honor, may I approach?
6 THE COURT: Yes.
7 Q. [Mr. Osborne] I want to show you State's exhibit
8 254. Can you take ---
9 MR. MULBRY: --- Your Honor, may we approach?
10 THE COURT: Yes.
11 [Whereupon, an off the record bench conference is
12 held]
13 THE COURT: Please continue.
14 MR. OSBORNE: Your Honor, may I approach?
15 THE COURT: Yes.
16 Q. [Mr. Osborne] All right. I'm showing you State's
17 exhibit 254.
18 [Whereupon, the witness is shown exhibit]
19 Q. I don't want you to read anything from that or
20 anything like that. I just want you to look at the
21 picture of the guy that's in the middle there
22 [indicates]. Have you ever seen that guy before in the
23 store?
24 A. I can't recall.
25 Q. Okay. So it's fair to say he's not a regular?

State v K'Sone M. Campbell
Cory Watson-Direct Examination by Mr. Osborne
March 4, 2020

1 A. I don't think -- he might be but I don't believe --
2 so much people come in the store I don't remember seeing
3 him.

4 Q. Okay. So the three people that were engaged in the
5 fighting you had seen them before but you're not sure
6 about this guy?

7 A. Not that guy, no.

8 Q. Okay. All right.

9 MR. OSBORNE: Your Honor, may I approach?]

10 THE COURT: Yes.

11 Q. [Mr. Osborne] I'm showing you what has been marked
12 as State's exhibit 65 and 66.

13 [Whereupon, the witness is shown photographs]

14 Q. Can you take a look at those and tell me if you
15 recognize those?

16 A. Yes.

17 Q. What are they?

18 A. It's a photograph with the people in it. It's a
19 photograph. I know I could identify --

20 Q. Okay.

21 THE COURT REPORTER: I'm sorry. You're going to
22 need to speak up.

23 THE WITNESS: Asked me if I can identify the people
24 in that photograph.

25 Q. [Mr. Osborne] Okay. The day after this incident did

1 you or did you not meet with the detectives?

2 A. Yes.

3 Q. And during that meeting did they show you a lineup?

4 A. Yes.

5 Q. Two, in fact?

6 A. Two, yeah.

7 Q. Okay. And are those the lineups that they showed
8 you?

9 A. Yes.

10 Q. Okay. Now when the detective presented those
11 lineups to you did he at all say or suggest to you that
12 you should pick out somebody in there?

13 A. No.

14 Q. Did he say to you Mr. Watson I really need you to
15 pick out I don't know number 2 or number 3 or anything
16 like that?

17 A. No.

18 Q. Okay. And is that your signature on the bottom of
19 each?

20 A. Yes.

21 MR. OSBORNE: Your Honor, at this time I'd seek to
22 admit 66 and 65 into evidence.

23 THE COURT: Any objection to those that are
24 previously ruled upon at the beginning of trial?

25 MR. MULBRY: Your Honor, just my pretrial

State v K'Sone M. Campbell
Cory Watson-Direct Examination by Mr. Osborne
March 4, 2020

1 objection.

2 THE COURT: Those are renewed and the ruling will
3 remain the same. They will come in.

4 [Whereupon, State's exhibit numbers 65 and 66 are
5 entered into evidence by the Court]

6 [Whereupon, the photograph is published]

7 Q. [Mr. Osborne] Okay. I'm showing you 65 at first.
8 And I saw you reading this up there Mr. Watson. So when
9 the detective presented this lineup to you he read this
10 whole paragraph here [indicates]?

11 I'm going to show you a group of photographs. The
12 photo may or may not contain the person?

13 A. Right.

14 Q. That kind of stuff?

15 A. Yeah.

16 Q. And is this your signature down here [indicates]?

17 A. Yes.

18 Q. And I see that you picked out number one saying you
19 were or was able to make a positive I.D.?

20 A. Yes.

21 Q. Who is number one?

22 A. K'Sone.

23 Q. Okay. Your initials [indicates]?

24 A. Yes.

25 [Whereupon, the photograph is published]

1 Q. And then on 66 did the detective go through the same
2 process?

3 A. Yes.

4 Q. And I see on here you said you was. Is it number
5 six and is that your signature?

6 A. Yes.

7 Q. Okay. And six is that your initials there
8 [indicates]?

9 A. Yes.

10 Q. Okay. And is this the guy wearing the Paris shirt
11 or is that the guy who was fighting with the Defendant
12 who looked like he could have been armed?

13 A. Yes, the guy who was with K'Sone.

14 Q. Okay.

15 MR. OSBORNE: No further questions, Your Honor.

16 THE COURT: All right. Cross-Examination?

17 MR. MULBRY: May it please the Court?

18

19

20

21

22

23

24

25

State v K'Sone M. Campbell
Cory Watson-Cross-Examination by Mr. Mulbry
March 4, 2020

1	CROSS-EXAMINATION
2	BY MR. MULBRY:
3	Q. Hi Cory.
4	A. Hey.
5	Q. You testified you witnessed the fight.
6	A. Yes.
7	Q. And you recognized my client K'Sone?
8	A. Yes.
9	Q. And you saw another guy the Solicitor referred to
10	him as the guy in the Paris shirt?
11	A. Yes.
12	Q. And those two individuals were fighting, right?
13	A. Yes.
14	Q. And the younger guy, the slimmer guy he kind of came
15	in later.
16	A. He came in. He was there the whole time. He came
17	in right behind K'Sone but he was just walking in the
18	back part.
19	Q. Okay. And now you didn't see my client with a gun,
20	right?
21	A. No.
22	Q. And you didn't see the guy in the Paris shirt pull a
23	gun?
24	A. No.
25	Q. And you testified this wasn't the first time you

1 seen K'Sone in the store.

2 A. No, not the first time.

3 Q. Or the guy in the Paris shirt?

4 A. Right.

5 Q. You recognized both of them?

6 A. Yes.

7 Q. And in the weeks or in the time leading up to May

8 11th you saw them coming in the store together, right?

9 A. Not together; they be in the store.

10 Q. Okay. Do you remember giving a statement to

11 Detective Jarrell on May 12th?

12 A. Yes.

13 Q. Do you remember telling Detective Jarrell that the

14 three of them have been coming in together; they have

15 been coming in the store together all week.

16 But the two that really been fighting they had been

17 in there like two or three times before that.

18 A. They be like one might come in the store and the

19 other one they will talk and greet each other, you know

20 shake each other hand and talk like that. Yeah, like

21 that.

22 Q. They talked?

23 A. Yeah.

24 Q. So the guy in the Paris shirt and my client would be

25 talking.

State v K'Sone M. Campbell
Cory Watson-Cross-Examination by Mr. Mulbry
March 4, 2020

1 A. Yeah, they talk. Not like fussing like you know
2 just talking like hey how you doing.

3 Q. Acting like friends, right?

4 A. Yeah.

5 Q. And that happened on multiple occasions, correct?

6 A. Yeah, I see them do that. Give words to each other
7 the same time; talking, joking.

8 Q. So every time you've seen them before this occasion
9 they've been acting like friends.

10 A. Yeah.

11 MR. MULBRY: Court's indulgence.

12 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

13 Q. [Mr. Mulbry] Just a quick question. Now you saw the
14 surveillance video, correct, that the Solicitor just
15 showed you.

16 A. Yes.

17 Q. It's got a timestamp on it right? Do you store the
18 surveillance video? Do you know how that's stored?

19 A. No. I don't know nothing about that camera.

20 Q. So the time on that you can't say that's the correct
21 time or not?

22 A. I can't. I don't know nothing about that.

23 MR. MULBRY: Court's indulgence.

24 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer with
25 the Defendant]

State v K'Sone M. Campbell
Cory Watson-Cross-Examination by Mr. Mulbry
March 4, 2020

1 MR. MULBRY: No further questions, Your Honor.

2 THE COURT: Any redirect?

3 MR. OSBORNE: No, Your Honor.

4 THE COURT: Thank you so much, Mr. Watson. You're
5 free to leave. Any objection to him being released from
6 subpoena?

7 MR. OSBORNE: No, Your Honor.

8 MR. MULBRY: None, Your Honor.

9 THE COURT: Okay. You're free to leave. Thank
10 you, sir.

11 [Whereupon, the witness is excused and exits the
12 witness stand]

13 THE COURT: The State may call its next witness.
14
15
16
17
18
19
20
21
22
23
24
25

State v K'Sone M. Campbell
Linda Wilson-Direct Examination by Mr. Hundley
March 4, 2020

1 MR. HUNDLEY: The State calls Linda Wilson.

2 [Whereupon, Ms. Wilson comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please be seated. Please speak
6 loud and clear into the mic. State your full name for
7 the record spelling your last name.

8 THE WITNESS: My name is Linda Wilson, W-I-L-S-O-N.

9 - - - - -

10 LINDA WILSON,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. HUNDLEY:

15 Q. Thank you, Ms. Wilson. Where are you currently
16 employed?

17 A. City of Charleston Police Department evidence
18 division as an evidence tech.

19 Q. And where did you work before that?

20 A. City of Charleston Police Department evidence
21 division, evidence tech. I presently work in forensic
22 services.

23 Q. And how long have you been in your current position?

24 A. My current position about almost three years.

25 Q. And how long were you in your prior position?

1 A. Eight years.

2 Q. What were your duties at the evidence department?

3 A. Evidence I received and stored evidence and
4 maintained the chain of custody.

5 Q. So, part of those duties were included in handling
6 evidence and transferring them?

7 A. Yes, sir.

8 Q. Could you describe that process please?

9 A. When officers submit evidence I would take the
10 evidence in, accept it into our evidence division. When
11 an officer wanted a piece of evidence they would sign the
12 evidence out.

13 Q. But did you receive evidence directly?

14 A. Yes, directly and from our lockers.

15 Q. But it would be signed for whenever it was taken in
16 or out.

17 A. Yes.

18 Q. By whoever was taking it out?

19 A. Yes, sir.

20 Q. With you as well did you sign for it? Just sign off
21 on it?

22 A. Yes, yes.

23 Q. Now when you come into possession of this evidence
24 do you check to see if it is tampered with or damaged or
25 anything like that?

State v K'Sone M. Campbell
Linda Wilson-Direct Examination by Mr. Hundley
March 4, 2020

1 A. Yes, sir.

2 Q. What would happen if it was tampered with or
3 damaged?

4 A. I would not accept it and --

5 THE COURT REPORTER: And you would what?

6 THE WITNESS: Get a hold of the officer and have
7 him come back and correct the mistake.

8 Q. [Mr. Hundley] Yes, ma'am. Thank you.

9 MR. HUNDLEY: Your Honor, may I approach?

10 THE COURT: Yes.

11 Q. [Mr. Hundley] Now, I'm showing you State's exhibit
12 63, 214, 207 and 208.

13 [Whereupon, the witness is shown exhibits]

14 Q. Do you recognize all those?

15 A. Yes, sir.

16 Q. For 63 how do you recognize that?

17 A. For 63 I received it from a locker.

18 Q. Do you know who signed for it through the locker?

19 A. The person who entered this evidence in that locker
20 was Rene Charles.

21 Q. Now what about 207 and 208? How do you recognize
22 those?

23 A. 207 and 208 was the same way; I received it from a
24 locker and Jeff Miller.

25 Q. Jeff Miller signed for it?

State v K'Sone M. Campbell
Linda Wilson-Direct Examination by Mr. Hundley
March 4, 2020

1 A. Yes, sir.

2 Q. Now at the bottom of 214 how do you recognize that?

3 A. 214 was the same thing. I received it from a locker
4 and Jeff Miller. That was 208?

5 Q. 214.

6 A. I'm sorry; 214.

7 Q. That's okay.

8 A. That was Ashley --

9 THE COURT REPORTER: Ashley?

10 THE WITNESS: WoJo.

11 MR. HUNDLEY: I have the spelling if you'd like the
12 spelling.

13 THE WITNESS: And that is a short for her name.

14 Q. [Mr. Hundley] And what did you do with all this
15 evidence?

16 A. I accepted it into our evidence division and stored
17 it.

18 Q. And who came into possession of it after you
19 received it?

20 A. After I stored it I didn't sign it out to no one
21 after that.

22 Q. Did you give the evidence to a Mr. Hinton?

23 A. Mr. Hinton was my supervisor. So if he's part of
24 that division so the evidence I accepted it in and stored
25 it into our evidence division.

State v K'Sone M. Campbell
Linda Wilson-Direct Examination by Mr. Hundley
March 4, 2020

1 Q. So typically how it works is you store it and then
2 someone will come pick it up later?

3 A. Yes.

4 Q. And then sign for that as well?

5 A. Yes, sir.

6 Q. And in this case that would be Mr. Hinton?

7 A. Mr. Hinton, no. He's our supervisor so he never
8 received the evidence. He just -- if someone came into
9 it was myself, Mr. Hinton and another co-worker. If
10 somebody came in and Hinton was there he would sign the
11 evidence out to that individual.

12 Q. Okay. These items do they appear substantially the
13 same as when you last saw them?

14 A. Yes.

15 MR. HUNDLEY: Beg the court's indulgence.

16 [Whereupon, Mr. Osborne and Mr. Hundley confer]

17 MR. HUNDLEY: No further questions, Your Honor.

18 THE COURT: All right. Any cross-examination for
19 this witness?

20 MR. MULBRY: No, Your Honor.

21 THE COURT: Ma'am, you may step down. Any objection
22 to her being released from subpoena?

23 MR. HUNDLEY: No, Your Honor.

24 MR. MULBRY: None, Your Honor.

25 THE COURT: You're free to leave. Thank you,

State v K'Sone M. Campbell
Linda Wilson-Direct Examination by Mr. Hundley
March 4, 2020

1 ma'am.

2 [Whereupon, the witness is excused and exits the
3 witness stand]

4 THE COURT: Next witness?

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v K'Sone M. Campbell
Jackie Davis-Direct Examination by Mr. Hundley
March 4, 2020

1 MR. HUNDLEY: The State calls Jackie Davis.

2 [Whereupon, Ms. Davis comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please take a seat. Speak loud
6 and clear into the mic. State your full name and spell
7 your last name for the record.

8 THE WITNESS: Jackie Davis, D-A-V-I-S.

9 - - - - -

10 JACKIE DAVIS,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. HUNDLEY:

15 Q. Thank you, Ms. Davis. Where are you currently
16 employed?

17 A. South Carolina Law Enforcement Division also known
18 as SLED.

19 Q. And how long have you been there?

20 A. Since February of 2015.

21 Q. And what's your position there?

22 A. I'm a forensic technician.

23 Q. What sort of duties does a forensic technician
24 entail?

25 A. In my particular case I'm in the evidence room. We

State v K'Sone M. Campbell
Jackie Davis-Direct Examination by Mr. Hundley
March 4, 2020

1 transfer and log in evidence that the agencies bring us
2 to analyze.

3 Q. So transfer and logging in evidence?

4 A. Yes.

5 Q. When you come in possession of evidence do you check
6 to see if it has been damaged, tampered with, or altered
7 in any way?

8 A. We check to make sure it is sealed from the
9 receiving agency.

10 Q. Now let's talk about the evidence in this case.

11 MR. HUNDLEY: Your Honor, may I approach?

12 THE COURT: Yes.

13 Q. [Mr. Hundley] I'm showing you State's 208, 207, 214,
14 and 63.

15 [Whereupon, the witness is shown exhibits]

16 Q. Do you recognize these items?

17 A. I do.

18 Q. And how do you recognize those items?

19 A. They have a unique lab number. Every time we log
20 something into SLED it gets a unique lab number.

21 Q. And when do you receive all these items of evidence?

22 A. I'm sorry?

23 Q. When did you receive these items of evidence?

24 A. I received them it looks like on 1-28-20 from Luke
25 Spratt of Charleston City PD.

State v K'Sone M. Campbell
Jackie Davis-Direct Examination by Mr. Hundley
March 4, 2020

1 Q. And what did you do once you received them?

2 A. I did check to make sure it was sealed to meet our
3 standards, and it was, and then I logged it in. Once
4 it's logged in we put it in a secure evidence room until
5 the analyst requests it.

6 Q. Had any of these items been altered or tampered with
7 at all would you have accepted them?

8 A. No.

9 Q. Were they?

10 A. They were not.

11 Q. Had they been you would not have accepted them?

12 A. That's correct.

13 Q. And do they appear substantially the same as they
14 were then?

15 A. Other than where the analyst cut it open to analyze
16 it and then sealed it back yes, it's the same.

17 Q. Thank you.

18 MR. HUNDLEY: No further questions, Your Honor.

19 THE COURT: All right. Any cross-examination for
20 this witness?

21 MR. MULBRY: None, Your Honor.

22 THE COURT: Any objection to her being excused?

23 MR. HUNDLEY: No, Your Honor.

24 THE COURT: All right. You can be excused. You're
25 free to leave. Thank you, ma'am.

State v K'Sone M. Campbell
Jackie Davis-Direct Examination by Mr. Hundley
March 4, 2020

1 [Whereupon, the witness is excused and exits the
2 witness stand]
3 THE COURT: Ready for your next witness?
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 MR. OSBORNE: The State calls Jerry Roberts.

2 [Whereupon, Mr. Roberts comes forward]

3 [Whereupon, the Clerk confers with the Court]

4 THE COURT: Before you're sworn in detective we'll
5 take a quick break. We'll be at ease for about five or
6 ten minutes everybody. Thank you so much.

7 [Whereupon, the jury exits at 10:28 a.m.]

8 THE COURT: Thank you. We'll take a break.

9 [Whereupon, Court is in recess from 10:28 a.m. until
10 10:39 a.m.]

11 THE COURT: All right. I wanted to say a couple of
12 things while we have everybody in here. Number one, if
13 you have any conversations you need to be with anybody
14 this courtroom is great and it is big but it has the
15 worst acoustics of any room in this building. And for
16 some reason it's hard for us to hear somebody on the
17 witness stand but if you're whispering in the back row
18 it's like loud and clear up here.

19 So just if you need to have a conversation it's
20 fine; just walk outside to do it and then come back in.
21 I don't mind if you come and go. That doesn't bother me
22 at all; nearly as much as the talking in here.

23 And then number two I need to put something on the
24 record regarding -- I wanted to verbalize my ruling on
25 your hearsay objection to the Maverick Maverick statement

1 and just make that a little bit more clear. So I just --
2 obviously after you came up to the bench we had a short
3 discussion. I disagreed with the Solicitor that he
4 asserted that that was not hearsay and I disagreed with
5 that. And then he stated he would try to get in it under
6 excited utterance exception. He did lay a foundation.

7 Obviously I took into fact -- into consideration the
8 fact that there was obviously a very short amount of time
9 that transpired between the events that led up to the
10 statement and the statement itself, the first-hand
11 knowledge of the person who heard the statement, the fact
12 that there is a startling event that took place right
13 before the statement was made.

14 So therefore I did allow it in pursuant to State v
15 Davis which is 371 S.C. 170 as well as State v
16 Stahlnecker 386 S.C. 609. I just wanted to make that
17 clear for the record that your objection was preserved in
18 a timely manner. All right, anything else before we
19 bring the jury back in?

20 MR. OSBORNE: No, Your Honor.

21 MR. MULBRY: No, Your Honor.

22 THE COURT: All right. We can bring them back if
23 they're ready.

24 MR. MULBRY: Very quickly, Your Honor.

25 THE COURT: Okay.

State v K'Sone M. Campbell
Proceedings
March 4, 2020

1 MR. MULBRY: It's my understanding he did not
2 testify saying Maverick Maverick. He testified ---

3 THE COURT: --- he heard that ---

4 MR. MULBRY: --- he said that come get me ---

5 THE COURT: --- yeah, you're right ---

6 MR. MULBRY: --- at the end of the day ---

7 THE COURT: --- correct, whatever ---

8 MR. MULBRY: --- it was come get me.

9 THE COURT: Thank you for clarifying that for me.
10 I think I was referring to what we thought he said.

11 [Whereupon, the jury enters at 10:41 a.m.]

12 THE COURT: Thank you so much. Are we ready to
13 proceed?

14 MR. OSBORNE: Yes, Your Honor.

15 THE COURT: All right. Call your next witness.
16
17
18
19
20
21
22
23
24
25

State v K'Sone M. Campbell
Jerry Roberts-Direct Examination by Mr. Osborne
March 4, 2020

1 MR. OSBORNE: The State calls Jerry Roberts.

2 [Whereupon, Mr. Roberts comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please take a seat. Please state
6 your full name spelling your last name for the record.

7 THE WITNESS: Detective Jerry Roberts, R-O-B-E-R-T-S.

8 - - - - -

9 JERRY ROBERTS,

10 Having been first duly sworn,

11 Was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. OSBORNE:

14 Q. Good morning, Mr. Roberts.

15 A. Good morning.

16 Q. Where do you work?

17 A. City of Charleston Police Department.

18 Q. All right. And how long have you been employed with
19 the city?

20 A. A little over 30 years.

21 Q. Can you tell us what you do for the city and your
22 previous work experience?

23 A. Currently I am the director and analyst in the
24 computer digital evidence unit where I've been working
25 since 2003. I started that unit shortly after returning

State v K'Sone M. Campbell
Jerry Roberts-Direct Examination by Mr. Osborne
March 4, 2020

1 from a short stay with the FBI. I was able to get it
2 internationally accredited and we've been accredited
3 internationally by -- Lab and ANAB, since 2000 --

4 THE COURT REPORTER: Accredited by tell me again.

5 THE WITNESS: ASCLD Lab and ANAB. Those are the
6 two accredited bodies since 2006.

7 Q. [Mr. Osborne] Okay. And do you have -- and I know
8 we're going to talk about this a little bit in a minute
9 but do you have any specific training in regards to
10 digital evidence?

11 A. Yes, sir.

12 Q. Could you relay that to the jury?

13 A. Yes. I've received hundreds of hours in digital
14 evidence computer forensic training from the National
15 White Collar Crime Center, the FBI in Quantico,
16 Department of Homeland Security and numerous vendors that
17 we utilize in the lab.

18 I'm a certified crime examiner through the National
19 White Collar Crime Center. And being accredited we have
20 a proficiency program where we are annually proficiency
21 tested and I've tested proficient every year since we've
22 been in existence.

23 Q. Okay. Have you ever been qualified as an expert in
24 the field of digital evidence analysis before ---

25 A. --- yes, sir.

State v K'Sone M. Campbell
Jerry Roberts-Direct Examination by Mr. Osborne
March 4, 2020

1 Q. In what courts?

2 A. In this court, Family Court in both Dorchester and
3 Berkeley County and also criminal court there.

4 Q. Okay. And I know you mentioned the courts but about
5 how many times would you estimate?

6 A. A dozen or so, two dozen.

7 Q. All right.

8 MR. OSBORNE: Your Honor, at this time we'd seek to
9 qualify Mr. Roberts as an expert in the field of digital
10 evidence.

11 THE COURT: Any objection?

12 MR. MULBRY: No objection, Your Honor.

13 THE COURT: Without objection he will be admitted
14 as an expert in that area. And ladies and gentlemen once
15 again I'm going to instruct you that we know people can't
16 normally give opinions from the witness stand. However,
17 the exception exists when someone is deemed an expert in
18 a certain area.

19 This individual will be qualified as an expert to
20 give opinions in the area of digital evidence. Once
21 again, that doesn't mean you have to accept his opinion
22 but its information for you to use in any way that you
23 see fit. Please go ahead.

24 MR. OSBORNE: Thank you, Judge.

25 Q. [Mr. Osborne] So, we talked a little bit about it

State v K'Sone M. Campbell
Jerry Roberts-Direct Examination by Mr. Osborne
March 4, 2020

1 but what does the term digital evidence mean?

2 A. Digital evidence is basically the examination of any
3 evidence from mobile media of a probative value.

4 Q. Okay. And mobile media I guess?

5 A. Mobile media could be defined as cell phones,
6 tablets; entertainment systems in vehicles, DVR systems
7 in say your gas stations, grocery stores, Walmart.

8 Q. Okay. And just so we can give the jury an overview
9 of how this works when case agents, detectives from
10 various agencies need some mobile unit downloaded or
11 analyzed you're the guy they bring it to?

12 A. Yes, sir.

13 Q. Okay. And did you have the occasion to look at some
14 cell phones in this case?

15 A. Yes sir, I did.

16 Q. All right.

17 MR. OSBORNE: Your Honor, may I approach?

18 THE COURT: Yes.

19 Q. [Mr. Osborne] I'm going to start by showing you 69.

20 [Whereupon, the witness is shown exhibit]

21 Q. I know this is a thumb drive and there's not much --
22 well, what is it?

23 A. It's a USB thumb drive.

24 Q. Okay. So when you download these phones that
25 information has to be stored somehow, right?

State v K'Sone M. Campbell
Jerry Roberts-Direct Examination by Mr. Osborne
March 4, 2020

- 1 A. Yes, sir.
- 2 Q. Okay. And does that -- just for I.D. purposes does
3 that thumb drive contain some of the downloads ---
- 4 A. --- yes ---
- 5 Q. --- from these phones ---
- 6 A. --- yes. It would be either a thumb drive or a DVD
7 depending upon the size of the information that we're
8 providing. Multiple phones would more than likely be on
9 a USB drive.
- 10 Q. Okay. We'll start off with these two and again this
11 is for I.D. purposes only. I'm starting with State's
12 exhibit 70 and 72.
- 13 [Whereupon, the witness is shown exhibits]
- 14 Q. Did you take -- did you have the occasion to
15 download those phones?
- 16 A. Yes sir, I did.
- 17 Q. Okay. And now when, and just for clarification when
18 you're downloading a phone you're actually hooking it up
19 and you're getting the contents that is on the phone.
- 20 A. Correct.
- 21 Q. Sometimes -- can you all the time get all of the
22 contents?
- 23 A. No.
- 24 Q. It depends?
- 25 A. It depends on the device, the manufacturer, and the

State v K'Sone M. Campbell
Jerry Roberts-Direct Examination by Mr. Osborne
March 4, 2020

1 current state of the security enabled on the device.

2 Q. Okay. We'll start off with from 70 --

3 MR. OSBORNE: Your Honor, may I approach again?

4 Q. [Mr. Osborne] I'm showing you 71.

5 [Whereupon, the witness is shown exhibit]

6 Q. Can you take a look at 71 and tell me how that
7 relates to 70?

8 A. Yes. That's the SIM dates. That would be the SIM
9 card from that device with the serial number of the SIM
10 card.

11 Q. Okay. And again ---

12 A. --- I'm saying also the telephone number that is
13 assigned to it; that's the 1843.

14 Q. So is it or is it not fair to say that 71 just
15 contains one bit of information that was downloaded from
16 that phone?

17 A. Yes.

18 Q. Okay.

19 MR. OSBORNE: Your Honor, at this time we'd seek to
20 admit 71 into evidence.

21 THE COURT: Any objection to 71?

22 MR. MULBRY: Court's indulgence.

23 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

24 THE COURT: And just for the record Mr. Osborne

25 when he says that phone you might want to reference which

State v K'Sone M. Campbell
Jerry Roberts-Direct Examination by Mr. Osborne
March 4, 2020

1 one. Did you hand him two?
2 MR. OSBORNE: I did.
3 Q. [Mr. Osborne] So 71 comes from 70, is that correct?
4 A. Yes. I don't have -- I've got three and I've got
5 1401.
6 Q. State's 70.
7 A. Oh, sorry about that.
8 Q. That's okay.
9 A. State's exhibit 70. We use a different numbering.
10 THE COURT: Thank you. Did you seek to admit 71?
11 MR. OSBORNE: I did.
12 THE COURT: Discuss this? Did you have any
13 objection to 71 being admitted?
14 MR. MULBRY: No objection.
15 THE COURT: All right. Thank you.
16 [Whereupon, State's exhibit number 71 is entered
17 into evidence by the Court]
18 Q. [Mr. Osborne] And now we're going to talk about 72.
19 MR. OSBORNE: Your Honor, may I approach?
20 THE COURT: Uh Huh.
21 Q. [Mr. Osborne] I do not want -- do not publish any of
22 this information that is on these documents ---
23 A. --- right ---
24 Q. --- just tell me just for I.D. purposes only; again
25 I don't need to know what's on the documents. Were those

State v K'Sone M. Campbell
Jerry Roberts-Direct Examination by Mr. Osborne
March 4, 2020

1 documents downloaded from 72? 73 and 74 did that come
2 from 72?

3 A. Yes.

4 Q. Okay. All right. I'm going to just keep rolling
5 here. I'm showing you 75, 76, and 77.

6 [Whereupon, the witness is shown exhibits]

7 Q. Did you download 75?

8 A. Yes, sir.

9 Q. Okay. Does 76 and 77 contain information that came
10 from 75?

11 A. Yes, it does.

12 MR. OSBORNE: Your Honor, at this time we'd seek to
13 admit 76 and 77 into evidence.

14 THE COURT: And this comes from which?

15 MR. OSBORNE: From 75.

16 THE COURT: Any objection to those; 76 and 77?

17 MR. MULBRY: Court's indulgence.

18 THE COURT: Take your time.

19 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

20 MR. MULBRY: Your Honor, I'd just renew my prior
21 pretrial objections, pretrial objections.

22 THE COURT: Okay. Just so I'm real clear too Mr.
23 Osborne if y'all will come forward just for my
24 clarification.

25 [Whereupon, an off the record bench conference is

State v K'Sone M. Campbell
Jerry Roberts-Direct Examination by Mr. Osborne
March 4, 2020

1 held]

2 THE COURT: All right. They will be admitted.
3 Your objection was renewed for the record timely but my
4 ruling stands on the objection. 76 and 77; thank you Mr.
5 Osborne.

6 [Whereupon, State's exhibit numbers 76 and 77 are
7 entered into evidence by the Court]

8 Q. [Mr. Osborne] Okay. All right. Again, I'm showing
9 you 78.

10 [Whereupon, the witness is shown exhibit]

11 Q. Did you have the occasion to download this phone?

12 A. Yes, sir.

13 Q. And again I would ask that you not publish any of
14 this information. Just tell me if these documents,
15 State's exhibit 79, 80, 82, and 83 did in fact come from
16 78 for I.D. purposes only?

17 [Whereupon, the witness is shown exhibits]

18 A. Yes, sir.

19 Q. Okay. All right. Last one. I'm showing you
20 State's 84 and ask you if you recognize that and if that
21 relates to State's exhibit 87.

22 [Whereupon, the witness is shown exhibits]

23 A. Yes, sir.

24 Q. All right. So 84 is a phone you downloaded?

25 A. Yes. And if I may the reason why I know that is

State v K'Sone M. Campbell
Jerry Roberts-Direct Examination by Mr. Osborne
March 4, 2020

1 that we place evidence labels on these devices. And once
2 that we add them you can see my initials there WJR, which
3 is William Jerry Roberts, and that's the initials I would
4 put on the device once I've handled it and put it back;
5 that's how I can tell.

6 Q. Okay.

7 MR. OSBORNE: Your Honor, at this time I'd seek to
8 admit State's exhibit 87 into evidence.

9 THE COURT: Any objection to 87?

10 MR. MULBRY: No objection.

11 THE COURT: Without objection it's admitted.

12 [Whereupon, State's exhibit number 87 is entered
13 into evidence by the Court]

14 MR. OSBORNE: No further questions, Your Honor.

15 THE COURT: Cross-examination of this witness?

16 MR. MULBRY: None, Your Honor.

17 THE COURT: All right. Thank you very much. Any
18 objection to him being released?

19 MR. OSBORNE: No, Your Honor.

20 MR. MULBRY: No, ma'am.

21 THE COURT: You're free to leave. Thank you, sir.

22 [Whereupon, the witness is excused and exits the
23 witness stand]

24 THE COURT: The State may call its next witness.

25

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 MR. OSBORNE: The State calls Detective Jason
2 Jarrell.

3 [Whereupon, Detective Jarrell comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: Please have a seat. Please state
7 your full name and spell your last name for the record.

8 THE WITNESS: My name is Jason Jarrell; last name
9 is spelled J-A-R-R-E-L-L.

10 - - - - -

11 JASON JARRELL,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. OSBORNE:

16 Q. All right. Detective, where are you employed?

17 A. I'm employed with the City of Charleston Police
18 Department.

19 Q. And how long have you been there?

20 A. I've been there for 12 years.

21 Q. What have been some of your various assignments
22 while at CPD?

23 A. I started out on patrol downtown on the peninsula.

24 I transferred to West Ashley and was a member of the

25 community action team where I ran patrol in you could say

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 troubled neighborhoods. And I was also part of a program
2 that was ran by me and one other officer for at risk
3 youths from the West Ashley area. After that I became a
4 robbery detective in the Central Detectives unit.

5 And after being a robbery detective I became a
6 Violent Crime Unit detective. From there I went on as a
7 task force officer with the Drug Enforcement
8 Administration on behalf of Charleston Police.

9 Q. All right. What are some of the type of cases or
10 your responsibilities and duties as a violent crime
11 detective?

12 A. As a violent crime detective we're typically
13 assigned cases involving violence, aggravated assaults
14 where people have great bodily injury, stabbings,
15 shootings, homicides; things of that nature.

16 Q. All right. And did you become involved in this
17 murder investigation?

18 A. I did.

19 Q. What was your role in this case?

20 A. I was the case agent assigned to this case.

21 Q. All right. So what are some of the duties of a case
22 agent?

23 A. As a case agent you go out along with the other
24 detectives and conduct interviews, pull surveillance
25 video and things of that nature. But you're also tasked

1 with sort of the oversight of the investigation
2 delegating the other detectives as well as working
3 closely with the Solicitor's office.

4 Q. Okay. So is it fair to say you're sort of like a
5 point man?

6 A. Yes, sir.

7 Q. And you said work with the Solicitor's office. Are
8 you or is another detective responsible for organizing
9 the case file?

10 A. Yes.

11 Q. Is that the case agent who does that?

12 A. As the case agent that is the person assigned to do
13 that.

14 Q. And once you organize that case file and you put it
15 all together who do you send it to?

16 A. It's sent to the Solicitor's office.

17 Q. Okay. And you said that you work with the Solicitor
18 who is assigned the case.

19 A. Yes, sir.

20 Q. In working with the Solicitor what are some of the
21 things that you generally discuss or do specifically as
22 it relates to evidence I guess?

23 A. Things discussed typically would be directions to go
24 after things are originally submitted as well as what
25 evidence needs to be further analyzed or sent to SLED and

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 things of that nature.

2 Q. Okay. And so that's a collaborative effort?

3 A. Yes, sir.

4 Q. In your experience as a detective have you been
5 involved in trials and investigations?

6 A. Yes sir, I have.

7 Q. Is it common or uncommon for evidence to be
8 submitted a month, or maybe even weeks out to trial to
9 SLED?

10 A. I find that's very typical.

11 Q. Okay. Now let me ask you something since this came
12 up. Where have you been over the last few months?

13 A. So for 12 years I was employed with City of
14 Charleston Police Department. And then this past
15 September I accepted a job with the Drug Enforcement
16 Administration.

17 And I've been there with them since late September
18 until just a few weeks ago. This is actually my second
19 week back with the City and I'm very happy to be back.

20 Q. Okay. So you said it's your second week back?

21 A. Yes, sir.

22 Q. So during that time period there was no case agent.
23 You were the guy.

24 A. That's correct.

25 Q. And you were gone?

1 A. Correct.

2 Q. Okay. Now so there was a discussion made about a
3 co-defendant Demetrius Young's name appearing on a SLED
4 form. Is there anything unusual about a co-defendant's
5 name appearing on a SLED form?

6 A. No sir, not at all.

7 Q. Okay. It could have been either way.

8 A. Absolutely.

9 Q. All right. And you said that you send the entire
10 file to my office. Was this a pretty detailed thick
11 investigation?

12 A. This was a very detailed and thick investigation.
13 Several items of surveillance were pulled. There were
14 several items of physical evidence, I.D.'s conducted,
15 interviews conducted. The whole investigation was very
16 in depth and you could say massive.

17 Q. Okay. Is it fair to say or you tell me do you have
18 any idea how long it took you to get this to my office?
19 Was it like days, weeks; maybe a month or two?

20 A. Yes. As things come in we try to get it over as
21 soon as possible. But to get an entire case file over it
22 can often take a month or more.

23 Q. Okay. And through your experience as a detective do
24 you have any idea what I do with the file when I get it?

25 A. Once the Solicitor's office and the assigned

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 Solicitor has the file it will go to the defense
2 attorneys.

3 Q. Okay. All right. Now let's get into this case.

4 Did you have the occasion to respond to the actual scene
5 of the murder?

6 A. Not on the night of the murder.

7 Q. Okay. What -- did you go out at all that night or
8 did you hear about it the next day?

9 A. I did come out that night. I learned that a vehicle
10 that was associated with the incident had been stopped in
11 North Charleston and I responded to that area near
12 Admiral Drive.

13 Q. Okay. And who was the driver of that vehicle?

14 A. Mikel Funnie was the driver of that vehicle.

15 Q. Okay. Now we've heard some testimony from Mr.
16 Funnie. Did you see the car that he was in that night?

17 A. I did.

18 Q. Was it the dark Chevy Malibu?

19 A. Yes, sir.

20 Q. And did you have the occasion to interview Mr.
21 Funnie that night?

22 A. I did that night.

23 Q. Now did you have to interview him at the station, I
24 mean on scene, at his house, or did he agree to come to
25 the station?

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 A. He was cooperative. He agreed to go with me down to
2 the Charleston Police Department to be interviewed.

3 Q. Okay. And through your investigation were you able
4 to determine the relationship between the victim and Mr.
5 Funnie?

6 A. I did learn talking to Mr. Funnie that they had been
7 close friends for quite a while.

8 Q. Again we've heard testimony but just to hammer it
9 down there was a gun found in Mr. Funnie's car, correct?

10 A. Yes, sir.

11 Q. And that was a .9mm?

12 A. Yes, sir.

13 Q. What was the caliber used to kill Mr. Barber?

14 A. A .45 caliber was used.

15 Q. Okay. Now you said he was cooperative. Did he even
16 give you his phone?

17 A. He did.

18 Q. And that's how it got downloaded he just said here,
19 take it?

20 A. Yes, sir.

21 Q. Let me ask you just one other question. Through
22 your experience as an officer in Charleston for the last
23 12 years or so would you say that when there is a
24 shooting news travels fast or slow?

25 A. Very fast throughout the city; especially on the

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 peninsula.

2 Q. All right. On the night of the incident when y'all
3 were calling that the day or the night had y'all
4 developed a suspect at that point?

5 A. Not the night of the incident.

6 Q. Okay. Had you developed a suspect vehicle?

7 A. We developed a suspect vehicle. The investigation
8 went into the night and to the early next morning so you
9 could say the next day on the 12th was when we developed
10 the suspect vehicle; once all the video was collected.

11 Q. Okay. Got all the vehicle -- or got all the video
12 and went through that and you get the suspect vehicle the
13 following day?

14 A. Yes.

15 Q. And what kind of vehicle was that?

16 A. That was a white Dodge Avenger.

17 Q. All right. You said that you spoke to Mr. Funnie.

18 After speaking to Mr. Funnie were you interested in
19 obtaining video from a location -- well, we're going to
20 talk a lot about video, but from a grocery store?

21 A. Yes, sir. I learned that the victim had gone to
22 Food Lion on King Street that night so that made me
23 interested in obtaining video from the time that he would
24 have been there.

25 Q. Okay.

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 MR. OSBORNE: Your Honor, may I approach?

2 THE COURT: Yes.

3 Q. [Mr. Osborne] I'm showing you State's 99.

4 [Whereupon, the witness is shown exhibit]

5 Q. Can you take a look at that and tell me if you
6 recognize that?

7 A. Yes sir, I do.

8 Q. And what is that?

9 A. State's exhibit 99 is video surveillance from the
10 Food Lion on King Street.

11 Q. Okay. Have you -- and you've had the opportunity to
12 see that?

13 A. Yes, sir.

14 Q. Have you verified the date and time that is on the
15 stamp as being accurate?

16 A. Yes, sir.

17 Q. And this is just clips correct; not the whole video.

18 A. Correct.

19 Q. All right.

20 MR. OSBORNE: Your Honor, at this time I'd seek to
21 admit State's 99 into evidence.

22 THE COURT: Do you have any objection to 99?

23 MR. MULBRY: Your Honor, I would object. May we
24 approach?

25 THE COURT: Sure.

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 [Whereupon, an off the record bench conference is
2 held]

3 THE COURT: Overruled. You can proceed.

4 [Whereupon, State's exhibit number 99 is entered
5 into evidence by the Court]

6 Q. [Mr. Osborne] And just to orient the jury a little
7 bit can you, and you can mark on that, where is King
8 Street on here?

9 A. King Street is over in this area [indicates].

10 Q. All right. And that street that we're looking at
11 perpendicular to that I guess would be what?

12 A. Grove Street is over here [indicates].

13 Q. Okay. And what's the date and time here?

14 A. May 11th, 2017 at 8:53 p.m.

15 Q. I'm playing, for the record, part 1 clip.

16 [Whereupon, State's exhibit 99, part 1 clip, plays
17 with questions from Mr. Osborne]

18 Q. All right. From looking at this were you able to
19 see a vehicle that appeared to be the victim's vehicle?

20 A. Yes sir, the vehicle that just pulled into the
21 parking lot from Grove Street.

22 Q. Anything of interest about to come from behind the
23 tree in the investigation?

24 A. The victim, Mr. Barber, and his son should be coming
25 from the area where he just parked the vehicle.

1 Q. And now from 99 I'm playing entering the store.
2 [Whereupon, the clip plays]
3 Q. Now, I'll play him exiting the store.
4 [Whereupon, the clip plays]
5 Q. And we'll go back to the parking lot. Okay, which
6 way does the car turn?
7 A. The car turns west onto Grove Street; it makes a
8 right out of the parking lot.
9 Q. Okay. So that would be Grove toward Rutledge?
10 A. Yes, sir.
11 Q. All right. Did you have the occasion to go to the
12 Palace Apartments?
13 A. Yes sir, I did.
14 Q. And where is that located?
15 A. It's at 1000 King Street.
16 Q. And I'll show you that in a minute. But to put it
17 in perspective how far is 1000 King Street from the Rawan
18 Market?
19 A. It's sort of in an awkward position there is a bit
20 of a curve there but it is about a block away.
21 Q. And why did you have the occasion to go to the
22 Palace Apartments?
23 A. In my experience as a detective I know they have
24 surveillance video there and it was in close proximity to
25 where the incident occurred.

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 Q. Okay. Well, and so you went there looking for
2 surveillance video footage?

3 A. Yes, sir.

4 Q. And when you looked at the footage were you able to
5 verify that the time stamp we were looking at was
6 accurate?

7 A. Yes, sir.

8 Q. So was each camera accurate or was one off?

9 A. One camera was about an hour off.

10 Q. Okay. And do you remember right off hand which one
11 it was?

12 A. I'm not sure which one it was.

13 Q. Okay. The hallway, does that sound right?

14 A. Yes, sir.

15 Q. And you verified that for yourself.

16 A. I did.

17 MR. OSBORNE: Your Honor, may I approach?

18 THE COURT: Yes.

19 Q. [Mr. Osborne] I'm showing you 1000 -- well, I'm
20 showing you State's 101.

21 [Whereupon, the witness is shown exhibit]

22 Q. Can you take a look at that and tell me if you
23 recognize it?

24 A. This is video surveillance from 1000 King Street.

25 Q. And again, that's not all of it. That's just

1 clipped versions of it?

2 A. Yes, sir.

3 Q. Okay.

4 MR. OSBORNE: Your Honor, at this time we'd seek to
5 admit State's 101 into evidence.

6 THE COURT: Same objection?

7 MR. MULBRY: Same objection, Your Honor.

8 THE COURT: Overruled. Thank you. You may
9 proceed.

10 [Whereupon, State's exhibit number 101 is entered
11 into evidence by the Court]

12 Q. Okay. Before I play it, clip 1, what are we looking
13 at here; just orient the jury?

14 A. This is the entrance to the Palace Apartments at
15 1000 King Street.

16 Q. Okay. So what are we looking at? Is this would be
17 the front door I guess, this is the entrance?

18 A. Yes, sir.

19 [Whereupon, State's exhibit 101, clip 1 plays with
20 questions from Mr. Osborne]

21 Q. And through the investigation were you able to
22 identify the person wearing the Paris shirt?

23 A. Yes, sir.

24 Q. Who is that?

25 A. That's Deangelo Milligan.

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 Q. And the date and time on this image is this correct?
2 A. This is correct.
3 Q. So it's about 9 o'clock. And now what are we
4 looking at here?
5 A. This is a hallway at 1000 King Street.
6 Q. Its super difficult to see on this but can you see
7 the time up here [indicates]?
8 A. I believe it says 20:00. So that's military time so
9 that would be 10 o'clock on that time.
10 Q. 20:00 military time?
11 A. Yes, sir.
12 Q. Would it be 8 p.m.?
13 A. 8 p.m.; I'm sorry.
14 Q. Hour --
15 A. Yes, sir.
16 Q. And we're looking at you said -- what are we looking
17 at again?
18 A. That's a hallway at the apartments.
19 Q. I'm now playing clip 3.
20 [Whereupon, State's exhibit 101, clip 3 plays with
21 questions from Mr. Osborne]
22 Q. So clip 3 is back at the front door?
23 A. Yes, sir.
24 Q. And the time now?
25 A. 9:05 p.m.

1 Q. Okay. And that earlier you said is accurate?
2 A. This camera is accurate, yes sir.
3 Q. All right. I'm now playing clip 4.
4 [Whereupon, State's exhibit 101, clip 4 plays with
5 questions from Mr. Osborne]
6 Q. And what is the time again?
7 A. 9:14 p.m. is the time.
8 Q. I'm now going to show you State's 4.
9 [Whereupon, the photograph is published]
10 Q. Can you put it on here or put an X on here where the
11 Food Lion, Palace Apartments, and Rawan Market is?
12 A. The Food Lion is going to be here [indicates]. The
13 Palace Apartments are here [indicates]. And Rawan Market
14 is here [indicates].
15 Q. Now we heard from Detective Richardson that he tried
16 to speak to Deangelo that night. Did you yourself as the
17 case agent make any attempts to interview him?
18 A. I did make an attempt.
19 Q. How did that go?
20 A. About the same as it did for Detective Richardson.
21 He was less than cooperative.
22 Q. Okay.
23 MR. OSBORNE: Your Honor, may I approach?
24 THE COURT: Yes.
25 Q. [Mr. Osborne] Now I'm going to show you State's 107.

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 [Whereupon, the witness is shown exhibit]
2 Q. Can you take a look at that and tell me if you
3 recognize that?
4 A. Yes sir, I do.
5 Q. And what is that?
6 A. This is the surveillance video from Shorty's Liquor
7 Store.
8 Q. All right. On that map there, State's exhibit 5 can
9 you tell me where Shorty's would be located?
10 A. Shorty's Liquor store is right here [indicates].
11 It's essentially attached to Rawan Market and kind of in
12 the front.
13 Q. Okay. Now, so we've been talking about time stamps.
14 The time stamp on Shorty's, is that accurate?
15 A. No, sir.
16 Q. It's pretty far off, is that fair to say?
17 A. Yes sir, that's very fair.
18 Q. Now were you able to verify like what the actual
19 time should be; what the real time should be?
20 A. Yes, I was able to do that.
21 Q. All right. So how far off -- well, let's just look,
22 let's use an example then. So let's say that 18:54 or
23 6:54, which I think is what we may be seeing on that
24 video, what time would that be?
25 A. That would be about 9:18.

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 Q. So you've got to add an hour and minutes to get to
2 the right time?

3 A. Yes, sir.

4 Q. And do you see things that you were able to -- you
5 were able to verify the accurate time on the Palace
6 Apartments, is that correct; yes or no?

7 A. Yes, sir.

8 Q. And then were you able to verify the accurate time
9 or what would be the accurate time on the Rawan Market
10 video?

11 A. Yes, sir.

12 Q. And do you see things that are consistent from
13 Palace Apartments to Rawan Market that enabled you to get
14 that time also through your own observation but seeing
15 those videos tied together?

16 A. Yes, sir.

17 MR. OSBORNE: Your Honor, at this time I would seek
18 to admit 107 into evidence.

19 THE COURT: Any objection to 107, the liquor store
20 video; is that right?

21 MR. OSBORNE: Yes.

22 MR. MULBRY: Same objection, Your Honor.

23 THE COURT: Same objection and same ruling. Thank
24 you. It will be admitted.

25 [Whereupon, State's exhibit number 107 is entered

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 into evidence by the Court]

2 Q. [Mr. Osborne] All right. So you said again we're
3 looking at 9:17 or 9:18 here?

4 A. Yes, sir.

5 Q. Now, before I press play do you see something on the
6 top left of this screen walking towards the right?

7 A. Yes, sir.

8 Q. And what is it that we're about to see?

9 A. Deangelo Milligan.

10 [Whereupon, State's exhibit 107, the video, plays
11 with questions from Mr. Osborne]

12 Q. I'm just going to stop here for a second. I know
13 we're going to see in a minute but give us a sneak
14 preview who is the guy in the tank top?

15 A. That is the Defendant, K'Sone Campbell.

16 Q. Were you able to identify the individual wearing the
17 vest?

18 A. Yes, sir.

19 Q. And who is that?

20 A. Kristopher --

21 THE COURT REPORTER: Kristopher?

22 THE WITNESS: Jacques.

23 Q. [Mr. Osborne] The direction that Mr. Milligan, the
24 Defendant and the last person -- I'll just ask you, which
25 direction would they have been walking toward?

1 A. They're walking toward Rawan Market.
2 Q. And that last person that we saw walking were you
3 able to identify him through the investigation?
4 A. Yes sir, I was.
5 Q. And who is that?
6 A. That's Demetrius Young.
7 Q. Okay. Now let's talk a second about the Rawan
8 Market video. Were you -- is the date and time accurate
9 on the Rawan Market video?
10 A. It is slightly off.
11 Q. And by how much?
12 A. Two minutes.
13 Q. Two minutes fast or two minutes slow?
14 A. Its two minutes slow.
15 Q. Okay. So whatever we're looking at on the Rawan
16 Market video with the fight and all that we need to add
17 about two minutes to get to the real time?
18 A. Yes, sir.
19 Q. Okay. And how were you able to determine that?
20 A. I determined that by your own timekeeping; cell
21 phones, watches and also we had verified the video from
22 earlier from 14 Maverick Street to be accurate.
23 Q. Okay. So you knew 14 Maverick a video that is like
24 two houses down was accurate?
25 A. Yes.

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 Q. That would have been -- so Rawan Market is going to
2 be two minutes slower?

3 A. Yes, sir.

4 Q. I'll play State's exhibit 97, clip 2.

5 [Whereupon, State's exhibit 97, clip 2 plays with
6 questions from Mr. Osborne]

7 Q. I'm just going back. Are we looking at 14 Maverick
8 again?

9 A. Yes, sir.

10 Q. Is this the victim's vehicle?

11 A. Yes, it is.

12 Q. And what's the time on here?

13 A. 21:33 so that's 9:33 p.m.

14 Q. And what are we looking at here at camera 6?

15 A. This is the parking lot at the Rawan Market.

16 Q. And what do we see there?

17 A. That's the victim's car making the right turn onto
18 Maverick Street from King Street.

19 Q. Okay. And the time here?

20 A. 9:31 p.m.

21 Q. So two minutes slow?

22 A. Two minutes slow. The accurate time there would be
23 9:33.

24 Q. All right. I've think we've already seen it but did
25 you see anything of interest in this investigation on the

1 Rawan video inside the Market?

2 A. Yes sir, I did.

3 Q. And what was that?

4 A. The altercation that occurred inside.

5 [Whereupon, the video plays with questions from Mr.

6 Osborne]

7 Q. Who's the first guy walking in?

8 A. That's Deangelo Milligan.

9 Q. The guy in the tank top?

10 A. The Defendant, K'Sone Campbell.

11 Q. And that guy?

12 A. That's Demetrius Young.

13 Q. All right. I don't think we need to play the fight

14 again. I'll just go -- again, playing camera three again

15 moving ahead to 3:04.

16 [Whereupon, the video plays with questions from Mr.

17 Osborne]

18 Q. Let's skip ahead here to 5:13. Who is this standing

19 by the door?

20 A. That's Deangelo Milligan.

21 Q. And this street up here [indicates] would be what

22 street?

23 A. That's Maverick Street.

24 Q. So we last saw Deangelo on Maverick or thereabouts?

25 A. Yes, sir.

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 Q. And again that's the guy who was with the victim
2 when the police showed up?

3 A. Correct.

4 Q. We'll go back to 107, playing clip 2.

5 [Whereupon, State's exhibit 107, clip 2, plays with
6 questions from Mr. Osborne]

7 Q. So this would be -- is it or is it not this clip
8 right here would be adding the correct time after the
9 fight at the Rawan Market?

10 A. Yes sir, it is.

11 Q. And you said you had a white Dodge Avenger and you
12 had this video clip. What was the next step in the
13 investigation?

14 A. The next step in the investigation was to after
15 iding everyone in the video was to connect the Defendant
16 Mr. Campbell or Mr. Young to a white Dodge Avenger.

17 Q. Okay. And did you have any luck with that?

18 A. I did.

19 Q. You said you did?

20 A. Yes, sir.

21 Q. All right. And in what way?

22 A. We were able to find a girlfriend for Mr. Campbell

23 ---

24 MR. MULBRY: --- objection, objection.

25 THE COURT: Okay.

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 MR. MULBRY: Hearsay. It's a fact -- may we
2 approach?

3 THE COURT: Yes, sure.

4 [Whereupon, an off the record bench conference is
5 held]

6 THE COURT: Just rephrase the question. Thank you
7 very much. Sustained.

8 Q. [Mr. Osborne] Let me ask you another way. Did you
9 have the occasion to speak to a person by the name of
10 Kimberly Dwight?

11 A. Yes sir, we did.

12 Q. And does Kimberly Dwight have a relationship to the
13 Defendant?

14 A. Yes, sir.

15 Q. In what way?

16 A. It's the Defendant's girlfriend.

17 Q. And did you find a relationship with her and a white
18 Dodge Avenger?

19 A. Yes, sir.

20 Q. In what way?

21 A. She had a white Dodge Avenger registered to her.

22 Q. Okay. With that information what did you do next?

23 A. Myself and other detectives began a search for that
24 white Dodge Avenger.

25 Q. Okay. And did you have any luck?

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 A. I did.

2 Q. All right. And in what way?

3 A. Detective Krasowski and I located the white Dodge
4 Avenger on Walter Drive on Johns Island.

5 Q. Okay. And what date was that, do you remember?

6 A. That was on May 13th, 2017.

7 Q. Okay. So two days after the murder?

8 A. Yes, sir.

9 Q. All right. And you said you located the car and the
10 Defendant. What did you do with the car?

11 A. The car was secured at that time and towed to the
12 North Charleston Police Department's crime lab for a
13 search warrant to be executed on it.

14 Q. Okay. And how about the Defendant?

15 A. We spoke with the Defendant briefly there in the
16 yard at the residence and he agreed to come to the police
17 station with Detective Krasowski and I.

18 Q. Okay. This encounter, I just want to understand,
19 was it like a contentious encounter between you and the
20 Defendant and Krasowski?

21 A. Not at all, sir.

22 Q. Okay. Did you relay to him at all why you needed to
23 talk to him?

24 A. Relayed to him that there was an incident downtown
25 that we were investigating and would like to speak with

1 him about it.

2 Q. Okay. And did he seem to have any issues with that?

3 A. No sir, he didn't.

4 Q. All right. So I guess y'all got downtown?

5 A. Yes sir, we did.

6 Q. And how did you end up getting downtown?

7 A. Detective Krasowski we were in his vehicle. He

8 drove. Mr. Campbell sat in the front passenger seat and

9 I sat in the rear seat.

10 Q. Okay. The drive down was it contentious at all, was

11 it argumentative?

12 A. No, not at all.

13 Q. When you -- well, let me ask you was he under arrest

14 at any point? I mean was he under arrest then?

15 A. No, sir.

16 Q. Okay. So if he had said I'm done, I want to go

17 back, what would y'all have done?

18 A. At that point with no warrants or anything we would

19 have allowed him to go free and continue the

20 investigation.

21 Q. Okay. So y'all were literally just trying to get a

22 statement?

23 A. Yes, sir.

24 Q. When you brought him into the station did he in fact

25 give a statement?

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

- 1 A. Yes sir, he did.
- 2 Q. And was that audio and video recorded?
- 3 A. It was.
- 4 Q. And you said, was Detective Krasowski was he there?
- 5 A. Yes, he was.
- 6 Q. Okay. And who advised the Defendant of his Miranda
- 7 warnings?
- 8 A. Detective Krasowski did.
- 9 Q. Okay. At the conclusion of the interview with the
- 10 Defendant what happened with him?
- 11 A. At the conclusion of the interview he was placed
- 12 under arrest.
- 13 Q. Okay. Now did you develop additional evidence in
- 14 this case to charge a second individual?
- 15 A. Yes, I did.
- 16 Q. All right. And who was the second individual that
- 17 was charged?
- 18 A. Demetrius Young.
- 19 Q. And that's the guy that we saw in the store holding
- 20 a gun?
- 21 A. Yes, sir.
- 22 Q. Or what appeared to be a gun.
- 23 A. Yes, sir.
- 24 Q. Okay. Let's talk a little bit about some of these
- 25 phones. You downloaded a couple of phones in this case,

1 is that fair to say?

2 A. Yes sir, it is.

3 Q. All right. So I'm going to start with number 70.

4 [Whereupon, the witness is shown exhibit]

5 Q. Where did that phone come from?

6 A. This phone came from the hospital and Mr. Barber,
7 the victim.

8 Q. Okay. And you had that phone downloaded?

9 A. Yes, sir.

10 Q. This number here ending in -- well, what is that,
11 shown on State's 71?

12 [Whereupon, the witness is shown exhibit]

13 A. This is the phone number assigned to this telephone.

14 Q. Okay. Anything else of use to the investigation
15 that came from that? Well -- anything else of use come
16 from the phone?

17 A. No, some call logs.

18 Q. All right. Now I want to show you 75.

19 [Whereupon, the witness is shown exhibit]

20 Q. And can you tell me if you recognize 75?

21 A. 75 is the cell phone that came from the dark Chevy
22 Malibu that Mikel Funnie had been driving.

23 Q. That Funnie had been driving?

24 A. Yes, sir.

25 Q. All right. And now 76 and 77?

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 [Whereupon, the witness is shown exhibits]
2 Q. That came from Funnie's phone?
3 A. Yes sir, it did.
4 Q. All right. So what are we looking at on 76?
5 [Whereupon, the exhibit is published]
6 A. This is from the telephone contacts list showing the
7 telephone number matching Mr. Barber as well as his
8 nickname that he was known as.
9 Q. And what was he known as?
10 A. He was known as Skinny.
11 Q. All right. So the 4352 that matches up to the phone
12 that was recovered from the victim at MUSC?
13 A. Yes, sir.
14 Q. All right. Then State's 77?
15 [Whereupon, the exhibit is published]
16 Q. What are we looking at here?
17 A. These are call logs from the cell phone.
18 Q. All right. So let's just go through them real
19 quickly. At 8:12 we have an incoming call to Funnie from
20 Skinny?
21 A. Yes, sir.
22 Q. And it had some other calls. And then at 9:42 what
23 do we have there?
24 A. At 9:42 there is a call to LeShay.
25 Q. Okay. And let's look at well 9:37, let's look at

1 that. Is that an outgoing call?

2 A. Yes, sir. That's an outgoing call to Skinny or
3 Derrick Barber.

4 Q. And through the course of the investigation y'all
5 were able to determine the time of death, the time of
6 murder as being what; 9:35?

7 A. Approximately 9:35.

8 Q. Okay. So fair to say Barber is shot at this point?

9 A. Yes, sir.

10 Q. And then we go into two calls you said to LeShay
11 after that.

12 A. Yes, sir.

13 Q. And who is LeShay in this investigation?

14 A. LeShay is the significant other of the victim,
15 Derrick Barber.

16 Q. Okay. I'm going to show you 78 now.

17 [Whereupon, the witness is shown exhibit]

18 Q. Can you take a look at that and tell me if you
19 recognize that?

20 A. 78 is the cell phone that was seized from Mr.
21 Campbell at the time of his arrest.

22 Q. Okay. Now I want to show you 79 and 83.

23 [Whereupon, the witness is shown exhibits]

24 Q. Can you take a look at those and tell me if you
25 recognize those?

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 A. Yes sir. This is the information from this cell
2 phone.

3 Q. Okay. Well, I gave you two pieces. So 79, what
4 does 79 show? Well, you recognize it, correct?

5 A. I'm sorry; I do recognize it.

6 Q. Okay. And --

7 MR. OSBORNE: Well Your Honor, at this time I'd
8 seek to admit 79 and 83 into evidence.

9 THE COURT: Has he identified what they are yet?

10 Q. [Mr. Osborne] You recognize them? What are they?

11 A. They are information from Mr. Campbell's cell phone.

12 Q. Not all of it; just a bit of it right?

13 A. I'm sorry; with all the different cell phones it's
14 sort of difficult. 83 is a call log and 79 is the
15 device's basic information.

16 Q. Okay.

17 MR. OSBORNE: Your Honor, at this time I'd seek to
18 admit 79 and 83 into evidence.

19 THE COURT: Any objection to 79 and 83 being
20 admitted?

21 MR. MULBRY: No objection, Your Honor.

22 THE COURT: Okay. Without objection those two will
23 be admitted. Thank you.

24 [Whereupon, State's exhibit numbers 79 and 83 are
25 entered into evidence by the Court]

1 Q. [Mr. Osborne] So we've got to kind of tie up a
2 couple of pieces here so I'm going to show you 84.

3 [Whereupon, the witness is shown exhibit]

4 Q. Do you recognize 84?

5 A. 84 was the cell phone that was seized from Demetrius
6 Young at the time of his arrest.

7 Q. Okay. So it's Demetrius' cell phone. Now I'm
8 showing you State's exhibit 87.

9 [Whereupon, the witness is shown exhibit]

10 Q. Can you take a look at that and tell me if you
11 recognize that?

12 A. Yes sir, I do.

13 Q. And what is 87?

14 A. It's part of a call log showing an outgoing call.

15 Q. All right. From Demetrius' phone?

16 A. From Demetrius' phone, yes sir.

17 MR. OSBORNE: Your Honor, at this time we would
18 seek to admit State's 87 into evidence.

19 THE COURT: Any objection to 87?

20 MR. MULBRY: No objection.

21 THE COURT: Without objection 87 will be admitted.

22 [Whereupon, State's exhibit number 87 is entered
23 into evidence by the Court]

24 Q. [Mr. Osborne] All right. Let's see if we can't put
25 the picture together. When you came to be with the

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 Defendant and y'all were transporting him back to the
2 station do you remember him receiving a phone call?

3 A. Yes sir, I do.

4 Q. Can you just tell us as much as you can remember
5 what you heard or saw?

6 A. It was a very brief phone call. I believe just
7 about all that was said was I'm at the police station;
8 I'll have to call you back. And the call ended.

9 Q. Okay. So let's start with State's 83.

10 [Whereupon, the exhibit is published]

11 Q. Now, I see that we have an incoming call here on 83
12 but there is no number associated with that, is that
13 correct?

14 A. Yes sir, that's correct.

15 Q. And we have the date of being May the 13th at 6:13
16 p.m.?

17 A. Yes, sir.

18 Q. Does that sound like about the correct time in which
19 he would have received that phone call?

20 A. Yes, it does.

21 Q. And this is the call log, this is a call log taken
22 from the Defendant's phone.

23 A. Correct.

24 Q. And now on State's 79.

25 [Whereupon, the exhibit is published]

1 Q. Is that M-S-I-S-D-N number is that the cell phone
2 number associated to the Defendant's phone?

3 A. Yes sir, it is.

4 Q. And it's ending in 7555?

5 A. Yes, sir.

6 Q. Now at State's exhibit 87.

7 [Whereupon, the exhibit is published]

8 Q. This being as you said or we can see this is an
9 outgoing call?

10 A. Yes, sir.

11 Q. From Demetrius' phone, correct?

12 A. Yes, sir.

13 Q. At the same time May the 13th at 6:13?

14 A. Yes, sir.

15 Q. And what is the number?

16 A. The number dialed is *67 843-260-7555.

17 Q. And through your experience do you know what happens
18 when you dial *67?

19 A. When you dial *67 before entering the party's number
20 that you're calling it will block your number.

21 Q. And that corresponds to the date and time on State's
22 83?

23 A. Yes sir, it does.

24 Q. Okay.

25 MR. OSBORNE: Your Honor, at this time I would seek

State v K'Sone M. Campbell
Jason Jarrell-Direct Examination by Mr. Osborne
March 4, 2020

1 to publish State's exhibit 3. It has already been marked
2 and admitted over objection.

3 THE COURT: What is State's exhibit 3?

4 MR. OSBORNE: The clipped version of the 911 call.

5 THE COURT: Thank you very much. Does the defense
6 renew its objection at this time?

7 MR. MULBRY: Yes, Your Honor.

8 THE COURT: All right. Objection renewed timely.
9 Ruling remains the same; overruled and allow it in. Go
10 ahead.

11 Q. [Mr. Osborne] Playing clip 1.

12 [Whereupon, State's exhibit number 3, clip 1, plays]

13 Q. And clip 2.

14 [Whereupon, State's exhibit number 3, clip 2, plays]

15 MR. OSBORNE: No further questions, Your Honor.
16
17
18
19
20
21
22
23
24
25

1 THE COURT: All right. I anticipate cross will be
2 a little bit more lengthy in nature so for that reason,
3 and lunch is here too, so we'll go ahead and take our
4 lunch break at this point in time ladies and gentlemen.
5 I'll excuse you.

6 It's about 11:47 a.m., we'll come back at -- does
7 1:15 suit the attorneys? Okay. Your lunch is here.
8 We'll ask that you come back at 1:15. Same deal as
9 yesterday. Certainly you're not -- you are free to leave
10 but your lunch is here. We just ask that you return by
11 1:15. And once again, please do not discuss the case at
12 all. Thank you very much.

13 [Whereupon, the jury exits at 11:52 a.m.]

14 THE COURT: Detective Jarrell, you can step down.
15 Just don't discuss this case at all with the attorneys
16 over the lunch break. I'll ask that you come back at
17 1:15 okay.

18 THE WITNESS: Yes, ma'am.

19 THE COURT: All right. Thank you very much.

20 [Whereupon, the witness exits the witness stand]

21 THE COURT: Anything else?

22 MR. MULBRY: For the record I just want to put my
23 objection for the video surveillance on the record.

24 THE COURT: Sure. We can flesh that out over
25 lunch. Sure.

State v K'Sone M. Campbell
Proceedings
March 4, 2020

1 MR. MULBRY: My objection was that the foundation
2 calculated by the detective simply by saying I've seen
3 this video before; I found it in my investigation. At
4 least somebody from the actual location has to come in
5 and say this is our video. This is how we store and keep
6 it. That would be my objection.

7 THE COURT: Okay. I understand that objection. I
8 found that by his testimony that he collected it during
9 the course of his investigation. He was familiar with
10 the area as it was depicted on the film and that was the
11 reason for my overruling your objection. All right,
12 anything else?

13 MR. MULBRY: I don't know if you want to take it up
14 now, Your Honor. In pretrial we discussed getting into
15 the fact that my client met with Detective Jarrell on May
16 19th. I do plan on getting into that. I don't know if
17 you wanted to discuss that now or...

18 THE COURT: Whichever you -- if you've already
19 brought it up we can discuss it now. So just so I'm
20 understanding of the entire story, so he met with
21 Detective Jarrell on a different date than the one
22 depicted in the video, is that what you're telling me?

23 MR. MULBRY: Yes, Your Honor.

24 THE COURT: And you wanted to ask him about that
25 meeting?

1 MR. MULBRY: Whether he met with him, who was
2 there, the date they met, did he make a statement, was
3 that statement audio or video recorded, and was Demetrius
4 Young charged and what was he charged with after this.

5 THE COURT: Okay. What would the State's
6 objections be to those questions?

7 MR. OSBORNE: Well, I guess I would ask does he
8 want to play the statement.

9 THE COURT: We have the statement?

10 MR. OSBORNE: And I guess ---

11 MR. MULBRY: --- I do understand it does open the
12 door and if I get into it, it will open the door.

13 MR. OSBORNE: Well, after he gets into that just
14 opens the door. That question is was it audio or video
15 recorded ---

16 THE COURT: --- just asking if it was recorded ---

17 MR. OSBORNE: --- yes ---

18 THE COURT: --- and if he says yes ---

19 MR. OSBORNE: --- then why isn't the State playing
20 it ---

21 THE COURT: --- I think you're stuck with it
22 potentially coming in at that point in time.

23 MR. MULBRY: If I don't ask that question, if I
24 just say did you meet and did he give a statement?

25 MR. OSBORNE: My only issue with that is he's

State v K'Sone M. Campbell
Proceedings
March 4, 2020

1 handcuffing me. He's opening the door but then not
2 allowing me to say what was the statement and then it
3 looks like I'm the one that's keeping it from them.

4 THE COURT: I don't necessarily think so but I'll
5 think about it a little bit more if those are the
6 questions you intend to ask. I'll think about it over
7 the break.

8 MR. OSBORNE: And I would just say I have no issue
9 with him saying did he provide a statement? Was it audio
10 or video recorded and press play. I'm fine with that.
11 But I just don't like him saying did he provide a
12 statement to you? Yes. Well, it's our burden. It's our
13 case and so now I have a statement that he just told the
14 jury I have that I'm not playing.

15 THE COURT: Do you not want it in? Do you not want
16 the statement in? You just want the fact that someone
17 else was arrested; not for the statement to come in? Is
18 that what I'm hearing? Obviously, I haven't seen it so.

19 MR. MULBRY: I want the statement in.

20 THE COURT: You do want it in you think?

21 MR. MULBRY: If I open ---

22 THE COURT: --- I'm not going to tie your hands.
23 Why don't we just think about it ---

24 MR. MULBRY: --- if I open the door ---

25 THE COURT: --- just think about it over the break.

1 When we come back we can convene on this issue, okay?

2 MR. MULBRY: Yes, Your Honor.

3 MR. OSBORNE: Well, I'll just say this has kind of
4 put me in a little bit of a spot here. If he wants the
5 statement in I would redact the portions of it where he
6 says he is on probation. I'm trying to get this case
7 ready. If he wants to do that then I would ask him to
8 redact those portions as time consuming.

9 THE COURT: About what? Somebody is on --

10 THE COURT REPORTER: Judge, I can't hear you ---

11 MR. OSBORNE: --- during that statement ---

12 THE COURT: --- thanks. About what Mr. Osborne?

13 MR. OSBORNE: During that statement there are a
14 couple of comments that he makes unless you know he has
15 no problem putting that in. There are a couple of
16 comments that he makes saying that I can't be around
17 guns; I'm on probation. Well, going through redacting
18 that is time consuming.

19 THE COURT: Oh, right. Would you want that
20 redacted?

21 MR. MULBRY: I would want that redacted.

22 MR. OSBORNE: Then he should redact it.

23 THE COURT: Then we're going to have to take care
24 of that over the break obviously, okay. Do you have
25 somebody who can help you do that or at least timestamp

State v K'Sone M. Campbell
Proceedings
March 4, 2020

1 it so you can hit mute? I've done that too ---

2 MR. MULBRY: --- we can try ---

3 THE COURT: --- that way you're not physically
4 having to manipulate computer evidence in an hour but if
5 you can achieve the timestamps. And we've done that Mr.
6 Osborne, just hit mute for those portions of time as
7 well. Do you think you can take care of that?

8 MR. MULBRY: Yes.

9 THE COURT: Excellent. All right. We'll come back
10 -- if y'all could be back a couple of minutes before 1:15
11 that would be great. We'll be at ease until then.

12 [Whereupon, Court is in recess from 11:57 a.m. until
13 1:31 p.m.]

14 MR. MULBRY: Judge, may I have a moment to talk to
15 my client?

16 THE COURT: Of course. That's fine.

17 MR. MULBRY: Thank you.

18 [Whereupon, Mr. Mulbry confers with the Defendant]

19 THE COURT: Do you need any more time or are you
20 ready?

21 MR. MULBRY: I have not been able to redact as much
22 as I want to of the statement, Your Honor.

23 THE COURT: Okay. Do you want to come talk to me
24 about it some more up at the bench?

25 MR. MULBRY: Yes.

1 [Whereupon, an off the record bench conference is
2 held]

3 THE COURT: All right. We'll be at ease until
4 1:45. Can you inform the jury that we'll be at ease
5 until 1:45 if they need to make any other arrangements
6 between now and then?

7 THE BAILIFF: Yes, ma'am.

8 THE COURT: Thank you.

9 [Whereupon, Court is in recess from 1:34 p.m. until
10 1:50 p.m.]

11 THE COURT: Mr. Mulbry, have you had enough time?

12 MR. MULBRY: Yes, ma'am.

13 THE COURT: All right. Please be seated. And,
14 Detective Jarrell you can take the stand.

15 [Whereupon, Detective Jarrell retakes the witness
16 stand]

17 [Whereupon, the jury enters at 1:51 p.m.]

18 THE COURT: Thank you so much. Thank you ladies
19 and gentlemen for your patience. I know that's my
20 biggest complaint I get from juries is there is a lot of
21 hurry up and wait. I promise you we're trying to be very
22 conscientious of your time so we are ready to proceed.
23 And Mr. Mulbry you can proceed with cross-examination.

24 MR. MULBRY: May it please the Court?
25

State v K'Sone M. Campbell
Jason Jarrell-Cross-Examination by Mr. Mulbry
March 4, 2020

1	CROSS-EXAMINATION
2	BY MR. MULBRY:
3	Q. Good afternoon.
4	A. Good afternoon.
5	Q. Now if I heard your testimony correctly you're the
6	lead investigator?
7	A. Yes, sir.
8	Q. You're in charge of the case?
9	A. Yes, sir.
10	Q. That's why you're sitting at the Solicitor's table?
11	A. Yes, sir.
12	Q. Because you lead the investigation?
13	A. Yes, sir.
14	Q. And you make decisions regarding the investigation.
15	A. Yes, sir.
16	Q. And you make decisions about what follow-up
17	investigations to do?
18	A. Yes, sir.
19	Q. Which witnesses to interview?
20	A. Yes, sir.
21	Q. What search warrants you want to get.
22	A. Yes, sir.
23	Q. What forensic testing needs to be done.
24	A. Yes, sir.
25	Q. And you send that -- or you can request to SLED or

1 your own department, right?

2 A. Yes, sir.

3 Q. You're just in charge of every aspect of the case.

4 A. Yes, sir.

5 Q. Let's go to May 13th, 2017. A search warrant was

6 executed on K'Sone's house, right?

7 A. Yes, sir.

8 Q. You're looking for evidence of a shooting?

9 A. Yes, sir.

10 Q. Like guns.

11 A. Yes, sir.

12 Q. Ammunition?

13 A. Yes, sir.

14 Q. And you didn't find a gun.

15 A. No, sir.

16 Q. You didn't find any ammunition.

17 A. No, sir.

18 Q. You didn't find any shell casings.

19 A. No, sir.

20 Q. Crime scene technician Charles testified about how a

21 case agent decides which evidence is tested for prints or

22 DNA. Did you hear that?

23 A. Yes, sir.

24 Q. And so if you want to process a piece of evidence

25 for prints and a crime scene tech has done that you can

State v K'Sone M. Campbell
Jason Jarrell-Cross-Examination by Mr. Mulbry
March 4, 2020

1 request that.

2 A. Yes, sir.

3 Q. And the same is true for processing DNA swabs.

4 A. Yes, sir.

5 Q. And you didn't request that that fired shell casing

6 found at the scene be tested for DNA.

7 A. No, sir.

8 Q. Or for fingerprints.

9 A. No, sir.

10 Q. I want to back up to the night of May 11th. The

11 first place you went was North Charleston.

12 A. Yes, sir.

13 Q. To Admiral Drive?

14 A. Yes, sir.

15 Q. Where Mikel Funnie's vehicle was stopped by police.

16 A. Yes, sir.

17 Q. And Mikel Funnie he arrived there right after the

18 shooting happened, right?

19 A. Yes sir; in the amount of time it would take to

20 drive there.

21 Q. To come from downtown.

22 A. Yes, sir.

23 Q. There was a gun in the vehicle.

24 A. Yes, sir.

25 Q. The same vehicle that just came from a shooting.

1 A. Yes, sir.

2 Q. And we also heard from crime scene tech Spratt the
3 same thing of what I just said that you decide what
4 evidence gets tested for DNA.

5 A. Yes, sir.

6 Q. Or prints.

7 A. Yes, sir.

8 Q. You didn't tell him to process the gun found in
9 Mikel Funnie's car for prints.

10 A. No, sir.

11 Q. Or DNA.

12 A. No, sir.

13 Q. Or the empty Springfield magazine found in Funnie's
14 car.

15 A. No, sir.

16 Q. For prints or DNA.

17 A. No, sir.

18 Q. Or either the two .9mm magazines found in his car.

19 A. No, sir.

20 Q. For prints or DNA. Or the gun box found in his car.

21 A. No, sir.

22 Q. For prints or DNA.

23 A. No, sir.

24 Q. Now, we're watching the video earlier of my client
25 and Kristofer Jacques you also mentioned was there as

State v K'Sone M. Campbell
Jason Jarrell-Cross-Examination by Mr. Mulbry
March 4, 2020

- 1 well. They were hanging out on King Street?
- 2 A. Yes, sir.
- 3 Q. And Demetrius was also there as well.
- 4 A. Yes, sir.
- 5 Q. And that area they're coming from that's near 943
- 6 King Street, right?
- 7 A. Yes, sir.
- 8 Q. It's right around that corner.
- 9 A. Yes, sir.
- 10 Q. Within easy walking distance of the market.
- 11 A. Yes, sir.
- 12 Q. And they're all hanging out at 943 King Street,
- 13 correct?
- 14 A. Yes, sir.
- 15 Q. And they were there before the fight at the market
- 16 that happened at the market?
- 17 A. Yes, sir.
- 18 Q. They were there after the fight that happened at the
- 19 market.
- 20 A. Yes, sir.
- 21 Q. Now you had information Demetrius went there, right?
- 22 A. Partially.
- 23 Q. So he's been known to be there.
- 24 A. Yes, sir.
- 25 Q. He has family there.

1 A. Yes, sir.

2 Q. And you never went to 943 King Street to speak to
3 anybody.

4 A. No, sir.

5 Q. And it's in easy walking distance of the market?

6 A. Yes.

7 Q. And you never issued a search warrant for that
8 residence.

9 A. No, sir.

10 Q. And as the lead investigator your job is to talk to
11 people who witnessed what happened.

12 A. Yes, sir.

13 Q. Like people who were at the market when the fight
14 occurred.

15 A. Yes, sir.

16 Q. And anyone hanging out with Demetrius and K'Sone
17 would be someone you'd want to talk to.

18 A. Yes, sir.

19 Q. And during this investigation you met with Kris
20 Jacques, right?

21 A. I did.

22 Q. He's the guy in the vest that K'Sone and Demetrius
23 are with?

24 A. Yes, sir.

25 Q. You also met with Donald Phiri?

State v K'Sone M. Campbell
Jason Jarrell-Cross-Examination by Mr. Mulbry
March 4, 2020

1 A. Yes, sir.
2 Q. He's the store employee that broke up the fight?
3 A. Yes, sir.
4 Q. And in the video the Solicitor was showing of the
5 fight at the market was a female employee who was trying
6 to break up that fight as well, right.
7 A. Yes, sir.
8 Q. Kind of grabbing at Demetrius?
9 A. Yes, sir.
10 Q. Did you talk to her?
11 A. I was never able to talk to her.
12 Q. Did you get her name?
13 A. I don't recall it.
14 Q. Let's back up again to the night of May 11th. After
15 you spoke with Mikel Funnie you met Derrick Barber's
16 friend; they came to the station, right?
17 A. Yes --
18 THE COURT REPORTER: I'm sorry?
19 THE WITNESS: Yes, in the parking lot.
20 Q. [Mr. Mulbry] You tried to speak with them.
21 A. Yes, sir.
22 Q. To get information about the case.
23 A. Yes.
24 Q. To get information about the shooting death of their
25 friend.

1 A. Yes.

2 Q. And when you tried to speak with them they refused
3 to speak with you.

4 A. Correct.

5 Q. And based on your investigation what happened at
6 this intersection there were four people involved, right?

7 A. Yes.

8 Q. Derrick Barber?

9 A. Yes.

10 Q. Demetrius Young?

11 A. Yes.

12 Q. Deangelo Milligan?

13 A. Yes.

14 Q. And my client?

15 A. Yes.

16 Q. And you learned that Milligan provided a statement
17 to detectives the night this happened.

18 A. A very brief statement. I don't know if I'd call it
19 a statement.

20 Q. He did provide a statement.

21 A. He spoke with Detective Richardson.

22 Q. He spoke with detectives. And you tried to speak
23 with him again on May 12th.

24 A. Correct.

25 Q. The day after this happened.

State v K'Sone M. Campbell
Jason Jarrell-Cross-Examination by Mr. Mulbry
March 4, 2020

- 1 A. Yes.
- 2 Q. The day after he was literally holding his friend in
3 his arms.
- 4 A. Yes.
- 5 Q. And he refused to speak to you.
- 6 A. Yes.
- 7 Q. And in fact you pleaded to speak with him, didn't
8 you.
- 9 A. I did.
- 10 Q. And he still refused.
- 11 A. Correct.
- 12 Q. And on May 18th you tried to get more information
13 from him, right?
- 14 A. That sounds about right.
- 15 Q. And he again refused to provide another statement.
- 16 A. Correct.
- 17 MR. MULBRY: Court's indulgence.
- 18 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]
- 19 Q. [Mr. Mulbry] You watched that video of the fight at
20 the market.
- 21 A. Yes.
- 22 Q. You saw Demetrius with the gun, correct?
- 23 A. Yes, sir.
- 24 Q. You didn't see my client with a gun.
- 25 A. Correct.

State v K'Sone M. Campbell
Jason Jarrell-Cross-Examination by Mr. Mulbry
March 4, 2020

- 1 Q. You didn't see Deangelo Milligan with a gun.
- 2 A. No, sir.
- 3 MR. MULBRY: Court's indulgence.
- 4 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]
- 5 Q. [Mr. Mulbry] Now you met with K'Sone the night of
- 6 May, the day of May 13th, right.
- 7 A. Yes, sir.
- 8 Q. The evening of May 13th.
- 9 A. Yes, sir.
- 10 Q. And he came with you voluntarily is what you
- 11 testified.
- 12 A. Yes.
- 13 Q. And he came to the station.
- 14 A. Yes.
- 15 Q. And gave a statement.
- 16 A. Yes, sir.
- 17 Q. That's not the only time you met with him, right?
- 18 A. Right.
- 19 Q. You actually set up a meeting with him on May 16th
- 20 as well, correct?
- 21 A. That sounds about right.
- 22 Q. And that was the meeting between you, the Solicitor
- 23 at the time, and K'Sone and his attorney, correct?
- 24 A. That's correct.
- 25 Q. But that meeting was cancelled, right?

State v K'Sone M. Campbell
Jason Jarrell-Cross-Examination by Mr. Mulbry
March 4, 2020

1 A. Yes.

2 Q. Time --

3 A. Right.

4 THE COURT REPORTER: I'm sorry, what was your
5 question?

6 MR. MULBRY: Time constraints.

7 Q. [Mr. Mulbry] But you did meet with him again on May
8 19th, correct?

9 A. Yes, I did.

10 Q. And that was with his attorney, right?

11 A. Yes.

12 Q. His investigator?

13 A. Yes.

14 Q. The assistant Solicitor at the time. Not David, it
15 was a different Solicitor, right?

16 A. That's correct.

17 Q. And until that point you had not arrested Demetrius
18 Young.

19 A. That's correct.

20 Q. And you spoke with K'Sone on May 19th, right?

21 A. Yes, I did.

22 Q. You arrested Demetrius Young on May 23rd, right?

23 A. That's correct.

24 Q. I'm showing you a still photograph from the fight at
25 the market.

1 MR. OSBORNE: Well, Your Honor if we get into
2 that...

3 THE COURT: If you want to publish it you'll have
4 to admit it first.

5 MR. MULBRY: Court's indulgence ---

6 THE COURT: --- if not you can just have him refer
7 to it if you don't want to actually have to put it into
8 evidence at this time.

9 MR. MULBRY: Court's indulgence.

10 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

11 Q. [Mr. Mulbry] You said you arrested Demetrius Young
12 on May 23rd, right?

13 A. Yes, sir.

14 Q. And after that meeting that's the same guy with the
15 gun in that market, correct?

16 A. That's correct.

17 Q. And you charged him with murder?

18 A. Yes, sir.

19 Q. You charged him with possession of a weapon during
20 the commission of a violent crime, right?

21 A. Yes, sir.

22 MR. MULBRY: No further questions, Your Honor.

23 THE COURT: All right.

24 MR. OSBORNE: Briefly, Your Honor.

25

541

1 fingerprinting and DNA. Are you aware, and maybe you're
2 not, but are you aware that CPD no longer does that?

3 A. No, I'm not.

4 Q. There was some, Mr. Mulbry asked you, decisions that
5 you made as a case agent in regards to prints or DNA.

6 Was there any reason at all in this investigation
7 based on your meeting with the Defendant, all of your
8 other interviews, your subsequent meeting with the
9 Defendant to at all fingerprint or DNA Mr. Funnie's gun?

10 A. No, sir.

11 Q. I mean I'm saying was there any reason at all?

12 A. There was none at all.

13 Q. Based on the investigation of the witnesses and
14 statements made by him?

15 A. No reason at all.

16 Q. How about the Springfield mags?

17 A. No, sir.

18 Q. How about the two other magazines?

19 A. No reason.

20 Q. How about some gun box?

21 A. No reason.

22 Q. Okay. Now, if there had been a reason and those
23 items had been relevant at all in this investigation
24 would you have done that?

25 A. Absolutely.

State v K'Sone M. Campbell
Jason Jarrell-Redirect Examination by Mr. Osborne
March 4, 2020

1 Q. Okay. Now when they were seized, when were they
2 seized again?

3 A. The night of the incident.

4 Q. Okay. So is it fair to say that you learned more
5 evidence afterwards?

6 A. Yes. The evidence was coming in fairly quickly.

7 Q. Okay. And at the conclusion of all of this what is
8 going to happen to Funnie's gun, Funnie's magazines; the
9 two mags, and the gun box?

10 A. They will be returned to him.

11 Q. You'll give them back to him?

12 A. Yes, sir.

13 Q. And why is that?

14 A. They have nothing to do with this investigation.

15 Q. Okay.

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

17 THE COURT: Recross?
18
19
20
21
22
23
24
25

1 RE CROSS-EXAMINATION

2 BY MR. MULBRY:

3 Q. If I'm hearing you correctly the gun in the car that

4 just came from the scene of a shooting has nothing to do

5 with this shooting investigation?

6 A. Not if that vehicle arrived after the shooting had

7 already occurred and then left.

8 Q. Were you there when this happened?

9 A. I was not.

10 Q. Did you go to the scene?

11 A. Not on the night of.

12 Q. The lead agent didn't go to the scene of the

13 shooting?

14 A. Not the night of the incident, no.

15 Q. When did you go to the scene?

16 A. The next day.

17 Q. Now -- and you're aware the State has not pro

18 the possession of a weapon during the commission of a

19 violent crime charge?

20 A. Yes, I am.

21 MR. MULBRY: Court's indulgence.

22 [Whereupon, Mr. Mulbry and Ms. Ehrlich confer]

23 MR. MULBRY: No further questions, Your Honor.

24 THE COURT: Okay. You can step down from the

25 witness stand Mr. Jarrell.

State v K'Sone M. Campbell
Jason Jarrell-Recross Examination by Mr. Mulbry
March 4, 2020

1 THE WITNESS: Thank you, Your Honor.

2 THE COURT: Is the State's next witness ready?

3 MR. OSBORNE: Yes, Your Honor.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v K'Sone M. Campbell
Ashley Wojslawowicz-Direct Examination by Mr. Osborne
March 4, 2020

1 MR. OSBORNE: The State calls crime scene
2 investigator Ashley; we'll just call her WoJo.

3 THE COURT: We'll have her spell her last name for
4 the court reporter.

5 [Whereupon, Ms. Wojslawowicz comes forward]

6 [Whereupon, the witness is duly sworn by the Clerk
7 of Court]

8 CLERK OF COURT: Please take a seat. Please state
9 your full name and spell your last name for the record.

10 THE WITNESS: My name is Ashley Wojslawowicz, W-O-
11 J-S-L-A-W-O-W-I-C-Z.

12 MR. OSBORNE: Also known as WoJo?

13 THE WITNESS: WoJo is fine.

14 - - - - -

15 ASHLEY WOJSLAWOWICZ,

16 Having been first duly sworn,

17 Was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. OSBORNE:

20 Q. Where are you employed?

21 A. I work for the Charleston Police Department in the
22 crime scene unit.

23 Q. Okay. How long have you been there?

24 A. Nine years.

25 Q. All right. And -- well, let me ask you one

State v K'Sone M. Campbell
Ashley Wojslawowicz-Direct Examination by Mr. Osborne
March 4, 2020

1 question. Was there a time in the past that CPD would
2 DNA and fingerprint fired shell casings?

3 A. DNA no. Fired cartridge casings yes; however this
4 was years ago.

5 Q. Okay. So even years ago CPD would never DNA a fired
6 cartridge case?

7 A. Not unless there was some kind of circumstance that
8 would indicate that we needed to do so but as a general
9 rule, no.

10 Q. Okay. And so why is that? Why don't y'all do that?

11 A. Well because a fired cartridge casing goes through a
12 firearm and is projected and that is a combustion or a
13 small explosion.

14 And because of the heat that is generated when the
15 casing goes through the firearm burns up whatever trace
16 amount of particles or possible DNA that would have been
17 present.

18 Q. So if a case agent were to say hey look, can y'all
19 waste your time and do this y'all would have said we
20 don't do that; it's a waste of time.

21 A. Correct. We have a policy now in place with the
22 department that says we don't process those at all.

23 Q. Okay. All right so let's talk about what you did in
24 reference to this case. Back on May the 13th of 2017 you
25 were a crime scene investigator then?

1 A. Yes.

2 Q. Did you have the occasion to respond to 3258 Walter
3 Drive to collect some evidence in reference to this case?

4 A. Yes, I did.

5 Q. Okay. And why was it that you responded there?
6 Were you asked to go there do you know?

7 A. I was contacted by one of the detectives who was
8 working the case. They requested a crime scene
9 investigator to respond to document the location as well
10 as collect any evidence that would have been found in the
11 search. They were performing a search warrant at that
12 residence.

13 Q. Okay. In documenting did that include taking
14 photographs?

15 A. Yes.

16 Q. All right. I'm just going to go through these
17 pictures and you just kind of tell us what we're looking
18 at even though it's obvious sometimes.

19 A. Okay.

20 Q. All right, State's 215.

21 [Whereupon, the photograph is published]

22 A. So this is a photograph of our initial photo log.
23 This would put a portion of the case number, the date,
24 the time, the address and who the technician was who was
25 conducting the photographs. So my name is listed on the

State v K'Sone M. Campbell
Ashley Wojslawowicz-Direct Examination by Mr. Osborne
March 4, 2020

1 bottom so these are my pictures.

2 Q. All right, 216?

3 [Whereupon, the photograph is published]

4 A. This is an overall picture of the front of the
5 residence.

6 Q. And 217?

7 [Whereupon, the photograph is published]

8 A. So this is the bedroom that I was directed to in
9 question. So I believe this is the front right bedroom
10 of that residence.

11 Q. 218?

12 [Whereupon, the photograph is published]

13 A. These are two blue t-shirts that were discovered in
14 a hamper in that bedroom.

15 Q. 219?

16 [Whereupon, the photograph is published]

17 A. These are those two same t-shirts kind of spread out
18 a little bit.

19 Q. 220?

20 [Whereupon, the photograph is published]

21 A. This is a white tank top that was discovered in the
22 washer in that residence.

23 Q. 221?

24 [Whereupon, the photograph is published]

25 A. Same item. This is the shirt kind of spread out a

1 little bit to note that it did have some damage around
2 the strap area.

3 Q. 222?

4 [Whereupon, the photograph is published]

5 A. This is one of those blue t-shirts again. This is
6 back at the crime scene office where we're able to lay
7 everything out in a controlled environment and document
8 more precisely.

9 Q. 223?

10 [Whereupon, the photograph is published]

11 A. This is the backside of that t-shirt.

12 Q. 224?

13 [Whereupon, the photograph is published]

14 A. This is that second blue t-shirt, and again the back
15 side of that t-shirt.

16 Q. All right, 226?

17 [Whereupon, the photograph is published]

18 A. This is that white tank top that came from the
19 washer.

20 Q. And 227?

21 [Whereupon, the photograph is published]

22 A. This is a close-up of the tearing in the fabric of
23 that tank top.

24 Q. 228?

25 [Whereupon, the photograph is published]

State v K'Sone M. Campbell
Ashley Wojslawowicz-Direct Examination by Mr. Osborne
March 4, 2020

1 A. Again, a close-up of the tearing of the fabric near
2 the strap.

3 Q. 229?

4 [Whereupon, the photograph is published]

5 A. Same t-shirt a little higher area to note that
6 tearing at the top of the shoulder.

7 Q. All right. And last 230?

8 [Whereupon, the photograph is published]

9 A. So this is the backside of that tank top.

10 Q. Okay.

11 MR. OSBORNE: Your Honor, may I approach?

12 THE COURT: Yes.

13 Q. [Mr. Osborne] I'm showing you 231, 232, and 233.

14 And you don't have to open them or anything; just tell me
15 if you recognize them.

16 [Whereupon, the witness is shown exhibits]

17 A. Yes, I do recognize these.

18 Q. Can you tell us how you recognize them and what they
19 are along with the corresponding State's exhibit numbers?

20 A. Okay. I'm going to start with what I call item 602.
21 This is one of the blue t-shirts. This is State's
22 exhibit 231. And I recognize it because it has my name
23 on it, a case number, and my initials on the seal.

24 Q. Okay.

25 A. The next one I'm going to identify is what I call

1 item 604. This is State's exhibit 232. And this is
2 identified as the white tank top that was torn. And I
3 recognize this because it has my name, my label, and then
4 my initials on the seal.

5 And the last one here is what I call item 605. This
6 is a comparison white t-shirt that was pulled from the
7 washer at former -- the previous white t-shirt was found
8 with. And this is State's exhibit 233. And I recognize
9 it because it has my label and my initials on the seal.

10 Q. All right.

11 MR. OSBORNE: Your Honor, at this time we'd seek to
12 admit 231, 232, and 233 into evidence.

13 THE COURT: Any objection?

14 MR. MULBRY: No objection, Your Honor.

15 THE COURT: All right. Admitted without objection.

16 [Whereupon, State's exhibit numbers 231, 232, and
17 233 are entered into evidence by the Court]

18 Q. [Mr. Osborne] All right. Were you asked to assist
19 in this investigation in any other way?

20 A. Yes. I was requested to assist in the search
21 warrant of a Dodge Avenger that had been towed to our
22 crime scene office.

23 Q. Okay. And that would have been on May the 14th of
24 2017; does that sound right?

25 A. Yes, in the early hours that morning.

State v K'Sone M. Campbell
Ashley Wojslawowicz-Direct Examination by Mr. Osborne
March 4, 2020

1 Q. Okay. Now we've heard this from other crime scene
2 technicians but when you're processing a vehicle do you
3 begin by photographing the vehicle?

4 A. Yes. We will document the vehicle as it arrives to
5 our location. So prior to any sort of opening doors or
6 rummaging through the vehicle we document as it is.

7 Once those documents are complete then we will move
8 on to more in depth searching and processing.

9 Q. All right. We'll do the same thing. I'm showing
10 you 234.

11 [Whereupon, the photograph is published]

12 Q. Is this the bookmark again?

13 A. Yes.

14 Q. All right. And 235?

15 [Whereupon, the photograph is published]

16 A. So, this is the Dodge Avenger and this is a
17 photograph of just the driver's side of it before we
18 entered or searched anything.

19 Q. And 236?

20 [Whereupon, the photograph is published]

21 A. This is a close-up of the front driver wheel.

22 Q. 237?

23 [Whereupon, the photograph is published]

24 A. The exterior driver door.

25 Q. 238?

1 [Whereupon, the photograph is published]
2 A. The rear exterior driver's side door.
3 Q. 239?
4 [Whereupon, the photograph is published]
5 A. The rear driver's side wheel.
6 Q. 240?
7 [Whereupon, the photograph is published]
8 A. The rear bumper area on the driver's side.
9 Q. 241?
10 [Whereupon, the photograph is published]
11 A. The rear bumper and trunk door; the same vehicle.
12 Q. 242?
13 [Whereupon, the photograph is published]
14 A. The rear passenger side rear bumper.
15 Q. 243?
16 [Whereupon, the photograph is published]
17 A. Same perspective, a little closer up to rear bumper
18 and looking at the rear passenger wheel.
19 Q. 244?
20 [Whereupon, the photograph is published]
21 A. This is a more direct photograph of the rear
22 passenger wheel.
23 Q. 245?
24 [Whereupon, the photograph is published]
25 A. A photograph of the rear passenger door.